

# POLICY MANUAL

Current as at May 2025



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## CODE OF CONDUCT

Note: Previous Policy 1.1 – Code of Conduct was reviewed at Council’s February 2017 meeting (CMRef 81932) and has subsequently been removed from the Policy Manual.

The Code of Conduct is now available as a separate document via Council’s website ([www.merredin.wa.gov.au](http://www.merredin.wa.gov.au)) or by contacting the Shire Administration on 9041 1611 or [ea@merredin.wa.gov.au](mailto:ea@merredin.wa.gov.au).

Councillors and staff are strongly encouraged to be aware and familiar with the Code of Conduct and its contents.

# 1. MEMBERS OF COUNCIL

## 1.1 Code of Conduct for Council Members, Committee Members and Candidates

### Division 1 — Preliminary provisions

#### 1. Citation

This is the Shire of Merredin 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
- (a) act with honesty and integrity; and
- (b) act lawfully; and
- (c) identify and appropriately manage any conflict of interest; and
- (d) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

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



## **5. Relationship with others**

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

## **6. Accountability**

A council member or committee member should —

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

## **Division 3 — Behaviour**

### **7. Overview of Division**

This Division sets out —

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

### **8. Personal integrity**

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

### **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another

person; and

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

## **10. Council or committee meetings**

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

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint about alleged breach**

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

## **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that

it did not occur.

- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

### **13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

### **14. Withdrawal of complaint**

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

## 15. Other provisions about complaints

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

## Division 4 — Rules of conduct

*Notes for this Division:*

1. *Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
2. *A minor breach is dealt with by a standards panel under section 5.110 of the Act.*

## 16. Overview of Division

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

## 17. Misuse of local government resources

- (1) In this clause —

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

***resources*** of a local government includes —

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

## 18. Securing personal advantage or disadvantaging others

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

## 19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the

deliberations at a council or committee meeting.

## 20. Relationship with local government employees

(1) In this clause —

**local government employee** means a person —

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

(2) A council member or candidate must not —

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

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

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

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

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

## 21. Disclosure of information

(1) In this clause —

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

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

**document** includes a part of a document;

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

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

- (a) derived from a confidential document; or

- (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

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

- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
- (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

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

### 23. Compliance with plan requirement

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

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a> <a href="#">Electoral Act 1907</a> <i>Commonwealth Electoral Act 1918</i>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	20 April 2021	CMRef 82721	

## 1.2 Senior Employees

### 1. POLICY PURPOSE

To outline the positions of the Shire of Merredin that are considered 'Senior Employees.'

### 2. POLICY SCOPE

This Policy applies to Senior Employees of the Shire of Merredin.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995.*

### 4. POLICY STATEMENT

For the purposes of Section 5.37 of the *Local Government Act 1995*, Council designates the following employees to be 'Senior Employees:'

1. Chief Executive Officer (CEO);
2. Executive Manager Strategy and Community (EMS&C);
3. Executive Manager Infrastructure Services (EMIS);
4. Executive Manager Development Services (EMDS); and
5. Executive Manager Corporate Services (EMCS).

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed by the Executive Management Team every two years.

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Reviewer:	Executive Management Team				
Compliance Requirements					
Legislation	<a href="#">Local Government Act 1995</a>				
Document Management					
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2.	Reviewed	19 February 2013	CMRef 31058		
3.	Reviewed	17 February 2015	CMRef 81522		
4.	Reviewed	20 December 2016	CMRef 81892		
5.	Reviewed	18 August 2020	CMRef 82594		
6.	Reviewed	17 October 2023	CMRef 83255		
7.	Reviewed	13 May 2025	CMRef 83594		



## 1.3 Members Travel

### 1. POLICY PURPOSE

This Policy outlines the appropriate method for Members Travel.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

*Local Government (Administration) Regulations 1996.*

### 4. POLICY STATEMENT

When Elected Members are required to travel to any part of the State on Council business Shire vehicles, if available, shall be utilised and no kilometreage will be paid to Councillors who travel in other vehicles, unless:

1. a Shire vehicle is unavailable; or
2. there is insufficient room in the Shire vehicle for all Elected Members; or
3. Council has agreed by resolution to pay kilometreage and expenses in relation to the trip and on presentation of a formal claim. Such claims shall be calculated based on the current rates applicable in the *Local Government Industry Award 2020* for travel, meals, accommodation and expenses; or
4. the payment of expenses has been approved by the CEO due to extenuating circumstances.

If any Elected Member wishes to utilise their own vehicle in preference to a Shire vehicle to travel to any part of the State on Council business then Council will pay kilometreage only for the vehicle for travel to and from the course or meeting. Such claims shall be calculated based on the current rates applicable in the *Local Government Industry Award 2020* for travel.

A claim form for the purposes of this Policy will be made available by the CEO on request, with Elected Members making a declaration to the effect that the travel expense was incurred.

Refer to *Local Government (Administration) Regulations 1996* Section 31 & 32

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members are required to adhere to all aspects of this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
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Legislation		Local Government (Administration) Regulations 1996			
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1.	Adopted	21 September 2004	CMRef 27632		
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3.	Reviewed	19 February 2013	CMRef 31058		
4.	Reviewed	17 February 2015	CMRef 81522		
5.	Reviewed	20 December 2016	CMRef 81892		
6.	Reviewed	30 April 2024	CMRef 83377		
7.	Reviewed	25 June 2024	CMRef 83410		

## 1.4 Retirement of Elected Members – Gifts & Function

### 1. POLICY PURPOSE

This Policy outlines the process to be taken upon retirement of an Elected Member.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

*Local Government (Administration) Regulations 1996.*

### 4. POLICY STATEMENT

Upon retirement of an Elected Member, an official presentation and function shall be held to recognise the Elected Member's service to the Council.

A gift shall be presented to the Elected Member, as follows:

1. suitably inscribed with the Council crest (or another presentation of similar value) and a presentation plaque.
2. In the event an Elected Member has also served as a Shire President, an additional presentation as considered appropriate by Council.

Where possible, the function held to recognise retiring Elected Members (whether they voluntarily retire or retire through not being re-elected), shall be held in conjunction with a function to welcome newly elected Members following the biennial local government elections – refer to Policy 1.14.

Refer to *Local Government (Administration) Regulations 1996* Section 34AC.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	Local Government (Administration) Regulations 1996					
Document Management						
Risk Rating	Medium	Review Frequency	Biennial		Next Due	April 2025
Version #	Action		Date		Records Reference	
1.	Adopted		21 September 2004		CMRef 27632	
2.	Reviewed		17 August 2010		CMRef 30402	
3.	Reviewed		19 February 2013		CMRef 31058	
4.	Reviewed		17 February 2015		CMRef 81522	
5.	Reviewed		20 December 2016		CMRef 81892	
6.	Reviewed		30 April 2024		CMRef 83377	

## 1.5 Councillor Attendance at Conferences, Seminars, Training Courses and Meetings

Policy Deleted (CMRef 82609) 15 September 2020

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	21 September 2004	CMRef 27632	

## 1.6 Use of Council Chamber and Executive Lounge

### 1. POLICY PURPOSE

This Policy outlines the appropriate use of the Council Chamber and Executive Lounge.

### 2. POLICY SCOPE

This Policy applies to all Elected Members and Staff of the Shire of Merredin (the Shire)

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

The use of the Council Chamber and Executive Lounge is limited to Council Meetings, Committee Meetings and meetings where employee representation is present in accordance with the following guidelines:

1. Use of the Bar is not permitted except in the circumstance that an Elected Member or Senior Officer is present and invites representatives to refreshments. The extent of the refreshments provided is to be kept to a minimum;
2. Bookings for the Council Chamber and Executive Lounge are to be made via the CEO's Executive Assistant and advised well prior to the event to avoid a duplication of bookings;
3. The Council Chamber and Executive Lounge area of the Administration Centre Building is a smoke free zone including veranda areas directly adjacent to open doorways;
4. The employee(s) who requested the use of the Council Chamber and/or Executive Lounge will be responsible for the set up before and clean up after of the use of the room(s); and
5. Other community groups and external organisations will be directed to the Merredin Regional Community & Leisure Centre or Cummins Theatre upon the request for a Meeting Room. Council functions and meetings will, at all times, have priority of use over the Council Chamber and Executive Lounge.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members and Staff are required to adhere to all aspects of this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		

Document Management				
Risk Rating	Medium	Review Frequency	Biennial	Next Due
				April 2025
Version #	Action	Date	Records Reference	
1.	Adopted	21 September 2004	CMRef 27632	
2.	Reviewed	17 August 2010	CMRef 30403	
3.	Reviewed	19 February 2013	CMRef 31058	
4.	Reviewed	17 February 2015	CMRef 81522	
5.	Reviewed	20 December 2016	CMRef 81892	
6.	Reviewed	30 April 2024	CMRef 83377	

## 1.7 Citizenship Ceremonies

### 1. POLICY PURPOSE

This Policy outlines which Elected Members are authorised to conduct Citizenship Ceremonies on behalf of Council.

### 2. POLICY SCOPE

This Policy applies to the Shire President and Deputy Shire President of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

The Shire President shall conduct Citizenship Ceremonies on behalf of Council. In the absence of the Shire President, the Deputy Shire President or the CEO may conduct the Ceremony.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. The Shire President and Deputy Shire President are required to adhere to all aspects of this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating	Medium	Review Frequency	Biennial	Next Due April 2025
Version #	Action	Date		Records Reference
1.	Adopted	21 September 2004		CMRef 27632
2.	Reviewed	21 September 2010		CMRef 30430
3.	Reviewed	19 February 2013		CMRef 31058
4.	Reviewed	17 February 2015		CMRef 81522
5.	Reviewed	20 December 2016		CMRef 81892
6.	Reviewed	30 April 2024		CMRef 83377

## 1.8 Elected Member Requests and Work Requests

### 1. POLICY PURPOSE

This Policy outlines the process Elected Members are to take when they would like to submit a request or work request.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

All general enquiries made by Elected Members should be directed to the Chief Executive Officer (CEO).

Work requests regarding roadworks or building maintenance should be filled out on the Works Request Form and be either faxed/mailed to the CEO, or handed in to the Shire Administration Office marked to the attention of the CEO.

Works Requests are to follow the guidelines below:

1. A request for minor maintenance jobs should be filled out in the appropriate form and sent to the CEO or handed in at the front counter. The CEO will refer such requests to the appropriate employee if required.
2. The Officer in Charge will inspect the request and place it on the list of maintenance works if necessary.
3. Request forms should not be used for special works requests such as having a specified section of road reconstructed or a culvert installed, as requests of this nature would be referred to Council for budget consideration.
4. Special works requests or major works should be discussed at Briefing Session to allow for costings and reports to be prepared or raised through a Notice of Motion.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members are required to adhere to all aspects of this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	Medium	Review Frequency	Biennial		Next Due	April 2025
Version #	Action		Date		Records Reference	



1.	Adopted	21 September 2004	CMRef 27632
2.	Reviewed	16 November 2010	CMRef 30476
3.	Reviewed	19 February 2013	CMRef 31058
4.	Reviewed	17 February 2015	CMRef 81522
5.	Reviewed	20 December 2016	CMRef 81892
6.	Reviewed	30 April 2024	CMRef 83377

## 1.9 Election of Committees and Representatives

### 1. POLICY PURPOSE

This Policy outlines the process for the election of Council representatives to all Council Committees and Organisations.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

Local Government Act 1995.

### 4. POLICY STATEMENT

To promote a system for the election of Council representatives to all Council Committees and Organisations following the biennial Council elections according to the hierarchy of Committee types contained in 5.9(2) of the Local Government Act 1995.

1. That Elected Members nominate to become members of a Committee or to be appointed as Council's representative.
2. That a list of all Council Committees and Organisations be provided to Elected Members seeking nomination for at least 3 Council Committees (Council Committees consisting of:
  - a) Elected Members only;
  - b) Elected Members and Employees; and
  - c) Elected Members, Employees and Community members.
3. That the Shire President invite any withdrawals from, or transfers and additions to, any of the Committees once the listing of candidates is complete.
4. That a Council vote be held to determine Council's preference of candidates where there are more nominations for a Committee than required, starting with the first Committee listed. The President may change the order of the committee selection process if it leads to the expediency of the process.

#### NOTES:

1. The President is entitled to be on any Committee which has Council representation (5.10(4)).
2. The CEO is entitled to be on (or appoint a representative to) any Committee having employee representation (5.10(5)).
3. An Elected Member is entitled to be on at least one Committee made up of i) Council members only; or, ii) Elected Members and employees.

Voting is to be conducted so that no voter's vote is secret (Admin Reg 9) (This does not apply to the election of the President and Deputy President which is to be by secret ballot).

### 5. KEY POLICY DEFINITIONS

N/A

## 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members are required to adhere to all aspects of this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	Local Government Act 1995				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	April 2025
Version #	Action	Date		Records Reference	
1.	Adopted	21 September 2004		CMRef 27632	
2.	Reviewed	16 November 2010		CMRef 30477	
3.	Reviewed	19 February 2013		CMRef 31058	
4.	Reviewed	17 February 2015		CMRef 81522	
5.	Reviewed	20 December 2016		CMRef 81892	
6.	Reviewed	30 April 2024		CMRef 83377	

## 1.10 Elected Member Induction

### 1. POLICY PURPOSE

This Policy outlines what is to be provided to Elected Members to assist them with their roles of being elected representatives.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

To provide Elected Members with an introduction and information package to assist them with their roles of being elected representatives, the following materials will be provided in electronic format to new Elected Members before attending their first Council meeting:

Elected Member Information Portfolio containing the following:

1. Standing Orders
2. Details of the Council/Committee System and membership entitlements
3. Financial Interest information
4. Roles of Elected Members, President (and Council) and functions of the CEO under the Act
5. Code of Conduct
6. WALGA Elected Members Training Schedule
7. Council Policy Manual
8. Example of Works Request Forms
9. Annual Budget
10. Adopted Plans and Strategies (i.e. IPR Suite, CBD Plan, Recreation Ground Master Plan, Parks & Plant Replacement Plans etc)
11. Primary and Annual Return
12. Annual Report
13. Delegations Register
14. Organisational Structure and Senior Employees contacts
15. The previous month's Council minutes
16. WALGA Councillors Manual
17. Contact Information Form
18. Action Request Form
19. Corporate Wardrobe Catalogue

Elected Members will be expected to save these documents to their Council-provided tablets / laptops to ensure easy access to these documents. In addition, a copy of these documents will be kept in the Administration Office at all times.

The CEO will conduct a general induction with the new Elected Members providing information on the details and administration of being an Elected Member, Council Meetings and facilities within the Council wing of the Administration Office and any other relevant current topics and issues.

## 5. KEY POLICY DEFINITIONS

N/A

## 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	April 2025
Version #	Action	Date		Records Reference	
1.	Adopted	21 September 2004		CMRef 27632	
2.	Reviewed	16 November 2010		CMRef 30475	
3.	Reviewed	19 February 2013		CMRef 31058	
4.	Reviewed	17 February 2015		CMRef 81522	
5.	Reviewed	20 December 2016		CMRef 81892	
6.	Reviewed	30 April 2024		CMRef 83377	

## 1.11 Council Meetings

### 1. POLICY PURPOSE

This Policy outlines what is to be provided to Elected Members to assist them with their roles of being elected representatives.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

To provide Elected Members with an introduction and information package to assist them with their roles of being elected representatives, the following materials will be provided in electronic format to new Elected Members before attending their first Council meeting:

Elected Member Information Portfolio containing the following:

1. Standing Orders
2. Details of the Council/Committee System and membership entitlements
3. Financial Interest information
4. Roles of Elected Members, President (and Council) and functions of the CEO under the Act
5. Code of Conduct
6. WALGA Elected Members Training Schedule
7. Council Policy Manual
8. Example of Works Request Forms
9. Annual Budget
10. Adopted Plans and Strategies (i.e. IPR Suite, CBD Plan, Recreation Ground Master Plan, Parks & Plant Replacement Plans etc)
11. Primary and Annual Return
12. Annual Report
13. Delegations Register
14. Organisational Structure and Senior Employees contacts
15. The previous month's Council minutes
16. WALGA Councillors Manual
17. Contact Information Form
18. Action Request Form
19. Corporate Wardrobe Catalogue

Elected Members will be expected to save these documents to their Council-provided tablets / laptops to ensure easy access to these documents. In addition, a copy of these documents will be kept in the Administration Office at all times.

The CEO will conduct a general induction with the new Elected Members providing information on the details and administration of being an Elected Member, Council Meetings and facilities within the Council wing of the Administration Office and any other relevant current topics and issues.

## 5. KEY POLICY DEFINITIONS

N/A

## 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating	Medium	Review Frequency	Biennial	Next Due April 2025
Version #	Action	Date		Records Reference
1.	Adopted	21 September 2004		CMRef 27632
2.	Reviewed	16 November 2010		CMRef 30475
3.	Reviewed	19 February 2013		CMRef 31058
4.	Reviewed	17 February 2015		CMRef 81522
5.	Reviewed	20 December 2016		CMRef 81892
6.	Reviewed	30 April 2024		CMRef 83377

## 1.12 Annual Christmas Function

### 1. POLICY PURPOSE

This Policy outlines the requirements and procedures when organising the annual Christmas function.

### 2. POLICY SCOPE

This Policy applies to all Elected Members and Employees of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

That Council provide a joint Christmas Function for Elected Members, employees, and their partners/spouses and dependent children.

Where the format of the function is such that the service of alcohol is appropriate, the amount of alcohol provided will be the equivalent of two drinks per person, limited to beer or wine, will be provided within the cost of the function. Any such function will be conducted in accordance with the responsible service of alcohol guidelines.

The CEO is to brief Council no later than November of each year confirming a date, location and format for the function.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	April 2025
Version #	Action	Date		Records Reference	
1.	Adopted	21 September 2004		CMRef 27632	
2.	Reviewed	19 October 2010		CMRef 30459	
3.	Reviewed	19 February 2013		CMRef 31058	
4.	Reviewed	17 February 2015		CMRef 81522	
5.	Reviewed	20 December 2016		CMRef 81892	
6.	Reviewed	17 November 2020		CMRef 82635	
7.	Reviewed	30 April 2024		CMRef 83377	



## 1.13 Council Biennial Dinner Function

### 1. POLICY PURPOSE

This Policy outlines the requirements and procedures when organising the Council Biennial Dinner Function.

### 2. POLICY SCOPE

This Policy applies to all Elected Members and Executive Managers of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

That Council hold a formal dinner function every two years following the local government election:

1. to formally recognise the contributions of all Elected Members to the Shire of Merredin;
2. to farewell and acknowledge retiring Elected Members; and
3. to welcome newly elected Members.

Where possible, the function held to recognise retiring Elected Members (whether they voluntarily retire or retire through not being re-elected), shall be held in conjunction with a function to welcome newly elected Members.

The Invitation List is to include:

1. Retiring Elected Members and partner/guest;
2. Newly Elected Members and partner/guest;
3. CEO and partner/guest; and
4. Executive Managers and partner/guest.

Once Council has set the date for the dinner function, the CEO is to arrange catering, bookings and final arrangements.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		

Document Management				
Risk Rating	Medium	Review Frequency	Biennial	Next Due
				April 2025
Version #	Action	Date	Records Reference	
1.	Adopted	21 September 2004	CMRef 27632	
2.	Reviewed	17 August 2010	CMRef 30402	
3.	Reviewed	19 February 2013	CMRef 31058	
4.	Reviewed	17 February 2015	CMRef 81522	
5.	Reviewed	20 December 2016	CMRef 81892	
6.	Reviewed	17 August 2010	CMRef 30402	
7.	Reviewed	30 April 2024	CMRef 83377	

## 1.14 Mobile Phone Use During Council and Committee Meetings

### 1. POLICY PURPOSE

This Policy provides guidance to Elected Members in regard to the use of their mobile phone during Council and Committee Meetings.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

A phone call taken on a mobile phone during a meeting can be an unwanted distraction and is generally considered disrespectful.

Mobile phones must be turned off or turned to “silent mode” at all times when participating in any Council or Committee meetings.

Answering mobile phone calls during any meeting is not permitted, unless the President/Chair has granted prior permission. Permission should be sought at the commencement of the meeting. If permission is granted and a call is received during the meeting the recipient is to leave the room immediately to take the call. This Policy does not however excuse any member of a meeting from any statutory obligation to remain to vote on a matter and in such circumstance, the call should be responded to after the vote is taken.

As guidance, circumstances when the use of a mobile phone for phone calls in meetings may be permitted include, but are not limited to:

1. being on call for an emergency service (i.e. police, fire, ambulance, SES, rangers etc);
2. being on call for work purposes;
3. a family emergency; or
4. if awaiting contact from distinguished guests due at that or subsequent meetings.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members are required to adhere to all aspects of this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		

Document Management				
Risk Rating	Medium	Review Frequency	Biennial	Next Due
				April 2025
Version #	Action	Date	Records Reference	
1.	Adopted	21 October 2008	CMRef 29744	
2.	Reviewed	21 September 2010	CMRef 30430	
3.	Reviewed	19 February 2013	CMRef 31058	
4.	Reviewed	17 February 2015	CMRef 81522	
5.	Reviewed	20 December 2016	CMRef 81892	
6.	Reviewed	17 January 2017	CMRef 81912	
7.	Reviewed	21 September 2010	CMRef 30430	
8.	Reviewed	30 April 2024	CMRef 83377	

## 1.15 Elected Member Devices

### 1. POLICY PURPOSE

This policy outlines the devices that will be made available to Elected Members during their terms on Council and the processes for the management and return of these devices.

### 2. POLICY SCOPE

This policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

The Shire will provide necessary equipment to Elected Members to allow them to fulfil their roles.

#### 4.1 Devices

The Shire will provide either a tablet or laptop with necessary software installed for each Elected Member. Elected Members will be able to indicate their preferred device (being tablet or laptop) on commencement in the role and the Shire will endeavor to meet these requests where possible.

Devices provided will have sufficient capacity and be preloaded with necessary software/applications to enable Elected Members to fulfil their role.

#### 4.2 Connectivity

If required, devices provided will be equipped with a 5GB data plan (SIM card) to enable the Elected Member to access their Council email address, calendar, agendas, minutes, reports and documents outside of a Wi-Fi environment.

Should an Elected Member utilise more than the data allowance provided, they can upgrade to a larger data plan at their own expense. Any excess data fees (above the 5GB data allowance) incurred will be invoiced to the Elected Member.

Elected Members will be provided with the Shire's Wi-Fi network password for use within the Shire Administration building and Council Chambers, on the condition that it is used for Council-related work only. Under no circumstances is the Wi-Fi password to be disclosed to any other person or party.

#### 4.3 Ownership

The Shire retains ownership of all equipment provided under this Policy during the Elected Member's term of office.

If an Elected Member ceases their role or if the Shire owned equipment provided under this Policy becomes obsolete or malfunctions the following options will be available.

1. Elected Members may purchase the equipment from the Shire at its depreciated value on the condition that all Council related documents, apps and reports are removed from the device. Should an Elected Member wish to retain their device for their own use after ceasing their role, the Elected Member will be responsible for all data costs and insurance coverage for the device.

2. Elected Members who do not wish to retain their device must return the equipment (including, but not limited to; devices, SIM cards, chargers, covers, bags) to the Shire within 14 days of either ceasing their role or replacement equipment being provided.

#### 4.4 Usage

Elected Member devices may be used for private use in terms of accessing emails, downloading music/ films/ books/ applications/ software etc, however this information must be removed at the Elected Member's expense when the equipment is returned to the Shire.

All costs associated with having personal information on the device are at the expense of the Elected Member.

Devices must not be used to access any information, applications or videos that are deemed inappropriate or illegal.

If a device is lost or stolen it must be reported to the CEO immediately in order for steps to be taken to ensure the privacy of Council information and documents on the device and in the cloud is not compromised. The CEO may determine that the Elected Member is liable for the replacement or repairs, depending on the circumstances surrounding the occurrence.

Any queries related to the non-operation or malfunctioning of devices are to be directed to the CEO or Executive Officer. Under no circumstances is an Elected Member to undertake repairs or maintenance to the equipment themselves, without the prior authorisation of the CEO.

Unless the need for maintenance arises from the use of an app or document which is not Council related, the Shire will cover the cost of maintenance and repairs. If the costs of maintenance or repair relate to an Elected Member's personal information or usage, those costs will be invoiced to the Elected Member.

The Elected Member will be responsible for ensuring devices are updated as and when required. If an iPad has been allocated, the device must be backed up to the Elected Member's iTunes account regularly, especially prior to any software or IOS updates taking place. Elected Members will be responsible for establishing their own iTunes account if they do not already have one.

During the Elected Member's term of office, devices will be covered under the Shire's insurance policies.

#### 5. KEY POLICY DEFINITIONS

N/A

#### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this policy. Elected Members are required to adhere to all aspects of this policy.

#### 7. MONITOR AND REVIEW

This policy will be reviewed every two years.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council

Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	Moderate	Review Frequency		Next Due	
Version #	Action		Date	Records Reference	
1.	Adopted		15 September 2009	CMRef 30126	
2.	Reviewed		21 September 2010	CMRef 30432	
3.	Reviewed		19 February 2013	CMRef 31058	
4.	Reviewed		17 February 2015	CMRef 81522	
5.	Reviewed		20 December 2016	CMRef 81892	
6.	Reviewed		24 October 2017	CMRef 82064	
7.	Reviewed		11 December 2023	CMRef 83296	

## 1.16 Corporate Apparel

### 1. POLICY PURPOSE

This Policy outlines the corporate apparel that will be provided to Elected Members.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

It is appropriate to establish an acceptable dress standard for all Elected Members attending or representing Council business at external functions and events.

The manner in which Elected Members are dressed on official business can have a profound effect on the image of Shire. A good quality corporate apparel will assist in building a professional image of the Shire and assist external resources to identify Shire Elected Members.

Upon commencement of their term new Elected Members will be issued with:

1. One tie or scarf bearing the Shire of Merredin logo;
2. One name badge;
3. One navy coloured suit jacket;
4. 2 x shirts (options long sleeve, short sleeve, ladies shirts);
5. 1 x polo shirt;
6. All clothing will be embroidered with the Shire of Merredin;
7. All uniforms provided by and financed by the Shire will be regarded as the Elected Member Corporate Wardrobe. This will be subsidised by the Shire and processed through the Shire's financial and distribution system.

If newly elected, the Shire President and Deputy Shire President will also be provided with 250 (or the appropriate minimum order quantity) business cards.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members are required to adhere to all aspects of this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
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1.	Adopted		17 February 2015	CMRef 81522	
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3.	Reviewed		17 December 2019	CMRef 82483	
4.	Reviewed		30 April 2024	CMRef 83377	

## 1.17 Social Media and Communications

### 1. POLICY PURPOSE

This Policy establishes protocols for the Shire of Merredin's (the Shire) official communications with our community to ensure the Shire's is professionally and accurately represented and to maximise a positive public perception of the Shire.

### 2. POLICY SCOPE

This Policy applies to:

1. Communications initiated or responded to by the Shire with our community; and
2. Elected Members when making comment in either their Shire role or in a personal capacity.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995.*

*Local Government (Administration) Regulations 1996.*

*Local Government (Rules of Conduct) Regulations 2007.*

*State Records Act 2000.*

*Freedom of Information Act 1992.*

### 4. POLICY STATEMENT

The purposes of the Shire's official communications include:

1. Sharing information required by law to be publicly available.
2. Sharing information that is of interest and benefit to the Community.
3. Promoting Shire events and services.
4. Promoting Public Notices and community consultation / engagement opportunities.
5. Answering questions and responding to requests for information relevant to the role of the Shire.
6. Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by Council. The Shire's communications will always be respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

1. The Shire's corporate website;
2. Advertising and promotional materials;
3. Media releases prepared for the Shire President and/or CEO, to promote specific Shire positions;
4. Social media; and

5. Community newsletters, notice boards, letter drops and other modes of communications undertaken by the Shire's Administration at the discretion of the CEO.

#### **4.1 Speaking on behalf of the Shire**

The Shire President is the official spokesperson for the Shire and may represent the Shire in official communications, including speeches, comment, print, electronic and social media.

*[s.2.8(1)(d) of the Local Government Act 1995]*

Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson.

*[s.2.9 and s.5.34 of the Local Government Act 1995]*

The CEO may speak on behalf of the Shire, where authorised to do so by the Shire President.

*[s.5.41(f) of the Local Government Act 1995]*

The provisions of the Local Government Act 1995 essentially direct that only the Shire President, or the CEO if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

1. bring the Shire into disrepute;
2. compromise the person's effectiveness in their role with the Shire;
3. imply the Shire's endorsement of personal views;
4. imply the Elected Member is speaking on behalf of the Shire, unless authorised to do so; or
5. disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.

Elected Member communications must comply with the Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.

#### **4.2 Responding to Media Enquiries**

All enquiries from the Media for an official Shire comment, whether made to an individual Elected Member, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Shire President or CEO (where authorised) to make an official response on behalf of the Shire.

Elected Members may make comments to the media in a personal capacity.

#### **4.3 Website**

The Shire will maintain an official website, as our community's online resource to access the Shire's official communications.

#### **4.4 Social Media**

The Shire uses social media to facilitate interactive information sharing and to provide responsive feedback to our community. Social media will not however, be used by the Shire to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Shire maintains the following social media accounts:

1. Social and media sharing networks;
  - a. Shire of Merredin
    - i. Facebook: [www.facebook.com/ShireofMerredin](https://www.facebook.com/ShireofMerredin)
    - ii. Instagram: [www.instagram.com/shireofmerredin](https://www.instagram.com/shireofmerredin)
    - iii. X (twitter): <https://twitter.com/ShireofMerredin>
    - iv. LinkedIn: [www.linkedin.com/in/shire-of-merredin-bba844118/](https://www.linkedin.com/in/shire-of-merredin-bba844118/)
  - b. Central Wheatbelt Visitor Centre
    - i. Facebook: [www.facebook.com/CWVCMerredin/](https://www.facebook.com/CWVCMerredin/)
    - ii. Instagram: [www.instagram.com/centralwheatbeltvisitorcentre/](https://www.instagram.com/centralwheatbeltvisitorcentre/)
  - c. Cummins Theatre
    - i. Facebook: [www.facebook.com/CumminsTheatre/](https://www.facebook.com/CumminsTheatre/)
    - ii. Instagram: [www.instagram.com/cumminstheatre/](https://www.instagram.com/cumminstheatre/)
  - d. Merredin Regional Community & Leisure Centre
    - i. Facebook: [www.facebook.com/MerredinLeisureCentre/](https://www.facebook.com/MerredinLeisureCentre/)
  - e. Merredin Regional Library
    - i. <https://www.facebook.com/merredinregionallibrary>
2. Apps (applications) including Snap Send Solve.

The Shire may also post and contribute to social media hosted by others, so as to ensure that the Shire's strategic objectives are appropriately represented and promoted.

The Shire actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire will moderate its social media accounts to address and where necessary delete content deemed to be:

1. Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
2. Promotional, soliciting or commercial in nature;
3. Unlawful or incites others to break the law;
4. Information which may compromise individual or community safety or security;
5. Repetitive material copied and pasted or duplicated;
6. Content that promotes or opposes any person campaigning for election to Council, appointment to official office, or any ballot;
7. Content that violates intellectual property rights or the legal ownership of interests or another party; and

8. Any other inappropriate content or comments at the discretion of the Shire.

Where a third party contributor to a Shire's social media account is identified as posting content which is deleted in accordance with the above, the Shire may at its complete discretion block that contributor for a specific period of time or permanently.

#### 4.5 Elected Member Social Media Official Accounts

As per s.2.10 of the Act, Councillors have an important role in facilitating communication between the community and Council. As such, Elected Members may seek written approval from the CEO to create and maintain their own Councillor social media accounts that are readily identifiable as official accounts.

These official accounts must not be used by Elected Members for personal communications.

#### 4.6 Emergency Management and Response

The Shire will use the following channels to communicate and advise our community regarding emergency management:

1. Facebook;
2. X (formally twitter); and
3. Instagram.

The Shire will also use the Whispir SMS service (primarily used for harvest and fire ban notifications) to distribute emergency management and response information to the community.

Official updates throughout an emergency will also be published on the Shire's corporate website, with information also readily available to the community via the Emergency Hotline on 9041 2999.

#### 4.7 Record Keeping and Freedom of Information

Official communications, such as media releases and media statement, undertaken on behalf of the Shire, including on the Shire's social media accounts and third party social media accounts must be created and retained as local government records in accordance with the Shire's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.

Elected Member communications that relate to their role as an Elected Member are subject to the requirements of the Shire's Record Keeping Plan and the *State Records Act 2000*. Elected Members are responsible for transferring these records to the Shire's Administration. Elected Member records are also subject to the *Freedom of Information Act 1992*.

#### 4.8 Personal Communications

Personal communications and statements made privately in conversation, written, recorded emailed, texted or posted in personal social media, have the potential to be made public, whether intended or not.

On the basis that personal or private communications may be shared or become public at some point in the future, Elected Members should ensure that their personal or private communications do not breach the requirements of this Policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

#### 4.9 Elected Member Statements on Shire Matters

An Elected Member may choose to make a personal statement publicly on a matter related to the business of the Shire.

Any public statement made by an Elected Member, whether made in a personal capacity or in their local government representative capacity, must:

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire;
2. Be made with reasonable care and diligence;
3. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
4. Be factually correct;
5. Avoid damage to the reputation of the local government;
6. Not reflect adversely on a decision of Council;
7. Not reflect adversely on the character or actions of another Elected Member or Employee;
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Elected Member, Employee or community member.

An Elected Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this Policy, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a minor breach of the *Local Government Act 1995* and may be referred for investigation.

#### 4.10 Use of Generative Artificial Intelligence (AI)

The use of generative AI tools on Shire owned devices is restricted to work related purposes only.

Users must obtain prior approval from their manager (for Elected Members, the Chief Executive Officer to provide guidance on the use of alternative AI platforms) for any business that requires the use of a publicly available (free) AI applications, such as Chat GPT. Users must not distribute or click on any links provided or generated by public AI platforms or bots. These links could lead to phishing sites or malware downloads. Only click on links from trusted sources.

Publicly available generative AI tools must not be used where information is confidential in nature, or information that may compromise the organisation.

Elected members and Shire staff should seek approval before using readily available generative AI platforms. Results of all generative AI tools must be verified by a person before use or communication.

All use of any generative AI technology must align with and be used in conjunction with the WA Government Artificial Intelligence Policy and the WA Government Artificial Intelligence Assurance Framework.

Associated Documents: [WA Government Artificial Intelligence Assurance Framework](#)

## 5. KEY POLICY DEFINITIONS

N/A

## 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members and Employees are required to adhere to all aspects of this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

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1.	Adopted	19 June 2018		CMRef 82201	
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## 1.18 Honorary Freeman of the Shire of Merredin

### 1. POLICY PURPOSE

This Policy sets out the circumstances under which the Shire of Merredin (the Shire) Council may bestow the title of “Honorary Freeman of the Shire of Merredin” upon individuals who have made an outstanding and exceptional contribution to the Shire or community.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire.

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

From time to time members of the Merredin community may demonstrate outstanding commitment and contribution to the community and it is recognised that this contribution should be acknowledged. The Council will do this by, in special circumstances that meet the criteria of this Policy, awarding to an individual the title of “Honorary Freeman of the Shire of Merredin”. The Council will recognise, under appropriate circumstances, individuals who have demonstrated an outstanding contribution. It is the highest honour available to the Shire.

This Policy covers matters relating to the nomination and conferring of the honour.

#### Principles

- a) Outstanding contributions should be recognised by the community and the Shire.
- b) The status of the honour should be protected over time.

#### 4.1 General

The conferring of the honour of the Freeman of the Shire of Merredin will occur only in rare and exceptional circumstances to maintain both the significance and prestige of the title.

The nominee must have given extensive and distinguished service to the Shire or community in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire or community such that the nominee’s contribution can be seen to stand above the contributions made by most other people.

Bestowing the title of Honorary Freeman of the Shire will only by an absolute majority decision of the Council and in accordance with this Policy.

#### 4.2 Nomination Criteria

The following shall be taken into account when consideration is being given to the conferring of the title of Honorary Freeman of the Shire:

- a) the nominee’s exceptional service must be recognised as a matter of public record;
- b) the nominee must have lived in, worked or served the Shire for a significant number of years
- c) the nominee must have identifiable and long-standing connections with the community in the Shire;



- d) the nominee must have provided long and distinguished service to the local community;
- e) the nominee's endeavours must have clearly benefited the Community;
- f) the nominee must have demonstrated both outstanding leadership and personal integrity;
- g) preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the honour being awarded to a person whose dedication and contribution is significantly above that expected from their occupation;
- h) the contribution to the welfare of the community must involve one or more of the following factors:
  - significant contribution of the nominee's time in serving members of the Community for the improvement of their welfare;
  - the promotion, achievement and/or delivery of community services in which a real personal role and contribution is made;
  - while difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons; and
  - the title shall not be bestowed on anyone who is holding the office of Elected Member of the Shire.

#### 4.3 Nomination Procedure

Formal nominations for the honour may only be made by an Elected Member of the Shire. An Elected Member may make a nomination on his or her own cognisance or act as a sponsor for a wider community desire to honour a person.

A nomination for the honour may be submitted at any time provided that the nomination is in writing and clearly addresses the nomination criteria.

The nomination must clearly outline the history of the nominee in chronological order, outlining their history of community service.

Nominations must be made in the strictest confidence without the nominee's knowledge and be sponsored by an Elected Member and supported in writing by at least two other Elected Members.

Nominations are to be submitted to the Chief Executive Officer. The Chief Executive Officer will submit a confidential report to a Council Meeting with details of the nomination. The confidential report for the Council Meeting shall be delivered at least two weeks prior to the meeting date to all Elected Members.

If an Elected Member expresses an objection to the nomination, that Elected Member must give their reasons for the objection in writing to the Chief Executive Officer, at least one week before the Council Meeting. The Chief Executive Officer shall submit all objections (together with any other relevant information) to the Council Meeting.

Deliberations on the matter will take place behind closed doors. No record of the nominee's name shall be recorded in the Minutes of the Council Meeting, whether supported or not by the Council.

In the event Council approves the nomination, it shall be by an Absolute Majority decision.

Prior to any announcement, the Chief Executive Officer shall make personal contact with the nominee to confirm their acceptance of the honour.

#### 4.4 Entitlements

Any person declared an Honorary Freeman of the Shire of Merredin:

- a) may designate themselves as an “Honorary Freeman of the Shire of Merredin”;
- b) will be invited to all civic events and functions and be acknowledged as a dignitary;
- c) will have their photograph hung in the Shire’s Council Chambers;
- d) will be provided with a plaque to commemorate receipt of their Award; and will be conferred at an appropriate civic ceremony for the purpose hosted by the Shire of Merredin.

#### 4.5 Limitations on Holders of the Award

At any one time, a maximum of four living persons only, unless otherwise decided by an Absolute Majority decision of the Council, may hold the title ‘Honorary Freeman of the Shire of Merredin’.

For avoidance of doubt, the honour shall not be awarded posthumously.

#### 4.6 Personal Conduct

A person who has been conferred with the honour of “Honorary Freeman of the Shire of Merredin” shall display high standards of personal conduct and behaviour at all times and shall not bring the Shire into disrepute.

The Council reserves the right to cancel the honour, in the event that the holder is convicted of a serious criminal offense or brings the Shire into disrepute. (Any such decision shall be by an absolute majority decision).

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

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2.	Reviewed	30 April 2024		CMRef 83377

## 1.19 Public Question Time

### 1. POLICY PURPOSE

This Policy outlines the requirements and procedures for Public Question Time.

### 2. POLICY SCOPE

This Policy applies to all Elected Members of the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995.*

*Local Government (Administration) Regulations 1996.*

*Public Health Act 2016.*

*Emergency Management Act 2005.*

### 4. POLICY STATEMENT

Public Question Time is a means by which members of the public can seek responses from the Council or one of its committees about issues affecting the Shire that are of concern to them. It assists the public to be better informed about the governing of their district and it provides the local government with a mechanism to identify issues of importance in the community.

Local Government (Administration) Regulations 1996 Regulation 6 provides that the minimum length of time for asking of and responding to questions for ordinary council meetings is 15 minutes. The Shire of Merredin Standing Orders Local Law provides that time for asking of and responding to questions is included at every council and committee meeting.

Local Government (Administration) Regulations 1996 Regulation 7 provides that the procedures for the asking of and responding to questions raised by members of the public at a meeting of Council or one of its committees are to be determined by the person presiding at the meeting or by a majority of members of the council or committee present at the meeting if they disagree with the person presiding.

Local Government (Administration) Regulations 1996 Regulation 14E(4) provides that where a council holds an electronic meeting the procedure for public question time is modified so that the Council or committee allocates time for raising questions by members of the public that are submitted in accordance with a process determined by the Council.

The implementation procedures detailed in this Policy have been prepared in accordance with the applicable Regulations.

#### 4.1 Time Frame

Council or one of its committees may close public question time prior to the expiry of 15 minutes if there are insufficient questions to occupy that time.

The extension of question time beyond the minimum time is at the discretion of the Presiding Person.

#### 4.2 Prior to the Meeting

Members of the public shall be requested to register their intention to ask a question by submitting the online form available on the Shire of Merredin website, or completing the form provided in the Council Chambers (for Council meetings) or the relevant Committee Room (for committee meetings).

#### 4.3 During the Meeting

- (a) The Presiding Person will open Public Question Time with a brief statement of the procedures including:
- the period of time set aside for question time;
  - the requirement to address all questions to the Presiding Person;
  - the request to provide in writing a person's name, address, and details of question(s) generally in the form specified in Parts 1 and 2 attached;
  - the availability of the written procedures in the Council Chambers or Committee Room;
  - people will be called to ask their question in the order they have registered;
  - any person who has not registered will be given an opportunity to ask a question after those who have registered;
  - each person is initially allowed to ask no more than two questions or four minutes total time to ensure an equal and fair opportunity is provided to all persons wishing to address Council or the committee;
  - the right of each person, if they have further questions, to return to the end of the queue.
- (b) The Presiding Person will then request people to come forward in the order they registered. At this time a person is required to:
- state their name and address; and
  - present their question.
- (c) If a person has several questions, or has a question that is lengthy or complex, and has not provided such in writing on the form specified in Parts 1 and 2 attached, he or she will be requested to write any question(s) down and hand them to the Chief Executive Officer or his nominee to ensure an accurate summary of the question(s) can be included in the minutes of the meeting.
- (d) The Presiding Person then determines who is to respond to the question. The Presiding Person may:
- respond personally to the question asked;
  - refer the question to another member for a response;
  - refer the question to an employee (through the CEO) for a response;
  - choose to take the question on notice; or
  - choose not to accept the question.
- (e) If a question relating to a matter in which a relevant person (a member or an employee) has an interest is directed to that relevant person, he or she will:

- declare that he or she has an interest in the matter; and
  - allow another person to respond to the question.
- (f) If a person has used up their allowed number of questions or time the Presiding Person will ask if they have any more questions; if they do their request will be noted and placed at the end of the queue (if applicable) and they will be asked to resume their seat in the public gallery.
- (g) The next person on the list is called.
- (h) The original registration list is worked through until exhausted; after that the Presiding Person will call upon any other persons who did not register if they have a question (e.g. people might have arrived after the meeting started).
- (i) When such people have asked their questions the Presiding Person may, if time permits, provide an opportunity for those who have already asked a question to ask further questions.
- (j) The Presiding Person declares Public Question Time closed following the expiration of the allocated time period or where there are no further questions. However, the Presiding Person has the discretion to allow more than the minimum time for questions if required.

#### **4.4 Following the Meeting**

Council and its committees are required to include a summary of the questions asked and responses given in the minutes of the meeting.

If a person asked a question that needed to be taken on notice, he or she will receive a written response to the question where the person has provided contact details. This response will be included in the minutes of the following meeting.

#### **4.5 Who can ask Questions?**

Any member of the public can ask questions, not just an elector or people who live in the district.

Elected Members do not ask questions during Public Question Time as they have other opportunities to obtain information.

#### **4.6 What Kind of Questions can be Asked?**

During an ordinary meeting of Council, any questions affecting the operations of the Shire may be asked, including the business listed on the agenda for a particular meeting. A response will not be provided to questions that do not relate to a matter affecting the Shire.

During a special meeting of Council only questions relating to the purpose of the meeting may be asked.

At committee meetings only questions relating to the purpose of the committee or meeting may be asked.

#### **4.7 Repetitive Questions**

If a person attempts to ask a question that, in the Presiding Person's opinion, has been satisfactorily responded to at that or an earlier meeting, the person will be advised

accordingly. Where necessary, the person will be referred to the minutes of the relevant meeting.

#### **4.8 Making Statements**

If a person attempts to use question time to make statements rather than ask questions, he or she will be asked by the Presiding Person to “state their question” or may be assisted in phrasing their question.

However, if it is necessary that a statement preface the question in order to place the question in context then that statement should be brief.

#### **4.9 Questions Requiring Considerable Research**

If a question is raised which requires considerable research, then the Presiding Person is at liberty to point out when a response to a question would require a substantial commitment of the Shire’s resources.

The Presiding Person may invite the person seeking the information to reconsider their request or refer the matter to the CEO for action following the meeting. The CEO can then arrange for the information to be provided or can determine in accordance with the *Local Government Act 1995* that provision of the information would be an unreasonable impost upon the Shire and refuse to provide it.

#### **4.10 Inappropriate Questions**

If a member of the public provides a written question or attempts to ask a question which is considered to be offensive or defamatory in nature, he or she will be advised by the Presiding Person that the question will not be considered. To do so would expose the Shire to possible legal action for republishing defamatory remarks. In such circumstances, but depending on the question, the person may be invited to rephrase their question.

Similarly, the Presiding Person will refuse to accept inappropriate questions, such as those containing defamatory remarks, offensive language or questioning the competency of members or employees.

If a person does attempt to ask a question considered inappropriate or not in good faith, the Presiding Person will rule the question out of order, and it will not be recorded in the minutes. The Presiding Person will also refuse to accept questions that relate to the personal affairs or actions of council members or employees.

Finally, the Presiding Person may refuse to accept questions relating to confidential matters, legal advice, legal proceedings or other legal processes; or that have been answered by earlier questions or questions at a previous meeting.

#### **4.11 Questions Asked in Absentia**

Where a person submits a question in writing for Public Question Time but fails to attend the meeting, the Presiding Person will not accept the question. In such cases the CEO will treat the question as an item of correspondence, which will be answered in the normal course of business of the organisation. It will not be recorded in the minutes.

#### **4.12 Questions Asked that do not Comply with Procedures**

Questions from members of the public that do not comply with these procedures or do not abide by a ruling of the Presiding Person, or where the member of the public behaves in a manner that is disrespectful of the Presiding Person, Council or committee, or refuse

to abide by any direction from the Presiding Person, will be ruled 'out of order', and the question will not be recorded in the minutes.

#### 4.13 Questions at Electronic Meetings

Where an electronic meeting is held the procedures outlined in this policy are amended to provide as follows:

Members of the public are invited to submit questions for Public Question Time by 2.00pm on the day of the Council meeting. If the council or committee determines at the meeting to respond to the question, the question and answer will be read aloud during the 15-minute allocated time for Public Question Time, and these will also be recorded in the Council Minutes. If these questions cannot be readily answered at or during the meeting, the council will take the question on notice and respond either by letter or at the next council meeting. The Council may decide at the meeting in the event of a public health emergency, state of emergency or direction issued under the *Public Health Act 2016* or the *Emergency Management Act 2005*, it is not appropriate to respond to the question at the meeting.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members are required to adhere to aspects within this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

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1.	Adopted		19 May 2020		CMRef 82557
2.	Reviewed		30 April 2024		CMRef 83377

## 1.20 Elected Member Training and Professional Development Policy

### 1. POLICY PURPOSE

Provide a framework for Elected Members to meet their statutory obligations for training and provide all Elected Members of the Shire of Merredin with the necessary professional development and training to support them in the discharge of their responsibilities, obligations and duties as an Elected Member.

### 2. POLICY SCOPE

This policy applies to all Elected Members.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995 (the Act)*

Part 5, Division 10 of the Act describes provisions related to the universal training of Councillors:

- Under Section 5.126 of the Act, each Councillor must complete training in accordance with the Regulations.
- Under Section 5.127 of the Act, the Chief Executive Officer must publish a report on the local government's website within one (1) month of the end of financial year detailing the training completed by Councillors.
- Under Section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of Councillors.

*Local Government (Administration) Regulations 1996*

### 4. POLICY STATEMENT

#### 4.1 Mandatory Training

An Elected Member must complete the course Council Member Essentials training which consists of five modules, within a period of twelve months beginning on the day on which the Elected Member is elected. An Elected Member is exempt from the requirements if they have passed the following courses within a period of five years ending immediately before the day on which the Elected Member commences their term of office:

- Council Member Essentials;
- 52756WA Diploma of Local Government (Council Member);

Or

- The Elected Member passed the course LGASS00002 Council Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the Elected Member commences their term of office.

The mandatory training is valid for five years so an Elected Member will only be required to undertake the training at every second election. If an Elected Member completes the Diploma of Local Government and as part of that, completed the five modules of the Council Member Essentials, they meet the requirements of the Act. They are still



required to undertake the Council Member Essentials training at every second election.

If an Elected Member is undertaking the Diploma of Local Government and they do not complete all five modules of the Council Member Essentials as part of that study, they will need to complete those units not covered in addition to the Diploma to meet the requirements of the Act. They are still required to undertake the Council Member Essentials training at every second election. Elected Members have a responsibility to complete training in accordance with legislation. Non-compliance is an offence under the Act and punishable by a fine not exceeding \$5,000. The Shire must prepare a report for each financial year on the mandatory training completed by Elected Members during the financial year. The report must be published on the Shire's website within one month after the end of the financial year to which the report relates.

#### **4.2 Professional Development**

In addition to mandatory training, Elected Members are encouraged to identify their individual continuing professional development needs to enhance their effectiveness and address skill gaps as required. When determining their professional development activities, the Elected Member should consider the current or future strategic direction and activities of the Shire and its priorities and the skills that will be needed to assist with decision making. Council supports the training and professional development activities of Elected Members to be able to attend;

- The annual WA Local Government Association Local Government Week Convention; and
- Up to three separate training events including training courses, seminars or workshops with accumulative total of up to three days per financial year. Elected Members are encouraged to share with Council learning and insights from training and conferences. For the purposes of this Policy, the following are not classed as training:
  - Advocacy and lobbying;
  - Invitations for the Shire to accept or present an award; and
  - Invitations to the Shire from partnership organisations.

#### **WA Local Government Association Local Government Week Convention**

Council supports the attendance of Elected Members and partners to the annual WA Local Government Association Local Government Week Convention. All costs for Elected Members and an accompanying person for accommodation, meals, Partners Program and Conference dinner will be met by Council.

#### **Shire President Development**

The role of Shire President is involved in advancing community cohesion and promoting civic awareness, as well as promoting partnerships with other stakeholders.

To enable the skill development of the Shire President in this role, Council supports additional training and professional development activities.

#### **Advocacy and Lobbying**

The Council recognises the importance of advocacy and lobbying to higher levels of government and other stakeholders to increase the Shire's funding eligibility and

opportunities, and to highlight priority projects. The Shire President (and CEO) will represent the Shire in advocacy and lobbying activities. The Shire President may delegate another Elected Member to attend where appropriate.

#### **Interstate events**

The Council will consider attendance at interstate events where there are demonstrable benefits to the Shire.

A proposal should be lodged with the Chief Executive Officer who will submit a report to the Council for consideration.

Unless otherwise resolved by Council, a maximum of two Elected Members shall attend an interstate professional development event.

#### **International events**

In general the Shire does not support international travel. The Council will however consider proposals where there is demonstrable benefit to the Shire in so doing.

All proposals for overseas travel are to be considered at an open meeting of Council and a resolution made as to whether the travel is to take place.

Proposals are to include:

- Who is planned to take part in the travel;
- Proposed itinerary and expected duration;
- Objectives for undertaking the travel, including an explanation of what benefits will accrue from the exercise with an approximate budget; and
- Detailed costs, including a statement of any amount expected to be reimbursed by the participants.

After returning from the trip, a detailed report is to be provided to Council outlining the achievement of objectives and the benefits to the community that have occurred as a result of the travel.

### **4.3 Approved training providers**

Mandatory Council Member Essentials training is required by the Local Government (Administration).

Regulations to be proved by:

- North Metropolitan TAFE
- South Metropolitan TAFE
- WA Local Government Association (WALGA)

Other training and professional development activities shall generally be limited to the following:

- WA Local Government Association (WALGA) conferences;
- Australian Local Government Association (ALGA) conferences;
- Australian Institute of Management;
- Australian Institute of Company Directors;

- Institute of Public Administration Australia;
- Special 'one off' conferences called for or sponsored by WALGA or ALGA on important issues;
- Accredited organisations offering training relevant to the role and responsibilities of Elected Members;
- Other local government specific training courses, workshops and forums, relating to topics on understanding the roles and responsibilities of Elected Members, meeting procedures, decision making etc;
- Professional Industry training and conferences that would be of benefit to Council; and
- Conferences or study tours that address the initiatives and projects that have been outlined in the Shire of Merredin Strategic Community Plan or Shire resolutions.

#### 4.4 Approval for training and professional development

The CEO is to approve Elected Member training and professional development applications where:

- The application complies;
- An application is forwarded to the CEO for approval in a reasonable time to meet the registration deadline;
- Training and development is to be held within Australia;
- There are sufficient funds available in the Elected Member allocation to meet the costs of attendance; and
- Approval of attendance at an event does not impede a quorum at any scheduled Council or Committee meetings.

An absolute majority resolution is required to approve a Councillor request to attend training or professional development where:

- The application does not comply; and
- Sufficient funds are not available in the Shire's budget for this purpose.

#### 4.5 Funding

The Shire will provide sufficient funds in the annual budget for Elected Members to comply with their mandatory training requirements as elected members.

Funding will include actual costs, including registration, accommodation, meal, travel and incidentals which have been incurred.

Additional funding covering discretionary training and development together with expenses for internal workshops, strategic planning days, whole of Council training and development and internal training programs will be included in the Council training and professional development budget.

Where a request for professional development or training cannot be met within the budget allocation, the President and CEO may approve a reallocation of funds from an alternative area of the budget, subject to final approval of Council as part of the Budget Review process.

## 4.6 Allowable expenses

### Private vehicle

The Shire will endeavour to provide a pool vehicle for travel to and from professional development events or training held outside of the Shire boundary. However if Elected Members use their private vehicle for conference travel, they will be reimbursed for vehicle costs in accordance with the [Local Government Officers \(Western Australia\) Award 2021](#).

Where a vehicle is used instead of air travel, reimbursement will be to a maximum amount equivalent to what it would have cost to travel by air.

### Air travel

Where air travel is required, travel requests should be provided at least one month prior to the travel date to allow adequate time for bookings to be made. This will allow the Shire to take advantage of any available discounts for early purchase. The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.

All air travel is to be by Economy Class, unless otherwise provided for by Council resolution. For trips in excess of six hours, Premium Economy Class can be used if available for those travel legs. Any costs incurred to allocate a seat in Economy Class will be at the expense of the Shire. The cost of any upgrade to Business Class is to be paid for by the Elected Member. Elected Members must not receive any personal frequent flyer loyalty points for air travel booked and paid for by the Shire.

### Accommodation

Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Accommodation charges, including breakfast, are not to exceed the allowance under the annual Commissioner of Taxation Determination for reasonable expense amounts Table 3 of for accommodation, unless specifically approved by Council.

Hire cars will only be paid for by the Shire if the CEO considers it the most effective means of travel when attending a conference or professional training. Standard taxi fares, or similar, or public transport for reasonable travel requirements, will be reimbursed upon return, on the production of receipts to verify the expense.

If an Elected Member decides to extend a stay outside the approved times for the event, or varies the travel arrangements for personal purposes, all additional costs are at the Elected Members expense. Elected Members must not receive any personal accommodation loyalty points for accommodation booked and paid for by the Shire.

### Meals and incidentals

Elected Member costs for meals, refreshments and incidentals is not to exceed the [annual Commissioner of Taxation Determination for reasonable expense amounts](#) Table 2 Food and Drink and Incidentals.

### Accompanying person expenses

Where an Elected Member is accompanied by another person, costs for or incurred by the accompanying person including, but not limited to travel, meals, registration and/

or participation in any event program, are to be borne by the Elected Member and will not be paid for by the Shire.

#### 4.7 Claiming expenses

Elected Members are advised that care needs to be taken in making application for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an Elected Member.

Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts. All claims for reimbursement must be submitted to the Shire President on the expenses claim form within two weeks of completion of the training. Final claims relating to the financial year must be submitted by 31 July of that year. No back payment of claims relating to prior financial years will be permitted.

#### 4.8 Travel insurance

Travel insurance for Shire related business trips including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects will be paid for by the Shire. Elected Members must determine whether the benefits and endorsements of the above insurance cover is adequate. Elected Members may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

#### 4.9 Training register

In accordance with the Act the Shire will publish a report on the Shire's website within one month of the end of the financial year detailing the training completed by Elected Members. In order to complete the register, Elected Members shall, following completion of the training, provide evidence of completion of the training to the CEO. Elected Members will be asked to confirm their completion or attendance as applicable prior to the publication of the register.

The register will state:

- Elected Member name;
- Each training course or module completed;
- The cost of training and any associated travel and accommodation paid for by the Shire; and
- The training provider or conference name. For reporting purposes, the costs of training completed as a group will be apportioned to each Elected Member that was registered to attend.

### 5. DEFINITIONS

**Incidentals:** Includes snacks/food that is consumed outside of main meals, official telephone calls, internet and valet parking where public parking is not available.

**Private expenses:** laundry, movies, magazines etc.

Document Control Box			
Document Responsibilities:			
Owner:	Chief Executive Officer	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			

Legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Administration) Regulations 1996</a>				
Document Management					
Risk Rating	Medium	Review Frequency	Annual	Next Due	November 2024
Version #	Action		Date	Records Reference	
1.	Adopted		15 September 2020	CMRef 82609	
2.	Reviewed		20 December 2022	CMRef 83072	
3.	Reviewed		11 December 2023	CMRef 83300	
4.	Reviewed		26 November 2024	CMRef 83497	

## 1.21 CEO and Elected Member Attendance at Events

### 1. POLICY PURPOSE

To provide transparency about the attendance at events of Elected Members and the Chief Executive Officer (CEO). This Policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

Attendance at an event in accordance with this Policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy. This Policy is made in accordance with those provisions.

### 2. POLICY SCOPE

This Policy applies to the CEO and all Elected Members engaged or appointed by the Shire while on the Shires premises or while engaged in Shire related activities.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995* (the Act)

*S5.90A - Policy for attendance at events*

(1) In this section —

*event* includes the following —

- (a) a concert;
- (b) a conference;
- (c) a function;
- (d) a sporting event;
- (e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of Council members and the CEO at events, including —

- (a) the provision of tickets to events; and
- (b) payments in respect of attendance; and
- (c) approval of attendance by the local government and criteria for approval; and
- (d) any prescribed matter.

\* *Absolute majority required.*

(3) A local government may amend\* the policy.

\* *Absolute majority required.*

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government's official website.

#### **4. POLICY STATEMENT**

##### **4.1 Invitations**

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing and addressed to the Shire.
- b) Any invitation or offer of tickets not addressed to the Shire are not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.

##### **4.2 Approval of attendance**

Decisions to attend events in accordance with this Policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this Policy.

In making a decision on attendance at an event, the Council will consider:

- a) who is providing the invitation or ticket to the event;
- b) the location of the event in relation to the local government (within the district or out of the district);
- c) the role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
- d) whether the event is sponsored by the local government;
- e) the benefit of local government representation at the event;
- f) the number of invitations / tickets received; and
- g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

The CEO is authorised to decide the attendance at events for the CEO (or delegate) or Elected Members when the following criteria are met:

- a) There is insufficient time between the receipt of the invitation and the next Ordinary Council Meeting for the matter to be considered by Council; and
- b) The criteria listed in points a – g above have been considered and the CEO determines there is an appropriate benefit to the local government in the attendance at the event.

