



## 2023 POLICY MANUAL

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## SECTION ONE – ANNUAL ACCOUNTS AND ANNUAL REPORT

DOCUMENT:	1.1 RELATED PARTY DISCLOSURES	REVIEW:	Tri-annually or as required.
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	10 June 2019	No changes	
John McCleary	29/12/2022	No Changes	

### 1.1 RELATED PARTY DISCLOSURES

#### POLICY OBJECTIVE

To provide guidelines with respect to recording and reporting Related Party Disclosures in the Annual Financial Statements in accordance with Australian Accounting Standards Board Standard 124 – Related Party Disclosures

#### POLICY STATEMENT

##### 1. Statutory Compliance

Annual Financial Statements are required to be prepared in accordance with Australian Accounting Standards Board Standards. Department of Local Government and Communities Circular NO 07-2017, requires implementation of AASB124 – Related Party Disclosures from 1 July 2016.

##### 2. Related Party Disclosures Reporting Objectives

The objective of AASB124 is to ensure that local government financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

AASB124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of council transactions. This view is reiterated in AASB's April 2017 Agenda Decision that the purpose of AASB124 is not for assessing governance or probity issues.

##### 3. Definitions

*Related Party Transaction* – A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

*Related Parties* – Related Parties include:

- Entities that are Related to Council  
A local government (council) related entity is an entity 'controlled' or 'jointly controlled' by council or over which council has 'significant influence' (I.E. an entity

set up, controlled, or is significantly influenced by council such as a regional council and regional subsidiaries);

- **Key Management Personnel (KMP)**  
KMP, close family members of KMP and entities that are related to KMP or their close family members are related parties (i.e. mayor/president, councillors, CEO's and/or managers). For the Shire of Upper Gascoyne, these include Manager of Works and Manager of Finance & Corporate Services. This will be assessed in relation to each new employee and, where appropriate, will be identified in the Employment Agreement.
- **Close Family Members of KMP**  
Close family members of KMP are those family members who may be expected to influence, or be influenced by the KMP in their dealings with the local government (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins).
- **Entities controlled or jointly controlled by KMP**

#### **4. Detail**

##### *A. Identifying and Capturing Changes in Related Parties*

The Shire of Upper Gascoyne is a small Shire with a total population of approximately 300 people. The issues identifying Related Parties presents less challenging than in more populous Local Governments.

In implementation of this Policy, Council Members and KMP employees will be required to complete a self-assessment of business relationships with the Shire and those of Related Entities and close family members. When new councillors are elected, or new key management personal are appointed, they will also be required to complete this self-assessment. These forms will be updated by all Key Management Personnel as at 30<sup>th</sup> June in each subsequent financial year.

##### *B. Keeping affected Councillors and Staff Informed*

Councillors will consider and comment on this element of the Shire of Upper Gascoyne Policy Manual prior to adoption. Affected staff will be advised of the content of this policy and any concerns will be addressed prior to implementation.

##### *C. Ordinary Citizen Transactions (OCT)*

There are some transactions with related parties that do not need to be captured and reported. These transactions are those that an ordinary citizen would undertake with council such as transactions undertaken at arm's length terms and in the ordinary course of carrying out council's functions and activities. Such transactions include:

- Using the councils facilities after paying the nominal fee, for example, services provided through the Community Resource Centre
- Fines on normal terms and conditions
- Paying rates and council fees and charges, except where the KMP had not paid rates for the last 3 years

##### *D. Capturing and Recording Transactions with Related Parties*

All payment transactions are captured in the Shire's accounting system (Synergy). As part of the preparation of the Annual Financial Statements, the Manager of Finance and Corporate Services, in consultation with the CEO will review material payments, amounts owing to (including leave liabilities) and Rates or other amounts owing by key management personnel as at 30<sup>th</sup> June. That information will be included in the Annual Financial Statements.

Particular consideration will be given to transactions that do not pass through council's accounting system if any.

Ordinary Citizen Transactions will be considered as part of this annual review to ensure that transactions are included if required.

The Shire will consider related party transactions in the accounting system and outside the accounting system, (non-monetary transactions, contracts, service agreements).

#### *E. Privacy and Freedom of Information*

Information is not disclosed in relation to individual amounts for specific individuals, but rather in total for like payments/liabilities to Shire/amounts owing from Shire. Care will be taken to ensure that personal information is not inappropriately disclosed.

Any request under the Freedom of Information Act covered by this policy will be assessed prior to the release, to ensure that both Privacy and Freedom of Information legal requirements are both met.

#### *F. Materiality*

When assessing materiality, the Shire will consider both the size and nature of the transaction, individually and collectively.



## SECTION TWO - FINANCE & AUDIT

DOCUMENT:	2.1 Investment Policy	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	12 December 2018	Minor changes to reflect what is occurring at a reporting level. Added point 3.	
John McCleary	02/01/2023	No change	

### **2.1 INVESTMENT POLICY**

#### **POLICY OBJECTIVE**

To provide guidelines with respect to the investment of surplus funds which ensure that returns on funds invested are maximised within levels of acceptable risk.

#### **POLICY STATEMENT**

##### **1. Investment Objectives**

- A. To take a conservative approach to investments, but with a focus to increase revenue through prudent investment of funds.
- B. To have ready access to funds for day to day requirements, without penalty.

##### **2. Statutory Compliance**

All investments are to be made in accordance with:

- A. Local Government Act 1995 - Section 6.14
- B. The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act 1997.
- C. Local Government (Financial Management) Regulations 1996, section 19C

##### **3. Detail**

- A. Funds can only be invested in accordance with Regulation 19C of the Local Government (Financial Management) Regulations 1996.
- B. All investment transactions are to be reported to each ordinary Council meeting, including-
  - i. amount invested,
  - ii. interest rate applicable,
  - iii. term of investment.

C. The CEO may delegate the authority to invest to the Manager of Finance and Corporate Services who must comply with this Policy.



## SECTION TWO - FINANCE & AUDIT

DOCUMENT:	2.2 Severance Pay Policy	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	11 December 2018	Clarified that the recognition of service section is about a gift with a value up to and not a specific quantum.	
John McCleary	02/01/2023	Minor changes to formatting, clarification.	

## **2.2 SEVERANCE PAY POLICY**

### **POLICY OBJECTIVE**

Section 5.50(1) of the *Local Government Act 1995* requires local governments to prepare a policy in relation to employees whose employment is finishing.

This policy is to set out the circumstances and manner of assessment in which the Shire of Upper Gascoyne will pay an employee an amount that is in addition to any amount to which the employee would normally be entitled.

### **POLICY STATEMENT**

#### **1. Application**

This policy applies to all employees of the Shire of Upper Gascoyne

Decisions under this policy are to be made –

- (a) By the Council – where the decision involves a payment to the CEO; and
- (b) By the CEO – where the decision involves a payment to any other employee of the Shire of Upper Gascoyne.

#### **2. Circumstances for payment**

The Shire of Upper Gascoyne may make a payment in the following circumstances-

- (a) Redundancy- “Redundant” will be taken to mean that the duties of a position will no longer be performed by an employee of the Shire of Upper Gascoyne;
- (b) Shire of Upper Gascoyne boundary changes and amalgamations; and
- (c) To settle such other termination / resignation matters (that do not relate to an employee being made redundant in accordance with clause (a), such as dismissal)

#### **3. Exclusions**

3.1 A payment will not be made to an employee who-

- (a) is redeployed within the Shire of Upper Gascoyne;
- (b) accepts employment with a successful tenderer;
- (c) is dismissed for misconduct;
- (d) is employed on either a temporary or casual basis;
- (e) has less than one year's service with the Shire of Upper Gascoyne; and
- (f) is classified as a trainee or apprentice under probation.

#### 4. **Determination of severance payment**

##### 4.1 *Recognition of Service*

Recognition of service may be extended to employees upon cessation of employment with the Shire of Upper Gascoyne with a gift or cash up to the value prescribed below:

- a) 1-3 years' service \$100 per year of service (e.g. 2 years of service = \$200)
- b) 3-5 years \$150 per year of service (e.g. 4 years of service = \$600)
- c) 5-20+ years \$200 per year of service. (e.g. 10 years of service = \$2,000)

##### 4.2 *Settlements and other terminations*

For the purposes of determining the amount of severance payment in respect of settling a matter under clause 2.1 (c) of this policy, the following may be taken into account:

- a) advice of an industrial advocate or legal practitioner on the strength of the case of respective parties in any litigation or claim in an industrial tribunal.
- b) the cost of any industrial advocate or legal advice support.
- c) the general costs associated with the hearing including witness fees, travel costs.
- d) disruption to operations.

##### 4.3 *Additional Payment*

Council may pay to an employee whose employment with the Shire of Upper Gascoyne is finishing an additional severance payment over and above that prescribed in the relevant award or contract of employment.

The maximum severance payment made to an employee shall be in accordance to that prescribed under the Local Government Act 1995. *Payments to employee in addition to contract or awards. 5.50(3)*

- (1) *the value of a payment or payments made under section 5.50(1) and*
- (2) *to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —*
  - (a) *if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or*
  - (b) *in all other cases, \$5 000.*

An additional payment made under clause 4.3 will require local public notice to be made in relation to this payment.

## **5. Legislation**

### **Local Government Act 1995: Section 5.50 Payments to employees in addition to contract or Award**

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –
  - (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee ; and
  - (b) the manner of assessment of the additional amount, and cause local public notice to be given in relation to this policy.
- (1a) A local government must not make any payment of the kind described in subsection (1) a) unless the local government has adopted a policy prepared under subsection (1).
- (2) A local government may make a payment –
  - (a) to an employee whose employment with the local government is finishing; and
  - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.
- (3) The value of the payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

### **Local Government (Administration) Regulations 1996 – Regulation 19A: Payments in addition to contract or award, limits of (Act s.5.50(3))**

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total –
  - (a) the value of the person’s final annual remuneration, if the person –
    - (i) accepts voluntary severance by resigning as an employee; and
    - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39; or
  - (b) in all other cases, \$5,000.
- (2) In this regulation –

***final annual remuneration*** in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person’s employment with the local government finished.

### **Public Notice Requirements**

In accordance with Section 5.50 of the Local Government Act 1995 a local public notice is to be given:

1. as soon as practicable of the adoption of this Policy; and
2. as soon as practicable on any payment to an employee that is in excess of the amounts provided for in this Policy Note: A payment in excess of this Policy must still be within the limits prescribed in the Act and Regulations.



## SECTION TWO - FINANCE & AUDIT

DOCUMENT:	2.3 Bank Account Signing Authority	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
J. McCleary	11/12/2018	Addition of Works Manager as per council resolution 11112018	
P. Hutchinson	18/03/2019	Addition of Senior Customer Service Officer and removal of Finance Officer to List C	
John McCleary	01/02/2023	No changes	

### 2.3 BANK ACCOUNT SIGNING AUTHORITY

In accordance with Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 12 and 13, Council delegates authority to the Chief Executive Officer to make payments from the Shire of Upper Gascoyne Municipal or Trust Fund

#### Cheque Payments

The signing authority for cheques drawn on the Municipal Fund is the Chief Executive Officer (List A) to sign conjointly with one of the shire councillors (List B) or nominated officer (List C). In the event the CEO is unavailable to sign cheques then any List B and List C are authorised to sign conjointly.

Specimen signatures are held on file by the Commonwealth Bank under the following positions and must be updated as any changes to position occur.

<u>LIST A</u>	<u>LIST B</u>	<u>LIST C</u>
Chief Executive Officer	Shire President Deputy President Councillor 1 Councillor 2 Councillor 3 Councillor 4 Councillor 5	Manager of Finance & Corporate Services Manager of Works Senior Customer Service Officer Customer Service Officer

#### EFT Payments

EFT processing must be authorised by two people electronically as follows:

Following approval for payment of creditors and payroll by the CEO or delegated officer, the authorised officer is to enter the bank transfer details into Commbiz, check the details and authorise the payment. Then the Chief Executive Officer or other authorised officer is to log on to Commbiz re-check all payment details and enter the final authorisation to allow distribution of the EFT funds. Where possible the initiating officer is to be removed from the process, i.e. the payroll officer should not be a part of the authorisation process.

Commbiz (the online business system provided by the Commonwealth Bank of Australia) has been set up so that all payments necessitate two authorisations to be entered before any money is released.

Under no circumstances are authorised officers permitted to share their login details or their authorisation key with any other employee. Sharing of this information may lead to summary dismissal.



## SECTION TWO - FINANCE & AUDIT

<b>DOCUMENT:</b>	2.4 Self Supporting Loan Policy	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	11 December 2018	No Changes	
John McCleary	02/01/2023	No changes	

### **2.4 SELF-SUPPORTING LOANS POLICY**

#### **Purpose:**

To provide guidance as to the conditions under which the Shire may borrow money on behalf of a sporting or not for profit group (a 'self-supporting loan').

#### **Detail:**

1. Each request for a self-supporting loan will be considered by Council on its merits. Matters to be taken into consideration include:
  - a. Assessment of the ability of a sporting or not for profit group to make repayments, the state of financial records, stability of membership, growth in membership, and any other relevant factor;
  - b. Assessment of the ability of the group to adequately administer the proceeds of any loan, including matters such as:
    - i. Proper administration and supervision of the proposed project;
    - ii. Proposed procurement processes to engage any contractors to be engaged and;
    - iii. Maintenance of records to be able to acquit funds
  - c. Any cash contribution proposed to be made by the group;
  - d. The amount proposed to be borrowed, loan term (duration) and possible effect on the Shire in the event of default;
  - e. Procedures in the event of default, which are to provide that ownership of all property covered by any loan is to revert to the Shire;
  - f. If deemed necessary, provision of guarantors or other acceptable security;
  - g. The applicant meeting any costs involved in preparing agreements, lease or other documents required; and

- h. The applicant meeting all costs relevant to the raising of the loan with the exception of administrative charges.
- 2. A written agreement detailing the above matters will be entered into between the Shire and the group involved.



## SECTION TWO - FINANCE & AUDIT

DOCUMENT:	2.5 Purchasing Policy	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	18/03/2019	Minor changes – nothing material.	
John McCleary	13/11/2020	Increase the purchase threshold to \$250,000 in line with changes to the Functions and General Regulations 1996	
John McCleary	02/01/2023	Changes to the amount for consideration limits	

### 2.5 PURCHASING POLICY

#### Purpose

To describe the procedure and set out requirements in order to obtain competitive quotes for the purchase of works, good and services on behalf of the Shire where the value of any consideration under the contract is expected to be less than \$250,000.

Contracts for the purchase of works, goods or services for values in excess of amounts above \$250,000 must be entered unto via a tender process, via WALGA's preferred supplier arrangement or via a Panel of Pre-Qualified (Panel) established by the Shire.

#### Detail

Where the value of procurement for the value of a contract over the full contract period (including options to extend) is or is expected to be as indicated below then the requirements to obtain quotes are as follows:

Amount of consideration (excluding GST)	Minimum requirement by authorising officer (subject to conditions below) prior to purchase
Up to \$9,999	No quotes required, purchasing officer to be satisfied that the price is fair and reasonable.
\$10,000 - \$19,999	Seek one quotation – either written or verbal.
\$20,000 - \$99,999	Seek two quotations, one written.
\$100,000 - \$149,999	Seek three quotations, two written.
\$150,000 - \$249,999	Seek three written quotations or use WALGA's E' Quote Portal.
\$250,000 and over	Conduct a public tender process or use the WALGA preferred supplier undertaking.

#### General Purchasing Conditions

1. Contracts must not be split into smaller amounts to avoid purchasing or tender thresholds.

2. The discounts provided for in the Shire's Local Purchasing Price Preference Policy may also be applied when deciding and appropriate supplier under this Policy.
3. The CEO may authorise persons to issue purchase orders and may attach conditions to that authorisation depending upon the position and job requirements.
4. The CEO is to police this policy and may take disciplinary action for non-compliance;
5. The CEO or a person authorised by the CEO may authorise variations to this Policy where:
  - There is only one provider of a good or service who is available;
  - There is a measure of urgency;
  - Multiple quotes have been sought but have not been provided in a reasonable timeframe;
  - When purchasing secondhand equipment (there is variability on age, hours and the ability to compare like for like products);
  - The availability of the product or service; and
  - The cost associated with travel.
  - The supplier of the services or goods has an intrinsic knowledge/skills/product that relate to an on-going project and to switch providers would be counterproductive.

But must be satisfied the price quoted is reasonable.

6. Where a verbal quote is required, the authorising officer must:
  - Ensure that the provider understands the requirement / specification;
  - Ensure that the requirement / specification is clearly, accurately and consistently communicated to each of the suppliers being invited to quote; and
  - Record the details of the verbal quote(s) on the Purchase Order.

### **Purchase Orders**

All requests for goods or services will require a Purchase Order and this Purchase Order Number must be quoted to the supplier to ensure that the supplier quotes this reference number to ensure payment for the goods or services supplied.

### **Authorising Payment**

Invoices for payment must be certified by the person who places the order that:

- The works, goods or services have been supplied in a satisfactory condition or standard; and
- The invoiced amount is correct and in accordance with the purchase order.

### **Delegations**

The CEO through the Delegations Register may assign individual officers authority to sign Purchase Orders to a pre-determined value.



## SECTION TWO - FINANCE & AUDIT

<b>DOCUMENT:</b>	<b>2.6 Local Preference Purchasing Policy</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	18/03/2019	No changes	
John McCleary	02/01/2023	No substantial changes, some clarity around max amounts	

### **2.6 LOCAL PREFERENCE PURCHASING POLICY**

#### **Purpose**

The purpose of the Shire of Upper Gascoyne's Regional Price Preference Policy is to support local business and industry and to encourage employment of local people thereby generating economic growth within the Shire.

#### **Definitions**

For the purpose of this policy the region is defined as the geographical area which comprise of the whole of the Shire of Upper Gascoyne, Shire of Carnarvon, Shire of Shark Bay, Shire of Murchison and the Shire of Exmouth.

Local Industry is defined in the policy as being a business / organisation substantially trading from a recognised business address within the region. This policy requires the business to have been operating out of a local premises for a continuous period of not less the 6 (six) months.

#### **Policy Content**

- a) Unless specifically excluded in advance of advertising, a Regional Price Preference will apply to purchases when calling tenders or purchasing goods and services; and
- b) The regional pricing preference to be given to a regional tenderer / supplier is outlines below and represents the amount by which the regional tenders price bids or other quotations would be reduced for the purpose of assessing the tender or quotations.