##### **4.3 Payments in respect of attendance**

- a) Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the Council determines attendance to be of public value.



- b) For any events where a member of the public is required to pay, the Council will determine whether it is in the best interests of the local government for an Elected Member or the CEO or another officer to attend on behalf of the Council.
- c) If the Council determines that an Elected Member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- d) Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.
- e) Where item d) above conflicts with clause 3.2 - WA Local Government Association Local Government Week Convention of Policy 1.20 – Councillor Training and Professional Development Policy, Policy 1.20 takes precedence, allowing for the expenses of partners to be met by Council.

Document Control Box					
Document Responsibilities:					
Owner:	Chief Executive Officer		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	<a href="#">Local Government Act 1995</a>				
Document Management					
Risk Rating	Medium	Review Frequency	Annual	Next Due	2024
Version #	Action	Date	Records Reference		
1.	Draft	16 December 2022			
2.	Adopted	20 December 2022	CMRef 83072		
3.	Reviewed	11 December 2023	CMRef 83300		
4.	Reviewed	26 November 2024	CMRef 83497		

## 1.22 Recording of Council Meetings

### 1. POLICY PURPOSE

To ensure open and transparent government, improve engagement with the community and accessibility to Council decision making, and detailing the approach to recording of in-person Council Meetings.

### 2. POLICY SCOPE

This Policy applies to:

1. All Elected Members.
2. Ordinary Council Meetings, and Special Council Meetings conducted in Council Chambers.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995.*

*Local Government (Administration) Regulations 1996.*

### 4. POLICY STATEMENT

#### a. Recording

- Recordings will be made via audio from the Council Chamber microphone using Zoom or Microsoft Teams.
- The recording will be conducted by Shire Officers.
- Members of the public will be advised that an audio recording of the meeting will be made via the notice paper for the meeting and a sign will be prominently displayed in Council Chambers.
- The Presiding Member will make an announcement at the start of every meeting drawing attention to the fact that the meeting will be audio recorded.
- In accordance with the requirements for a Class 3 local government, the recording of the meetings will be made available on the Shire's website at the time the unconfirmed minutes are published, excluding those matters considered Behind Closed Doors.
- The Shire will make every reasonable effort to ensure the recording is available. However, should any technical difficulties arise, the recording may not be available. Notification of such will be provided in accordance with the Regulations.
- The Presiding Member may decide to cease recording at any time during the meeting.
- Copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire.
- In accordance with Section 8.5 of the Shire of Merredin Standing Orders Local Law 2017, no person is to use any electronic, visual or audio recording device or

instrument to record the proceedings of the Council without the written permission of the Council.

**b. Meeting or Items of Business Behind Closed Doors**

- Recordings of meetings closed for consideration of matters under Section 5.23 of the *Local Government Act 1995* is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.
- Confidential recordings may be released, if requested, to the Local Government Standards Panel, the Department of Local Government, Sport & Cultural Industries, the Police or the Court.

**c. Record Keeping**

- The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any relevant Regulations.
- All recordings will be retained as part of the Shire's records for at least seven (7) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).

**d. Conduct and Responsibilities**

- Elected Members are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of Merredin Standing Orders Local Law 2017, Policy 1.1 – Code of Conduct for Council Members, Committee Members and Candidates and other relevant policies.
- Staff are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of Merredin Standing Orders Local Law 2017, Employee Code of Conduct 2024, and relevant policies.
- Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, staff and other members of the public in attendance.

**e. Liability and Defamation**

- Under Section 9.57A of the *Local Government Act 1995*, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a recording of Council proceedings.
- Under Section 9.56 of the *Local Government Act 1995* Elected Members and employees are not liable to defamation for any statements made in good faith.
- Further defences under the *Defamation Act 2005* may also be applicable.
- As a general principle, the Shire will not edit recordings of meetings. This is to ensure open and transparent government. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.
- Following any meeting, the Chief Executive Officer in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. The muting/excluding of any part of the meeting

recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting, whereby Council may revoke or change the decision.

## 5. KEY POLICY DEFINITIONS

**Act** means the Local Government Act 1995.

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

**Member** means an Elected Member.

**Meeting** means an Ordinary Meeting of Council, or a Special Meeting of Council.

**Behind Closed Doors** means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.

**Inappropriate** includes any comments considered to be liable, slanderous, defamatory, or not in keeping with accepted community standards.

## 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy. Elected Members, and Staff are required to adhere to all aspects of this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed every two years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Chief Executive Officer				
Compliance Requirements					
Legislation	<a href="#">Local Government Act 1995</a> Local Government (Administration) Regulations 1996				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		22 October 2024		CMRef 83474

## 1.23 Working from Home

### 1. POLICY PURPOSE

To establish processes for Working from Home. The Shire of Merredin (the Shire) recognises the potential benefits of providing flexible working arrangements that will assist employees with balancing the demands of work with their family and/or personal responsibilities. This Policy outlines the circumstances in which a working from home arrangement is appropriate and provides guidelines to facilitate the management of such an arrangement.

### 2. POLICY SCOPE

This Policy applies to permanent employees of the Shire of Merredin seeking to enter into a regular arrangement to carry out part of his/her duties from home, for a specified period of time or in exceptional circumstances, permanently.

It is not the intention of this Policy to enable staff to work from home on a regular basis so as to substitute or reduce regular childcare arrangements that would normally be needed during work hours.

For the purpose of this Policy, 'working from home' means working away from an employee's ordinary contracted place of employment. A 'home office' means a designated space for an employee to work while away from the workplace, and includes working from home (place of residence) or working remotely from their usual place of work.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Industry Award 2020*

*Minimum Conditions of Employment Act 1993 (WA) (MCE)*

*Work Health and Safety Act 2020 (WHS Act)*

### 4. POLICY STATEMENT

#### 4.1 Working from home arrangement

In order to ensure the safety and wellbeing of our employees, and to ensure the arrangement is consistent with the Shire's requirements, an interested employee must apply for a Working from Home Arrangement (WFHA). It should be noted that not all positions and operational activities can be undertaken from home, therefore there will be some positions within the organisation which are limited to the workplace. All applications are considered on a case-by-case basis by the line manager for subsequent consideration and approval by the Chief Executive Officer.

The line manager and employee are responsible for demonstrating that the requirements of this Policy have been satisfied before an application for a WFHA is approved. The Shire may refuse an application for a WFHA where it is not suitable, or it does not meet operational requirements.

#### 4.2 Eligibility Criteria

The Shire's responsibility to consider flexible working arrangements is in accordance

with the Local Government Industry Award 2020 and the *Minimum Conditions of Employment Act 1993 (WA)*.

### 4.3 Application Process

Work from home may only be entered into by mutual agreement between the Shire and the employee on a case by case basis. Where it is a one off need to work from home it can be approved by the employee's manager. Where it is more than a one-off event it must be approved by the Chief Executive Officer.

Employees must submit a formal request to their manager, outlining:

- The proposed WFH schedule (e.g., specific days or ad-hoc arrangements).
- The nature of the work to be performed remotely.
- Confirmation that they have a safe and secure home workspace.
- Any technological or equipment requirements.

Managers will assess requests based on operational needs, job suitability, performance considerations, and equity across the team and provide a recommendation to the CEO. The recommendation will be reviewed by the CEO and a decision made.

The provision of information technology equipment and services for employees working from home is subject to availability and approval by the Chief Executive Officer. An employee's own equipment can be used once it has been approved by the Executive Manager Corporate Services.

Applications to work from home will be assessed according to the following criteria:

- Suitability of the employee's work to be performed off-site.
- The employee being able to demonstrate efficiency will be maintained or increased as a result of the WFHA.
- The reasons for the employee wanting to work from home.
- Ability of the employee to complete work within the employee's agreed span of hours as detailed in their employment contract and Local Government Industry Award 2020 and the *Minimum Conditions of Employment Act 1993 (WA)*.
- The presence of the skills, ability and knowledge to work autonomously.
- The impact the arrangement may have on the productivity of co-workers.
- The impact the arrangement may have on service delivery and customer service.
- Proposed methods for engaging with the employee and assessing their productivity and effectiveness.
- The employee having a suitable home office and access to necessary equipment, internet and IT systems to enable the employee to effectively work from home.

### 4.4 Line Manager Responsibilities

Where a WFHA has been approved, it is the responsibility of an employee's line manager to:

- Ensure the employee is working in accordance with their WFHA and adhering to

the Shire's policies and procedures.

- Ensure the employee has completed a risk assessment of their home office and other relevant areas, for example bathroom, kitchen and facilitate the Shire to conduct safety inspections.
- Review and sign off on records of hours worked (timesheets) as required.
- Monitor and review the WFHA on a regular basis to ensure it is meeting the needs of the Shire and the employee.
- Communicate regularly and ensure employees working from home are included in team meetings and receive all necessary information to undertake their work.
- Where practicable, ensure equipment and tools required to perform the tasks are provided to the employee.
- Accurately document the ownership and usage arrangements of the equipment and assets.

#### 4.5 Employee Responsibilities

Where an employee's application to work from home has been approved, it is the employee's responsibility to ensure they:

- Adhere to the Shire's policies and procedures.
- Maintain regular contact with their respective line manager and colleagues, and be contactable during their agreed hours of work.
- Meet fitness for work requirements. If an employee is unwell, injured or unable to work due to other reasons, then the employee must submit a request for leave.
- Take all reasonable steps to establish a safe working environment and [report any health, safety and wellbeing hazards, near misses and incidents](#).
- Maintain accurate and up to date records of hours worked at home within the normal span of hours.
- Maintain a safe working environment that is suitable for the tasks being undertaken, including provision of office furniture and similar which is to be purchased, owned and maintained by the employee.
- Allow a person, appointed by the Shire, to access their home office and related areas to allow a safety inspection as required.
- Take all reasonable precautions necessary to secure the Shire's equipment.

#### 4.6 Work Expectations

Employees working from home must:

- Maintain the same level of productivity and service delivery as when working on-site.
- Be available and responsive during agreed working hours.
- Adhere to all Shire policies, including Code of Conduct and Information Security.
- Notify their manager of any issues affecting their ability to work remotely.

#### 4.7 Health, Safety and Wellbeing

Employees must ensure their home workspace complies with Work Health and Safety (WHS) standards, including:

- A suitable desk, chair, and ergonomic setup.
- Adequate lighting, ventilation, and a safe working environment.
- All hazards are adequately identified and controlled, and all incidents investigated.
- Compliance with relevant Australian Work Health and Safety laws.

A specific workspace must be designated at the employee's home and that workspace must be assessed in accordance with the Shire's Ergonomic Inspection Checklist by the employee or an appropriate Shire representative. This ensures the appropriate workspace, chair and equipment if carrying out computer work is set up appropriately.

Any work undertaken from a home office is seen as an extension of the primary workplace, employees requirements under the *Work Health and Safety Act 2020* (WHS Act) are to take reasonable care of their own health and safety.

This is the same at home as it would be at the workplace and includes the need to report any hazards or incidents to the employer as well as ensuring that hazards in the home are managed.

#### **4.8 Equipment and Technology**

The Shire may provide necessary equipment, such as laptops or software, subject to approval.

Any equipment damage or IT issues must be reported immediately to the line manager.

#### **4.9 Data Security and Confidentiality**

- Employees must ensure the security of all work-related data when working from home.
- Sensitive or confidential information must not be stored on personal devices.
- Cybersecurity measures, such as network access and password protection, must be followed.

#### **4.10 Communication and Collaboration**

- Employees must remain accessible via email, phone, and virtual meetings during work hours.
- Regular check-ins with managers and team members are required.
- Employees may be required to attend the office for meetings or operational needs.

#### **4.11 Performance Monitoring**

Managers will assess WFHAs based on:

- Employee productivity and work quality.
- Responsiveness and communication.
- Impact on team collaboration and service delivery.
- If performance concerns arise, the WFHA may be reviewed or revoked.



#### 4.12 Working from home arrangement agreement

An employee's terms and conditions of employment remain the same when working from home. This includes hours of work, remuneration and the requirement to perform their role effectively and efficiently, and to act in the best interests of the Shire. Any variation to hours of work, availability and expectations associated with implementing a WFHA must be documented in a working from home agreement.

WFHAs will be reviewed on a regular basis to ensure they are operating effectively and meeting the requirements of the Shire. As part of the review process, concerns with the WFHA may be addressed or if the WFHA is unsuccessful, the agreement may be terminated.

### 5. KEY POLICY DEFINITIONS

**Working from home (WFH):** means working away from an employees' ordinary contracted place of employment.

**Home office:** means a designated space for an employee to work while away from the workplace and includes working from home (place of residence) or working remotely from their usual place of work.

### 6. ROLES AND RESPONSIBILITIES

This Policy constitutes a lawful instruction to employees. Any breach of this Policy may lead to disciplinary action including, but not limited to, termination of employment.

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

#### 6.1 All Employees

- Are to adhere to all Shire policies and procedures.
- Must ensure fitness for work requirements are met. If staff members are unwell or unable to work due to other reasons, then leave entitlements must be accessed.
- Employees working from home for more than one (1) week at a time, are required to attend the office weekly or as instructed/agreed to by their manager.
- Take responsibility for delivering their workload as agreed with their manager.

#### 6.2 Manager

- Ensure the employee is working in accordance with their working from home agreement and following all Shire policies and procedures.
- Review and sign off on hours worked (timesheets).
- Monitor, review and amend the working from home agreement as required.
- Schedule communication meeting with the employee working from home.
- Where applicable, provide equipment required for employees to perform working from home tasks adequately.
- Accurately document the ownership and usage arrangements of the equipment and assets.

#### 6.3 Chief Executive Officer

- Schedule communications with the working from home employee's manager for updates.
- Monitor, review and amend the working from home agreement as required.

## 7. MONITOR AND REVIEW

This Policy will be reviewed by the Governance Officer every 2 years.

Document Control Box					
Document Responsibilities:					
Owner:	Chief Executive Officer		Decision Maker:	Executive Leadership Team	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	Work Health and Safety Act 2020 (WHS Act)				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	May 2027
Version #	Action		Date		Records Reference
1.	Adopted		6 May 2025		ELT

## WORKING FROM HOME ERGONOMIC INSPECTION CHECKLIST

### THINK SMART BEFORE YOU START

#### GENERAL INFORMATION

LOCATION OF INSPECTION	
EMPLOYEE NAME	
INSPECTED BY (PRINT NAME)	
SIGNATURE	
DATE OF INSPECTION	
POSITION & DIRECTORATE	

DESCRIPTION OF WORK TO BE CARRIED OUT	
NO OF HOURS PER DAY/WEEK	
ANY EXISTING INJURIES OF CONCERNS	

#### PURPOSE:

The Working from Home Inspection Checklist is designed to help Employees and Managers assess WHS risks in a home office. This Checklist is to be completed by the employee. Your Manager will assess and address any risks identified in the home.

RISK ASSESSMENT CALCULATOR					
Likelihood	Consequence				
	Insignificant No injury Zero to Low \$ Cost	Minor 1st aid, Minor Treatment, Med \$ Cost	Moderate Medical Treatment, High \$ Cost	Major Lost Time Injuries, Major \$ Cost	Catastrophic Fatality, Fatalities, Extreme \$ Cost
Almost Certain Expected to happen	M	H	H	E	E
Likely May easily happen	L	M	H	H	E
Possible May Happen	L	M	M	H	H
Unlikely May happen sometimes	L	L	M	M	H
Rare May happen in extreme circumstances	L	L	L	L	M

**INSPECTION PROCEDURES:**

- Use this checklist to inspect for hazards at the home office areas regularly.
- The WHS Representative and Manager will inspect the work set up via provided photos for hazards as per the “Hazard Inspection Matrix”. If concerns are present, a physical inspection of the home work set up may be requested.
- For any ‘N’ ticked, conduct a risk assessment using the ‘Risk Assessment Calculator’ and write down the risk level on the checklist. (Any code E or H risk must be immediately reported to your Manager so a formal, document risk assessment may be conducted).
- Add up all the boxes ticked “N” and the number of each different risk level and indicate in the table at the end of the checklist.
- Forward this checklist to your Manager for further action (if required) and sign-off.

Note: When recommending control / corrective actions, always consider both short term and long-term control options.

No	Items to Check	Y	N	NA	Risk	Comment
<b>1. WORK</b>						
1.	Does the layout minimise excessive twisting or bending of the neck, shoulders and upper body?					
2.	Are desks and cabinets free from sharp edges?					
3.	Can desk and file drawers be kept closed when not in use?					
4.	Are file cabinet drawers maintained so that they do not become overloaded?					
5.	Is the work area free of trip hazards?					
<b>2. CHAIRS</b>						
1.	Are chairs easily adjusted from a seated position?					
2.	Is the worker familiar with all the adjustment mechanisms on their chair?					
3.	Are all the chair mechanisms in good working order?					
4.	When seated, are the knees level with, or lower than the hips?					
5.	Is there adequate lumbar support? Is the seat back adjusted to support the lumbar curve of the lower back?					
6.	Are the worker's hips well supported on the seat (seat width)?					
7.	Are the worker's forearms parallel with the floor or angled slightly downwards?					
8.	If the desk is a counter, are chairs of appropriate height? (if applicable)					
9.	When the worker is seated at the workstation with their hands on the keyboard can they achieve the following posture?					

	<ul style="list-style-type: none"> <li>Shoulders relaxed and symmetrical.</li> <li>Head in midline.</li> <li>Head not arched backwards of chin not extended forwards.</li> <li>Elbows close to side of the body.</li> <li>Forearms can be fully supported if not touch typing.</li> <li>Wrists in a straight line and not lifted too high.</li> </ul>					
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### 3. DESKS & DESKTOP ITEMS

1.	Does desk space allow for large documents, completed work or writing, all necessary items and for forearm support (If preferred)?					
2.	If desk height is not adjustable, has the worker been provided with a footrest if required?					
3.	If a footrest is provided, is it large enough to support both feet?					
4.	If a footrest is provided, is the angle position of the rest surface adjustable?					
5.	From a seated position the telephone is within easy reach and either a hand is used to hold the telephone receiver, or a headset is worn (i.e. no cradling of the receiver between the shoulder and ears.					
6.	Are the headsets lightweight, adjustable, comfortable with adjustable volume controls?					
7.	Are frequently used items within comfortable reach?					
8.	Does the desk have a smooth flat surface for the keyboard and mouse to enable them to be easily used on the same level?					
9.	Is there sufficient room under the desk to stretch the legs?					
10.	Is the space under the desk free from items that may encroach on the space or compromise the sitting posture?					

### 4. PERSONAL COMPUTERS / NOTEBOOK COMPUTERS

1.	Is the PC (personal computer) appropriately set up? Monitor placed on top of the hard drive or placed at an appropriate height so that the top of the screen is at or below eye level? /Not keyboard placed directly in front of screen?					
2.	If a laptop computer is supplied instead of a PC, and it is to be used for long periods, is: It connected to a large computer monitor? The keyboard positioned as for a PC, directly in front of the worker?					

**5. MONITORS / KEYBOARDS**

1.	Does the worker have; A single monitor? Or Multiple Monitors?				
2.	Are the monitor/s at a comfortable reading distance (approximately arm's length or slightly further from the worker)?				
3.	Is the primary screen positioned directly in front of the worker?				
4.	Is the top of the screen/s at or below eye level of the worker?				
5.	Are all characters in the display readable, clear and is the image stable?				
6.	Can the worker, if required adjust the position and contrast of the screen?				
7.	Is the screen free from glare or shadows?				
8.	Is the keyboard detached from the screen to ensure a comfortable working position.				
9.	Is the mouse and pad close to the worker and level with the keyboard?				
10.	Does the mouse fit comfortably in the workers hand allowing it to operate freely?				
11.	Is the mouse suitably adjusted for speed and accuracy of the task?				

**6. WORKFLOW**

1.	Are appropriate work pauses / rest breaks taken/ Can the workers alter their posture if they need to?				
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**7. ENVIRONMENT**

1.	Lighting is adequate for the tasks being performed, easy to see and comfortable to use.				
2.	Glare and reflection can be controlled				
3.	Ventilation and room temperature can be controlled.				
4.	There is no excessive noise affecting the work area.				
5.	Walkways are clear of clutter and trip hazards, such as trailing electrical cords.				
6.	The work area is segregated from other areas in the home i.e. hot cooking surfaces etc.				
7.	Non-smoking environment				

**8. SAFETY EQUIPMENT CHECKLIST**

1.	The work area contains a first aid kit.				
2.	The work area contains a fire extinguisher able to be used to extinguish minor fires				
3.	A smoke detector is installed on / or near the work area.				

**9. ELECTRICAL**

1.	Power outlets are not overloaded with double adapters and power boards.				
2.	Electrical cords are safely stored.				
3.	Connectors, plugs and outlet sockets are in safe working order.				
4.	Electrical equipment is free from any obvious external damage.				

**10. OTHER**

1.	A process is in place for prompt reporting of incidents.				
2.	The employee's fitness and health is suitable for the tasks undertaken				

**EXECUTIVE MANAGER:**

<b>Photos Received:</b>	<b>Recommended For Approval?</b>	<b>Name:</b>	<b>Signature:</b>	<b>Date:</b>

**COMMENTS:**

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**EMPLOYEE:**

<b>NAME:</b>	<b>SIGNATURE:</b>	<b>DATE:</b>

**COMMENTS:**

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## 2. COUNCIL STAFF

### 2.1 Use of Council Vehicles by Council Officers/Authorised Persons

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating	N/A	Review Frequency	N/A	Next Due
				N/A
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	15 January 2008	CMRef 29330	
3.	Reviewed	19 February 2013	CMRef 31058	
4.	Reviewed (Rescinded to Staff Policy Manual)	22 November 2022	CMRef 83046	



## 2.2 Plant and Fleet Replacement

### 1. PURPOSE

To provide clear guidelines relating to the replacement period for Council's plant and vehicle fleet.

### 2. OBJECTIVE

To ensure that the Shire maintains a plant and vehicle fleet that is efficient and safe, with replacement occurring at time intervals delivering the lowest whole of life cost.

### 3. POLICY STATEMENT

1. The Council shall be presented, each year, with an updated draft of the 10 Year Plant Replacement Program for Council's consideration and adoption.
2. The first year of the Plant Replacement Program shall constitute the draft program for consideration in that year's draft budget document.
3. The annual consideration of plant and vehicle replacement shall ensure that the Shire's fleet of plant and vehicles are applicable to meet the Shire's budgeted construction and maintenance programs for all assets. This shall also involve consideration of new technology, process and materials as well as the ongoing balance of the Shire's ownership versus external hire.
4. Shire officers shall make all efforts to rationalise and minimise the funding requirements for plant and vehicle replacement while still aiming to provide the best quality, most effective fleets at the lowest whole of life cost.
5. Plant and vehicle fleet purchases are to be structured around a replacement program intended to maintain consistent annual expenditure, avoiding excessive or insufficient levels in the Plant Replacement Reserve.
6. Shire officers shall maximise utilisation of fleet and vehicles through relocation, reallocation and consider disposal of underutilised plant and vehicles.
7. As a general guide the Plant Replacement Program provides for the following changeover:

Plant Type	Replacement - Years
Tractor	10 years
Grader	8 years
Roller	8 years
Loader – Heavy	8 years
Backhoe/Loader	8 years
Skid Steer	7 years
Excavator	7 years
Water Truck	7 years

Plant Type	Replacement - Years
Mower / Gator	5 - 6 years
Trucks – Heavy	5 - 7 years
Trucks – Light	5 - 7 years
Passenger Vehicles - Utes	60,000 km or 2 years
Plant attachment – various	As needed
Plant Trailer	As needed

#### 4. ROLES AND RESPONSIBILITIES

##### Executive Managers:

- To ensure compliance with this policy.

#### 5. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action	Date	Records Reference		
1.	Adopted	20 March 2007	CMRef 28846		
2.	Reviewed	19 February 2013	CMRef 31058		
3.	Reviewed	30 July 2024	CMRef 83422		

## 2.3 Staff Telephones and Allowances

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating	N/A	Review Frequency	N/A	Next Due
				N/A
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	15 January 2008	CMRef 29330	
3.	Reviewed	19 February 2013	CMRef 31058	
4.	Reviewed	17 June 2014	CMRef 81388	
5.	Reviewed (Rescinded to Staff Policy Manual)	22 November 2022	CMRef 83046	

## 2.4 Retirement/Resignation of Employees – Council Gift

### 1. POLICY PURPOSE

In accordance with Section 5.50(1) of the Local Government Act 1995 the Shire of Merredin hereby adopts the following policy in relation to the recognition of service when an employee's employment with the local government is finishing.

### 2. POLICY SCOPE

This policy applies to all employees of the Shire of Merredin.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

### 4. POLICY STATEMENT

An employee will be considered to receive recognition by way of gratuity payment if that person has given loyal and dedicated service to the Shire of Merredin, calculated as follows:

1. 10-20 years - \$25 for each year of service/or a gift of the same calculated value.
2. 21-25 years - \$35 for each year of service/or a gift of the same calculated value.
3. 26 + years - \$45 for each year of service/or a gift of the same calculated value.

To show appreciation to employees who have made long term or otherwise contributions to Council and to promote good Council/Staff relations.

At the discretion of the CEO, a gift according to part (2) may be provided to employees leaving Council prior to 10 years of service. The value of the gift will be approximately \$15.00 for every year of service. The presentation of a gift for Senior Executive Officers is to be considered independently of this Policy by Council, taking into account the limitations on such payments imposed by regulation. (Refer Local Government (Administration) Regulations 1996 – Regulation 19A).

This Policy is to be given local public notice.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy.

### 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
	<a href="#">Local Government (Administration) Regulations 1996</a>			
Document Management				
Risk Rating		Review Frequency		Next Due

Version #	Action	Date	Records Reference
1.	Adopted	5 September 2000	CMRef 27632
2.	Reviewed	15 January 2008	CMRef 29330
3.	Reviewed	19 February 2013	CMRef 31058
4.	Reviewed (Unamended)	21 August 2018	CMRef 82231
5.	Reviewed	25 June 2024	CMRef 83410

## 2.5 Study Leave and Expenses - Applications

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		5 September 2000		CMRef 27632	
2.	Reviewed		15 January 2008		CMRef 29330	
3.	Reviewed		19 February 2013		CMRef 31058	
4.	Reviewed		21 August 2018		CMRef 82233	
5.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	

## 2.6 Conferences, Seminars and Training Courses – General Staff Attendance

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		5 September 2000		CMRef 27632	
2.	Reviewed		15 January 2008		CMRef 29330	
3.	Reviewed		18 January 2011		CMRef 30531	
4.	Reviewed		19 February 2013		CMRef 31058	
5.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	

## 2.7 Attendance of Executive Officers at Council/Committee Meetings

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		5 September 2000		CMRef 27632	
2.	Reviewed		15 January 2008		CMRef 29330	
3.	Reviewed		16 November 2010		CMRef 30474	
4.	Reviewed		19 February 2013		CMRef 31058	
5.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	



## 2.8 Uniforms - Staff

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A	Review Frequency	N/A		Next Due N/A
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		15 January 2008		CMRef 29330
3.	Reviewed		19 February 2013		CMRef 31058
4.	Reviewed		18 November 2014		CMRef 81470
5.	Reviewed		19 January 2016		CMRef 81717
6.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.9 Rostered Day Off and Flexible Working Arrangements

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A	Review Frequency	N/A	Next Due	N/A
Version #	Action	Date	Records Reference		
1.	Adopted	5 September 2000	CMRef 27632		
2.	Reviewed	15 January 2008	CMRef 29330		
3.	Reviewed	19 February 2013	CMRef 31058		
4.	Reviewed	19 January 2021	CMRef 82674		
5.	Reviewed (Rescinded to Staff Policy Manual)	22 November 2022	CMRef 83046		

## 2.10 Council Staff Housing

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		5 September 2000		CMRef 27632	
2.	Reviewed		15 January 2008		CMRef 29330	
3.	Reviewed		21 May 2011		CMRef 30625	
4.	Reviewed		19 February 2013		CMRef 31058	
5.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	

## 2.11 Superannuation Contributions

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action	Date		Records Reference		
1.	Adopted	5 September 2000		CMRef 27632		
2.	Reviewed	15 January 2008		CMRef 29330		
3.	Reviewed	17 March 2009		CMRef 29914		
4.	Reviewed	21 December 2010		CMRef 30523		
5.	Reviewed	19 February 2013		CMRef 31058		
6.	Reviewed	16 July 2013		CMRef 31174		
7.	Reviewed	17 April 2018		CMRef 82163		
8.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	

## 2.12 Re-Location Expenses

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A	Review Frequency	N/A	Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		5 June 2007		CMRef 29006
2.	Reviewed		18 January 2011		CMRef 30532
3.	Reviewed		19 February 2013		CMRef 31058
4.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.13 Shire Administration Centre - Security

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		5 September 2000		CMRef 27632	
2.	Reviewed		15 January 2008		CMRef 29330	
3.	Reviewed		16 September 2008		CMRef 29700	
4.	Reviewed		19 February 2013		CMRef 31058	
5.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	

## 2.14 Volunteer Management

**Policy:** The Shire of Merredin recognises the responsibility to ensure that the following points apply to the management of volunteers in the organisation to encourage and support community participation.

The Shire of Merredin will maintain a register of Shire volunteers to ensure volunteers between the ages of 16 and 80 are covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover as covered by the Shire's insurance policy.

The Shire will comply with the national standards for volunteer involvement, which represent and explain the tenets of best practice in the management of volunteers.

**Guidelines:** The following points identify policy considerations for volunteering and will be addressed as part of the process to implement the national standards:

1. interview and employ volunteer staff in accordance with anti discrimination and equal opportunity legislation;
2. provide volunteer staff with orientation and training;
3. provide volunteer staff with a healthy and safe workplace;
4. provide appropriate and adequate insurance coverage for volunteer staff;
5. define volunteer roles and develop clear job descriptions;
6. provide appropriate levels of support and management for volunteer staff;
7. provide volunteers with policies pertaining to volunteer staff; acknowledge the right of volunteer staff; and advise them of the opportunities to participate in decisions
8. offer volunteer staff the opportunity for professional development;
9. reimburse volunteers for expenses incurred on behalf of the organisation;
10. acknowledge contributions of volunteers and treat them as valuable team members.

**Objectives:** Encourage and support community participation and the management of volunteers.

**Scope:** This policy applies to Volunteers.

**Guidelines:** Volunteers will be managed in accordance with the national standard as listed above. A volunteer register will be kept. Volunteers between the ages of 16 and 80 are covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			

Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		20 November 2007		CMRef 29217
2.	Reviewed		20 July 2010		CMRef 30361
3.	Reviewed		19 February 2013		CMRef 31058



## 2.15 Defence Reservist Leave

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A	Review Frequency	N/A	Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		15 January 2008		CMRef 29330
2.	Reviewed		19 February 2013		CMRef 31058
3.	Reviewed		16 June 2015		CMRef 81583
4 .	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.16 Child(ren) in the Workplace

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A	Review Frequency	N/A	Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		21 April 2009		CMRef 29937
2.	Reviewed		20 July 2010		CMRef 30361
3.	Reviewed		19 February 2013		CMRef 31058
4.	Reviewed (Unamended)		19 June 2018		CMRef 82198
5 .	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.17 Parental Leave

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 March 2011		CMRef 30577	
2.	Reviewed		19 February 2013		CMRef 31058	
3.	Reviewed (Rescinded)		20 November 2018		CMRef 82278	

## 2.18 Sick/Personal Leave

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 February 2014		CMRef 81312	
2.	Reviewed		19 September 2017		CMRef 82028	
3 .	Reviewed (Rescinded)		20 November 2018		CMRef 82278	

## 2.19 Discrimination, Bullying and Harrassment

### Policy Statement

The Shire of Merredin and its employees are committed to providing a working environment where every employee is treated equally, fairly and without prejudice. For the purposes of this policy the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Merredin in any capacity.

### Unlawful Discrimination

An employee is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance because of any one of the grounds of discrimination outlined below. Indirect discrimination can occur where a practice or requirement is imposed upon all employees; however a high proportion of employees with an attribute cannot comply with, or are affected by, that practice or requirement.

The Shire of Merredin acknowledges its responsibilities and obligations pursuant to State and Federal equal opportunity and anti-discrimination laws.

The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

1. Age;
2. Family responsibility or status;
3. Race or colour;
4. Sex including gender identity, sexual orientation and intersex status;
5. Physical or mental disability;
6. Marital status;
7. Political or religious conviction;
8. Pregnancy;
9. Criminal record;
10. Breastfeeding;
11. Gender history;
12. Impairment;
13. National extraction or social origin; and
14. Trade union activity

### Sexual Harassment

The *Equal Opportunity Act 1984* (WA) and the *Sex Discrimination Act 1984* (Cth) provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

1. Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);

2. Gestures of a sexual nature;
3. Leering or staring;
4. Offensive telephone calls, emails, text messages or notes;
5. Sexual suggestive jokes or comments;
6. Tales of sexual exploits;
7. Repeated requests for a date;
8. Unwelcome comments or questions about a person's sex life, appearance or dress; and
9. Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

### **Bullying**

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act 1984 (WA)* and the *Occupational Safety and Health Regulations 1996 (WA)*.

Some examples of bullying include, but are not limited to:

1. Loud, abusive or offensive language or comments;
2. Yelling and screaming;
3. Unjustified criticism and insults;
4. Unjustified threats of dismissal or other disciplinary action;
5. Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
6. Spreading malicious rumours or misinformation;
7. Inappropriate comments about an employee's appearance, lifestyle of family;
8. Deliberately excluding an employee from workplace meetings or activities;
9. Hiding documents or equipment or withholding vital information required for effective work performance;
10. Constantly changing targets or work guidelines;
11. Overloading an employee with work and impossible deadlines;
12. Setting tasks that are unreasonably below or beyond an employee's level of skill;
13. Threats of assault or violence or actual violence;
14. Teasing and practical jokes; and
15. Isolating or ignoring an employee on a constant basis.

Where an employee makes a threat of violence or assaults another employee the police should be called.

### **Reasonable Management Action**

The Shire of Merredin has a right to take reasonable management action to direct the way in which work is conducted and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

1. The establishment and regular use of performance management systems;
2. The setting of reasonable performance targets and deadlines;
3. Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
4. Issuing a lawful and reasonable direction to an employee to complete a work task;
5. Preparing and amending a roster for employees;
6. Transferring an employee to a different work location for operational reasons;
7. Implementing organisational change;
8. Informing an employee about inappropriate behaviour in a confidential manner; and
9. Taking disciplinary action against an employee.

### **Other Behaviours not Considered to be Bullying**

Where two or more employees have a difference of opinion and disagree on an issue, this is not usually considered to be workplace bullying. However, where conflict escalates and is repeated it may meet the definition of workplace bullying.

Additionally, bullying does not occur where bullying behaviour is a one off occurrence and if that behaviour does not create a risk to health or safety.

### **Ways in which Bullying can Occur**

There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual employee or a group of employees and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers.

### **What to do if you think you are being Discriminated Against, Sexually Harassed or Bullied**

Refer to the Grievance Policy and Grievance Procedure for steps to take if you think you are being discriminated against, sexually harassed or bullied, or if you suspect another employee is experiencing any of those things.

### **Roles & Responsibilities**

To ensure the intent of this policy is realised various roles within the Shire of Merredin must assume certain responsibilities.

#### **The Employer**

The Shire of Merredin will endeavour to:

1. provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
2. provide and maintain safe systems of work;
3. provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
4. treat all employees fairly; and
5. take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.

### All the Organisation's Employees

Employees are required to:

1. report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
2. follow all policies and procedures of the Shire of Merredin;
3. ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying; and
4. treat all employees fairly and with respect.

### Consequences of Breaching This Policy

Any breach of this policy may result in disciplinary action up to and including termination of employment.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Equal Opportunity Act 1984 (WA)</a> Sex Discrimination Act 1984 (Cth) <a href="#">Occupational Safety and Health Act 1984 (WA)</a> <a href="#">Occupational Safety and Health Regulations 1996 (WA)</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	18 February 2014	CMRef 81314	
2.	Reviewed	18 November 2014	CMRef 81470	



## 2.20 Fitness for Work (previously Drugs & Alcohol)

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 November 2014		CMRef 81470	
2.	Reviewed		20 December 2016		CMRef 81888	
3.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	

## 2.21 Information Communications Technology (ICT)

### Policy Statement

Effective security is a team effort involving the participation and support of every Shire of Merredin 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 cover persons performing work on a permanent basis with the Shire of Merredin.

### General Use of ICT Equipment

1. While the Shire of Merredin’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 of Merredin. Because of the need to protect the Shire of Merredin’s network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire of Merredin cannot be guaranteed.
2. A degree of personal use is allowed on the Shire of Merredin’s equipment/devices/systems. Employees should exercise conservative judgment regarding the reasonableness of personal use but should be guided by the following principles:
  1. personal use should be conducted either before or after contracted hours of work or during authorised breaks;
  2. personal use should be limited and brief, avoiding excessive downloads or transmissions. An example of acceptable personal use would be conducting brief transactions through internet banking;
  3. personal use should not breach anything in this policy, particularly relating to the downloading of offensive or copyrighted materials;
  4. managers will determine the specific acceptable personal use for their respective business areas as this will differ according to the needs of each group; and
  5. if there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.
3. For security and network maintenance purposes, authorised individuals within the Shire of Merredin may monitor equipment, systems and network traffic at any time, according to the specific nature and requirements of their roles.
4. The Shire of Merredin 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 Merredin employees should include the ‘signature’ and disclaimer at the foot of the body of the email, in the format specified by the Shire of Merredin’s style guide.

### Security and Proprietary Information

1. All information stored on the Shire of Merredin’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.

2. 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 in accordance with Shire of Merredin's advice from the ICT Team.
3. All devices connected to the Shire of Merredin's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software.
4. Employees 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 Merredin ICT systems or resources.

### **System and Network Activities**

The following activities are not permitted:

1. 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 Merredin or the end user;
2. unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire of Merredin or the end user does not have an active license;
3. 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;
4. introduction of malicious programs or codes into the network or onto devices connected to the network;
5. revealing your account password to others or allowing use of your account by others;
6. the Shire of Merredin's equipment is not to be used for the downloading or distribution of any material that could be considered as offensive. If an employee receives such material they should notify their manager and also the ICT Team;
7. making fraudulent offers of products, items, or services, or running private business interests via any Shire of Merredin equipment, device or account; and
8. undertaking private work.

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

1. 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;

2. executing any form of network monitoring which will intercept data not intended for the user's host;
3. attempting to avoid or bypass the Shire of Merredin's network security measures;
4. interfering with any other user's account, by whatever means; and
5. 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:

1. 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;
2. any form of harassment via electronic/ICT means;
3. unauthorised use, or forging, of email header information;
4. 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;
5. Creating or forwarding "chain letters" or "pyramid" schemes of any type;
6. use of any of the Shire of Merredin's network or systems for the purpose of generating unsolicited communications;
7. providing information about, or lists of, the Shire of Merredin's employees to parties outside the Shire of Merredin or to personal email addresses;
8. communicating in a manner that could adversely affect the reputation or public image of the Shire of Merredin; and
9. communicating in a manner that could be construed as making statements or representations on behalf of the Shire of Merredin without the Shire of Merredin's express permission to do so.

Users should also endeavour to archive their Inbox, Sent Items, Deleted Items and other email boxes on a regular basis, by either archiving 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**

Employees with remote access should be reminded that, when they are connected to the Shire of Merredin'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 Merredin's corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire of Merredin's network and servers to ensure the security and integrity of data and records.

Employees are reminded of the following conditions relating to remote access to the Shire of

#### Merredin's system:

1. family members must not violate any of the Shire of Merredin's policies, perform illegal activities, or use the access for outside business interests;
2. the device that is connected remotely to the Shire of Merredin's corporate network should be secure from access by external non-Shire of Merredin parties and should be under the complete control of the user;
3. the use of non-Shire of Merredin email accounts (e.g. Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Shire of Merredin business, thereby ensuring official business is not confused with personal business; and
4. all devices (whether personal or corporate) connected to the Shire of Merredin'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 employees will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile/portable devices supplied remain the property of the Shire of Merredin and users must not change service providers unless authorized in writing to do so.

Where a mobile phone or 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 Merredin should be sent through the Shire of Merredin'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

1. Any employee found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire of Merredin 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.
2. Private/personal or unauthorised use of corporate ICT systems and/or devices may result in the employee being obligated to pay any extra costs incurred.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			

## Policy Manual

Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		18 November 2014		CMRef 81470

## 2.22 Social Media

### 1. POLICY PURPOSE

To ensure all the organisation's employees are aware of appropriate professional and personal social media conduct to ensure the greatest benefit to the Shire of Merredin.

### 2. POLICY SCOPE

This Policy applies to all employees, contractors (whether paid or unpaid), and Elected Members of the Shire of Merredin who access social media for professional or social purposes, whether via personal devices or those supplied by the Shire of Merredin.

### 3. LEGISLATIVE REQUIREMENTS

Nil

### 4. POLICY STATEMENT

The Shire of Merredin understands the requirement to provide a framework for using social networking sites, including clarity on appropriate conduct, and emphasises the need for its employees to use good judgement about what appears and its context within these social media venues/spaces.

#### 4.1 Social Media Use for Shire of Merredin Purposes

The Media and Communications Officer is the only staff member authorised to use the Shire of Merredin social media accounts. The CEO may direct the Executive Officer to use social media in the absence of the Media and Communication Officer when needed.

Social media accounts pertaining to external facilities including the Central Wheatbelt Visitor Centre, Cummins Theatre, Merredin Regional Library and the Merredin Regional Community & Leisure Centre, may be used by the Media and Communications Officer as well as the following positions;

- CWVC – Tourism Officer, CWVC Manager
- Library – Library Manager
- Cummins Theatre – Community Development Officer
- MRCLC – Manager Recreation and Aquatics and Administration/Program Officer

Staff must be approved by their relevant manager prior to sign off by the CEO.

Only employees with appropriate training from the Media and Communications Officer who are expressly authorised by the CEO may use social media for Shire of Merredin purposes. If authorised, the staff member must abide by the guidelines of the Social Media Scheduling Procedure, including final approval from the Media and Communications Officer prior to posting.

Review of new official accounts will be undertaken by the Chief Executive Officer in conjunction with the Media and Communications Officer. If a person is provided with express permission by the CEO to use social media s/he must provide information that is truthful, accurate and in the interests of the Local Government. S/he must not disclose anything that is financial or technical information, commercially sensitive information, personal information about employees, or any information about customers, suppliers or members of the general public.

Employees who are required to use social media in the course of their work must:

1. use spell check and proofread each post;
2. understand the context before entering any conversation;
3. know the facts and verify the sources;
4. be respectful of all individuals and communities with which the person interacts with online;
5. be polite and respectful of other opinions;
6. seek to conform to the cultural and behavioural norms of the social media platform being used;
7. if a mistake is made, the person must correct it quickly by disclosing it was a mistake (including the particulars of the correction) and inform his/her supervisor; and
8. understand and comply with any directions given by the CEO on topics that are not to be discussed for confidential, operational or legal reasons.
9. Seek final approval from the Shire's Media and Communications Officer prior to posting.

A person required to use social media who has been trained and given express permission by the CEO should always be aware that the Shire of Merredin may be liable for any posts made. Accordingly, s/he should always seek guidance from his/her supervisor or the CEO if s/he is ever unsure about stating or responding to something on a social media site.

#### **4.2 Records Personal/Private Use of the Shire of Merredin's Corporate Sites**

An employee cannot comment on behalf of the Shire of Merredin unless expressly authorised by the CEO. If the person wishes to broadcast something (either as an initial broadcast or a response) then a request to the CEO (or his/her authorised delegate) must be made.

An employee of the Shire of Merredin is able to share links that the Shire of Merredin has posted on the social media sites, or submitting a "like" action, or comment on an event, initiative and/or program, provided that it is in the best interests of the Shire of Merredin.

#### **4.3 Personal/Private Use of Non-Shire of Merredin Sites**

Employees who use social media for personal/private purposes must not infer or state they are speaking on behalf of the Shire of Merredin and are reminded that any inappropriate postings or actions carried out on social media may result in disciplinary action.

#### **4.4 Consequences of Breaching this Policy**

This Policy constitutes a lawful instruction to all of the organisation's people, and breaches may lead to disciplinary action or termination by the Shire of Merredin or referral to appropriate external authorities where applicable. People who breach this Policy may also be personally liable for their actions.

### **5. KEY POLICY DEFINITIONS**

**Social Media:** means forms of electronic communication (e.g. web sites for social networking and microblogging) through which users create online communities to share information,



ideas, personal messages, and other content (e.g. videos). Some examples include (but are not restricted to) Facebook, LinkedIn, X, Instagram, and YouTube..

## 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this Policy and all employees of the organisation are required to adhere to aspects within this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action		Date	Records Reference
1.	Adopted		18 November 2014	CMRef 81470
2.	Reviewed		25 June 2024	CMRef 83410

## 2.23 Long Service Leave Entitlements

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	20 January 2015	CMRef 81503	
2.	Reviewed (Rescinded)	20 November 2018	CMRef 82278	

## 2.24 Annual Leave Management

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
				Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		18 August 2015		CMRef 81623
2 .	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.25 Grievances, Investigations and Resolution

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
				Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		18 August 2015		CMRef 81623
2 .	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.26 Disciplinary Policy

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
				Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		18 August 2015		CMRef 81624
2.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.27 Attendance Management

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
				Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		19 September 2017		CMRef 82028
2.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046

## 2.28 Equal Opportunity Employment

### 1. POLICY PURPOSE

To detail the Shire of Merredin's commitment to providing Equal Employment Opportunities to current and prospective staff of the organisation and providing an environment that promotes cultural safety and gender equity.

### 2. POLICY SCOPE

This policy applies to all employees of the Shire of Merredin.

### 3. LEGISLATIVE REQUIREMENTS

*Equal Opportunity Act (1984)*

### 4. POLICY STATEMENT

The Shire recognises its legal obligations under the Equal Opportunity Act (1984) to actively promote equal employment opportunity based on merit, to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religion, political convictions or impairment.

#### 4.1 Guidelines

1. All offers of employment within the Shire will be directed to providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagement.
2. All employment training opportunities within the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements of such training.
3. All promotional policies and opportunities within the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability to meet the minimum requirements of engagement.
4. The equal opportunity goals of the Shire are designed to provide an enjoyable, challenging, involving and harmonious work environment for all staff, where each has the opportunity to progress to the extent of their ability.
5. The Shire of Merredin will not tolerate harassment within its workplace.

#### 4.2 Related Policies and Procedures

- Employee Code of Conduct
- Code of Conduct - Shared Accommodation
- Policy 1.1 Code of Conduct for Council Members, Committee Members and Candidates
- Policy 2.19 - Bullying, Discrimination & Harassment
- (Staff) Policy 1.16 - Grievances, Investigations & Resolution
- (Staff) Policy 1.17 – Disciplinary Policy
- (Staff) Policy 1.20 – Parental Leave Policy
- Shire of Merredin Corporate Business Plan

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

All employees who are responsible for employment and training of other staff are responsible for implementing this policy.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Executive Management Team every two years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Equal Opportunity Act 1984 (WA)</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	20 February 2018	CMRef 82118	
2.	Reviewed	22 August 2023	CMRef 83217	



## 2.29 Community Engagement

### POLICY PURPOSE

The purpose of the Community Engagement Policy is to outline the Shire of Merredin's commitment to timely, consistent and genuine community engagement as a core component of Council's decision-making process.

### SUPPORTING GUIDELINES AND STRATEGIC OBJECTIVES

This Policy should be considered in conjunction with the Shire's 'Community Engagement Framework & Toolkit' (CEFT). This policy and the engagement framework are intended to guide the Shire's engagement practices with its community by clearly communicating the goals and parameters for engagement.

The Shire of Merredin is committed to open and transparent communication with its community and recognises that effective engagement builds the foundation for shared responsibility for decisions and trust in the decision-making process.

The Shire of Merredin's 'Strategic Community Plan 2020-2030' reinforces this commitment through the following key priorities under Theme 4: Communication and Leadership:

#### 4.1 Community Engagement

4.1.1 The Shire regularly engages with its community and, in return, communicates the information gathered in a clear and transparent manner

4.1.2 The Council works closely with the community to successfully achieve projects or outcomes that delivery the community's vision for Merredin

4.1.3 The Shire has a strong working relationship with the Njaki Njaki Nyoongar Traditional Owners and other Aboriginal community members

### OBJECTIVES

The objectives of this Policy (in conjunction with the CEFT) are to:

- 1) Build trust between the Shire and its community members by confirming the Shire's commitment to undertake quality engagement as part of its decision-making processes;
- 2) Clarify the role that the Shire will take in engaging the community;
- 3) Enable a consistent approach to community engagement in relation to projects, plans and other activities requiring community involvement;
- 4) Enable better community participation in the decisions and affairs of the Shire beyond the Shire's legislative and regulatory obligations;
- 5) Reduce risk and increase credibility;
- 6) Integrate community engagement as a core component of the Shire's decision-making process;
- 7) Build enduring relationships with the community; and
- 8) Adhere to the Shire's legislative and regulatory obligations regarding community engagement.

### SCOPE

This policy applies to all employees of the Shire of Merredin, contractors, consultants and any

other person or group who undertakes community engagement activities on behalf of the Shire.

This policy does not replace any obligation under the *Local Government Act 1995* for Council to communicate, consult and/or engage with the community.

The Shire of Merredin has adopted the IAP2 Public Participation Spectrum in its approach to community engagement. The IAP2 spectrum stipulates that the level of engagement needs to be reflective of the nature, complexity and impact of the issue, plan or project for which the engagement is being undertaken.

### GUIDING PRINCIPLES

The Shire of Merredin has adopted seven key principles to guide its community engagement activities. These principles set a standard by which the Shire will build consistent, open and inclusive relationships with all of its community members.

<b>Innovative</b>	We will explore and implement new ways to listen to and engage with our community members.
<b>Accountable</b>	We will be open and honest with our community members about how the outcomes of our engagement will be used and commit to providing feedback.
<b>Strategic</b>	Our community engagement will be driven by comprehensive analysis and planning to ensure that our approach is appropriate to our target audience.
<b>Collaborative</b>	We will establish collaborative partnerships with key community groups to share resources and leverage our networks to accomplish mutual goals.
<b>Genuine</b>	Our community engagement will be undertaken with genuine intent to use the information in our decision making and planning processes.
<b>Inclusive</b>	We will use a range of opportunities and techniques to obtain the opinions and perspectives of our diverse community members.
<b>Achievable</b>	We will be clear about the purpose of our engagement and provide realistic expectations about the level of influence being offered.
<b>Timeliness</b>	We will keep stakeholders informed and involved, and sufficient time will be allowed for participation in accordance with the appropriate level of community involvement required. Where information or notice is defined by statutory requirements, we will be guided by the relevant statutory requirements.

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Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
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Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
Document Management				
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1.	Adopted	20 November 2018	CMRef 82279	
2.	Reviewed	22 November 2022	CMRef 83050	

## 2.30 Chief Executive Officer Employment and Review Policy

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
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Compliance Requirements					
Legislation	N/A				
Document Management					
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Version #	Action		Date		Records Reference
1.	Adopted		15 December 2020		CMRef 82657
2.	Reviewed (Rescinded)		13 April 2021		CMRef 82710

## 2.31 Mandatory Standards for CEO Recruitment, Performance and Termination

### 1. POLICY PURPOSE

This Policy sets out the Shire of Merredin Standards for CEO Recruitment, Performance and Termination.

### 2. POLICY SCOPE

This Policy applies to the CEO and Elected Members of the Shire of Merredin

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

### 4. POLICY STATEMENT

#### 4.1 Division 1 — Standards for recruitment of CEOs

##### 4.1.1 OVERVIEW OF DIVISION

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

##### 4.1.2 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).

##### 4.1.3 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).

##### 4.1.4 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.

#### **4.1.5 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.

#### **4.1.6 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.

#### **4.1.7 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.

#### **4.1.8 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.

#### **4.1.9 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.

#### **4.1.10 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.

#### **4.1.11 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.

#### **4.1.12 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.

### **4.2 Division 2 — Standards for review of performance of CEOs**

#### **4.2.1 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.

#### **4.2.2 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.

#### **4.2.3 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.

#### **4.2.4 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.

#### **4.2.5 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.

### **4.3 Division 3 — Standards for termination of employment of CEOs**

#### **4.3.1 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.

#### **4.3.2 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.



#### 4.3.3 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.

#### 4.3.4 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.

#### 4.3.5 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.

### 5. KEY POLICY DEFINITIONS

- (1) In these standards —
  1. **Act** means the Local Government Act 1995;
  2. **Additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b);
  3. **Applicant** means a person who submits an application to the local government for the position of CEO;
  4. **Contract of employment** means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;
  5. **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;
  6. **Job description form** means the job description form for the position of CEO approved by the local government under clause 5(2);

- 7. Local government** means the Shire of Merredin;
- 8. 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.

## 6. ROLES AND RESPONSIBILITIES

The CEO and Elected Members are responsible for implementing this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed every 2 years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Administration) Regulations 1996</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	13 April 2021	CMRef 82710	
2.	Reviewed	25 June 2024	CMRef 83410	

## 2.32 Work Health and Safety

### 1. POLICY PURPOSE

To describe the Shire of Merredin's commitment to providing a safe workplace and promoting practices that safeguard the health and wellbeing of all employees.

### 2. POLICY SCOPE

The Shire of Merredin as the PCBU is committed to providing and maintaining a safe and healthy workplace for all workers and visitors. This means that we aim to minimise or eliminate, as far as reasonably practicable, the causes, both physical and psychological, which lead to:

- Accidents, injury, incidents or illness.
- Damage and downtime of plant, equipment or infrastructure.
- Unsafe or poor quality products and environmental damage.

### 3. LEGISLATIVE REQUIREMENTS

To meet the requirements of:

- *Work Health and Safety Act 2020;*
  - Code of Practice (s.274 of the WHS Act)
- *Work Health and Safety (General) Regulations 2022.*

### 4. POLICY STATEMENT

**In order to fulfil our aim, the Shire of Merredin as the PCBU is committed to:**

- Leading by example.
- Promoting a culture of safety.
- Promoting a workplace that is focused on the health and wellbeing of staff.
- Ensuring, so far as reasonably practicable, workers and other persons are not exposed to risks to their psychological or physical health and safety.
- Acquiring and keeping up to date with information in relation to work health and safety matters (including psychosocial) associated with the operations of the Shire.
- Actively seek ways to improve workplace safety.
- Providing a safe and healthy working environment for all our workers and visitors as far as practicable.
- Implementation of safe systems of work and maintenance of plant and equipment to a safe standard where associated hazards are identified, assessed and controlled.
- Taking action to eliminate, control or reduce to an acceptable level, hazards to which workers and visitors may be exposed.
- Consulting with workers and other parties to improve decision making on WHS and environmental matters.
- Developing, implementing and review of written safe work procedures.
- The distribution and communication of safety information and safe work procedures.
- Providing information and instruction on matters relating to safety, together with a high standard of supervision.
- Implement ongoing processes to prevent accidents, including performing work place inspections and hazard/near miss reporting.
- Fostering cooperation and consultation with workers, their representatives (where

applicable) through regular prestart safety meetings, toolbox meetings and management safety committee meetings.

- Providing or ensuring provision of appropriate personal protective equipment (PPE) to protect all workers and visitors.
- Protecting members of the public, customers and the environment from potential adverse effects that may be associated with our activities or the use of our products.
- Supporting and assisting workers in effective injury management and rehabilitation through the Injury Management System.
- Conforming with the requirements of Legislation and Statutory authorities.
- Conducting regular audits of our WHS Management System and implement agreed outcomes to continually improve current systems of work.

**In providing a safe and healthy work environment, participation, cooperation and commitment is required from everyone and therefore, workers have an obligation to:**

- Promote a culture of safety.
- Take reasonable care for their own health and safety (both psychological and physical) and to not adversely affect the health and safety of other persons.
- Report all hazards, incidents, injuries, near misses to their supervisor/manager.
- Undertake relevant prestart inspections of machinery and equipment and report all faults immediately.
- Cooperate with management in the event of an incident investigation and to enable compliance with WHS legal obligations.
- Participate in consultative arrangements including toolbox, prestart meetings and any site specific requirements.
- Assist management to meet WHS targets/key performance indicators (where applicable).
- Participate in return to work programs.
- Comply with all reasonable instructions from supervisors/management in relation to work health and safety issues.
- Comply with workplace specific drug and alcohol requirements, including testing.

## 5. KEY POLICY DEFINITIONS

Under the *Work Health and Safety Act 2020*, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (For the purpose of this document [Shire of Merredin] is the PCBU)

**“Worker”** A person who carries out work in any capacity for a PCBU (E.g., An Employee, Contractor, Work Experience person or Volunteer).

## 6. ROLES AND RESPONSIBILITIES

This Policy applies to all Shire of Merredin management, employees, contractors, volunteers, clients and visitors who are all responsible for the implementation of this policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed by the Chief Executive Officer in conjunction with the Executive Managers annually.

Document Control Box					
Document Responsibilities:					
Owner:	Executive Manager Corporate Services		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	Work Health and Safety Act 2020 Work Health and Safety (General) Regulations 2022				
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Risk Rating	Medium	Review Frequency	Biennial		Next Due July 2025
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1.	Adopted	22 August 2023			CMRef 83215

## 2.33 CEO Performance Review Policy

### 1. POLICY PURPOSE

To provide guidance on the process to be followed in relation to the Chief Executive Officer's (CEO) performance review, to ensure that it is based on the principles of fairness, integrity and impartiality.

### 2. POLICY SCOPE

- 1.1** Application of this policy is to be in conjunction with all relevant legislation, including the Model Standards for CEO Recruitment, Performance and Termination Performance, and the Departmental Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, and all other relevant policies, procedures and processes of the Shire.
- 1.2** The Salaries and Allowances Tribunal (SAT) determines the parameters for local government CEO Total Remuneration Packages, and all components of the CEOs remuneration need to comply with the relevant SAT requirements.
- 1.3** The SAT has classified the Shire of Merredin as a Band 3 local government.
- 1.4** Any changes to the CEO's performance agreement or performance plan, such as changes to the KPIs, must be discussed and agreed to by both the Council and the CEO.
- 1.5** This policy also applies to the CEO's probation review.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995 – section 5.38(1) and section 5.39*

*Local Government (Administration) Regulations 1996 – Regulation 18FA, Schedule 2, Division 3 – Standards for Review of Performance of CEO's*

*Salaries and Allowances Tribunal Annual Determination – Sections 7A and 8*

### 4. POLICY STATEMENT

#### 4.1 Objective

- 4.1.1** Section 5.38 of the Local Government Act 1995 requires Council to review the performance of the CEO at least once each year. Conducting this review is an important function of Council as the CEO is its only employee.
- 4.1.2** As part of this review, the Council will conduct an annual review of the CEO's remuneration package and key performance indicators (KPIs).
- 4.1.3** The performance review process is to:
  - Be objective and based on facts and evidence
  - Be conducted in a fair and reasonable manner based on agreed performance indicators
  - Support and facilitate CEO development
  - Recognise achievement and support performance improvement.