<b>CONSTRUCTION / BUILDING SERVICES</b>		
Value of Tender / supply by Regional Supplier	Regional Price Preference	Max Amount
\$0 to \$20,000	\$0 + 10% excess above \$0	\$2,000
\$20,000 to \$50,000	\$1000 + 4% of excess above \$20,000	\$3,000
\$50,000 to \$100,000	\$2,200 + 3% of excess above \$50,000	\$5,200
\$100,000 to \$250,000	\$3,700 + 2% above \$100,000	\$8,700

Above \$250,000	\$6,700 + 1% excess above \$250,000	\$50,000
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Subject to the maximum regional price preference being capped at \$50,000

<b>GOODS &amp; SERVICES</b>		
Value of Tender / supply by Regional Supplier	Regional Price Preference	Max Amount
\$0 to \$10,000	\$0 + 6% excess above \$0	\$600
\$10,000 to 20,000	\$500 + 5% of excess above \$10,000	\$1,500
\$20,000 to \$50,000	\$1,000 + 4% of excess above \$20,000	\$3,000
\$50,000 to \$100,000	\$1,500 + 3% above \$50,000	\$4,500
\$100,000 to \$250,000	\$2,000 + 2% above \$100,000	\$7,000
Above \$250,000	\$2,500 + 1% excess above \$250,000	\$50,000

Subject to the maximum regional price preference capped at \$50,000



## SECTION TWO - FINANCE & AUDIT

DOCUMENT:	2.7 Donations / Grants	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	11/06/2019	Minor changes – added a section on donation recipients reporting to Council	
John McCleary	02/01/2023	Recipients to report one month after the event and failure to report may jeopardise future requests. All request photos of the event.	

## 2.7 DONATIONS AND GRANTS

### Purpose

To provide clarity around the allocation of resources for requests for Donations.

### Details

- Council will include an amount in the budget each year for the purpose of donations to relevant charities, appeals or not for profit organisations. Council decides requests for donations and grants during the budgetary process with a preference generally to those of a local nature or significance.
- Requests for donations or grants after the budgetary process has been completed will require the request to be tabled at a Council meeting for Council deliberation.
- Requests for donations or grants with a cash value \$500 or less can be approved by the Chief Executive Officer providing there are no adverse budgetary implications.
- Requests to utilise Shire equipment and facilities free of charge will be considered as a donation and the Chief Executive Officer will make the decision to approve or not approve depending on the situation.
- Organisations receiving either a grant or donation are expected to acknowledge the contribution made by the Shire of Upper Gascoyne.
- All organisations receiving a donation from the SUG are required to submit a report to the Shire that details what the donation was used for, benefits to the community, what the attendance was for the event and how successful the event was. This report is to be submitted by no later than one month after the date of the event. Failure to report may affect any further request for donations.

- Provide photographs of the event so that the Shire can publish these in our newsletter and other means of communication.



## SECTION TWO - FINANCE & AUDIT

<b>DOCUMENT:</b>	2.8 Debt Recovery Policy	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
P Hutchinson	18/03/2019	Removal of fresh due dates with final notice.	
John McCleary	02/01/2023	No Changes	

## **2.8 DEBT RECOVERY**

### **1. Objective**

The purpose of this policy is to provide guidance in determining efficient, effective and economical procedures for debt collection.

This is achieved through manageable and efficient control over overdue accounts by closely monitoring aged accounts in an attempt to reduce the likely occurrence of unrecoverable debts and to ensure consistency for all debt collection activities.

### **2. Principles**

Council will exercise its debt recovery powers, as outlined in Part 6 of the *Local Government Act 1995*, in order to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

- Providing the Shire of Upper Gascoyne with a more effective method of collection of outstanding debtors;
- Ensuring that debt collection procedures are carried out in a fair and equitable manner;
- Making the processes used to recover outstanding debt clear, simple to administer and cost effective;
- Transparency by making clear the obligations of its ratepayers and sundry debtors to the processes used by Council in ensuring that they meet their financial obligations;
- Equity by having regard to providing the same treatment for ratepayers and sundry debtors with similar circumstances;
- Flexibility by responding where necessary to changes in the local economy;

- Ensuring the Shire of Upper Gascoyne is compliant with all regulatory obligations; and
- Promoting effective governance and definition of roles and responsibilities.

## **2.1 Recovery of Sundry Debtor Accounts**

The Shire of Upper Gascoyne's credit terms are as stated on the issued tax invoice. The recovery of outstanding sundry debtor accounts will be collected in a fair and timely manner.

- Where payment is not received within forty (40) days from the date of the initial invoice, a Final Notice may be issued requesting full payment within seven (7) days unless the debtor has agreed to enter into a special repayment arrangement.
- Where amounts remain outstanding sixty (60) days from the date of the initial invoice, recovery action may commence based upon a risk management approach as determined by the value and type of debt including referral to a debt collection agency.

Where payment is not received within forty (40) days from the date of the initial invoice, interest may be applied on money that remains outstanding. Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Upper Gascoyne.

Interest (percentage) charged on sundry debtors is the percentage as adopted at the annual budget meeting in accordance with section 6.13(1) of the *Local Government Act 1995*. The rate authorised under section 6.13(1) of the *Local Government Act 1995* is not to exceed the maximum rate of interest as prescribed within regulation 19A of the *Local Government (Financial Management) Regulations 1996*.

## **2.2 Recovery of Rate Arrears**

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*.

Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Upper Gascoyne. This includes overdue amounts where the debtor has elected to pay by an instalment option.

### ***Accounts unpaid by the due date shown on the Rate Notice***

Where accounts remain outstanding seven (7) days after the due date shown on the Rate Notice, a Final Notice may be issued requesting full payment unless the ratepayer has entered into a repayment arrangement which has been agreed upon by both parties.

Final Notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferrals) Act 1992*, as such persons have until 30 June of the current financial year to make payment, without incurring any penalty interest. Final notices will, however, be issued to registered pensioners or seniors where there are unpaid charges which are not subject to a rebate or deferral e.g. rubbish collection charges.

### ***Accounts after the expiry date shown on the Final Notice***

Where amounts remain outstanding seven (7) days after the issue of a Final notice, recovery action may commence and may include such action as referral to a Council's debt collection agency.

### ***Seizure of Rent for Non Payment of Rates***

Where the property owner of a leased or rented property on which rates and service charges are outstanding cannot be located or refuses to settle rates and service charges owed, a notice may be served on the lessee or tenant under the provisions of Section 6.60 of the *Local Government Act 1995* whereby requiring the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

### ***Lodging a Caveat on the Title for Land***

If rates and service charges which are due to Council in respect of any rateable land have been unpaid a caveat may be registered on the title for the land, under the provisions of Section 6.64 (3) of the *Local Government Act 1995*.

Options to recover rates debt where rates are in arrears for in excess of three (3) years.

### ***Sale of Land***

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years, Council may take possession of the land under the provisions of Section 6.64 of the *Local Government Act 1995*. The approval of Council is required to be obtained before this course of action is undertaken.

## **2.3 Bad Debts – Sundry Debtors**

Where a sundry debtor has accounts unpaid for a period exceeding four months (120 days) and

- i) The debtor has provided documentary evidence of having filed for Bankruptcy/ Insolvency; or
- ii) The debtor has moved and all reasonable attempts to locate the debtor have been unsuccessful;

Council Officers shall prepare a report for the CEO listing the name of the debtor, the description of the debt, the amount outstanding, the period overdue and a reason for write off. Bad debts will be recognised when the sundry debt is seen to be no longer commercially collectable.



**SECTION TWO - FINANCE & AUDIT**

DOCUMENT:	2.9 Borrowings	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	18/03/2019	Minor changes – nothing material.	
John McCleary	02/01/2023	No Changes	

**2.9 BORROWINGS**

**Purpose**

To ensure that the Council has the full information about the holistic cost of borrowing.

**Details**

When a decision is to be made to borrow funds for a Shire activity either in budget adoption or by a separate decision of the Council, the Chief Executive Officer shall obtain a quote from the WA Treasury. A recommendation shall be made to Council once the borrowing information has been obtained.



## SECTION TWO - FINANCE & AUDIT

<b>DOCUMENT:</b>	<b>2.10 Sale of Surplus Materials, Plant, Equipment</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	18/03/2019	Minor changes – to the monetary level.	
John McCleary	02/01/2023	Minor changes to the amounts the CEO can approve.	

### **2.10 SALE OF SURPLUS MATERIALS/PLANT/ EQUIPMENT**

#### **Disposal of Surplus Equipment under the Value of \$20,000 Purpose**

To provide direction and clarity around the disposal of surplus equipment.

#### **Policy**

The Works and Services Manager is to provide the CEO with list of surplus items that are no longer used or required by the Shire of Upper Gascoyne .The list is to identify these items and to allocate a value for these items. The value is to take into consideration the market value of such items.

These items are to be disposed of according to the following table dependent on their individual value. The notion of gaining the best possible return for the Shire is to be taken into account.

<b>Value</b>	<b>Method of Disposal</b>
\$15,001 to \$20,000	Invite offers in the Gassy Gossip and Mid-West Times, with offers open for a period of 14 days following publication. Requires Council approval
\$10,001 to \$15,000	Invite offers in the 'Gassy Gossip' with offers open for a period of 14 days. The CEO to determine
\$5,001 to \$10,000	Invite offers in the 'Gassy Gossip' with offers open for a period of 7 days. Disposal at the discretion of the CEO Preference will be given to residents within the Shire of Upper Gascoyne
\$0 to \$5,000	The CEO will decide whether to dispose of the items at the waste site, sell them or otherwise dispose of the items.

The Chief Executive Offer may decide to hold a public auction, with or without reserve prices.



**SECTION TWO - FINANCE & AUDIT**

DOCUMENT:	2.11 In-kind Works	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	18/03/2019	No changes	
John McCleary	03/01/2023	No changes	

**2.11 IN-KIND WORKS**

The Chief Executive Officer is authorised to approve free of charge minor in-kind works or usage of Shire equipment for Shire residents, community groups, clubs and volunteer organisations within the Shire of Upper Gascoyne.



## SECTION TWO - FINANCE & AUDIT

DOCUMENT:	2.12 Corporate Credit Card	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	18/03/2019	No changes	
Sa Toomalatai	02/05/2021	Minor Changes	
John McCleary	06/01/2023	Re-format	

### **2.12 CORPORATE CREDIT CARD POLICY**

#### **OBJECTIVE**

Shire of Upper Gascoyne Corporate Credit Card is provided to the Chief Executive Officer to enable the purchase of goods and services.

The objective of this policy is to:

1. Provide a clear framework to enable the use of the corporate credit card
2. Provide clear and concise guidelines outlining its use; and
3. Reduce the risk of fraud and misuse of the corporate credit card.

#### **PRINCIPLES**

##### **1.1 Usage**

Shire of Upper Gascoyne Corporate Credit Card shall be used only:

- For Council business activities, inclusive of employment contract obligations.
- For the purchase of goods in accordance with Council's Purchasing Policy. Shire of Upper Gascoyne Corporate Credit Card does not have a cash advance facility.
- Prior to using the "Corporate Credit Card" the officer is to complete the "Credit Card Request Form" and this requires approval from the CEO prior to usage.

##### **1.2 Corporate Credit Card Reconciliation Procedure**

- 1.2.1 Corporate Credit Card statement accounts will be issued to the Finance Manager who will acquit the transactions on the account.
- 1.2.2 Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 1999 to enable a GST rebate to be applied.

- 1.2.3 If no supporting documentation is available the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration 'all expenditure is of a business nature'.

### **1.3 Review of Corporate Credit Card use**

External scrutiny of the credit card expenditure will also be encouraged as part of the external audit process of Council's finances.

### **1.4 Procedures for lost, stolen and damaged cards**

The loss or theft of a credit card must be immediately reported by the cardholder to the card provider regardless of the time or day discovered.

## **ROLES & RESPONSIBILITIES**

### **2.1 Corporate Credit Cardholders responsibilities**

- 2.1.1 Ensure corporate credit cards are maintained in a secure manner and guarded against improper use.
- 2.1.2 Corporate credit cards are to be used only for Shire of Upper Gascoyne official activities, there is no approval given for any private use, unless there is an absolute emergency.
- 2.1.3 All documentation regarding a corporate credit card transaction is to be provided to the Finance Manager.
- 2.1.4 Credit limits are not to be exceeded.
- 2.1.5 The use of the credit card shall not be tied to any type of reward system that provides cardholders with any personal benefit or reward.
- 2.1.6 Monthly reconciliations of the credit card purchases are to be undertaken by the Finance Manager and the cardholder is to sign the monthly statement, if satisfied with the detailed transactions.
- 2.1.7 All cardholder responsibilities as outlined by the card provider.



**SECTION THREE – GENERAL PURPOSE INCOME**

DOCUMENT	3 – GP INCOME	REVIEW:	No Review
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes	
John McCleary	27/07/2021	No changes	

***3. GENERAL PURPOSE INCOME***

No policies have been developed at this stage.



### SECTION FOUR (A)- GOVERNANCE MEMBERS

<b>DOCUMENT:</b>	<b>4A.1 Councillor Council Meeting Expenses</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	Added a section on claiming travel allowance for meetings other than ordinary Council or Committee Meetings.	
John McCleary	29/12/2022	Added section (f) to put further clarity around how the travel allowance is calculated.	

#### **4A.1 COUNCILLOR COUNCIL MEETING EXPENSES**

- a) Councillors shall be paid for travel, meeting attendance fee's and ICT Allowance at a rate set by Council annually in accordance with the State Allowances Tribunal (SAT);
- b) Councillors are to be paid their meeting attendance fee and It Allowance on an annual basis with payments being made monthly. The meeting attendance fee covers all meetings that Councillors are required to attend inclusive of committee meetings.
- c) Travel allowance will be calculated by calculating the distance from the place of residence or occupancy from within the Shire to the Shire Administrative Office and return. Travel payments will be paid in arrears for actual travel undertaken but are not to remain outstanding for more than two months. Councillors are required to complete a travel claim form which is to be authorised by the Chief Executive Officer prior to receiving any payments.

Travel Allowance for additional meetings outside ordinary meetings of Council and Council Committee Meetings will be paid in accordance with this Policy, Councillors are required to claim this allowance at the same time they claim their normal travel allowance for Council Meetings.

- d) Some Councillors whose primary place of residence is outside the Shire of Upper Gascoyne who are however electors of the district will be paid travel allowance from the closest boundary of the Shire to the Shire Administration Office and return – note there is no payment from the Shire Boundary to and from the principle place of residence.
- f) Calculation of the per kilometre rate for a vehicle is set through the Salaries and Allowances Tribunal referencing the *Local Government Officers (Western Australia) Award 2021* and this is determined at each budget cycle.



**SECTION FOUR (A) – GOVERNANCE MEMBERS**

<b>DOCUMENT:</b>	4A.2 Conference, Seminar & Training Course Attendance for elected members	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	No changes	
John McCleary	29/12/2022	Added a clause on Budget section (c)	

**4A.2 CONFERENCE, SEMINAR AND TRAINING COURSE ATTENDANCE FOR ELECTED MEMBERS**

- a) Invitations to invite Councillors to conferences, meetings and similar type of occasions shall wherever practicable be brought before Council for consideration.
- b) Any Councillor who wishes to represent Council at such an event shall be authorised by Council prior to attendance.
- c) All requests and authorisations are subject to sufficient funding being allocated in the budget.
- d) Where authorisation to attend has been granted by Council all reasonable expenses relating to accommodation, nomination fees, meals, travel and other reasonable expenses incurred will be reimbursed by Council subject to the provision of valid receipts.
- e) Where it is considered appropriate for a Councillor to be accompanied by another person when attending any function where attendance has been authorised by Council, Council will meet the reasonable expenses applicable to that person with approval of the Chief Executive Officer.



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

DOCUMENT:	4A.3 Title of Councillor / President	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	12/03/2019	No Changes	
John McCleary	29/12/2022	Minor change	

**4A.3 TITLE OF COUNCILLOR OR PRESIDENT**

**Purpose**

To provide guidance to Councillors.

**Detail**

No Councillor is to use their title in any way to imply Council’s support, approval, opposition or any other point of view unless there has been a resolution from Council or they are appointed by Council to represent the Shire.



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

<b>DOCUMENT:</b>	<b>4A.4 Council Representatives</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	No Changes	
John McCleary	29/12/2022	Minor change with the addition of point 4	

**4A.4 COUNCIL REPRESENTATIVES**

**Purpose**

To provide guidance to Council when appointing representatives to external committees or bodies.

**Detail**

1. All Council representatives wherever possible are to be serving members of the Council.
2. Upon ceasing to be a member of the Council, the representative is to cease as a member of the Committee unless specifically requested to by the Council to continue as a Council representative.
3. Council representatives represent Council’s position, not the individual Councillor’s position.
4. Where possible Council are to select representatives that have a good understanding or experience of the issues at hand.



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

DOCUMENT:	4A.5 Freeman of the Shire	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	12/03/2019	Minor Changes made.	
John McCleary	29/12/2022	No changes	

**4A.5 FREEMAN OF THE SHIRE**

**Purpose**

To provide consistent guidelines around the award.

**Details**

- a) The award of Freeman is intended to recognise outstanding Community Service over a significant period of time and in a diversity of activities within the Shire of Upper Gascoyne.
- b) The award would not usually be presented for excellence of service in only one activity.
- c) The award of Freeman is to be seen as independent of any other award.
- d) The award is to be recognised as the highest honour that the Local Community, through its Council, can confer on one of its citizens. The award will be therefore be conferred sparingly and should only be conferred where there is a great assurance of public approval.
- e) That a suitable ceremony is arranged at which the honour is conferred upon the recipient.
- f) Nominations may come any member of the Community or via Councillors.
- g) The nomination is either accepted or rejected by the Council via resolution.
- h) If the nominee is a current Councillor the CEO is to seek confidential approval from the other sitting Councillors subject to an absolute majority.



SECTION FOUR (A)- GOVERNANCE MEMBERS			
DOCUMENT:	4A.6 Compensation for Damaged Tyres	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	12/03/2019	No Changes	
John McCleary	29/12/2022	No Changes	

## **4A.6 COMPENSATION FOR DAMAGED TYRES**

### **Purpose**

This Policy is to provide guidelines around what and how a Council member can claim as reimbursement for them to attend either Council or Committee meetings so they can carry out their lawful duties as a Councillor.

### **Detail**

It is recognised that Council members are paid a fee to attend meetings, they are reimbursed for IT and Communication expenses and they are able to claim a reimbursement for travel as provided for by the State Allowances Tribunal.