## **4.2 Performance Review Committee**

- 4.2.1** The Council will appoint a Chief Executive Officer Performance Review Committee to undertake the CEO's performance review.
- 4.2.2** Membership of the Chief Executive Officer Performance Review Committee will be determined every 2 years, following the Ordinary Council Election.
- 4.2.3** The Presiding Member of the Committee will be the Shire President. The Committee will include a minimum of three elected members (inclusive of the Shire President).
- 4.2.4** The primary functions of the Chief Executive Officer Performance Review Committee are to:
- Recommend to Council the process by which the CEO's performance be reviewed
  - Recommend the engagement of an appropriately experienced independent consultant, if deemed appropriate, for the purposes of assisting to conduct the performance process, in consultation with the CEO
  - Oversee the performance review process in accordance with this policy
  - Endorse the independent consultant performance appraisal report for consideration by Council
  - Develop the performance agreement and KPIs with the CEO for approval by Council

## **4.3 Independent consultant**

- 4.3.1** Council may engage an independent consultant (facilitator) to assist with the process of the CEO performance review and the development of a performance agreement (inclusive of KPIs).
- 4.3.2** The independent consultant will have extensive experience in performance reviews of senior executives and local government experience.
- 4.3.3** The independent consultant should not have any interest in, or relationship with, the Council or the CEO.
- 4.3.4** The role of the independent consultant is to:
- Develop KPIs with the Committee and the CEO
  - Prepare the performance agreement and assessment plan
  - Collect, collate and report performance evidence
  - Survey and interview Council members
  - Facilitate meetings between the CEO, Committee and Council
  - Assist with the provision of feedback to the CEO
  - Formulate plans to support improvement (if required)
  - Provide objective view regarding any performance management related matters between the Council, Committee and CEO
- 4.3.5** Council employees will not be involved in the CEO's performance review, except as requested by the Council to prepare agendas and take minutes.
- 4.3.6** Should a consultant not be appointment, then prior to the commencement of the review process, agreement will need to be made on who will write the report.

## **4.4 Process to Assess Performance**

- 4.4.1** The Chief Executive Performance Review Committee will establish KPIs for the year with

the CEO for approval by the Council.

- 4.4.2** At least once per year, the Chief Executive Officer Performance Review Committee will convene to assess the CEO's performance against the agreed KPIs, and set new key performance indicators for the next review period.
- 4.4.3** At the request of the Shire President, the CEO will prepare a formal report on the Shire's achievements against the agreed KPIs for the year and provide this report to the consultant to enable distribution to all Councillors.
- 4.4.4** The consultant will seek constructive feedback from all Councillors on the CEO's performance against the agreed KPIs in the form of a feedback questionnaire.
- 4.4.5** The consultant will prepare a performance appraisal report on the feedback received for consideration by the Committee.
- 4.4.6** The CEO will be provided with a copy of the report in advance of the Committee, and will be given an opportunity to provide a formal reply..
- 4.4.7** The Committee will consider the performance appraisal report, together with the response from the CEO, and make a recommendation to Council on:
  - The findings of the CEO Performance appraisal report.
  - Whether or not an improvement plan is required
  - The findings of the remuneration review (having regard to the SAT determination)
  - Draft KPIs for the next 12 months (in consultation with the CEO)
- 4.4.8** The Council will consider the recommendations of the Committee and determine by absolute majority whether or not to accept and endorse the CEO's performance review.
- 4.4.9** The CEO will be advised in writing of the Council's decision.

#### **4.5 Key Performance Indicators (KPIs)**

- 4.5.1** The CEO's KPIs are to be aligned to the themes and goals contained in the Shire's Strategic Community Plan and Corporate Business Plan and are to be made publicly available on the Shire's website.
- 4.5.2** Additional, specific, CEO performance actions may also be agreed to by both the Council and the CEO, and may be kept confidential if they relate to a human resources matter.
- 4.5.3** KPIs are to be reviewed annually.
- 4.5.4** Council is responsible for ensuring the CEO is provided with the appropriate resources and support to facilitate the achievement of performance indicators.

#### **4.6 KPI setting and performance review period**

- 4.6.1** Where possible, the CEO KPIs setting and the performance review process should be transitioned over time to align with business planning processes, including the adoption of the Corporate Business Plan and Annual Budget.

#### **4.7 Confidentiality**

- 4.7.1** The consultant is responsible for ensuring accurate and comprehensive records are kept of the CEO's performance review process. Following Council's endorsement of the CEO's performance review assessment, all paperwork is to be provided to the Manager, Governance and Organisational Planning and Development for capturing in the Shire's



document management system.

- 4.7.2** Information relating to the CEO's performance assessment is to be kept confidential, with the exception of the KPIs which will be provided on the Shire's website, once endorsed by the Council.

## 5. KEY POLICY DEFINITIONS

Nil.

## 6. ROLES AND RESPONSIBILITIES

Council are responsible for the implementation of this policy.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Chief Executive Officer and Council annually.

## 8. RELATED DOCUMENTS

Department of Local Government, Sport and Cultural Industries Guideline for Local Government – CEO Recruitment, Performance Review and Termination

Document Control Box					
Document Responsibilities:					
Owner:	Chief Executive Officer		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	Local Government Act 1995_– section 5.38(1) and section 5.39				
	Local Government (Administration) Regulations 1996 – Regulation 18FA, Schedule 2, Division 3 – Standards for Review of Performance of CEO’s Salaries and Allowances Tribunal Annual Determination – Sections 7A and 8				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	April 2025
Version #	Action	Date		Records Reference	
1.	Adopted	17 October 2023		CMRef 83260	

## 2.34 Appointment of an Acting or Temporary Chief Executive Officer

### 1. POLICY PURPOSE

To establish processes for appointing an Acting or Temporary Chief Executive Officer for periods of less than twelve months.

### 2. POLICY SCOPE

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Merredin.

When the Chief Executive Officer (CEO) is on planned or unplanned leave, or the CEO's employment with the Shire has ended, an Acting CEO or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions and perform the duties of CEO under the Act or any other written law.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995.*

*Local Government (Administration) Regulations 1996.*

### 4. POLICY STATEMENT

#### 4.1 Acting CEO and Temporary CEO requirements and qualifications

- a) Any employee holding the substantive role of:
  - i. Executive Manager Corporate Services
  - ii. Executive Manager Development Services
  - iii. Executive Manager Engineering Services
  - iv. Executive Manager Strategy & Community,is considered suitably qualified to perform the role of Acting or Temporary CEO.
- b) An employee appointed to temporarily act in a senior employee position referred to in clause 4.1(a) is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

#### 4.2 Appointment of Acting CEO – Periods of up to 35 days:

- a) The CEO is authorised to appoint in writing one of the employees identified in clause 4.1(a) as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 35 days, subject to the CEO's consideration of that employee's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity between all senior employees.
- b) The CEO must appoint an Acting CEO for any planned or unplanned leave periods between 48 hours and 35 days.
- c) Nothing in clause 4.2(a) prevents the CEO from appointing more than one senior employee detailed in clause 4.1(a) to share the duties of Acting CEO for the planned or unplanned leave periods.

- d) Following an appointment under clause 4.2(a), the CEO is to advise Elected Members which employee (or employees) has been appointed as Acting CEO and for what duration, as soon as possible.
- e) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with clause 4.2(a), then Council will appoint an Acting CEO in accordance with clause 4.2(a).

#### **4.3 Appointment of Acting CEO – Periods greater than 35 days but less than 12 months:**

- a) Where the CEO's extended period of leave is greater than 35 days but less than 12 months, Council is to appoint an Acting CEO in accordance with one of the following options:
  - i. Extend any Acting CEO appointment made by the CEO under clause 4.2(a);
  - ii. Appoint another employee, or multiple employees listed in clause 4.1(a) for a defined period to ensure the CEO position is filled continuously for the extended period of leave; or
  - iii. Conduct an external recruitment process in accordance with clause 4.4(b)(iii).
- b) For the purposes of clause 4.3(a) extended leave may arise by way of:
  - i. The CEO clearing extended planned leave which may include accumulated or combined annual leave, long service leave or personal leave; or
  - ii. The CEO taking unplanned leave or is absent from duty which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- c) The President will liaise with the CEO, or in their unplanned absence, any of the four Executive Managers can be nominated to coordinate the necessary Council reports to facilitate an Acting CEO appointment.
- d) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Services and Executive Officer.

#### **4.4 Appointment of Temporary CEO – Substantive Vacancy**

- a) In the event the CEO's employment with the Shire is ending, Council may appoint a Temporary CEO.
- b) Council, when determining to appoint a Temporary CEO, may either:
  - i. By resolution, appoint an employee identified in clause 4.1(a) to be Temporary CEO until such time a new substantive CEO has been recruited and commences their employment with the Shire;
  - ii. By resolution, appoint multiple employees listed in clause 4.1(a) as the Temporary CEO for a defined period, and until such time that a new substantive CEO has commenced their employment with the Shire;
  - iii. By resolution, appoint a Temporary CEO following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act; or

- iv. Appoint an employee identified in clause 4.1(a) to be an interim Temporary CEO until an external recruitment process for a Temporary CEO can be completed under clause 4.4(b)(iii) and their employment with the Shire as Temporary CEO has commenced.
- c) The President will liaise with the Executive Officer to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment;
- d) 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 Executive Officer.

#### 4.5 Remuneration and conditions of Acting or Temporary CEO

- a) Unless Council otherwise resolves, an employee appointed as Acting CEO should be remunerated at 90% of the cash component only of the substantive CEO's total reward package.
- b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into an employment contract in accordance with the requirements of section 5.39(1) and (2)(a) of the Act.
- c) Subject to relevant advice, Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

### 5. KEY POLICY DEFINITIONS

**"Act"** means the *Local Government Act 1995*.

**"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.

**"CEO"** means the Chief Executive Officer of the Shire.

**"Shire"** means the Shire of Merredin.

**"Temporary CEO"** means a person 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.

### 6. ROLES AND RESPONSIBILITIES

Council and the CEO are responsible for the implementation of this policy.

### 7. MONITOR AND REVIEW

This policy will be reviewed by the CEO biennially.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	Local Government Act 1995.		
	s.5.36 Local government employees		
	s.5.39 Contracts for CEO and senior employees		
	s.5.39C Policy for temporary employment or appointment of CEO		
	s.5.40 Principles affecting employment by Local Governments		
	s.5.41 Functions of CEO		
	Local Government (Administration) Regulations 1996.		
Document Management			

## Policy Manual

Risk Rating	Medium	Review Frequency	Biennially	Next Due	February 2026
Version #	Action	Date	Records Reference		
1.	Adopted	13 February 2024	CMRef 83328		

## 3. ADMINISTRATION, FINANCE & BORROWING

### 3.1 Enrolment of Non-Resident Owners and Occupiers

As per the *Local Government Act 1995* Section 4.33 non-resident owners and occupiers are to be given a reminder with the rate notices every two years, of their need to re-enrol at four yearly intervals in order to participate in the elections to encourage a high percentage of voter turnout at local government elections.

Ordinarily, enrolment eligibility claims by owners and occupiers expire after two ordinary elections.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
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Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
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1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	15 January 2008	CMRef 29330	
3.	Reviewed	20 July 2010	CMRef 30378	
4.	Reviewed	19 February 2013	CMRef 31058	

## 3.2 Rates Recovery – Agreement for Payment

### Part A

#### Objective:

To set out a clear, equitable, accountable and transparent process for the Shire of Merredin (the Shire) to follow in the management and collection of rates and sundry debtors. The policy will ensure proper records are maintained for debts owed to the

Shire as required by the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* and that collection actions are managed in a consistent and equitable manner.

#### Policy:

The Shire is committed to ensuring that it manages its cash flows in a manner that provides financial sustainability to the organisation.

It will ensure that the collection of all rates and sundry debts are:

- being managed fairly and equitably;
- in accordance with the *Local Government Act 1995*, Civil Judgements Enforcement Act 2004, this Policy and any associated business operating procedures;
- undertaken with upmost respect, courtesy and diligence in dealings with all debtors; and
- treated with strict confidentiality.

In cases where the owner of a leased or rented property on which rates are outstanding cannot be located after all reasonable efforts and avenues have been exhausted, or refuses to settle rates owed, or defaults on alternative payment arrangement, notice will be served on lessee under the provisions of section 6.60 of the *Local Government Act 1995* without the need for Council endorsement, requiring the lessee to pay to the Shire the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

A Property Sale and Seizure Order (PSSO) on a debtor's goods may proceed without the need for Council endorsement. If a PSSO on a debtor's goods fails to identify sufficient freehold goods for seizure by a court-appointed Bailiff and the rates remained unpaid for at least 3 years, then a PSSO on a debtor's land may only proceed following approval from Council.

If any rates or service charges which are due in respect of any rateable land have been unpaid for at least 3 years, where all attempts to recover money due have failed, and after all reasonable efforts and avenues to locate the owner have been exhausted, approval shall be sought from Council for issue of a PSSO against land in order to:

- lease the land;
- have the land transferred to the Shire; and
- sell the land.

The above actions will be reported on a confidential basis to the Council for approval.

### Part B

**Management Procedure Purpose:**

To ensure all rates and sundry debts are managed fairly, equitably, and in a transparent and consistent manner. All debtors will be shown the utmost respect, and courtesy in dealings with the Shire, with all debt collection arrangements being treated in a strictly confidential manner.

**Definitions:**

For purposes of this Policy and Management Procedures, the following definitions apply:

<b>The Act</b>	Means the <i>Local Government Act 1995</i> .
<b>The Regulations</b>	Means the <i>Local Government (Financial Management) Regulations 1996</i> .
<b>Debt</b>	Means an amount of money owed to the Shire by a debtor because of a transaction or rates and service charges (including emergency services levy) levied by the Shire.
<b>Debtor</b>	Means any individual, corporation, organisation or other entity owing money to the Shire.
<b>Risk</b>	Means the possibility of non-payment of a debt by the debtor when the amount is due. The likelihood of non-payment increases with the age of the debt.
<b>Write Off</b>	Means the accounting procedure for cancelling a debt that is no longer collectible resulting in its removal by Council from the Shire's statement of financial position (balance sheet).
<b>Rates and Service Charges</b>	Rates and Service Charges are a charge on land imposed under the Act.
<b>Alternative Payment Arrangement</b>	An agreement made between the ratepayer and the Shire to pay rates or service charges at a timing and frequency other than the prescribed instalment due dates. Alternate payments frequencies can only be weekly, fortnightly or monthly. It is required that the full outstanding balance of the account, plus any interest accruing, be cleared before the 4 <sup>th</sup> Instalment deadline of the current financial year. Payment arrangement requests shall be made in writing directly to the local government.
<b>General Procedure Claim (GPC)</b>	A GPC is issued through the Magistrates Court for debts up to an amount determined by the Chief Executive Officer (CEO).
<b>Property Sales and Seizure Order (PSSO)</b>	A PSSO authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially.
<b>Real Property (Land):</b>	Assets that are fixed permanently in one location such as land and/or buildings.
<b>Personal Property (Goods)</b>	Assets that are movable and not fixed permanently in one location such as vehicles and other possessions.

**1. Debt Recovery Process - Rates**

The following process is to be followed for the recovery of rates and service charges. Legal proceedings will continue until outstanding rates and service charges are paid in



full or otherwise determined by the CEO and/or the Council.

#### **1.1 Final Notice – 14 Days after Rate Notice due date**

Where a ratepayer has not paid the amount due or entered into a payment arrangement 14 days after the due date shown on the Rate Notice, a Final Notice shall be issued, requesting full payment within 14 days or the option to enter into a payment arrangement.

Although eligible pensioners registered under the Rates and Charges (Rebates and Deferments Act) 1992 are entitled to pay Rates by the 30th June under the legislation, Final notice will be sent, as charges for waste/recycling services, swimming pool inspection fee and ESL are payable as per due dates.

#### **1.2 Contact by Phone or Email**

Where amounts remain outstanding, three attempts to contact the ratepayer will be made by telephone and email (where provided). If no details are on file with the Shire, the Rates Officer will attempt to contact utilities providers and potential other leads (such as builders of planning consultants from applications or correspondence received at the Shire).

#### **1.3 Notice of Intended Legal Action Letter – 14 Days after Final Notice issue date**

If payment has not been made, Rates Officers will issue a Notice of Intended Legal Action letter to the ratepayer, demanding immediate payment.

#### **1.4 Contact by Phone or Email – 7 Days after Notice of Intended Legal Action Letter issue date**

Seven (7) days after the Notice of Intended Legal Action letter is issued, attempt to contact the ratepayer will be made requesting payment for the outstanding balance. Where possible, the mortgagee of the property may be contacted to rectify the breach of non-payment of rates with their client.

#### **1.5 Letter of Demand issued by Debt Recovery Agent - 14 Days after Notice Of Intended Legal Action issue date**

Where a ratepayer has not paid the amount due or not entered into a payment arrangement 14 days after the issue of a Final Notice, a Letter of Demand shall be issued by the Shire's Debt Recovery Agent requesting full payment within 7 days or the option to enter into a payment arrangement.

#### **1.6 General Procedure Claim (GPC) – 14 Days after Letter of Demand issued by Debt Recovery Agent**

Where a ratepayer has not paid the amount due or not entered into a payment arrangement 14 days after Letter of Demand was issued by Debt Recovery Agent, a GPC will be issued for recovery of the debt through Council's Debt Recovery Agent. For debts outstanding over \$10,000 the Shire may refer the debt to a debt collection agency for a General Procedure Claim (GPC) and Court proceedings to commence.

For debts outstanding under \$10,000 a Minor Case Claim may be lodged by the Shire.

Should there be no response to the claim with fourteen (14) days if served with Western Australia or twenty one (21) days if served within another State or Territory of Australia, default judgement can be entered into at the Magistrates Court.

Legal costs and the costs of proceedings will be added to the ratepayers account upon issue of a GPC in accordance with Section 6.56 of the Local Government Act 1995 (LGA).

Ratepayers are required to pay in full or by instalments including the legal costs. If they choose to pay by instalments, they must sign the “Admission of Claim” on the reverse of the GPC and state the amount they agree to pay for each instalment. The discharge of overdue rates through an “Admission of Claim” will be considered upon payment in full or by an acceptable payment arrangement, including the legal costs. A debtor will be required to clear the debt by 30th June of the current financial year, unless agreed otherwise. Judgment is entered by the Court upon an Admission of Claim.

#### **1.7 Property Sale and Seizure Order (PSSO) on Goods and Land– 14 Days after GPC has been served**

Should a GPC be lodged and there is no response to the GPC within fourteen (14) days of issuing the claim, default judgement can be entered into at the Magistrates Court and a Property Seizure and Sale Order (PSSO) will be lodged at the Magistrates Court at the same time and served by an appropriate process server.

- i. The PSSO authorizes the Bailiff to seize and sell as much of the debtor’s real or personal property as necessary to satisfy the debt wholly.
- ii. Where a PSSO involves the seizure of land a report to Council will be submitted for endorsement prior to the seizure of land.

Where a GPC has been served and remains unsatisfied, recovery action will continue through the Council’s debt recovery agent to pursue recovery of the debt plus legal costs in accordance with this policy and relevant provisions of LGA. This includes the issue of a PSSO – against a ratepayer’s goods and, if GPC cannot be served due to inability to locate the ratepayer, a PSSO on a ratepayer’s land.

A PSSO on a debtor’s goods may proceed, in the first instance, 14 days after GPC has been served without the need for Council endorsement.

If a PSSO on a debtor’s goods fails to identify sufficient freehold goods for seizure by a court-appointed Bailiff and the rates remained unpaid for at least 3 years, then a PSSO on a debtor’s land may only proceed following approval from Council.

#### **1.8 PSSO on Land – For Unpaid Rates and Service Charges for at Least 3 Years**

If any rates or service charges which are due in respect of any rateable land have been unpaid for at least 3 years, where all attempts to recover money due have failed, and after all reasonable efforts and avenues to locate the owner have been exhausted, approval shall be sought from Council for issue of a PSSO against land in order to:

- lease the land;
- have the land transferred to the Shire; and
- sell the land.

The above actions will be reported on a confidential basis to the Council for approval.

## **1.9 Discontinuance of further legal action**

### **I. Notice of Discontinuance/Memorandum of Consent**

If it happens that a course of legal action that is lodged with the Magistrates Court was lodged in error by the Shire, a Notice of Discontinuance or Memorandum of Consent, whichever is appropriate, will be prepared and lodged at the Magistrates Court at the Shire's expense.

If the debt has been settled with the Shire, a Notice of Discontinuance or Memorandum of Consent may be prepared on request. An administration fee as per the Shire's adopted Fees and Charges will be charged and must be paid in full prior to the Notice of Discontinuance or Memorandum of Consent being released by the Shire.

II. The Shire will not proceed with further legal action if the debt has settled in full or an approved arrangement to clear the debt has been entered into and adhered to.

## **2. Alternative Payment Arrangement - Rates**

If the instalment due dates indicated on the rate notice are not suitable, ratepayers may request for an Alternative/Direct Debit Payment Arrangement which can be a weekly, fortnightly or monthly repayments. Any payment arrangements must be agreed upon in writing by both the ratepayer and Shire and applicable fees as determined by the Shire from time to time shall apply. Interest shall continue to accrue on the outstanding rates until fully paid. Approval of payment arrangements is at the discretion of Shire and will consider all relevant factors and circumstances of the account.

If a ratepayer defaults on an approved payment arrangement, the debt recovery process shall resume from the stage prior to the establishment of the Alternative /Direct Debit Payment without any further notice (e.g. default in payment arrangement after receipt of Final Notice shall be issued a GPC) or proceed with alternate recovery methods like Section 6.60).

## **3. Section 6.60 - Local Government May Require Lessee to Pay Rent**

In cases where the owner of a leased or rented property on which rates are outstanding cannot be located after all reasonable efforts and avenues have been exhausted, or refuses to settle rates owed, or defaults on alternative payment arrangement, notice will be served on lessee under the provisions of section 6.60 of the LGA, requiring the lessee to pay to the Shire the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

In exercising Section 6.60 of the LGA:

1. A letter is sent to the owner of the property at the last known place of contact. This letter advises of the rates outstanding and the intention to issue an order on the tenant to pay any rent due under the lease or rental agreement if the account is not settled within 14 days.

2. If the payment is not received from the owner, the tenant is issued with an order under Section 6.60 of the LGA. This order requires that any rent payable under the terms of the lease in respect of the land is paid to the Shire and not the owner.

3. The tenant must continue to pay any rent due in respect of the land to the Shire until the amount of rates outstanding is settled.

4. The Shire will notify the tenant when the outstanding rates have been satisfied by the rent paid by the tenant or by receipt from the owner and rescind the order made under Section 6.60.

#### **4. Section 6.64 - Actions to Be Taken - Caveats**

The Chief Executive Officer may lodge a caveat to preclude dealings in land where rates or services charges are in arrears and the CEO is of the opinion that it is in the interests of the Shire to lodge the caveat.

#### **5. Debts Other Than Rates and Service Charges**

##### **5.1 Sundry debt recovery**

The terms of payment for each invoice may vary depending on the goods or service rendered to the debtor. If the invoice is not paid by the due date, the following procedure will take place:

- A letter or Reminder Notice will be issued advising the debtor that if there exists a dispute or query to contact the Shire otherwise payment is expected within fourteen (14) days of the issue date of the letter;
- If no response is received from the debtor, upon recommendation of the appropriate Shire Finance Officer, Demand Notice may be sent to the debtor advising that if payment is not made within fourteen (14) days of the date of the notice, further action may be taken to recover the debt, which could involve legal action. The debtor will be advised that any additional fees incurred in recovering the debt will be passed on to the debtor.
- External party (Debt Collection Agency) will only be engaged to recover an outstanding debt if the action is appropriate for the amount outstanding, given due consideration to all issues which have led to the debt being overdue and not paid.

##### **5.2 Special Payment Arrangements – Sundry**

Applicants are required to complete an Application Form for a Sundry Debtors Payment Arrangement, giving information regarding their financial position and provide any additional documentation, verifying the financial position of the applicant(s) to substantiate the information supplied.

Following an assessment by the relevant Shire Finance Officer, the Application will be referred to the EMCS for approval.

##### **5.3 Write-Off - Sundry**

After all reasonable attempts to either locate the debtor or to obtain payment have failed, or the cost of recovery exceeds the debt amount, the relevant Shire Finance

Officer responsible for raising the debt will submit a written request to the Manager Financial Services (MFS) for the invoice to be considered for write off. Approval will be sought from the Chief Executive Officer and subsequently Council (if required) for approval for the debt to be written off.

#### 5.4 Debt Raised in Error or Debt Adjustment

If a debt has been raised in error or requires an adjustment, then an explanation shall be documented and provided by the relevant Shire Finance Officer to the EMCS prior to reversing or correcting the debt raised in error

#### 5.1 Other Action Which May be Taken

The following list of actions may also be instituted at the discretion of the Executive Manager of Corporate Services, against defaulting sundry Debtors, who do not respond to normal requests for payment:

- Issue a Letter of Demand;
- Commencement of Court proceedings to recover the outstanding monies;
- Discontinuing performance of any services, hire reservations and/or licences;
- Refusing further services (if applicable);
- Request “up-front” bonds for future dealings with the Shire, which may be used to offset against the outstanding debt;
- Offset any amounts owed by the Shire against any outstanding debt;
- Report to the Council to consider cancellation of a Lease Agreement (if applicable).

### 6. Interest on Overdue Monies

Interest can be calculated on the total outstanding debt/rates once it has exceeded the due date. The rate of interest imposed is that as determined by the Council as prescribed in the Annual Budget and in accordance with Section 6.13 of the LGA. The decision to write-off interest on sundry debts is at the discretion of the EMCS in accordance with the delegated authority.

Should the ratepayer default in the Alternative/Direct Debit Payment Arrangement where interest is previously waived, the waiving of the interest will cease and interest will be calculated from the date that the rates or debt originally defaulted.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
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Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> <a href="#">Rates and Charges (Rebates and Deferments Act) 1992</a>			
Document Management				
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1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	15 January 2008	CMRef 29330	
3.	Reviewed	20 July 2010	CMRef 30377	
4.	Reviewed	19 February 2013	CMRef 31058	

5.	Reviewed	18 June 2019	CMRef 82373
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### 3.3 Regional Price Preference Policy

Where possible and within reasonable limits set out herein, the Shire of Merredin will support local and regional business and industry by providing price preference to local and regional suppliers tendering for contracts with Council.

The application of this Regional Price Preference Policy will ensure that when purchasing goods and services, Council will achieve the best possible outcome for the amount of money spent, whilst, where possible, giving preference to local suppliers.

The application of a price preference will be clearly outlined as to whether it will be applied or not prior to the tender process commencing.

A regional tenderer is defined under Section 24B(2) of the *Local Government (Functions and General) Regulations 1996*. A supplier of goods or services who submits a tender is regarded as being a regional tenderer if:

- (a) That supplier has been operating a business continuously out of premises in an appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or
- (b) Some or all of the goods or services are to be supplied from regional sources.

The Shire of Merredin recognizes the following two Regions for price preferences:

**Region 1** – which is defined as a business or industry located within the District of the Shire of Merredin; and

**Region 2** – which is defined as a business or industry located within the Districts of the Shire of Kellerberrin, Nungarin, Westonia, Narembeen, Yilgarn and Bruce Rock.

The regional price preference to be given to either a Region 1 or Region 2 tenderer or supplier of a quotation are outlined below and represents at which the regional tender's price bids or quotations would be reduced for the purpose of assessing the tender or quotations.

#### **Region 1:**

A preference may be given to a regional tenderer or supplier of a quotation from "region 1" by assessing the tender or quote from that regional tenderer as if the price bids were reduced by:

- 1. 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000;
- 2. 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
- 3. 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Although goods or services that form part of a tender or quotation submitted by a regional tenderer may be:

- 1. wholly supplied from regional sources; or
- 2. partly supplied from regional sources, and partly supplied from non-regional sources,

only those goods or services identified in the tender or quotation as being from regional sources may be included in the discounted calculations that form part of the assessments of a tender or quotation when a regional price preference policy is in operation.

Despite the allowed percentage preferences, price is only one of the factors to be assessed when the local government is to decide which of the tenderers or quotations it thinks would be most advantageous to the local government to accept.

### **Region 2:**

A preference may be given to a regional tenderer or supplier of a quotation from “region 2” by assessing the tender or quote from that regional tenderer as if the price bids were reduced by :

1. 5% - where the contract is for goods or services, up to a maximum price reduction of \$25,000;
2. 2.5% - where the contract is for construction (building) services, up to a maximum price reduction of \$25,000; or
3. 5% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$250,000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Although goods or services that form part of a tender or quotation submitted by a regional tenderer may be:

1. wholly supplied from regional sources; or
2. partly supplied from regional sources, and partly supplied from non-regional sources, only those goods or services identified in the tender or quotation as being from regional sources may be included in the discounted calculations that form part of the assessments of a tender or quotation when a regional price preference policy is in operation.

Despite the allowed percentage preferences, price is only one of the factors to be assessed when the local government is to decide which of the tenderers or quotations it thinks would be most advantageous to the local government to accept.

### **Further References:**

Part 4A of the *Local Government (Functions and General) Regulations 1996*

Delegation 4.1 - Tenders

Purchasing Policy 3.12

Document Control Box				
Document Responsibilities:				
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Legislation	<a href="#">Local Government (Functions and General) Regulations 1996</a>			
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1.	Adopted	19 November 2002	CMRef 26812	
2.	Reviewed	21 September 2010	CMRef 30428	
3.	Reviewed	19 February 2016	CMRef 31058	



4.	Reviewed	20 December 2016	CMRef 81894
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## 3.4 Accounts Receivable Recovery

Policy deleted (CMRef82373) 18 June 2019

Document Control Box				
Document Responsibilities:				
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Legislation	N/A			
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1.	Adopted	5 September 2000	CMRef 27632	

## 3.5 Investment Policy

### 1. Investment Objective

The investments objective is to manage the Council's investment portfolio in order to maximise return within agreed risk parameters. In achieving this, the following must be maintained:

- a) adequate level of diversification to spread risk;
- b) ready access to funds for day to day requirements;
- c) high level of security by using recognized assessment criteria;
- d) adherence to the requirements of Section 6.14 of the *Local Government Act 1995* and Section 18(1) of the *Trustees Act 1962* (as amended) (the "Prudent Person" rule).
- e) adherence to regulations section 19, 19c, 28 and 49 of the *Local Government (Financial Management) Regulations 1996*.

### 2. Risk Profile

When exercising the power of investment the following are to be given consideration:

- a) the purpose of the investment and the needs and circumstances;
- b) the nature of and risk associated with existing investments;
- c) the likely income return and the timing of such income return;
- d) the desirability of diversifying investments;
- e) the risk of capital or income loss or depreciation;
- f) the costs (including commissions, fees and charges) of making the proposed investment; and
- g) the length of the proposed investment.

### 3. Delegated Authority to Invest

The authority is delegated to the CEO to make investment decisions and sign investment lodgments and withdrawals pursuant to the provisions of Section 5.45 of the *Local Government Act 1995*. This authority may be delegated to the Executive Manager of Corporate Services.

### 4. Ethics & Conflict of Interest

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

### 5. Authorised Investments

That funds surplus to immediate requirements may be placed in any of the following authorized deposit taking institutions (ADIs), being licensed banks as defined under the *Banking Act 1995* for a period not exceeding 12 months:

- a) Western Australian Treasury Corporation
- b) Australian and New Zealand Banking Group
- c) National Australian Bank
- d) Westpac
- e) Bank West
- f) Commonwealth Bank
- g) Citibank

- h) St George Bank Ltd
- i) Bendigo Bank
- j) HSBC Bank Australia
- k) ING Bank Australia Limited
- l) Suncorp Bank
- m) Bank of Queensland
- n) Rabobank

## 6. Prohibited Investments

This investment policy prohibits any investment that is not a :

1. deposit with an institution except an authorised institution;
2. deposit for a fixed term of more than 12 months;
3. invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
4. invest in bonds with a term to maturity of more than 3 years;
5. invest in a foreign currency.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

## 7. Council's Direct Investments

### a) Quotation on Investments

Not less than three (3) quotations shall be obtained from authorized institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard for the limits set above.

### b) Term to Maturity

The term to maturity for an investment may range from "at call" to six months without Council approval.

### c) Liquidity

- i) At least 50% of the total investment portfolio must be liquefiable within 10 days.
- ii) Cash flow must be monitored at a minimum of weekly to ensure that cash funds are available to meet commitments.

## 8. Authorised Counterparties and Exposure Limits

Counterparty Details	Minimum Standard & Poor's Rating	Maximum Exposure as a % of total Investment Portfolio
11.1 All banks within the meaning of the <i>Banking Act 1959</i> . Note: At all times a minimum of 50% of total investments must remain with a Bank	A-1 (short) AA (long)	100%
11.2 Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than 1 year	Aam AAf	50%

11.3 Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than 3 years	AAf	30%
11.4 Managed (Fixed Interest) Funds Note: An overall limit of 50% applies to items – ie. A mix is acceptable but combined exposure must remain within 50% of total investment portfolio	AAf	20%
11.5 Commonwealth Government (Max term 3 years)	A-1 AA	< 1 year 50% > 1 year 20%
11.6 State Government (Max Term 3 years)	A-1 AA	< 1 year 50% > 1 year 20%

## 9. Diversification

Portfolio of investments must be diversified to ensure a spread of credit risk and market risk. Even if funds are to be invested 100% in Bank Deposits/Securities, diversification between counterparts is desirable.

No more than 75% of funds may be invested in one organization without Council approval.

No more than 50% of funds may be invested in any one asset class without Council approval. The only exception being deposits with banks within the meaning of the *Banking Act 1959*.

These provisions relating to the diversification of Council's investments do not apply if Council chooses to place its investments with the bank who operates Council's Municipal Fund.

## 10. Management Reporting

### a) Financial Reporting

Each month an investment report must be presented to Council. The report is to summarise:

- i) Total funds invested by account type;
- ii) Total funds invested by institution;
- iii) Investment spread by institution;
- iv) Any breaches of authority.

### b) Policy Review

At least annually, the Investment Policy shall be reviewed with regard to the suitability and compliance of the policy reported to Council.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a> <a href="#">Trustees Act 1962</a> <a href="#">Local Government (Financial Management) Regulations 1996</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	15 Julv 2009	CMRef 29625	

2.	Reviewed	19 February 2013	CMRef 31058
3.	Reviewed	22 October 2013	CMRef 81246
4.	Reviewed	17 June 2014	CMRef 81388

### 3.7 Endorsements of Council Applications for Grants/Funding

To maximise the probability of obtaining both matching and non matching grants/funding by submitting prompt applications the CEO is to submit applications for grants/funding within budget constraints as soon as knowledge of possible grant/funding is received.

Grants/funding requiring non budgeted matching expenditure by Council may be applied for, but not accepted, without Council approval.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	5 September 2000		CMRef 27632
2.	Reviewed	15 January 2008		CMRef 29330
3.	Reviewed	19 February 2013		CMRef 31058

### 3.8 Implementing the Budget

To assist in streamlining Council operations to improve efficiency and effectiveness following the adoption of the budget, the CEO is to use management discretion in:

1. implementing expenditure and income programs contained in the budget the detail of which has been finalised;
2. the appointment of consultants including architects, valuers, auctioneers, selling and leasing agents, to enable the proper administration of the Council's business;
3. prioritising work, unless otherwise directed by the Council;
4. determining whether or not to call tenders or sell by tender or auction where an obligation does not exist to do so under the *Local Government Act 1995*;
5. authorising overtime; and
6. engaging staff other than Senior Staff.

The CEO may, in accordance with Section 5.44 of the *Local Government Act 1995*, delegate any or all of the above to Senior Managers provided always that costs are contained within budget allocations and subject to compliance with the *Local Government Act 1995* and Council's Policy statements.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	15 January 2008	CMRef 29330	
3.	Reviewed	18 January 2011	CMRef 30530	
4.	Reviewed	19 February 2013	CMRef 31058	



### 3.9 Extra Ordinary Funding (Grants)

That extraordinary grant funding received by Council over and above the relevant financial years budgeted income shall be brought to the attention of Council as soon as confirmation of funding is received from the relevant funding body.

In addition Council shall be advised of the purpose and any conditions attached to the funding.

The CEO shall advise Council as soon as practicable after notification is received from the relevant funding body/authority, that Council has received or will be receiving extraordinary grant funding including the following information;

1. Name of the relevant funding body/authority
2. Amount of funding received/or to be received.
3. Purpose of Funding.
4. Councils' commitment to the funding from its Municipal Resources.
5. Conditions attached to the funding imposed by the funding body/authority.
6. Acquittal requirements attached to the funding.
7. The financial year the funding is attributable to.
8. Copy of the budget relevant to the funding including timeframes.

As soon as Council receives the extraordinary funding the CEO shall cause the funding to be placed into a reserve account for the purpose of holding "restricted unexpended grant funds".

The extraordinary funding shall remain in the reserve account until such time as the project is completed and the funds are acquitted in accordance with the funding conditions.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	15 January 2008	CMRef 29330	
3.	Reviewed	19 February 2013	CMRef 31058	

### 3.10 Eric Hind Music Scholarship

#### **Policy**

The Eric Hind Music Scholarship shall be awarded annually in accordance with the guidelines set out in this policy.

#### **Purpose**

To recognise and acknowledge Mr Eric Hind's contributions to the Shire of Merredin as a Councillor and his accomplishments as a violinist by offering an annual music scholarship to young talented music students within the Shire of Merredin.

To provide guidelines for applicants of the Eric Hind Music Scholarship and the scholarship awarded.

#### **Background Information**

Eric Hind was born in Nottingham in England in 1901. He migrated to Western Australia in 1926 and came immediately to the Wheatbelt. In 1928 he took up farming land at Burracoppin and so commenced a lifetime of interest in the Burracoppin Area.

During the Second World War Eric enlisted in the R.A.A.F and served overseas.

In 1953 he was elected to the then Merredin Road Board and continued to represent the people of Burracoppin on the Merredin Shire Council until his retirement in 1989.

After 36 years of service on the Road Board and Shire Council, the Merredin Shire Council presented Eric with a long service award and made him a Freeman of the Shire. In 1990 he received the Order of Australia for services to the community.

Eric Hind was an accomplished violinist who had gained his A.L.C.M (Eng) diploma before leaving England. As an active member of the Merredin Musical Society and Concert Orchestra of the day, Eric was much sought after as a violinist and was willing to perform at any function if possible. Eric also served on the local WA Symphony Orchestra Committee and was instrumental in getting many concerts in Merredin over a number of years.

In his honour, the Shire of Merredin offers a music scholarship to the value of \$1000.

#### **Scope**

This Policy applies to staff, Councillors, judging panel and applicants.

#### **Guidelines**

##### Judging Panel

Comprising three members selected by Council, including at least one Councillor, with other members selected having music backgrounds.

##### Selection Criteria

1. Applicant must be a resident in the Shire of Merredin or a student of music in Merredin.
2. Previous winners are ineligible.

3. Applicant must be at least 7 years of age and under 20 years of age at the end of the scholarship period.
4. Applicant must have learnt music for at least 12 months.

### Conditions

3. Applicant will be required to present a short piece of their music at the interview.
4. If no suitable candidates apply, Council may contribute the funds to the local schools in the district.
5. Part scholarships may be awarded at the discretion of the judges.
6. Applicant must state what the scholarship money will be expended on.
7. Should the contribution be distributed to the selected schools, a feedback report may be required to Council.
8. Scholarship money will be issued in one instalment after the announcement of the winner(s).
9. After six months, the successful applicant will be required to report to Council on the status of their music, if applicable.
10. At the completion of twelve months, the successful applicant will be required to report to Council stating where the scholarship money was expended.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	20 July 2010	CMRef 30361	
3.	Reviewed	19 February 2013	CMRef 31058	
4.	Reviewed	15 May 2018	CMRef 82181	
5.	Reviewed	19 February 2019	CMRef 82310	
6.	Reviewed	25 October 2022	CMRef 83030	

### 3.11 Differential Rates Check List

Policy Deleted (CMRef31058) 19 February 2013

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	Next Due
Version #	Action	Date	Records Reference
1.	Adopted	16 August 2005	CMRef 28049

## 3.12 Purchasing Policy

### 1. POLICY PURPOSE

The purpose of this policy is to outline the purchasing practices that will be adhered to by all staff of the Shire of Merredin (the “Shire”) when completing any purchasing activities.

### 2. POLICY SCOPE

The Shire is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activities and to ensure alignment with the Shire’s strategic and operational objectives.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.*

### 4. POLICY STATEMENT

#### 4.6 Purchasing 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.

#### 4.7 Ethics and Integrity

The Shire’s Code of Conduct applies when undertaking purchasing activities and decision

making, requiring Council Members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

#### **4.8 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.

##### **4.3.1 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.

#### **4.9 Purchasing Thresholds and Practices**

##### **4.9.1 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.

### **(1) 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.

### **(2) Individual Purchasing Value Assessments**

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

- (a) Exclusive of Goods and Services Tax (GST); and
- (b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.
- (c) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.
- (d) Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg. 12].

The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

## **4.9.2 Table of Purchasing Thresholds and Practices**

### **(1) Supplier Order of Priority**

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

<b>Priority 1:</b>	<p><b>Existing Prequalified Supplier Panel or other Contract</b></p> <p>Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract.</p> <p>If the Shire does not have a current contract relevant to the required supply, then a relevant WALGA PSA may be used.</p>
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<b>Priority 2:</b>	<p><b>Local Suppliers</b></p> <p>Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority.</p> <p>If no relevant local supplier is available, then a relevant WALGA PSA may be used.</p>
<b>Priority 3:</b>	<p><b>Tender Exempt - WALGA Preferred Supplier Arrangement (PSA)</b></p> <p>Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include:</p> <ul style="list-style-type: none"> <li>i. Local supplier availability (that are not within the PSA); or,</li> <li>ii. Social procurement – preference to use Aboriginal business or Disability Enterprise.</li> </ul> <p>If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.</p>
<b>Priority 4:</b>	<p><b>Tender Exempt - WA State Government Common Use Arrangement (CUA)</b></p> <p>Use a relevant CUA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO.</p> <p>If no relevant CUA is available, then a Tender Exempt [F&amp;G Reg.11(2)] arrangement may be used.</p>
<b>Priority 5:</b>	<p><b>Other Tender Exempt arrangement [F&amp;G Reg. 11(2)]</b></p> <p>Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire will investigate and seek quotations from tender exempt suppliers, and will specifically ensure that wherever possible quotations are obtained from a WA Disability Enterprise and/or an Aboriginal Owned Business that is capable of providing the required supply.</p>
<b>Priority 6:</b>	<p><b><u>Other Suppliers</u></b></p> <p>Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below.</p>

## (2) Purchasing Practice Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with clause 4.4.2(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 \$6,000 ( <i>ex GST</i> )	<p>No quotations are required. Staff are to use professional judgement and discretion to determine if prices or rates offer value for money. Purchases are to be made from a suitable supplier in accordance with the Supplier Order of Priority detailed in clause 4.4.2(1), using a Purchase Order or Corporate Credit Card issued by the Shire.</p> <p>The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.</p>
From \$6,001 and up to \$20,000 ( <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 4.4.2(1).</p> <p>If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is 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"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• Value for Money criteria, not necessarily the lowest price.</li> </ul> <p>The purchasing decision is to be evidenced using a brief evaluation report retained in accordance with the Shire's Record Keeping Plan.</p>
From \$20,001 and up to \$50,000 ( <i>ex GST</i> )	<p>Seek at least three (3) written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 4.4.2(1) except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the supplier's responses to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• Value for Money criteria, not necessarily the lowest quote.</li> </ul> <p>The purchasing decision is to be evidenced using a brief evaluation report retained in accordance with the Shire's Record Keeping Plan.</p>
From \$50,001 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 4.4.2(1), except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is 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"> <li>• a detailed written specification for the goods, services or works required; and</li> <li>• pre-determined selection criteria that assesses all best and sustainable</li> </ul>

	<p>value considerations.</p> <p>The procurement decision is to be evidenced using an evaluation report retained in accordance with the Shire's Record Keeping Plan.</p>
<p>Over \$250,000 (<i>ex GST</i>)</p>	<p><b>Tender Exempt</b> arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&amp;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 4.4.2(1).</p> <p><u>OR</u></p> <p><b>Public Tender</b> 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"> <li>• a detailed specification; and</li> <li>• pre-determined selection criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The purchasing decision is to be evidenced using an evaluation report retained in accordance with the Shire's Record Keeping Plan.</p>
<p>Emergency Purchases (<i>Within Budget</i>) Refer to Clause 4.4.3</p>	<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 4.4.2(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 with a file note, signed by the relevant executive and Chief Executive Officer, and retained in accordance with the Shire's Record Keeping Plan.</p>
<p>Emergency Purchases (<i>No budget allocation available</i>) Refer to Clause 4.4.3</p>	<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>
WALGA Services (excluding Preferred Supplier Program)	For the purchasing of WALGA services, only one written quotation is to be sought and recorded.

#### 4.9.3 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.

#### 4.9.4 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 tender threshold prescribed in this policy, 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*].

#### 4.9.5 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.

#### 4.9.6 Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

- (a) purchasing value is estimated to be over \$5,000; and
- (b) purchasing requirement has been documented in a detailed specification; and
- (c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase 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.

#### 4.9.7 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.

#### 4.9.8 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.

#### **4.10 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 will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

##### **4.10.1 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 developing 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 purchasing activities.

#### **4.10.2 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 will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

##### **(1) Aboriginal Businesses**

*Functions and General 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.

##### **(2) 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 disability business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

#### **4.10.3 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 will 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.

#### **4.11 Panels of Pre-qualified Suppliers**

##### **4.11.1 Objectives**

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- (a) there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- (b) the Panel will streamline and will improve procurement processes; and
- (c) the Shire has the capability to establish a Panel and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

##### **4.11.2 Establishing and Managing a Panel**

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO/ Executive Manager.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed

information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This



will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

#### **4.11.3 Distributing work Amongst Panel Members**

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- (a) obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- (b) purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- (c) develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- (a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- (b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under *Functions and General Regulation 24AD(5)(f)* when establishing the Panel.
  - i. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken.
  - ii. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract.
  - iii. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in clause 4.3.2(2) of this Policy.
  - iv. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

#### **4.11.4 Purchasing from the Panel**

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every Panel member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

#### **4.11.5 Communications with Panel Members**



The Shire will ensure clear, consistent, and regular communication with Panel Members. Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be made through eQuotes (or other nominated electronic quotation facility).

#### **4.12 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 transferal of records to the Shire relevant to the performance of the contract.

#### **4.13 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 and the Executive Manager Corporate Services.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- (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*.

### **5. KEY POLICY DEFINITIONS**

N/A

### **6. ROLES AND RESPONSIBILITIES**

The Chief Executive Officer, along with the Executive Managers are responsible for the implementation and overview of this policy. All staff completing purchasing tasks for the organisation will adhere to this policy.

## 7. MONITOR AND REVIEW

This policy will be reviewed by Council annually.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Functions and General) Regulations 1996</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	20 March 2007	CMRef 28853	
2.	Reviewed	21 May 2010	CMRef 30328	
3.	Reviewed	21 September 2010	CMRef 30429	
4.	Reviewed	19 June 2012	CMRef 30895	
5.	Reviewed	19 February 2013	CMRef 31058	
6.	Reviewed	15 April 2014	CMRef 81348	
5.	Reviewed	17 May 2016	CMRef 81785	
6.	Reviewed	20 December 2016	CMRef 81894	
7.	Reviewed	21 June 2017	CMRef 81987	
8.	Reviewed	18 July 2017	CMRef 81999	
9.	Reviewed	16 October 2018	CMRef 82268	
10.	Reviewed	22 January 2019	CMRef 82305	
11.	Reviewed	19 February 2019	CMRef 82308	
12.	Reviewed	2 April 2020	CMRef 82529	
13.	Reviewed	15 September 2020	CMRef 82609	
14.	Reviewed	23 May 2023	CMRef 83166	

### 3.13 Use of Common Seal

The Shire President and the CEO be jointly authorised to affix the Shire's Common Seal to documents for dealings initiated by Council resolution in accordance with Clause 19.1 of the Shire of Merredin Standing Orders Local Laws:

#### 19.1 The Council's Common Seal:

1. *The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*
2. *The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Shire President and the CEO or a senior employee authorised by him or her.*
3. *The common seal of the Local Government is to be affixed to any Local Law which is made by the Local Government.*
4. *The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.*
5. *Any person who uses the common seal of the Local Government of a replica thereof without authority commits an offence.*

With regard to Clause 19.1(2), reference to "authority of Council given either generally or specifically" includes:

1. Grant agreements entered into whereby Council has allocated provision in the Annual Budget and the grant funds will reduce or offset Council's financial commitment to capital or operating expenditure;
2. Land transactions whereby there is a financial allocation in the Annual Budget and there is a express requirement that final documents be signed and sealed for the transaction to be finalised;
3. Agreements entered into whereby in the opinion of the Shire President and the CEO such action is necessary to protect Council's interest; i.e. lodging of caveats and easements.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	19 April 2005	CMRef 27884	
2.	Reviewed	21 September 2010	CMRef 30430	
3.	Reviewed	19 February 2013	CMRef 31058	

### 3.14 Cummings Street Rental

**Objectives:**

1. To regulate determination of rental charges and ensure standardisation of tenancy of the “Cummings Street Units”.
2. To ensure derived income matches Council’s expenditure and continual infrastructure maintenance objectives.
3. To ensure units are allocated to eligible applicants in accordance with the Department of Housing and Works Eligibility Policy.

**Definitions:**

Cummings Street Units: refer to the five units situated on the corner of Cummings Crescent and Cummings Street, Merredin (Lot 200). They are subject to a Joint Venture Agreement between the Shire of Merredin and the Department of Housing and Works.

Gross Income: includes any benefit or allowance that is counted by Centrelink in assessing a benefit. It includes Wages/Salary, Overtime, Centrelink benefits payments, dividends on shares/investments and all other income as per the Department of Housing and Works Eligibility Policy.

Management Committee: consists of Shire of Merredin’s Deputy CEO, Building Project Manager and a representative of the Department of Housing and Works to meet as required.

Market Rent: is the median rent charged by the private sector in a particular area which takes into account the type of dwelling, property age, number of bedrooms and amenity level.

**Policy:**

1. All tenancy agreements must be in accordance with the Residential Tenancy Agreement Form 24B.
2. All applicants must be a minimum of 18 years of age at the time of application.
3. All applicants must have no debt with either the Department of Housing and Works or the Shire of Merredin.
4. When a unit becomes available the Management Committee must meet to review applications to ensure eligibility and determine successful tenancy.
5. Regular advertisements inviting applications for the Cummings Street Units are to be placed in the Merredin Mercury.
6. The following conditions must be satisfied prior to a prospective tenant being considered eligible:
  - a) Application forms are to be submitted (“Application for Rental Housing”) with the prospective tenant’s two most recent consecutive payslips and a character reference attached.
  - b) Prospective tenants must satisfy prevailing Department of Housing and Works eligibility criteria for public rental housing as prescribed by the “Department of

Housing and Works Eligibility Policy”.

- c) Should there be an extended waiting time from the prospective tenant’s application to consideration for tenancy, current payslips will need to be provided prior to allocation.
- d) Interviews will be held with prospective applicants (in waiting list order) prior to allocation.

7. The Tenancy Agreement Clauses must include:

- a) Two Payslips are to be provided twice a year in each January and June. Following any alterations to income eligibility, tenancy agreements will be liable for review by the Management Committee.
- b) The maximum gross weekly income is as per the Department of Housing and Works Eligibility Policy unless otherwise determined by the Management Committee. If the applicant earns overtime on a seasonal basis the Management Committee can review the applicants’ prior year tax assessment and use the gross annual income to average his/her gross weekly income.
- c) Section 15 of the Residential Tenancy Agreement Form 24B does not apply.
- d) Four weeks bond must be paid on the signing of the tenancy agreement.
- e) Two weeks rent must be paid in advance.
- f) An annual inspection is to be held each February.
- g) Rent payable is to be the maximum of 25% of the tenant’s gross weekly income or market rent, whichever is the lower.
- h) No pets allowed.
- i) Maintenance of the tenant’s backyard area is the responsibility of the tenant.
- j) All utility costs and other outgoings (telephone line connection and rental) will be the responsibility of the tenant, with the exception of water rates which will be the responsibility of the Shire of Merredin.
- k) No other persons are to reside at the premises without the Shire of Merredin approval.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
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Version #	Action		Date	Records Reference
1.	Adopted		15 April 2008	CMRef 29463
2.	Reviewed		19 February 2013	CMRef 31058
3.	Reviewed		18 February 2014	CMRef 81311

## 3.15 Group Rating

Policy Deleted – (CMRef31058) 19 February 2013

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
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Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	18 November 2008	CMRef 29761	

### 3.16 Donations and Loans – Central Wheatbelt Visitor Centre

<b>Policy</b>	All offers of donations and loans for the Central Wheatbelt Visitor Centre be directed to the Visitor Central Wheatbelt Centre Manager and assessed in accordance with the definitions and guidelines.
<b>Purpose</b>	To provide definitions and guidelines for both the Central Wheatbelt Visitor Centre Manager and potential donors and lenders in relation to donations and loans.
<b>Definitions</b>	<p><b>Donation</b> – a donation (including an unconditional gift or endowment) is a provision of cash or other items of value with no return benefits expected. The person or organisation providing these may request a modest acknowledgement or that the provision be used for a particular purpose and the recipient should as far as possible, respect those wishes.</p> <p><b>Loan</b> – is the temporary physical transfer of an item/s or object/s from individual or organisation to another where there is no transfer of ownership.</p>
<b>Scope</b>	This policy applies to all offers of donations or loans for the Central Wheatbelt Visitor Centre.
<b>Guidelines</b>	Donations and loans must be in accordance with the aims and objectives of the Central Wheatbelt Visitor Centre and not conflict with the core principles of the Shire of Merredin. All donations and loans arrangements are to be mutually agreed to and formalised in writing.
<b>Donations</b>	<p>In general, the following types of donations will be accepted – monetary gifts, promotional material, suitable art or tourism related items.</p> <ol style="list-style-type: none"> <li>1. Donations (other than monetary gifts) are to be new or in good condition.</li> <li>2. Acceptance of donations may be dependent on storage and display capacity at the Central Wheatbelt Visitor Centre.</li> <li>3. Donations, upon approval are to be delivered to the Central Wheatbelt Visitor Centre.</li> <li>4. Donations will be acknowledged with a letter of thanks, publicity arranged through various forms of media as appropriate (in compliance with donor's approval) and through promotion within the Central Wheatbelt Visitor Centre.</li> <li>5. The Donor is to sign an agreement and the donated items to be recorded in a Donation Register.</li> </ol>
<b>Loans</b>	<p>Items may be accepted on loan for display or use at the Central Wheatbelt Visitor Centre under the following conditions:</p> <ol style="list-style-type: none"> <li>1. in general, the items are to be relevant to the Wheatbelt;</li> <li>2. dependent on storage and display capacity at the Central Wheatbelt Visitor Centre;</li> <li>3. items to be delivered to the Central Wheatbelt Visitor Centre;</li> <li>4. period of loan specified and viewed annually;</li> </ol>

5. the lender is responsible for insurance on loaned items;
6. care will be taken by Central Wheatbelt Visitor Centre staff with all loaned items however the Central Wheatbelt Visitor Centre will not be liable for any damage;
7. the Lender is to sign an agreement and the loan terms to be recorded in a Loan Register;
8. loaned items will be acknowledged in association with the display or relevant items.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
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1.	Adopted	18 August 2009	CMRef 30084	
2.	Reviewed	20 July 2010	CMRef 30361	
3.	Reviewed	19 February 2013	CMRef 31058	
4.	Reviewed	16 January 2018	CMRef 82115	



### 3.17 Legal Representation for Council Members and Employees

#### OBJECTIVE

This policy is designed to protect the interests of Council Members and Employees (including past members and former employees) where they become involved in legal proceedings because of their official functions. In these situations the Shire of Merredin (the Shire) may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

This policy is necessary to ensure security, equity and consistency for Members and Employees to work for the good government of the district. This policy applies in that respect.

#### POLICY STATEMENT

##### Explanation of Key Terms

**approved lawyer** is to be –

1. a 'certified practitioner' under the *Legal Practice Act 2003*;
2. from a law firm on the Shire's panel of legal service providers, if relevant, unless the Council or CEO considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
3. approved in writing by the Council or the CEO under delegated authority.

**council member or employee** means a current or former commissioner, Council Member, Non-elected Member of a Council Committee or Employee of the Shire.

**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 –

1. a matter or matters arising from the performance of the functions of the Council Member or Employee; and
2. legal proceedings involving the council member or employee that have been, or may be, commenced.

**legal representation costs** are 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** by the Shire of legal representation costs may be either by –

1. a direct payment to the approved lawyer (or the relevant firm); or
2. a reimbursement to the Council Member or Employee.

#### 1. Payment Criteria

There are four major criteria for determining whether the Shire will pay the legal representation costs of a council member or employee. These are –

1. 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;
2. the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
3. 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
4. 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**

- 1.1 If the criteria in clause 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs –
  1. 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
  2. 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
  3. 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.
- 1.2 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**

- 1.3 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.
- 1.4 The written application for payment of legal representation costs is to give details of –
  1. the matter for which legal representation is sought;
  2. how that matter relates to the functions of the council member or employee making the application;
  3. the lawyer (or law firm - if known) who is to be asked to provide the legal representation;
  4. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
  5. an estimated cost of the legal representation; and
  6. why it is in the interests of the Shire for payment to be made.
- 1.5 The 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.

- 1.6 As far as possible the application is to be made before commencement of the legal representation to which the application relates.
- 1.7 The application is to be accompanied by a signed Statutory Declaration by the applicant that he or she –
  1. has read, and understands, the terms of this Policy;
  2. 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
  3. undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.
- 1.8 In relation to clause 3.5(1), when a person is to be in receipt of such monies the person should sign a Statutory Declaration which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.
- 1.9 An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant by an appropriate Senior Employee. The report will contain an assessment of the request, together with a recommendation.

#### **4. Legal representation costs – Limit**

- 1.10 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.
- 1.11 A Council Member or Employee may make a further application to the Council in respect of the same matter.

#### **5. Council's powers**

- 1.12 The Council may –
  1. refuse;
  2. grant; or
  3. grant subject to conditions, an application for payment of legal representation costs.
- 1.13 Conditions under clause 5.1 will include, but are not restricted to:
  1. a financial limit; and
  2. a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
- 1.14 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.
- 1.15 The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

- 1.16 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 –
1. not acted reasonably or in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
  2. given false or misleading information in respect of the application.
- 1.17 A determination under clause 5.5 may be made by the Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- 1.18 Where the Council makes a determination under clause 5.5;
1. assistance will be immediately withdrawn; and
  2. 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 CEO

- 1.19 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, to a maximum of \$10,000.00 in respect of each application.
- 1.20 An application approved by the CEO under clause 6.1, is to be submitted to the next Ordinary Meeting of the Council. Council may exercise any of its powers under this Policy, including its powers under clause 5.4.

## 7. Repayment of legal representation costs

- 1.21 A Council Member or Employee whose legal representation costs have been paid by the Shire is to repay the Shire –
1. all or part of those costs – in accordance with a determination by the Council under clause 5.7;
  2. 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.
- 1.22 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
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Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action	Date	Records Reference		
1.	Adopted	20 October 2009	CMRef 30155		
2.	Reviewed	21 September 2010	CMRef 30430		
3.	Reviewed	19 February 2013	CMRef 31058		

## 3.18 Financial Reserves

### 1. POLICY PURPOSE

To outline the framework for the establishment and ongoing management of Financial Reserves.

### 2. POLICY SCOPE

This policy covers all Reserves created and held by the Shire of Merredin.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

### 4. POLICY STATEMENT

Reserves are established to set aside funds for specific projects, as determined by Council.

#### 4.1 Creation of Reserves

Prior to the creation of a Reserve, Council shall adopt operating parameters in relation to the Reserve which are to set out:

- The purpose of the Reserve;
- The basis of calculation for any transfer to the Reserve;
- The basis of calculation for any transfer from the Reserve; and
- The proposed allocation of any unexpended balance remaining in the Reserve following completion of the project.

Every Reserve created must have a specific purpose and relate to the adopted 'Strategic Plan/Plan for the Future' of Council.

#### 4.2 Transfer of funds to and from Reserves

Expenditure from and transfers to Reserves can only be authorized by resolution of Council, specifying the amount of the transfer.

Interest from Investments will be allocated to each of the Reserve Funds on a percentage weighting basis.

Each Monthly Financial Report to Council is to include a Schedule of Reserves, showing:

- Opening balance as at previous month;
- Interest earned during the month;
- Any transfers in or out during the month; and
- Closing balance as at end of month (Actual).

#### 4.3 Shire of Merredin Reserve Accounts and their Purpose

<b>Reserve Name:</b>	<b><i>Employee Entitlements Reserve</i></b>
<b>Purpose:</b>	To ensure that adequate funds are available to finance the Shire's liability for employee leave entitlements.
<b>Calculation Basis:</b>	Transfers to and from the Reserve will be based upon projected end-of-year liabilities relating to employees leave entitlements. The calculation of

	liabilities will consider such factors as length of service of employees, applicable on-costs and probability of employees to reach applicable service levels.
<b>Target Balance:</b>	Minimum of 75% of the employee leave liabilities as reported in the Shire's Annual Financial Statements.

<b>Reserve Name:</b>	<b><i>Plant Replacement Reserve</i></b>
<b>Purpose:</b>	To ensure adequate funds are available to purchase a responsive and modern plant fleet at the optimum replacement point.
<b>Calculation Basis:</b>	Transfers from the Reserve are based on plant purchases as per the Plant Replacement Program and authorised by resolution of Council.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of appropriate upgrades of the Shire's plant purchases as per the Plant Replacement Program.

<b>Reserve Name:</b>	<b><i>Buildings Reserve</i></b>
<b>Purpose:</b>	To ensure adequate funds are available to finance future building construction and major maintenance of the Shire of Merredin's property portfolio.
<b>Calculation Basis:</b>	Transfers to and from the Reserve are based upon the existence of, or proposal for, an annual budget allocation for an identified specific capital project and/or Asset Management Plan.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of appropriate upgrades of the Shire's Property Stocks as per the Asset Management Plan.

<b>Reserve Name:</b>	<b><i>Land and Development Reserve</i></b>
<b>Purpose:</b>	To ensure adequate funds are available to fund major land developments/purchases within the Shire of Merredin, in addition to any feasibility studies or business cases.
<b>Calculation Basis:</b>	Transfers to and from the reserve are based upon the net of sales and expenses related to land development. In the absence of such sales, an annual budget allocation may be determined by Council.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of land development and purchase proposals.

<b>Reserve Name:</b>	<b><i>Recreation Development Reserve</i></b>
<b>Purpose:</b>	To ensure adequate funds are available to fund future developments and major renewals of recreation facilities within the Shire of Merredin.
<b>Calculation Basis:</b>	Transfers from Reserve to be in accordance with Council Resolution or budgeted expenditure in line with the Shire of Merredin's Strategic Community Plan.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of capital upgrades of the Merredin Shire's Recreation Facilities in accordance with the Shire of Merredin's Strategic Community Plan.

<b>Reserve Name:</b>	<b><i>Cummings Street Units Reserve</i></b>
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<b>Purpose:</b>	To ensure adequate funds are available to meet the Shire's obligation to maintain the Cummings Street Units in accordance with the Joint Venture arrangement with the Department of Communities.
<b>Calculation Basis:</b>	Transfers to Reserve includes all excess income over expenditure as per the Joint Venture agreement.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of appropriate maintenance and repairs to the Cummings Street Units.

<b>Reserve Name:</b>	<b><i>Waste Management Reserve</i></b>
<b>Purpose:</b>	To be utilised for the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; the provision of receptacles for the temporary deposit of waste; the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste, and rehabilitation.
<b>Calculation Basis:</b>	Transfers to the Reserve are to be funded from the Shire's Refuse Maintenance Charge (UV & GRV) as required.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of related projects as per the Shire of Merredin's Strategic Community Plan.

<b>Reserve Name:</b>	<b><i>Declared Disaster Reserve</i></b>
<b>Purpose:</b>	To ensure adequate funds are available to meet the Shire's obligation in the event of a natural disaster that is declared under the current Disaster Recovery Funding Arrangements WA (DRFAWA) system.
<b>Calculation Basis:</b>	Initial transfer to Reserve included the matching amount required by DRFAWA, \$240,000.00. Further transfers will be made if the required amount increases. Council may consider allocating additional funds to cover events not declared as a disaster under the DRFAWA guidelines.
<b>Target Balance:</b>	Sufficient to meet the needs as determined by DRFAWA Guidelines.

<b>Reserve Name:</b>	<b><i>Information and Communication Technologies (ICT) Reserve</i></b>
<b>Purpose:</b>	To be utilised for the continuing upgrade of the Shire's ICT requirements keeping council abreast with modern technology.
<b>Calculation Basis:</b>	Transfers to and from Reserve are based on budgeted expenditure and Council foreseen future requirements.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of related ICT projects and future requirements.

<b>Reserve Name:</b>	<b><i>Apex Park Redevelopment Reserve</i></b>
<b>Purpose:</b>	To ensure adequate funds are available to fund future redevelopment and extensions of Apex Park.
<b>Calculation Basis:</b>	Transfers from Reserve to be in accordance with Council Resolution or budgeted expenditure in line with the Shire of Merredin's Strategic Community Plan.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of capital upgrades of Apex Park Facilities in accordance with the Shire of Merredin's Strategic Community Plan.

<b>Reserve Name:</b>	<b><i>Unspent Grants Reserve</i></b>
<b>Purpose:</b>	To be utilised for any unspent grants paid to the Shire of Merredin and remaining unspent as at the 30 June of any year.
<b>Calculation Basis:</b>	Transfers to and from Reserve are based on budgeted expenditure.
<b>Target Balance:</b>	No defined Target.

<b>Reserve Name:</b>	<b><i>Roads Construction Merredin-Narembene Road Reserve</i></b>
<b>Purpose:</b>	Future maintenance and construction of the Merredin-Narembene Road.
<b>Calculation Basis:</b>	Transfers to and from Reserve are based on income received from Explaurum Operations Pty Ltd (Ramelius Resources) and budgeted expenditure.
<b>Target Balance:</b>	No defined Target.

<b>Reserve Name:</b>	<b><i>Housing Reserve</i></b>
<b>Purpose:</b>	To ensure adequate funds are available to finance future residential housing development and/ or upgrades.
<b>Calculation Basis:</b>	Transfers to and from the Reserve are to be by Council resolution or in accordance with the Shire of Merredin Annual Budget.
<b>Target Balance:</b>	Sufficient to ensure adequate funding of capital renewal or upgrades to Shire Residential Housing stock in accordance with the Shire of Merredin's strategic planning documentation.

## 5. KEY POLICY DEFINITIONS

N/A

## 6. ROLES AND RESPONSIBILITIES

The CEO is responsible for implementing this policy.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Executive Management Team every two years.

Document Control Box					
Document Responsibilities:					
Owner:		CEO		Decision Maker:	
Reviewer:		Governance Officer			
Compliance Requirements					
Legislation		N/A			
Document Management					
Risk Rating		Moderate		Review Frequency	
				Biennial	
				Next Due	
				December 2025	
Version #		Action		Date	
1.		Adopted		16 March 2010	
2.		Reviewed		19 June 2012	
3.		Reviewed		19 February 2013	
4.		Reviewed		19 June 2018	
5.		Reviewed		17 March 2020	
6.		Reviewed		11 December 2023	
7.		Reviewed		25 March 2025	
				Records Reference	
				CMRef 30274	
				CMRef 30903	
				CMRef 31058	
				CMRef 82195	
				CMRef 82526	
				CMRef 83297	
				CMRef 83566	



## 3.19 Community Funding

### 1. POLICY PURPOSE

The purpose of this policy is to provide the Shire of Merredin with direction and framework for the community funding program, which is consistent, transparent, and equitable.

### 2. POLICY SCOPE

To assist with requests for funding received by the Shire, this policy provides Council with a response to ensure resources are allocated appropriately, consistently and in a manner that meet the objectives of the Shire's Strategic Community Plan.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995 S5.42 and S6.12(1)(c).*

### 4. POLICY STATEMENT

**The aims of the Shire of Merredin's Community Funding Program are:**

1. To encourage the development of services, facilities and events that meet identified community needs;
2. To promote active participation of residents in community initiatives and the development of skills, knowledge and opportunities;
3. To provide assistance to the community to develop initiatives and services that support the Shire of Merredin's objectives;
4. Link to the community vision and strategic goals listed in the Strategic Community Plan; and
5. To enhance the image of the Shire of Merredin within the community.

**The Community Funding Program is comprised of three categories:**

1. Recurring Annual Community Funding Commitments
2. Annual Grants
3. Quick Grant

#### 4.1 Community Funding Program Conditions

The conditions of the community funding program are outlined in the Shire's 'Community Funding Program Guidelines'.

All grants and sponsorships are subject to reporting and accountability requirements, and acquittals are required to ensure the funds expended and associated activities meet the purpose for which they were granted.

Grants may consist of cash, in-kind contributions, or waivers.

##### 4.1.1 Recurring Annual Community Funding Commitments

The Shire has many ongoing community funding initiatives which continue to receive support. To reduce red tape and community burden, there are identified annual funding commitments which the Council include as an individual budget line each year.

Organisations which have itemised individual budget lines in the Shire of Merredin's

endorsed Annual Budget, are only required to correspond with the Shire via written request, and do not have to submit an application.

#### 4.1.2 Annual Grant

The Annual Grant may consist of a cash, in-kind contributions and/or waivers provided to a recipient for a specific and eligible purpose.

The Annual Grant program is conducted once per financial year, aligns with the building of the Annual Budget, and is approved by Council.

Applicants apply through the grant program, which is aligned to the Shire of Merredin's Strategic Community Plan. Applicants must demonstrate how the funding will provide an outcome or benefit to the community.

#### 4.1.3 Quick Grant

The Quick Grant may consist of a cash, in-kind contributions and/or waivers provided to a recipient for a specific and eligible purpose.

The Quick Grant program is available throughout the financial year, is subject to available budget and is approved by the Chief Executive Officer through delegation.

Applicants will apply through the grant program, which is aligned to the Shire of Merredin's Strategic Community Plan. Applicants must demonstrate how the funding will provide an outcome or benefit to the community.

### 5. KEY POLICY DEFINITIONS

**Community Funding Program:** the program encompasses the three different categories of community funding. These include; Annual Community Funding Commitments, Annual Grant, and Quick Grant.

### 6. ROLES AND RESPONSIBILITIES

The Executive Manager Strategy and Community is responsible for managing the Community Funding Program. The Chief Executive Officer has Delegated Authority to approve relevant waivers, or contributions for successful applications, as per the policy and guidelines.

### 7. MONITOR AND REVIEW

This policy will be reviewed annually. The associated guideline will be reviewed concurrently.

Document Control Box					
Document Responsibilities:					
Owner:	EMSC		Decision Maker:	Council	
Reviewer:	A/DCEO				
Compliance Requirements					
Legislation	<a href="#">Local Government Act 1995</a>				
Document Management					
Risk Rating	Low	Review Frequency	Annual	Next Due	January 2024
Version #	Action		Date		Records Reference
1.	Adopted		16 March 2010		CMRef 30277
2.	Reviewed		21 September 2010		CMRef 30430
3.	Reviewed		19 February 2013		CMRef 31058
4.	Reviewed		17 January 2017		CMRef 81906
5.	Reviewed		18 April 2023		CMRef 83143

## 3.20 Disposal of Assets

### 6. POLICY PURPOSE

The purpose of this Policy is to provide unambiguous and transparent direction for the disposal of assets and in doing so:

1. promote fair and effective competition to the greatest possible extent,
2. consider any potential benefit to the community, and
3. ensure the best value for money is achieved.

### 7. POLICY SCOPE

This policy will address both the legal framework on which disposal action relies and give directives as to the process of disposal of assets.

### 8. LEGISLATIVE REQUIREMENTS

*Local Government (Functions and General) Regulations 1996*

*Local Government Act 1995*

### 9. POLICY STATEMENT

This policy applies to assets controlled by Council.

The Shire of Merredin council needs to be assured that probity is always maintained within the processes.

Section 30.3 (a) of the *Local Government (Functions and General) Regulations 1996* states that disposal of assets is exempt from the requirements of Section 3.58 of the *Local Government Act 1995* if the value is less than \$20,000 excluding GST (other than Land)

The disposal of items exceeding \$3,000 in value must be recorded in the Council's Asset Register (Excluding Land and Buildings).

The apparent value of assets shall be determined by the relevant Executive Manager as defined in this Policy who has responsibility for the management of the assets. The apparent value will be determined with consideration of:

- a. the book value, and/or
- b. replacement value of the asset, and/or
- c. an assessment of the market value of the asset, made by taking into consideration:
  - i. the potential to sell the asset,
  - ii. the perceived value of the asset to a buyer,
  - iii. its age and condition,
  - iv. potential for obsolescence, and
  - v. usefulness for future needs.

The Executive Manager will be required to detail the assumptions used in estimating the asset's value, in preparing their recommendation for how to dispose of the asset.

In all cases, prior to disposing of assets, Executive Managers should first consider the needs of other Departments. This could take the form of a notice communicating surplus assets and requesting that the Responsible Officer sign off that it is agreed there is no further use for the asset, whilst giving other Executive Managers the opportunity to state their requirements for the business.

### 4.2 Decision to Dispose

Before any asset is disposed of, it is necessary to certify that the asset is appropriate for disposal and obtain approval from the CEO (refer to Disposal Form linked below).

Common criteria for determining that goods may be suitable for disposal include:

- a. no longer operationally required,
- b. unserviceable or beyond economic repair,
- c. technologically obsolete,
- d. operationally inefficient,
- e. surplus to current or immediately foreseeable requirement,
- f. part of an Asset Replacement Program,
- g. contains any environmentally sensitive or hazardous material,
- h. non-compliance with WSH Standards, and
- i. uneconomical to repair.

#### **4.3 Factors to Consider prior to Disposal**

- i) *Other Uses* – prior to disposal, a reasonable effort is to be made to ensure no other Council Department has a need for the asset,
- ii) *Historical Significance* - Items of historical or cultural significance should be given special consideration,
- iii) *Dangerous materials* – Any dangerous goods are to be disposed of in an authorised manner,
- iv) *Conflict of Interest* – The Executive Manager and the officer responsible for the disposal of any Council Asset must ensure that no conflict of interest occurs in or because of, the asset disposal process,
- v) *Identifying marks* – As far as practical all Council identifying marks or stickers should be removed or obliterated,
- vi) *Spare parts* – Spare parts held for a particular item should be disposed of in one parcel with the asset,
- vii) Preparing assets for sale – A check must be carried out to ensure assets do not contain:
  - Additional Items not intended for sale,
  - Confidential documents (records, files, papers),
  - Software (which could lead to a breach of license or contain confidential data),
  - Digital confidential information,
  - Hazardous materials, and
  - Correct completion of a form for removal from Asset Register.

#### **4.4 Assets with an Apparent Value of Less Than \$3,000 (ex GST)**

The accepted means of disposal under this category may include, but not limited to:

- a. Disposal by publicly invited quotation,
- b. Public Auction, or
- c. Donation to not-for-profit Community or ATO endorsed Charity organizations.

The relevant Executive Manager is responsible for determining the appropriate method for the disposal of Assets with an Apparent Value of less than \$3,000. The method used for the disposal

of Assets shall maximise the return to Council.

#### **4.5 Assets with an Apparent Value of More Than \$3,000 (ex GST)**

For assets with an Apparent Value greater than \$3,000 the disposal method will be determined by the relevant Executive Manager on a case-by-case basis.

In making a determination the Executive Manager should consider:

- a. Market forces and impact on return from the sale of the asset,
- b. The purchase price, lifecycle maintenance costs and remaining useful life to maximise where possible the return on investment of the asset,
- c. The strategic worth of the asset and its long-term benefit to the community,
- d. Community needs for the asset and alternative resources, and
- e. How the funds received from the disposal of the asset are to be allocated.

#### **4.6 Methods of Disposal**

All disposal of surplus Council assets shall be via the Authorised Disposal Methods listed below. This shall not be limited to staff or to elected officials of the Shire of Merredin. Members of the public must also be allowed to compete for any Purchase by Tender events, Public Auctions and or Expression of Interest request.

At all times, surplus assets or materials should be disposed of in a way that maximises returns whilst ensuring open and effective competition.

The disposal method chosen must be appropriate to the nature, quantity and location of goods, and promote fair and effective competition to the greatest extent possible. Where practical, a competitive disposal method should be selected, particularly for the disposal of high-value goods or large quantities of similar goods.

#### **4.7 Authorised Disposal Methods**

##### Public Tender

Tendering for the disposal of goods is to be conducted in accordance with the same principles as Council's tendering policy.

##### Public Auction

Public auction maximises the opportunity for public participation in the disposal process and is the appropriate method when:

- a. There is public demand for the items,
- b. Alternative disposal methods are unlikely to realise higher revenue, and
- c. The costs associated with the auction can be justified in relation to the expected revenue from the sale.

##### Expressions of Interest/Quotations

Council may determine to dispose of items by advertising for expressions of interest or quotations where:

- (a) the items are of low value,
- (b) the costs of disposal are disproportionate to the expected returns, or
- (c) there is very limited interest.

##### Trade-in

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Trading-in surplus goods can be an efficient means of disposal, and a convenient way to upgrade equipment such as plant. However, trade-in prices do not always provide the best return as the purchase price of an item not on State Contract may have been inflated to offset the trade-in value offered by the supplier. Any decision to trade-in surplus goods must be based on a clear analysis of the benefits of the trade-in as opposed to separate sale of the surplus goods.

### Sale or Transfer to Other Agencies

There may be occasions when Council may consider selling or transferring surplus goods to another council or similar organisations, before offering them for sale on the open market. For example, it may decide to give surplus office furniture to a co-operative organisation in which the Council is a participant.

Authorisation by way of a resolution of Council is required before such a sale or transfer can be affected.

### Donation to Charities or Community Organisations

(Note: this method of disposal may not be used for asset with an apparent value of more than \$1,000 as per the relevant Executive Managers appraisal).

Council occasionally receives requests from not-for-profit community, charity or work creation organisations seeking the donation of, or concessional sales of surplus goods. At times Council may invite such organisations to submit proposals for the donation of surplus or obsolete goods.

In considering any request, the matter shall be referred to the Executive Manager Strategy and Community for assessment to consider the following:

- a. Community groups should receive equitable treatment to avoid possible claims of bias,
- b. A check should be made to ensure the group is not a disguised business operation providing funds or remuneration to the principals,
- c. They must verify in writing their status as an incorporated not for profit organisation, with an approved Constitution, or an organisation endorsed for tax concessions by the ATO and that the intended use of the asset is non-commercial (i.e. non-profit),
- d. Provide written acknowledgement of receipt of the asset,
- e. Acknowledge that Council will not be responsible for any repair or maintenance of the asset,
- f. Acknowledge that all copyright or licensed content has been removed (e.g. computer software),
- g. Take responsibility for the timely removal of the asset and any associated costs that arise from the asset's removal,
- h. Where the donation is seen as appropriate but there is a potential claim of bias, the matter should be referred to the CEO, and
- i. The charity/community group must remove the asset themselves and at no cost to the Council.

### Writing off the Value of the Goods (Recycling or Destruction)

The value of an item may be written off and the item removed to the Waste Management Facility, recycled or destroyed if it is deemed:

- a. to have no value,
- b. to be unserviceable or beyond economical repair, or
- c. that the disposal cost is higher than the likely return.

## **4.8 Authorised Disposal Methods**

Following the disposal of an asset of an apparent value of \$3,000 or more, it is the responsibility of the

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relevant Executive Manager, or their delegate, to notify:

- a. The Senior Finance Officer of the disposal to ensure the Asset Register is updated; and
- b. The Executive Manager of Corporate Services to determine any impact on the Council's insurance policies.

### 4.9 Buyers Risk

Irrespective of the disposal method applied, all prospective owners must be advised in writing that items are disposed of, with any faults, at the buyer's risk ('as is where is'). This will be by a Condition Report that states the known faults with the item, and or the item is disposed of for scrap value only.

Buyers are encouraged to rely on their own investigations regarding the condition and workability of the items for their particular purpose and Council will not be responsible for any repairs or maintenance of the Asset.

### 4.10 Documentation and Declarations

The relevant Executive Manager or their delegate is to ensure:

- a. The disposal methodology is fully documented, and all documentation is filed under the appropriate disposal file in Records.
- b. Any conflict-of-interest issues, perceived or otherwise, in relation to the chosen means of disposal or with the officers involved in the disposal process is declared and registered; and
- c. The CEO will consider the conflict-of-interest declaration, assess the risk and provide formal notification of a decision on a case-by-case basis.

## 10. KEY POLICY DEFINITIONS

### Principle

The Shire of Merredin is committed to the open, transparent and systematic disposal of the Council's Non-current Assets.

### Definitions

To assist in interpretation, the following definitions shall apply:

**Apparent Value:** relates to the current financial value of an asset, as per the assessment conducted by the responsible Executive Manager.

**Asset:** means a resource controlled by Council as a result of past events and from which future economic benefits are expected to flow to Council (e.g. real property, motor vehicles, plant and equipment, art works, etc).

**Asset Disposal:** means a process where Council divests itself of an asset in a systematic and authorised manner as directed by this Policy.

**Best Value:** means where Council obtains the best possible return for the goods it disposes of in financial, social, economic and environmental terms.

**CEO:** means the CEO of the Shire of Merredin.

**Responsible Officer:** means that officer nominated in the Shire's accounting system as being responsible for the service supported by that asset.

**The Act:** means the *Local Government Act 1995* (and as amended from time to time) and the *Local Government (Functions and General) Regulations 1996*.

## 11. ROLES AND RESPONSIBILITIES

Disposal processes can be instigated by the following personnel:

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- Custodian of the Asset (surplus to requirement and or asset is unserviceable)
- Asset Management Officer (end of service life as per asset register)
- Asset Manager (capability restructuring, improvement of fleet and or sustainability practices)
- Executive Manager (response to equipment recall, fleet realignment, and council directives)
- Chief Executive Officer (Council request, legislative response, upgrades of capability, financial implications, and public image considerations)

## 12. MONITOR AND REVIEW

This policy will be reviewed by GO every 2 years.

This Policy is to be reviewed when any of the following occur:

- The related information is amended or replaced, and
- Other circumstances as determined from time to time by the CEO.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Functions and General) Regulations 1996</a>				
Document Management					
Risk Rating	Medium	Review Frequency	2 yearly	Next Due	27 November 2025
Version #	Action	Date		Records Reference	
1.	Adopted	18 January 2011		CMRef 30533	
2.	Reviewed	19 February 2013		CMRef 31058	
3.	Reviewed	17 June 2014		CMRef 81388	
4.	Reviewed	27 February 2024		CMRef 83340	



## 3.21 Art Collection and Acquisition Art Prize

### OBJECTIVES:

1. To provide a clear direction for the management, conservation and documentation of the Shire of Merredin's Art Collection (the Collection).
2. To acquire artworks in accordance with the acquisition and development guidelines.
3. To promote and facilitate public access to the Collection.

### SCOPE:

This policy applies to all Shire of Merredin artworks which includes public artworks, artworks, objects and memorabilia.

### DEFINITIONS:

**Acquisition:** the process of obtaining valid title to an artwork, object or memorabilia.

**Artwork (also known as Work of Art or Art Piece):** a physical two or three dimensional object that is professionally determined or popularly considered to fulfil a primarily independent aesthetic function.

**Bequests:** the process of when personal artwork, objects or memorabilia are left to the collection through the provision of a will or estate plan.

**Conservation:** any attempt to protect or repair artwork, objects or memorabilia. This can include preventative treatments or the repairing of damage caused by a range of circumstances.

**Deaccession:** the process by which an artwork, object or item of memorabilia is permanently removed from the collection.

**Disposal:** The means by which an artwork, object or item of memorabilia are physically removed from the collection.

**Donations:** when artwork, objects or memorabilia are given voluntarily to the collection.

**Memorabilia (also known as memento or keepsake):** an object esteemed for its memory in connection to a specific event.

**Mural:** a painting or other work of art executed directly on a wall.

**Object (also known as Artefact):** something that is made or given shape by man, such as tools or decorative objects and which has cultural interest.

**Public artwork:** works of art in any media that are planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

### POLICY:

Council holds the Collection for the community. Council is responsible for the proper stewardship of this valuable asset and will provide maximum exposure, utilisation and benefits for the community and Council.

### CONSERVATION AND MANAGEMENT

1. The Shire of Merredin may, from time to time, seek community and industry expertise to advise on the management of the Collection.
2. Budget allocations for the care and maintenance of the Collection will be in line with general asset management strategies and will be developed in consultation with these directives.
3. All artwork will be appropriately insured and individually catalogued.

4. Public artwork and artwork on display will be accompanied by appropriate signage that acknowledges the artist and the name of the work.
5. The Collection will be re-valued every 10 years and in accordance with Council's asset management practices and legislative requirements.

## **ACQUISITION AND DEVELOPMENT**

1. New acquisitions will consolidate the existing selection.
2. The Shire of Merredin will not be bound to acquire any artwork or accept any donations.
3. New acquisitions will primarily be from emerging and established artists living and/or working in the Shire of Merredin and surrounding districts, or be artwork(s) which relate to the experience of people living and/or working in the Shire of Merredin and surrounding districts.
4. New acquisitions will not duplicate existing artworks in the Collection, but will be relevant to the regional and/or aesthetic significance of the Collection.
5. The Shire of Merredin will not acquire commercial prints or reproductions.
6. Consideration will be given to public safety, display, storage, conservation and transport issues of a potential acquisition.
7. Artwork acquisition and donation, including public art, will be considered based on the following criteria:
  - a. Excellence – quality of design and execution based on conceptual rationale and innovation;
  - b. Diversity – range of media catering to a diverse audience;
  - c. Originality – essence of artwork not copying an existing one;
  - d. Feasibility – affordability and long-term cultural value or investment potential;
  - e. Location – appropriateness of the work to the chosen site including integration with landscaping and architecture;
  - f. Conservation – durability, robustness and ongoing maintenance requirements;
  - g. Interpretation – works that reflect the Shire of Merredin's history, culture or sense of place;
  - h. Public safety – ensuring there is no unacceptable level of risk associated with any public art proposal;
  - i. Useful life – ephemeral or permanent;
  - j. Interaction – encourages audience participation.
8. An artwork will be acquisitioned, by way of a prize, from the annual Merredin Fine Arts Society Exhibition in accordance with the Guidelines detailed under the Acquisition Art Prize of this Policy.

## **DONATIONS AND BEQUESTS**

1. Every effort should be made to encourage gifts of artworks to enhance the Collection, consistent with these procedures.
2. Donations and bequests will only be accepted where they are the sole property of the donor and which accord with this acquisition policy, with no conditions attached.
3. At the time of acquisition the costs associated with the conservation, restoration, preparation, presentation and storage of the artwork will be estimated and considered as part of the cost of acquiring the artwork.

## **DEACCESSION AND DISPOSAL**

1. The Shire of Merredin retains the right to dispose of artworks if they are deemed

unsuitable at any stage. This includes artworks which are in poor condition, damaged or deteriorated beyond reasonable repair or conservation, are duplicate or do not meet with the requirements of the Collection's policy statement. This process is known as de-accession.

2. Artwork will be de-accessioned in accordance with Section 3.58 of the *Local Government Act 1995* – Disposing of Property.
3. Any funds raised by the disposal of a de-accessioned artwork will be reserved for the maintenance and management of the Collection.

## **LOANS**

1. The Shire of Merredin will not accept permanent or indefinite loans.
2. All loans will be for a fixed term and will be documented in a loans register.
3. A Memorandum of Understanding will be agreed between the Shire of Merredin and the party wishing to loan the artwork to the Shire, outlining the terms and responsibilities of the loan.

## **PUBLIC ACCESS, DISPLAY AND EXHIBITIONS**

1. The Collection will be documented, with interpretive information made available in a variety of publications and presentation forms which will be accessible to various public audiences, including the development of online access via the Shire of Merredin website.
2. The Shire of Merredin aspires to expose the Collection to as wide an audience as possible, and this may encompass the use of temporary displays in appropriate places, for example, the Shire Administration Office, Merredin Regional Library, Cummins Theatre and/or other Shire of Merredin premises and other appropriate community buildings.
3. The Shire of Merredin, from time to time, may present appropriately documented exhibitions from the Collection, and public programs to enhance the appreciation of the Collection. Exhibitions may be of a physical or digital nature.
4. Where appropriate, works from the Collection may be considered for display in other exhibitions, subject to appropriate loan agreements being negotiated at the discretion of the CEO.

## **PUBLIC ART**

1. Artwork commissioned or acquired for the outdoors, such as a sculpture or built form, will be included as part of the Collection.
2. Public art sites should be significant and/or strategically important public places, with visibility and/or accessibility and the site must be in Council's ownership. Sites that may be selected should be:
  - a. highly visible to the community;
  - b. places of high pedestrian activity;
  - c. places of high recreational activity; or
  - d. places of civic importance and/or cultural significance.
3. Public artwork will be acquired either by acquisition, commission or bequest.
4. Public artworks are to be robust in nature, needing minimal maintenance over the first 10 year period, except where a temporary installation work is specifically commissioned.

## **OBJECTS AND MEMORABILIA**

1. The Collection will encompass relevant heritage objects and memorabilia material, a repository for unique and significant resources relating to the natural and social

environment within the Shire of Merredin.

2. The function of the Collection for objects and memorabilia is to allow interpretation of a regional resource to promote education, enjoyment and community participation.
3. The Merredin Regional Library will be the main venue associated with housing these objects and memorabilia.

## ANNUAL ACQUISITION ART PRIZE

The Shire of Merredin will provide an annual Acquisition Art Prize of \$1,000 for a two or three dimensional work acquired through the Merredin Fine Arts Society annual Art Exhibition. Guidelines for the acquisition are detailed below:

### GUIDELINES

1. The prize shall be known as the “Shire of Merredin Acquisition Art Prize” (the Prize)
2. The winning Prize will become the property of the Shire of Merredin.
3. The artist will be a bona fide resident of the Wheatbelt for a minimum of six (6) months immediately preceding the awarding of the Prize.
4. All artworks will be the original work of the artist and have been completed within the last 12 months and not entered into any other award.
5. If the winning entry for the Prize is valued in excess of the budgeted Prize allocation the artist shall accept this amount only.
6. The Prize will be awarded at the beginning of the Exhibition.
7. The Prize will be presented to the winner by the Shire President or his/her representative.
8. The winning Prize will be judged by a person, or persons, nominated by Council.
9. The decision of the judges will be final.
10. Council reserves the right to withhold the Prize in any given year.
11. Any artwork awarded the Prize will be durable and able to be displayed in a public place for an extended period without deterioration. The works must be made of archival materials suitable for the Wheatbelt climate.
12. The Shire of Merredin will be recognised as a sponsor of the Art Exhibition and shall be recognised on all printed material and promotions relating to the Art Exhibition.
13. Copyright will remain with the artist. The artist agrees that the Shire of Merredin reserves the right to use the image of the Prize for non-commercial reproduction and publicity purposes.
14. Each Prize will be accompanied by an Acquisitive Art Prize Piece Details form specifying the artist’s name, year of acquisition, artist’s contact details, medium of the artwork, artwork’s measurements, story behind the artwork and any additional comments relevant to the artwork.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	
			Next Due
Version #	Action	Date	Records Reference
1.	Adopted	November 2011	
2.	Reviewed	19 February 2013	CMRef 31058
3.	Reviewed	20 November 2018	CMRef 82282

## 3.22 Credit Card Policy

### Rationale

To provide clear direction on the use of the Shire's corporate credit cards to approved cardholders thereby mitigating the risk of fraud and inappropriate use.

### Policy

1. The issue and use of corporate credit cards shall be strictly in accordance with this policy and management practice.
2. 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.
3. The procurement of goods and services on corporate credit cards shall be in accordance with Policy 3.12 (Purchasing Policy).
4. The overall limit of the Shire's corporate credit card facility shall not exceed \$30,000. This overall limit can only be increased by Council resolution on the recommendation of the Shire Audit Committee.
5. The scope of the Shire's independent external auditor's interim audit which reviews the Shire's accounting and internal control procedures shall include a review of corporate credit card use.

### Credit Cards Management Practice

#### Relevant Delegation

N/A

#### 1) General Practices

- a. Corporate credit cards will only be issued to the CEO and Executive Managers of the Shire of Merredin.
- b. The CEO shall approve the issue of all corporate credit cards. In the case of the CEO, Council may (in accordance with this Policy and Management Practice) approve the issuing of a corporate credit card as part of the CEO's contract of employment.
- c. The Shire's corporate credit cards shall only be used for Shire business related purchases and within approved budget allocations. ***Under no circumstances*** are corporate credit cards to be used for personal or private purposes.
- d. The cash withdrawal feature on all cards, shall be disabled by arrangement with the Shire's financial institution.
- e. The maximum credit limit on any card shall not exceed \$5,000, unless specifically approved by the Chief Executive Officer (CEO) for sound demonstrable purposes.

- f. It is the cardholder's responsibility to ensure, prior to any purchase, that there are sufficient funds/credit limit available on their corporate credit card so as not to exceed the card's limit.

The cardholder can verify their corporate credit card balance with the Finance Department.

## **2) Terms of Corporate Credit Card Use by Cardholders**

- a. An Agreement between the cardholder and the Shire of Merredin shall be signed which sets out the cardholder's responsibilities, legal obligations, details of goods and services the cardholder has authority to purchase and actions that will be taken in the event that the cardholder fails to comply with the terms of the Agreement.
- b. A Register of all corporate credit cards issued/returned/cancelled, will be maintained by the Finance Department. The Register will record the following details:
  - The cardholder's name and position;
  - The card number;
  - The card expiry date;
  - The card credit limit, and
  - The signature of the cardholder to signify they have received the card.
  - The signature of the cardholder to signify they have returned the card.
- c. On the cessation of a cardholder's employment, the corporate credit card is to be returned to the EMCS who will cancel and destroy the card. The Register will be updated with the cardholder's signature to signify they have returned the card.
- d. If a cardholder's corporate credit card is misplaced, damaged or stolen, the cardholder is required to report it immediately to the Shire's financial institution and the EMCS.
- e. Cardholders are responsible for the purchases made on their corporate credit card and must sign the statement received at the end of each month certifying they have checked that all transactions listed match their purchases for that month. Cardholders are to obtain in all instances a compliant tax invoice or receipt which records an adequate description of the goods or services obtained and shall write on the statement or the supporting documents for each transaction, the applicable expense account budget number for cost allocation purposes.
- f. All corporate credit cards statements from the Shire's financial institution shall be mailed directly to the Finance Department who will distribute to cardholders.
- g. Corporate credit card statements (including supporting documentation of the goods or services acquired) must be signed by the cardholder as being true and correct. Statements must then be co-signed by the CEO before being returned to the Finance Department. The CEO credit card must be co-signed by another member of the executive team prior to being returned to the Finance Department.
- h. The Finance Department will:
  - i. Reconcile the corporate credit card statements to the total monthly payment made to the Shire's financial institution.

- ii. Review the transactions and supporting documents on each corporate credit card statement, and report any irregularities or discrepancies to the EMCS.
- iii. File all corporate credit card statements and supporting documentation.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	19 February 2013		
2.	Reviewed	19 March 2013	CMRef 31086	
3.	Reviewed	21 January 2014	CMRef 81290	
4.	Reviewed	17 June 2014	CMRef 81388	
5.	Reviewed	20 November 2018	CMRef 82278	
6.	Reviewed	22 November 2022	CMRef 83048	

## 3.23 Asset Management Policy

### 1. POLICY PURPOSE

The purpose of this Policy is to guide the strategic management of all the Shire of Merredin's assets in conjunction with other Integrated Planning & Reporting (IPR) Framework strategies, relevant Legislation & Regulations, Australian Standards, Australian Accounting Standards, recognised best practice principles and other Shire of Merredin policies.

### 2. POLICY SCOPE

This policy applies to all physical assets owned by Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

The *Local Government (Administration) Regulations 1996* requires all local governments to plan for the future including consideration of how the Shire will continue to deliver services to the community on a long-term basis in a financially sustainable and efficient manner. A strong focus on long-term strategic asset and financial planning is important because there is:

- increasing and changing demand for services as the Shire's population profile changes;
- increasing community expectation in relation to service provision, accountability and value for money;
- a changing and complex market environment, affecting the cost and value of assets;
- limited ability to grow revenue/finite resources; and
- need to maintain, renew or replace infrastructure to meet future demand.

This Policy takes a focus to meet the Asset Management reporting requirements as stipulated in the IPR – framework and guidelines published by the Department of Local Government, Western Australia.

### 4. POLICY OBJECTIVES

The primary objective of this Policy is to ensure that there is organisation-wide commitment to asset management and that the objectives of the Shire's Asset Management Strategy and Plans are achieved. This will ensure financial data within each year's annual budget and the long-term financial plan takes a sustainable and consistent approach to asset renewals, maintenance of existing assets and the purchase new assets.

The secondary objective of asset management is to enable the Shire to meet its service delivery objectives efficiently and effectively, in a way that ensures:

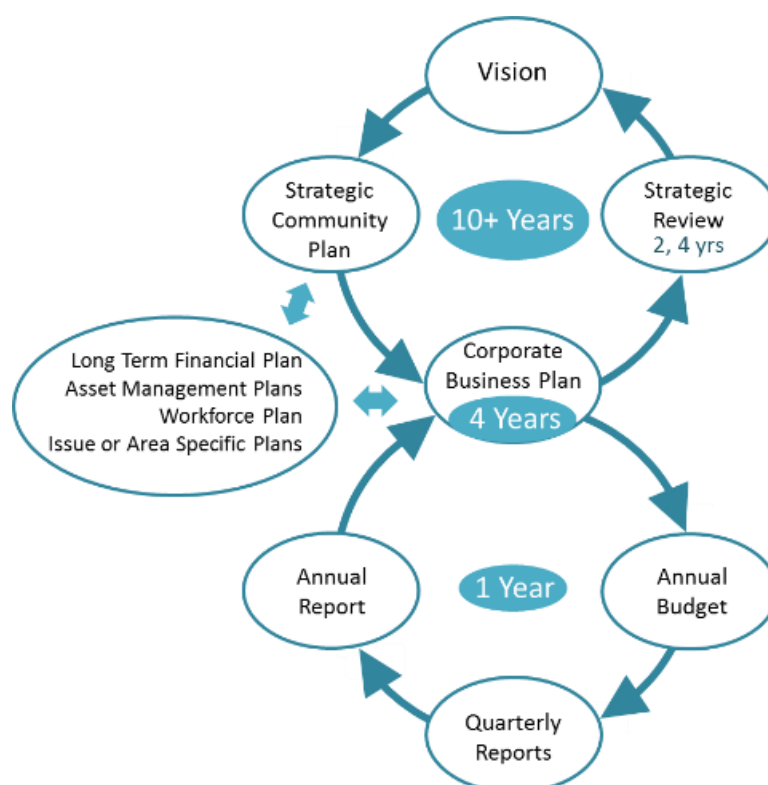
- Assets are managed in accordance with relevant legislation;
- Assets are managed in accordance with recognised best practice;
- An asset "whole-of-life" approach is taken in the management of the Shire's assets;
- Risk is considered in the development of asset strategies;
- Asset performance is measured against defined levels of service outlined in the Asset Management Plan;



- Assets are brought to account in accordance with the requirements of the appropriate accounting standards and reporting requirements;
- Informed decision making is based on reliable data;
- Assets held by the Shire are maintained to a suitable and sustainable level; and
- The Shire meets its requirements under the IPR Framework.

## 5. POLICY STATEMENT

This Asset Management Policy has been prepared to provide a foundation for the Shire's Asset Management Strategy & Plan and related Asset Plans for individual assets or asset classes. The following figure demonstrates the role asset management plays within the IPR framework.



*Figure 1: Integrated Planning and Reporting Cycle*

The primary physical assets of the Shire are roads, footpaths, drainage, street lighting, plant and equipment, buildings, recreational facilities, along with information and communications technology. It is through these assets that many of the services the Shire provides are delivered to the community.

Asset management involves Council, Administration, and the community; from those that plan services, provide services and manage assets and services, to those who use the assets. Council will utilise integrated decision-making processes to ensure asset provision and maintenance are properly considered throughout the asset management lifecycle.

It needs to be considered that the asset management planning process will take time and needs to be resourced appropriately to continue to process. The process should take a stepped approach, making a start and developing overtime, with regular review and reassessment as the Shire builds up its knowledge. For consistency throughout the

documentation, the planning approach should be taken to develop the Asset Management Strategy and Plans:

### **Asset Management Planning Vision**

The Shire's vision for the management of its assets is for a consolidated and balanced asset portfolio reflecting best practice standards, whilst aligning with the community's aspirations and the Shire's strategic objectives.

### **Asset Management Planning Goals**

The Shire has adopted five key asset management goals, which, together with their desired outcomes, are outlined in the following table:

Goals	Desired Outcome
Direction and Accountability	To identify responsibilities and accountabilities so that they are clearly understood across the organisation and integrated into the Shire's business and resources planning process.
Lifecycle Management	A portfolio of assets that is aligned with the Shire's corporate, financial and business objectives, which is effectively and efficiently managed from asset conception, planning, design, use and disposal.
Data and Information Management	The ability and resources to identify, analyse and model asset trends that enhance asset efficiency and effectiveness and enable informed decision-making.
Standards and Levels of Service	A portfolio of assets that is aligned with community and organisational expectations and priorities having regard to the financial context of the Shire.
Continuous Improvement	Ongoing improvement in asset management competency and capacity.

### **Asset Management Planning Guiding Principles**

In the process of asset management planning, the following five guiding Principles should be applied and provide the overarching guide in the development of the Asset Management Strategy and Plans.

Principles	Desired Outcome
Structure	Asset Management planning should be structured to provide clear links between levels of service, asset funding requirements and budget provisions. Links must be made between asset management planning and the Long-Term Financial Plan, Strategic Community Plan, Corporate Business Plan and Annual Budget. The Asset Management Strategy should set the planning and delivery of asset management practice across the organisation.
Levels of Service	Decisions about asset management which have a consequence for the level of service delivered to the community must be made by Elected Members. Levels of Service shall be set by Council based on

	data that is informed by whole of life / life cycle methodology. Ongoing testing of the long-term affordability and practicality of defined levels of service, and the manner in which they will be sustainably financed.
Data Confidence	Confidence in the management of the Shire's assets, the quality of asset information, the links between technical asset standards and levels of service delivery, and the financial information identified as needed to maintain the asset base, is essential to Elected Members being able to make informed and robust decisions. Maintaining accurate and reliable asset data must be resourced by Council to ensure delivery of asset management outcomes.
Transparency	Decisions about the funding of the maintenance and replacement of assets must be transparent and any decision to defer maintenance or replacement must be formally consulted on with budget considerations.
Risk Management	Risk assessment and management is a fundamental aspect of asset management. Future asset management investment decisions will explicitly canvass emerging technologies, will address resource efficiency especially energy impacts and opportunities to reduce operating costs and maintain where appropriate, a level of flexibility which enables Council to respond to changing contexts.

## 6. POLICY COMMITMENTS

The Shire has committed to the following principles and actions to achieve the objectives of this policy:

- Develop and regularly review the Shire's Asset Management Strategy and Plans;
- Ensure the integration of the Asset Management Strategies & Plans within the Shire's Strategic Community Plan, Corporate Business Plan, Long-Term Financial Plan and other relevant informing strategies;
- Ensure that the asset management system complies with relevant Australian Accounting Standards, relevant Legislation & Regulations, Australian Standards, recognised best practice principles and other Shire of Merredin policies;
- Consider options for the Shire to facilitate delivery of services by a third party with the annual budget;
- Continue to develop documented service level agreements with key stakeholders (such as road users) to ensure the sustainability of assets and the Shire's services;
- Use whole-of-life costs as the basis for decision-making regarding asset acquisition, replacement, maintenance and disposal;
- Monitor asset utilisation and predict future demand changes;

- Identify, through risk management and condition assessments, initiatives to help reduce exposure to injury, liability and asset failure;
- Start the development of operational plans for relevant asset classes;
- Provide relevant resources to support asset management planning, including to support the effective collection, collation and analysis of asset data;
- Regularly keep informed on issues relating to asset management best practice;
- The optimisation and rationalisation of assets in order to provide community services at the best possible value-for-money; and
- Measure the efficiency and effectiveness of asset performance including functionality, suitability, location, accessibility, utilisation and cost.

## **7. ASSET MANAGEMENT RESPONSIBILITY & ACCOUNTABILITY**

Responsibility for asset service delivery and asset management, including accountability needs to be clearly established and communicated. This will ensure that both Elected Members and Shire staff are clearly aware of their roles and responsibilities in relation to asset management.

At a minimum, the following broad roles and responsibilities are assigned through this policy:

### **Elected Members**

- Responsible and accountable for the stewardship of the Shire's assets;
- To ensure that appropriate resources are allocated and funded in the Shire's financial planning process in order to achieve the strategic asset management objectives and implementation of asset plans;
- Responsible for setting the defined level of service in asset management delivery;
- Approve the Asset Management Policy; and
- Endorse Asset Management Strategy and Plans.

### **Executive Group, including CEO and Executives**

- Responsible for the strategic planning and on-going maintenance related to the Shire's assets;
- Ensure that sound business principles are adopted in the preparation of Asset Management Strategy and Plans;
- Ensure the integration and compliance with the Asset Management Policy, Strategy and Plans in relation to other policies and business processes of the Shire; and
- Ensure that strategies and resources are in place to develop, maintain and review the Shire's asset management related documents, procedures, processes and systems.

### **Officers responsible for the management of Assets in each asset class**

- Implement, maintain and review the Asset Management Policy, Strategy & Plans in accordance with this policy's objectives and commitments;
- Develop, maintain and review Asset Management Plans relevant to their asset class and service provision responsibilities;

- Review the Asset Management Policy every 2 years in line with Asset Management Strategy and Asset Plans;
- Engage current and up-to-date technologies, methodologies and continuous improvement processes; and
- Facilitate acknowledged best practice in asset management.

Document Control Box					
Document Responsibilities:					
Owner:		CEO		Decision Maker:	
Reviewer:		Governance Officer			
Compliance Requirements					
Legislation		N/A			
Document Management					
Risk Rating			Review Frequency		
				Next Due	June 2025
Version #		Action		Date	
1.		Adopted		27 June 2013	
2.		Reviewed		08 June 2023	
				CMRef 31159	
				CMRef 83180	

## 3.24 Risk Management Policy

### 1. POLICY PURPOSE

The purpose of the policy is to state the Shire of Merredin's (the Shire's) intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

### 2. POLICY SCOPE

The following points provide detail on the objective specifics. This policy:

1. Aligns with and assist the implementation of all Shire policies.
2. Optimises the achievement of the Shire's vision, mission, strategies, goals and objectives.
3. Provides transparent and formal oversight of the risk and control environment enabling effective decision making.
4. Enhances risk versus return within the Shire's risk appetite.
5. Embeds appropriate and effective controls to mitigate risk.
6. Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
7. Enhances organisational resilience.
8. Identifies and provides for the continuity of critical operations.

### 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995 and Local Government (Audit) Regulations 1996*

### 4. POLICY STATEMENT

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management–Guidelines), in the management of all risks that may affect the Shire achieving its objectives.

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

This policy applies to Elected Members, Executive Management and all employees and contractors involved in any Shire operations.

### 5. KEY POLICY DEFINITIONS

**Risk:** Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

## 6. GUIDELINES

### *Risk Assessment and Acceptance Criteria*

The Shire quantified its generic risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance 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 appetite and are to be noted within the individual risk assessment.

## 7. ROLES AND RESPONSIBILITIES

The CEO is responsible for the:

1. implementation of this policy;
2. measurement and reporting on the performance of risk management; and
3. review and improvement of this policy and the Shire's Risk Management Framework at least annually or in response to a material event or change in circumstances.

The Shire's Risk Management Framework outlines in detail, all roles and responsibilities associated with managing risks within the Shire.

## 8. MONITOR AND REVIEW

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be reviewed by the Shire's Executive Team annually, with formal reviewed occurring every two years.

## Risk Assessment and Acceptance Criteria

MEASURES OF CONSEQUENCE							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
<b>Insignificant (1)</b>	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage	Contained, reversible impact managed by on site response
<b>Minor (2)</b>	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
<b>Moderate (3)</b>	Medical type injuries	\$10,001 - \$100,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
<b>Major (4)</b>	Lost time injury	\$100,001 - \$1,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
<b>Catastrophic (5)</b>	Fatality, permanent disability	More than \$1,000,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact



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

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)

RISK ACCEPTANCE CRITERIA			
Risk Rank	Description	Criteria	Responsibility
<b>LOW</b>	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
<b>MODERATE</b>	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
<b>HIGH</b>	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Executive Manager / CEO
<b>EXTREME</b>	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

EXISTING CONTROLS RATINGS		
Rating	Foreseeable	Description
<b>Effective</b>	There is <u>little</u> scope for improvement.	1. Processes (Controls) operating as intended and aligned to Policies / Procedures. 2. Subject to ongoing monitoring. 3. Reviewed and tested regularly.
<b>Adequate</b>	There is <u>some</u> scope for improvement.	1. Processes (Controls) generally operating as intended, however inadequacies exist. 2. Nil or limited monitoring. 3. Reviewed and tested, but not regularly.
<b>Inadequate</b>	There is a <u>need</u> for improvement or action.	1. Processes (Controls) not operating as intended. 2. Processes (Controls) do not exist, or are not being complied with. 3. Have not been reviewed or tested for some time.

Document Control Box				
Document Responsibilities:				
Owner:	EMCS	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
Document Management				
Risk Rating	Medium	Review Frequency	Biennial	Next Due December 2024
Version #	Action	Date	Records Reference	
1.	Adopted	19 August 2014	CMRef 81424	
2.	Reviewed	17 July 2018	CMRef 82221	
3.	Reviewed	20 December 2022	CM Ref 83067	

## 3.25 Recordkeeping Policy

### 1. POLICY PURPOSE

The purpose of this policy is to encompass the principles of the *State Records Act 2000* and ensure uniformity and consistency within the creation and maintenance of record in the Shire of Merredin's (the Shire's) records management systems. The Policy also defines the roles and responsibilities of the officers who manage and perform record keeping processes for, or on behalf of, the Shire and prescribes a methodical and organised approach in the management of the Shire's records.

### 2. POLICY SCOPE

Under current records-related legislation such as the State Records Act, the Freedom of Information Act and the accredited standard ISO 9001:2000 the Shire of Merredin is obliged to maintain record keeping systems that are dedicated to the creation and control of Council's records.

### 3. LEGISLATIVE REQUIREMENTS

*State Records Act 2000, Freedom of Information Act 1992, Local Government Act 1995.*

### 4. POLICY STATEMENT

Under current records-related legislation such as the State Records Act, the Freedom of Information Act and the accredited standard ISO 9001:2000 the Shire of Merredin is obliged to maintain record keeping systems that are dedicated to the creation and control of Council's records. The systems must ensure that Council's records both correctly and sufficiently record the performance of its functions and are able to contribute towards appropriately informed decision-making at the Shire of Merredin.

The Shire of Merredin considers all its records to be a corporate asset. Complete and accurate records of all business decisions and transactions are to be documented in the Shire's record keeping systems. The records are then to be managed in accordance with the State Records Act 2000 and associated Council policies and procedures.

This policy is applicable to all government records which are created or received by the Shire of Merredin (or on behalf of), regardless of their media, date of creation or storage location.

### 5. KEY POLICY DEFINITIONS

**Record:** For the purposes of this policy, a record is defined as per the *State Records Act 2000* meaning any record of information however recorded and includes:

1. Anything on which there is writing or Braille;
2. A map, plan, diagram or graph;
3. A drawing, pictorial or graphic work, or photograph;
4. Anything on which there are figures, marks, perforations or symbols, having a meaning for persons qualified to interpret them;
5. Anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and

6. Anything on which information has been stored or recorded, either mechanically, or electronically.

Within the scope of this definition and Council's perspective, a government record is deemed to be a record created or received by the Shire, a Councillor or an employee or contractor in the course of work for the Shire. The record may verify a business decision, a transaction or reflect a current state of knowledge and is generated as part of a business process.

**Note 1:** Unless otherwise indicated, reference to the term 'record' in the body of this policy refers to a government record.

**Vital Records:** are defined as records that are fundamental to the continued business of the Shire of Merredin. Vital records include those that protect the rights of individuals and the Shire and are imperative for the Shire's reconstruction in the event of a disaster. Vital records have a continual value to the Shire and need to be incorporated into the Council's record keeping system.

## 6. GUIDELINES

*Creation of Records:* All elected members, staff and contractors will create full and accurate records, in the appropriate format, of the Shire of Merredin's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements. Files are created and closed by the Records Officer as required.

*Capture and Control of Records:* All records created and received in the course of Shire of Merredin business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles. The Records Officer is responsible for collecting and opening all mail. All incoming & outgoing mail is recorded in the ERMDS which details the following information:

- Date received
- Sender
- Description of content
- Relevant Officer (to which the mail relates)
- File Reference

Incoming mail is distributed to the relevant officers on a daily basis through the ERMDS.

*Elected Members Records:* Elected Members mail is opened by the Executive Assistant and added to the ERMDS with details the following information:

- Date received
- Sender
- Description of content
- Relevant Officer (to which the mail relates)
- File Reference

The incoming mail is then captured and attached to the physical file, then distributed to the relevant members.

*Electronic Records:* Relevant electronic records are printed and attached to the physical file as a 'File Copy'. Relevant email records are also printed and attached to the physical file.

The electronic finance system in place 'SynergySoft' is backed up daily and maintenance of this system is outsourced to an experienced Information Technology firm. The SynergySoft system allows 'audit trails' to be kept of changes made to all finance records.

*Website Management:* Website management is maintained by the Media & Communications Officer and Executive Assistant. Electronic access to the website and other social media sites is outlined in Policy 2.22 - Social Media, in the Shire of Merredin Policy Manual.

*Security and Protection of Records:* All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

*Access to Records:* Access to the Shire of Merredin's records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire of Merredin's records by the general public will be in accordance with the Freedom of Information Act 1992 and Shire of Merredin policy. Access to the Shire of Merredin's records by elected members will be via the CEO in accordance with the *Local Government Act 1995*.

Access to confidential records (Human Resources & Payroll) is kept locked in the Payroll & Rates Office. Electronic records are stored in secure folders in the Shire's shared drive.

*Appraisal, Retention and Disposal of Records:* All records kept by the Shire of Merredin will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office of WA.

Disposal of records is determined by the Records Officer. A register of records to be disposed of is compiled and required to be authorised (prior to disposal) by the Executive Manager Corporate Services and the CEO.

## 7. ROLES AND RESPONSIBILITIES

### *CEO*

The CEO is to ensure that there is an organisational system which facilitates the maintenance and management of records in compliance with the *State Records Act 2000* and Council's guidelines and procedures.

### *All Staff*

All staff are to create, maintain and retain records relating to the business activities they perform. They are to identify records and ensure that all records are captured and recorded in the appropriate record keeping system, and, protected and disposed of in accordance with the State Records Office's General Disposal Authority for Local Government Records.

### *Elected Members*

Councillors are to ensure that they are aware of the record keeping procedures that ensure records are created and kept regarding their participation in the decision-making processes of the Shire.

### *Policy Ownership*

The custodian of this Policy is the Executive Manager Corporate Services. The Records Officer has operational responsibility for the Policy.

## **8. MONITOR AND REVIEW**

This policy is to be reviewed by the Executive Manager Corporate Services and Records Officer in consultation with other staff (i.e CEO, DCEO etc) at least every five years.

Document Control Box						
Document Responsibilities:						
Owner:	EMCD		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	<a href="#">State Records Act 2000</a>					
Document Management						
Risk Rating	Medium	Review Frequency	Biennial		Next Due	December 2024
Version #	Action		Date		Records Reference	
1.	Adopted		16 December 2014		CMRef 81489	
2.	Reviewed		20 December 2022		CMRef 83068	

## 3.26 Community Partnerships

### Policy Statement

The Shire of Merredin is committed to delivering best practice community development to build capacity and nurture pride. The aim is to improve the social fabric of the community and make Merredin a more attractive place to work, live, do business and raise a family. The Shire values community partnerships for their facility to:

- Strengthen the capacity and resilience of the community;
- Foster community pride;
- Initiate and encourage innovative ideas;
- Develop projects that encourage 'whole of community' participation; and
- Empower individuals and groups in the community to innovate and confidently support each other

### Background

The Shire of Merredin acknowledges and encourages the development of the community through a variety of activities, events and projects undertaken by individual community groups and associations.

The Shire of Merredin is committed to developing and running activities, events and projects for community development, as well as creating a positive environment for community generated initiatives to emerge and thrive.

### Policy Objectives

The aim of the policy is to clarify Council's position on community partnerships and outline how the Shire of Merredin works with the community.

### Types of partnerships

The Shire of Merredin partners with community organisations in a number of ways and these can broadly be categorised as follows:

1. **Community collaboration on Shire initiatives:** the Shire may seek collaboration, volunteers and input from the community to implement events, ideas or initiatives. The Shire welcomes and encourages community ideas and involvement, but will retain overall control over the direction and operations of the project or event.
2. **Provision of financial support:** a monetary contribution toward a specific event or initiative. Overall control of the project resides with the applicant, but there may be conditions attached to the funding which impact the direction of the project.
3. **Provision of in-kind support:** the provision of venues, staff assistance, promotion through the Shire's communication channels or other non-monetary resources for a specific event or initiative. Overall control of the project resides with the applicant,



but there may be conditions attached to the provision of in-kind support which impact the project.

## **Guidelines**

### **1. Shire initiatives**

When seeking collaboration for projects run by the Shire, the following guidelines will apply:

1. General invitations for community involvement may be issued via the communications channels outlined in the Customer Service Charter.
2. The Shire may approach specific individuals or groups perceived as better suited or better aligned to the project; however, there is no obligation on Council to approach any single particular person or group for any given project.
3. The Shire will retain overall control over the direction and operations of the project or event.

### **2. Provision of financial support**

Proposals requesting the provision of financial support are to address the following guidelines:

1. Community development initiatives should link to the strategic priorities identified in the Strategic Community Plan;
2. The initiative needs to identify the outcomes for the betterment of the community;
3. Successful initiatives are required to develop an appropriate project plan or event management plan identifying scope, resources and financials; and
4. Successful initiatives are required to acknowledge the contribution of the Shire of Merredin and include the Shire of Merredin logo in promotional material, and to provide a funding acquittal and report back to the Shire, as well as meet any specific conditions that are additionally attached to the funding provision.

Identified initiatives may be incorporated into the Shire's annual community development operational plan.

### **3. Provision of in-kind support**

Proposals relating to the provision of in-kind support are to address the following guidelines:

1. The initiative needs to identify the outcomes for the betterment of the community.
2. Successful initiatives may require a detailed project plan or event management plan identifying scope, resources and financials.
3. Successful initiatives are required to acknowledge the contribution of the Shire of Merredin and include the Shire of Merredin logo in promotional material, as well as meet any specific conditions that are additionally attached to the in-kind provision.

Identified initiatives may be incorporated into the Shire's annual community development operational plan.

## **Submissions**

Community initiatives need to be presented to the Shire of Merredin for consideration in writing addressed to the CEO.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	Next Due
Version #	Action	Date	Records Reference
1.	Adopted	16 June 2015	CMRef 81580
2.	Reviewed	15 May 2018	CMRef 82180

### 3.27 Pensioners Rebate Curtilage / Dual Use Properties

The objective of this policy is to determine, in an equitable and administratively effective manner, the extent (percentage) of entitlement to a State Government Rebate, in accordance with section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992*, where the land parcel contains a commercial (non-residential) use.

For the purpose of this policy a commercial use is defined as any income producing activity but not where the income or activity is incidental to the main residential use component (e.g. hobby, home occupation).

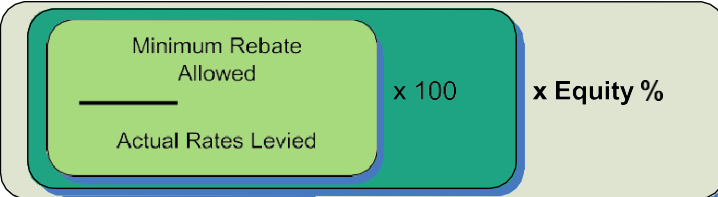
This policy determines the method to be used in calculating the amount of rebate to apply.