It is also recognised that the Councillors of the Shire of Upper Gascoyne are required to travel extremely long distances on gravel roads in extreme weather conditions where they often have to cross flooded creeks and rivers. These roads although well maintained are still considered to be challenging by State standards.

The road conditions are very hard on tyres and it is not uncommon for a Councillor to blow or damage a tyre beyond repair, regardless of the age of the tyre. The majority of tyres utilised cost approximately \$360 per tyre, as such, the cost associated with replacement is not adequately reimbursed under the more traditional fee/reimbursement structure adopted via the State Allowances Tribunal.

Section 5.98 (2)(b) of the Local Government Act 1995 provides that a Local Government can reimburse an expense of a kind prescribed that is approved by a Local Government, further, under subsection (4) the Local Government may approve of the expense generally. The Shire of Upper Gascoyne will:

1. Reimburse Councillors for the cost of replacing a blown or terminally damaged tyre;
2. The cost of a maximum of 4 tyres per financial year will be reimbursed;
3. Councillors may be required to provide evidence of the damaged tyre should they be requested to do so; and
4. A written claim for reimbursement is to be lodged with the CEO prior to replacement of the damaged tyre with the expense incurred for the cost of a replacement tyre being authorised by the CEO.



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

<b>DOCUMENT:</b>	4A.7 Use of the Council Chamber	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	No changes made.	
John McCleary	29/12/2022	No changes made.	

**4A.7 COUNCIL CHAMBER USE**

**Purpose:**

To provide guidelines for the use of the Council Chamber.

**Details:**

The Council Chambers shall be used as a venue for Council meetings / Administration Meetings and no other purposes unless approved by the Chief Executive Officer.



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

DOCUMENT:	4A.8 Refreshments	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	12/03/2019	Minor changes made.	
John McCleary	22/04/2022	Minor changes made.	

**4A.8 REFRESHMENTS**

The Shire of Upper Gascoyne is a progressive local authority that has established a role as a community and regional leader. The Council encourages employees to promote the shire as a place to live and do business.

Many community members volunteer their time freely to contribute to the affairs of the Shire Council and staff regularly engage in discussion and negotiation with business people that are investing or considering investing within the shire.

**OBJECTIVE**

To be professional in offering refreshments following meetings to encourage interaction, the forming of networks and to express thanks to volunteers and to be hospitable toward visitors generally.

**POLICY**

All Councillors and Senior Staff have free reasonable use of the refreshment facilities in the Council Chambers. Councillors have the authority to extend reasonable use of those facilities to members of the community provided the occasion is to the benefit of the Shire Community.

The Chief Executive Officer is authorised to make reasonable use of these facilities at his/her discretion.

The following conditions apply: -

1. Use of facilities and consumption of refreshments is not to be abused.
2. The facilities are to be tidied up to the extent that empty bottles, plates, dishes and glasses are to be stacked within the kitchen.
3. No person is to become intoxicated.
4. The CEO is responsible under the Occupational Health and Safety Act for the duty of care of people using the facilities, the CEO may ask persons to leave or cease serving refreshments where he/she is concerned for their health, safety and welfare.

**Definition:**

Refreshments include: Beer, Wine, Water and Soft Drinks.



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

<b>DOCUMENT:</b>	4A.9 Council Common Seal	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	Minor changes made.	
John McCleary	29/12/2022	No changes made.	

**4A.9 COUNCIL COMMON SEAL**

This Policy and the Annual delegation of Authority enables the CEO and the Shire President to apply the Common Seal as and when required.

**Objective**

The Policy sets out the conditions that apply to the use of the Common Seal.

**Policy**

The Shire President and Chief Executive Officer are authorised, when the situation demands, to sign and affix the Common Seal of this Shire to documents, provided Council's prior resolution or retrospective resolution (if time and place cannot wait for normal Council approval) has been made to enter into a contract or agreement, of any nature, which requires affixing of the Common Seal of the Shire.

Details of when the Common Seal has been used are to be recorded in the Seals Register.

The Common Seal is to be kept in a secure location.



#### SECTION FOUR (A)- GOVERNANCE MEMBERS

<b>DOCUMENT:</b>	4A.10 Passing of Community members / Councillors	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	No changes made.	
John McCleary	29/12/2022	Minor change made in relation to the Shire Flag.	

#### **4A.10 PASSING OF COMMUNITY MEMBERS / COUNCILLORS**

As a sign of recognition and respect to past Councillors/ Community Members the Council wishes to acknowledge to the family of the deceased, their respect and high regard for the deceased and to openly express these signs of honour and sympathy.

#### **Objective**

To be respectful toward the people that live in our Community and Councillors that have committed many long hours of community service and to show the families that the people still remember the commitment made for the community by their loved ones.

#### **Policy**

On receiving advice that a past Councillor or Community Member of the Shire of Upper Gascoyne has passed away, the Chief Executive Officer is authorised to fly the Flag at half-mast for 24 hours as a sign of respect to the deceased and their family.

On receiving advice that a community member or a past Councillor of the Shire of Upper Gascoyne, or his/her partner, has passed away, the Chief Executive Officer shall forward a sympathy card to the surviving partner and or family of the deceased on behalf of the Shire President, Councillors and Staff. In some instances the Shire will arrange for flowers to be sent to either the surviving partner or sent to the undertaker.

Where appropriate the Chief Executive Officer may either attend the funeral service or send a Shire representative(s). In rare occasions the CEO may give the surviving partner or family of the deceased a Shire Flag to be placed on the deceased person's coffin should the family be agreeable.



### SECTION FOUR (A)- GOVERNANCE MEMBERS

DOCUMENT:	4.11 Appointment of an Acting CEO	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	12/03/2019	Added point 2 & 3.	
John McCleary	29/12/2022	Minor changes	

#### 4A.11 APPOINTMENT OF AN ACTING CEO

##### Purpose

To provide for the appointment of as Acting Chief Executive Officer during limited absences of the Chief Executive Officer to ensure that the business of Council operates seamlessly.

##### Policy

1. In accordance with the requirements of the *Local Government Act 1995*, section 5.39(1)(a) a person cannot act in the role of a CEO for a period not exceeding 12 months;
2. The CEO may appoint an Acting CEO if the CEO is away from the office for a period of greater than 3 days;
3. The CEO will inform the Council that he / she has appointed an ACEO via email;
4. The CEO has the authority to appoint an internal employee as the Acting CEO for period not to exceed 30 days without the requirement for a resolution of Council;
5. Should the appointment of an Acting CEO be required for a longer period of 30 days the Council will be required to make the appointment by resolution; and
6. Should an internal person be appointed as the Acting CEO the CEO has the authority negotiate a higher duty salary increase for the duration of the CEO's absence.
7. Appointment to the role of Acting CEO must be made in writing by the CEO



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

<b>DOCUMENT:</b>	4A.12 Shire Corporate Logo	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	No changes.	
John McCleary	29/12/2022	No changes.	

**4A.12 SHIRE CORPORATE LOGO**

**Objective**

The objective of this policy is to establish guidelines for the use of the Council’s logos. This policy aims to ensure that Council’s role in the community is clearly recognised and that its reputation is protected and enhanced through accurate, consistent and high quality reproduction of its logo in all applications, including its use by approved external groups and organisations.

**Policy**

The Corporate Logo is to be used for the public branding of the Shire of Upper Gascoyne. To be used on correspondence, marketing activities and promotions of Council activities and services. This includes (but not limited to) stationery, brochures, printed media, to identify Shire assets used within the community and on internal documentation.



### SECTION FOUR (A)- GOVERNANCE MEMBERS

<b>DOCUMENT:</b>	4A.13 Legal Representation for Council Members & Employees	<b>REVIEW:</b>	Triennially (as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	12/03/2019	No changes made.	
John McCleary	29/12/2022	No changes made.	

## 4A.13 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 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 a ‘certified practitioner’ under the Legal Practice Act 2003.

**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 –

- (a) a matter or matters arising from the performance of the functions of the Council Member or Employee; and
- (b) legal proceedings involving the council member or employee that have been, or may be, commenced.

**legal representation costs** 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 –

- (a) a direct payment to the approved lawyer (or the relevant firm); or
- (b) 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 –

- (a) 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;
- (b) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (c) 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
- (d) 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**

2.1 If the criteria in clause 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs –

- (a) 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
- (b) 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
- (c) 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.

2.2 The Shire will not approve, unless authorised by an Absolute Majority, 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

- 3.1 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.
- 3.2 The written application for payment of legal representation costs is to give details of –
- (i) the matter for which legal representation is sought;
  - (ii) how that matter relates to the functions of the council member or employee making the application;
  - (iii) the lawyer (or law firm - if known) who is to be asked to provide the legal representation;
  - (iv) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
  - (v) an estimated cost of the legal representation; and
  - (vi) why it is in the interests of the Shire for payment to be made.
- 3.3 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.
- 3.4 As far as possible the application is to be made before commencement of the legal representation to which the application relates.
- 3.5 The application is to be accompanied by a signed Statutory Declaration by the applicant that he or she –
- (a) has read, and understands, the terms of this Policy;
  - (b) 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
  - (c) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.
- 3.6 In relation to clause 3.5(c), 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.
- 3.7 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**

- 4.1 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.
- 4.2 A Council Member or Employee may make a further application to the council in respect of the same matter.

#### **5. Council's powers**

- 5.1 The Council may –
- (a) refuse;
  - (b) grant; or
  - (c) grant subject to conditions, an application for payment of legal representation costs.
- 5.2 Conditions under clause 5.1 will include, but are not restricted to:
- (a) a financial limit; and
  - (b) a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
- 5.3 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.
- 5.4 The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 5.5 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 –
- (a) not acted reasonably or in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
  - (b) given false or misleading information in respect of the application.
- 5.6 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.
- 5.7 Where the Council makes a determination under clause 5.5;
- (a) assistance will be immediately withdrawn; and
  - (b) the legal representation costs paid by the Shire are to be repaid by the Council Member or Employee in accordance with clause 7.

## **6. Delegation to Chief Executive Officer**

- 6.1 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 \$5,000 in respect of each application.
- 6.2 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**

- 7.1 A Council Member or Employee whose legal representation costs have been paid by the Shire is to repay the Shire –
- (a) all or part of those costs – in accordance with a determination by the Council under clause 5.7;
  - (b) as much of those costs as are available to be paid by way of setoff – 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.
- 7.2 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.



## SECTION FOUR (A)- GOVERNANCE MEMBERS

DOCUMENT:	4.14 Continuing Professional Development of Council Members	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	28/03/2020	New Policy	
John McCleary	29/12/2022	No changes.	

### 4A.14 CONTINUING PROFESSIONAL DEVELOPMENT OF COUNCIL MEMBERS

#### Objective

The *Local Government Act 1995* requires all Elected Members to undertake compulsory training within 12 months of being elected. The Shire of Upper Gascoyne is required under the *Local Government Act 1995* to adopt and report on compulsory training and continuing professional development for Elected Members of the Shire of Upper Gascoyne.

#### Scope

This policy applies to Elected Members of the Shire of Upper Gascoyne (SUG).

The Policy consists of three parts which have distinct obligations.

##### ‘Part 1:

Compulsory Elected Member Training’ sets out the legislative requirements that newly Elected Members must undertake Compulsory Elected Member Training. Newly Elected Members who complete the Compulsory Elected Member Training are deemed to have met their Continuing Professional Development requirements under Part 2 for the first two years of their term.

##### ‘Part 2:

Continuing Professional Development’ requires Elected Members to undertake CPD as determined by Council.

This applies to all Elected Members. However, Newly Elected Members who undertake the Compulsory Elected Member Training under Part 1 are deemed to have met their Continuing Professional Development requirements for the first two years of their term.

##### ‘Part 3:

Reporting’ sets out the reporting requirements under the *Local Government Act 1995*.

#### Policy

##### 1. Compulsory Elected Member Training

All Elected Members elected to Council following the 2019 election are required under the *Local Government Act 1995* to complete the Council Member Essentials Course, unless

they meet limited exemptions. The training is valid for five years so an Elected Member is only required to undertake the training at every second election. The course must be completed within 12 months of appointment to Council.

### **1.1 Cost of Training**

The Council Member Essentials Course will be sourced by SUG at no cost to Elected Members, subject to budget allocation.

## **2. Continuing Professional Development**

Continuing Professional Development (CPD) opportunities will be provided to the SUG's Elected Members. The opportunities will be in line with the strategic direction of the SUG:-

- Economic;
- Environmental;
- Social; and
- Civic Leadership.

### **2.1 Categories of Continuing Professional Development**

In addition to the strategic objectives of the SUG it is important to recognise the following categories as opportunities:-

- Road Engineering
- Professional Skill Development

The SUG will investigate opportunities for professional skill development based on the direction of Council or individual Elected Member requests.

### **2.2 CPD Hours**

Each Elected Member must complete 10 CPD hours every two years from Ordinary election to Ordinary election. The following points apply:-

- Multiple CPD hours can be earned from one event (conference, seminar, etc.) with a maximum of five CPD hours to be earned from any one event.
- The Australian Institute of Company Directors Course is considered as completing the full 10 CPD hours across all categories.
- Completion of the Compulsory Elected Member Training is considered as completing the full 10 CPD hours across all categories.

The SUG will organise training sessions that meet the intent of the policy where all Elected Members are invited to attend to meet their obligations as a Council group at the Shire of Upper Gascoyne.

All training will be funded by the Shire of Upper Gascoyne at no cost to Elected Members.

Where training is completed through attendance at a conference, the cost of the conference will be met by the SUG, subject to budget allocations.

### **3. Reporting**

The SUG is required to report annually on completed training. Completed training must be published on the SUG's website for that financial year at a date no longer than 1 month after the completion of the financial year. This will include the Council Member Essentials Course and any continuing professional development undertaken by Elected Members.

#### **Definitions**

**CPD** means continuing professional development

**Elected Members** includes the President and all Councillors.



#### SECTION FOUR (A)- GOVERNANCE MEMBERS

<b>DOCUMENT:</b>	4A.15 Continuing Professional Development of Council Members	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	28/3/2020	New Policy	
John McCleary	29/12/2022	No Changes	

### 4A.15 ATTENDANCE AT EVENTS POLICY: ELECTED MEMBERS & CEO'S

#### Policy Objective

The purpose of this policy is to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where elected members and CEO's are invited free of charge, whether as part of their official duties as council or Shire representatives or not.

#### Policy Scope

The policy provides guidance to elected members and CEO's when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. It does not provide guidance on the acceptance of a tangible gift or travel contribution.

Travel and accommodation excluded: This policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the *Local Government Act 1995* (the Act), must be disclosed in writing to the CEO within 10 days of receipt of the contribution. Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of a gift.

#### Pre-Approved Events

In order to meet the policy requirements tickets and invitations to events must be received by the SUG.

The SUG approves attendance at the following events by Elected Members and the Chief Executive Officer:

- (a) Advocacy lobbying or Ministerial briefings;
- (b) Meetings of clubs or organisations within the SUG;
- (c) Any free event held within the SUG;
- (d) Australian or West Australian Local Government events;
- (e) Events hosted by Clubs or Not for Profit Organisations within the SUG to which the President, Elected Member or Chief Executive Officer has been officially invited including the Junction Races, Landor Races< Kennedy Ranges Camp Draft and the Gascoyne Kickstarters Dash;

- (f) SUG hosted ceremonies and functions;
- (g) SUG hosted events with employees;
- (h) SUG run tournaments or events;
- (i) SUG sponsored functions or events;
- (j) Community art exhibitions;
- (k) Cultural events/festivals;
- (l) Events run by a Local, State or Federal Government;
- (m) Events run by schools;
- (n) Major professional bodies associated with local government at a local, state and federal level;
- (o) Opening or launch of an event or facility within the Gascoyne region;
- (p) Recognition of Service events;
- (q) RSL events;
- (r) Where Presidential or Chief Executive Officer representation has been formally requested;
- (s) WALGA (but not LGIS);
- (t) Local Government Professionals Australia (WA);
- (u) Australian Local Government Association;
- (v) A department of the public service; and
- (w) A government department of another State, a Territory or the Commonwealth
- (x) Local government or regional local government

All Elected Members and the Chief Executive Officer are entitled to attend a pre-approved event. If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, will be paid for by the SUG out of the SUG's budget by way of reimbursement, unless the event is a conference.

In addition to the above pre-approved events, Elected Members may also attend a paid event held within the SUG, with the funds to be paid for out of the budget by way of reimbursement, other than the following events:

- Party political events and fundraisers.
- Social events.
- Entertainment events with no link to the SUG.
- Events that primarily benefit Elected Members in a personal capacity or in a role other than their role at the SUG.

If there are more Elected Members than tickets provided then the Mayor shall allocate the tickets.

### **Key issues to consider**

In considering whether a benefit such as an invitation to an event or hospitality given to an elected member or a CEO is a gift for the purposes of the Act and Regulations, the key issues include:

- Who is a donor, the person who is offering or giving the benefit?
  - What is the value of the benefit?

- Does the elected member or CEO of the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
- If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.

## **B. Commercial entertainment events**

Any tickets accepted by an elected member or CEO without payment for any commercial entertainment event, for which a member of the public is required to pay whether sponsored by the Shire or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the Shire President or his / her representative attends the event in an official capacity to perform a civic or presidential function.

Where there is a commercial entertainment event that, in the opinion of the Chief Executive Officer, it is in the interests of the Shire for one or more elected members or CEOs to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event will be purchased for the relevant elected member or CEO by the Shire at full cost.

## **C. Other commercial (non-entertainment) events**

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Chief Executive Officer is of the opinion that it is in the interests of the Shire for one or more Elected Members or CEOs to attend (such as for their professional development or to undertake a function as an Elected Member or CEO), then one or more registrations or other benefits for that event will be purchased for the relevant Elected Member or CEO by the Shire at full cost to enable attendance.

If the Shire does not pay for the event, free registration or any other benefit (such as hospitality) given to an Elected Member or CEO would be classified as a 'gift' unless the contribution of the Elected Member or CEO to the event (such as by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Elected Member or CEO.

## **D. Community/local business events**

Acceptance of reasonable and modest hospitality by an Elected Member or CEO at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the Elected Member or CEO to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the Elected Member or CEO attends the event in his or her capacity as an Elected Member or CEO - preferably where the attendance has been specifically authorised by the Shire, but otherwise where the person is performing his or her functions as an Elected Member or CEO.

## **E. Perceived or actual conflict**

Event attendance may create a perceived or actual conflict, which may preclude council members participating or CEOs providing advice at a future meeting.

If the amount of an event ticket (gift) is less than \$1,000, and relates to a matter before Council, under section 5.68 of the Act, Council may allow the disclosing council member to participate on the condition that the interest, the council's decision and the reasons for that decision are recorded in the minutes.