There are several options in apportioning the pension rebate on a property that is dual use including;

1. Granting the full rebate,
2. Granting no rebate,
3. Granting a rebate based on the minimum rate,
4. Granting a rebate based on residential area,
5. Granting a rebate based on the maximum rebate amount.

Method One: Set Rebate to be offered

This is ideal if the rebate to be given is based on the rebate that would apply to the minimum levy for assessments. Work on the rebate that would be applicable if the minimum levy applied to the assessment. Divide this by the Actual Rates Levied on the Assessment to determine the Curtilage Rebate Percentage.

$$\text{Curtilage Rebate Percentage} = \left( \frac{\text{Minimum Rebate Allowed}}{\text{Actual Rates Levied}} \right) \times 100 \times \text{Equity \%}$$


Method Two: Based on Area of Residential Use

The second method is ideal if the area of residential use is the majority of the assessment. In this case the area for the residential land use, OSR generally allow 2 hectares, is divided by the total area of the land governed by this assessment.

**Curtilage Rebate Percentage =**

$$\left( \frac{\text{Area for home}}{\text{Total Land Area}} \right) \times 100 \times \text{Equity \%}$$

**Method Three: Based on Senior Capping Amount**

If the assessment is owned by a senior and the system is calculating a rebate based on the senior capping amount (i.e. rates levied x 25% > senior cap), the following equation must be used to calculate the curtilage percentage:

**Curtilage Rebate Percentage =**

$$\left( \frac{\text{Minimum Rate Rates x 25\%}}{\text{Senior Capping amount Rates}} \right) \times 100 \times \text{Equity \%}$$

The Shire of Merredin in determining Curtilage will use Method One: Set Rebate to be offered.

**Refer to *Rates and Charges (Rebate and Deferments) Act 1992* Section 28**

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		19 July 2016		CMRef 81810

## 3.28 Related Party Disclosures (AASB 124)

### Policy Objectives

The purpose of this Policy is to provide guidance to the Shire in the preparation of financial statements to ensure disclosure requirements are met for AASB 124 Related Party Disclosures.

### Policy Scope

The Related Party Disclosures Policy (this 'Policy') applies to Related Parties of the Shire and their Related Party Transactions with the Shire. This Policy provides guidance in determining Related Parties of the Shire along with associated transactions and outstanding balances, materiality and disclosure requirements.

### Policy Statement

#### 1. Background

The Australian Accounting Standards Board extended the application of AASB 124 Related Party Disclosures (the 'Standard') to include Not-for-Profit Public Sector Entities. Local Governments, from 1 July 2016, are therefore required to comply with disclosure requirements of this standard in their financial statements.

The objective of this Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

The Standard is not intended to assess governance or probity issues. Related party relationships are a normal part of doing business. It is acknowledged that the Shire collects information on conflict of interest and related party transactions for other purposes that may then also be utilized to satisfy AASB 124.

#### 2. Related Party Disclosures and the Shire

The Shire must undertake the following:

1. identification of Related Party relationships;
2. identification of transactions and outstanding balances/commitments with Related Parties;
3. assessment of materiality of the transactions and outstanding balances/commitments; and
4. determine the level of disclosure required.

A related party, according the Standard, is a person or entity that is related to the entity that is preparing its financial statements. There are many conditions outlined in the Standard that do not apply to the Shire.

Related parties to the Shire include:

1. Entities where the entity is set up, controlled or is significantly influenced by the Shire;
2. Key Management Personnel (KMP) of the Shire;
3. Close family members of KMP; and
4. Entities that are controlled or jointly controlled by KMP or their close family members.

### **Entities**

When determining whether an entity is a related party, the Shire will need to consider definitions as outlined in various Accounting Standards.

AASB 128 Investments in Associates and Joint Ventures provides the following relevant definitions:

1. Joint Control – *‘is the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control’.*
2. Significant influence – *‘is the power to participate in the financial and operating policy decisions of the investee but is not control or joint control of those policies’.*

### **Key Management Personnel**

The Standard defines KMP as *‘those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity’.*

The Shire considers the following to be KMP:

1. Elected Members (including the President);
2. Chief Executive Officer; and
3. Executive Managers and Senior Officers.

### **Close Family Members**

Close family members of a KMP is defined by the Standard as being *‘those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity’* and include:

1. That person’s children and spouse or domestic partner;
2. Children of that person’s spouse or domestic partner; and
3. Dependents of that person or that person’s spouse or domestic partner.

Entities (including companies, trusts, joint ventures, partnerships and not-for-profit associations) controlled or jointly controlled by KMP or their close family members are also considered related parties.

## **4. Related Party Transactions**

The Standard defines a related party transaction as being *‘a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged’.*

The Shire deems the following transactions with a Related Party to be a Related Party Transaction (but not limited to):

1. Employee compensation whether it is for KMP or close family members of KMP;
2. Application fees paid to the Shire for licenses, approvals or permits;
3. Lease agreements for housing rental for property owned or sub-leased by the Shire;
4. Lease agreements for commercial properties;
5. Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party in exchange for goods/services provided to/by the Shire (trading arrangement);
6. Sale or purchase of any property owned by the Shire, to a related party;
7. Sale or purchase of any property owned by a related party, to the Shire;
8. Loan arrangements; and
9. Contracts and agreements for construction, consultancy or services.

### **Ordinary Citizen Transactions**

The Shire acknowledges that there are related party transactions that also satisfy the definition of an Ordinary Citizen Transaction (OCT). An OCT is a transaction that occurs on terms and conditions no different to those applying to the general public and has been provided in the course of delivering public service objectives. The Shire will not disclose such related party transactions in the financial statements.

The Shire has determined that the following transactions with related parties are OCT's and do not need to be disclosed:

1. Paying rates
2. Fines
3. Use of Shire owned facilities
4. Attending Council functions that are open to the public.

Where an OCT occurs and it was not under the same terms and conditions applying to the public, then the KMP is required to declare the nature of the transaction and any special terms received.

KMP will be required to complete a 'Related Party Disclosure Declaration' form once every twelve months (July to June) and submit to the Executive Manager Corporate Services. In addition to this, events may warrant additional disclosure during the year. Such events include both ordinary and extraordinary Council elections, terminations of KMP or appointments of KMP.

Inspection of Local Government information is regulated under the *Local Government Act 1995* (sections 5.93, 5.94 and 5.95) and the provisions of the *Freedom of Information Act 1992* also apply. Information provided by KMP and other related parties will be held for the purpose of compliance with the Shire's reporting obligations and will be disclosed for compliance or legal reasons only.

The Executive Manager Corporate Services will also review other information held by the Shire, including but not limited to:

1. Minutes of Ordinary Meetings of Council and Committee Meetings;

2. Disclosures of Interests Register;
3. Gift Register.

## **5. Materiality**

The Australian Accounting Standards Board *'expects those parties preparing the financial statements to apply professional judgement in making an assessment about the materiality of a related party disclosure'. It also considers there to be 'little value in an entity incurring significant costs to obtain data that is immaterial for disclosure and does not expect information to be collected unless it could be material for disclosure'.*

AASB 101 Presentation of Financial Statements defines material as *'omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor'.*

The following factors should be considered when determining the level of significance of a transaction, such as whether it is:

1. Significant in terms of size;
2. Carried out on non-market terms;
3. Outside normal day-to-day business operations, such as the purchase or sale of businesses;
4. Disclosed to regulatory or supervisory authorities;
5. Reported to senior management; or
6. Subject to Council approval.

The Shire's management will therefore apply the above along with professional judgement in determining disclosure of related party transactions and will seek guidance from the Shire's external Auditors and/or Financial Management, Audit, Risk and Compliance Committee where necessary.

AASB 124 outlines disclosure requirements that enable users of financial statements to understand the potential effect of related party relationships on the financial statements.

Key disclosure requirements are as follows:

1. Compensation to KMP in total and for each of the following categories:
  - a. Short-term employee benefits
  - b. Post-employment benefits
  - c. Other long-term benefits
  - d. Termination benefits.
2. Amounts incurred by the Shire for KMP services that are provided by a separate management entity.



3. Relationships between the Shire and its subsidiaries, irrespective of whether there have been transactions between them.
4. Where related party transactions have occurred, the nature of the related party relationship must be disclosed along with:
  - a. The amount of the transaction;
  - b. The amount of outstanding balances, their terms and conditions and details of any guarantees given or received;
  - c. Provision for doubtful debts related to the amount of outstanding balances;
  - d. The expense recognised during the period in respect of bad or doubtful debts due from the related parties.

The above disclosures should be made separately for each of the following categories:

1. The parent;
2. Entities with joint control or significant influence over the entity;
3. Subsidiaries;
4. Associates;
5. Joint ventures in which the entity is a venturer;
6. Key management personnel of the entity or its parent;
7. Other related parties.

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

#### References that may be applicable to this Policy:

Legislative Requirements:

AASB 101 Presentation of Financial Statements

AASB 124 Related Party Disclosures

AASB 128 Investments in Associates and Joint Ventures *Local Government Act 1995*

*Freedom of Information Act 1992*

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	19 June 2018	CMRef 82196	

## 3.29 Fraud and Corruption Policy

### 1. POLICY PURPOSE

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

This policy, and the Fraud and Corruption Control Plan, are key components of good governance and will establish the structure to address fraud and corruption risks and to detect and respond to fraud and corruption in accordance with the best practice guidance as set out in the Fraud and Corruption Control Standards (AS 8001-2021).

### 2. POLICY SCOPE

This policy applies to:

- Elected Members;
- All workers whether by way of appointment, secondment, contract, temporary arrangement or volunteering, work experience, trainees and interns;
- Any external party involved in providing goods or services to the Shire, such as contractors, consultants, outsourced service providers and suppliers.

### 3. LEGISLATIVE REQUIREMENTS

Fraud and Corruption Control Standards (AS 8001:2021)

AS ISO 31000 Risk Management – Guidelines

AS ISO 37001 Anti-bribery Management Systems – Requirements with guidance for use  
*Corruption, Crime and Misconduct Act 2003*

### 4. POLICY STATEMENT

The Shire is committed to a strong culture and sound governance that will safeguard public funds and property. The Shire considers fraud, corruption and misconduct to be serious matters. Such behaviours are considered unacceptable and a zero tolerance approach is adopted by the Shire towards such behaviour.

Fraud and corruption are a risk to the Shire, including in terms of:

- financial loss;
- reputational impact;
- diversion of management energy;
- organisational morale;
- organisational disruption;
- loss of employment;
- reduced performance; and
- diminished safety.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control. The Shire encourages staff to disclose actual or suspected fraudulent or corrupt activity. When identified, any suspected fraudulent or corrupt activity

will be promptly investigated, and where appropriate legal remedies available under the law will be pursued. All alleged incidences will be investigated thoroughly. Where appropriate, the Shire will protect the anonymity of those reporting the activity.

Detrimental actions are not permitted against anyone who reports suspected or known incidents. The Shire adopts a similar approach to those who maliciously and knowingly create a false allegation.

A Fraud and Corruption Control Plan has been developed to assist the Shire to meet the objectives of this policy by ensuring that it has thorough, up-to-date processes in place to mitigate the risk of fraud or corruption occurring in the Shire.

#### **4.1 Fraud and Corruption Management**

The Shire will minimise fraud and corruption through:

- adopting the Fraud and Corruption Control Plan, which is aligned with the Fraud and Corruption Control Standards (AS 8001-2021);
- incorporating fraud and corruption risk identification and mitigation strategies as part of the integrated planning and reporting framework;
- educating employees in accountable conduct and fraud awareness issues, including ongoing performance assessment and counselling; and
- monitoring, auditing and communicating processes.

#### **4.2 Fraud and Corruption Control Plan**

The objectives of the Fraud and Corruption Control Plan are to:

- reduce the potential for fraud and corruption within and against the Shire;
- build a culture which seeks to prevent fraud and corruption;
- apply resources to the prevention of fraud and corruption;
- explain how suspected fraud and corruption is dealt with through risk management practices; and
- provide guidance on how any suspected instances of fraud or corruption are dealt with.

This Plan is comprised of four stages: planning and resourcing, prevention, detection and response; and details the Shire's intended action in implementing and monitoring the fraud and corruption control initiatives.

The strategies relating to planning and resourcing, prevention, detection and response of fraud and corruption control includes but is not limited to:

- training and awareness;
- pre-employment screening;
- risk assessment;
- internal and external audit;
- whistleblowing; and
- investigation procedures.

## 4.3 Roles and Responsibilities

### 4.3.1 Council

Council has the responsibility to adopt and adhere to the Fraud and Corruption policy.

### 4.3.2 Audit Committee

In relation to fraud control, the Audit Committee's responsibilities include:

- reviewing risk management frameworks and associated procedures for the effective identification and management of fraud risks;
- review and implementation of the fraud and corruption control plan, to provide assurance that the entity has appropriate processes and systems in place to prevent, detect and effectively respond to fraud-related information; and
- providing leadership in preventing fraud and corruption.

### 4.3.3 Chief Executive Officer

The Chief Executive Officer applies the Shire's resources to fraud prevention and ensures the implementation of adequate controls for managing fraud and corruption risks within the Shire.

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.

### 4.3.4 Leadership Team (Executive Managers)

The Leadership Team is responsible for implementing the Fraud and Corruption Control Plan. In particular, the Leadership Team must:

- 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;
- monitor the continued operation of controls;
- report suspected fraud and corruption promptly, maintaining confidentiality; and
- ensure the protection of complainants who report fraudulent and corrupt activities.

### 4.3.5 Public Interest Disclosure (PID) Officer

Public Interest Disclosure Officers investigate disclosures, and take action following the completion of investigations under the Public Interest Disclosure Act 2003.

### 4.3.6 Human Resources

The Executive Manager Corporate Services, Human Resources Admin Officer or a delegated officer, will manage the grievance and discipline process, under the direction of the Chief Executive Officer.

### 4.3.7 Risk Management Officer

Fraud and corruption are significant business risks. Therefore, the relevant Officer, as

directed by the Executive Manager Corporate Services, is responsible for:

- coordinating the fraud and corruption risk assessment process;
- reviewing and maintaining a Fraud and Corruption Control Plan in consultation with key stakeholders;
- communicating the existence and importance of the Fraud and Corruption Control Plan; and
- delivering and/or coordinating fraud and corruption training when required.

#### 4.3.8 Employees

All employees have a responsibility to contribute to preventing fraud and corruption by following the Code of Conduct, complying with controls, policies and processes, resisting opportunities to engage in fraudulent or corrupt behaviour and reporting suspected fraudulent or corrupt incidents or behaviour.

### 4.4 Internal Reviews

Internal reviews (such as the Regulation 17 Review) deliver an objective review and advisory service that:

- provides assurance to the Chief Executive Officer and Council via the Audit Committee, that the financial and operational controls designed to manage the Shire's risks and achieve the Shire's objectives are operating in an efficient, effective and ethical manner; and
- assists management in improving the Shire's business performance.

### 4.5 External Reviews

External reviews (such as the Financial Management Review) deliver an independent evaluation of policies, processes and procedures and provide opportunities for improvement across the organisation.

External auditors provide an opinion on whether the Shire's Annual Report represents a true and fair view of the financial position at a certain date.

Annual external audit of the Financial Reports assists in the detection of fraud under Australian Auditing Standard ASA 240: The Auditor's responsibilities relating to fraud in an Audit of a Financial Report.

## 5. KEY POLICY DEFINITIONS

**Fraud** is defined by Australian Standard AS8001:2021 as:

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

**Corruption** is defined by Australian Standard AS8001:2021 as:

*"Dishonest activity in which a person associated with and organisation (e.g. director, executive, manager, employee or contractor) acts contrary to the interests of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by the*

*organisation, or a person purporting to act on behalf of and in the interests of the organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly.”*

## 6. ROLES AND RESPONSIBILITIES

The Chief Executive Officer and Executive Staff are responsible for implementing this policy.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Executive Manager Corporate Services, in conjunction with the Executive Management Team, every two years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Executive Manager Corporate Services				
Compliance Requirements					
Legislation	<a href="#">Corruption, Crime and Misconduct Act 2003</a>				
	Fraud and Corruption Control Standards (AS 8001-2021)				
	Australian Auditing Standard ASA 240				
	<i>Public Interest Disclosure Act 2022</i>				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	May 2026
Version #	Action	Date	Records Reference		
1.	Adopted	19 February 2019	CMRef 82309		
2.	Reviewed	21 May 2024	CMRef 83386		

### 3.30 Donations and Loans – Merredin Regional Library

#### Policy

All offers of donations to the Merredin Regional Library are to be directed to the Regional Manager Library Services and assessed against the definitions and guidelines.

#### Purpose

To provide definitions and guidelines for both the Regional Manager Library Services and potential donors and lenders in relation to donations.

#### Definitions

**Donation** - a donation (including an unconditional gift or endowment) is a provision of cash or other items of value with no return benefits expected. The person or organisation providing these may request a modest acknowledgement on that the provision be used for a particular purpose and the recipient should as far as possible, respect those wishes.

**Loan** - is the temporary physical transfer of an item/s or object/s from individual or organisation to another where there is no transfer of ownership.

#### Scope

This policy applies to all donations or loans to the Merredin Regional Library, excluding book stock, but including item/s or object/s for the Memorabilia Collection.

#### Guidelines

Donations and Loans must be in accordance with the aims and objectives of the Merredin Regional Library Collection Management Guidelines and not conflict with the core principles of the Shire of Merredin. All donations and loans arrangements are to be mutually agreed to and formalised in writing and relevant form signed by the Regional Manager Library Services and the person donating/loans/gifting or bequeathing.

#### Donations

In general, the following types of donations will be accepted – monetary gifts, promotional material, suitable art, or local social history material.

1. Donations (other than monetary gifts or local history items) are to be in new or good condition.
2. Local history donations are to be representative of general social history. Donations shall be considered with the Merredin Military Museum Inc. and the Merredin Museum & Historical Society Inc. as to the place for any historical items of the whole of the district to the best location between the three sites.
3. Acceptance of donations may be dependent upon storage and display capacity at the Merredin Regional Library.
4. Donations, upon approval, are to be delivered to the Merredin Regional Library.
5. Donations will be acknowledged with a letter of thanks, and as appropriate, publicity arranged through various forms of media (in compliance with donor's approval) and through promotion within the Merredin Regional Library.
6. Approval by Regional Manager Library Services must be sought prior to any

commitment being given to accept any donation or loan. This will require the relevant form to be completed.

7. Where the loan or donation is considered significant, the Regional Manager Library Services has the discretion to refer the matter to the Chief Executive Officer or Council for final determination.

## Loans

Items may be accepted on loan for display or use at the Merredin Regional Library under the following conditions:

1. In general, the items are to be relevant to the Wheatbelt region and/or district;
2. Dependent upon storage and display capacity at the Merredin Regional Library;
3. Items to be delivered to the Merredin Regional Library;
4. Period of loan specified and reviewed annually;
5. The lender is responsible for insurance on loaned items;
6. Care will be taken by Merredin Regional Library staff with all loaned items, however the Merredin Regional Library will not be liable for any damage;
7. The lender is to sign an agreement and approved by the Chief Executive Officer;
8. The loan terms to be recorded in a Loans Register;
9. Loaned items will be acknowledged in association with the display of relevant items.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		19 February 2019		CMRef 82311
2.	Reviewed		25 October 2022		CMRef 83030



### 3.31 Fixed Assets Financial Policy

#### Policy

The Fixed Assets Financial Policy provides for the accounting treatment of non-current physical assets owned by the Shire.

#### Introduction

This policy applies to accounting for property, plant, equipment and infrastructure and distinguishes between expenditure that is capitalised, representing future economic benefits, and carried forward to future accounting periods, as opposed to expenditure that is regarded as repairs or maintenance and treated as an expense in one accounting period. The policy covers the treatment of physical non-current assets only and excludes accounting for intangibles, receivables, financial instruments and securities.

#### Purpose and Objectives

The purpose of this policy is to ensure the transparency and consistent disclosure of the fixed assets owned or controlled by the Shire of Merredin at fair value. Objectives are as follows:

- Clearly enumerate the situation in which assets will be capitalised.
- Lay out the elements of the cost of assets that will be recognised.
- State the circumstances in which assets can be revalued and brought to account at fair value.
- Set parameters for calculating depreciation and the useful life of assets.
- Disclose requirements relating to assets and particularly their classification.

#### Scope

The scope of this policy is to communicate the accounting treatment applicable to fixed assets being infrastructure and property plant and equipment.

Consideration must be given to the cost of collecting data including that of supporting systems. It is essential that the result be the production of meaningful information for decision making and compliance.

There is a distinction between data collected for financial control purposes and that collected for asset management. Financial information sits above the Asset Management register and may be held at a higher level without the same level of component breakdown.

#### Capitalisation of Assets

Except for software fixed assets with a cost exceeding \$5,000 will be capitalised where it is probable that future economic benefits associated with the item will flow over several years.

The costs of day to day servicing and maintenance of an asset are expensed as repairs and maintenance. Where a refit enhances capacity of the asset, or replaces a component separately listed in the asset register, the item is to be capitalised. The asset being replaced must be retired.

Cost may include the following components:

- The purchase price after deduction of trade (not cash) discounts and rebates.
- Cost of transport to location.
- Commissioning costs to take it to an operational state.
- Costs of employees (including benefits) directly attributable to the construction or installation of an asset.
- Site preparation.
- Testing.
- Professional fees (including internal fees e.g. employee costs including on cost of design or project management).
- Interest during construction phase where loan finance is in place.

In capitalising assets that are constructed by the Shire, the same principles are applied as in acquiring an asset. Abnormal amounts of waste should be eliminated. Cost must add inherent value to the project.

Contributed fixed assets are brought to account at fair value.

### **Disposal of Assets**

Assets shall be regarded as being disposed of when no longer required by the Shire, and when sold, scrapped, traded or donated. The carrying amount of an asset shall be derecognised on disposal or when no future economic benefits are expected from its use or disposal. *(In accordance with Local Government Act 1995 and relevant Regulations)*

### **Fair Value and Revaluation**

Revaluation is the process of adjusting the carrying value of an asset to reflect its fair value.

The balance sheet is intrinsically a collection of economic values.

Once replacement cost of infrastructure is established, care must be taken to calculate both the design life and the remaining life of the asset. This will enable the depreciated replacement cost to be calculated and recorded.

The fair value of realisable assets is at open market value rather than market value on existing use. This is the most advantageous price reasonably obtainable by the seller and the most advantageous price reasonably obtainable by the buyer. Fair value is “the amount for which an asset could be exchanged or a liability settled between knowledgeable, willing parties in an arm’s length transaction.”

Land and buildings are valued independently on the basis of market based evidence except that a limited number of buildings would qualify as specialist buildings. These would be

where community use was the paramount reason for their current existence. Depreciated current replacement cost would be the valuation methodology most suitable in these cases. Improvements to leasehold property are short-term in nature and are written off based on cost over the term of the lease. If the Shire has an option to renew the lease and there is reasonable certainty that it will exercise it, improvements should be expensed over the full term of the lease including the period over which the option is exercised.

Infrastructure assets will be valued in-house on a depreciated current replacement cost base.

Public art, art and artefacts will require a specialist valuer and where possible will be valued at market value.

Furniture and equipment (including IT hardware and software) will be valued at cost less depreciation.

Appraisals of plant, fleet and mobile equipment will be based on replacement cost and expected remaining life, taking into account any residual value at the anticipated sale point.

The entire class of an asset shall be revalued every five years. The revaluation of individual items of property, plant and equipment cannot be carried out in isolation.

### **Depreciation**

- The depreciable amount of an asset shall be allocated on a systematic basis over its useful life.
- Depreciation applies to most classes of assets. Components of assets can be depreciated separately at different rates.
- Depreciation rates are set to systematically reduce the carrying amount of an asset to a value where applicable, (the residual value) at which it can be sold at the end of its useful life to the Shire.
- Depreciation commences when the asset is available for use and ceases when the asset is sold, fully depreciated, scrapped or gifted.
- Depreciation rates derived from the expected useful life of the asset should reflect the consumption of future economic benefits, physical wear and tear, obsolescence, lease expiry and the sale or scrap price of the asset when its useful life to the Shire ends

### **Impairment of Fixed Assets**

Assets are not carried in excess of their recoverable amounts. An annual review is conducted of assets that may be subject to the risk of impairment.

Impairment should be utilised where it is apparent that an asset is overvalued due to a change in circumstances permanently lowering its value. Impairment, once established, should be reviewed annually to determine whether all or part of it should be adjusted.

### Reporting and Disclosure

This policy encourages transparent reporting and the Shire will disclose significant assets, depreciation rates and relevant information, where it is material and adds to useful information for stakeholders, or is needed for decision making by management.

Asset classes are separately disclosed in the accounts. Sub classes may be shown where relevant and material

### Risk Management

Fixed assets are the prime physical assets of the Shire.

It is incumbent on the Shire to insure its assets at insurance values which generally equate to replacement cost and allowances for design fees, demolition and removal of debris.

Infrastructure is not insured as a matter of policy because risk of loss through insurable events is considered low.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	
			Next Due
Version #	Action	Date	Records Reference
1.	Adopted	18 June 2019	CMRef 82372

## 4. LAW, ORDER AND PUBLIC SAFETY

### 4.1 Withdrawal of Infringement Notices

To provide guidelines to the CEO to administer the requirements of the *Local Government Act 1995* in relation to the withdrawal of infringement notices, pursuant to Section 9.20 of the *Local Government Act 1995* the CEO may withdraw infringement notices in the following circumstances:

1. where the CEO is able to form an opinion that there is little prospect of locating a person in respect of whom the infringement notice has been issued; or
2. where it is ascertained that the address of the offender is such (eg. overseas, interstate) that the execution of legal process is unlikely to bring the offender to justice; where there are substantial discrepancies ~~in~~ relating to the issue of an infringement; or
3. where legal proceedings cannot be commenced because of a lapse of one year since the date of the alleged offence; or
4. where in the CEO's opinion there are other circumstances that warrant such a withdrawal.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	5 September 2000		CMRef 27632
2.	Reviewed	15 January 2008		CMRef 29330

## 4.2 Harvest and Vehicle Movement Bans

### 1. POLICY PURPOSE

To ensure processes are in place and followed for the issuing and advertising of Harvest and Vehicle Movement Bans.

### 2. POLICY SCOPE

The policy applies to the Shire of Merredin and its elected members, employees, Fire Control Officers and residents.

### 3. LEGISLATIVE REQUIREMENTS

*Bush Fires Act 1954*

### 4. POLICY STATEMENT

#### 4.1 Establishing the need for a Harvest and Vehicle Movement Ban

##### 4.1.1 Issuing a Harvest and Vehicle Movement Ban under r.24C of the *Bush Fire Act 1954*

A Harvest and Vehicle Movement Ban must be imposed under r.24C of the Bush Fires Act 1954 when a Total Fire Ban has been declared and the Fire Behaviour Index is or exceeds 40.

##### 4.1.2 Issuing a Harvest and Vehicle Movement Ban under r.38A of the *Bush Fires Act 1954*

A Harvest and Vehicle Movement Ban will be imposed during the Restricted and Prohibited Burning times and where no Total Fire Ban has been declared when the Fire Behaviour Index has reached or is expected to reach or exceed 40 using the Aurora Fire Behaviour Calculator.

Where the Fire Danger Rating issued by the Bureau of Meteorology is “High” or higher, Fire Weather Officers shall periodically conduct weather readings according to SOP.15 *Harvest and Vehicle Movement Bans* as outlined in the Shire of Merredin *Bushfire Operating Procedures*. When any two out of the seven Fire Weather Officers report Fire Behaviour Index readings of 40 or higher, the Chief Bush Fire Control Officer shall implement a Harvest and Vehicle Movement Ban.

The Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer or the Shire of Merredin CEO are all authorised to unilaterally implement a Harvest and Vehicle Movement Ban if they are of the opinion that regulation of the use of engines, vehicles, plant or machinery is necessary due to a risk that their use may cause a bushfire or be conducive to the spread of a bushfire. Circumstances which may precipitate this decision may include:

- Verification of weather readings cannot be received from or taken by Fire Weather Officers, or if a significant number of Fire Weather Officers are unavailable or out of the district;
- Significant firefighting resources are deployed to fires either within or outside of the Shire;
- There is significant fire activity in the Shire of Merredin, or in neighbouring Shires

which may pose a threat to any part of the Shire of Merredin; or

- Conditions or circumstances otherwise deem it necessary in the opinion of the aforementioned officers.

#### 4.2 Implementing a Harvest and Vehicle Movement Ban

Once the decision has been made to implement a Harvest and/or Vehicle Movement Ban, the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer or Shire of Merredin CEO is to advise the appointed Shire officer of the ban and whether or what time the ban will be lifted or reviewed. The appointed Shire officer will then disseminate the information through a number of public channels according to the Shire of Merredin *Harvest Ban Communications* procedure.

#### 4.3 Shire of Merredin plant and equipment operators

Upon notice of a Harvest and Vehicle Movement Ban, all Shire of Merredin employees are to stop all operation of plant while a harvest ban is imposed. Work areas should be made safe and the plant left in a condition ready for firefighting if required.

#### 4.4 Lifting a Harvest and Vehicle Movement Ban

A Harvest and Vehicle Movement Ban will remain in force until the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer, or the Shire of Merredin CEO declares the ban lifted. In the event of inclement weather conditions or fire activity prevailing, a Harvest and Vehicle Movement Ban may be extended beyond the original time indicated.

#### 4.5 Harvest and Vehicle Movement Bans on public holidays

Harvest and Vehicle Movement Bans will be in force annually on Christmas Day, Boxing Day and New Year's Day, irrespective of the weather conditions.

### 5. KEY POLICY DEFINITIONS

**Chief Bush Fire Control Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Deputy Chief Bush Fire Control Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Fire Behaviour Index:** A scale of potential fire behaviour represented by a number from zero to 100-plus which is used to inform decisions (including whether a Harvest and Vehicle Movement Ban is to be imposed) about the fire danger rating for a district.

**Fire Control Officer:** A person appointed by the Shire of Merredin to perform that role, or a person acting in that position as authorised.

**Fire Danger Rating:** A rating system used to indicate how difficult it will be to control or suppress a fire. It is based on weather and environmental conditions including temperature, humidity, wind and fuel conditions. There are four ratings, plus "no rating" when there is low risk:

Fire Danger Rating	Fire Behaviour Index
No rating	0 to 11
Moderate	12 to 23

High	24 to 49
Extreme	50 to 99
Catastrophic	100-plus

**Fire Season:** The high fire risk period roughly bounded by the beginning of the spring Restricted Burning Period (approximately 16th September) and the end of the autumn Restricted Burning Period (approximately 16th March).

**Fire Weather Officer:** A person appointed by the Shire of Merredin to perform that role, or a person acting in that position as authorised.

As provided for under the *Bush Fires Act 1954*, Council can appoint Fire Control Officers to the position of Fire Weather Officer. For the purposes of this Policy, the role of the Fire Weather Officer is to obtain readings from suitable monitoring equipment to determine the “Fire Behaviour Index”. The officers are charged with the responsibility of liaising with each other and with the Chief Bush Fire Control Officer in determining a need for a ban.

Council will appoint 7 Fire Weather Officers at the Bush Fire Advisory Committee Annual General Meeting.

**Harvest Ban:** A ban imposed on the harvest or processing of a crop by agricultural machinery during the Restricted or Prohibited Burning Period due to dangerous fire weather conditions.

**Incident Controller:** A person responsible and accountable for the management of all functions across an incident.

**Officer in Charge:** The officer for the time being in command of a firefighting crew for a given incident.

**Prohibited Burning Period:** The time of year during which it is declared by the Minister for Emergency Services under section 17 of the *Bush Fires Act 1954* to be unlawful to set fire to the bush and:

- Includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that district or part of that district, in which that land is situated; but
- Does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of the district or part of the district, in which that land is situated or in respect of that land in particular.

**Restricted Burning Period:** A period where burning is restricted by the issuing of a burning permit.

**Vehicle Movement Ban:** A ban placed on the movement of any self propelled vehicles, plant or equipment on a property, except for access to a home or shed and the emergency watering/feeding of stock using a vehicle during the Restricted or Prohibited Burning Period.

**Volunteer Firefighter:** Any person not employed as a firefighter who is contributing to firefighting operations on an active fireground, irrespective of whether they are formally registered as a volunteer firefighter with DFES.

## 6. ROLES AND RESPONSIBILITIES

Fire Weather Officers are responsible for making themselves aware of forecasted weather



conditions during the fire season, and for periodically taking weather readings on days forecast to have a Fire Danger Rating of “High” or higher.

Chief Bush Fire Control Officer is responsible for determining whether a Harvest and Vehicle Movement Ban is to be called, and for alerting the appropriate personnel at the Shire of Merredin. The Chief Bush Fire Control Officer, in conjunction with the Emergency Services Officer, is also responsible for ensuring the appointment of Fire Weather Officers annually at the Shire of Merredin Bush Fire Advisory Council.

Deputy Chief Bush Fire Control Officer is responsible for deputising for the Chief Bush Fire Control Officer in their absence.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Shire’s Executive Manager Strategy and Community and Emergency Services Officer every two years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Bush Fire Act 1954</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action		Date	Records Reference
1.	Adopted		23 May 2023	CMRef 83167

## 4.3 Use of Shire Equipment and Resources for Firefighting Purposes

### 1. POLICY PURPOSE

To confirm the Shire of Merredin's commitment to the provision of any available plant, equipment, and personnel during a fire incident necessary for community safety as approved by relevant Shire representative.

### 2. POLICY SCOPE

The policy applies to Shire of Merredin employees and volunteer bush firefighters registered with a Shire of Merredin Bush Fire Brigade.

### 3. LEGISLATIVE REQUIREMENTS

*Bush Fires Act 1954*

### 4. POLICY STATEMENT

For the purposes of this policy, the Chief Executive Officer (CEO), Executive Manager Engineering Services (EMES), Executive Manager Strategy and Community (EMSC) or Shire's rostered emergency contact (REC) are responsible and authorised to determine if the situation requires Shire resources.

#### 4.1 Shire Resources

Shire of Merredin commits, in principle, resources including plant, equipment and personnel which can be used for firefighting purposes to be made available for firefighting.

The operation of this equipment is to be conducted by a Shire employee, or in the case where a Shire employee is not available, an operator who has been approved at the time of the incident by the Shire of Merredin Chief Executive Officer, Executive Manager Engineering Services, or the Shire's rostered emergency contact.

The Incident Controller should alert the Executive Manager Engineering Services, or the Shire rostered emergency contact, as soon as the need is identified for plant, equipment or personnel and seek approval for mobilisation.

#### 4.2 Standpipes and water tanks

The Shire of Merredin will ensure that standpipes and water tanks in strategic locations throughout the Shire are well-maintained and fit for purpose for use by Bush Fire Brigade volunteers for the purpose of extinguishing fires.

### 5. KEY POLICY DEFINITIONS

**Bush Fire Brigade volunteers:** Any person not employed as a firefighter who is contributing to firefighting operations on an active fireground and is formally registered as a volunteer firefighter in a Shire of Merredin Bush Fire Brigade.

**Incident Controller:** A person responsible and accountable for the management of all functions across an incident.

**Senior Management Group (SMG):** Any person currently employed by the Shire of Merredin as the CEO or an Executive Manager.

***Shire's rostered emergency contact (REC):*** The designated Shire of Merredin staff member on call for emergencies.

## 6. ROLES AND RESPONSIBILITIES

The Shire SMG are responsible for authorising mobilisation of plant, equipment and personnel when requested to provide support during a fire incident.

The custodian of this Policy is the Executive Manager Strategy and Community.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Shire's Executive Manager Strategy and Community and Emergency Services Officer every two years.

Document Control Box					
Document Responsibilities:					
Owner:	Executive Manager Strategy and Community		Decision Maker:	Council	
Reviewer:	Emergency Services Officer				
Compliance Requirements					
Legislation	<a href="#">Bush Fire Act 1954</a>				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	April 2025
Version #	Action		Date		Records Reference
1.	Adopted		23 May 2023		CMRef 83167

## 4.4 Hazard Reduction Burning by Bush Fire Brigades

### 1. POLICY PURPOSE

To reduce risk to Bush Fire volunteers, equipment, and the community during hazard reduction burns.

### 2. POLICY SCOPE

The policy applies to volunteers registered with a Shire of Merredin Bush Fire Brigade conducting hazard reduction burns within the Shire of Merredin.

### 3. LEGISLATIVE REQUIREMENTS

*Bush Fires Act 1954*

### 4. POLICY STATEMENT

#### 4.1 Hazard reduction burns

The purpose of hazard reduction burns include reducing potentially dangerous fuel loads in the event of a bushfire and providing Bush Fire Brigades with training opportunities.

Hazard reduction burns may only take place under the following conditions:

- Bush Fire Brigades must seek and receive approval from the Emergency Services Officer or a member of the Senior Management Group at the Shire of Merredin.
- Hazard reduction burns may not take place during the Prohibited Burning period.
- Hazard reduction burns may take place during a Restricted Burning period, subject to the issuing of a *Permit to Set Fire to the Bush*.
- A Bush Fire Brigade intending to carry out hazard reduction burns under permit may not use a permit issued by a Fire Control Officer in the same Brigade.
- Hazard reduction burns may not take place during a Total Fire Ban, a Harvest & Vehicle Movement Ban, or on a day when the Fire Danger Rating is “High” or higher.

#### 4.2 Back burning during a bush fire incident

If back burning during a bush fire incident is to be carried out it must be in accordance with *SOP.16 Back Burning During Bushfire Incidents* of the Shire of Merredin *Bushfire Operating Procedures*.

### 5. KEY POLICY DEFINITIONS

**Chief Bush Fire Control Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Deputy Chief Bush Fire Control Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Fire Control Officer:** A person appointed by the Shire of Merredin to perform that role, or a person acting in that position as authorised.

**Fire Danger Rating:** A rating system used to indicate how difficult it will be to control or suppress a fire. It is based on weather and environmental conditions including temperature, humidity, wind and fuel conditions. There are four ratings, plus “no rating” when there is low risk:

Fire Danger Rating	Fire Behaviour Index
No rating	0 to 11
Moderate	12 to 23
High	24 to 49
Extreme	50 to 99
Catastrophic	100-plus

**Harvest Ban:** A ban imposed on the harvest or processing of a crop by agricultural machinery during the Restricted or Prohibited Burning Period due to dangerous fire weather conditions.

**Prohibited Burning Period:** The time of year during which it is declared by the Minister for Emergency Services under section 17 of the *Bush Fires Act 1954* to be unlawful to set fire to the bush and:

- Includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that district or part of that district, in which that land is situated; but
- Does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of the district or part of the district, in which that land is situated or in respect of that land in particular.

**Restricted Burning Period:** A period where burning is restricted by the issuing of a burning permit.

**Senior Management Group (SMG):** Any person currently employed by the Shire of Merredin as the CEO or an Executive Manager.

**Vehicle Movement Ban:** A ban placed on the movement of any self propelled vehicles, plant or equipment on a property, except for access to a home or shed and the emergency watering/feeding of stock using a vehicle during the Restricted or Prohibited Burning period.

**Volunteer Firefighter:** Any person not employed as a firefighter who is contributing to firefighting operations on an active fireground, irrespective of whether they are formally registered as a volunteer firefighter with DFES.

## 6. ROLES AND RESPONSIBILITIES

Fire Control Officers are responsible for seeking Shire approval before carrying out hazard reduction burns, ensuring that all Shire conditions on such burns are met, and ensuring the hazard reduction burns are carried out safely.

The Emergency Services Officer is responsible for the approval of brigade hazard reduction burns.

The custodian of this Policy is the Executive Manager Strategy and Community.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Executive Manager Strategy and Community and Emergency Services Officer every two years.

Document Control Box					
Document Responsibilities:					
Owner:	Executive Manager Strategy and Community		Decision Maker:	Council	
Reviewer:	Emergency Services Officer				
Compliance Requirements					
Legislation	Local Government Act 1995				
Document Management					
Risk Rating	Moderate	Review Frequency	Biennial	Next Due	April 2025
Version #	Action		Date		Records Reference
1.	Adopted		23 May 2023		CMRef 83167

## 4.5 Children on the Fire Ground

### 1. POLICY PURPOSE

To minimise risk to volunteer firefighters undertaking firefighting operations.

### 2. POLICY SCOPE

The policy applies to all volunteer bush firefighters registered with a Shire of Merredin Bush Fire Brigade.

### 3. LEGISLATIVE REQUIREMENTS

*Bush Fires Act 1954*

*Work Health and Safety Act 2020*

### 4. POLICY STATEMENT

Volunteer firefighters under 16 years of age are not permitted to be on the fire ground. Volunteer firefighters may not bring their children under 16 years of age to the fire ground to assist in anyway with the firefighting operations. Any Incident Controller (IC) or Officer in Charge (OIC) who observes the presence of a child under 16 years of age on the fire ground is to request the removal of the child from the fire ground and/or firefighting operations.

Volunteer firefighters aged 16 or 17 years of age must be accompanied by, and act under the direction of, a parent or legal guardian while on the fire ground and/or carrying out firefighting operations.

### 5. KEY POLICY DEFINITIONS

**Incident Controller:** A person responsible and accountable for the management of all functions across an incident.

**Officer in Charge:** The officer for the time being in command of a firefighting crew for a given incident.

**Volunteer Firefighter:** Any person not employed as a firefighter who is contributing to firefighting operations on an active fireground, irrespective of whether they are formally registered as a volunteer firefighter with DFES.

### 6. ROLES AND RESPONSIBILITIES

Volunteer firefighters are responsible for their own and each other's safety, and for ensuring that they do not bring their children under the age of 16 years onto the fire ground. Volunteer firefighters are responsible for the safety and actions of their children aged 16 or 17 while on the fire ground. Officers in Charge/Incident Controller are ultimately responsible for the health and safety of all personnel under their command, and for requesting the removal of children under the age of 16 years known to be operating on the fire ground.

The CEO has ultimate responsibility over the health and safety of all Shire of Merredin employees and volunteers.

The custodian of this Policy is the Executive Manager Strategy and Community.

### 7. MONITOR AND REVIEW

This policy will be reviewed by the Executive Manager Strategy and Community and the Emergency Services Officer every two years.

Document Control Box					
Document Responsibilities:					
Owner:	Executive Manager Strategy and Community		Decision Maker:	Council	
Reviewer:	Emergency Services Officer				
Compliance Requirements					
Legislation	Bush Fires Act 1954 Work Health and Safety Act 2020				
Document Management					
Risk Rating	High	Review Frequency	Biennial	Next Due	April 2025
Version #	Action		Date		Records Reference
1.	Adopted		23 May 2023		CMRef 83167



## 4.6 Payment of Annual Honorarium to Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer

### 1. POLICY PURPOSE

To outline Council's intent and scope of honorariums to the Chief and Deputy Chief Bush Fire Control Officers.

### 2. POLICY SCOPE

The policy applies to the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

### 3. LEGISLATIVE REQUIREMENTS

*Bush Fires Act 1954*

### 4. POLICY STATEMENT

The Chief Bush Fire Control Officer (CBFCO) and Deputy Chief Bush Fire Control Officer (DCBFCO) by necessity must use their private vehicles to carry out their volunteer duties, thus out of pocket costs will be incurred. Local Government Grant Scheme (LGGs) funds from the State Government are not eligible to be spent on volunteers' private vehicles.

Out of pocket costs which a CBFCO or DCBFCO may incur while carrying out their duties include but are not limited to: fuel, vehicle cleaning, vehicle servicing and wear and tear (excluding damage sustained on the fire ground where it is covered by the Shire of Merredin LGIS Motor Fleet Protection insurance policy), and the purchase of essential or desirable equipment for their vehicles.

To recognise the costs associated with the CBFCO and DCBFCO an annual honorarium is to be paid to the CBFCO and DCBFCO as a contribution.

In 2023 the honorariums were set at \$1000 for CBFCO and \$500 for DCBFCO. This amount will be assessed annually by the Executive Manager Strategy and Community and endorsed through the Annual Budget process.

The honorariums will be paid in arrears, on or after 31st March each year. If the role of CBFCO or DCBFCO has been held by 2 or more persons within the fire season, the honorarium will be allocated on a pro rata basis between the position holders.

This payment is an honorarium and not a grant; recipients therefore are not required to acquit the payment or provide proof of expenditure. It is understood that the CBFCO and DCBFCO will incur out of pocket expenses in good faith in the normal course of carrying out their duties, and the honorarium is intended to mitigate some of these expenses.

### 5. KEY POLICY DEFINITIONS

**Chief Bush Fire Control Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Deputy Chief Bush Fire Control Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Fire Season:** The high fire risk period roughly bounded by the beginning of the spring Restricted Burning Period (approximately 16th September) and the end of the autumn Restricted Burning Period (approximately 16th March).

**Incident Controller:** *A person responsible and accountable for the management of all functions across an incident.*

**Volunteer Firefighter:** *Any person not employed as a firefighter who is contributing to firefighting operations on an active fireground, irrespective of whether they are formally registered as a volunteer firefighter with DFES.*

## 6. ROLES AND RESPONSIBILITIES

The Executive Manager Strategy and Community is to ensure the allocation of funds in the budget annually.

The Emergency Services Officer is to co-ordinate the process with the necessary Shire staff to ensure the payments are made annually.

The custodian of this Policy is the Executive Manager Strategy and Community.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Shire's Executive Manager Strategy and Community and Emergency Services Officer every two years.

Document Control Box					
Document Responsibilities:					
Owner:	Executive Manager Strategy and Community		Decision Maker:	Council	
Reviewer:	Emergency Services Officer				
Compliance Requirements					
Legislation	Bush Fires Act 1954				
Document Management					
Risk Rating	Low	Review Frequency	Biennial	Next Due	April 2025
Version #	Action		Date		Records Reference
1.	Adopted		23 May 2023		CMRef 83167

## 4.7 Use of Shire and DFES Fire Appliances

### 1. POLICY PURPOSE

To provide guidelines and conditions for the use of Shire and Department of Fire & Emergency (DFES) fire appliances by volunteers.

### 2. POLICY SCOPE

The policy applies to volunteer bush firefighters registered with a Shire of Merredin Bush Fire Brigade.

### 3. LEGISLATIVE REQUIREMENTS

*Bush Fires Act 1954*

### 4. POLICY STATEMENT

#### 4.1 Appliance Storage

- Brigades that have a brigade station or shed are to store brigade appliances inside the station/shed.
- Brigades that do not have a brigade station or shed are permitted to securely store the brigade appliance at the property of the brigade Captain, or another registered brigade volunteer nominated by the Captain, subject to the approval of the Chief Bush Fire Control Officer or CEO.
- Appliance keys are to be stored outside the vehicle in a lock box.
- Appliances are to be easily and freely accessible to all brigade members, irrespective of whether they are stored on a brigade member's private property.

#### 4.2 Usage

- The appliance should be kept "incident-ready" (clean, fully equipped and in good repair) at all times.
- Volunteers may not use the appliances, or any tools or equipment contained therein, for private purposes. Tools and equipment may not be removed from the appliance unless required for use at an incident, for training purposes, or to carry out servicing, care or maintenance procedures on the equipment.
- Appliances may only be driven or used by a registered member of a DFES brigade, group or unit, or personnel employed by DFES or the Shire of Merredin.
- Appliances may be driven for the following purposes:
  - In response to a request via DFES Communications Centre (ComCen);
  - In response to an incident reported or encountered where DFES involvement is appropriate, and the brigade's response has been recorded with DFES ComCen;
  - To carry out authorised training activities;

- To carry out authorised hazard mitigation activities;
  - To attend or participate in a community activity or event, subject to the approval of the Chief Bush Fire Control Officer or Chief Executive Officer;
  - To facilitate servicing or repairs to the appliance or to the firefighting equipment; or
  - Other purposes as approved by the Chief Bush Fire Control Officer or Chief Executive Officer.
- Personnel driving or operating fire appliances are expected to adhere to DFES **SOP 3.3.1 Respond Under Emergency Conditions**.
  - Appliances are not to be taken outside of the Shire of Merredin municipal boundary without the prior approval of the Chief Bush Fire Control Officer or Chief Executive Officer. Requests relating to attendance at an incident will not unreasonably be withheld but requests must be initiated by DFES ComCen or the Officer in Charge (OIC) of the relevant incident.

#### 4.3 Servicing, Maintenance, Repairs and Replacement

- The Emergency Services Officer will arrange for appliances to be serviced annually.
- Any tools or equipment that are damaged or misplaced at an incident are to be reported to the Emergency Services Officer, who will organise for their replacement.
- Any damage sustained to the vehicle must be reported to the Emergency Services Officer, who will arrange for any necessary repairs.
- Truck wash and other supplies required to maintain the condition of appliances can be sourced through the Emergency Services Officer and funded by the Local Government Grants Scheme.
- If there is unreasonable damage or loss sustained to tools, equipment or the appliance in contravention of this policy, the volunteer or driver responsible may be required to pay the cost of associated repairs or replacement, at the discretion of the Chief Executive Officer.

#### 5. KEY POLICY DEFINITIONS

**Appliance:** A vehicle whose primary function is for emergency response purposes. In the context of this policy “appliance” and “brigade appliance” may be used interchangeably and refers specifically to firefighting vehicles funded by DFES and allocated to a Shire of Merredin bushfire brigade. It does not refer to privately owned farm response units.

**Chief Bush Fire Control Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Emergency Services Officer:** That person appointed by the Shire of Merredin to perform that role, or the person acting in that position as authorised.

**Officer in Charge:** The officer for the time being in command of a firefighting crew

for a given incident.

**Volunteer Firefighter:** Any person not employed as a paid firefighter, who is a registered fire service volunteer with the Department of Fire & Emergency Services who is contributing to firefighting operations on an active fireground.

## 6. ROLES AND RESPONSIBILITIES

The custodian of this Policy is the Executive Manager Strategy and Community.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Shire's Executive Manager Strategy and Community and Emergency Services Officer every two years.

Document Control Box					
Document Responsibilities:					
Owner:	Executive Manager Strategy & Community	Decision Maker:	Council		
Reviewer:	Emergency Services Officer				
Compliance Requirements					
Legislation	<a href="#">Bush Fires Act 1954</a>				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	September 2026
Version #	Action	Date	Records Reference		
1.	Adopted	17 September 2024	CMRef 83455		

## 5. RECREATION & CULTURE

### 5.1 Swimming Pool Entrance Fee – Disability Exemptions

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A	Review Frequency	N/A	Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		16 September 2008		CMRef 29687
3.	Reviewed (Rescinded)		15 May 2018		CMRef 82182

## 5.2 Swimming Pool – Operational Hours Variation

### 1. POLICY PURPOSE

To ensure that the community has access to Merredin District Olympic Swimming Pool (Pool).

### 2. POLICY SCOPE

This Policy applies to the Merredin Pool opening hours during specific weather conditions.

### 3. LEGISLATIVE REQUIREMENTS

NIL

### 4. POLICY STATEMENT

Varying the operational hours at the Pool during specific weather conditions maximises community usage and offers a more cost-effective management, where the facility is closed when not in use.

#### 1. Hot Weather

Where staff are available and temperatures are high, the pool hours may be extended beyond 7pm. In the event of pool hours being extended, it will be at the discretion of the CEO as to length of extension, and subsequent closure time. It should not be taken for granted that all hot days will have extended hours. This decision is also at the discretion of the CEO.

#### 2. Cold Weather

Where daily duties are completed and weather conditions are cold and inclement, the swimming pool may close prior to 6pm with prior approval of the CEO. On days of cold and inclement weather the pool may be closed early in the event of minimal general attendance. Any pre-organised programs will not be affected by any such closure. Patrons shall be made aware of this policy verbally and by signage internally at the swimming pool.

#### 3. Lightning

As per Royal Life Saving Australia Guidelines for Safe Pool Operations, the Pool facilities (including the Hydrotherapy Pool) will be closed to the public where there are lightning strikes within 10km of the location of the water body (as shown on "Lightning Alarm" App). All patrons will be required to leave the facility until further notice. The Aquatic Co-Ordinator is to monitor the Lightning Alarm App and may reopen the facility once the natural event has passed (30 minutes past last strike in the 10 km zone). Where this extends to within 1 hour of closure, the day is considered abandoned the pool will not be reopened. Closure due to lightning is delegated by the CEO to the Aquatic Coordinator. Reporting requirements as listed below are to be followed.

#### 4. Power outage

As per Royal Life Saving Australia Guidelines for Safe Pool Operations, where there is a power outage to the pool facilities including the hydrotherapy pool, patrons are to be removed from the water however may remain on site until power is restored. Entry to the pool on resumption of power supply will only be permitted where water quality

parameters (pH & free Chlorine) are within acceptable levels. Where a patron leaves, they may return once power is returned to the facility to re-enter the pool at no extra charge. Closure due to power outage is delegated by the CEO to the Aquatic Coordinator. Where this extends to within 1 hour of closure, the day is considered abandoned the pool will not be reopened. Reporting requirements as listed below are to be followed.

#### 5. Any other circumstances requiring closure

The CEO may close the pool at their discretion for any incident or occurrence which puts the health and safety of the public at risk, or where continued operation of the pool would be in breach of the Aquatics Facilities Code of Practice.

#### 6. Reporting Requirements

Where the pool is closed due to lightning or power outage, the Aquatic Coordinator is to verbally advise all patrons. The Aquatic Coordinator is to e-mail and advise the CEO, EMSC and Recreation and Aquatics Manager of this action. The Aquatic Coordinator is to contact the Media Officer to arrange communication to the public via social media. Notices are to be placed at the pool entry.

### 7. KEY POLICY DEFINITIONS

CEO – Chief Executive Officer

EMSC – Executive Manager of Strategy and Community

### 8. ROLES AND RESPONSIBILITIES

The Aquatic Co-Ordinator is responsible for the implementation of this policy. The Aquatics Co-Ordinator will notify the Recreation and Aquatics Manager, Media Manager and the CEO when required.

### 9. MONITOR AND REVIEW

This Policy will be reviewed by the Governance Officer every two (2) years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	December 2026
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		16 September 2008		CMRef 29687
3.	Reviewed		17 December 2024		CMRef 83518



## 5.3 Public Swimming Pool Patrons Aquatic Rules for Use

### 1. POLICY PURPOSE

To ensure safe and ongoing use of Merredin District Olympic Swimming Pool (Pool)

### 2. POLICY SCOPE

This Policy is intended to provide a clear outline of the rules of pool usage to ensure the pool is operating to consistently high health and safety standards.

### 3. LEGISLATIVE REQUIREMENTS

*Health (Aquatic Facilities) Regulations 2007*

### 4. POLICY STATEMENT

The Shire of Merredin supports the education of children and adopts a policy whereby children are not permitted at the Pool, during school hours, unless the event is a school based activity. Students who are registered Home School students are permitted to use the pool during regular school hours, where evidence of Home School Enrolment is provided and the parent or care giver is in attendance.

#### Aims:

1. All pool patrons have the right to feel safe at the Pool.
2. Patrons should understand the Pool rules and act in a courteous and respectful manner towards other patrons and property.
3. To help staff control inappropriate behaviour and ensure that the majority of patrons enjoy their visit to the Pool.

#### Centre Rules

- Do not enter the facility if suffering from any skin problem, illness or disease that is contagious. Exceptions will be made on provision of a medical certificate stating the condition is not a risk to other patrons.
- Do not enter the water if you have diarrhoea or have had gastroenteritis within the last fourteen (14) days.
- Children under ten (10) years of age must always be supervised by a person eighteen (18) years or older.
- Children under five (5) must always be within arm's reach of their parent/guardian/carer.
- Parents or guardians with children under ten (10) years of age shall be dressed for entry into the water if required.
- Persons must not permit animals under their control to enter the facility. Exceptions are made for guide dogs etc.; however, they must not enter the water.
- Do not enter the water if you are in an unclean condition or wearing unclean clothes.
- Do not enter premises if under the influence of alcohol and/or drugs.
- Babies, children and persons suffering incontinence and who ordinarily wear nappies or continence pads must wear an aqua-nappy/continence aid when in the water body

- The maximum number of persons permitted in the water bodies at any one time is 100 (may be increased subject to provision of lifeguards).
- Use the toilet if needed, and shower before entering the pool.
- Do not deposit rubbish, or any offensive or unsafe material e.g. bodily waste into the water.
- Do not enter the water if you are bleeding.
- No dive-bombing, back-flips, running or rough play in the pool.
- No disorderly behaviour.
- No alcohol in the pool area.
- No smoking or vaping in the pool area.
- No food or drink is allowed in the pool area.
- No glass objects are to be taken into the pool area.
- Surfboards, boogie boards or similar, are not allowed in the pool.
- Floating toys and similar objects are not allowed in the pool unless approved by the Aquatic Co-Ordinator.
- Do not use soap, detergent or any other substance in water.
- Remove any rubbish you bring from the pool area.
- Do not climb up, or onto any fence or partition or roof within the pool.

### **Waterslide Rules**

- The maximum weight limit on the slide is 85kgs.
- All riders are to start from a forward facing, sitting position ONLY.
- Tandem riding is not permitted.
- Children must be aged 5 and over and capable of using the slide without immediate supervision.
- No rough behaviour.
- No harassment of others.
- No glass or sharp objects.
- No loose jewellery, watches or glasses.
- Persons are not to use the waterslide in a manner which may cause bodily injury to other slide riders.
- Persons under the influence of alcohol or drugs are not permitted.
- All riders are to exit the splash pool immediately.
- Do not ride this waterslide unless your physical health is sound.
- Health authorities warn that it is considered unsafe to use a waterslide:
  - If you are pregnant.

- If you have limb or back weakness/disability.
- If you suffer from heart ailments or if you have any condition which could predispose you to further aggravation of your pre-existing condition or injury.

## 5. KEY POLICY DEFINITIONS

NIL

## 6. ROLES AND RESPONSIBILITIES

The Aquatic Coordinator is responsible for the implementation of this policy.

Pool Lifeguards and attendants are responsible for ensuring all patrons are safe while attending the Pool.

## 7. MONITOR AND REVIEW

This Policy will be reviewed by the Governance Officer every 2 years.

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	<a href="#">Health (Aquatic Facilities) Regulations 2007</a>					
Document Management						
Risk Rating	Medium	Review Frequency	Biennial		Next Due	December 2026
Version #	Action		Date		Records Reference	
1.	Adopted		20 November 2007		CMRef 29221	
2.	Reviewed		16 September 2008		CMRef 29687	
3.	Reviewed		17 December 2024		CMRef 83518	

## 5.4 Establishment and Maintenance of Playground Equipment

To ensure that playground equipment, under the control of the Shire, is maintained to the highest standard possible, all new playground equipment purchased by Council, donated or supplied on a joint venture basis and constructed on Council owned or controlled land shall be according to the Australian Standards Association (1924, Part 1,1981) Playground Equipment for Parks, Schools and Domestic Use. (ASA2155 - 1982 and 2555 - 1982).

The CEO shall order the immediate removal of any items of equipment that, in his opinion, is dangerous and shall have the authority to remove any item of play equipment and have it placed in the Council's depot if the order for its removal is disregarded.

To be established for the ongoing inspection by Council's Staff such as Executive Manager of Engineering Services.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	Australian Standards Association (1924, Part 1,1981) Playground Equipment for Parks, Schools and Domestic Use. (ASA2155 - 1982 and 2555 - 1982)				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		17 June 2014		CMRef 81388

## 5.5 Sponsor Advertisements

Sponsor advertising is permitted on perimeter fences or on land owned or managed by Council, subject to the approval of the CEO or relevant facility manager, on the basis it does not conflict with the core principles of the Shire of Merredin and the following policy guidelines.

### Objectives:

To provide a guideline on acceptable advertising.

### Guidelines:

The Shire of Merredin may approve advertising as requested by external organisations and users.

### **CONDITIONS:**

In line with the Shire's Strategic Community Plan the following conditions are associated to the display of sponsorship materials:

1. The Shire does not allow advertising materials promoting
  - a. smoking, alcohol, or other drugs
  - b. fast food or unhealthy lifestyle;
2. Advertisement which conflicts with the objectives of the Shire;
3. The applicant is to be responsible for maintaining advertising material in a good state of repair to the satisfaction of the Shire of Merredin;
4. The advertising material must be to a high professional presentation and good condition;
5. The applicant is responsible for installing and removing the sponsorship material unless otherwise agreed;
6. Commercial, political and religious advertisements can be considered depending on the location and approved by the relevant administrative staff;
7. Advertisements should not conflict with the objectives of the event;
8. The advertisement at the MRCLC complex is to be dealt with as per the club/ association MoU and this policy;
9. Relevant Fees and Charges may apply as per the Shire of Merredin Schedule of Fees and Charges;
10. All advertising must comply with provisions of the Shire of Merredin Local Planning Scheme No.6; and
11. Advertising may require a building permit to be obtained from the Shire of Merredin.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	Next Due
Version #	Action	Date	Records Reference
1.	Adopted	5 September 2000	CMRef 27632
2.	Amended	19 June 2018	CMRef 82200
3.	Reviewed	22 November 2022	CMRef 83050

## 5.6 Hire of the Merredin Swimming Pool Facilities

### 1. POLICY PURPOSE

To ensure that the public have access to the facilities for bookings and/or private functions.

### 2. POLICY SCOPE

The policy outlines the guidelines for booking and using the Merredin District Olympic Swimming Pool (Pool) for bookings and/or private functions.

### 3. LEGISLATIVE REQUIREMENTS

- *Health Act 1911*
- *Public Health Act 2016*
- *Liquor Control Act 1988*
- *Liquor Control Regulations 1989*

### 4. POLICY STATEMENT

#### Guidelines:

#### Administration

All bookings are to be directed to the staff of the Merredin District Olympic Swimming Pool.

#### Bookings and Charges

Bookings of the facility will be taken during normal pool hours and are not confirmed until the relevant hire form with all necessary information is returned along with payment of the appropriate hire fee.

#### Consumption of Alcohol

Consumption of alcohol within the grounds of the Pool is not permitted during the hours of operation.

If alcohol consumption is required during the private booking, permission must be received from the CEO. Permission to sell alcohol during these functions must be obtained from the Clerk of Courts by applying for a liquor permit, after approval has been received from the CEO.

Under no circumstances are glass containers permitted within the grounds of the Merredin District Olympic Swimming Pool.

#### Compliance with Acts and Regulations

The hirers shall comply with the provision of the relevant Public Health, Liquor and any other applicable legislative requirements in force for the time being applicable to such hiring and use of the facilities.

#### Other Conditions

Hirers of the facility will ensure that the health of visitors, spectators and/or competitors within the facilities will always be taken into consideration..

Hirers using the facilities shall not:

1. deface or damage any part of the facility or equipment within the facility;
2. remove or replace any electrical fitting;

The Aquatic Coordinator must be in attendance, at all times, at all functions conducted on the premises of the Pool.

Cleaning up after the event is to be carried out immediately following the event.

## 5. KEY POLICY DEFINITIONS

NIL

## 6. ROLES AND RESPONSIBILITIES

The Aquatic Coordinator is responsible for the implementation of this policy.

All Pool employees are responsible in ensuring this policy is adhered to.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Governance Officer every two (2) years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	<a href="#">Health Act 1911</a> , Public Health Act 2016, Liquor Control Act 1988, Liquor Control Regulations 1989				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	December 2026
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		17 December 2024		CMRef 83518



## 5.7 Conditions of Usage – Recreation Reserves

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
				Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		16 January 2018		CMRef 82117
3.	Rescinded		22 November 2022		CMRef 83050

## 5.8 Public Swimming Pool Behaviour Policy

### 1. POLICY PURPOSE

To ensure that patrons behave in a safe and responsible manner while using Merredin District Olympic Swimming Pool (Pool).

### 2. POLICY SCOPE

This Policy covers the behaviours which will be deemed inappropriate and may result in penalties.

### 3. LEGISLATIVE REQUIREMENTS

*Health (Aquatics Facilities) Regulations 2007*

### 4. POLICY STATEMENT

#### Objectives:

1. All pool patrons have the right to feel safe at the Pool.
2. Patrons should understand the Pool rules and act in a courteous and respectful manner towards other patrons and property.
3. To help staff control inappropriate behaviour and ensure that the majority of patrons enjoy their visit to the Pool.

#### Behaviour:

The *Health (Aquatic Facilities) Regulations 2007* place obligations on patrons and permit the Supervisor to take action in the following incidents involving patrons:

1. Unclean persons;
2. Unclean clothes;
3. Under the influence of alcohol and/or drugs;
4. Babies in nappies not wearing aqua nappies while in the pool;
5. Persons suffering from communicable diseases;
6. Permitting a dog and/or animal in the aquatic facility;
7. Persons running within the centre;
8. Persons damaging the aquatic facility;
9. Persons causing violence or bullying to another person(s);
10. Persons of an abusive nature towards the manager or patrons;
11. Indecent exposure; and
12. Persons stealing within the facility. Note that these incidents will be reported to Police immediately.

#### Penalties

Three (3) warning approach:

First Offence in a day and continuing that day:

1. First approach - Patron receives a Verbal warning (explaining why the behaviour is inappropriate).
2. Second approach - Patron will receive a verbal warning (explaining the consequence if the behaviour is not stopped).
3. Third approach - Patron will be asked to leave the facility for a period of no less than 24 hours.

However, if that patron commits any of the below offences, they will be excluded from the pool immediately for a period of one (1) month without any warnings.

1. Being intoxicated;
2. Indecent exposure;
3. Violence or Bullying;
4. Abuse towards the staff or another patron;
5. Stealing.

Where the patron refuses to leave the facility, the police will be called to deal with the situation and an immediate six (6) month ban will apply.

Further Offences during a Season:

1. On returning to the pool and if it is necessary to exclude the patron for a second time in the season, they will be excluded for a mandatory one (1) month.
2. If it is necessary to exclude the patron for a third time in the season, they will be excluded for a mandatory three (3) months.
3. If it is necessary to exclude the patron for a fourth time in the season, they will be excluded for a mandatory six (6) months.
4. If the patron is excluded from the pool for a fifth time they will be excluded for the remainder of the pool season.

## 5. KEY POLICY DEFINITIONS

NIL

## 6. ROLES AND RESPONSIBILITIES

The Aquatic Coordinator is responsible for the implementation of this Policy.

All Pool employees are responsible in ensuring this Policy is adhered to.

## 7. MONITOR AND REVIEW

This Policy will be reviewed by the Governance Officer every two (2) years.

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	<a href="#">Health (Aquatic Facilities) Regulations 2007</a>					
Document Management						
Risk Rating	Medium	Review Frequency	Biennial		Next Due	December 2026
Version #	Action		Date		Records Reference	

1.	Adopted	20 November 2007	CMRef 29221
2.	Reviewed	17 December 2024	CMRef 83518

## 5.9 Cummins Theatre – Waived or Discounted Hire Fees

### Policy:

The CEO has the authority to consider discounted or waived hire fee/s up to an amount of \$1,500 for Events that satisfy each of the below criteria or is deemed suitable by the CEO:

1. The booking is made by a not-for-profit organisation **and** the Event is not-for-profit.
2. The Event targets all members of the community (private functions will NOT be considered unless deemed suitable by the CEO).
3. Positive and lasting outcomes from the Event for the community can be demonstrated.
4. The Event is widely marketed and can be seen to promote Merredin as a vibrant and sustainable community.
5. The Event does not compromise any existing paid bookings at Cummins Theatre.
6. The Event acknowledges the sponsorship of the Shire of Merredin.
7. The Event organiser has not received more than one donation from Cummins Theatre within the financial year.
8. An itemised quote for hire signed and dated no later than 30 days prior to the application being made must be provided along with the application for waived or discounted hire fees.
9. Recipients of donations provided through monies raised by an Event must benefit the Shire of Merredin and its residents.
10. Recipients of donations provided through monies raised by an Event must be a not-for-profit organisation.

### Purpose:

Encourage and support increased community use of the Cummins Theatre.

### Scope:

This policy applies to all applications for waived or discounted hire fees for the Cummins Theatre

### Guidelines:

Events and donations will be considered on individual merit. Receipt of a donation of hire fees does not guarantee further donations in the future.

The value of each individual donation is subject to change depending on the duration of the Event. Where the Event is held over multiple days, this will be considered as a single donation.

Where block bookings are concerned, a donation may constitute provision of Cummins Theatre as a rehearsal space where a run of paid performances has been booked and paid for.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			

Legislation	<a href="#">Health (Aquatic Facilities) Regulations 2007</a>				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		20 May 2007		CMRef 29491
2.	Reviewed		20 July 2010		CMRef 30361
3.	Reviewed		17 April 2018		CMRef 82164

## 5.10 Aboriginal Cultural Protocols and Practices Policy

- Policy** Incorporate Aboriginal cultural protocols and practices into public community events organised by the Shire of Merredin.
- Purpose** To observe the appropriate protocols for the recognition of Aboriginal people at events which are organised by the Shire of Merredin.  
To promote respect and understanding of Aboriginal peoples' cultures and heritage to the broader community.
- Scope** This Policy applies to Shire organised public community events.
- Guidelines** The type of cultural practice undertaken at an event should be appropriate to the nature and size of each event in consultation with local Aboriginal Elders and organisations.  
At events at which flags are shown, the order of display, from an audience perspective from left to right, the Australian flag, the Western Australian flag, the Aboriginal flag and the Torres Strait Islander flag.  
As a minimum requirement, an *Acknowledgement of Country* ceremony should be undertaken.

Appropriate Ceremonies –

**Acknowledgement of Country** is a way that non-Aboriginal people show respect for Aboriginal and Torres Strait Islander heritage and the ongoing relationship of traditional owners with the land.

The **Welcome to Country** ceremony should, where possible, be undertaken by Elders or locally recognised Aboriginal community spokesperson. Generally it will offer participants local Aboriginal history and cultural information and will go on to welcome the people to the country.

**Smoking Ceremonies** are conducted by Aboriginal people with specialised cultural knowledge. The ceremony aims to cleanse the space in which the ceremony takes place. These ceremonies are usually only performed at major events.

Example – I would like to acknowledge that this event is being held on the traditional lands of the Njaki Njaki people.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	<a href="#">Health (Aquatic Facilities) Regulations 2007</a>		
Document Management			
Risk Rating		Review Frequency	Next Due
Version #	Action	Date	Records Reference
1.	Adopted	19 May 2009	CMRef 29974
2.	Reviewed	20 July 2010	CMRef 30361

3.	Reviewed	19 February 2013	CMRef 31058
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## 5.11 Merredin Community Awards Event

### Policy:

Council support the Merredin Community Awards event to be held on a bi-annual basis commencing October 2012 and provide sufficient resources to coordinate the event in accordance with the guidelines below.

**Purpose:** To acknowledge and formally recognise the contributions and achievements of individuals, groups and businesses within the Merredin community.

To provide appropriate support and framework that will enable the Merredin Community Awards Committee to host a quality event.

**Scope:** This policy applies to staff and community members associated with the Merredin Community Awards event.

**Guidelines:** The Merredin Community Awards be held in October on a bi-annual basis commencing 2012 at the Cummins Theatre.

The Merredin Community Awards Committee is to be a partnership between the Shire and the Community, comprising Shire staff (Project Officer and Theatre Manager) and a minimum of four (4) interested community representatives, formed solely for the purpose of organising the Merredin Community Awards on a bi-annual basis. The formation of the Committee is to be initiated by the Shire of Merredin prior to April of the year the event is to be held with the Committee winding up by December of that same year.

The Merredin Community Awards Committee develop the proposed format of the event, inclusive of the award categories, judging criteria and process; and overall theme with the aim of presenting information to Council by June in the year the event is to be held for endorsement.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		17 May 2011		CMRef 30605

## 5.12 Cummins Theatre – Donations/Loans/Sponsorship

### Policy

All offers of donations, loans or sponsorship for the Cummins Theatre be directed to the Manager Community and Culture and assessed in accordance with the definitions and guidelines.

### Purpose

To provide the Manager Community and Culture and potential contributors with definitions and guidelines in relation to donations, loans and sponsorship for the Cummins Theatre.

### Definitions

**Donation** – *A donation (including an unconditional gift, bequest or endowment) is a provision of cash or other items of value with no return benefits expected. The person or organisation providing these may request a modest acknowledgement or that the provision be used for a particular purpose and the recipient should as far as possible, respect those wishes.*

**Loan** – *Is the temporary physical transfer of an item/s or object/s from individual or organisation to another where there is no transfer of ownership.*

**Sponsorship** – *A commercial arrangement in which a sponsor provides a contribution in money or in kind to support an activity in return for certain specified benefits.*

### Guidelines

Donations, loans and sponsorship must be in accordance with the aims and objectives of the Cummins Theatre and not conflict with the core principles of the Shire of Merredin. All donations, loans and sponsorship arrangements are to be mutually agreed to and formalised in writing.

### Donations

In general, the following types of donations will be accepted – monetary gifts, promotional material, suitable art, office equipment, kitchen equipment or other related items that will enable the Cummins Theatre to operate at a professional level and/or assist those groups (either community or commercial) that utilise the Theatre.

1. Donations (other than monetary gifts) are to be new or in good condition.
2. Acceptance of donations may be dependent on storage and display capacity at the Cummins Theatre.
3. Donations, upon approval, are to be delivered to the Cummins Theatre.
4. Donations will be acknowledged with a letter of thanks, publicity through various forms of media as appropriate (in compliance with donor's approval) and through promotion within the Cummins Theatre.

### Loans

Items may be accepted on loan for display or use at the Cummins Theatre under the following conditions:

1. in general, the items are to be relevant to the Cummins Theatre history and/or shows or

- events or will assist in the presentation of the venue or its activities;
2. dependent on storage and display capacity at the Cummins Theatre;
3. items to be delivered to the Cummins Theatre;
4. the lender is responsible for insurance on loaned items;
5. care will be taken by Cummins Theatre staff and Volunteers with all loaned items however the Cummins Theatre will not be liable for any damage;
6. the period of loan to be determined prior to items being accepted; and
7. loaned items will be acknowledged in association with the display or relevant activities.

### Sponsorship

Sponsorship is welcomed from corporate bodies, businesses, community organisations and individuals who would like to support projects and activities that are conducted in alignment with the aims and objectives of the Cummins Theatre. Sponsorship agreements will be under the following conditions:

1. the Project, Event, Show or Activity shall be mutually agreed by the sponsor and the Manager Community and Culture;
2. the Manager Community and Culture will inform and seek permission from the Sponsor in advance if any changes in the purposes or activities are required;
3. the period of sponsorship to be determined prior to agreement being signed;
4. sponsors will be acknowledged with a letter of thanks, publicity through various forms of media as appropriate, at the sponsored project/event/show/activity and through promotion within the Cummins Theatre (acknowledgements with sponsor's approval); and
5. the terms and conditions of the sponsorship agreement shall not be disclosed to any third parties without the prior written consent of both parties.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	21 June 2011		CMRef 30627
2.	Reviewed	20 March 2018		CMRef 82145
3.	Reviewed	22 November 2022		CMRef 83050

## 5.13 Cummins Theatre – Purchased Shows

### 1. POLICY PURPOSE

To provide guidelines and resources that will enable the Manager Community and Culture (MCC) to plan and deliver quality entertainment from the Cummins Theatre (Theatre).

### 2. POLICY SCOPE

This Policy applies to all staff associated with the Theatre.

### 3. LEGISLATIVE REQUIREMENTS

Nil

### 4. POLICY STATEMENT

Council allocates a reasonable provision in the annual budget for Theatre performance expenses to support the purchase of a minimum of seven (7) quality shows annually that cater for a broad spectrum of the community.

In addition to Purchased Shows, the MCC is to encourage a minimum of four (4) Hire Shows to the Theatre annually.

Many of the touring shows need to be booked well in advance of the performance dates and with no clear direction or level of support from Council regarding the level of cultural activity wanted at the Theatre, these bookings have occurred based on the allocated budget for that year. This Policy will enable staff to better plan the activities at the Theatre.

#### 4.1 Guidelines

1. The Theatre operates as both a community space and a source of entertainment.
2. The MCC is to ensure that both the community and entertainment areas are fairly serviced.
3. Community consultation and feedback from relevant stakeholders be taken into consideration when selecting shows.
4. An annual allocation of approximately \$50,000 (subject to annual budget approval by Council) will guide the MCC in booking shows.
5. The MCC has authority to determine the best mixture of shows to be purchased, acknowledging that some shows are subject to touring dates.
6. Preference that shows are not scheduled closer than two (2) weeks apart (it is in the best interest of both the Hirer and Theatre's to ensure that events are not directly competing for audiences).
7. The Theatre Programming Plan should be used by the MCC to guide the decision making process.

### 5. KEY POLICY DEFINITIONS

**Purchased Shows** – Shows that are booked and paid for by the Shire of Merredin (the Shire). These can be theatre, musical and comedy productions etc. that are touring the State or Nation or shows that can be privately sourced and paid for.

**Hire Shows** –Shows that are privately hired and payment of all relevant fees is applicable.

## 6. ROLES AND RESPONSIBILITIES

The MCC is responsible for implementing this Policy.

All shows that are above the MCC delegated authority need approval of the Executive Manager Strategy and Community.

## 7. MONITOR AND REVIEW

This Policy will be reviewed by the Manager Community and Culture every two (2) years.

A final review will be undertaken by the Governance Team and recommended to be endorsed by Council.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Manager Community and Culture				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	February 2027
Version #	Action	Date		Records Reference	
1.	Adopted	21 June 2011		CMRef 30632	
2.	Reviewed	17 July 2012		CMRef 30925	
3.	Reviewed	20 March 2018		CMRef 82144	
4.	Reviewed	17 February 2025		CMRef 83547	

## 5.14 Recreational Vehicle Camping Policy

### Policy

Short term camping at the Merredin RV 24 hour site at Merredin Peak for fully self-contained recreational vehicles (RV) will be permitted subject to the following conditions:

1. only fully self-contained vehicles with waste water tanks are permitted. In this instance, the definition of fully self-contained is a caravan or motorhome with the ability to store grey water;
2. keep noise to a minimum, compressors & generators are not to be used to the annoyance of other campers; and
3. the area used is left in a clean and tidy condition and all rubbish is to be removed.

### Background

To become a RV Friendly Town under the RV Friendly Town Scheme through the Campervan and Motorhome Club of Australia (CMCA) there is a requirement to fulfil the essential criteria of providing a short term parking area for self-contained recreational vehicles.

### Purpose

Provide a policy and guidelines for short term (24 hour) camping within the Merredin townsite for fully self-contained recreational vehicles.

### Scope

This Policy shall be applied to requests for fully self-contained RV 24 hour overnight camping from caravans & motorhomes representing recreational vehicles.

### Guidelines

The stopover will not be supervised or serviced by the Shire of Merredin to keep operational costs to a minimum. The usage rate will continue to be monitored through a visitor survey conducted by the Central Wheatbelt Visitor Centre.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	16 August 2011	CMRef 30671	
2.	Reviewed	16 January 2018	CMRef 82118	

## 5.15 Merredin Regional Library – Internet Use and Access

### POLICY

#### Overview

The purpose of this policy is to outline the obligations and responsibilities of all users of the Merredin Library's public electronic resources. This policy has been developed in order to provide smart, safe and responsible use of technology within the Library.

#### Scope

This policy applies to all users of the Merredin Library's facilities and public electronic resources. These facilities and resources include but are not limited to computer and internet access, scanning and printing services and use of online databases.

#### Definitions

**Cyber safety** – refers to the safe use of Information and Communication Technologies (ICT) equipment or devices (including cellular phones) and the internet.

**Cyber bullying** – refers to the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

**eResources** – electronic resources such as databases and exclusive online content.

**Fixed computer access** – individual stationary computer terminals that offer internet access and an Office suite of desktop programs.

**Wireless internet** – wireless connectivity to the internet on a person's home computer, laptop, smartphone or similar mobile device.

**Minors** – a person under the age of eighteen years.

#### Acceptable Use

Facilities and resources within the Library must be used in an acceptable and lawful manner by all users. Staff will work with the public to ensure compliance with the Policy.

#### Principles of Conduct

All users must adhere to the *Western Australia Classification (Publications, Films and Computer Games) Enforcement Act 1996*, *Criminal Code Act 1995*, and *Copyright Act 1968*.

All users of the Merredin Library are expected to behave in an appropriate manner and respect all other people and facilities within the Library. Electronic resources and facilities are expected to be used for the purpose for which they are provided; education and information.

### **Responsibilities**

1. Refrain from illegal or unethical use of the Internet.
2. Users must perform their own computer activities, however staff assistance is offered subject to availability of staff resources.
3. Users are responsible for their personal belongings and it is at their own risk to leave any item unattended.
4. A user is responsible for deleting any of their own files or documents saved to a Library computer or device.
5. Users are responsible for any material they access during an internet session.
6. Users are responsible for the backup of their own files and documents to their own storage device.
7. Respect intellectual property rights by making only authorised copies of copyrighted, licensed, or otherwise controlled software or data residing on the internet.

### **Behaviour**

Users are reminded that the Library is a public area which is shared with people of all ages, backgrounds and beliefs. Individuals are expected to consider this diversity and respect the rights of others when accessing potentially offensive information or images.

1. Users must be courteous and respectful to all other Library users and staff.
2. Internet access provided by the Library must not be used as a medium to bully, harass, threaten or intimidate other users.
3. Users must listen to and take direction from staff where it is given.
4. Staff assistance is offered subject to availability of staff resources.
5. Users must not seek out, access or send any material of an offensive, obscene, pornographic, threatening, abusive, defamatory or otherwise inappropriate nature.
6. Users are required to comply with all Library policies and State and Commonwealth legislation. Some activities are unlawful and prohibited and include but are not limited to the following:
  - a. to gain access to any material that is pornographic, offensive or objectionable;
  - b. to engage in any conduct that breaks Federal, State or local Council laws and regulations;
  - c. to send or forward any material that is abusive, sexist, racist or otherwise illegal;
  - d. to circumvent any filtering or other content access device or software;
  - e. for illegal purposes or practices;
  - f. for any purpose if the Library advised you that such purpose is prohibited;
  - g. in any way that damages or interferes (or threatens to damage or interfere) with the operation of the service or with the efficiency of the network;
  - h. to transmit, publish or communicate any material or engage in any conduct which is defamatory, abusive, menacing or harassing;
  - i. to engage in abusive behaviour toward staff or other computer users;
  - j. to make inappropriate contact with children or minors;



- k. to access, store, reproduce, distribute, publish or commercially exploit any information or material of any kind that infringes on copyright, patent, trademark, design or other intellectual property right;
- l. to access, or attempt to access, the accounts or private information or others, or to penetrate, or attempt to penetrate, the Library's or a third parties security measure, computer software or hardware, electronic communications system or telecommunications system;
- m. to use or distribute software with the intent of compromising network security;
- n. to make fraudulent offers to advance any type of financial scam; and
- o. to engage in any unreasonable activity which impairs the ability of other people or systems to use the Library's services or the internet.

## Content

The Merredin Library does not control the content or layout of any material on any external site. The Library does not make any representation or warranty about relevancy, accuracy, quality or validity of any material and the user must make that judgement for themselves. Users providing personal details and credit information do so at their own risk.

All use of resources and services is at the user's risk.

## Spam

'Spam' includes one or more unsolicited commercial electronic messages with an 'Australian link' as contemplated by the *Spam Act 2003*. Users must not use the service to:

- 1. send, allow to be sent, or assist in the sending of spam;
- 2. relay e-mail from a third party's mail server without permission or which employs similar techniques to hide or obscure the source of the e-mail;
- 3. connect to the Library network with an open relay mail server or any other device which may allow third parties to use that mail server or device for the purposes of sending electronic messages, solicited or otherwise, with or without their prior knowledge or consent;
- 4. use or distribute any software designed to harvest email addresses; and
- 5. otherwise breach the *Spam Act 2003* or any regulations made under the *Spam Act 2003*.

The Merredin Library reserves the right to block any content that may harm its property and/or network, or content that may distress or upset other users.

Sites that are inappropriate to access include:

- 1. adult/sexually explicit – including:
  - a. sex chat rooms;
  - b. sex portals;
  - c. pornography (including magazines, pictures, videos and phone sex);
  - d. adult Services (including escort, stripper and mistress services);
  - e. adult personal advertisements;
- 2. anonymizer – sites that offer anonymous access to web sites, often used to bypass corporate and school proxy controls as well as parental control filtering solutions;
- 3. gore – sites that display graphic violence and the infliction of pain or injuries, including:
  - a. gross violence toward humans or animals;

- b. scenes of dismemberment, torture, massive blood and gore; and
  - c. sadism and other types of excessive violence;
- 4. hacking – sites that promote or provide the means to practice illegal or unauthorised acts of computer crime using technology or computer programming skills including:
  - a. hacker magazines;
  - b. password, software or other ‘cracks’ for download or trading;
  - c. sites offering software license keys; and
  - d. tools and scripts for hacking;
- 5. illegal activity – sites with illicit content or instructions for threatening or violating the security of property or privacy of people including:
  - a. child pornography and paedophilia sites;
  - b. child-oriented erotic sites that are registered with global advocacy groups;
  - c. theft of money, goods and phone services;
  - d. lock-picking and burglary;
  - e. fraud, identity theft, and stealing credit card numbers;
  - f. telephone crime;
  - g. evading or circumventing the law;
- 6. peer-to-peer;
- 7. spam URL’s;
- 8. spyware – sites that provide or promote information gathering or tracking that is unknown to, or without the explicit consent of, the end user or organisation, including:
  - a. sites that carry malicious executable or viruses;
  - b. third-party monitoring; and
  - c. malware with ‘phone home’ destinations.

### **Wireless Internet**

Users must use reasonable measures to secure any device or network within their control against being used in breach of the internet. The Merredin Library does not guarantee access to any internet site. The Merredin Library reserves the right to restrict access to certain types of files and download sizes.

Filtering on the Library’s wireless internet is dependent upon the provider of the service. The Merredin Library assumes no responsibility or liability for any damage caused to hardware or software due to electrical surges, equipment malfunction, security issues, hacking or viruses.

### **Web Privacy**

#### **Monitoring**

The Merredin Library reserves the right to monitor and inspect without any consent any data on a Library computer system. Such inspections will occur to prevent, detect and minimise the unacceptable usage of the computer system.

#### **Cyber safety**

The Merredin Library has a responsibility to provide a safe environment to the general public that promotes respect and equality of all members of the community. Where possible the Merredin Library will assist users with the identification and mitigation of online risks

## Social Media

The Merredin Library is not responsible or liable for, and does not endorse the privacy practices of social media websites and apps including Facebook, Instagram, Pinterest or Twitter. The Library cannot control the practices and policies of social media websites. Use of such sites is at the user's own risk.

## Disclaimer

Views expressed on social media website and apps via the Merredin Library's facilities are not the views of the Library, and the Shire of Merredin disclaims all liability for any such views, comments or advertising, or other non-LGA content.

The Council does not endorse or control any advertising that may be displayed by social media websites and apps.

## Complaints and Incidents

The Merredin Library takes incidents of misuse or abuse of technology very seriously. All members of the Library community have a clear role to play in reporting such incidents. The Merredin Library welcomes all complaints and feedback and encourages the community to work with the Library in ensuring that incidents and accidents are not repeated.

## Reporting Incidents and Accidents

In the case of an incident or accident at the Merredin Library, members of the public are asked to report to the nearest staff member who will take the appropriate action.

## Legislative and Strategic Context

This policy complies with the *Western Australia Classification (Publications, Films and Computer games) Enforcement Act 1996*, *Criminal Code Act 1995*, *Copyright Act 1968* and Merredin Library's Public Access Conditions of Use.

## Conditions of Use

Merredin Regional Library endeavours to provide for the informational, educational, recreational and cultural needs of the Shire of Merredin by providing electronic access to relevant and up to date information resources with equitable access to the internet during normal Library opening hours to the public abiding to the conditions of use stated in this policy.

1. The Merredin Regional Library does not control the Internet, is not responsible for information available and/or accessed by clients, and is not responsible for any technical problems experienced while accessing any Internet site.
2. All users for the Merredin Library Public Access Computers must sign in prior to using the computers.
3. No more than 2 people at any one time may use the Internet terminal.
4. Printing is available in accordance with the Library's Schedule of Fees.
5. Users shall not attempt to use the Library workstations for any purpose other than the Internet and are not permitted to modify the installed hardware or software in any way.
6. Staff will assist users where time permits, however a basic proficiency in Internet use is recommended.
7. The Merredin Regional Library reserves the right to deny access or restrict access to

certain sites or materials, and to terminate a user's Internet privileges if any of these conditions are breached.

8. Users are expected to respect Copyright Law and licensing agreements, and Censorship Law when using Merredin Regional Library resources.
9. Users must not use a computer to transmit, obtain possession of, demonstrate, advertise or request the transmission of an article knowing it to contain objectionable material (*WA Censorship Act 1996*).
10. Users must not use the Internet Service to make restricted material available to a minor (*WA Censorship Act 1996*). A minor is a person under 18 years of age.
11. Due to the changing nature of the Internet, this policy is subject to change without notice and at Council's discretion.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	Western Australia Classification (Publications, Films and Computer Games) Enforcement Act 1996 Criminal Code Act 1995 Copyright Act 1968 <a href="#">WA Censorship Act 1996</a> Spam Act 2003			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	15 April 2014	CMRef 81345	
2.	Reviewed	16 January 2018	CMRef 82120	
3.	Reviewed	25 October 2022	CMRef 83030	

## 5.16 Community Facilities Usage

### Policy:

The Shire of Merredin is responsible for the management of a diverse range of facilities that are available for use by residents and visitors to Merredin. The purpose of this policy is to define Council's position in relation to the use and objectives of community facilities, which will then provide the basis for a consistent approach to their management and use.

### Scope:

This policy applies to all groups and individuals wishing to access facilities owned or managed by the Shire of Merredin. The following table provides an overview of the range of Shire facilities.

Facility	Location
Burracoppin Pavilion	Burracoppin
Central Wheatbelt Visitor Centre - Lawn	Barrack Street, Merredin
Cummins Theatre	Bates Street, Merredin
Merredin Military Museum	Reserve 10359
Merredin Railway Museum	Reserve 10359
Merredin Regional & Community Leisure Centre	Bates Street, Merredin
Merredin Seniors Centre	French Avenue, Merredin
Muntadgin Hall	Muntadgin
North Merredin Primary School Precinct	Coronation Street, Merredin
Nukarni Clubrooms	Bates Street, Merredin
Old Basketball Kiosk/Clubhouse	Kitchener Road, Merredin
Old Council Chambers	Barrack Street, Merredin
Old Library	Queen Street, Merredin
Old Pre-Primary	Throssell Street, Merredin
Women's Rest Centre	Barrack Street, Merredin

### Description:

The facilities are available for community use. The type and size of spaces available generally varies from facility to facility. The following outlines different categories of user(s) which are relevant to this policy and to which different access requirements may apply.

### Category of User:

Not-for-profit groups

### Examples of Users and Activities:

Art, cultural and special interest groups

Children and family groups (eg. playgroup, parent network meetings)

Community concerts

Community meetings  
Historical groups (eg. Tales of Time)  
Information and training sessions  
Landcare groups  
Museums  
Service organisations  
Sporting groups

**Guidelines:**

There is a high and growing demand for access to facilities from which organisations and interest groups can provide a range of community activity needs. The Shire has/will design and manage these facilities so there is flexibility to accommodate a broad range of activities and organisations.

Facilities that support multi-use result in a more efficient use of funding, minimise duplication of infrastructure (eg. change, meeting and activity rooms), reduce maintenance and maximise opportunities for community engagement and collaboration.

**All individuals and organisations will have the opportunity to access available community facilities including not-for-profit groups and community groups.**

This policy recognises organisations and individuals may at some time have the need for a range of activities and services that are offered from community facilities. These activities and services may include those organised by not-for-profit organisations (e.g. sports clubs, craft groups), or service group organisations (e.g. promotional events).

**Some community groups will have priority access to the facility because they are deemed to provide outcome to the community.**

Community facilities are primarily provided to support community based or not-for-profit organisations on the basis:

- They provide for a range of health and well-being needs of the community at minimal cost to participants;
- They minimise financial barriers to participation given their low operating; and
- They and their members do not have the capacity to provide for all the infrastructure needs associated with their activity alone.

Accordingly, the following groups and organisations will be generally be given priority access to community facilities:

- Those that align with the core or primary designed use of the community facility (e.g. lifelong learning and leisure programmes in a community hub);
- Groups or organisations contracted to provide a service for the Shire (e.g. out of school hours programme);
- Not for profit organisations;
- Groups or individuals that assist Council to achieve its objectives relating to community development; and

- Groups that can show that at least 75% of membership or audience comes from within the Shire of Merredin.

Schools are significant stakeholders in the Shire of Merredin and provide Council with opportunities to form a variety of partnership models to provide access to open space and facilities for community purposes. Reciprocally, the Shire community facilities are available for use by local schools.

### **Council may restrict the use of the community facility by some types of users**

This principle is to ensure facilities remain accessible for use by community based organisations that assist Council to achieve its strategic vision and this policy's objectives, and to ensure facilities are not dominated by one type of user group.

In order to minimise the potential for one or a number of groups, or a type of user to dominate a facility, individual community organisations can make application for the use which will be assessed on a case by case basis.

The Shire will provide opportunities for group's commercial in nature to use the community facility where significant community benefit and demand is evident. These types of commercial/semi-commercial activities may include martial arts and dance organisations that provide participation opportunities not commonly provided by community based not-for-profit organisations. The Shire encourages these types of activities to be conducted at Cummins Theatre or Merredin Recreation Leisure Centre as the first priority.

### **Agreements and Fees**

Council manages access to the community facilities via formal agreements with approved groups and individuals, casual or one-off basis on a fee for use basis in accordance with adopted fees and charges.

Any usage requests that do not meet the requirements of these policies may be considered by the Chief Executive Officer or may be referred to Council for consideration.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
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Compliance Requirements			
Legislation	N/A		
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1.	Adopted	15 May 2018	CMRef 82179

## 6. MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE (MRCLC)

### 6.1 Supervision of Children at the MRCLC

#### Policy Statement

All children aged 12 years and under have adequate supervision by a parent or supervisor whilst at the MRCLC.

#### Policy Objective

Stipulate the age that children require full supervision and to define adequate supervision so that the MRCLC is a safe environment for all participants and spectators of all recreational and leisure activities.

#### Guidelines

1. Any child of 12 years and under must be accompanied by either a parent or supervisor whilst at the MRCLC. The parent or supervisor must provide adequate supervision of the child at all times.
2. A supervisor can be a coach or instructor of the organised program that the child is participating in or a person of 15 years and over, ie brother or sister.
3. Centre staff are not responsible for the safety and behaviour of unsupervised or supervised children.
4. Centre staff have the authority to refuse entry to unsupervised children.
5. Centre staff have the authority to interrupt any activity to find the responsible supervisor of the children that are unsupervised.
6. All liquor licence regulations over-ride age limits in the Grandstand Bar area.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
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Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action		Date	Records Reference
1.	Adopted		20 November 2008	CMRef 29201
2.	Reviewed		16 November 2010	CMRef 30481
3.	Reviewed		20 November 2012	CMRef 31008
4.	Reviewed (Unamended)		18 August 2015	CMRef 81628
5.	Reviewed		17 July 2018	CMRef 82219
6.	Reviewed		22 November 2022	CMRef 83050



## 6.2 Delivery of Sport and Recreation Programs - Volunteers

Document Control Box						
Document Responsibilities:						
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Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		20 November 2007		CMRef 29201	
2.	Reviewed		16 November 2010		CMRef 30481	
3.	Reviewed		20 November 2012		CMRef 31008	
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628	
5.	Reviewed (Rescinded)		22 November 2022		CMRef 83050	

## 6.3 Lost Property

### Policy Statement

That staff at the MRCLC will discard personal items that are classed as lost property, after an appropriate period of time.

### Policy Objective

To provide staff with an effective system to ensure lost property at the MRCLC is claimed by the owner, or the item is discarded after an appropriate period of time.

### Guidelines

1. Lost property is defined as any item left by a patron at the MRCLC, or surrounding grounds that has no identification and/or contact details located on it.
2. In the instance where the item has a hygiene risk (i.e a drink bottle) the item will be disposed of after a period of 1 week.
3. In the instance where the item is valuable (i.e a ring, push bike) then the item will be taken to the local police station after a period of 1 week.
4. All clothing or sporting equipment items that remain in the lost property for a period of 1 month will be distributed to charity organisation.
5. Centre staff will not be held responsible for any items left at the Centre or surrounding grounds, including any breakages.
6. When claiming lost property, the owner must prove to a satisfactory level that the item belongs to them.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
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Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		20 November 2007		CMRef 29201
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3.	Reviewed		20 November 2012		CMRef 31008
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628
5.	Reviewed (Unamended)		17 July 2018		CMRef 82219
6.	Reviewed (Rescinded)		22 November 2022		CMRef 83050

## 6.4 Camping on Merredin Recreation Grounds

### 1. POLICY PURPOSE

To provide guidelines on camping on the Merredin Regional Community and Leisure Centre (MRCLC) Grounds.

### 2. POLICY SCOPE

This Policy covers whether camping is appropriate, costs of camping on the MRCLC Grounds, access to the facilities at the MRCLC and general management of the area whilst camping on the MRCLC Grounds.

### 3. LEGISLATIVE REQUIREMENTS

*Liquor Control Act 1988.*

*Caravan Parks and Camping Grounds Regulations 1997.*

### 4. POLICY STATEMENT

The application for camping on the MRCLC Grounds can be addressed to the Recreation and Aquatics Manager.

#### 4.1 Guidelines

1. Application for camping on the MRCLC Grounds is to be made in writing to the Recreation and Aquatic Manager at least four (4) weeks prior to the booking.
2. Approval of the application shall be granted in writing from the Recreation and Aquatics Manager prior to camping and will be based on:
  - a. Investigating the appropriateness of the camping event, other facility or grounds bookings;
  - b. Access to other accommodation facilities in the community;
  - c. Need for overflow accommodation for special events;
  - d. Recreational vehicles that are visiting Merredin as part of Caravan Clubs, larger organisations or overflow accommodation for events will be authorised to camp at the MRCLC Grounds;
  - e. Camping will be limited in duration to a maximum of 72 hours (3 nights) unless otherwise authorised by the Chief Executive Officer (CEO); and
  - f. Fees to be paid in advance at the MRCLC prior to camping.
  - g. Camping is to be limited to areas as designated by the Recreation and Aquatic Manager or Executive Manager Strategy and Community.
3. The cost of camping is in accordance with the Shire of Merredin's (the Shire) fees and charges.
4. Access to facilities including showers and toilets is during normal operating hours. If additional access is required, notification is required when the user group submits the application.
5. If the hirer requires access to power, notification is required when the hirer submits the application as there is limited power provision. Charges may apply at a

negotiated fee.

6. The following is not permitted on the MRCLC Grounds:
  - a. Fires;
  - b. Digging holes (exception of standard tent pegs);
  - c. Installing posts into the ground;
  - d. Anything that defaces the ground (paint, ice, oil);
  - e. Grey water or blackwater discharge to ground; and
  - f. Use of chemicals.
7. The hirer is to ensure that interference with any irrigation system does not occur. The user group is to be made aware of underground automatic irrigation systems prior to erecting tents.
8. The hirer is responsible for the security and safety of themselves and their belongings.
9. Approval for pet access must be sought when the user submits the application form.
10. Consumption of alcohol is not permitted unless prior permission has been received from the CEO. Permission to sell alcohol must be obtained from the Clerk of Courts by applying for a Liquor Permit, after approval has been received from the CEO.

## 5. KEY POLICY DEFINITIONS

***Merredin Regional Community and Leisure Centre (MRCLC) Grounds*** – includes the facility, surrounding playing surfaces, car park and gardens.

## 6. ROLES AND RESPONSIBILITIES

The Recreation and Aquatics Manager is responsible for monitoring and implementing this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed by the Recreation and Aquatics Manager annually.

A final review will be undertaken by the Governance Team and recommended to be endorsed by Council.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Recreation and Aquatics Manager				
Compliance Requirements					
Legislation	Liquor Control Act 1988, Caravan Parks and Camping Grounds Regulations 1997				
Document Management					
Risk Rating	Medium	Review Frequency	Annually	Next Due	February 2026
Version #	Action		Date	Records Reference	
1.	Adopted		18 December 2007	CMRef 29259	
2.	Reviewed		16 November 2010	CMRef 30481	
3.	Reviewed		20 November 2012	CMRef 31008	
4.	Reviewed (Unamended)		18 August 2015	CMRef 81628	
5.	Reviewed		16 January 2018	CMRef 82116	
6.	Reviewed		17 February 2025	CMRef 83547	

## 6.5 Designated Smoking Areas at the MRCLC

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 December 2007		CMRef 29260	
2.	Reviewed		21 December 2010		CMRef 30512	
3.	Reviewed		20 November 2012		CMRef 31008	
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628	
5.	Reviewed		17 July 2018		CMRef 82219	
6.	Reviewed (Rescinded)		22 November 2022		CMRef 83050	

## 6.6 Kitchen Costs for Clubs/Associations

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 December 2007		CMRef 29262	
2.	Reviewed		16 November 2010		CMRef 30481	
3.	Reviewed		20 November 2012		CMRef 31008	
4.	Reviewed		20 May 2014		CMRef 81368	
5.	Reviewed		18 August 2015		CMRef 81628	
6.	Reviewed (Unamended)		17 July 2018		CMRef 82219	
7.	Reviewed (Rescinded)		22 November 2022		CMRef 83050	

## 6.7 Function Room Costs for Clubs/Associations

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 December 2007		CMRef 29263	
2.	Reviewed		16 November 2010		CMRef 30481	
3.	Reviewed		20 November 2012		CMRef 31008	
4.	Reviewed		20 May 2014		CMRef 81368	
5.	Reviewed (Unamended)		18 August 2015		CMRef 81628	
6.	Reviewed		17 July 2018		CMRef 82219	
7.	Reviewed (Rescinded)		22 November 2022		CMRef 83050	

## 6.8 Outdoor Club/Associations utilising MRCLC Indoor Facilities

### Policy Statement

On the occasion where outdoor user groups want to utilise indoor facilities due to bad weather, it shall be provided free of charge to the club.

### Policy Objective

To provide outdoor Clubs and Associations with guidelines as to when they can utilise the indoor facilities free of charge.

### Guidelines

1. Outdoor Clubs/Associations may utilise the indoor facility for normal training purposes, free of charge, when bad weather prohibits the use of outdoor facilities.
2. Indoor bookings take precedence over the usage by outdoor Clubs/Associations.
3. Clubs and Associations are to contact Centre staff during office hours (8:30am-4:30pm Mon to Fri) to organise facility access.
4. The Clubs and Association utilises the facility in accordance with the MRCLC Management Plan.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action		Date	Records Reference
1.	Adopted		18 December 2007	CMRef 29264
2.	Reviewed		16 November 2010	CMRef 30481
3.	Reviewed		20 November 2012	CMRef 31008
4.	Reviewed (Unamended)		18 August 2015	CMRef 81628
5.	Reviewed		17 July 2018	CMRef 82219
6.	Reviewed (Unamended)		22 November 2022	CMRef 83050



## 6.9 Recycling

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
Next Due		N/A			
Version #	Action		Date		Records Reference
1.	Adopted		18 December 2007		CMRef 29265
2.	Reviewed		16 November 2010		CMRef 30481
3.	Reviewed		20 November 2012		CMRef 31008
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628
5.	Reviewed (Rescinded)		17 July 2018		CMRef 82219

## 6.10 Indoor Playground Food Policy

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 December 2007		CMRef 29266	
2.	Reviewed		16 November 2010		CMRef 30481	
3.	Reviewed		20 November 2012		CMRef 31008	
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628	
5.	Reviewed (Rescinded)		17 July 2018		CMRef 82219	

## 6.11 Facility Bookings and Costs for Schools

### Policy Statement

That Schools are charged as per the Shire of Merredin's adopted Annual Fees and Charges and that applications for payment exemptions can be made in writing to the CEO.

### Policy Objective

That facility costs for local and surrounding regional schools utilising the MRCLC and surrounding grounds be defined and guidelines provided for schools.

### Guidelines

1. Indoor and outdoor facility use by schools is to be booked at the MRCLC during normal administrative hours, detailing all requirements.
2. Bookings are to be made at least one week in advance unless special circumstances occur.
3. Approval of the application will be based on other facility or grounds bookings, the program and payment of the booking.
4. That application for an exemption of charges can be made in writing to the CEO no later than four weeks prior to the event.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action		Date	Records Reference
1.	Adopted		18 December 2007	CMRef 29267
2.	Reviewed		16 November 2010	CMRef 30481
3.	Reviewed		20 November 2012	CMRef 31008
4.	Reviewed (Unamended)		18 August 2015	CMRef 81628
5.	Reviewed		17 July 2018	CMRef 82219

## 6.12 Closure of Grandstand Bar

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Governance Officer					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating	N/A	Review Frequency	N/A		Next Due	N/A
Version #	Action		Date		Records Reference	
1.	Adopted		18 December 2007		CMRef 29269	
2.	Reviewed		16 November 2010		CMRef 30481	
3.	Reviewed		20 November 2012		CMRef 31008	
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628	
5.	Reviewed		17 July 2018		CMRef 82219	
6.	Reviewed (Rescinded)		22 November 2022		CMRef 83050	

## 6.13 Functions Requiring Alcohol

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
Next Due		N/A			
Version #	Action		Date		Records Reference
1.	Adopted		17 June 2008		CMRef 29539
2.	Reviewed		16 November 2010		CMRef 30481
3.	Reviewed		20 November 2012		CMRef 31008
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628
5.	Reviewed (Rescinded)		17 July 2018		CMRef 82219

## 6.14 Unconsumed Liquor

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
Next Due		N/A			
Version #	Action		Date		Records Reference
1.	Adopted		17 June 2008		CMRef 29540
2.	Reviewed		16 November 2010		CMRef 30481
3.	Reviewed		20 November 2012		CMRef 31008
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628
5.	Reviewed (Rescinded)		17 July 2018		CMRef 82219

## 6.15 Vandalism Policy

### Policy Objective

To ensure the MRCLC is managed efficiently and effectively whilst providing users a safe and well maintained facility.

### Guidelines

All reports of vandalism are to be investigated. Persons who can be identified as committing acts of vandalism are to be suspended from the MRCLC for between one week and twelve months depending on severity as per policy 6.18.

The Shire has the right to recoup the costs of repair/replacement associated with any damages.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		15 July 2008		CMRef 29597
2.	Reviewed		16 November 2010		CMRef 30481
3.	Reviewed		20 November 2012		CMRef 31008
4.	Reviewed (Unamended)		18 August 2015		CMRef 81628
5.	Reviewed		17 July 2018		CMRef 82219
6.	Reviewed		22 November 2022		CMRef 83050

## 6.16 Donation of Hire Fees

### Policy Statement

That the CEO be delegated authority to donate hire fees for paid events/functions held at the MRCLC.

### Policy Objective

To ensure a fair and consistent process is applied to all applications/requests for donations of hire fees for events held at the MRCLC.

### Guidelines

Events and donations for hire fees will be considered on individual merit. Receipt of donation does not guarantee further donations in the future.

The value of each individual donation is subject to change depending on the duration of the Event. Where the Event is held over multiple days, this will be considered as a single donation.

All applications for donations are to be presented to the Recreation Centre Manager, who will forward all submissions to the Shire of Merredin CEO for consideration.

### Criteria

1. The Event Organiser is a not-for-profit organisation **or** the event is not-for-profit
2. The Event targets all members of the community (private functions will NOT be considered).
3. The Event acknowledges the sponsorship of the Shire of Merredin in all marketing and promotion.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	19 August 2008	CMRef 29642	
2.	Reviewed	16 November 2010	CMRef 30481	
3.	Reviewed	20 November 2012	CMRef 31008	
4.	Reviewed (Unamended)	18 August 2015	CMRef 81628	
5.	Reviewed	17 July 2018	CMRef 82219	



## 6.17 Disposal of Expired and Unsold Bar Stock

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	N/A		Review Frequency	N/A	
				Next Due	N/A
Version #	Action		Date		Records Reference
1.	Adopted		16 November 2010		CMRef 30481
2.	Reviewed		20 November 2012		CMRef 31008
3.	Reviewed (Unamended)		18 August 2015		CMRef 81628
4.	Reviewed (Rescinded)		17 July 2018		CMRef 82219

## 6.18 Code of Behaviour and Penalty Structure

### Policy Statement

That users of the MRCLC and Recreation Grounds are to behave in an appropriate manner at all times.

### Policy Objective

To provide users of the MRCLC and Recreation Grounds guidelines for an acceptable standard of conduct and the outlining the penalty structure for users contravening the Code of Behaviour.

### Guidelines

The Code of Behaviour guidelines stipulates that the following behaviours are deemed inappropriate:

1. Derogatory, abusive or foul language
2. Bullying
3. Physical abuse – fighting, kicking, pushing, punching, scratching etc
4. Spitting
5. Vandalising and intentional damage or equipment and facilities
6. Stealing
7. Littering
8. Arguing with officials
9. Smoking within the facility areas
10. Use and/or possession of illegal drugs
11. Actions that **are not** in accordance with liquor license laws

### Penalty Structure:

Contravening the Code of Behaviour may result in the suspension of accessing the MRCLC, including the Merredin Recreation Grounds for a minimum period of one (1) week.

The maximum penalty for contravening the Code of Behaviour may result in the suspension of accessing the MRCLC, including the Merredin Recreation Grounds, for a period of twelve (12) months. On the advice from the Facility Manager, the CEO has the authority to issue suspension notices.

The MRCLC and the Merredin Recreation Grounds are public facilities. Inappropriate behavior will not be tolerated. Police will be notified where appropriate.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	20 May 2014		CMRef 81381
2.	Reviewed (Unamended)	18 August 2015		CMRef 81328
3.	Reviewed	17 July 2018		CMRef 82219
4.	Reviewed	22 November 2022		CMRef 83050

## 6.19 Sporting Infrastructure Renewal

### 1. POLICY PURPOSE

1. To identify and analyse the present and future needs of sport and recreation facilities.
2. Identify and plan for funding applications, infrastructure developments and renewals.
3. Integrate sport and recreation facility planning into local government planning.
4. To determine the financial contribution for facility development and/or renewal.

### 2. POLICY SCOPE

This policy is intending to guide decision making, strategic planning in line with Council's Strategic Recreation Master Plan. Guiding the identification, analysis, planning, and development of sport and recreation facilities within the Shire of Merredin (the Shire).

### 3. LEGISLATIVE REQUIREMENTS

Nil

### 4. POLICY STATEMENT

To determine sporting facilities requiring current and future facility development or renewal within the Merredin Regional Community & Leisure Centre (MRCLC) precinct in conjunction with the sporting Associations and/or Clubs.

1. The Shire will meet with Clubs and Associations annually to discuss improvements, projects, wish lists etc.
2. Identified capital projects may be considered by Council and, where approved, be included in the proposed Strategic Recreation Master Plan and the Shire's LTFP and AMP.
3. Associated Sporting Associations and/or Clubs will be required to contribute financially towards identified projects based on a one third (1/3) contribution of the total development costs or such other contribution arrangement that may be agreed by the Shire. The Shire is responsible for contributing financially towards the identified projects up to two thirds (2/3) of the total development costs subject to the project being included in the relevant annual budget.

Active Sporting Areas	Council Contribution	Club/Association/User Contribution
External Precinct ie carpark, fencing, gardens	100%	0%
Bowling Greens, lighting and reticulation	67%	33%
Scoreboards	0%	100%
Indoor Courts	67%	33%
Outdoor Courts and Lighting	67%	33%

Turf and Lighting	67%	33%
Oval and Lighting	67%	33%
Golf Course	67%	33%

4. Contribution by the Shire will be subject to confirmed grant funding for a pre-determined level of total project costs.
5. The Shire in conjunction with the associated Sporting Association and/or Club will seek external funding to assist with the cost of the project.
6. The Shire will Project Manage all identified infrastructure projects undertaken within the MRCLC precinct.
7. Infrastructure projects not identified in the Sporting Association and/or Club strategic plan and the Shire's LTFP and AMP will not be financially supported by the Shire of Merredin.

## 5. KEY POLICY DEFINITIONS

MRCLC – Merredin Regional Community & Leisure Centre

LTFP – Long Term Financial Plan

AMP – Asset Management Plan

## 6. ROLES AND RESPONSIBILITIES

The Recreation and Aquatics Manager is responsible implementing this Policy.

The Executive Manager Strategy and Community is responsible for monitoring this Policy.

## 7. MONITOR AND REVIEW

This Policy will be reviewed by the Recreation and Aquatics Manager in conjunction with the Executive Manager Strategy and Community annually.

A final review will be undertaken by the Executive Leadership Team (ELT) and recommended to be endorsed by Council.

Document Control Box						
Document Responsibilities:						
Owner:	CEO		Decision Maker:	Council		
Reviewer:	Executive Leadership Team					
Compliance Requirements						
Legislation	N/A					
Document Management						
Risk Rating		Review Frequency	Annually		Next Due	March 2026
Version #	Action		Date		Records Reference	
1.	Adopted		21 July 2015		CMRef 81614	
2.	Reviewed (Unamended)		18 August 2015		CMRef 81628	
3.	Reviewed		25 March 2025		CMRef 83569	

## 6.20 Merredin Regional Community & Leisure Centre – House Management Policy

### 10. POLICY PURPOSE

This policy and the intent of the licensee and management of the Merredin Regional Community and Leisure Centre (MRCLC) premises is to provide a licensed venue where the public can enjoy hospitality, which includes the purchase and consumption of alcoholic beverages, in a responsible and friendly environment.

### 11. POLICY SCOPE

MRCLC aims to provide services of the highest quality by staff properly trained in the performance of their duties. The obligations and rights of the licensee relating to the sale and consumption of liquor on licensed premises will politely but firmly be enforced.

### 12. LEGISLATIVE REQUIREMENTS

N/A

### 13. POLICY STATEMENT

To ensure patrons enjoy the experience provided by MRCLC management and staff adhere to several principles' details in its Code of Conduct and Management Plan, including the responsible service of liquor within the premises, intoxicated and/or aggressive behaviour by patrons will not be tolerated and the upmost priority for the care of all who attend the facility.

### 14. KEY POLICY DEFINITIONS

N/A

### 15. ROLES AND RESPONSIBILITIES

All employees to whom are employed to provide a responsible service of alcohol and are responsible for the implementation of the policy.

### 16. MONITOR AND REVIEW

This policy will be monitored by Recreation & Aquatic Manager and reviewed by the Shire's Executive Team every two (2) years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	CEO	
Reviewer:	Recreation & Aquatic Manager				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating	Medium	Review Frequency	Biennial	Next Due	25 June 2026
Version #	Action		Date		Records Reference
1.	Adopted		25 June 2024		CMRef 83407

## 7. ENGINEERING & TRANSPORT

### 7.1 Signs on Road Reserves

**Policy Statement:**

The following categories of signs are permitted on road reserves:

1. Street and name plates
2. Directional advertising signs
3. Regulatory signs
4. Non-regulatory signs

The CEO has delegated authority to approve or refuse applications for signs on road reserves and apply conditions if necessary.

The CEO is appointed an authorised officer as per Council's By-Laws relating to Signs, Hoardings and Bill Postings.

**Objectives:**

- i) To ensure that signs on road reserves do not become so various or numerous so as to be unacceptable to residents in the area or to be injurious to the amenity or natural beauty or safety of the area.
- ii) To provide uniform standards for the installation, location, colour and materials of signs placed on road reserves.

**Guidelines:**

- i) **Street Name Plates –**  
Council's standard shall be 150mm high letters on white reflective background affixed to 200mm wide aluminium plates and blue on yellow for street name plates with Council crest.

Street name plates placed in the Central Business District are to have Council's crest affixed to both faces of the signs and in keeping with the objectives of Townscape Policies.

Any sign pole within 3 metres of road edge must be of frangible material.

- ii) **Directional Signs -**
  - a) Signing be allowed for public guidance as to the location of places for public assembly or public interest such as homes for the aged, hospitals, tourist facilities, libraries, Council facilities and medical services. Signs may be placed at the intersection of main through roads or where the road layout is not conducive to the ease of location.
  - b) No more than four signs to be located at any one location with the street name plate at the top of the stack.
  - c) Unless otherwise directed by Council all directional signs to be erected and maintained at the expense of the applicant and

to the satisfaction of the CEO. Council's standards shall be white letters on blue reflectorised background affixed to 200mm wide aluminum plates. Where circumstances require, signs of larger size may be permitted.

The letters are to be in block style, white in colour on blue background. The businesses are to accept responsibility for ongoing maintenance and any claim for damages or injury caused by the sign.

d) Tourist facilities may be signed in accordance with the standard sign devised by the Main Roads Department. Such signs shall only be located at road junctions and in locations as determined by the CEO. A commercial type legend shall only be permitted when that name gives an accurate description of the facility.

e) Advanced Directional Signs with street name plates should be placed on all major streets in the rural urban area.

f) For all other sign types and situations refer to Council's uniform By-Laws regarding Signs and Hoardings

iii) Regulatory Signs –

This sign category is controlled by two bodies, Main Roads Department and Council. The Main Roads Department is responsible for all signing on road reserves under its control apart from street name plates and in addition is responsible for all traffic control and regulatory signs in road reserves vested in the Shire of Merredin. The Shire has responsibility for any additional regulatory signs which are necessitated through the need to enforce acts or by-laws such as parking facilities and off road vehicle areas. Dual Use footpath signs are also a Council responsibility.

iv) Non-Regulatory Signs –

This category of signs is a Council responsibility and includes traffic signs such as Keep Left, Crossroads Warning Signs, Off Street Warning Signs and Temporary Road Warning Signs. Keep Left signs are to be black on white and other signs are to be black on yellow Class 1.

The letters are to be in block style, white in colour on blue background. The businesses are to accept responsibility for ongoing maintenance and any claim for damages or injury caused by the sign.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	Next Due
Version #	Action	Date	Records Reference
1.	Adopted	21 July 2015	CMRef 81614
2.	Reviewed (Unamended)	18 August 2015	CMRef 81628



## 7.2 Street Trees

**Policy:** The following guidelines will be used:

1. The position of trees or shrubs to be 3.5 metres from property lines and approximately 10 metres apart.
2. No trees are to be planted where a corner property is involved so sight distance can be maintained.
3. The CEO in consultation with Council shall decide the species or varieties of trees and/or shrubs to be planted in road reserves controlled by the Shire of Merredin.
4. No new trees are to be planted under or within 3 metres of powerlines.

**Objectives:** To obtain and maintain uniformity of tree planting and to enhance the visual aspect of street scapes.

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		16 September 2008		CMRef 29697
3.	Reviewed		19 February 2013		CMRef 31058

## 7.3 Road Verge Treatment (Town Site)

**Policy:** To permit use of the road reserve for means of upgrading and beautification of verges the following guidelines will be used.

**Guidelines** It is accepted that road reserves form a significant proportion of public open space available to residents for improving their streetscape and lifestyle.

The following principles shall apply to any application:

- 1.** No permanent structure can be permitted in the road reserve except with the written approval of Council.
- 2.** Treatments must not present hazards to pedestrians with due allowance being made for infirmities and poor lighting.
- 3.** There should not be holes, stakes or trip hazards (including steps, kerbs, loose pebble gravel on smooth hard surfaces, rocks, or any other physical barrier).
- 4.** Plants should not be dangerous, have thorns or branches projecting at eye height. Plants should be maintained so that they do not present a danger to pedestrians.
- 5.** Treatments should permit free access to services by the relevant authorities. As a guide, the treatment should not impede access by men using shovels at night to repair a broken service.
- 6.** Care should be taken to keep sightlines clear near corners and for vehicles using a driveway.
- 7.** Maintenance should be to a reasonable standard as assessed by Council.
- 8.** Verge must not be sealed or otherwise covered with an impermeable treatment.
- 9.** Washed pebble gravel will require special arrangements to prevent its spreading onto footpaths, kerbing or roadways. This can be water binding, rolling or setting the level below the top of the kerbing. Wash pebble should be bituminised.
- 10.** Loose crushed aggregate is to be avoided as it tends to be scattered or thrown.
- 11.** Pine bark is undesirable as it dries out and is wind-blown.
- 12.** Any irrigation equipment installed in the verge at the risk of the occupier.
- 13.** Grass or lawn as requested or advised by the Manager of Engineering Services.
- 14.** Its use must not inconvenience pedestrians or constitute a hazard (eg water spraying onto a road which caused motorists to swerve)

Reinstatement of verge treatment will not be limited and will be the complete responsibility of the occupier.