If the amount gift is above \$1,000 the council or CEO must apply to the Minister for permission to allow the member or CEO to participate.

### **Principles**

- Legislative and Strategic Context
- Legislation, directives, guidelines, Acts or Regulations that provide the broad framework within which the policy operates and/or with which it needs to comply follow:
- Local Government Act 1995

### **Receipt of Gifts**

In accordance with sections 5.87A and 5.87B of the Act, council members and CEOs are required to disclose gifts that are received in their capacity as a council member (or CEO) and

- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.



**SECTION FOUR (A)- GOVERNANCE MEMBERS**

<b>DOCUMENT:</b>	<b>4.16(A) Citizenship Ceremony Dress Code</b>	<b>REVIEW:</b>	<b>Triennially (or when required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	30/10/2020	Creation of new policy in line with section 25 of the Ministerial & Citizenship Ceremonies Code	
John McCleary	29/12/2022	No Changes	

**4A.16 CITIZENSHIP CEREMONIES DRESS CODE POLICY**

**Objective**

To ensure the Citizenship Ceremonies Dress Code outlines the Shire of Upper Gascoyne’s expectations for conferees and guests attending the Shire’s Citizenship Ceremonies to reflect the significance of the occasion.

**Scope**

This policy applies to all conferees and guests attending the Shires ceremony.

**Policy**

Citizenship Ceremonies are an important event where people make a commitment to Australia, therefore the attire of attendees at our Citizenship Ceremonies should reflect the significance of the occasion.

The Shire recommends that attendees wear as a minimum, smart casual attire. Attendees are also welcomed to wear their own national/traditional/cultural dress as an acceptable standard.

Ceremonies can be held at any time during the year and the Shire recommends that attendees should dress appropriately for the season – especially in our summer months. The following attire is not considered appropriate to be worn to Citizenship Ceremonies:

- Bare feet
- Thongs
- Slippers/Ugg boots
- Beach attire
- Sports training attire
- High Vis attire
- Items of clothing with offence words or images



## SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

DOCUMENT:	4.1(B) Staff Vehicles	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	13/03/2019	Made a minor change to point 7.	
John McCleary	19/06/2020	Added a Restricted Private Use clause	
John McCleary	29/12/2022	No changes.	

### **4B.1 STAFF VEHICLES**

#### **Objective**

To clarify the conditions of use for shire supplied vehicles to staff as part of their employment and to ensure that the vehicles are also available for staff and Councillors for Council business during normal business hours.

#### **Definitions**

*“Fully Maintained”* means that the shire meets all costs associated with the operation of the vehicle during all approved use. This includes the costs of licensing, insurance, fuels and oils, tyres and servicing.

#### **Types of use**

Vehicle usage is negotiated by the Council for the Chief Executive Officer or by the Chief Executive Officer for other employees.

Vehicle type and use will be negotiated under the following categories:

*“Unrestricted Private Use”* – means a fully maintained shire supplied vehicle allocated for use by an Officer for private purposes outside of working hours including periods of approved leave within the State of Western Australia or as otherwise provided in their Employment Contract. For the purposes of this policy the Council acknowledge that this definition applies to the CEO whilst he or she is away from the Shire and is utilising a rental car.

*“Restricted Private Use”* - means a fully maintained shire supplied vehicle allocated for use by an Officer for private purposes outside of working hours, this does not include Annual Leave, within the Gascoyne Region or as otherwise provided in Employment Contract.

*“Commuter Use”* – means a fully maintained shire supplied vehicle for the purpose of commuting between the Officer’s place of employment and residence.

#### **Standard Conditions of use**

1. The authorised Officer is responsible for ensuring that the vehicle is kept in a clean and tidy condition at all times. The costs of washing and vacuuming the motor vehicle will be met by the Officer.

2. The vehicle is to be regularly serviced in accordance with the service schedules with the cost to be borne by the Shire.
3. All fuel must be claimed either using the Shire's fuel cards or the Chief Executive Officer's credit card. Fuel purchased by cash or the Officers personal credit card cannot be reimbursed unless a receipt is provided relative to the official or contracted use of the vehicle.
4. The vehicle may be driven by a spouse or partner provided the Officer has given permission for the other person to drive the vehicle and the other person has a valid Driving license that is applicable to that class of vehicle.
5. The Officer / Councillor, whilst the vehicle is being driven by that Officer / Councillor, their spouse or partner, accepts responsibility for any vehicle damage if the Shire's Insurer rejects liability on the grounds of the driver not complying with ANY CONDITION CONTAINED WITHIN the insurance policy.
6. The Officer / Councillor / Authorised Person, whilst the vehicle is being driven by that Officer / Councillor / Authorised Person, their spouse or partner, will be responsible for any traffic infringements or parking fines received.
7. Where possible, the vehicle is to be stored off the street and under cover.
8. During office hours the vehicle is to be available for staff to utilise for business purposes, and, with the Officer's agreement, for Councillors to use for official business, unless the Officer's negotiated salary package specifically states otherwise.
9. Officers not entitled to use the vehicle on annual leave are required to relinquish the vehicle at the conclusion of their final working day prior to going on leave and collect it on the morning of their first working day after the conclusion of their leave.
10. The Officer is generally entitled to use the vehicle for rostered days off and public holidays, unless the Officer's negotiated Employment Contract specifically states otherwise.

#### **Breach of condition of use**

If the Officer responsible for the vehicle fails to meet any of the conditions of use, the Chief Executive Officer may, after considering the seriousness of the non-compliance, withdraw the use of the vehicle for other than work related activities for a period considered appropriate by the Chief Executive Officer.

Any such action shall be notified in writing to the Officer and a copy placed on the Officer's personnel file.



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	<b>4.2(B) Shire Keys</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	No changes	
John McCleary	29/12/2022	No changes	

**4B.2 SHIRE KEYS**

The Shire administration will maintain an up to date key register which will identify which staff has keys and what keys they have.

It will be the responsibility of each employee and each manager to ensure that keys are returned once the employment of a staff member has ceased.

Staff members who lose keys are to report this to their manager as soon as they become aware that the keys are lost.

Keys taken from the Corporate Key Box are to be signed out and signed back in once returned.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	<b>4.3(B) Corporate Uniform, Dress Code &amp; Hygiene at Work</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	Added a \$ amount	
John McCleary	19/05/2020	Insertion of reimbursement for prescription safety glasses.	
John McCleary	29/12/2021	No changes	

### **4B.3 CORPORATE UNIFORM, DRESS CODE, & HYGIENE AT WORK POLICY**

#### **Policy Statement**

The type of clothing and standard of dress for the Shire of Upper Gascoyne's employees varies according to roles and safety requirements. This policy provides parameters regarding appropriate types of clothing, standards of dress and related matters.

#### **Commitment**

The Shire of Upper Gascoyne is committed to presenting itself in a professional manner as well as maintaining a safe and healthy working environment for its employees. This policy aims to fulfil such a commitment by providing clarity in relation to personal clothing and hygiene standards.

#### **Compulsory Uniform/Protective Clothing**

The Shire of Upper Gascoyne will require employees to wear a uniform or other approved business standard clothing. The Shire of Upper Gascoyne will provide the uniform at no cost to the employee.

An allowance will be provided in the budget for the purchase and maintenance of uniforms, at commencement and each subsequent year of service, this is reviewed at each budget. The following applies in relation to compulsory wearing of Shire of Upper Gascoyne uniforms:

- The employee is responsible for ensuring their uniform is kept clean and presentable. Any employee who fails to wear the required uniform when presenting for duty may be sent home to change and may not receive payment for the time they are not at work;
- Uniforms shall be replaced if it is determined by an appropriate officer that they are no longer suitable for use due to ordinary wear and tear;
- If an employee's uniform is damaged the employee may be

entitled to a replacement uniform or an additional one-off allowance. An employee may not be entitled to a replacement uniform or an additional one-off allowance if their uniform has been damaged due to neglect or misconduct. In such cases the employee will be responsible for the replacement costs of the uniform; and

### **Additional Requirements Relating to Protective Clothing**

An employee may be instructed to wear protective clothing by an appropriate officer. Employees will be issued with protective clothing by the Shire of Upper Gascoyne. An employee must not modify, alter or change protective clothing under any circumstances unless they are directed to do so by an appropriate officer.

Should an employee be require a prescription for their safety glasses, the Shire of Upper Gascoyne will reimburse an employee up to the value of \$500 every two years. An employee will be reimbursed upon completing an expense claim form and proof of purchase (receipt).

### **Wearing of Uniform out of Hours**

Primarily uniforms are to be worn only during working hours and employees should take care to refrain from wearing uniforms outside of work. Employees must recognise that when wearing the uniform they are recognised as representing the Shire of Upper Gascoyne.

### **Acceptable Standards of Dress**

Employees who are not required to wear uniforms must present for work in a professional manner and be suitably attired for their work activities. The standard for both men and women is smart business dress.

Smart business dress for work may include, dress jeans, tailored trousers, tailored skirts, collared business shirts, tailored shorts, tailored jackets, dresses, blouses, smart/business shoes, socks, appropriate footwear, belts and ties.

Smart business dress for work does not include; low cut or sheer tops, tops that expose the midriff, shorts that expose the buttocks, thongs, bare feet, singlets, faded jeans, frayed jeans, board shorts or other items of clothing deemed unsuitable by an appropriate officer. The following items may be acceptable provided they do not pose any possible hazard to health and safety at work or deviate significantly from the image required in the given work area.

- Clothing worn to comply with cultural or religious practices;
- Tattoos or body piercings; and
- Jewellery.

An Employee's hair should be neat and tidy and kept in a clean condition. Employees with long hair may be required to tie it back or wear a hair net at the request of an appropriate officer.

### **Casual Dress Days**

On “casual dress” days, “smart casual” is the minimum required standard. Further guidance is available from the respective line manager.

### **Unacceptable Standards of Dress**

The following items are unacceptable at the Shire of Upper Gascoyne:

- Clothing that contains messages or designs that may be offensive to others including but not limited to items of clothing which may be considered racist, sexist or derogatory; and
- Body tattoos that contain messages or designs that may be offensive to others including but not limited to tattoo’s which may be considered racist, sexist or derogatory. If so determined that they are offensive an appropriate officer may ask for them to be covered up whilst at work.

### **Personal Hygiene**

Employees are responsible for ensuring that they maintain good standards of personal hygiene whilst at the workplace. Clothes should be laundered to a reasonable standard and employees should be respectful of others and minimise strong body odour, perfumes and colognes when attending the workplace.

Where problems are identified in working arrangements or facilities or with the health and safety of the individual, these must be reported to a responsible person immediately.

All matters relating to personal hygiene will be handled sympathetically and discreetly.

### **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 Upper Gascoyne. People who breach the policy may also be personally liable for their actions.

### **Variation to This Policy**

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



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	4.4(B) Loss of Motor Vehicle License	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	No changes made.	
John McCleary	29/12/2022	No changes made.	

**4B.4 LOSS OF MOTOR VEHICLE LICENSE**

An employee who loses their motor driver’s license or has that license suspended or it expires and the person cannot legally drive a motor vehicle, the loss, suspension or expiry shall be reported immediately to the employee’s supervisor or the Chief Executive Officer.

The employee will be given two weeks to rectify the situation and demonstrate to the Supervisor or Chief Executive Officer that they have regained that license. Should the employee fail to comply then a notice of termination of employment may be served unless other circumstances apply as determined by the Chief Executive Officer.

Should an employee lose their motor vehicles drivers’ license and their principal employment is operating vehicles or machinery requiring a driver licence they may be terminated from their employment.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

DOCUMENT:	4.5(B) Rostered Day's Off	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	13/03/2019	Took out part time employees and put in a new clause (7). Modified clause 6 so that this does not apply to the CEO due to work requirements.	
John McCleary	29/12/2022	Included point 8 where Staff can cash out their RDO entitlement. Included Executive Time Off as being under the same conditions as the RDO requirements.	

### **4B.5 EXECUTIVE TIME OFF / ROSTERED DAYS OFF**

#### **Objective**

To provide guidance on taking and accruing time for an Executive Time Off / Rostered Day Off, which effectively provides for a 19 day month.

#### **Details**

1. That these arrangements apply to full time Administration and Town staff.
2. One (1) RDO / ETO shall be accrued in every four (4) weeks - (20 day) work cycle.
3. Hours of duty shall be eight (8) hours per day.
4. (i.e. 19 days x 8 hours = 152 hours, the same as 7.6 hours per day for 20 days = 152 hours)
5. 4 There shall be 13 RDO / ETO days per year.
6. The 13<sup>th</sup> RDO / ETO is included in the annual leave period.
7. 5 The Manager Finance and Corporate Services will arrange suitable RDO days for office staff and the Works and Services Manager for the Town Maintenance staff, to suit operational requirements.
8. No staff member can accrue more than 5 RDO's / ETO's, with the exception of the CEO as this is covered off in their Contract of Employment.
9. It is the responsibility of each Manager and staff members to monitor their RDO / ETO entitlements and should it come apparent that they will breach point 6 above they are required to enter into a plan so that they are not in breach of point 6 above.
10. Staff have the option to cash out their RDO / ETO entitlements.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.6(B) Voluntary Superannuation Contribution	<b>REVIEW:</b>	Triennially ( or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	Provided more clarity around the contributions and salary sacrifice.	
John McCleary	29/12/2022	No changes.	

### **4B.6 VOLUNTARY SUPERANNUATION CONTRIBUTION POLICY**

#### **Objective**

This policy is designed to provide guidelines for Staff contribution and Council contribution of superannuation to the Shire of Upper Gascoyne employees over and above the Superannuation Guarantee.

This policy is designed as an incentive to attract and retain staff as Council realises that this is both cost effective and maintains productivity.

The Shire of Upper Gascoyne is required under the Federal Government Superannuation Guarantee to pay into a complying superannuation fund on behalf of its employees a percentage of their gross wage / salary, this amount is currently set at 10.50%.

#### **Policy**

1. Each employee will receive the amount of legislated Federal Government Superannuation Guarantee.
- 2.
3. As an incentive for employees, the following additional superannuation contributions will apply:
  - a. Each employee will be entitled to receive up to 5% additional superannuation over and above the Superannuation Guarantee Contribution on a 1 to 1 basis.
  - b. Each employee who elects to be a part of the additional superannuation must salary sacrifice the same proportion, as the Shire Contribution – i.e. Salary Sacrifice 5% of their salary into their superannuation plan and the Shire will also contribute an additional 5% into their superannuation plan.
  - c. Employees may elect to Salary Sacrifice less than the maximum 5%, if so the Shire will match this contribution at the same per centum.

- d. Employees may vary their level of contribution as circumstances apply, in any event no more than 5%.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

DOCUMENT:	4.7(B) Staff Vacancies	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	13/03/2019	Slight changes to reflect the L/GVT Act	
John McCleary	29/12/2022	No changes.	

### **4B.7 STAFF VACANCIES – ADVERTISING**

#### **Objective**

To provide clarity as to how vacancies may be filled. Section 5.41(g) for the Local Government Act 1995 provides that the CEO is responsible for the employment, management, supervision, direction of employees.

#### **Details:**

The Chief Executive Officer is to assess a vacant position and consider if any internal employees are suitable for the vacant position. If an internal employee meets the requirements of s5.40 of the Local Government Act they may be offered the vacant position without advertising.

The Chief Executive Officer may also be aware of potential candidate(s) that would be suitable for a vacancy and may elect to offer a position without advertising.

Where there is no suitable internal employee or the Chief Executive Officer considers external advertising to be more appropriate to attain a broader range of applicants, the position should be advertised on electronic job sites, the shire web site and in regional or state newspapers; as deemed appropriate by the CEO.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.8(B) Employment of an Employee's Spouse / Partner or Family Member	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	No changes.	
John McCleary	29/12/2022	Clarified the policy in relation to casual employment.	

#### **4B.8 EMPLOYMENT OF AN EMPLOYEE'S SPOUSE / PARTNER OR FAMILY MEMBER**

##### **Objective:**

It is not an uncommon practice in smaller or remote areas for a husband and wife team (or partner) to be working for the same local government.

This might occur as a consequence of the other being appointed to a senior position with the Shire of Upper Gascoyne and the need (and availability) of suitable persons to do the second job on offer.

The shire will ensure there is a transparent process for the selection of a new employee in the circumstance when one of the applicants is a relative or partner of an existing senior employee. It is the intention of this policy to remove as far as possible any perception as to conflict of interest or nepotism.

##### **Detail:**

Whilst acknowledging the provisions of Sections 5.40 and 5.41 of the Local Government Act 1995, the shire requires the officer to remove himself/herself from the selection process should one of the applicants for a position with the shire be a spouse, partner or close relative.

In these cases the CEO will assemble a board which will consist of a Shire Employee(s) and a Councillor to assess the applicants and undertake any necessary interviews.

The board will prepare a report which will detail their recommendation of the successful applicant. This report will be presented to the CEO for his / her consideration.

The CEO is the ultimate decision maker in accordance with the Local Government Act.

Casual appointments will not be subject to this policy if the term of employment is less than four weeks continuous service and there are no other potential candidates available.



## SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

DOCUMENT:	4.9(B) Social Media	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	16/03/2019	No changes.	
John McCleary	29/12/2022	No changes.	

### **4B.9 SOCIAL MEDIA**

#### **Policy Statement**

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

The objective of this policy is 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 Upper Gascoyne.

This policy applies to all employees and contractors (whether paid or unpaid) at the Shire of Upper Gascoyne who access social media for professional or social purposes whether via personal devices or those supplied by the Shire of Upper Gascoyne.

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, Pinterest, LinkedIn, Twitter; YouTube, and Foursquare.

#### **Social Media Use for the Shire of Upper Gascoyne Purposes**

Shire of Upper Gascoyne may direct specified employees to use social media for the Shire of Upper Gascoyne purposes.

If a person is provided with express permission by the Chief Executive Officer to use social media she/he must provide information that is truthful, accurate and in the interests of the Shire of Upper Gascoyne. She/he must not disclose anything that is commercially sensitive information, sensitive 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:

- Use spell check and proof read each post;
- Understand the context before entering any conversation;
- Know the facts and verify the sources;

- Be respectful of all individuals and communities with which the person interacts with online;
- Be polite and respectful of other opinions;
- Seek to conform to the cultural and behavioural norms of the social media platform being used;
- 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
- Understand and comply with any directions given by the CEO on topics that are not to be discussed for confidential, operational or legal reasons.