The selection of trees and suitable plants will be subject to approval by the Manager of Engineering Services.

Council's Manager of Engineering Services is prepared to advise occupiers on a range of suitable plants which may be used for an alternative verge treatment.

Residents must inform Water Corp., Telstra or Western Power prior to commencement of work in regards to underground facilities.

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3.	Reviewed	19 February 2013	CMRef 31058

## 7.4 Road Reserves – Management in Country Areas

### Policy Statement:

Council delegates its authority to the CEO to determine applications and apply conditions to matters under the following headings.

Clearing of Native Vegetation is regulated under the Environmental Protection Act. Regulation 5 Item 22 of Regulations provide exemption for clearing or maintenance in existing transport corridors.

### **Road Verge - Roadside Management**

Upon the request of an adjoining property owner, Council may inspect the road verge and decide that work should be carried out to cleanup the road verge by removing fallen timber and other debris from the roadside to overt the risk of fire hazard in that area. Debris and fallen timber should be removed to a special dump site and burned if necessary.

### **Road Verge Clearing**

Upon the request by traffic participants or inspection by the CEO, road verge vegetation may be cleared to such an extent that travelling with larger vehicles will not be interfered with by native overhanging vegetation (trees and shrubs). Clearing of all vegetation to the backslope of the drain may be ordered by the CEO and all cut timber/wood be removed from the site altogether with soils filling in the stormwater and drainage channel.

### **Road Side Burning**

Upon request of preventative roadside (road reserve/verge) burning by an adjoining landholder, the area will be inspected by the CEO and the Chief Bushfire Officer to decide if it is necessary. If burning is required, the Commissioner of Land and Soil Conservation shall be informed and its decision will be mandatory in these events.

### **Use of Herbicides**

Herbicides used on road verges and reserves need the written approval of the CEO. Herbicides must not contain long term residual properties or chemicals that affect non target vegetation. New herbicides and chemicals must be approved by the Commissioner of Land and Soil Conservation, the Department of Agriculture and the Department of Conservation and Land Management.

May need exemption for chemicals with long term residual properties if Skeleton Weed is known to grow there.

### **Rare Flora and Fauna**

Areas marked by Council or the Department of Conservation and Land Management with specific markers outlining the existence of rare flora and/or fauna shall not be treated with herbicides, chemicals, cleared by machinery or burned. If fire protective measures are required, weed and grasses as well as other debris must be removed manually without the impact of equipment and there like.

- Objectives:**
- a) To reduce the amount of matters placed before Council for consideration and reduce the agenda workload.
  - b) To protect Council's interests in form of damage to the environment, to assist with revegetation and vegetation reduction in our Shire, to avoid soil erosion, enhance the landscape, protect wildlife habitats and prevent further land degradation from salinity, water logging and eutrophication.
- Guidelines:** Council will rely on the provisions of the Local Government Act, the Land Act, Policies of the Commissioner for Land and Soil Conservation and the Act for Waterways.

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3.	Reviewed		19 February 2013		CMRef 31058

## 7.5 Traffic Management

**Policy:** To ensure safe and efficient management of traffic within the Shire by placing of regulatory signs and construction of devices as necessary the following guidelines will be used.

**Guidelines:**

1. The CEO shall liaise with Main Roads re the placement of regulatory signs such as STOP and GIVE WAY signs.
2. The CEO shall liaise with the Main Roads re funding of traffic calming devices at intersections which have high accident statistics or high traffic volume.
3. Where median or traffic islands are necessary they shall be placed so as to cause minimum disruption to the access to and from adjoining properties notwithstanding Council's objective to increase safety.

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3.	Reviewed		19 February 2013		CMRef 31058

## 7.6 Streets and Roads (Trucks – Extra Mass Permits)

**Policy:** Council sets the conditions relevant to Extra Mass Permits which are issued by Main Roads WA for large truck and trailer combinations, B-Doubles and road trains within the Shire of Merredin.

**Objective:** 1.To set conditions for Main Roads WA to attach to Extra Mass Permits issued for vehicle movements within the Shire of Merredin.

2. To provide direction to Council when required to make a decision regarding a particular route which has not been designated in Annexure A.

**Guidelines:** **General Conditions**

1. It is accepted that large truck and trailer combinations provide an efficient and economic means for transport of goods.
2. Movement to cease on unsealed roads immediately.
3. Vehicle speed limited to 80km per hour.
4. Permits are to be issued to companies or individuals by Main Roads WA.
5. The conditions also apply to the route(s) taken by empty trucks.
6. Requests of a contentious nature are to be referred to Council for consideration.
7. Headlights are to be switched on during vehicle movements.
8. Routes and classification as shown on Annexure A and attached maps.
9. Maximum overall vehicle length not to exceed 36.5 metres.
10. Council office to be contacted for advice on road conditions during periods of wet weather.
11. Council agreement to be obtained for roads under its control which are not contained within Annexure A to this policy.
12. Compliance with all conditions set by Council for roads under its control.
13. Council retains the right to withdraw approval for any route at any time.

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## ANNEXURE “A”

### Council roads that may be used for heavy haulage:

#### 1. “B” Doubles

Barrack Street  
 Bullshead Road  
 Burracoppin Siding Road  
 Burracoppin South Road  
 Burracoppin Campion Road  
 Chandler Road  
 Crees Road  
 Crooks Road  
 Fourteen Mile Gate Road  
 Gabo Road  
 Gamenya Avenue  
 Goldfields Road  
 Hackling Road  
 Hines Hill North Road  
 Johnson Road  
 Knungajin-Merredin Road  
 Koonadgin Road  
 Merredin-Narembreen Road  
 Ogden Road  
 Pitt Road  
 Springwell Valley Road

#### 2. Road Trains

Bullshead Road  
 Burracoppin Siding Road  
 Burracoppin South Road  
 Burracoppin Campion Road  
 Chandler Road  
 Crees Road  
 Crooks Road  
 Gabo Road  
 Gamenya Avenue  
 Goldfield Road  
 Hines Hill North Road  
 Johnson Road  
 Knungajin-Merredin Road  
 Merredin-Narembreen Road  
 Ogden Road  
 Springwell Valley Road

#### 3. **General Access Vehicles that do not require a permit are:**

Semi Trailer – 19m long  
 Truck and Trailer – 19m long

#### 4. Vehicles required to have a permit are: B

Double – 27.5m long  
 Short Double Bottom – 36.5m long  
 Road Trains – 53.5m long

*(A diagram showing these vehicles is attached.)*



## 7.7 Provision of Vehicles to Council Employees

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3.	Reviewed		19 February 2013		CMRef 31058	
4.	Reviewed		17 June 2014		CMRef 81388	
5.	Reviewed (Rescinded to Staff Policy Manual)		22 November 2022		CMRef 83046	

## 7.8 Sealing of Roads

That the Merredin Shire Council as part of its 7 year Road Construction Program applies the following principles:

1. No additional rural bitumen roads will be constructed (sealed) in the next 7 years, other than works associated with the preservation of existing roads constructed as at the 30<sup>th</sup> June 2002.
2. The widening of all rural roads from 3.7 metres up to 8 metres only occur where the road traffic counts warrants improvement and subject to Council Functional Road Hierarchy.
3. Road expenditure enhancement/preservation philosophy be based on
  - a. Roads 2020 – Council endorsed rural roads
  - b. Roads to Recovery – 100% Urban Roads
4. A simplified version of the MRWA Multi Assessment Criteria be used as the base to determine local major road project funding in unison with Council's ROMAN Roads database.

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2.	Reviewed		16 September 2008		CMRef 29697
3.	Reviewed		19 February 2013		CMRef 31058

## 7.9 Dual Use Paths within the Merredin Town Site

**Policy:** To install a network of Dual Use Paths (footpaths) within the Merredin townsite based on strategic pedestrian routes that meet a variety of user needs. These Dual Use Paths shall be constructed of different materials based on their location.

**Objective** To provide for safe pedestrian movement within the Merredin townsite, taking into consideration long term maintenance requirements, aesthetic appeal and budgetary allocation.

**Guidelines** It is accepted that the primary purpose of Dual Use Paths (DUP's) is to provide for safe and easy pedestrian movement. The many and varied uses and users of the DUP's are as follows:

- Recreation and Leisure – walking, jogging, bicycle riding, roller skates, skate boards, scooters, gophers, etc.
- Pedestrian movement – safe movement of pedestrians from one location to another. This can be done using a variety of means including walking, bicycling, motorised gophers, etc. Examples include walking to school, walking/riding to the shops, using the gopher to ride to the medical centre.

As road reserves form a significant proportion of public open space available to residents and can improve their streetscape and lifestyle, Dual Use Paths within those reserves have an equally important function.

The following principles shall apply to the future development, upgrading and improvement of Dual Use Paths:

### **RESIDENTIAL ZONE AREAS – STANDARD ACCESS ROUTES:**

- All existing streets located within the residential zones of the Merredin townsite shall have a 2.1 metre wide Dual Use Path on one side of the road verge within the safety zone as stated in the Australian Standards.
- All new residential subdivisions and developments are to incorporate Dual Use Paths as a condition of development.
- All paths are to incorporate disabled access needs and have suitable on and off ramps installed to enable access from the road to the path.
- Those streets identified as Standard pedestrian routes shall have footpaths constructed of hotmix.
- The purpose of this policy is to maximise the length of footpath installed, however increased maintenance will be required in future years as the path ages.

### **RESIDENTIAL ZONE AREAS – STRATEGIC ACCESS ROUTES:**

- All existing streets located within the residential zones of the Merredin townsite shall have a 2.1 metre wide Dual Use Path on one side of the road verge within the safety zone as stated in the Australian Standards.
- Those streets identified as Strategic pedestrian routes shall have Dual Use Paths constructed of concrete.
- All paths are to incorporate disabled access needs and have suitable on and off ramps installed to enable access from the road to the path.
- The purpose of this policy is to reduce future maintenance requirements and provided a safer path that complies with all relevant Standards.

**COMMERCIAL / BUSINESS ZONE AREAS:**

- In general, all existing streets located within the commercial / business zone of the Merredin townsite shall have a Dual Use Path on one at least one side of the road verge extending from the road verge (kerbing) to the shop/business front and within the safety zone as stated in the Australian Standards. There will be exceptions where certain areas shall have Dual Use Path s on both sides of the road verge, or the width of the path will only be 2.1 metres wide.
- Those streets within the Commercial/Business zone shall have Dual Use Paths constructed of (Sentosa with Topaz edging or similar colour) paving brick.
- All paths are to incorporate disabled access needs and have suitable on and off ramps installed to enable access from the road to the path.
- The purpose of this policy is to ensure continuity in theme and aesthetics for the Central Business District and to reduce future maintenance requirements.

**INDUSTRIAL ZONE AREAS:**

- In general Dual Use Path s are not required in industrial areas.

**OTHER ZONE AREAS:**

- In general, Dual Use Path s in other zones will be constructed along the same lines as the Residential Zone Areas – Standard Access Routes.

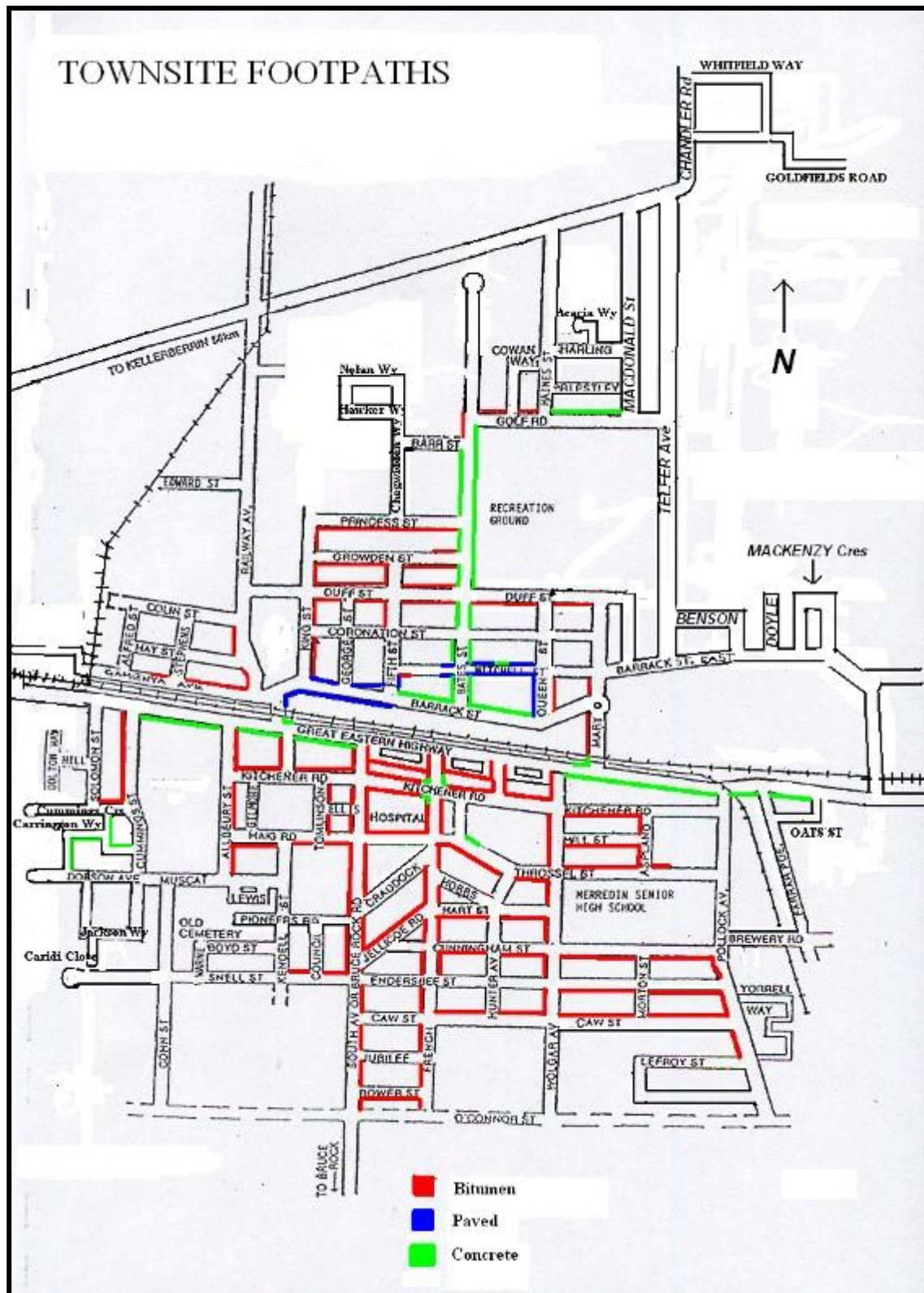
**Definitions:*****Central Business District***

- Mary Street, Barrack Street, Bates Street (to Coronation Street), Mitchell Street, Queen Street (Barrack Street to Mitchell Street), Fifth Street (Barrack Street to Coronation Street), north side of Great Eastern Highway (Barrack Street to Mary Street).

**Strategic Access Routes**

- South Avenue / Bruce Rock Road, Woolgar Avenue, Pollock Avenue, Cummings Street, Muscate Street (From Dobson Ave To Allbeury St), Great Eastern Highway / Todd Street (Solomon Street To Oats Street), Golf Road, Bates Street (From The Houses North Of Golf Road To Coronation Street), Coronation Street (From Bates Street To King Street), King Street, Gamenya Avenue, Snell Street (Between South Avenue To Cohn Street), Cohn Street (Between Muscat Street To Snell Street), Caw Street (Between South Avenue And Woolgar Avenue), French Avenue, Duff Street (From Railway Avenue To Mary Street), Mary Street (From Duff Street To Barrack Street), Barrack Street (From Mary Street To Queen Street).

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## 7.10 Roadside Memorials Policies and Guidelines

### 1. OVERVIEW

Every year, too many people lose their lives on Western Australian roads. Frequently, family and friends have chosen to honour their memories by erecting some type of roadside memorial.

Memorials at fatal crash sites provide a means for assisting people to grieve for their loved ones as well as serving as a visual deterrent to road users, delivering a powerful road safety message. Main Roads respects the need for people to erect roadside memorials, but it must also provide a safe and efficient road network to all road users to meet its obligations under the *Main Roads Act 1930*. To do this Main Roads needs to consider potential safety hazards including visual distractions to motorists, physical objects that could harm road users and the possible movement of personal items onto the road. Main Roads also needs to consider the safety of pedestrians in close proximity to fast moving vehicles.

Main Roads' overall objective is to respect people's grief and ensure the road environment is safe for all road users. This policy has been developed in consultation with the community and various interest groups. It has been prepared to inform the public, Local Government, Main Roads Officers and contractors of the types of roadside memorials approved and supplied by Main Roads on Freeways, Highways and main roads throughout Western Australia. It also outlines how Main Roads will arrange the installation and ongoing management of roadside memorials.

### 2. DEFINITION OF A ROADSIDE MEMORIAL

A roadside memorial can be described as an object or image constructed, erected, planted, painted or placed within the road reserve in honour of family or friends whose lives have been lost on the road or road reserve.

### 3. STATEMENT OF POLICY

Main Roads has an obligation to provide a safe and efficient road network.

Main Roads will:

- Be considerate and respectful of the needs of persons wishing to install
- roadside memorials;
- Approve the placement of roadside memorials;
- Supply roadside memorials (as defined in section 4.3);
- Install or assist in the installation of roadside memorials at suitable locations
- as detailed in the guidelines attached to this policy;
- Not accept responsibility for the security or maintenance of roadside



- memorials;
- Remove any roadside memorials not conforming to this policy;
- Not approve or provide roadside memorials for animals; and
- Will only approve or provide roadside memorials for accident sites where fatalities have occurred.

#### **4. GUIDELINES**

##### **4.11 Requests for Roadside Memorials**

When touched by tragedy, family and friends find a roadside memorial can help comfort and heal, as it provides a tangible record of a life lived and serves as a reminder to the community to drive carefully. Where requests are received, Main Roads can provide support to family and friends by assisting them to understand the requirements of this policy and install or assist in the installation of a suitable roadside memorial at the safest location. It should be noted that this policy is intended to provide guidance to Main Roads Officers and each case should be dealt with on an individual basis.

Main Roads' foremost concern is that all road users are provided with a safe road environment and that family and friends and the road user are safe whilst a roadside memorial is being erected, visited, or is being maintained. It is important that family and friends park their vehicles safely and clear of the road while attending the roadside memorial.

##### **4.12 Recording Requests for Roadside Memorials**

Main Roads will maintain a record of requests for roadside memorials. The details will be documented so the person/s responsible for the roadside memorial can be contacted if necessary.

##### **4.13 Memorial Requirements to Maximise Road Safety**

Main Roads will approve, supply and assist with the installation of a cross, paver, or decal as per the specifications in section 4.3.1, depending on the family and/or friends preference. Alternatively, the applicant may purchase a plant compliant with Main Roads' guidelines and Main Roads will subsidise the purchase up to \$50 and assist with the installation.

###### **4.13.1 Roadside Memorials – Types and Structure**

In consideration of safety to all, the following specifications are recommended. If unsure, please contact Main Roads.

Note: These specifications should be used as a guide only. Common sense should prevail when assessing specific locations for placement of roadside memorials.

###### **4.13.1.1 Cross**

Crosses are constructed from timber and are:

- |            |  |
|------------|--|
| 4.13.1.1.1 | 850mm long (600mm out of the ground) and 400mm wide; |
| 4.13.1.1.2 | Built from pieces 40mm x 18mm; and                   |
| 4.13.1.1.3 | Painted white and are non-reflective.                |

Crosses shall be located:



- 4.13.1.1.4 No closer than 3 metres from the edge of any bitumen/road seal;
- 4.13.1.1.5 No closer than 1 metre from behind the line of guideposts; and
- 4.13.1.1.6 No closer than 1 metre from the edge of any shared path.

Crosses shall not be located:

- 4.13.1.1.7 Where they may interfere with the role of any traffic control item;
- 4.13.1.1.8 In close proximity to residential dwellings where they may cause concern to
- 4.13.1.1.9 the occupants;

#### 4.13.1.2 Paver

Pavers are of grey concrete and are 600mm long and 300mm wide.

Pavers should be flush with the existing surface and shall be located:

- 4.13.1.2.1 No closer than 1 metre from behind the line of guideposts;
- 4.13.1.2.2 No closer than 3 metres from the edge of any bitumen/road seal;
- 4.13.1.2.3 No closer than 1 metre from the edge of any shared path;
- 4.13.1.2.4 On control of access highways and freeways; and
- 4.13.1.2.5 On traffic islands and medians where the landscaping permits.

Pavers shall not be located:

- 4.13.1.2.6 Within the area which is regularly graded during shoulder grading or drain maintenance;
- 4.13.1.2.7 In close proximity to residential dwellings where they may cause concern to the occupants;
- 4.13.1.2.8 On landscaped verges; and
- 4.13.1.2.9 On roundabouts.

#### 4.13.1.3 Decal

Decals are adhesive labels, 160mm long and 130mm wide, which display a white cross on a black background.

Decals shall be located:

- 4.13.1.3.1 At the base of traffic signal poles; and
- 4.13.1.3.2 At the base of street light columns.

Decals shall not be located:

- 4.13.1.3.3 On any traffic signs; and
- 4.13.1.3.4 On street name signs.

#### 4.13.1.4 Plant

Plants must comply with Main Roads vegetation placement guidelines in regards to trunk size and setback distance. The requested plant type must be stated as part of the application/approval process and Main Roads will verify the appropriateness of the plant type for the location.

Examples of locally occurring plants that would be suitable for the metropolitan area are as follows:

- 4.13.1.4.1 Honeybush (*Hakea lissocarpa*);
- 4.13.1.4.2 Many of the *Melaleucas* (e.g. *Melaleuca preissiana*);
- 4.13.1.4.3 Many of the small *Eucalypts* (e.g. *Eucalyptus tottiana*); and
- 4.13.1.4.4 Many of the *Grevilleas* (e.g. *Grevillea manglesii*).

Examples of locally occurring plants that would be suitable for specific regional areas are:

- 4.13.1.4.5 Geraldton Wax; and
- 4.13.1.4.6 Albany Woollybush.

Other plants that are typical from other regional areas would also be considered if the plant is of special significance to the family. (For a more comprehensive list or further information Main Roads Officers should contact the Environment Branch).

Plants shall be located:

- 4.13.1.4.7 Outside of the maintenance (TNC) clearing zone;
- 4.13.1.4.8 No closer than 1 metre from the edge of any shared path;
- 4.13.1.4.9 On control of access highways and freeways; and
- 4.13.1.4.10 On traffic islands and medians where the landscaping permits.

Plants shall not be located:

- 4.13.1.4.11 Where they may interfere with the role of any traffic control item;
- 4.13.1.4.12 In close proximity to residential dwellings where they may cause concern to the occupants; and
- 4.13.1.4.13 On landscaped verges.

#### 4.13.1.5 Memorial Options

If a cross is not suitable, please contact Main Roads to discuss alternative options.

#### 4.13.1.6 Memorabilia and Personalisation

Main Roads understands that personalising a memorial may provide comfort to families and friends of people who have lost their lives on the road. In the interest of preserving safety for all, items such as flowers, toys and other personal effects must be firmly secured to the memorial. Where possible, memorabilia should not exceed the dimensions outlined in the memorial requirements, the reason being that such items may be a visual distraction to road users. Physical objects could harm road users and the possible movement of personal items onto the road could be a potential road safety hazard. Only one (1) roadside memorial shall be allowed per life lost.

Some items that are a safety hazard and should not be used include:

- 4.13.1.6.1 Reflective material such as foil and cellophane
- 4.13.1.6.2 Solar lights
- 4.13.1.6.3 Rocks, bricks or other non frangible items

Personalisation of crosses should be limited to non-reflective material.

#### 4.13.2 Installation of Roadside Memorials

A Main Roads representative will assist in the installation of approved roadside memorials as detailed in section 4.3.1. The Main Roads Officer will ensure its placement is in accordance with Main Roads' standards and requirements and most importantly take into consideration the safety of road users. Main Roads Officers will consider safety issues such as where the road geometry is less than optimum i.e. road crests, bends and high-speed locations.

\*All memorials on Freeways within WA must be installed by Main Roads

#### 4.13.3 Maintenance of Roadside Memorials

The road reserve is maintained by Main Roads WA. Main Roads does not accept responsibility for the loss or damage of roadside memorials that may occur due to vandalism. Main Roads, will as part of its regular maintenance program, report on memorials on its network which have been subject to vandalism or are in a significant state of disrepair.

If the condition of a memorial has deteriorated, or after a period of five years, Main Roads will endeavour to contact the owners of a memorial to discuss its condition and to confirm their wish for the memorial to remain in place.

#### 4.13.4 Visiting a Roadside Memorial

Main Roads is concerned for the safety of people who visit roadside memorials. They may expose themselves and other road users to safety risks. If people visit roadside memorials they must understand that roadsides can be hazardous locations and take appropriate precautions. Main Roads can provide advice as to what precautionary steps may be taken to maintain a safe environment.

Stopping on Freeways is prohibited under the *Road Traffic Code 2000*. As such visits to Memorials on freeways are also prohibited.

### 4.14 Roadworks / Maintenance Near Approved Roadside Memorials

Main Roads will continue to perform all construction and maintenance works required within road reserves that contain roadside memorials.

Where works are required to the ground on which an approved roadside memorial is located, the memorial will be carefully shifted away from the work area for the duration of works and then re-installed as close as practical to the original location at the conclusion of works unless otherwise advised by the memorial owner. Care will be taken to minimise damage to the roadside memorial.

For unregistered memorials, Main Roads will make every effort to locate the owners of the memorial before the removal, which may include placing a notice on the memorial prior to removal for roadworks to take place. Main Roads will store these removed memorials for 4 months or the period of the roadworks (whichever is the greater).

### 4.15 Roadside Memorial Removal Procedure

One of Main Roads' key objectives is to maximise road safety on Western Australian roads. Any roadside memorial presenting a safety hazard will be removed without notice. Every effort will be made to contact the responsible person/s regarding the removal of the roadside memorial.

Person/s responsible for roadside memorials that comply with section 4.3 but require removal because of their poor state of repair or concerns raised by the local community, shall be contacted by Main Roads. If Main Roads is unsuccessful in contacting the appropriate person, a notice will be attached to the memorial asking the person who has placed, or requested the placement of the memorial, to contact Main Roads within 60 days. (The standard notification advising of the need to remove a roadside memorial is at Attachment 1)

If Main Roads is not contacted within the given timeframe, the roadside memorial will be removed. Main Roads will store the removed roadside memorial for a period of 4 months.

#### 4.16 Existing Memorials

Main Roads will treat all existing roadside memorials in a sensitive manner and will address each one on an individual basis with the aim of making all roadside memorials compliant with this policy.

### 5. CONTACTS

Main Roads Customer Contact Centre **138 138**  
 (24 hours a day 7 days a week, 365 days a year)

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1.	Adopted	17 May 2001	CMRef 30615
2.	Reviewed	19 February 2013	CMRef 31058

## ATTACHMENT 1

### MAIN ROADS WESTERN AUSTRALIA ROADSIDE MEMORIAL NOTICE

We regret to advise, that it has become necessary for this roadside memorial to be removed/relocated. The basis of the removal/relocation will be explained in full upon contacting our office.

Can the person responsible for this roadside memorial please contact: - \_\_\_\_  
at Main Roads Western Australia on telephone \_\_\_\_\_ **within 60 days** of the date of  
this notice to discuss arrangements for its removal/relocation.

If the above-nominated Main Roads Officer is not contacted by the \_\_\_\_/\_\_\_\_/\_\_\_\_, the  
roadside memorial will be removed.

Main Roads will store the removed roadside memorial for a period of four months.

\_\_\_\_/\_\_\_\_/\_\_\_\_  
(Signature) (Date)

## ATTACHMENT 2 - GLOSSARY

Bitumen/road seal	The surface of the road.
Carriageway	The portion of a road or bridge devoted particularly to the use of vehicles, inclusive of shoulders and auxiliary lanes.
Contractors	A contract with a third party to deliver a set of given services for a defined period to maintain sections of the road network.
Control of Access	Road Roads that do not permit pedestrian access or parking. For example the Freeways, Tonkin Highway and Reid Highway.
Freeway	A divided highway for through-traffic with no access for traffic between interchanges and with grade separation at all intersections.
Guideposts	A wooden or plastic white post with a reflector approximately 1.5 metres from the edge of the road.
Highway	Highways provide connections between capital cities. They are also principal routes between a city and the major producing regions of the State. Highways also service major transport terminals or significant commercial and industrial centres.
Landscaped verges	Landscaped frontages/ mown verges that are adjacent to the road. For example estates such as Secret Harbour and Carramar.
Main Road	A principal road in the road system.
Median	Divides two carriageways.
Road Reserve	The area either side of the road that belongs to Main Roads.
Roadside Structure	For example, bridges, overpasses, tunnels.
Shared Path	Paths which are adjacent to freeways, major highways and rail corridors. These paths cater for pedestrians, including those in wheelchairs, and cyclists.
Traffic Control Item	Traffic signals or signs.
Traffic Islands	Small refuge typically located at intersections.

## 7.11 Crossovers

### Policy:

Under the *Local Government (Uniform Local Provisions) Regulations 1996*, Regulation 15 Contribution to cost of crossing - Sch. 9.1 cl. 7(4) states:

(1) Where —

(a) a local government —

(i) under regulation 12 constructs or approves the construction of; or

(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; and

(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 subregulation (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 <sup>2</sup> of the *Local Government Act 1960* <sup>3</sup> 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.

### Definitions:

The term vehicle “crossover” is defined as the section of a driveway between the edge of the road and the property boundary.

A standard crossing as referred to by the Regulation 15 of the Uniform Local Provisions Regulations for the Merredin Townsite comprises either:

1. A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate;
2. A minimum of 100 mm reinforced concrete over a compacted sub-base; or

3. A minimum 60 mm thick paving brick over a compacted sub-base; or
4. Other as approved by Council. Refer to WALGA – Guidelines and specifications for residential crossovers

To determine the minimum width of the standard crossing refer to with “Schedule of Requirements - WALGA – Guidelines and specifications for residential crossovers” Appendix A (Available from the Shire of Merredin)

For properties adjoining a gravel road, the term “standard crossover” may mean a gravelled and drained crossover to a size conforming to Council requirements.

#### Guidelines:

Rural Crossover- where landowners require a new culvert crossover, Council will provide one crossover free of charge and where required, necessary pipework to protect the Shire’s road assets. Should an additional crossover be required, Council will provide the labour to install the culvert where the landowner pays for the culverts.

Townsite Crossovers - Council will provide one crossover per lot at 50% of the cost to rate payers. Additional costs involved in wider or additional crossover (less the footpath portion) will be at the cost of the property owner. Where Council undertakes road works affecting existing crossovers Council will bear the cost of reinstatement.

#### Council Subsidy:

Upon application, Council will contribute (or subsidise) up to half the costs of the first crossover constructed to a property, subject to the crossover being deemed to conform to the approved engineering standards and specifications determined by Council.

Council’s crossover subsidy is based on the area of a standard crossover. Subsidy rates (\$/m<sup>2</sup>) are determined by Council in its Schedule of Fees and Charges. Subsidy rates for the financial year in which construction was completed are applied to calculate the subsidy.

Crossovers not constructed to Council’s minimum standard are NOT eligible for Council’s contribution (subsidy) and will be required to be reconstructed to a minimum specification.

#### General:

All crossovers (including associated drainage works) shall be constructed to Council approved engineering standards.

The owner/agent/developer is responsible for arranging construction of the crossover.

The property owner is responsible for maintenance of crossovers.



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## 7.12 Heavy Vehicle Cost Recovery Policy for Sealed Roads

### Policy:

This policy outlines the methodology and framework for heavy vehicle charging for a defined task on a sealed Local Road within the Shire of Merredin. This includes the calculation of heavy vehicle charges, qualifying scenarios, funding administration and the development of agreements.

### Definitions:

**Agreement:** An agreement between the Shire of Merredin and a Proponent defining the conditions of access including charges for a defined transport task.

**Proponent:** The party that is requesting to use a Shire of Merredin road for a defined freight task. **Equivalent Standard Axle (ESA):** The number of standard axle loads which are equivalent in damaging effect on a pavement to a given vehicle or axle loading. Every vehicle combination can be expressed as a number of ESA.

**Annual Design ESA (ADESA):** The predicted annual ESA that was used to design a road pavement structure. If this is unknown, it may be estimated based on the average annual ESA from historic traffic counts or the annual ESA that would reasonably be expected for a particular Category of road under normal circumstances.

**Extraordinary Load:** An Extraordinary Load is defined as a freight task that will result in a significant increase in the ADESA resulting in damage to the road pavement and reduction in the structural design life of the road giving rise to extraordinary expenses as a result of increased routine and planned maintenance and premature failure necessitating rehabilitation or reconstruction of the road.

**Routine Maintenance:** Unplanned activities that maintain the serviceability of the road e.g. repairing potholes, cleaning drainage structures, repairing edge breaks and sweeping pavements.

**Preservation:** Planned maintenance and rehabilitation that are designed to preserve or extend the serviceable design life of the road e.g. crack sealing, resealing with a bituminous sprayed seal, rehabilitation of gravel shoulders and replacing culverts and kerbs.

**User Guide:** WALGA - Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks. Version No.1 May 2015

### Application:

This policy applies to any party that operates a defined vehicle freight task on a Shire of Merredin Road(s). The task must be deemed to be of such a volume (extraordinary load) that it is likely to cause damage resulting in "extraordinary expenses", which is damage that is well beyond what would normally be anticipated for the category of road(s) concerned.

### Extraordinary Load:

An Extraordinary Load is defined as a task that will result in a significant increase in the Annual Design ESA (ADESA) and will result in damage to the pavement and reduction in the structural design life of the road leading to extraordinary expenses.

An Extraordinary Load is assigned a nominal value of an annual ESA that is greater than 50% of the ADESA for the category of road concerned. The Shire of Merredin may decide that a different percentage is more appropriate depending on the individual circumstances. A lower percentage or a

sliding scale may be deemed appropriate in circumstances where it is clear that the task is likely to cause damage resulting in extraordinary expenses.

The ADESA shall be determined using one of the following methods:

1. Historical pavement design information.
2. Engineering assessment based on traffic counts, pavement structure and condition performance.
3. From figures provided in Table 1.

Table 1: Nominal 50% ADESA for sprayed sealed Local Government roads \*

Road Category	50% ADESA
Access road	400
Local distributor	2000
Regional distributor	12000
District distributor	40000

\*WALGA & ARRB 2015, adapted from Table C.1

### **Cost Calculation:**

The relevant charge shall be calculated using the User Guide – Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks (WALGA & ARRB 2015).

The Proponent shall provide the following information to the Shire of Merredin:

1. The type and axle configuration of the vehicles to be used for the task.
2. The annual freight tonnage for the task and the vehicle payload.
3. The number daily vehicle passes.
4. The duration of the task.
5. The task routing and distance.

The total annual ESA used to calculate the charge shall be the proposed annual ESA minus the applicable 50% ADESA or other appropriate percentage.

Note that this method was designed for sprayed sealed roads. Asphalt roads will require a modified or different approach.

### **Negotiation:**

The following conditions may necessitate negotiation with the Proponent to adjust the calculated charge or to use an alternative methodology:

1. If the Category of road has been purposely constructed to a level that is markedly different to the ADESA in Table 1, then an appropriate ADESA shall be determined using available engineering data and judgement. The road category shall also be appropriately adjusted for the determination of cost from the User Guide.
2. If the road is in a very poor or failed condition then the Shire of Merredin shall negotiate with the Proponent on a strategy and cost to bring the road to a serviceable condition before calculating an annual charge.
3. If the magnitude of the freight task is of such a volume that the road is likely to experience structural failure in a short period, then the Shire of Merredin shall negotiate an appropriate strategy and charge to upgrade the structural capacity of the road in advance. This will result in an increased ADESA which will then be used to calculate the ongoing charges.

4. The rates in the User Guide are current for 2015 and the Shire of Merredin and the Proponent shall agree on a suitable method to calculate escalation.
5. If the proposed ESA are excessively above the limits in the User Guide or if for any other reason this method is deemed inappropriate then the Shire of Merredin may elect to calculate the charge using an alternative method.

### **3.24**

#### **Funding and Service:**

Funds collected from the Proponent shall be placed into a dedicated fund and shall only be used for routine maintenance, preservation and structural strengthening activities on the section of road concerned. The Shire of Merredin shall keep records of all works and costs. The Shire of Merredin will contribute a portion of the cost of works out of its own funds according to what they would have reasonably allocated to the road if the Proponents activities were not present. After termination or expiry of an agreement, any remaining funds shall be kept for a period of 12 months (or other agreed time period) after which the road will be inspected and the remaining funds shall be used to repair any defects so that the road is in a similar condition to when the agreement began. Any remaining funds shall then be returned to the Proponent.

#### **Agreement**

The Shire of Merredin and the Proponent shall enter into an Agreement that includes the following:

1. The type and axle configuration of the vehicles to be used for the task.
2. The annual quantity of vehicle passes and the payload tonnage. If seasonal then this must be described.
3. The routing including return journeys.
4. The duration of the task.
5. The annual and unit rate charge and method of calculation.
6. Payment terms and conditions.
7. The obligations of the parties including works records, expenditure, evidence and audit requirements in relation to the determination of actual payload tonnages and notifications of changes to vehicles, payload or routing.
8. Conditions on expiry of the agreement.
9. Hours and conditions of operation.
10. Breaches and terms of remedy for the Shire of Merredin and Proponent.
11. Duties of the Shire of Merredin and the Proponent.

#### **Duties of Shire of Merredin:**

The Shire of Merredin will take all reasonable steps to keep the road in a serviceable condition for the duration of the agreement. The Shire of Merredin will keep proper records to ensure transparency of expenditure of all collected charges.

#### **Duties of the Proponent:**

The Proponent will provide timely (to be determined by the Shire of Merredin in the Agreement) notification to the Shire of Merredin if there are any changes to the type of vehicles and axle configurations, annual payload and routing.

#### **Authority:**

The authority to enter into an agreement with a Proponent under this policy shall be

approved by Council.

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## 7.13 Verge Treatments, Plantings and Beautification

### Objectives

1. Provide guidelines to what is a “Permissible Verge Treatment” within the verge area of local government roads within the Shire of Merredin.
2. To provide guidelines of plantings and/or beautification and to outline the Shire’s and residents’ responsibilities.
3. Ensure that verges within the Shire are maintained at a safe level relative to that of the abutting road and/or footpath.
4. Establish the extent of the Shire’s responsibility for maintenance and the removal of rubbish from road verges.

### 1. Definitions

For the purpose of this Policy the following definitions will apply:

**“carriageway”** has the meaning given to in the Road Traffic Code 2000; Regulation 3 of the Road Traffic Code 2000 provides -

“carriageway” means a portion of road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;”

**“footpath”** has the meaning given to in the Road Traffic Code 2000; Regulation 3 of the Road Traffic Code 2000 provides -

“footpath” means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;”

**“thoroughfare”** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits and nothing is prevented from being a thoroughfare only because it is not open at each end;

**“verge”** means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include a footpath;

**“verge treatment”** means any treatments approved by the local government as the standard verge treatments permitted by Council Policy and includes reticulation pipes and sprinklers.

### 2. Conformance

Any person who wishes to carry out any works on the verge shall do so in accordance with this policy, guidelines, specifications and the Shire of Merredin - Activities in Thoroughfares and Public Places and Trading Local Law (as Amended 2017).

The Shire will encourage and assist where practicable owners/occupiers to maintain street verges in a way that retains and enhances the streetscape, whilst minimising water usage.

The Shire will provide assistance with cleaning and maintenance of verges in accordance with the policy guidelines.

### **3. Beautification of Street Verges**

Owners/occupiers of land abutting a street verge may undertake works to beautify the verge. These guidelines apply to the design and installation of verge gardens and landscaping features.

#### **2.1 Approvals**

Beautification of street verges carried out in line with these guidelines do not require approval from the Shire.

The Shire recommends you discuss your verge design with neighbours prior to commencing any works, to identify any potential issues that may arise.

#### **2.2 Underground Services**

Prior to commencing any work on the verge, it is advised to contact 'Dial Before You Dig' to ascertain what, if any services, including Telstra, Water Corporation, Western Power and NBN cables, are located within the verge and to ensure that the depth of the services is sufficient to carry out the proposed works safely.

Any works carried out on the verge by the resident, that results in damage or disruption to the services will need to be reinstated at the resident's full cost.

#### **2.3 Verge Gardens**

The Shire strongly encourages the use of Waterwise plants, in particular natives, for planting on verges due to their ability to survive hot dry summers with little to no supplementary water. This information is available on the Water Corporation of WA website – Waterwise Plants Directory.

Subject to budgetary constraints, Waterwise native plants can be purchased through the Shire at subsidised prices. Orders for native plant are to be forwarded to the Shire Natural Resource Management Officer by 1 April each year and further information can be obtained by contacting the Shire.

Plant species selected for the verge should not be prickly, have spines or be known to be poisonous or cause allergic reactions. Plants that bear fruit should be maintained and the fruit harvested to ensure excess or rotting fruit does not pose a hazard or nuisance to pedestrians, cyclists or motorists.

All plants should be maintained to ensure clear lines of sight for pedestrians, cyclists and motorists are provided at all times.

Turfing of verges is permitted however in the interests of saving our precious water resources and reducing fertiliser run-off, alternative options are encouraged. Should turfing be required, it is recommended that a hardy low maintenance turf developed for Australian conditions be laid.

## **2.4 Landscaping Features**

2.4.1 In addition to verge gardens and lawn, there are a number of permissible landscaping features that may be installed within the verge. The installation of these features must be setback from and provide clear access to any infrastructure such as, power poles and underground services.

2.4.2 The installation must also maintain safe access for pedestrians and cyclists and must be setback from footpaths, kerbs and vehicular crossings in accordance with these guidelines so as to not obscure or intrude into sightlines and maintain safe access for pedestrians and cyclists.

2.4.3 Permissible verge landscaping features include:

2.4.3.1 raised garden beds

2.4.3.2 rocks/stones and/or logs

2.4.3.3 compacted crushed gravel pathways

2.4.3.4 paved pathways and/or bin stand areas

2.4.3.5 seating or benches

2.4.3.6 decorations and lighting

2.4.3.7 any other item (not listed above) may be considered at the discretion of the Executive Manager Engineering Services in accordance with the policy.

2.4.4 When installing and/or incorporating landscaping features on the verge, the following guidelines must be met:

2.4.4.1 Any landscaping feature installed on the verge must not obstruct clear lines of sight for any pedestrians, cyclists or motorists;



2.4.4.2 Residents may incorporate a number of permissible verge landscaping features provided the specific guidelines for each feature are adhered to;

2.4.4.3 Residents must ensure landscaping features are checked regularly and well maintained so that they meet and continue to meet the verge landscaping feature guidelines;

2.4.4.4 If a verge landscaping feature is considered by the Shire to pose a safety hazard or does not meet the guidelines, the Shire may require the resident to remove/ revise part or all of the feature to comply with this policy and guidelines;

#### 2.4.4.5 Raised Garden Beds

2.4.4.5.1 Constructed of durable material, securely installed with no sharp edges, corners or fixtures;

2.4.4.5.2 The raised garden bed (built structure) height shall not exceed 0.5 metres unless approved by the Shire;

2.4.4.5.3 Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree;

2.4.4.5.4 Provide a minimum 0.5 metre setback from the face of the kerb.

#### 2.4.4.6 Rocks, Stones and Logs

2.4.4.6.1 Maintain clear access for parked vehicles at all times;

2.4.4.6.2 Be of a size and installed securely so as to not be easily moved.

#### 2.4.4.7 Compacted Gravel Pathways

Provide a minimum 0.5 metre setback from any street trees to maintain the health of the street tree.

#### 2.4.4.8 Paved Pathways and Bin Stands

2.4.4.8.1 Finished level to be flush with the adjacent footpath, driveway, kerb and verge soil level so as to not create a trip hazard;

2.4.4.8.2 Provide a minimum 0.5 metre setback from street trees to maintain the health of the street tree.

NOTE: The above guidelines apply to verge paving for non-parking purposes only.

#### 2.4.4.9 Seating or Benches

2.4.4.9.1 Constructed of durable material, securely installed with no sharp edges, corners or fixtures;

2.4.4.9.2 Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree;

2.4.4.9.3 Maintain clear access for parked cars at all times.

2.4.4.10 Decorations and Lighting

2.4.4.10.1 Constructed of durable material, securely installed with no sharp edges, corners or fixtures;

2.4.4.10.2 Maintain clear access for parked cars at all times;

2.4.4.10.3 Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree;

2.4.4.10.4 Only solar lighting is permitted in the verge area.

## **2.5 Reticulation and Watering**

The Shire encourages the installation of Waterwise verge gardens that conserve water eliminating the need for permanent reticulation. If reticulation is to be installed, sub-surface drip irrigation is recommended as the most water efficient reticulation type suited to the exposed conditions typical on the verge area.

## **2.6 Fertilising**

If required, slow release fertilisers are recommended for use on all verge beautification treatments, however their use should be carefully monitored and particular care should be undertaken when applying fertiliser to ensure that granules or residues do not enter the local drainage system.

## **2.7 Mulching**

Mulching of the verge area is encouraged to reduce plant stress, suppress weed growth and reduce moisture evaporation from the soil.

Mulch should be installed approximately 5-10cm thick and the finished level must sit just below the adjoining kerbs, footpaths and crossovers. This will prevent the mulch from spreading beyond the verge area, flowing into drainage systems and/or creating a hazard.

## **2.8 Indemnification**

The Shire reserves the right to remove any verge beautification treatment or landscaping feature at any time if the Shire considers the installation is contrary to this policy or poses a hazard to or interference with persons or property.

## **2.9 Damage**

Any damage to the footpath, kerb and road reserve whilst undertaking works will need to be made good by the resident, to the Shire's satisfaction.

Although due care will be taken, the Shire will not be held responsible for any damage that occurs to verge gardens and landscaping features as a result of the Shire's regular maintenance programs or capital works projects.

#### **4. Levelling of Street Verges**

2.10 Where the level of a kerb or footpath has been changed or the level of the verge is considered to pose a safety problem the Shire will:

- (i) establish a properly levelled verge by undertaking the grading or filling of verges evenly between the property line and street kerb;
- (ii) take all reasonable actions to replace any lawns and/or plants where the level has been changed by the Shire.

2.11 Where the level of a kerb has not been changed the Shire will establish a properly levelled verge by undertaking the grading or filling of verges evenly between the property line and the street kerb. Where it is necessary to remove or cover lawn to effect the levelling, the lawn will not be replanted by the Shire. Such work will only be undertaken after written request from the adjoining property owner.

2.12 The service is not provided as a top dressing for street lawns, nor will the Shire assist with excavating verges below the kerb level to facilitate paving of verges.

#### **5. Mowing & Cleaning of Street Verges**

##### **5.1 Mowing**

Verges along all Shire roads shall be maintained/mowed by the adjacent owner/occupier. The shire may direct the adjacent owner/occupier to conduct additional maintenance where the in the opinion of the Chief Executive Officer, the verge represents either a:

- (i) Fire hazard;
- (ii) Visibility problem;
- (iii) Safety issue; or
- (iv) In a neglected state.

##### **5.2 Cleaning**

- (i) Cleaning of litter and removal of the build-up of leaves and grass clippings not associated with shire owned property from the verge is the responsibility of the adjacent owner/occupier.
- (ii) The Shire will assist with the removal of litter and general rubbish from verges only in the following circumstances:
  - Accidents;
  - Storm damage;
  - Where the responsibility for placing litter on a verge cannot be determined;
- (iii) Where responsibility for placing litter on the verge can be determined, the Shire will direct the person responsible to remove the litter and will enforce the *Litter Act 1979* and Regulations.

## **6. Plant Containers on the Footpath in Commercial and Retail Precincts**

Placement of plant containers on or obstructing the footpath in commercial and retail precincts within the Shire need to take into account public safety, practical and aesthetic considerations, with a view to preserving and enhancing the streetscape.

### **6.1 Size**

Containers shall be of an appropriate scale in relation to other elements of the streetscape, and easily seen by pedestrians.

### **6.2 Design**

The design of the planters including materials, colour and finish - should be in keeping with the surrounding streetscape and to the satisfaction of the Executive Manager Engineering Services.

### **6.3 Plant Material**

Plant species are to be approved by the Executive Manager Engineering Services and must not exceed a height of 1.2 metres above ground level. Alternatively trees in pots may be approved where the bottom of the canopy has a minimum 1.5m clearance to the footpath and is not more than 300mm wider than the container and should not obstruct parking signs. The plants must be maintained in a healthy, tidy condition at all times, and all maintenance is the responsibility of the property owners/occupants. No drainage or other discharges from the containers are to flow across the footpath or stain the pavement in any way. No poisonous, prickly or other harmful plants are to be used and maintenance procedures should not interfere with pedestrians at any time.

## **6.4 Location**

Plant containers must:

- (i) not obstruct pedestrian crossing points, public utilities or other public facilities;
- (ii) be located to provide, at all times, free and unobstructed access of not less than 1.5 metres for pedestrians and other users of the footpath or paved area.

## **6.5 Approvals**

The Shire's approval is not required for plant containers that comply with the requirements of this Part 6. The Shire reserves the right to request owners to remove the containers at any time.

## **6.6 Cleaning**

The applicant shall be responsible for the cleaning of the area immediately adjacent to and under the container.

## **6.7 Cost**

All costs associated with the application, purchase of containers and plants and installation are to be borne by the applicant.

## **6.8 Indemnification**

Notwithstanding the granting of approval, the Shire reserves the right to remove the containers at any time, and applicants should ensure that the Shire is indemnified against all claims resulting from the installation of plant containers.

## **6.9 Damage**

Any damage to footpath, verge or other street furniture caused by the planter or its movement shall be the responsibility of the applicant.

# **7. Memorial Footpath Plaques**

The Shire will consider on its merits any application for a memorial plaque or slab to be included in a footpath within the Shire. The criteria to be taken into account shall include:

- (i) the person or event, subject of the memorial, shall have made a significant contribution to the development of the Shire or the State, or some major contribution to a social welfare or community or public organisation.
- (ii) comments received from the Heritage Council, West Australian Historical Society or other relevant organisation.

The sponsor may be identified either by words or a logo, provided that this identification does not exceed an area of 75mm by 25mm.

The location of the plaque or slab shall be at the discretion of the Shire which may take into account in considering the application, the nature of work undertaken by the person, subject of the memorial. The memorial plaque shall be cast in bronze or other approved material and of such design and of such dimensions as determined by the Shire at the time of application.

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## 8. TOWN PLANNING & BUILDING AND HEALTH CONTROL

### 8.1 Radio Masts / Satellite Dishes

#### Objectives:

To provide a level of consistency in the control of Radio Masts, Satellite Dishes and similar and to minimise any adverse impact on the amenity to neighbouring property owners and to contribute towards the aesthetics of the streetscape. This policy does not apply to typical domestic type TV masts and to satellite dishes 600mm diameter or less.

#### Definitions:

**Residential Areas:** Any Residential, Special Residential and Rural Residential zones.

**Radio Mast:** The terms "mast", "tower", "aerial", "antenna" and the like are interchangeable and refer to a structure that is either freestanding or supported by guy wires or guy ropes used for either radio or TV signals.

**Guys:** The terms "guys", "guy wires" or "guy ropes", "guy cables", "stays" and the like are interchangeable and refer to the tensioning cables designed to add stability to structures with one end of the cable attached to the structure and the other end anchored to the ground at a distance from the structure's base and often configured radially.

**Freestanding:** A freestanding mast is supported at the base only without the aid of guys.

**Satellite Dish:** The terms "satellite dish", "microwave dish", "microwave antenna" and the like are interchangeable and refer to a parabolic shaped antenna designed to receive microwave, data, broadcast, television, radio and similar type communication signals.

**Amateur:** The terms "amateur", "amateur radio", "amateur radio user", "ham", "ham radio", "ham radio operator" and the like are interchangeable and refer to an individual/s who use the equipment associated with the radio masts and satellite dishes referred to in this policy.

**Reception Interference:** Any disturbance caused by the radio mast, satellite dish or similar structures or by the equipment supported or used by or through them to neighbours radio and or TV reception.

**Owner:** The owner is the owner of the property upon which the Radio Mast and or the Satellite Dish and or any similar structure is placed, including any associated equipment supported or used by or through them.

**ACMA:** Australian Communications and Media Authority.

#### Policy:

Masts and Dishes that satisfy the following criteria may be approved by the Executive Manager Development Services.

### **Radio Masts, Satellite Dishes or similar structures:**

- a) Are to be located behind the front or secondary street setback areas, but where the residence is setback greater than the required setback, the radio mast or satellite dish is to be located behind the building;
- b) Limit of one Radio Masts, Satellite Dishes or similar structures per residential dwelling;
- c) Radio Masts and Satellite Dishes are for Amateur use only and not for any commercial or business purposes;
- d) If in the opinion of the Executive Manager Development Services, an application which he considers may have some adverse impact on the amenity to neighbouring properties and or towards the streetscape aesthetics:
  - May be refused; or
  - The owner/applicant may be requested to provide clear and fully detailed documentation to show how they will address the matter to the satisfaction of the Executive Manager Development Services.
- e) The owner will be required to make an application for Planning Consent and the “Neighbour Consultation” process, generally in accordance with the Part 4 of the Residential Design Codes is to apply. That is the adjoining property owner will be invited to make comment and given 14 days to reply.
- f) Subject to Planning Approval been granted, the owner is to apply for a Building Permit and it must be issued prior to the commencement of any works.
- g) The owner may be required to provide Certification from a Practising Structural Engineer for:
  - The structural adequacy of the design; and or
  - For the supporting structure, including the existing residence; and or
  - For the materials proposed to be used.
- h) Should there be a valid complaint that the Radio Mast and or the Satellite Dish or its equipment is causing Reception Interference to neighbours’ radio and or TV reception, the owner is to immediately do such things to eliminate the nuisance, which may include the removal of the equipment, the mast or the dish.
- i) Should the Reception Interference not be resolved, the neighbour will be advised to complain to the ACMA.
- j) Noise nuisance complaint from the use of motor driven dish or mast positioning controllers may be investigated by the Shire’s EHO in accordance with the *Environmental Protection (Noise) Regulations 1997*.

### **Radio Masts or similar structures:**

- a) Ground mounted - maximum 6 metre in height from natural ground level;
- b) Building mounted - maximum 3 metres in height above the ridge of the existing residence;
- c) Guys are not to be placed in the front or secondary street setback areas;
- d) Guys are not to interfere with dividing fences.

### **Satellite Dish or similar structures:**

- a) No supporting structure to be in the front or secondary street setback areas;
- b) Ground mounted dishes are to be screened from either the street view or neighbour view to the



satisfaction of the Executive Manager Development Services;

- c) Building mounted dishes are to be placed in such a manner to minimise impact from either the street view or neighbour view to the satisfaction of the Executive Manager Development Services.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted				
2.	Reviewed		21 August 2012		CMRef 30939
3.	Reviewed (Unamended)		17 July 2018		CMRef 82210
4.	Reviewed (Unamended)		27 September 2022		CMRef 83011

## 8.2 Amalgamation of Lots

### Objectives:

To ensure that buildings are constructed on one lot of land in accordance with the Building Codes of Australia, the *Planning and Development Act 2005*, Regulations and the Shire of Merredin's Local Planning Scheme No. 6 (as amended).

### Policy:

Where a proposed building extends over more than one surveyed allotment as a condition of approval to commence development under the Local Planning Scheme, such lots shall be amalgamated into one allotment.

The Executive Manager Development Services shall not issue a Building Permit or Building Approval Certificate until they are satisfied that an approved diagram of survey has been lodged with Landgate and an application for a Certificate of Title for the amalgamated allotments has been registered and accepted.

In the case of exceptional circumstances, at the discretion of the Executive Manager Development Services a Building Permit may be issued on receipt of an appropriate bank guarantee and a formal agreement prepared at the proponent's cost which will be released upon formal registration of the amalgamated title.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Planning and Development Act 2005</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	5 September 2000		CMRef 27632
2.	Reviewed	21 August 2012		CMRef 30940
3.	Reviewed	17 July 2018		CMRef 82211
4.	Reviewed	25 October 2022		CMRef 83026

## 8.3 Cancellation of Building Licence

**Rescinded at the Ordinary Council Meeting held 21 August 2012.**

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed (Rescinded)		21 August 2012		CMRef 30941

## 8.4 Expiry of Building Licence

**Rescinded at the Ordinary Council Meeting held 21 August 2012.**

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action		Date	Records Reference
1.	Adopted		5 September 2000	CMRef 27632
2.	Reviewed (Rescinded)		21 August 2012	CMRef 30942

## 8.5 Setback Variation for Single, Grouped, Multiple Residential Dwellings

**Rescinded at the Ordinary Council Meeting held 21 August 2012.**

Refer to Delegations Register

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed (Rescinded)	21 September 2012	CMRef 30943	

## 8.6 Share type structures between dwelling and boundary fence

### 1. POLICY PURPOSE

To give property owners the choice of enhancing the amenity of their property by providing shade protection to their dwellings without having to obtain Local Authority approval.

### 2. POLICY SCOPE

This policy applies to persons wishing to erect shade type structures within the Shire of Merredin in accordance with this policy.

### 3. LEGISLATIVE REQUIREMENTS

N/A

### 4. POLICY STATEMENT

1. A shade structure that complies with the following requirements maybe constructed without the owner having to obtain approvals from the Shire of Merredin.
2. The area between the required side setback may be used as shade protection to that area of the site provided that:
  - a) The shade structure support framework to be of non- combustible materials;
  - b) The framework is to slopes in a plane from the point of attachment (fascia/eaves) to the same height of the boundary fence, if existing, but no higher than 1.8 metres above the finished ground level;
  - c) The top of framework at the boundary is not to be more than 1.8 metres from finished ground level measured on the applicant's side;
  - d) The shade material is not restrict more than 75% of the natural light and is to allows air to pass through it;
  - e) The shade material is to be kept in a good condition at all times and secured to prevent it from flapping;
  - f) The structural members are to be of sufficient size, have sufficient fixings, bracing and footings to provide the required structural adequacy for wind and live loads.
  - g) The shade structure must not be attached in any way to the boundary fence. Separate support posts and rails, suitable for the purpose, are to be installed.
    - a. The point of attachment shall be no less than 750mm from the boundary and no higher than 3 metres from the finished ground level measured directly below that point.
 

From this point (fascia) the support framing must slope in one plane to the same height of the boundary fence, if existing, but no higher than 1.8 metres above the finished ground level;
    - b. Shire approval will be required for shade structures that do not comply with this policy prior to commencing that work.

## 5. KEY POLICY DEFINITIONS

Shade material: Any flexible material that allows air and light to pass through.

Shade structure: The structural members used to construct a framework to support the shade material.

## 6. ROLES AND RESPONSIBILITIES

Executive Manager of Development Services is responsible for the implementation of this policy.

## 7. MONITOR AND REVIEW

This policy will be reviewed by Council every two years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	21 August 2012	CMRef 30944	
3.	Reviewed	28 February 2023	CMRef 83099	

## 8.9 Caravan Parks and Camping Grounds Act and Regulations

**Rescinded at the Ordinary Council Meeting held 21 August 2012**

Refer to Delegations Register

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed (Rescinded)	21 August 2012	CMRef 30945	



## 8.10 Commercial Vehicles in Residential Areas

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Rescinded		28 February 2022		CMRef 83099

## 8.11 Trading in Public Places

### Policy Statement:

To enhance the function, appearance and character of the Merredin Town Centre as a retail centre and encourage these services to be presented in a manner which will add colour, life, diversity and interest to the town centre.

**Objectives:** To allow the display of merchandise by local retail outlets on Shire controlled footpaths whilst ensuring pedestrian safety.

**Guidelines:** Stall holders must comply with the below guidelines:

1. Ensure pedestrian safety by providing a minimum unimpeded width of 2 metres adjacent to displays on the footpaths;
2. The provision of a copy of the business insurance policy (with a minimum public liability of \$10m), indemnifying Council against any liability arising from the display of merchandise on the footpath; and
3. The display of retail goods is strictly limited to the width of the property of the particular business premises.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		5 September 2000		CMRef 27632
2.	Reviewed		25 October 2022		CMRef 83026

## 8.12 Residential Use

### 1. POLICY PURPOSE

- Provide for and promote the existence of small businesses that are able to operate within existing residential areas.
- Provide a flexible approach to the assessment of applications for people wanting to undertake a home based activity.
- Recognise the advantages of home based activities to the community.

### 2. POLICY SCOPE

This policy applies to Persons wishing to undertake residential use development within the Shire of Merredin.

### 3. LEGISLATIVE REQUIREMENTS

- Local Planning Scheme No.6

### 4. POLICY STATEMENT

There are many advantages and benefits in providing an appropriate mix of non-residential land uses that are compatible in areas which are predominantly residential. Benefits include:

- Contributing to a positive work and lifestyle balance by providing more opportunities for residents to spend more time at home;
- Providing economic benefits to the community by reducing the initial setup costs for new and small businesses. Once businesses grow beyond the provisions of a home activity, it is expected that they be relocated to a more appropriate land use zone; and
- Increased level of passive surveillance and safety within the residential area due to an increased number of residents within their local neighbourhood during general business hours.

#### 4.2 Intent

Many forms of home businesses can be compatible with the residential environment. The aim of the Residential Use Policy is to ensure that no business activity within a residential area:

- creates nuisances,
- causes hazard, or
- detracts from the amenity of a residential area.

In accordance with the Local Planning Scheme No.6 non-residential uses shall be compatible in character, scale and operation with the predominant residential use.

The Residential Use Policy is intended to ensure consistency in Council decision making in relation to home businesses and is enforceable through the provisions of Local Planning Scheme no.6.

### 4.3 Classification

For the purposes of this Policy, the following classifications for all Residential Use activities will apply:

#### Home Business

A Development notification/application must be completed and submitted for Council's consideration including a site plan of the dwelling including parking, access, any proposed signage and floor area of the business.

A Home Business relies on clients visiting the site and has these additional characteristics:

*'Home business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —*

- a. Does not employ more than 2 people not members of the occupier's household;*
- b. Will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c. Does not occupy an area greater than 50 square metres;*
- d. Does not involve the retail sale, display or hire of goods of any nature;*
- e. In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f. Does not involve the use of an essential service of greater capacity than normally required in the zone;'*

No more than two clients/customers are to be present at any one time and any external sign displayed is not to exceed 0.5 square meters. 2 additional parking bays (to the residential requirement) must be provided onsite and is to be shown on the site plan.

#### Home Store

A Development notification/application must be completed and submitted for Council's consideration including a site plan of the dwelling including parking access, any proposed signage and floor area of the business. A home store is not to employ more than two people not members of the occupier's household.

*'Home store means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;'*

*Shop: 'means a premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet'*

Two parking bays must be provided on site and shown on the site plan. An advertising and public comment period will apply. No more than two clients/customers are to be present at any one time and any external sign displayed is not to exceed 0.5 square meters.

### 4.4 Residential Use Assessment

#### Assessment Criteria

The following control criteria shall be considered in assessing each application for approval to conduct

a Residential Use:

- The following limitations are imposed on any Residential Use:

Shall not cause injury to or prejudicially affect the amenity of the neighbourhood or cause the unsightly appearance of the house or domestic outbuildings or the land on which the business is conducted. With reference to the amenity of the neighbourhood, a Residential Use will be assessed in regards to the following;

- the transporting of materials or goods to or from the dwelling;
- the hours of operation, which should generally be limited to the normal business hours of 8am to 5pm Monday- Friday; and
- the emissions of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products, electrical interference or light.
- Traffic – The business should not attract more than the normal residential volume of traffic into the street and generally should not involve the calling of clients to the house (home store exception). A Residential Use should not give rise to any level of pedestrian or vehicular traffic substantially beyond that which is normal to the locality in which the business is located.
- Parking – All vehicles associated with the business should be parked on the lot and the number of vehicles should not exceed the number of parking facilities normally required for a single dwelling (unless otherwise specified). No more than one (1) commercial or industrial vehicle shall be permitted to be parked on a lot in conjunction with a Residential Use.
- Noise – Noise from vehicles or equipment associated with the business should not be disruptive to neighbours and should not occur during unreasonable hours (between 7pm and 7am).
- Safety – the safety of pedestrians/residents should not be threatened, particularly by an increase in turning and manoeuvring vehicles or an obstruction of roadway vision.
- Interference – There should be no adverse interference with adjacent residents caused by any of the factors mentioned in the limitations criteria.
- Appearance - The appearance of the premises should not be significantly different from a standard residential premises and all things such as commercial vehicles, plant and equipment, materials, etc should be adequately screened from view.
- Services – The business must not require greater than standard residential services and the operation of the business should not in any way affect the services to adjacent lots.
- Does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp)
- Scale of Operation – The scale of operation of the business should at all times be maintained at a level compatible with the permitted classification and assessment

criterion.

While not requiring Development Approval Home Office/Mobile Business may be subject to provisions of the *Health Act 1911*, *Food Act 2008*, *Building Act 2011* and all subsidiary regulations

## 4.5 Applications

### Non-conforming Residential Use

A person seeking approval for a Residential Use, which does not fall into the Home Business /Store category, shall apply for planning approval in accordance with the provisions of Local Planning Scheme No.6 and is required to fill out the same Development notification/application form.

### Advertising

Local Planning Scheme No.6 will determine whether or not public notification of the proposed Residential Use is required to be placed in the local newspaper for public comment. Officers may require, where it considers appropriate, the written agreement of the owner of the premises if leased or rented as well as letters of support from neighbouring residents.

### Renewals

Any Development Approval Residential Uses shall be required to be renewed annually. Renewal notices are issued by the Council before the end of each **calendar** year, however it is the permit holder's responsibility to ensure the Development Approval is renewed if they wish to carry on the business.

### Conditions of Approval

An approval to conduct a Residential Use is subject to the following:

- a. A Development Approval is issued to a specific occupier of a particular parcel of land/building.
- b. A Development Approval shall not be transferred or assigned to any other person.
- c. A Development Approval shall not be transferred from the land/building in respect of which it was granted.
- d. Council may at its discretion refuse to renew the or rescind the Development Approval at anytime where the Development Approval holder has contravened the conditions imposed upon it, any other provisions of this Policy or any other provisions of the Local Planning Scheme.
- e. Council may, consistent with the Local Planning Scheme, impose any conditions of approval which it considers necessary to ensure that the Residential Use is compatible with the locality in which it is located.

## 4.6 Schedule of Fees

### Mobile Business/Home Office No Fee Required – Registration Only

Home Business/Home Store application- current statutory fees & charges apply.

Home Business /Home Store annual renewal-current statutory fees & charges apply.

#### 4.7 Council Assessment Procedure

The following procedure should be followed by Council Officers/Council in assessing individual applications:

In considering an application for a Residential Use, Officers shall:

- (a) Determine whether the nature of the operation meets the requirements of the Residential Use definitions. If not, the activity cannot be considered as a Home Business/Store;
- (b) Determine whether the applicant has submitted all of the required documentation to support the requested Residential Use classification;
- (c) If not satisfactory in terms of (b), require the applicant to supply such further information as may be necessary to satisfy the Policy.
- (d) If satisfactory, a decision may be made based on the provisions set out in the Scheme Text and the application requirements.

Having determined the suitability or otherwise of the application. Officers should (if applicable):

- (a) Notify and seek comment from occupiers of premises within a 50 metre distance of the premises from which the Residential Use is to be conducted;
- (b) Place an advertisement in a registered newspaper generally circulating in the district advising the nature of the business proposed and that objections are to be submitted to the Shire of Merredin in writing.
- (c) Where planning consent for a Residential Use is granted in accordance with the provision of the Scheme and other criteria, the Council shall limit the period of validity of such consent to one **calendar** year.

#### 5. KEY POLICY DEFINITIONS

N/A

#### 6. ROLES AND RESPONSIBILITIES

Executive Manager of Development Services is responsible for the implementation of this policy.

#### 7. MONITOR AND REVIEW

This policy will be reviewed by Council every two years.

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	<a href="#">Health Act 1911</a> <a href="#">Food Act 2008</a> <a href="#">Building Act 2011</a>				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference

1.	Adopted	5 September 2000	CMRef 27632– Home Occupation Policy rescinded at review below.
2.	Reviewed	17 February 2015	CMRef 81522
3.	Reviewed	28 February 2023	CMRef 83099



## 8.13 Homestead Sub-Division

### PURPOSE OF THIS POLICY

The Shire has prepared this policy in draft form for discussion. The aim is to adopt the policy as an integral part of the Council's Local Planning Strategy to provide a clear picture of the Council's position on the creation of homestead lots.

### 17. DISCUSSION

Much of the Wheatbelt region of Western Australia was established in the 1890s. The heirs of the original settlers (farmers) are now at, or near, retirement age. Many of these farmers wish to stay on the land in their homesteads but are no longer able or prepared to continue farming. ABS data shows an increased average age of people living in rural WA.

The Council acknowledges that many residences associated with farming properties have been vacated over the last 30 years due to modernisation, mechanisation and the need to sow larger farm areas to maximise economies of scale. In the late 1970's Merredin had approximately 220 farms compared with less than 150 in 2006.

Two situations exist. The **first** is where some homesteads have been vacated as they are no longer required by the farmers. These dwellings already exist but cannot be purchased by others without clear title for the prospective purchaser. This is a clear waste of the already established infrastructure as it could well be used by others seeking a rural lifestyle but with work in town. ABS statistics (2001) indicate that 16% (or 194) of the Shire's dwellings were vacant.

The **second** is where the farmer wishes to stay in the homestead but wishes his farm to be managed by either his heirs or a third party. In either case the new farm managers may need to build a new dwelling, but cannot do so without the security of Title to the land. The creation of a separate lot is necessary to do this.

Experience shows that excisions of homestead lots do not necessarily lead to the construction of an additional dwelling. Often the original lot is usually part of a larger farm that already has an alternative existing homestead.

### 18. CURRENT WAPC POLICY

The current WAPC Policy (DC 3.4) is shown below.

#### 4.3 Subdivision for Homestead Lots

- |  |   |
|--|---|
| <p>4.3.1 Homestead lots can be considered in rural areas where:</p> <ul style="list-style-type: none"> <li>(a) There has been a declining population over two intercensal periods<sup>1</sup>;</li> <li>(b) The local planning strategy - settlement strategy and the town planning scheme provide guidance on acceptable minimum lot sizes and servicing requirements; and</li> </ul> | <ul style="list-style-type: none"> <li>(c) The creation of homestead lots will not generate any additional needs for the provision of government and community services.</li> </ul> |
|--|---|

<sup>1</sup> By comparing census collection districts (CCD) for any given area.

The Council does not support the policy parts **a)** and **c)** for the following reasons;

**a) A Declining Population**

The policy requires a declining population over two intercensal periods (by comparing CCDs) for any given area. The shape and extent of CCDs are not consistent through each Census making analysis and measurement of populations between CCDs very awkward and cumbersome. The relevance of a CCD to change is questionable in rural areas, especially where some rural CCDs can be very small and changes in population counts misleading. The CCD boundaries do not exactly align with Local Government boundaries or townsite boundaries.

Nearly all DPI population forecasts have projected most Wheatbelt Shires to have decreasing or, at best, static, populations for the foreseeable future. Only those Shires closer to the Metropolitan Area of Perth may see some spin-off from the encroachment of the urban fringe.

The Shire of Merredin has 10 CCDs covering the Shire, north and south Merredin townsite, and north and south rural areas. Advice indicates that CCDs were designated for each Census collector to deal with around 200 houses. The Shire may have originally had 2,000 houses (or 6,000 people at 3 people per house) but only has 1,214 houses and a population of 3,768 as at the 2001 Census.

**b) Generating Additional Need for Services**

The Council considers the creation of homestead lots will not generate any undue additional need for government and community services.

The following details each service infrastructure component and how the creation of a homestead lot may impact on the successful continuance of that service to the rural areas.

**ROADS**

***Background***

The Shire of Merredin, established in early 1900s like many Wheatbelt Shires, has an established road network system that has been maintained and operational for many decades. The Shire currently has 565 kilometres of sealed road (mainly the Great Eastern Highway and inter town roads) and 816 kilometres of unsealed roads.

***Status***

All existing farms are serviced by Shire roads that were established many decades ago. The Shire's population was around 4,900 in 1976 (Source: Local Planning Strategy, Merredin). Some of these roads only service one or two farms and are considered to be under-used.

***Impact***

The creation of additional homestead lots will not have an impact on the road infrastructure or on-going maintenance costs.

***Policy***

The Council will only support the creation of a homestead lot where it is to be serviced by an existing Shire Road (see **Appendix 1**) or the subdivider/developer is prepared to construct and maintain any new public road to MRWA standards for a period of not less than 10 years.

## **POWER**

### ***Background***

Power to the Shire is via the State Grid system and is distributed throughout the Shire. This comprehensive network services all dwellings in the Shire. The Council is not aware of any alternative power systems in the Shire.

Circa 1950 there was a statewide agreement between groups of farmers and the State Government for the provision of power supplies to the rural areas. These supplies were initially established and funded by the State, but then paid for by the local farmers over an agreed period of 33 years.

### ***Status***

Various areas of Merredin were subject to this agreement leading to a network that was designed to service a demand base much greater than the existing population can create.

### ***Headworks Policy***

In 2001 the State Government introduced headworks charges for all new development. For example a charge of over \$3500 applies to the construction or creation of every 'Single Residential Equivalent'. This charge is in addition to the actual cost of physically extending the supply to the residence or lot. The headworks charge was designed to cater for the upgrade or increased maintenance needs of the supply on the basis of 'user pays'.

The imposition of this headworks charge levied on existing farmers could be considered inequitable (or double dipping) as the farmers have already paid for the existing infrastructure.

### ***Impact***

There will be no additional impact on the existing power supply system as it was originally installed and designed to cater for a population of over 4,900. However if the power authority considers there will be additional demands on the system it will impose an appropriate headworks charge.

### ***Policy***

The Council will support the creation of a homestead lot where an existing power supply is already provided, or where the subdivider/developer is prepared to enter into an agreement with the appropriate provider to service the land.

## **WATER**

### ***Background***

The Shire's water supply originates from the Mundaring/Goldfields pipeline and is distributed throughout the Shire. Circa 1900 the Water Corporation, Local Government and local farmers, through grant applications, extended the water supplies into many rural areas that were not already supplied with a potable water service.

### ***Status***

The Council believes that all properties are currently serviced with a potable water supply from the mains system. Where there is no potable water supply the applicant shall install rainwater tanks with a minimum capacity of 100,000l

***Impact***

There will be no additional impact on the existing water supply system as it was originally installed and designed to cater for a population of over 4,900. However if the water authority considers there will be additional demands on the system it will impose an appropriate headworks charge.

***Policy***

The Council will support the creation of a homestead lot where an existing water supply is already provided, or where the subdivider/developer is prepared to enter into an agreement with the appropriate provider to service the land.

**TELECOMMUNICATIONS*****Background***

The majority of properties were provided with telephone land lines around the 1960s onwards.

***Status***

These original services have been supplemented by the addition of other communication methods including satellite dishes, satellite phones and mobile phone coverage, including CDMA (over the whole Shire) and mobile net digital coverage in the Merredin townsite.

***Impact***

The existing system is based on 'user pays' and offers many alternatives.

**FESA AND EMERGENCY SERVICES*****Background***

Rural emergency response, with the exception of Police, is based on volunteers with support from St John's Ambulance, FESA and Local Government which substantially underwrites the provision of the service.

***Status***

There are two ambulances and road emergency response groups, 5 fire brigades and one town brigade (for structural fires) with further access to additional infrastructure from surrounding local governments. A larger community will provide a greater access to human resources for volunteer duties.

***Impact***

There is a potential for increased demand on emergency response services. These services are voluntary and have minimal impact on government infrastructure demands. For example, it may result in a new ambulance being needed every 10 years instead of 11 years.

**RUBBISH*****Background***

Rubbish collection in the townsites has been administered by the Shire since the inception of the Health Act (1911).

Rubbish collection in the rural areas has been largely ignored by State and Local Government - to this day.

**Status**

The Shire provides a rubbish collection service to all properties within the townsite of Merredin and to all rural properties abutting inter-town routes including Merredin Road, Bruce Rock, Doodlakine, Quairading and Great Eastern Highway to Kellerberrin.

**Impact**

There is a potential for increased demands for domestic putrescible waste services with every new dwelling.

**Policy**

The Council will not approve, or support, an application unless arrangements, to the satisfaction of the Environmental Health Officer, have been made for the disposal of putrescible waste. The Council will continue to provide a general rubbish collection service to the town and rural properties.

**EDUCATION FACILITIES****Background**

Within all regional local government boundaries are school bus routes providing transport services to local primary and district high schools and to regional high schools. The local government continually liaises with providers to ensure assigned routes are properly maintained. These routes are fluid and change annually due to the mobility of the population. The Shire of Merredin is advised annually of school bus routes and any changes that are required.

The local district high school has the capacity to accommodate another 100 children. There are three schools located within the town-site of Merredin.

**Status**

A bus route for up to 50 high school children exists between Merredin and Kellerberrin (55 kilometres west). Currently 30 children take this 110 kilometre round trip daily during term time. A similar service operates between Bruce Rock (50km SW) and Merredin and Nungarin (39km NW) and Merredin.

There is an extensive school bus route system within Merredin Shire which is maintained by the Shire.

The routes service existing rural properties and parents agree where to meet the school bus along the route.

The school bus routes are always subject to change.

**Impact**

There exists the potential for further demand on services and minor increases in road maintenance. This increase is seen as a positive impact as it makes better use of an existing service.

**Policy**

The Council supports the better use of the existing school bus service, however has little to no impact on its operation. The Council has no issue with the minor increase in road maintenance costs as it far outweighs the benefit of having a more sustainable community.

## **OTHER GOVERNMENT SERVICES**

### ***Background***

As previously mentioned, the Shire's service infrastructure was originally designed for a far greater population than currently exists today. Local government provides many other services than those detailed above.

### ***Status***

These other services include Library, health, building, planning, salinity monitoring, animal control, tourism and other general duties.

### ***Impact***

There will inevitably be an increase in demands on these services, but they are already set up to cater for far greater numbers that currently exist.

### ***Policy***

The Council will welcome increased demands as this implies an increased population base, more rates and more income.

## **19. COUNCIL POLICY**

The Council is keen to allow the continued use of homestead dwellings by supporting the excision of the homestead on a land area of between 4 and 10 hectares. The Council may support an alternative size under special circumstances.

Where the farm has more than one lot or location, the Council may request that the creation of the homestead lot be created by a boundary adjustment rather than the creation of a new lot.

Where the farm consists of only a single lot or location the policies relating to each of the services (detailed in this policy) shall apply.

The Council will not support the creation of more than one homestead lot from an original farming location or lot.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	15 January 2008		CMRef 29317

## 8.14 Delegation of Building Approval

### 1. POLICY PURPOSE

To facilitate the approval of building applications with the minimum delay of time.

### 2. POLICY SCOPE

This policy applies to the Shire Chief Executive Officer (CEO) and Executive Manager of Development Services (EMDS).

### 3. LEGISLATIVE REQUIREMENTS

- Local Government Act 1995

### 4. POLICY STATEMENT

In accordance with Section 5.42 (1) of the Local Government Act, Council delegates to the CEO, and the CEO subdelegated to the EMDS authority to approve or refuse plans and specifications of building plans submitted.

Building Permit issued under the authority are to be ratified by Council by the submitting of a list of approvals to Council for endorsement.

Such delegated authority includes applications for signs and the demolition of buildings.

#### 4.2 Guidelines:

All Building Permit applications are to be processed through the required departments and a Building Permit issue as soon as possible if the application complies with the requirements of the Regulations and relevant By- Laws and Codes.

Applications that cannot be approved but need Council approval on a particular point will be referred to Council through the relevant Committee.

All dealings with Council owned buildings are to be referred to Council.

### 5. KEY POLICY DEFINITIONS

N/A

### 6. ROLES AND RESPONSIBILITIES

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

### 7. MONITOR AND REVIEW

This policy will be reviewed by Council every two years.

Document Control Box				
Document Responsibilities:				
Owner:	CEO		Decision Maker:	Council
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Local Government Act 1995</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action		Date	Records Reference
1.	Adopted		5 September 2000	CMRef 27632
2.	Reviewed		28 February 2023	CMRef 83099

## 8.15 Outdoor Eating Areas

That Alfresco dining applications relating to existing restaurants and similar facilities be considered for approval by the Executive Manager of Development Services subject to payment of all associated capital and maintenance works.

### Objectives:

1. To provide guidelines for outdoor eating areas in the Merredin local shopping area.
2. To indemnify Council against claims resulting from outdoor eating area approvals. (Public Liability minimum of \$10,000,000.00).
3. To provide for any relevant capital and maintenance works associated with outdoor eating area approval.

### Guidelines:

1. An applicant is to provide plans and specifications showing the eating area and all improvements thereon.
2. Associated capital and maintenance works be charged to the applicant as assessed by the Executive Manager of Development Services.
3. Applications be limited to Alfresco dining associated with restaurants and cafe bars or similar facilities which conform with the requirements of the Health (Food Hygiene) Regulations 1993.
4. Approvals are not transferable to new owners. Applications and payment of capital and maintenance costs are with individuals, not premises.
5. The Executive Manager of Development Services has delegated authority to approve applications providing he/she is satisfied that there are no contentious issues involved in the application and that the amenity of the locality is not unduly disrupted.
6. No less than a minimum of 2 metres clearance on the footpath shall be maintained for pedestrian access, and required entrances from buildings shall be maintained clear, during normal trading hours.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date	Records Reference	
1.	Adopted	5 September 2000	CMRef 27632	
2.	Reviewed	21 October 2008	CMRef 29723	



## 8.16 Graffiti Removal & Prevention

A policy which provides strategies and responsibility for the removal of graffiti from Local Government property, the encouragement of private property owners to remove graffiti from their premises and the prevention of graffiti within Merredin.

### Objectives:

1. To adopt a strategy of rapid removal of graffiti from Council property and to encourage constituents similarly.
2. To assist property owners to rectify the effects of graffiti and encourage them to deal with graffiti damage promptly.
3. To encourage the general public to become involved in repairing graffiti damage, even when their own personal property is unaffected.
4. To develop community programs to dissuade youth from becoming involved with graffiti and steer those already involved in graffiti into alternative activities.
5. To balance enforcement strategies with education programs, informing the public of the seriousness of graffiti as an offence and instilling a sense of community pride, which will make people see graffiti as a negative influence on society.
6. To support the use of legitimate outlets for the artistic and creative energies of youth giving them an alternative to resorting to illegal graffiti.
7. To develop strategies that ensure land owners and developers design their buildings and surroundings to discourage graffiti and make its removal easier.

### Guidelines:

1. All instances of reports of graffiti are to be directed to the Executive Manager of Engineering Services, who will:
  - a) Adopt rapid removal within 18 hours for all of the Local Government assets as the desired approach.
  - b) Provide a mechanism for accepting and actioning graffiti reports from the Local Government's employees and others in the community who make them to the Local Government.
  - c) Adopt the use of anti-graffiti products from approved product lists.
  - d) Provide assistance to the general public to repair graffiti damage by way of advice on removal and prevention of graffiti.
1. Council will promote preventative strategies including:
  - a) Providing a range of constructive alternatives for young people, based on consultation and feedback from the target group.

- b) Providing and funding opportunities for Urban Art projects.
  - c) Supporting links with community policing strategies and the community.
  - d) Working closely with police on local graffiti matters.
  - e) Providing opportunities for young people sentenced for graffiti offences to carry out community service with Local Government supervision.
- 1.** Council will ensure that the principles of reducing opportunities for illegal graffiti are incorporated into building design and planning approval by:
- a) Instigating requirements that ensure walls, particularly those with a natural surface abutting public space, have a plan for target hardening prior to approval. eg. a graffiti coating, planting vines.
  - b) Ensuring that design briefs for all new Council buildings employ the principles of reducing opportunities for willful damage and graffiti.
  - c) Considering methods to ensure that approval of building designs is dependent on a plan to minimise the availability of areas that would be vulnerable to graffiti.
  - d) Encouraging landowners to install effective lighting and other security devices to deter illegal graffiti.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	5 September 2000		CMRef 27632
2.	Reviewed	17 June 2014		CMRef 81388

## 8.17 Mobile Garbage Bins – Refuse Collections

### Policy:

Council will operate a refuse collection service from properties utilising a mobile garbage bin of 240 litre capacity.

An annual charge for the collection of the mobile garbage bins/s shall be determined each year by Council.

**Objectives:** To ensure an equitable and efficient collection of refuse.

**Guidelines:** 1. GENERAL

The charge for the MGB service will be set in Council's Budget each year. Council will provide a MGB and collect and remove the contents once each week of the year or more frequently for commercial premises, on the week day/s nominated by Council.

To provide a safe and efficient service, the following requirements are to be observed.

- 1.1** MGB's are to be placed on the verge by 6.00 a.m. of the collection day.
- 1.2** MGB's are to be placed square to the road at a distance of 1.0 to 1.5 metres from the face of the kerb with the lid hinge on the side away from the road carriageway.
- 1.3** MGB's will not contain refuse exceeding 70kg mass.
- 1.4** All rubbish must be confined within the MGB. That is, the lid must be closed at all times.
- 1.5** MGB's will not contain any of the following:
  - 1.5.1** Any material being or consisting of:
    - a) hot or burning ashes
    - b) oil;
    - c) liquid;
    - d) paint;
    - e) solvent;
    - f) bricks, concrete, earth or other like substances;
    - g) asbestos or asbestos products;
    - h) hazardous products;

- i) material likely to become offensive or a nuisance or to give off an offensive or noxious odour unless it is first wrapped in absorbent or impervious material;
- j) ammunition;
- k) flares.

1.5.2 Heavy material or metal items that may damage the contractor's or Council's vehicles or equipment.

1.5.3 An object which is greater in length, width or breadth than the corresponding dimensions of the receptacle or which will not allow the lid of the receptacle to be closed.

1.5.4 Refuse which is offensive or gives off an offensive odour.

**1.6** MGB's will be kept safely secured and be cleaned whenever necessary.

## **2. CHARGES**

All charges will be set annually by Council and attached as a Schedule to the Policy.

## **3. PUBLIC HOLIDAYS**

Council advertises before each Public Holiday that the rubbish collection will generally not change except for the Christmas and Easter period.

## **4. SPECIAL PICK-UP CHARGES (CALL-OUT)**

A Callout or Special Pick-up charge will apply to any collections which are deemed outside the weekly service (specifically excluding any missed bins which were not emptied through Council's negligence).

## **5. COST OF REPLACEMENT BINS**

Individual property/bin owners are responsible for replacing their own bins.

## **PROCEDURES TO BE CARRIED OUT BY STAFF:**

### **1. NEW BINS - APPLICATION FOR**

Form to be filled out and signed by owner.

Residents of Homeswest properties are permitted to sign the form on behalf of Homeswest.

Check that it is a new service and not a replacement.

If the property is not on the usual pick up run, let the Principal Environmental Health Officer/Building Surveyor know the details.

Once delivered, and the street address recorded, the form is to be handed to the Rates department.

When form returns from Rates, replace copy in file.

2. CANCELLATION  
As per new bin.
3. ADDITIONAL BINS  
As per new bin.

### **Waste Collection Fees**

The Waste Avoidance and Resource Recovery Act 2007 (WARR07), Section 67 permits the Local Government to make an annual charge per waste receptacle or pursuant to Section 66 determine a waste collection rate.

#### **CMRef30055**

*That Council, pursuant to Section 67 of the Waste Avoidance and Resource Recovery Act 2007, set a Waste Collection and Disposal Charge of \$120.00 per 240l waste bin collection service and \$500.00 per 1,100l waste bin collection service in the 2009/2010 Budget.*

### **Waste Management Charge**

Section 66 of the WARR Act 2007 permits a Local Government to impose a rate on land for the provision of waste services. The WARR Act 2007 defines waste services as :

- a. the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or*
- b. the provision of receptacles for the temporary deposit of waste; or*
- c. the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste;*

#### **CMRef30056 21 July 2009**

- 1. That Council, pursuant to Section 66 of the Waste Avoidance and Resource Recovery Act 2007, set a Waste Management Charge of \$60.00 per rateable property in the 2009/2010 Budget for the provision of waste services throughout the district.*
- 2. That Council amend the purpose of the Waste Management Reserve to align with the definition of 'Waste Services' as contained in the Waste Avoidance and Resource Recovery Act 2007 and the Reserve be used for:*
  - a. the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or*
  - b. the provision of receptacles for the temporary deposit of waste; or*
  - c. the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.*

To strictly comply with the terms of Section 66 and 67 of the WARR Act: -

“The unexpended annual funds must also be allocated to this Reserve can only be spent for the purposes of: -

- a. the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or*
- b. the provision of receptacles for the temporary deposit of waste; or*
- c. the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.”*

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	<a href="#">Waste Avoidance and Resource Recovery Act 2007</a>			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	5 September 2000		CMRef 27632

## 8.18 Delegated Approval or Refusal of Development Applications and Town Planning

### Policy Statement:

In the case of development applications involving use which is classified a “P” use in the Town Planning Scheme text, the CEO has delegated authority in accordance with Town Planning Scheme No 1 to approve such applications subject to relevant conditions if necessary providing they are not contentious. In the case of a “Home Occupation” application, which is listed as an “IP” use under the Scheme, all such applications must be referred to Council for consideration.

Upon the completion of a 21 day advertising period, should no objections to the “AP” use application be received the CEO has delegated authority to issue conditional approvals. All contentious applications are to be made available for Council consideration.

CEO also has a delegated authority to refuse development applications in cases where such application do not comply with the technical requirements of the scheme and could not comply without significantly altering the proposal.

All approvals and refusals processed shall be reported to on each Council for information.

- Objectives:**
1. To minimise the need for unnecessary delays in the processing of Development Applications.
  2. To minimise the need for Council consideration of non-contentious applications which satisfy all relevant planning requirements.

**Guidelines:** Applications of a likely contentious nature to be referred to Council for consideration.

Document Control Box				
Document Responsibilities:				
Owner:	CEO	Decision Maker:	Council	
Reviewer:	Governance Officer			
Compliance Requirements				
Legislation	N/A			
Document Management				
Risk Rating		Review Frequency		Next Due
Version #	Action	Date		Records Reference
1.	Adopted	5 September 2000		CMRef 27632

## 8.19 Family Care Facilities

### Policy Statement:

That applications for extended Family Care for up to a family of 6 (six) persons including 4 pre-school children be deemed a dwelling use and the CEO be delegated the authority to approve applications subject to evidence of advertisement and approval under the Child Welfare (Care Centres) Regulations as amended and the current Shire of Merredin Town Planning Scheme.

### Objectives:

To eliminate duplication of controls, improve efficiency of approvals and preserve the residential amenity of the district.

### Guidelines:

1. The CEO to be satisfied that there are no contentious issues involved in the application and that the residential amenity of the locality is not unduly disrupted.
2. Letters of non-objection are obtained from adjacent landowners.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	Next Due
Version #	Action	Date	Records Reference
1.	Adopted	5 September 2000	CMRef 27632



## 8.20 Rental charges for agreements to occupy Shire of Merredin non-residential property

### 1. POLICY PURPOSE

This policy aims to determine rental charges and ensure standardisation of the application of such charges to various organisations and groups which occupy Shire of Merredin (SoM) property, to ensure derived income matches Council's expenditure and on-going infrastructure maintenance objectives.

### 2. POLICY SCOPE

This policy applies to all non-residential SoM property.

### 3. LEGISLATIVE REQUIREMENTS

Local Government Act 1995.

### 4. POLICY STATEMENT

**4.1** The occupation of all SoM owned non-residential property to be the subject of a formal agreement.

**4.2** All organisations occupying SoM property will be classed as either:

- a) Private commercial
- b) Government department/agency
- c) Community organisations
- d) Sporting clubs/associations

**4.3** Community organisation shall be defined as: an institution, association, club, society or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational or other like nature and from which any member does not receive any pecuniary profit.

**4.4** Sporting clubs/associations shall be defined as - an incorporated body the objects of which are of a sporting, leisure, recreational or other like nature and from which any member does not receive any pecuniary profit.

**4.5** Rental charges will be determined via the classification(s) of the occupying organisations.

**4.6** The CEO will determine the classification(s) of the occupying organisations, in accordance with the below listed guidelines –

- a) Private commercial – (i.e. Telstra, Optus, Broadcast Australia)
  - Salaried employees
  - Operate as business with ABN
  - Ability to levy fee for service charges
  - Existing commercial rental agreement with Council
- b) Government department/agency – (i.e. Wheatbelt Development Commission, WAPOL, Minister for Works, Department of Defence)

- State or Federal departments, instrumentalities or agencies
  - c) Community organisations – (i.e Senior Centre, Merredin Playgroup, Muntadgin Progress Association, Merredin Men’s Shed)
    - Not for profit
    - Volunteer staffed
    - Incorporated bodies
  - d) Sporting clubs – (i.e. Nukarni Football Club, Merredin Districts Tennis Club, Merredin Netball Association, Merredin Hockey Club)
    - Incorporated bodies
- 4.7** The rent charges will be set at a full commercial market value with the charge including areas to which the lessee/occupier has legal access (e.g ablutions, kitchens, lunchrooms) whether such is exclusive or otherwise, for ‘private commercial’ and ‘government department/agency’ agreements.
- 4.8** Notwithstanding 4.7 above, the minimum rental to be paid by a “private commercial and government department/agency” lessee/occupier be set at \$100 per week.
- 4.9** The rental levied on “community organisations” and “sporting clubs” to be for an amount which at least provides full cost recovery of the additional costs that the Council incurs in maintaining and operating the building and its immediate surrounds to the standard required by the organisation.
- 4.10** Rental amounts under all leases will be subject to annual CPI increases and will be reviewed for commercial value at the end of each lease period.
- 4.11** The Council may upon receipt of written application, by way of resolution, grant a donation in subsidy of the rental amount for “community organisations” and “sporting clubs” where the tenancy grants a demonstrable benefit to the community.
- 4.12** All utility costs and other outgoings (telephone line connection and rental) to be paid by the lessee/occupier, in addition to the agreed rental, with the exception of water rates, which shall be met by Council.
- 4.13** Council to be responsible, where applicable, for the cost of the below listed annual items –
- a) Building insurance
  - b) Water rates
  - c) Termite inspection
  - d) Pesticide application
- Council reserves the right to recover additional costs where the conduct of the lessee/occupier has lead to incurrence of additional costs relating to the above.

- 4.14** Building maintenance responsibilities to be determined within all lease agreements.
- 4.15** The basis of Lessee building maintenance responsibilities to be in accordance with “Appendix 1 – Lessee’s Responsibilities - Building Maintenance Schedule”
- 4.16** The basis of lessor/occupier building maintenance responsibilities to be in accordance with “Appendix 2 – Lessee/Occupier Responsibilities - Building Maintenance Schedule”
- 4.17** Council may, as an incentive to attracting new business operations within Merredin, grant by way of resolution, a discount of 50% to the rental charges levied in accordance with this policy for the first twelve months of operation of such business.
- 4.18** An annual inspection of the property be undertaken, in the company of the lessee/occupier and CEO (or delegate).
- 4.19** Council may, by way of resolution, approve a varied cost that is inconsistent with this policy for any particular use.

## 5. KEY POLICY DEFINITIONS

N/A

## 6. ROLES AND RESPONSIBILITIES

Chief Executive Officer and Executive Management Team are responsible for the implementation of this policy.

## 7. MONITOR AND REVIEW

This policy will be reviewed by the Shire’s Executive Team every two years.

***NOTE: The agenda report to Council is to include the \$ benefit of any reduction in rental as a result of this Policy.***

Document Control Box					
Document Responsibilities:					
Owner:	CEO		Decision Maker:	Council	
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	Local Government Act 1995				
Document Management					
Risk Rating		Review Frequency	Biennially		Next Due May 2025
Version #	Action		Date		Records Reference
1.	Adopted		16 May 2006		CMRef 28437
2.	Reviewed		11 May 2023		CMRef 83152

## 8.21 Placement of Sea Containers on land within the Shire of Merredin

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
Risk Rating		Review Frequency	
			Next Due
Version #	Action	Date	Records Reference
1.	Adopted	20 December 2005	CMRef 28248
2.	Reviewed	16 December 2014	CMRef 81483
3.	Reviewed (Rescinded)	25 October 2022	CMRef 83026

## 8.22 Outbuildings in Residential Areas

Document Control Box					
Document Responsibilities:					
Owner:	CEO	Decision Maker:	Council		
Reviewer:	Governance Officer				
Compliance Requirements					
Legislation	N/A				
Document Management					
Risk Rating		Review Frequency		Next Due	
Version #	Action		Date		Records Reference
1.	Adopted		19 August 2003		CMRef 27163
2.	Reviewed (Amended)		17 July 2012		CMRef 30919
3.	Reviewed		20 December 2016		CMRef 81884
4.	Rescinded		26 November 2024		CMRef 83486

## 8.23 Heritage Plaques

### **Policy:**

#### **Location**

Applicants must provide the following information:

1. demonstrated justification for the plaque to be installed;
2. assessment of the aesthetic integrity of the site – the fabric or character of the proposed site has not been compromised nor interfered or disturbed;
3. assessment of existing and proposed circulation and use patterns;
4. consistent with the Council approved plans for the proposed site; and
5. that any plaque associated with individuals or groups based in or linked with an institution is located at a site connected to that institution, for example within the buildings or grounds of churches, hospitals, or other organisational headquarters.

#### **Community Values**

Plaque proposals should represent the values of the community and be mindful of future generations.

#### **Design**

The plaque design must display timeless qualities and make a statement of significance to future generations.

The quality, scale and character of the plaque should be at a level commensurate with the particular location or setting.

The plaque should contribute to the public space or site from a functional or design standpoint and should be designed professionally in relation to the size, scale and complexity of the proposal.

#### **Maintenance**

In general, the Shire of Merredin will maintain approved plaques if the plaque meets the Shire of Merredin standards of construction and materials.

Plaques that are likely to require significant ongoing maintenance should not be approved, unless the applicant provides the necessary funds in advance for the maintenance and upkeep of the plaque. The amount required will be negotiated and outlined in the contractual agreement.

Council reserves the right to remove or modify the plaque.

#### **Ownership**

Any approved plaque that is placed in the Shire of Merredin should be deemed to be owned and under the unconditional control of the Shire and managed in accordance with the Shire's collection management program, unless a signed agreement has been accepted between the applicant and the Shire.

#### **Removal, Relocation and De-accession**

The Shire of Merredin will prepare Collection Development Guidelines to manage any possible

future relocation or removal of plaques or memorials and maintain a Heritage Plaque register.

**Definition:**

**Plaque** – A flat tablet of metal which includes text and/or images which commemorate an event, a person, a building or a site and/or provide historical or other information relevant to its location. Such a tablet is attached to an object, building or pavement.

**Objectives:**

To provide opportunities for appropriately designed, planned and maintained plaques that honour an individual, organisation, event, building or location beneficial to the greater good of the community.

To provide a policy framework for the installation of all plaques to be installed in the Shire of Merredin, be this in buildings, on buildings, on the pavement, in parks and gardens, on furniture or other significant locations.

This policy does not cover signage, display boards, public art or historic interpretive signage project.

**Guidelines:**

Plaques are important in celebrating the achievements of the Shire of Merredin and its community, as well as providing historical context for current and future generations. Plaques installed on Council property fall into a number of categories:

*(1) Plaques installed by Council to commemorate an opening or other event*

Plaques may be installed by Council to commemorate the opening of a new or refurbished facility or to celebrate an event which may be of historical significance now or in the future.

Requests for plaques in this category shall be made by a relevant staff member or an external applicant in writing to the Shire of Merredin, for approval by the CEO following consultation with Council. The cost of these plaques should normally be funded as part of the relevant project or by the external applicant.

The final format and wording to be submitted and approved by the CEO and will normally include the following:

1. identification of Council facility or event;
2. date (day, month, year) of opening;
3. Shire of Merredin logo;
4. funding recognition (if applicable);
5. Shire President; and
6. Councillors (if applicable).

This wording may vary at the discretion of the CEO, depending on the particular circumstances and placement of the plaque where size may be limited.

*(2) Plaques installed by Council or in conjunction with other bodies to provide historical or heritage information*

Plaques may be installed on Council property by Council alone or in conjunction with other organisations in order to provide historical information about important historical sites that is not evident by being at these sites. It is important in considering such plaques to develop a coordinated approach to the identification of places, to create a consistent style, and to provide links to more information than can be provided on a plaque *in situ*.

Site for plaques in this category should meet the following criteria:

1. be recognised for cultural, social or heritage significance to the Shire of Merredin over a period of time;
2. be a site for which a heritage marker would provide information not otherwise evident at the site;
3. not already be identified by another plaque or historical sign;
4. have sufficient historical information available;
5. be publicly accessible;
6. contribute to an even distribution of heritage marking across the Shire; and
7. be consistent with the Shire's strategic plans for the site.

Requests for the installation of heritage plaques shall be submitted in writing to the Shire of Merredin for consideration. If required, community consultation will take place to include obtaining advice and input from the Heritage Council WA before being submitted to the CEO for final approval.

The cost of the plaques installed by Council should normally be paid for by the Council and funded as part of any relevant project. Where external organisations or individuals make submissions for the installation of plaques, the cost of these plaques and their installation would normally be borne by the external organisation or individual, however Council may consider contributing some or all of the costs.

The format and wording will be submitted to the CEO for approval and will normally include the following:

1. brief heading outlining historical event/place;
2. a maximum of 50 words describing the historical significance of the site;
3. additional details about the site to be provided to the Merredin Regional, such as text of up to 500 words, photographs, maps, references to further sources of information;
4. Shire of Merredin logo;
5. logo of external organisation;
6. name of individual/s; and
7. wording for plaque.

### *(3) Plaques installed by Council as Memorials or Recognition*

At the written request of members of the community, plaques may be installed in Council parks and gardens for personal commemoration where the requestor has paid for the relevant park furniture, plaque and cost of installation.

Application for these plaques should be made to the Chief Executive Officer and those accepted should meet the following criteria:

1. be consistent with Council's Strategic Plan for the site;
2. be considered in the context of the number of existing plaques, memorials, public



- artworks, fountains and other objects in vicinity;
3. commemorate a person or group who has made a significant contribution to the Merredin community; and
  4. not commemorate a person, event, or occasion already identified by another plaque or marker.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	N/A		
Document Management			
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## 8.24 Restrictive Covenant – Carrington Way Subdivision

That all applications to establish dwellings on Lots 209 – 216, 229 and 230 Carrington Way, Lots 228, 227, 218 – 226 McGinniss Way and Lots 232 – 237 Cummings Street, Merredin be required to comply with this Policy which satisfies Council's intention with the requirements for carports and garages under the main roof as described in Clause 1.3c of the Restrictive Covenant. The general terms of intent for the term "under main roof" are:

1. "under main roof" by definition for a skillion roof the structure would not be able to stand unsupported without the attachment to the dwelling e.g. colorbond, two columns, attachment at plate height or gutter fascia affixement;
2. for ornate structures within the front setback area – limited to carports – Clause 3.7.1.6 of BCA09Vol2 – two or more sides open with a physical substantial connection to the dwelling e.g. 4 or 6 brick piers with gabled roof physical connection the gutter;
3. for ornate structures adjacent to the dwelling – gabled roof etc, connection by box gutter or similar.

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1.	Adopted		16 March 2010	CMRef 30265

## 8.25 Food Act 2008 Compliance and Enforcement

### GUIDELINES

To provide clear direction regarding the ongoing management of the *Food Act 2008*, *Food Regulations 2009*, and the *Australia New Zealand Food Standards Code* (in particular Chapter 3).

### 20. NOTIFICATION AND REGISTRATION REQUIREMENTS

#### 1.1 Notification

In accordance with the notification requirements detailed in Clause 4, Standard 3.2.2 of the Code, all food businesses must, before the food business commences any food handling operations, notify the Local Government of:

- their contact details;
- nature of the food business; and
- location of all food premises associated with that food business (within the Shire).

This notification process is a once-off requirement. Notification is also required whenever there is a change to the nature of the business, and/or proprietor (transfer of food business registration fee applies when there is a change of proprietor).

Failure to notify the Local Government of a food business activity creates an offence under the Act.

#### 1.2 Registration

All food businesses must 'notify' the Local Government of their intention to operate, regardless of whether they are required to 'register' the business in accordance with the Act. In order to comply with Section 109, a food business must ensure that any premises used in conjunction with the sale of food is approved by the Local Government, as part of the food business' 'registration'.

#### 1.3 Certificate of Registration

A formal certificate of registration will be issued to all approved food businesses within the Local Government. Registration and invoicing of annual fees will occur annually, and be valid for the financial year.

#### 1.4 Temporary Food Businesses (TFB)

The definition of a Temporary Food Business according to the *Food Act 2008* is a food business set up as part of a one off event where temporary or permanent premises are used. Food Safety is still vitally important and most of the requirements of the *Food Safety Standards Code 3.2.2* still apply in relation to a Temporary Food Business (TFB).

A Temporary Food Businesses will need to register with the Shire of Merredin but will not require Council consent to establish. A temporary food business will go through the registration procedures that a normal food business would go through including having a kitchen/premises and food safe practices that comply with the Food Standards Code. A Temporary Food Business will be able to operate a maximum of 15 times in one financial year

without the need to pay an annual food surveillance fee (ie. at the local monthly markets that run on one Sunday per month and 3 nominated events located within the bounds of the Shire of Merredin eg. the Agricultural Society Show, Destination Merredin and Gala Night). A Temporary Food Business will have a classification no higher than low risk and will not be permitted to operate outside the bounds of the Shire of Merredin. Should the nature of the approved temporary food business change in any way, the Shire of Merredin must be notified of these changes. Re-notification or registration may be required.

### **1.5 Mobile Food Businesses (MFB)**

Mobile food businesses are not considered as temporary food businesses. The term is used to indicate a permanent food business that can be moved to new locations and might return to a base overnight. Their design, construction and fit out are usually restricted by space, weight and having to be self-sufficient in water supply, power supply and waste disposal. The *Food Act 2008* requires that Mobile Food Businesses are to be registered with the Shire of Merredin prior to handling, preparing or selling food.

*Note: The definition of a Mobile Food Business according to the Food Act 2008: A food business that operates from premises that are non-permanent; for example food vehicles and caterers.*

Temporary and Mobile Food Businesses typically include: food vehicles, market and barbecue stalls, and must undertake the notification and, if applicable, the registration process within the Local Government in which they are housed (i.e. food van), or where the food business is located (i.e. where the food is manufactured for sale in a low risk stall). Temporary Food Businesses will be approved and most likely inspected by the Local Government's Environmental Health Officers prior to the commencement of trade, and being permitted to operate. Mobile Food Businesses will be approved and inspected by the Local Government's Environmental Health Officers prior to the commencement of trade and being permitted to operate.

*Note: Food may not be prepared in a residential premise, unless it is registered with that local government. Only very low risk- low risk food preparation in a residential setting will be approved within the Shire of Merredin.*

- apply for a stallholders or street traders permit within the Local Government in which they intend to operate. Where a permit is sought, the Local Government's Environmental Health Officers will assess the suitability of the TFB/MFB operating within the Local Government. A permit will be issued if the TFB/MFB meets the appropriate requirements.

### **1.6 Fees and Charges**

Fees are set under Part 6, Division 5, Subdivision 2 of the *Local Government Act 1995*, and are adopted by Council in the 'Schedule of Fees and Charges' for the relevant financial year.

- Registration – annual food surveillance fees will be charged for all food businesses in accordance with a risk based fee structure, i.e. High/Medium/Low/Very Low Risk. Further details are found in Clause No. 2 – Food Business Risk Profiling. (Temporary Food Businesses are exempt from food surveillance fees)

- Re-inspection fees – additional inspections be charged for inspections that result from an identified serious non-compliance. Serious non-compliances include the issue of an Infringement Notice, Improvement Notice and/or Prohibition Order.
- Temporary Food Businesses and Mobile Food Businesses will be charged a stall holders or street traders licence fee in accordance with the Shire of Merredin (Local Government Act) Local Laws 2002. Each temporary or mobile food business will be subject to a fee in the form of a one-off event (day by day), a weekly or annual permit for a particular event/location (i.e. Community Recreation Centre regular weekend football fixtures).
- Temporary Food Businesses and Mobile Food Businesses will not be charged a stallholders or street traders fee to operate at events supported by Local Government (e.g. Ag Show, Circus) where an application is received for hire of the facility. All applications are to be submitted within the specified time-frame prior to the event (i.e.14 days prior).
- Late applications may not be accepted,
- Re-Inspection fees will be invoiced post-event to any food business demonstrating non-compliance with the Local Government's requirements on the day of the event.
- Charitable/Community Temporary Food Premises will not be charged fees, except in the case where a food business demonstrates non-compliance with the Local Government's requirements on the day of the event (invoicing will be undertaken post-event). Further details on requirements and exemptions specific to charity and community events are detailed below.

Exempt Premises under *Food Regulations 2009* (the Regulations):

- Food businesses conducted as fundraising events (see Clause 1.7 –Charity and Community events for further details).
- 'Very Low Risk' food businesses, i.e. those solely selling packaged food that are not potentially hazardous (i.e. newsagency selling confectionary, potato crisps).
- Food businesses that provide complimentary drinks in conjunction with another kind of business, e.g. hairdresser providing complimentary beverages.
- Food businesses conducted in premises that are, or form part of a registered establishment - as per the definition given in the *Export Control Act 1982* (Commonwealth) section 3.

The following categories of food premises are also considered by the Local Government to be eligible for an exemption. These premises will be required to undertake the Notification process, and Register with the Local Government, but will not be charged any notification/annual registration fees, unless the premises is identified to have serious non-compliance issues or a history of non-compliance during routine inspections.

- Public school canteens, where funds directly benefit the school (i.e. not operated by an external contractor)
- Registered not-for-profit organisations, e.g. community child care groups.

### **1.7 Charity and Community Events**

Charity and Community Fundraising Events are exempt from some of the requirements under the Act and Regulations provided that:

- all the money raised is for a community or charitable cause; and
- foods produced are not potentially hazardous (i.e. low risk cakes and slices), or are cooked thoroughly for immediate consumption (i.e. sausage sizzles).

- Volunteers who donate food such as cakes, slices and preserves for fundraisers are only permitted to make these foods from home where the food is not 'potentially hazardous' and will still be required to notify the Local Government of their proposed food. Premises used for the preparation of non-potentially-hazardous food by volunteers will not need to be registered, however, these types of food business preparation activities, will need to notify as a Temporary Food Premises.

Preparation of potentially hazardous foods (medium risk and above) must be undertaken in an approved food premises (i.e. commercial kitchen, approved school canteen facility). In this instance, Notification and Registration requirements apply to Charitable and Commercial Events. Waiving of fees is at the discretion of the Local Government (refer to 1.6- Fees and Charges above).

*NOTE: 'Potentially hazardous' food products include examples such as: cream cakes, fried rice, curries, soups and casseroles*

## 21. FOOD BUSINESS RISK PROFILING

### 2.1 FSANZ – Food Safety: The Priority Classification System for Food Businesses

All food businesses in the Shire are currently assessed using the Food Standards Australia and New Zealand Priority Classification System for Risk Assessment. This risk-based scoring system is designed to classify businesses into priority ratings, based on the risk they present to public health and safety.

The following major risk factors are considered:

- the type of food;
- activity of the business;
- method of processing; and
- customer base (e.g. vulnerable groups).

This Risk Assessment tool has been formally adopted by the Local Government, and will be used to determine whether a premises is profiled as High, Medium, Low Risk or Very Low Risk.

### 2.2 Examples of Typical Food Business Risk Profiling

- High Risk – child care centre, nursing home, smallgoods manufacturer, caterers.
- Medium Risk – restaurant/cafe, delicatessen, bakery, manufacturer, butcher, fast food chain, school canteen.
- Low Risk – liquor shop, fruit and vegetable shop.
- Very Low Risk – newsagency/pharmacy selling confectionary and potato crisps.

*NOTE: profiling also depends on individual premises assessment and takes into account the factors detailed in Clause 2.3 – Inspection Frequency.*

### 2.3 Inspection Frequency

All premises will be allocated an initial inspection frequency based on their risk profile, however the following factors must also be taken into consideration:

- performance history of the food business;
- changes to food production or fit-out that affect the inherent risk;
- substantiated complaints; and
- risk reduction programs that may be implemented by a food business (i.e. demonstrated

good food safety practices and compliance with a food safety program).

Base inspection frequencies adopted by the Local Government are as follows:

- High Risk- 4-6 monthly
- Medium Risk –4-6 monthly.
- Low Risk – 12 to 18 monthly.
- Very Low Risk (exempt premises) – unlikely to require inspection, to be considered individually, based on health risk and complaints.

## **22. ENFORCEMENT**

### **3.1 Infringement Notice**

Section 126 of the Act allows for the issue of an Infringement Notice for ‘prescribed offences’, within 28 days of the alleged offence being committed. Schedule 3 of the Regulations details recognised offences and associated modified penalties.

The Shire of Merredin Authorised Officers are authorised to issue infringement notices for breaches of the *Food Act 2008* and the relevant Food Safety Standards.

### **3.2 Improvement Notice**

Section 62 of the Act allows for the service of an Improvement Notice on the proprietor of a food business if the Authorised Officer believes, on reasonable grounds that a food business is operating a food premises that is:

- unclean or insanitary, or unfit for purpose intended to be used;
- does not comply with a provision of the Food Safety Standards;
- not adequately implementing its food safety program; or
- contravening the Food Standards Code in relation to handling of food intended for sale.

The Shire of Merredin Authorised Officers are authorised to issue improvement notices for breaches of the *Food Act 2008* and the relevant Food Safety Standards.

The Authorised Officer may, prior to the end of the period specified in the Notice, extend the compliance time frame. The Improvement Notice may also include ancillary or incidental directions. Compliance with a Notice must:

- be noted with the date of compliance on a copy of the Notice; and
- if requested, the Local Government must provide a copy to the person served.

*NOTE: associated re-inspection fees will be charged in accordance with Clause 1.6 – Fees and Charges.*

### **3.3 Prohibition Order**

A Prohibition Order will take a form that prohibits the handling of food on specified food premises, vehicle or equipment, or that food is not to be handled in a specified way or for a specified purpose. It should be noted that Section 8 of the Act defines food handling very broadly, including activities such as collection, transporting, storing or displaying food. Breach of a Prohibition Order will normally result in prosecution. A Prohibition Order may be issued if an Improvement Notice has not been complied with, within the specified time or if the initial non-conformance is severe enough to cause an immediate danger to public health.

In accordance with Section 72, the Order:

- must specify the provision of the Code to which it relates; and
- may specify particular action to be taken by a person to ensure compliance with the provision of the Code to which it relates.

The Shire of Merredin CEO is authorised to issue Prohibition Orders for breaches of the *Food Act 2008* and the relevant Food Safety Standards.

## **23. CONSTRUCTION OF FOOD PREMISES AND OPERATIONAL CONSIDERATIONS**

### **4.1 Assessment of Plans for Construction and Fit-Out of Food Premises**

The assessment of plans for food premises via the Development Application, Building Permit or Food Premises Fit-Out process will be undertaken by the Local Government's Environmental Health Officers in accordance with Standard 3.2.3 of the Code, and Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises.

New construction standards are outcome based and less prescriptive than those detailed in the repealed *Health (Food Hygiene) Regulations 1993*. However, to assist food businesses in achieving appropriate outcomes, the Local Government's Environmental Health Officers will utilise AS 4674:2004 as a recognised design guide and detail examples of compliance with legislative requirements in the Local Government's *A guide to the construction of Food Businesses for Owners, Operators, Architects and Builders*.

### **4.2 Residential Food Businesses (Home Occupation)**

The Act does not prohibit food preparation in residential premises, but requires all food businesses to ensure compliance with the Act, which adopts the Code in full (i.e. all food businesses must comply with its requirements).

Chapter 3 of the Code contains the structural and hygiene outcomes that all food businesses must meet. Allowance is made within the Code for some exemptions relating to requirements for food premises that are used principally as a private dwelling if the proprietor has the approval in writing of the appropriate Local Government [e.g. Standard 3.2.2 clause 17(2)].

Prior to a food business receiving approval to operate from a residential food premises within the Local Government, the following must be met:

- 4.2.1 Planning Approval for a Home Activity is required to be obtained, whether or not the proposal involves the installation of a commercial grade kitchen.
- 4.2.2 Relevant notification/registration requirements in accordance with the Act;
- 4.2.3 The structure/fit-out of the premises must be deemed appropriate for the proposed food handling activities, in accordance with Standard 3.2.3 of the Code (i.e. all facilities to be located within the one room); and
- 4.2.4 The risk of the food preparation activities assessed (i.e. low risk operations only).

Consideration will also be given to whether the activity is for commercial gain, or for fundraising/charitable purposes.

The Department of Health policy on food businesses that operate from premises that are used



principally as a private dwelling, is that the approval for the exemptions contained within the Code should only be granted for those food businesses that have been classified as 'low risk'. Examples include the manufacture of 'cottage industry' goods such as jams, biscuits and preserves. It is considered appropriate that the Local Government adopt the DOH policy in this regard, meaning that medium and high risk food businesses will not be approved to operate from a residential food premises.

## 24. TRAINING – SKILLS AND KNOWLEDGE

All food businesses must ensure that persons undertaking or supervising food handling operations have appropriate skills and knowledge in relation to food safety and food hygiene matters, in accordance with Standard 3.2.2 of the Code.

A majority of the food industry within the Local Government is involved in the hospitality industry, which traditionally has a relatively high staff turn-over, particularly casual staff. It is strongly recommended that at least one managerial staff member complete the nationally accredited 'Hygiene for Handlers' Certificate, obtained by completing the Online Food Handler Training Course. All other sectors of the food industry are strongly encouraged to seek appropriate training specific to their industry from a registered Training Organisation.

All food business proprietors and other trained staff members are strongly encouraged to impart food safety knowledge to other staff members who are not formally trained, e.g. providing information at team meetings, demonstrating skills, and displaying posters regarding correct practices.

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	<a href="#">Local Government Act 1995</a>		
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## 8.26 Building and Planning Application Fee Refunds

### Objectives:

To provide clear direction to staff and applicants under what circumstances a refund will be considered and the amount of the refund that is applicable for Building or Planning Application fees.

### Policy:

The following applies to Building or Planning Application fees only. Other Authorities fees are to be pursued by the Applicant directly with the Other Authority.

- a) Nil refund of the application fee:
  - Where minimum fees have been charged for an application.  
Retention of these fees are to assist in offsetting some of the administrative costs involved.
- b) 50% of the application fee:
  - Where the fee charged is above the minimum fee applicable; and
  - There has been no Technical Officer's input into the application; and
  - Half the refund calculates to an amount equal to or greater than the minimum fee.  
A refund, less any direct costs that the Shire may have incurred, can be refunded.
- c) Nil refund of the application fee:
  - Where there has been a Technical Officer's input into the application.  
Retention of these fees are to assist in offsetting some of the administrative and Technical Officer's costs involved.

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