A person should always be aware that the Shire of Upper Gascoyne may be liable for any posts made. Accordingly she/he should always seek guidance from his/her supervisor or the Chief Executive Officer if she/he is ever unsure about stating or responding to something on a social media site.

### **Records Personal/Private Use of the Shire of Upper Gascoyne's Corporate Sites**

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

A person of the Shire of Upper Gascoyne is able to share links that the Shire of Upper Gascoyne 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 Local Government.

### **Personal/Private Use of Non-Shire of Upper Gascoyne Sites**

Employees at the Shire of Upper Gascoyne are permitted reasonable use of social media for personal/private purposes on the condition that it does not interfere with the performance of their work.

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

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

The 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 Upper Gascoyne or referral to appropriate external authorities where applicable. People who breach the policy may also be personally liable for their actions.

### **Variation to this Policy**

This policy may be cancelled or varied from time to time. All the Shire of Upper Gascoyne's employees will be notified of any variation to this policy by the normal correspondence method. All users of social media (be it for personal or professional purposes) within the organisation are responsible for reading this policy prior to accessing social media.



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	4.10(B) Staff use of office facilities / equipment for personal use	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	Added clause 7	
John McCleary	29/12/2022	No changes.	

**4B.10 STAFF USE OF OFFICE FACILITIES / EQUIPMENT FOR PERSONAL USE**

1. There should be no private use of shire equipment by employees for commercial gain unless there is a specific authorisation from the CEO;
2. The shire equipment may be utilised by staff for personal use, with the discretion of this use subject to individual circumstances and with approval of the MWS or Chief Executive Officer;
3. All shire equipment should be returned to the facility taken from within the period of time agreed (preferably on the weekend or Rostered Days Off);
4. Any employee found utilising equipment outside of the circumstances approved by the MWS or Chief Executive Officer or utilising the equipment in such a manner to be considered negligent or profiteering, that employee will forfeit future access to any shire equipment;
5. Any damage to equipment is to be reported and repaired to a satisfactory standard at the cost of the employee;
6. The employee is responsible for returning the equipment with the same level of fuel that was in the machine prior to usage; and
7. The employee must have the appropriate license, skill and experience to operate machinery.



## SECTION FOUR (A)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.11(B) Grievance, investigations & resolutions	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	No changes.	

### **4B.11 GRIEVANCE, INVESTIGATIONS & RESOLUTIONS POLICY**

#### **Policy Statement**

All employees have a right to express any genuine grievances or complaints via an impartial internal process. All employees involved in a grievance process are expected to participate in good faith.

#### **Roles**

*Complainant* – An employee who raises a complaint about a matter regarding the workplace.

*Respondent* – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.

*Support Person* – A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.

*Witness* – A person (including an employee) who is requested by the Shire of Upper Gascoyne to assist the process by providing relevant information regarding the complaint.

#### **What to do if you have a Complaint?**

If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Local Government's policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion. If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager or the Chief Executive Officer directly.

If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach the Chief Executive Officer.

The employee who receives the complaint must contact the Chief Executive Officer and decide upon the most appropriate way to take the matter forward, whether it is an informal

discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

### **Key Principles in the Complaint Resolution Process**

The following principles are necessary for the fair investigation and resolution of a complaint:

- Confidential – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Upper Gascoyne may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint;
- Impartial (fair/unbiased) – Both parties will have an opportunity to put their case forward. No assumptions are made and no action will be taken until available and relevant information has been collected and considered;
- Sensitive – The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation;
- Timely – The Shire of Upper Gascoyne aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;
- Documented – All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient;

*Natural Justice – The principles of natural justice provide that:*

- A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made;
- A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation;
- anyone involved in the investigation should be unbiased and declare any conflict of interest;
- decisions must be based on objective considerations and substantiated facts; and
- the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.

*Procedural Fairness – The principles of procedural fairness provide that:*

- the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- A Respondent is entitled to receive verbal or written communication from the Shire of Upper Gascoyne of the potential consequences of given forms of conduct, as applicable to the situation;
- The Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- Any mitigating circumstances presented to the Shire of Upper Gascoyne through the grievance process are investigated and considered;
- the Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- All interviews of witnesses are conducted separately and confidentially.

### **Outcome of Making a Complaint**

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with the Chief Executive Officer, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

### **Vexatious or Malicious Complaints**

Where a Complainant has deliberately made a vexatious or malicious complaint, the Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

### **Victimisation of Complainant**

A Complainant must not be victimised by the Respondent or any other employee of the Shire of Upper Gascoyne for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

### **Variation to This Policy**

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

**Related Corporate Documents**

- Discrimination, Harassment, & Bullying Policy
- Code of Conduct
- Disciplinary Policy



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	<b>4.12(B) Disciplinary Policy</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	No changes	
John McCleary	30/12/2022	No changes	

**4B.12 DISCIPLINARY POLICY**

**Policy Statement**

The Shire of Upper Gascoyne may from time to time consider that issues of employee behaviour, misconduct or unacceptable performance levels require disciplinary action.

**Application**

This policy applies to all employees who work at the Shire of Upper Gascoyne.

**Commitment**

The Shire of Upper Gascoyne is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with the Shire of Upper Gascoyne policies, procedures and guidelines (Policies). Any disciplinary procedure will be applied in a consistent, fair and objective manner, and it will ensure that, where reasonable, employees are given an opportunity and assistance to improve.

**Authority to take Disciplinary Action**

Disciplinary action may only be taken when authorised by the Chief Executive Officer or the Council in respect to the CEO.

**When the Disciplinary Policy Applies**

Some examples of when this policy may be invoked include breaches of the Shire of Upper Gascoyne policy and procedures including, but not limited to:

- breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or
- poor performance such as frequently attending for work late or producing a poor quality or work; or
- inappropriate personal behaviour such as theft, violating the Discrimination, Harassment and Bullying Policy, or wilfully disobeying a lawful instruction.

## **General Disciplinary Principles**

The following principles will apply to any disciplinary action taken.

- *Nature of allegation and investigation:* Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may ensue, in accordance with the *Grievances, Investigations & Resolution Policy and Procedure*;
- *Right to a support person:* Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of a support person is not to advocate on behalf of anyone, but to simply provide emotional or other support;
- Confidential: All parties must keep matters related to a disciplinary process confidential and
- Fair and impartial: The Shire of Upper Gascoyne strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

## **Serious Misconduct**

Serious misconduct pursuant to the Fair Work Regulations 2009 (Cth) includes, but is not limited to:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to the health or safety of a person; or the reputation, viability or profitability of the Shire of Upper Gascoyne;
- the employee, in the course of the employee's employment, engaging in:
  - (i) theft; or
  - (ii) fraud; or
  - (iii) assault; or
  - (iv) the employee being intoxicated or under the influence of drugs at work; or
  - (v) the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

If an employee engages in serious misconduct, disciplinary action that may be taken includes, but is not limited to, summary dismissal (termination of employment without notice).

## **Other Disciplinary Action**

With the exception of serious misconduct, where an employee has engaged in an act or omission which is inconsistent with any of the Shire of Upper Gascoyne's Policies, the employee could be disciplined as follows:

- Verbal warning – Where an employee engages in an act or omission which is inconsistent with the Policies, management has the discretion to issue the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee’s personnel file;
- Written warning – If the employee engages in a more serious act or omission, or acts in a manner which is inconsistent with the Policies, management has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning.; and
- Termination of employment with notice – In cases other than summary dismissal, an employee’s employment may be terminated with notice or payment in lieu of notice provided the Shire of Upper Gascoyne has a valid reason for terminating the employee’s employment and the employee has an opportunity to respond to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the Shire of Upper Gascoyne’s discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

### **Principles to be Applied**

Where disciplinary action is taken, the principles of procedural fairness must prevail. These principles are expanded on in the Shire of Upper Gascoyne’s Grievances, Investigations, and Resolutions Procedure.

### **Investigation Procedures for Alleged Misconduct**

Investigations into alleged misconduct should follow the processes detailed in Shire of Upper Gascoyne’s *Grievances, Investigations, and Resolutions Policy and Procedure*.

### **Reporting Obligations**

If an officer or employee of the Shire of Upper Gascoyne has reporting obligations pursuant to the Corruption and Crime Commission Act 2003 (WA) and suspects on reasonable grounds that a matter arises which concerns or may concern misconduct, the Corruption and Crime Commission must be notified of that matter as soon as reasonably practicable. Employees must also be aware of and adhere to any obligations pursuant to the Public Interest Disclosure Act 2003 (WA).

### **Variation to this Policy**

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



## SECTION FOUR (B)- ADMINISTRATION

DOCUMENT:	4.13(B) ICT Use Policy	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	16/03/2019	No changes	
John McCleary	30/12/2022	No changes	

### **4B.13 ICT USE POLICY**

#### **Policy Statement**

Effective security is a team effort involving the participation and support of every Shire of Upper Gascoyne 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.

#### **General Use of ICT Equipment**

- While Shire of Upper Gascoyne’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 Shire of Upper Gascoyne. Because of the need to protect Shire of Upper Gascoyne’s network, the confidentiality of personal (non-work-related) information stored on any network device belonging to Shire of Upper Gascoyne cannot be guaranteed;
- A degree of personal use is allowed on the Shire of Upper Gascoyne’s equipment/devices/systems. Employees should exercise conservative judgment regarding the reasonableness of personal use but should be guided by the following principles:
  - Personal use should be limited and brief, avoiding excessive download or transmission. An example of acceptable personal use would be conducting brief transactions through internet banking;
  - Personal use should not breach anything in this policy, particularly relating to the downloading of offensive or copyrighted materials; and If there is any uncertainty regarding acceptable personal use then employees should consult the Chief Executive Officer;
  - For security and network maintenance purposes, authorised individuals may monitor equipment, systems and network traffic at any time, according to the specific nature and requirements of their roles.
- The Shire of Upper Gascoyne 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 Upper Gascoyne staff should include the 'signature' and disclaimer at the foot of the body of the email.

### **Security and Proprietary Information**

- All information stored on the Shire of Upper Gascoyne'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 the Chief Executive Officer.
- 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 advice from the ICT Consultants;
- All devices connected to the Shire of Upper Gascoyne's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software; and
- People must use caution when opening files received from unknown senders.

### **Unacceptable Use**

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

### **System and Network Activities**

The following activities are not permitted:

- Violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Shire of Upper Gascoyne or the end user;
- Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which Shire of Upper Gascoyne or the end user does not have an active license;
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is unclear;
- Introduction of malicious programs or code into the network or onto devices connected to the network;

- Revealing your account password to others or allowing use of your account by others;
- The Shire of Upper Gascoyne's equipment is not be used for the downloading or distribution of any material that could be considered as offensive. If a user receives such material they should notify their manager;
- Making fraudulent offers of products, items, or services, or running private business interests via any Shire of Upper Gascoyne equipment, device or account; and
- Undertaking unreasonable (as determined by the CEO) private work.

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

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

### **Email and Communications Activities**

The following activities are not permitted:

- Any form of harassment via electronic/ICT means;
- Unauthorised use, or forging, of email header information;
- Solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies;
- Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- Use of any of the Shire of Upper Gascoyne's network or systems for the purpose of generating unsolicited communications;

- Providing information about, or lists of the Shire of Upper Gascoyne's employees to parties outside the Shire of Upper Gascoyne or to personal email addresses;
- Communicating in a manner that could adversely affect the reputation or public image of the Shire of Upper Gascoyne and
- Communicating in a manner that could be construed as making statements or representations on behalf of the Shire of Upper Gascoyne; and

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

Users with remote access should be reminded that, when they are connected to the Shire of Upper Gascoyne'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 Upper Gascoyne's corporate equipment and systems.

That is, their machines need to connect and communicate reliably with the Shire of Upper Gascoyne's network and servers to ensure the security and integrity of data and records.

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

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

### **Provision and Use of Mobile Phones and Information/ Communication Devices**

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

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

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

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

### **Consequences of Breaching This Policy**

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

### **Variation to This Policy**

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



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	4.14(B) Relocation expenses for new permanent full time employees.	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	Added clause 2 a)	
John McCleary	30/12/2022	No change.	

**4B.14 RELOCATION EXPENSES– NEW PERMANENT FULL TIME EMPLOYEES**

This Policy applies only to permanent, full time employees.

- (1) Where furniture and belongings are transported by a removal company:
  - a) The best value of three furniture removal quotes is accepted.
  - b) The shire will meet up to \$7,000 of the total cost payable in two halves. 50% on arrival and 50% after 12 months service.

If less than 12 months service is given the employee is to reimburse the shire the removal costs on a pro-rata i.e. after 6 months service 50% of the 50% which has been paid is to be refunded to the shire.

- 2 Where furniture and belongings are transported by the new employee’s own arrangements:
  - a) The new employee will need prior permission from the CEO and the amount payable cannot exceed \$7,000. The CEO will reimburse for travel at the same rate as provided for in the award and the hire of a trailer
  - b) The new employee be required to furnish a detailed claim of the expenses incurred with the Chief Executive Officer.

Arrangements as detailed in (1)b and (2)a above apply except if the claim is \$500 or less in which case the amount claimed can be paid.



SECTION FOUR (B)- GOVERNANCE ADMINISTRATION			
DOCUMENT:	4.15(B) Interview Expenses	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	No changes.	

**4B.15 INTERVIEW EXPENSES**

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

- a) If air travel is appropriate and available an amount equal to a single economy return class airfare from the closest airport to Carnarvon and return. The Shire will also pay the cost to hire a car to travel from Carnarvon to Gascoyne Junction and return.
- b) If any other form of travel is appropriate the actual cost to from the place of residence of the applicant to the place of interview and return. The applicant will be required to provide receipts for any expenditure claimed.

Note: Administration should look at all other interview options such as facetime, skype, video conferencing and telephone conferencing before entering into either option a) or b) above.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

DOCUMENT:	4.16B Staff Use of Hire Cars	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	Minor changes clarifying private use of a Hire car.	

#### **4B.16 STAFF USE OF HIRE CARS**

Due to the location of the Shire of Upper Gascoyne there are times where officers of the Shire are required to fly to Perth or elsewhere to carry out Shire related business. In some cases the officer will need to hire a vehicle to travel to various places to carry out Shire related business.

The Shire recognises that officers may take the opportunity whilst away to undertake some private travel to see family, friends and undertake personal activities.

The Shire CEO will determine if a hire vehicle is appropriate and will also determine if the officer is permitted to utilise it for personal benefit during their stay.

The CEO has the ability to self-approve the private use of a hire car on the provision that it is for no longer than 5 days and the CEO may use the hire vehicle for private use on the same terms and conditions contained in their contract of employment relating to use of a Shire supplied vehicle.



## SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.17B Leave	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	Added a clause covering the outside works staff.	
John McCleary	30/12/2022	No changes	

### **4B.17 LEAVE**

#### **Purpose**

The purpose of this policy is to provide a consistent application of the leave provisions in the relevant industrial instrument by:

- Facilitating consistency throughout the Shire in administering the leave provisions for employees.
- Providing information to effectively manage Leave entitlements of employees.
- Encouraging employees to take leave by reinforcing the positive benefits of taking leave when it becomes due.

#### **Detail**

This policy applies to all employees who are employed on a full time or part time basis, but does not apply to employees employed on a casual basis or the Chief Executive Officer (apart from long service leave which apply to casuals and the CEO).

Employees shall be entitled to Annual and Long Service Leave consistent with the provisions of the National Employment Standards and the applicable industrial instrument.

The manager shall manage the taking of leave and maintain a leave roster ensuring that adequate coverage of functions is maintained. The Shire will endeavour to approve leave applications to meet the convenience of the employee, however the operational needs of the Shire must also be considered.

Leave application forms should be signed by the applicant and signed by the responsible Manager. All leave application forms need to be forwarded to payroll for action.

#### **Approvals and Obligations**

Leave applications forms are required to be completed and then to be submitted for approval to the relevant Manager four weeks prior to leave being taken, it is acknowledged that there may be circumstances where the four week application period cannot be undertaken and this is determined on a case by case basis. Leave applications will be considered in the context of needs of the employee, and the operational requirements.

Managers must consider how the duties and responsibilities of the position will be delivered in the absence of the employee on leave.

After approval, leave forms are forwarded to payroll for processing.

There may be times where a staff member has to take urgent leave and the application form is completed after returning to work, if this was to occur the CEO and the relevant manager are to give their verbal approval.

### **Annual Leave**

Annual Leave is not to accrue beyond 8 weeks (304 hours) at any time except in cases in which extenuating circumstances preclude an employee from taking their leave. There is no minimum amount of leave that can be applied for.

Upon completion of any stipulated probationary period, there is no requirement for an employee to wait until they have completed 12 months' continuous service before taking any accrued leave.

Annual Leave is generally taken between the Christmas / New Year Holiday period and the February the following this period (five weeks). The purpose is to allow for the machinery to be fully serviced and repaired as well as ensuring staff have a decent holiday. Exceptions can occur due to emergency situations and each staff member's availability of annual leave.

### **Deferral of Long Service Leave**

Employees must take long service leave within 6 months of it becoming due unless approval is given for it to be deferred. Employees must seek approval from the CEO or the Shire President in the case of the CEO to defer long service leave and in applying must:

- clearly identify the amount of leave accrued;
- at what date it will be cleared; and
- why it has not been cleared.

Where the commencement of long service leave has been postponed to meet the convenience of the employee beyond a period of six months, the rate of payment for or in lieu of that leave shall be at the rate applicable to the employee for ordinary time (excluding allowances) at the end of the period of six months unless otherwise agreed in writing between the Shire and employee.

### **Annual Leave – Chief Executive Officer**

The CEO shall seek permission from the Shire President to take annual leave if that Annual Leave is for a period exceeding 5 working days. Approval can be in the form of an email from the President.

Should the annual leave be less than the 5 working days the CEO has the ability to self-approve the leave and submit the leave application to the payroll officer after the annual leave has taken place.

### **Annual Leave – Road Work Crew**

The Shire of Upper Gascoyne outside works closes down for a period just prior to Christmas and extends for a period of five (5) weeks (early February), staff are requested to take their annual leave at this time, if an employee has insufficient leave they may make a request to the manager to come back to work early, if this is not possible, then the employee may need to take leave without pay.



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	4.18(B) Pre-Employment Medical	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	No changes.	

**4B.18 PRE-EMPLOYMENT MEDICAL**

Prospective employees will be required to undertake a pre-employment medical to ensure they are physically able to perform the duties that they are required to undertake.

**Objective:**

To ensure that persons being considered for employment at the Shire of Upper Gascoyne are physically able to perform the duties of the position and that due diligence and a duty of care has been exercised when employing personnel.

**Policy:**

All offers of permanent employment, with the Shire of Upper Gascoyne will be subject to the applicant satisfactorily completing a Medical Examination.

Such examination will be carried out at the Shire’s expense, by a qualified Doctor.

If, in the opinion of the medical practitioner, the applicant is considered fit for employment, and all other selection processes have been satisfactorily completed, Chief Executive Officer will continue with the formal offer of employment to the applicant in accordance with established procedure.

If, in the opinion of the medical practitioner, the applicant is considered to be unfit, the Chief Executive Officer will notify the applicant verbally and in writing that, based on medical opinion, the formal offer of employment has been withdrawn and the applicant has the option to obtain full details of the examination through their own medical practitioner.

An applicant will only be rejected on physical or medical grounds if:

- (a) the applicant is certified by a medical practitioner as being unfit to perform the direct tasks required of the position;
- (b) the applicant is physically unable to perform the tasks required of the position; and
- (c) the tasks cannot easily be modified so that they can be performed.

Having a disability or an existing ailment is not grounds for not employing a person where it does not prevent them from performing the required duties. However, care should be taken to:

- (a) seek medical opinion as to whether an existing ailment might be worsened by undertaking the position;
- (b) determine whether there is unreasonable risk of injury, either to the person or to others; and/or
- (c) determine whether it is unreasonably difficult to provide special facilities for the person to be able to work.

Consistent with the provisions above, where any doubt is raised about offering employment to a person with a disability, the matter will be referred to the Chief Executive Officer who will initiate discussions with the Commissioner for Equal Opportunity and assess any legal implications.



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	<b>4.19B Probationary Period</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	No Changes.	
John McCleary	30/12/2022	No changes.	

**4B.19 PROBATIONARY PERIOD**

All positions within the Shires permanent workforce will be subject to a probationary period of three (3) months with a provision to extend this to six (6) months if deemed necessary.

Should an employee be engaged on a casual basis prior to being engaged as a permanent employee the time served as a casual will be counted towards the three (3) month probationary period.



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

DOCUMENT	4.20B Paid Leave for Voluntary Service	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	Added a clause where staff members assist in an emergency	

***4B.20 PAID LEAVE FOR VOLUNTARY SERVICE***

All staff who are bona fide members of volunteer emergency service groups, such as the Fire Brigade, State Emergency Services, Ambulance, etc. who are required for emergency service during working hours shall be released and paid for time absent by Council up to the total of ordinary time usually worked during that day or the period of the emergency, but will not include time in excess of ordinary working hours, weekends or public holidays.

Staff members volunteering to assist during an emergency regardless if they are members of a volunteer service group will be paid or offered time in lieu for their services rendered.

For the purpose of this policy ordinary times shall be the time ordinarily worked on the days the employee may be absent, including standard overtime arrangements.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

DOCUMENT:	4.21B Conference & Seminar Attendance	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	No changes.	

#### **4B.21 CONFERENCE AND SEMINAR ATTENDANCE**

Requests to attend a conference or seminar from staff require the prior approval of the Chief Executive Officer. The Chief Executive Officer when making the decision to approve will take into account:

- Length of the attendance;
- Cost associated with attending the conference or seminar (airfares, accommodation, meals and registration fees);
- Current status of the Budget allocation;
- Where the conference or seminar is being held;
- How the absence of an officer will impact on the Shire operations;
- The level of value the conference or seminar will provide the Shire; and
- The level of value the conference or seminar will provide the attendee from a professional development point of view,

The Shire will pay all reasonable expenses relating to accommodation, meals and travel, as per the Taxation Determination TD 2022/10

<https://www.ato.gov.au/law/view/pdf/pbr/td2022-010.pdf> subject to presentation of documented evidence for the expense.

Should the Chief Executive see the need to attend a conference or seminar he or she is to seek approval from the Shire President or Council prior making any arrangements.

It is noted that some employment contracts make a provision for an officer to attend specific conference and seminars.



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	<b>4.22B Staff Training – Costs Applicable</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	Minor change to the use of the pool vehicle	

**4B.22 STAFF TRAINING – COSTS APPLICABLE**

- a) Where staff request authority to attend staff training, approval may be granted by the Chief Executive Officer having regard to the following:-
  - i. The relevance of the training to the staff member,
  - ii. The cost of the training,
  - iii. Budget allocation for training provided,
  - iv. Obligations of performance appraisals completed,
  - v. Any other relevant factors
  
- b) Where training is approved, The Shire will pay all reasonable expenses relating to accommodation, meals and travel, as per the Taxation Determination TD 2022/10 <https://www.ato.gov.au/law/view/pdf/pbr/td2022-010.pdf> subject to presentation of documented evidence for the expense.
  
- c) Whilst the Shire accepts its obligations to train its staff to satisfactory levels to enhance their performance, it shall be incumbent on the staff to recognize that training provides personal rewards and they should accept that overtime will not be paid for out of hours training attendance and travel and every effort shall be made to reduce costs associated with training in all areas of expense if possible.
  
- d) Where possible, if training is in Perth or another regional centre the officer shall either fly or use the Administration allocated pool vehicle rather than their personal vehicle.



## SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.23B Legal Advice	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	No changes.	
John McCleary	30/12/2022	No changes.	

### **4B.23 LEGAL ADVICE**

#### **OBJECTIVES**

To prescribe procedures for the Shire’s administration to obtain legal advice to ensure the most efficient and effective use of these resources.

#### **POLICY STATEMENT**

##### **1. Introduction**

The following is the Shire of Upper Gascoyne’s Policy and Procedures to be followed when obtaining legal advice.

##### **2. Purpose**

- 2.1 The policy outlines the circumstances in which obtaining specialist legal advice may be required and the arrangements for this; and
- 2.2 The Shire will seek expert legal advice where, in the opinion of the Chief Executive Officer, that advice is required to:
  - (a) minimise the potential risk of litigation;
  - (b) obtain assistance on interpretation and implications of relevant new and/or existing legislation or legal precedent;
  - (c) clarify statutory powers and responsibilities;
  - (d) clarify the Shire’s responsibility to take action to protect the health, safety and well-being of the Shire’s ratepayers/residents general public and protection of property; or
  - (e) ensure the best commercial outcome for the Shire.

##### **3. Definition**

Obtaining legal advice is defined as; “the procurement of specialist advice for areas of work where there are gaps in specialist and/or legal knowledge within the Shire”.

#### **4. Authorisation**

4.1 The Chief Executive Officer only will be able to access or authorise legal advice.

#### **5. Legal Advice**

5.1 The legal advice will be sought from a legal firm having specialised expertise in the matter being considered;



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	4.24B Staff seeking secondary employment	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	No changes.	
John McCleary	30/12/2022	Minor change – ad-hoc casual employment.	

**4B.24 STAFF SEEKING SECONDARY EMPLOYMENT**

Staff wishing to engage in employment outside their official duties, must obtain prior permission from the Chief Executive Officer or in the case of the CEO, the Council.

**OBJECTIVE :**

To allow staff to make application for secondary employment which will not interfere with or prejudice their employment with Council.

**POLICY:**

Staff that are approved to engage in Secondary Employment by this Policy are to acknowledge that their first duty is to the Shire of Upper Gascoyne and they are not to be engaged in providing their service/expertise to clients that will require a decision of the Upper Gascoyne Shire Council either by a Council resolution, delegated authority or Council policy.

- Staff shall not engage in secondary employment, which might be detrimental to their performance of official duties;
- Secondary employment should not affect their efficiency or performance;
- Should be wholly in the staff members private time;
- If in the course of their official duties, they have access to confidential information not available to the public, they will not be permitted to engage in any secondary employment to which this information might be relevant; and
- Should the Shire/management resolve to change the spread of hours of the officer then the Shire of Upper Gascoyne as principal employer takes priority.

Note: This policy does not apply to ad-hoc casual employment such as; working in a bar at a community or sporting event.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.25B Alcohol & Other Drugs Policy	<b>REVIEW:</b>	Triennially
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	16/03/2019	No changes	
John McCleary	25/04/2022		
Cherie Walker	03/02/2023	Removed the procedure for dealing with suspected drug and/or alcohol abuse in the workplace.	

### 4B.25 ALCOHOL & OTHER DRUGS POLICY

#### The Shire of Upper Gascoyne Commitment

The *Shire of Upper Gascoyne* and its employees must take all reasonable care not to endanger the safety of themselves or others (including members of the public) in the workplace. Alcohol and other drug usage becomes an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

The purpose of this policy is to ensure the following:

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

#### Application

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

#### The Individual's Responsibility

Under the *Occupational Safety and Health Act 1984* (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace.

The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions.

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

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

### **Reporting Requirements**

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

### **Drug Use on the Premises**

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

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

For the purposes of this policy, the term "premises" shall extend to cover all items of council vehicles, plant and outside work areas.

### **Consumption of alcohol on the premises**

Except in situations where the Local Government hold a function on the premises and alcohol is provided, employees must not consume alcohol in the workplace

### **Drug/Alcohol Treatment Programs**

Where an employee acknowledges that they have an alcohol and/or drug problem and are receiving help and treatment, the *Shire of Upper Gascoyne* may provide assistance to the employee.

- The *Shire of Upper Gascoyne* will allow an employee to access any accrued personal or annual leave whilst they are undergoing treatment. and;
- The *Shire of Upper Gascoyne* will take steps to return an employee is to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or possible termination from employment if the employee is unable to safely carry out the requirements of their role.

### **Managers' Responsibilities - Consumption of Alcohol at Work Functions**

Managers are required to:

- encourage employees to make alternative arrangements for transport to and from work prior to the function
- ensure that the following is made available: water, soft drinks, low alcohol drink options, tea and/or coffee and food

- assist the employee with safe transport home, including contacting a family member or arranging a taxi, if the manager believes a person may be over the Blood Alcohol Concentration (BAC) 0.05 limit, and
- appoint a delegate to oversee the remainder of the function if the manager has to leave early.

### **Pre-Employment Medical Tests**

As part of the recruitment selection criteria, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing.

### **Identification of Impairment & Testing**

If the *Shire of Upper Gascoyne* has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue.

Reasonable grounds may include (but are not limited to), where an employee's coordination appears affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.

If the *Shire of Upper Gascoyne* suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

- direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
- require that an employee undergo drug and alcohol testing administered by a representative of the *Shire of Upper Gascoyne*; and
- direct an employee to go home.

A medical assessment may include a drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the *Shire of Upper Gascoyne* may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The *Shire of Upper Gascoyne* may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.

The following steps are to be taken where an employee, who has submitted to a medical assessment, returns a positive test result for alcohol and/or drugs:

- the employee tested and the supervisor (or respective employer) will be informed of the result, and

- a disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the *Shire of Upper Gascoyne*.

### **Random Testing**

The Shire of Upper Gascoyne will carry out random testing and may utilise a variety of methods for random selection of employees. Management reserves the right to amend and adjust the random selection process. All staff on site must participate in the random selection. Random testing will be undertaken using drug swipe testing and a breathalyser conducted on site in the presence of a Local Government Officer. If a positive result occurs the local government will;

- require that an employee undergo drugs and alcohol testing administered by a suitable qualified person appointed by *the Shire of Upper Gascoyne*, and/or
- direct an employee to go home.

### **Education, training and awareness**

Employees who recognise that they have a drug and/or alcohol problem, or that they are at risk of developing one, are encourage to come forward so that they can be assisted to the get the appropriate help. *The Shire of Upper Gascoyne* engages the services of an external Employee Assistance Provider who can provide the Local Government's employees with free and confidential counselling. The Employee Assistance Provider can be contacted on:

**LGIS Counselling Services - Level 3, 170 Railway Parade West Leederville – P: 1300 550 276**

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

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

### **Confidentiality**

All testing results will be kept private and confidential.

### **Variation to this Policy**

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

### **Related Documents:**

#### **Internal:**

- 4B.1.2 Disciplinary Policy

#### **External:**

- Occupational Safety and Health Act 1984 (WA)



**SECTION FOUR (B)- GOVERNANCE ADMINISTRATION**

<b>DOCUMENT:</b>	<b>4.26B No Smoking Policy</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	05/02/2021	New Policy	
John McCleary	30/12/2022	No changes	

**4B.26 NO SMOKING POLICY**

**OBJECTIVE:**

To comply with appropriate legislation and provide a safe and healthy workplace.

**POLICY:**

Smoking is not allowed within any internal or enclosed Shire of Upper Gascoyne work areas in accordance with the Occupational Safety and Health Act 1984 and the Occupational Safety and Health Regulations 1996 including all offices and buildings and Shire vehicles which are occupied by employees.

Smoking is also strictly prohibited:

- in those areas or workplaces which are signposted with prohibitive signs;
- in enclosed spaces such as machinery
- where there is a high fire risk;
- within 5 metres from an entrance to any Shire building; and
- inside Shire Houses or other accommodation provided by the Shire.

**SCOPE:**

Applies to all elected members & employees.



#### SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.27B Fuel Card Policy	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	05/02/2021	New Policy	
John McCleary	30/12/2022	No changes	

#### **4B.27 FUEL CARD POLICY**

##### **OBJECTIVE:**

To ensure adequate controls exist for purchases made on Shire Fuel Cards.

##### **POLICY:**

1. Employees driving a Shire supplied vehicle, where required, will be issued with a Shire fuel card;
2. Cardholders must ensure that the fuel cards are only used for the fuel requirements of the vehicle associated with the fuel card;
3. Employees are to use the fuel card for the purchase of fuel relating to Shire business or as their individual employment contract stipulates;
4. Employees must ensure that they adhere to the requirements of the policy, otherwise they may forfeit the use of the fuel card and be subject to disciplinary action.

##### **SCOPE:**

This policy applies to all employees of the Shire of Upper Gascoyne that have been issued with a Shire Fuel Card.



## SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	4.28B Entertainment / Public Relations Expenditure	<b>REVIEW:</b>	Triennially (or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	14/10/2021	New Policy	
John McCleary	30/12/2022	No changes	

### **4.28B ENTERTAINMENT / PUBLIC RELATIONS**

#### **OBJECTIVES**

To prescribe procedures for the Shire’s administration to expend monies against this account.

#### **POLICY STATEMENT**

##### **1. Introduction**

The following is the Shire of Upper Gascoyne’s Policy to be followed when allocating funds towards either entertainment or public relations to ensure accountability and transparency.

##### **2. Policy**

- 2.1 Each financial year the Council will determine whether to set an amount and the quantum of such an allocation.
- 2.2 The CEO has the discretion to allocate funds as he / she determines appropriate.
- 2.3 The CEO must first inform the Shire President prior to making commitment and seek his / her approval before incurring any expenditure. Approval must be in the form of an email so as to provide an audit trail.



#### SECTION FOUR (B) - GOVERNANCE MEMBERS

DOCUMENT:	4.29 (B) Pandemic Leave	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	20/04/2022	Adopted by Council at OCM held 27/04/2022	
John McCleary	30/12/22	Removed the requirement for a PCR Test and medical certificate.	

### 4.29(B) COVID LEAVE

The Shire of Upper Gascoyne acknowledges that during a pandemic and particularly with the advent of the Omicron variant of COVID-19 there are likely to be employees who may need to take extended periods of leave due to personal ill health or to isolate due to close contact with others not affected by the COVID virus.

#### OBJECTIVE

To provide a measure of financial assistance to staff impacted by the Pandemic and to encourage staff to report a positive test without affecting their normal entitlements that they have available under the various industrial relation instruments.

#### POLICY

All employees of the Shire of Upper Gascoyne are entitled to an extra 5 days, in addition to their normal entitlements, on full pay for COVID 19 related illnesses in any given 12 month period commencing on the 1<sup>st</sup> of May 2022.

To be eligible the staff member must present a positive RAT test and is required to quarantine for the nominated amount of time.

The Shire will firstly determine if the staff member can work from home, if so, the payment will not be made, if not, the Chief Executive Officer will make the final determination as to grant the paid COVID Leave in full or in part.



### SECTION FOUR (B) - GOVERNANCE MEMBERS

<b>DOCUMENT:</b>	<b>4.30 (B) Records Management</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	05/02/2021	Adopted by Council at OCM held 27/04/2022	
John McCleary	30/12/22	No changes	

## 4.30(B) RECORDS MANAGEMENT

### OBJECTIVE

1. To ensure compliance with the State Records Act 2000 and its amendments.
2. To capture and control full and accurate records, in all formats, as evidence of the Council's business activities by developing systems and practices that make information readily accessible.
3. To safeguard records of continuing value for legal, evidential, administrative, financial purposes or historical value.

### DEFINITIONS

A record is recorded information, regardless of medium or characteristics which is handled, received or generated by an employee, contractor or Councillor, regardless of its medium or physical format. It records a decision, transaction, or state of knowledge and is generated as part of a Council process or Councillor activity.

The definition of a record is that specified in the State Records Act 2000 and is as follows.

*A 'Record' is recorded information, regardless of medium or characteristics which is handled, received or generated by the shire, contractor or a Councillor, regardless of its medium or physical format. It records a decision, transaction, or state of knowledge and is generated as part of a Council process or Councillor activity.*

*Examples of these records include: correspondence, electronic documents, forms, electronic messages, photographs, drawings, plans, maps, diagrams or graphs, audio-visual materials and anything on which information has been stored or recorded, either mechanically, magnetically or electronically.*

## POLICY

1. The Shire will maintain a Records Office that manages the efficient capture, creation, distribution, storage, retrieval and disposal of its records in accordance with the State Records Act 2000.
2. All Councillors and employees will capture, create or provide full and accurate records, in the appropriate format, of Council's business decisions and transactions to meet all legal, evidential, administrative, financial and historical requirements; and in accordance with Council's guidelines.
3. All records (as defined), whether internal or external, are to be captured and stored within the appropriate records systems managed in accordance with Council's Record Keeping Plan.
4. All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access and destruction in accordance with Council's Record Keeping Plan.
5. Access to the Council's records by employees will be regulated to ensure security and confidentiality.
6. Access to the Council's records by the general public will be in accordance with the Freedom of Information Act 1992 and Local Government Act 1995.
7. Access to the Council's records by Councillors will be via the Chief Executive Officer in accordance with the Local Government Act 1995 and the Shire of Upper Gascoyne Code of Conduct.
8. All records maintained by Council are to be retained and disposed of in accordance with Council's Record Keeping Plan, the General Disposal Authority for Local Government Records (2015) and the specific requirements of the Shire of Upper Gascoyne.
9. Councillors shall have regard for the document "Local Government Elected Members' Records: Which records to capture" produced by the State Records Office of WA with regard to what constitutes a record and how these shall be recorded and managed.
10. Access to the Council's records by the general public will be in accordance with the Freedom of Information Act 1992 and Local Government Act 1995.
11. Access to the Council's records by Councillors will be via the Chief Executive Officer in accordance with the Local Government Act 1995 and the Shire of Upper Gascoyne Code of Conduct.
12. All records maintained by Council are to be retained and disposed of in accordance with Council's Record Keeping Plan, the General Disposal Authority for Local Government Records (2015) and the specific requirements of the Shire of Upper Gascoyne.
13. Councillors shall have regard for the document "Local Government Elected Members' Records: Which records to capture" produced by the State Records

Office of WA with regard to what constitutes a record and how these shall be recorded and managed.

**SCOPE**

This policy applies to all employees and Councillors.



## SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	<b>4.31B Fraud &amp; Corruption Policy</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	05/02/2021	New Policy	
John McCleary	30/12/2022	No changes	

### **4B.31 FRAUD AND CORRUPTION POLICY**

#### **OBJECTIVE:**

This policy defines and establishes a commitment to the identification and management of the risk of fraud and corruption within the Shire of Upper Gascoyne and in its dealings with key stakeholders.

#### **DEFINITIONS**

In Australian Standard 8001-2008 the following definitions apply –

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

*Fraud* is dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position for personal financial benefit.

#### **POLICY:**

1. The Shire of Upper Gascoyne is committed to good governance and ethical behaviour.
2. The Shire recognises that fraud and corruption are illegal and contrary to the Shire's organisational values. A proactive stance is taken to prevent fraudulent or corrupt activities and behaviours.
3. Fraud and corruption constitute a significant risk to any organization, and a culture of ethical conduct must exist to recognise and avoid fraud.
4. Fraud and corruption can lead to financial loss, negative publicity and a loss of public confidence. Robust systems and procedures must be in place to ensure that

the risk of impropriety is minimised and there is a prompt and effective response where instances do occur.

5. All employees are accountable for and have a role to play in fraud and corruption prevention and control. The Shire requires employees to disclose actual or suspected fraudulent or corrupt activity to the Chief Executive Officer.
6. The Shire will ensure that employees are made aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

When identified, all suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate, legal remedies available under the law will be pursued. Wherever possible, the Shire will protect the anonymity of those responsible for reporting the activity. The matter will also be reported to the, WAPOL, Corruption and Crime Commission or Public Sector Commission as appropriate.

**SCOPE:**

This policy applies to all employees, Councillors, and contractors working for the Shire of Upper Gascoyne.



## SECTION FOUR (B)- GOVERNANCE ADMINISTRATION

<b>DOCUMENT:</b>	<b>4.32(B) Risk Management Policy</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	13/03/2019	No changes.	
John McCleary	30/12/2022	Changes to reflect new Australian Standard	

### **4B.32 RISK MANAGEMENT POLICY**

#### **1. PURPOSE**

To develop a culture and awareness of the processes directed towards the effective management of potential opportunities and adverse effects across the organisation and to reduce the potential costs of risk through the implementation of a risk management framework.

#### **2. SCOPE**

This policy covers all activities of the City from Strategic Planning and Corporate Governance to operational activities and specific projects.

#### **3. POLICY**

The Shire is committed to the principles of managing risk as outlined in AS/NZS ISO 31000:2018 Risk Management – Guidelines by maintaining a risk management process that deals with identification, analysis, evaluation, treatment, monitoring, reviewing, recording and reporting of risk.

This policy encompasses:

- The implementation of the Risk Management Framework across the organisation in accordance with the Standard AS/NZS ISO 31000:2018 Risk Management – Guidelines; and
- To ensure the Framework is integrated into strategic and operational planning, including business case decision making and project management.

#### **4. DEFINITIONS**

Risk – AS/NZS ISO 31000:2018 defines risk as “effect of uncertainty on objectives”. A risk is often specified in terms of risk sources, potential events or circumstances and the consequences and likelihood that flow from it.

Risk Management – AS/NZS ISO 31000:2018 defines risk management as “coordinated activities to direct and control an organisation with regard to risk”.

Risk Management Framework – ISO Guide 73:2009 Risk Management - Vocabulary defines a risk management framework as a “set of components that provide the foundations and organizational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organization”.



### SECTION FOUR (B) - GOVERNANCE MEMBERS

<b>DOCUMENT:</b>	<b>4.33 (B) Pandemic Leave</b>	<b>REVIEW:</b>	<b>Triennially (or as required)</b>
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
Cherie Walker	21/09/2022	Adopted by Council at September OCM	
John McCleary	30/12/2022	No changes	

## 4.33(B) EMPLOYEE ATTRACTION & RETENTION POLICY

### OBJECTIVE

To provide a range of attractive benefits and conditions, and initiatives to employees in addition to employee base salaries for the purpose of attracting and retaining suitably qualified and experienced employees.

To recognise the cost of employee turnover, the loss of intellectual property far outweighs the cost of providing a level of assistance to the employee.

### POLICY

This policy is in addition to the terms and conditions as determined by the CEO provides additional incentives for the purpose of recruiting and retaining suitably qualified staff.

#### *Funding Allocation / Disbursement*

Each year through the budgetary process Council will determine the amount to be allocated to this employee incentive program.

Any monies available over and above the travel incentive will be allocated to programs designed to incentivise employees as determined by the Chief Executive Officer. By way of example – finance advice (superannuation), estate planning, etc.

#### *Retention Incentives*

- Full time employees who are current employees as of the 1<sup>st</sup> July (each year) will be eligible to receive one return flight from Carnarvon to Perth or the equivalent value worth of fuel vouchers. This retention incentive is only available to current direct full time employees or permanent part – time employees (pro-rata) of the Shire.
- Flights and fuel vouchers are to be arranged and booked through the Shire of Upper Gascoyne Administration team as determined by the CEO.
- This is not applicable to staff who have ceased employment.

### SCOPE

Applies to all full-time & permanent part-time employees.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.1 – Prohibited & Restricted Burning Times	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
Matt Holland	18/03/2019	Clarification of dates and definitions	
John McCleary	02/01/2023	No changes.	

### **5.1 PROHIBITED AND RESTRICTED BURNING TIMES**

The Restricted Burning Period within the Shire of Upper Gascoyne is from the 1<sup>st</sup> of October to the 30<sup>th</sup> of April. A permit to burn must be obtained from a Fire Control Officer for all fires to be lit during this period.

There is currently no Prohibited Burning Period in the Shire of Upper Gascoyne.

Variations to the restricted burning times can only be authorised by the Chief Bushfire Control Officer and the Shire President jointly. Such variations must occur only in consultation with an authorised officer of the Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Service.

All variations are to be advertised.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.2 – Chief Bush Fire Control Officer	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
Matt Holland	18/03/2019	Merged with policy 5.4, updated for compliance with <i>Bush Fires Act 1954</i> , Title Change	
John McCleary	23/08/2021	No changes.	

## **5.2 BUSH FIRE CONTROL OFFICERS**

The Shire of Upper Gascoyne appoints the Chief Executive Officer as the Chief Bush Fire Control Officer.

The Shire shall also appoint 1x (one) Deputy Chief Bush Fire Control Officer. The Shire of Upper Gascoyne may then appoint as many Bush Fire Control Officers as deemed necessary by the Chief Bush Fire Control Officer.

At a minimum the persons filling the following positions with the Shire of Upper Gascoyne shall be appointed as Bush Fire Control Officers:

- Works Manager
- Town Maintenance Supervisor
- Community Emergency Services Manager

All appointments made under this policy must be advertised at least once in a newspaper circulating in the district, and a certificate of appointment shall be issued to the appointed person. Notification of all appointments shall also be made to the Department of Fire and Emergency Services.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.3 – Clearing Fires	REVIEW:	Triennially (or 4 as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	02/01/2023	No changes.	

### **5.3 CLEARING FIRES**

It is the responsibility of the person lighting a clearing fire to ensure that adequate equipment is available for the protection of their property and neighboring property. Shire Fire Units should remain at their normal station and must be well maintained and ready for use at short notice.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.4 – Hazard Reduction Operations	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
Matt Holland	18/3/2019	Added CEO and CBFCO as persons who may authorise	
John McCleary	02/01/2023	No changes.	

### **5.4 HAZARD REDUCTION OPERATIONS**

All hazard reduction operations undertaken by Bushfire Brigades shall be authorised by the CEO and/or Chief Bush Fire Control Officer of the Shire of Upper Gascoyne.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.5 – Use of Shire Plant & Equipment	REVIEW:	Triennially ( or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	02/01/2023	Added section b) & d)	

### **5.5 USE OF SHIRE PLANT AND EQUIPMENT**

- a) The Chief Executive Officer or the Works Manager are authorised upon request by an authorised Bushfire Control Officer in charge of a fire, to call out and authorise the use of Shire Plant and Equipment other than plant used exclusively for firefighting or local control.
- b) Shire Plant can only be operated by Shire Employees.
- c) If authorised, the operators of that equipment have discretion as to the extent of that use with particular regard to safety and machine capabilities.
- d) The use of Shire Graders is a last resort given their strategic value to the Shire.
- e) The use of Shire Plant and Equipment outside of the district for firefighting purposes is subject to the conditions of the preceding paragraph.



**SECTION FIVE LAW, ORDER & Public Safety**

DOCUMENT	5.6 – Infringement Notices & Legal Action	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	23/08/2021	No changes.	

**5.6 INFRINGEMENT NOTICES AND LEGAL ACTION**

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



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.7 – Advise of Intention to Burn	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	23/08/2021	No changes.	

**5.7 ADVISE OF INTENTION TO BURN**

Any person intending to carry out a large burn which may be seen by a neighbour or from a passing vehicle should contact the Chief Bush Fire Control Officer / Chief Executive Officer to advise of the details and the reason for the burn.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.8 – Housing of fire fighting vehicles	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**5.8 HOUSING OF FIRE FIGHTING VEHICLES**

- a) Shire firefighting appliances will be stationed as determined by the Chief Executive Officer.
- b) No appliance shall have its location changed from one station to another without the specific authorisation of the Chief Executive Officer of the Shire and any request for change must be submitted in writing clearly stating the reason for the change.
- c) The Chief Executive Officer will either approve or decline the request in writing to the applicant.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.9 – Maintenance of vehicles & equipment	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**5.9 MAINTENANCE OF VEHICLES AND EQUIPMENT**

- a) Maintenance and repair of all Shire owned appliances and equipment will be the responsibility of the Chief Executive Officer and the Manger of Works and Services.
- b) All repairs and maintenance will be carried out either under his / her direct supervision or with his / her knowledge and consent.
- c) The Shire will ensure that Brigade appliances are checked on a regular basis and maintained.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.10 – Drivers of Shire Fire Fighting Vehicles	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**5.10 DRIVERS OF SHIRE FIRE FIGHTING VEHICLES**

The driver of any shire firefighting appliance must hold a current license of the class appropriate for the appliance being driven and be:

- a) A Council employee,
- b) A registered member of a Bushfire Brigade, or
- c) Any person authorised by a Fire Control Officer to do so.

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



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.11 – Use of fire fighting vehicles & appliances	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
Matt Holland	18/03/2019	Updated titles, Added CEO	
John McCleary	03/01/2023	No changes.	

**5.11 USE OF FIRE FIGHTING VEHICLES AND APPLIANCES**

Shire firefighting appliances and vehicles shall only be used for firefighting, Shire purposes and other purposes as determined by the CEO, Manger of Works and Services, or Chief / Deputy Chief Bush Fire Control Officers.



**SECTION FIVE LAW, ORDER & Public Safety**

DOCUMENT	5.12 – Communications	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**5.12 COMMUNICATIONS**

- a) An efficient two-way radio network will be established for firefighting communications. Any vehicle used for firefighting purposes (either council or privately owned) must have a fully functional UHF two way radio fitted.
- b) Fire Channel - Channel 40 on the UHF two-way radios shall be the Shire of Upper Gascoyne fire channel. Fire Control Officers only are authorised to change the channel when required for fire control purposes.



**SECTION FIVE LAW, ORDER & Public Safety**

DOCUMENT	5.13 – Recognition of training	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**5.13 RECOGNITION OF TRAINING**

The Shire recognises:-

- a) That fire fighters must be properly trained to perform their tasks in a safe and efficient manner,
- b) That responsibilities differ at various levels in the fire organisation and accordingly the level of skills required varies also, and
- c) That a basic level of skill is required for all fire fighters.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.14 – Training programmes	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**5.14 TRAINING PROGRAMMES**

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



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.15 – Safety clothing & footwear	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**5.15 SAFETY CLOTHING AND FOOTWEAR**

The Chief Bushfire Control Officer will not allow volunteers who they believe are not suitably clothed to assist with the fighting of a fire. Volunteers must have a long sleeve shirt and trousers (Fire Fighting Uniform if available) enclosed footwear (boots) and a hat.



SECTION FIVE LAW, ORDER & Public Safety			
DOCUMENT	5.16 – Bush Fire activation policy	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

### **5.16 BUSH FIRE ACTIVATION POLICY**

The Shire of Upper Gascoyne recognises that Bush Fire is an inherent and very likely danger that faces all electors within the Shire. It is acknowledged the vast majority of fires within the Shire are started by lightning strikes and are not deliberately started. Due to the vast area of the Shire, the climate of the region and the vegetation, fires could start anywhere at any time.

The Shire has a very small workforce and limited machinery available to fight fires. In many instances the Shire has machinery scattered over the length and breadth of the Shire, often hundreds of kilometres from each other.

The Shire also recognises that the workforce are not trained to fight bush fires and generally a pre-requisite light tanker is not readily available to accompany the machinery to provide protection should a machine break down in path of the fire front.

It is also acknowledged that the under the Bush Fires Act 1954 that following provision applies to Landowners:

#### Section 28. Occupier of land to extinguish bush fire occurring on own land

(1) Where a bush fire is burning on any land —

(a) at any time in any year during the restricted burning times; or

(b) during the prohibited burning times,

and the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act, the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire.

(1B) Where he requires assistance for the purpose he shall if practicable, without leaving the fire unattended, inform or cause to be informed the nearest available bush fire control officer, or bush fire brigade officer, of the existence and locality of the fire.

(2) For the purposes of this section, a fire lit before the commencement of a period of prohibited burning times relating to the district where the fire is situated, and which is still burning at the commencement of those prohibited burning times, is to be regarded as being

a bush fire which is not part of the burning operation being carried on upon the land in accordance with the provisions of this Act.

Penalty: \$10 000.

(3) Where the occupier of the land upon which a bush fire is burning fails to take measures to extinguish it as required by subsection (1), a bush fire liaison officer, a bush fire control officer of any local government or an authorised CALM Act officer employed in connection with any forest land which is within 3 km of the land where the fire is burning may enter upon the land where the fire is burning and take all proper measures to extinguish it.

(4) In so far as the measures taken by the bush fire liaison officer, bush fire control officer or authorised CALM Act officer are necessitated by reason of the failure of the occupier of the land to comply with subsection (1), any expenses incurred by the bush fire liaison officer, bush fire control officer or authorised CALM Act officer, in taking measures to extinguish the fire, shall be a debt owing by the occupier of the land to the State, local government or DBCA.

(5) The FES Commissioner (on behalf of the State), local government, or DBCA as the case may be, may recover the expenses from the occupier in any court of competent jurisdiction.

The Shire also expects that landowners will establish the firebreaks around their Homesteads and boundary fences and in strategic locations in order to protect assets and fight fires if the need arises. Accordingly the Shire of Upper Gascoyne will provide assistance, when requested by the landowner / occupier to protect life and strategic assets, such as homesteads. The Shire will not fight fires to protect fences, pasture and stock.



### SECTION SIX – WELFARE

DOCUMENT	6 – WELFARE	REVIEW:	
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	23/08/2021	No changes.	

## 6. WELFARE

No policies have been developed at this stage.



**SECTION SEVEN – HEALTH**

DOCUMENT	7 – HEALTH	REVIEW:	
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	23/08/2021	No changes.	

**7. HEALTH**

No policies have been developed at this stage.



### SECTION EIGHT – EDUCATION

DOCUMENT	8 – EDUCATION	REVIEW:
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:
John McCleary	17/03/2019	No changes.
John McCleary	23/08/2021	No changes.

### **8. EDUCATION**

No policies have been developed at this stage



**SECTION NINE - HOUSING**

DOCUMENT	9. – Staff Housing	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**9. HOUSING**

No policies for4 this section.



**SECTION 10 – COMMUNITY AMENITIES**

DOCUMENT	10 – COM. AMENITIES	REVIEW:
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:
John McCleary	17/03/2019	No changes.
John McCleary	23/08/2021	No changes.

**10. COMMUNITY AMENITIES**

No policies have been developed at this stage.



SECTION 11 – Recreation & Culture			
DOCUMENT	11 – Recreation & Culture	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	04/01/2023	No changes.	

**11. RECREATION & CULTURE**

No policies have been developed at this stage.



SECTION 11 – Recreation & Culture			
DOCUMENT	11.01 – Camping on Town Oval	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	04/01/2023	No changes.	
Ainsley Hardie	23/01/2023	Camping on Town Oval Policy Notes	

### **11.1 CAMPING ON TOWN OVAL**

#### **OBJECTIVE:**

To set policy and guidelines around the use of people to camp temporarily on the Gascoyne Junction Town Oval.

#### **POLICY:**

- All requests to camp on the town oval must be submitted in writing to the Shire Council with evidence that no other suitable location is available within the Gascoyne Junction township.
- Organisers of festivals and events making a request for oval use may only use the ovals on the night before and during the period of the show. All camping and other gear must be removed during the day following the end of the show.
- Organisers of festivals and events must provide additional ablutions to meet the needs of those camping on the oval.
- A variation to the length of stay must be made in writing to the Chief Executive Officer. Approval may be given by the Chief Executive Officer where the variation is 1 day either side of the event. Where a more significant variation is requested, approval of the Council is required.
- No pegs are to be used / driven into the ground.



### SECTION 11 – Recreation & Culture

DOCUMENT	11.02 Community Events Policy	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	04/01/2023	No changes.	
Ainsley Hardie	23/01/2023	Community Events Policy Notes	

## 11.2 COMMUNITY EVENTS POLICY

### OBJECTIVE:

To ensure that events provide a wide variety of community and economic benefits for residents, as well as additional attractions for visitors. It is important that organisers and patrons respect their surroundings and act in a responsible manner. The control of patrons is the responsibility of the organiser and their demonstrated capacity to successfully achieve this objective will form a major part of the application assessment process. This policy refers to events held in any public place in the Shire of Upper Gascoyne.

Events held within the Shire of Upper Gascoyne are referred to in this policy include but are not limited to:

- Concerts and events run as a commercial activity;
- Ceremonies and processions
- Sporting and competitor events – marathons, triathlons, organised swims, and other similar events;
- Shows and fairs including circuses, carnivals, and other customised venue-based events;

- Festivals, exhibitions and expos;
- Community events and fundraisers

Public spaces are defined as:

- any thoroughfare or local government property;
- any place which the public is allowed to use, whether the place is or is not on private land, including park lands, and other land designated as being for the use and enjoyment of the public.
- Any building that is deemed a public building by the Shire of Upper Gascoyne.

Each event is different and the specific approvals required will depend upon the type of event. It is recommended organisers consult early in the planning stages with Shire staff to determine the required approvals needed to conduct the event. In general, if an event is within a facility that has existing public building approval then formal approval may not be required unless there is a variation from the existing approval such as greater numbers or for an expanded area. If the event is not within a permanent building then an event application must be submitted to the Shire for approval. Event support and/or delivery will only be considered where there is alignment with the objectives of the Shire of Upper Gascoyne Plan for the Future 2022-2032, and benefits to the Shire are demonstrable.

1. This policy applies to all events held on private and public land within the Shire of Upper Gascoyne.
2. An event permit application in the prescribed form is required for all events other than Exempted events as per guide in Schedule 1.
3. All events are to be risk assessed by the applicant using the risk assessment form outlined within the information sheet prior to submission.
4. Event permit applications shall be determined under delegated authority, unless the proposed event is considered by the Development Control Unit to present a sufficient risk to reputation, public safety or amenity, in which case it shall be determined by Council.
5. Applications for events on land that is managed by an entity other than the Shire require a further approval from that entity before the Shire can issue an event permit for the event.
6. All events held within the Shire of Upper Gascoyne must be notified to Emergency Service providers regardless of classification.
7. Sponsorships for events will be in accordance with Shire of Upper Gascoyne Sponsorship Policy.

## **Classification of Events**

Events shall be classified into 4 categories for assessment and policy purposes. Considering and managing risk is an integral part of planning for any event. Event Applicants proposing Category 2 to 4 events are to assess the potential level of risk as part of their event permit application, using the Event Risk Classification Tool in the Shire of Upper Gascoyne Event Information Pack.

Category	Location	Attendance	Food	Alcohol	Marquee/ Stages	Rides	Amusement/ Attractions	Traffic Management	Noise	Camping & Onsite Living
1	Event held in existing registered Public Building and propose no alternations to infrastructure over and above any services that are available to the general public.	0-50 or as per the maximum occupancy	1 food facility permitted as along as required approvals are met, for example a temporary food stall permit.	Nil	Erection of less than 2 small marquees not exceeding 18m2	Nil	Fits within the scope of the facility being used, no impact such as dance recital to families and students	No impact or impediment to flow of vehicle movement	No or minimal use of amplified equipment for no more than 2 hours or extraordinary vehicle noise	Nil
2	Event held in an existing registered public building or proposes minor alterations to infrastructure over and above any services that are available to the general public. Held in open unconfined outside area	51-500	Permitted as long as required approvals are met, for example Temporary Food Stall Permit	Nil	Erection of less than 2 small marquees not exceeding 18m2	Nil	Local performances such as family concert, fete, fundraiser, theatrical performance, music performance	No road closures or disruption to traffic.	No or minimal use of amplified equipment for no more than 2 hours or extraordinary vehicle noise	Nil
3	Event held in an existing registered public building or proposes minor alterations to infrastructure over and above services that are available to the general public. Held in open unconfined outside area or spacious inside single level facility.	510-2500	Permitted as long as required approvals are met, for example Temporary Food Stall Permit	Yes Low to Moderate Consumption	3-10 simple structures, marquees or stage	1-5 Low Risk Rides Pony Rides Jumping Castle	Family Concert, Low Consumption of Alcohol, Agricultural Shows, Food and Wine Shows, Markets	Small Road Closure, Light disruption to traffic, local road closure	Amplification of music but not in close proximity to residential area, minimal disruption	Nil

4	Event held in an existing registered public building or proposes major alterations to infrastructure over and above any services that are available to the general public.	2501+	Permitted as long as required approvals are met, for example Temporary Food Stall Permit	Yes High Consumption	More than 10 structures or over 55m2	High risk rides, large amount of amusement structures	Marathons, triathlons, major sports, music festivals	Main road closure, major disruption to traffic	Bands Music Festival Reg 18 required	Yes
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## **Assessment of Applications**

1. Where the proposed event is to take place on land that is jointly or solely managed by authorities other than the Shire of Upper Gascoyne approval from such authorities is required before the Shire can determine the event permit application.
2. When assessing an event permit application, the Shire will consider the likely impact on residents and the wider community, considering noise or nuisance, alcohol consumption, number of patrons, infrastructure and any additional factors, in accordance with any relevant legislation, regulations, Local Laws and Shire policies.
3. The assessment of an event permit application begins upon receipt of a complete application and event permit fee.
4. Where further information has been requested and not provided by the Event Applicant seven working days prior to the Event, the event permit application may be refused.
5. All events will attract an application fee in accordance with the Shire of Upper Gascoyne Schedule of Fees and Charges. Other fees may apply, including but not limited to those associated with noise assessments, food permits and waste removal, which shall be levied in accordance with the Shire of Upper Gascoyne Schedule of Fees and Charges.
6. Bonds for events on local government property will apply in accordance with the Shire of Upper Gascoyne Schedule of Fees and Charges. Bonds will be refunded in full following the successful completion of the conditions of approval outlined in the event permit. Failure to comply with any of the conditions specified in the event permit may result in all or part of the bond money not being refunded to the applicant.

## **Application Outcomes**

The Shire of Upper Gascoyne Events Team will make one of the following three decisions regarding an event permit application.

1. No objection – The proposed event can be approved under Delegated Authority, subject to any relevant conditions.
2. Further Information – The Event Applicant has not provided all relevant information to enable the Upper Gascoyne Events Team to decide. The Event Applicant will be contacted to provide the required documentation. Once provided, the event permit application will be reconsidered by the Upper Gascoyne Events Team and approved.
3. Referral to Council – will occur if the proposed event is considered to present a sufficient level of risk to the Shire, either reputational or to property and public safety, to warrant approval by Council.



SECTION 11 – Recreation & Culture			
DOCUMENT	11.03 Community Sponsorship Policy	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	04/01/2023	No changes.	
Ainsley Hardie	23/01/2023	Community Sponsorship Policy	

### 11. 03 COMMUNITY SPONSORSHIP POLICY

#### OBJECTIVES

To establish principles for sponsorship agreements entered between the Shire of Upper Gascoyne and other parties and to provide guidelines for how the Shire will seek sponsorship and the handling of requests for donations and waiver of Shire fees and charges.

Sponsorship is the contribution of financial and/or “in kind” support that the Shire of Upper Gascoyne receives or provides for the purpose of partnering in the provision of community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the Shire. Sponsorships are undertaken or entered, to help achieve business or community objectives.

Council acknowledges that sponsorship can provide significant benefits to the Shire of Upper Gascoyne and the community and will consider sponsorship opportunities under three streams depending on the nature of the request and where the greatest benefits are to be achieved; economic, community or donations.

1. **Economic;** events that attract majority participation and visitation from outside of the region, that raise destination awareness of the Upper Gascoyne as a destination, and generate economic benefits by injecting new money into the local economy. These events are not to be held in peak visitation periods, instead to be held low and shoulder visitor periods to encourage new visitation.
2. **Community;** community events/ programs/projects that are organised by local community groups and are designed to attract a local audience, create local vibrancy, increase participation and in many cases raise funds or awareness for local organisations ongoing sustainability.
3. **Donations;** in some instances, the Shire will receive requests from community groups for donation of money, gifts or other forms of contribution where no clear benefit can be measured.

**Economic;** where the benefits are assessed as primarily economic in nature the following principles apply:

- Funding is available to not-for-profit, incorporated organisations, and commercial organisations that can clearly demonstrate their event will deliver significant additional economic benefit to the Upper Gascoyne region.

- Council invites sponsorship proposals for significant events staged within the Shire of Upper Gascoyne boundary under its “Major Events Sponsorship Program” (MESP) up to the value of \$5,000 ex GST per event each year.
- Funding applications open in February for six weeks for events to be held from 01 August to 31 July the following financial year.
- The MESP is an annual funding program where eligible applicants can apply for sponsorship support for the delivery of major events that have the potential to deliver significant economic outcomes to the Shire of Upper Gascoyne.
- The MESP is designed to grow visitation in shoulder and low visitor periods. Eligible events must be held outside of “Peak Visitor Periods” as defined (defined as Easter holidays, April and July WA school holidays)
- The MESP is designed to encourage the attraction and delivery of major events that inject increased expenditure into the region.
- Applicants for MESP must demonstrate (explain) how their event has the potential to deliver significant economic outcomes to the Shire of Upper Gascoyne
- A sponsorship agreement outlining the full terms and conditions of the agreement will be recorded in writing and signed by both parties.
- Established or proven events can apply for multi-year support up to 3 years.
- All sponsorship arrangements will be described in the annual report in a manner commensurate with the significance of the sponsorship.
- Applicants to refer to the Major Events Sponsorship Program guidelines.
- Acquittals must be received within six weeks of the event/program/project completion.
- Commercial (for profit) event organisers will be required to submit a formal sponsorship application that will require Council consideration and approval.

Community; where the benefits are assessed as primarily for local community groups the following principles apply:

Council invites grant applications for selected Shire of Upper Gascoyne projects, events, services or activities under its “Community & Sporting Grants Program” up to the value of \$2,000 ex GST per event.

- The “Community & Sporting Grants Program” (CSGP) funding program offered twice a year in February and August where eligible applicants can apply for grants to deliver non-core events and programs that achieve community and sporting outcomes.
- Local groups may apply for up to two events per funding round.
- The CSGP is designed to assist local community and sporting groups to deliver non-core business activities.
- Applicants to refer to the Community & Sporting Grants Program guidelines.
- Acquittals must be received within six weeks of the event/program/project completion.

- The types of activities included but not limited to this funding are: Community based activities/programs; regional sporting events or championships; club participation in regional/state championships; club equipment; professional sports or community development such as clinics, courses and seminars; facility development and maintenance; individual sports or education scholarship for regional/state/national/international competition participation; community events; other purposes assessed on broad community benefit.

**Donations;** where the benefits are assessed as primarily for local community groups the following principles apply:

- Requests for donations will only be considered by the Shire President or via delegated authority to the Chief Executive Officer.
- If a formal request for donations is received through the Local Community Donations Application Form these are to be directed to the Shire President for consideration.
- A maximum of up to \$500 (GST no applicable) formal request per annum from each entity is allowed.
- Activities asking to be supported should be non-core business in nature.
- Activities would include but not be limited to: community based activities/programs; local sporting events or championships; club participation in regional/state championships; club equipment, professional sports or community development such as clinics, courses and seminars; individual sports or education scholarship for regional/state/national/international competition participation.

**General Principles;** these apply to the three streams of support.

- The applicant is to reside or operate within the Shire of Upper Gascoyne, OR be able to show a direct and substantial benefit to residents within the Shire.
- Funds are only to be used for the purpose for which the Shire approved and any subsequent variants must be approved in writing.
- No fee waivers for use of the Shire facilities and services including Ningaloo Centre meeting venues will be considered.
- Proponents requesting fee waivers for the use of Council buildings and venues should be encouraged to seek other third-party funding to cover these costs and/or consider use of other venues.
- Any request for waiver of a Shire fee or charge must be part of a request for sponsorship proposal that clearly outlines the benefits to the Shire and how the project meets Council strategic objectives.
- Applicants may only apply for one of the three funding streams per event or activity.
- Funding benefits or sponsorship do not include implied endorsement by Council of the recipient's goods or services or use of Council's logo to promote their products.
- Sponsorship arrangement that impose or imply conditions that limit the Council's ability to carry out its functions fully and impartially will not be agreed to.
- The Shire of Upper Gascoyne Council reserves the right to withdraw funding with an external party when they are considered to have not complied with the spirit of this policy and/or a written agreement entered into as a sponsor or funding arrangement.
- The sponsorship or funding is complementary to Council's vision, values, policies and strategies.
- The Shire reserves the right to withhold some or all of funding payments until a post event report is submitted by the successful applicant.

- There should not be any real or perceived conflict between the objectives and mission of the recipient and Council.
- Successful applicants must complete an acquittal within six weeks of the agreed completion date of the event. Applicants that do not submit an acquittal will not be considered for future funding; and may be requested to return unused funds.
- The Shire of Upper Gascoyne Council will not enter into sponsorship with external bodies who: Are involved in unlawful activities; Do not share Council's views on promoting a diverse, tolerant and inclusive community; Are political parties and/or promote political agendas; Are considered to be an unsuitable partner by Council for reasons it sees fit to apply in the context of this policy; Offer programs that may present a hazard to the community; Offer programs that do not reflect widely held community views; and contravene State and Commonwealth legislation, local laws



### SECTION 11 – Recreation & Culture

DOCUMENT	11.04 Hire of Pavilion and Shire Facilities	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	04/01/2023	No changes.	
Ainsley Hardie	23/01/2023	Hire of Pavilion and Shire Facilities Notes	

## 11. 04 HIRE OF PAVILION POLICY

### Objective

To ensure equity of access and consideration of care and maintenance is made when hiring the Shire of Upper Gascoyne Pavilion, Town Oval and Amphitheatre.

### CONDITIONS OF HIRE

Application for hire of a facility or equipment shall be made on the appropriate form.

### REGULATIONS

The following regulations apply:

- Tentative Bookings: When a booking is made no keys/ equipment will be handed over until the hire fee and bond are paid in full. Also until payment is received the booking will not be confirmed.
- Bond: A bond is payable in addition to the hire fee, to cover possible costs associated with cleaning/ damage/ loss of keys/ additional usage or failure to turn off air conditioner. Arrangements will be made to refund the bond, minus any sum payable for the above costs, upon advice from the Cleaning Supervisor and Management that the facility has been left in a clean and damage free condition.
- Cleaning: The facility is to be left in a clean condition – if any cleaning is required to be organised by the Shire, the cost will be deducted from bond monies. Floors should be mopped with water –NO DETERGENT TO BE USED AS IT STRIPS FLOOR POLISH. The hirer shall replace all furniture in the position designated by the CEO or his representative. Decorations, food scraps and rubbish must be removed, and the facility area swept and left in a clean and tidy condition by the time the booking expires. Vacating Premises: All functions must be finalised and the facility cleaned and vacated upon expiration of the period of hire. If the premises are not vacated, additional hire cost will be deducted from bond.
- Number of Persons: Hirers are to limit the number of persons participating in functions of events to 400 which is the maximum number that the hall can accommodate.

- Noise: There must be compliance with the provisions of the Noise Abatement Act of 1972 and sound level output must be reduced if requested by Shire Staff or the WA Police.
- Live Flames: Are not permitted within the facility due to fire regulations. Please note the importance of adhering to the strict no-smoking policy within the Shire buildings.
- Indemnification: Hirers are required to bind as The Hirer to hold the Shire of Meekatharra and employees of the Shire of Meekatharra indemnified against all claims which may be made against them for damages or otherwise, in respect of any loss, damage, death or injury caused by, or in the property of the Shire of Meekatharra, during all periods when such venue is on hire to The Hirer.
- Double Bookings: In the event of two (2) or more applications being received for the hire of the building at the same time and date, the Council may, without considering priority of applications, determine which hirer is successful.
- Charges: Shall be at rates set from time to time by Council and may include any furniture or equipment.
- Additional Equipment: The facilities are equipped with a certain amount of equipment. Any additional equipment is to be provided at the hirer's expense.
- Hirer's Responsibility: Each hirer will be responsible for the actions of its attendees/participants whilst using the premises. Consideration must be shown at all times for other persons using the premises. A hirer may not use equipment belonging to another hire group, without written consent of the leaders or officers of that hirer group and in such cases, the borrower shall be fully liable for any loss or damage occurring to such equipment whilst under his/her jurisdiction. A person who is intoxicated or whose behaviour is considered detrimental to other patrons of a Shire facility, or who uses profane language, or who marks, damages, or defaces any property of the facility shall be directed to leave the premises. Movement of Furniture and Equipment within the facility building: Hirer's may not move plant, furniture or fittings (apart from portable trestle tables and chairs) without first obtaining the permission of staff at the Shire. Extreme care must be taken in transporting and positioning tables and chairs, so that such equipment does not damage the floor. Tables are to be left clean and stacked away. Chairs are to be left clean and stacked also.
- No light and no lighting fixture or fitting is interfered with, covered or decorated in any way.
- No live flame i.e. Candles, kerosene lanterns etc., are brought into or used in the building without prior approval by the Chief Executive Officer.
- No confetti is brought into or used in the building.
- Any kitchen or food preparation room is left in a clean condition and that all rubbish is placed in the bags or other receptacle provided.
- All decorations, including flowers and all equipment brought into the building are removed by the time the period of hire terminates.
- No damage is caused to the building or any property, chattels, equipment, fixtures or fittings therein or used in connection therewith.
- No property, chattels, equipment, fixtures or fittings are removed from the building
- No nuisance or annoyance is caused to owners or occupiers of property in the vicinity of the facility.
- Where liquor or other drinks are to be serviced from a keg or other bulk container, such keg or container is located in the place designated by an officer of the Shire.

- Hanging of Decorations: The driving of tacks, nails, screws or affixing of glues and adhesive materials etc. into or on any of the woodwork or walls or any part of the buildings, furniture or fixtures is strictly forbidden. All decorations are to be hung on the fixtures provided and must be removed after the functions.
- Authorised Representative: Any officer of the Shire of Meekatharra on duty or any authorised agent of the Shire shall be permitted free ingress and egress to the facility during the engagement and shall be given every assistance in enforcing these conditions.
- Compliance with Regulations: The hirer of any portion of a facility shall comply with the provisions the Health Act, Police Act and the Criminal Code and Electricity Regulations, Liquor Control Act and Regulations and any other Act in force for the time being, applying to such hiring of the facility.
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- Liquor being Sold: Hirers must comply with the requirements of all relevant liquor control legislation including the Liquor Control Act 1988 and Liquor Control Regulation 1989. If liquor is being sold or supplied at the function or is included in the price of the admittance ticket, an Occasional Licence may need to be obtained from the Director of Liquor Licensing. The local Clerk of Courts may assist with this application and Shire permission will be required in writing.

#### The Hirer Must Ensure That:

- No light and no lighting fixture or fitting is interfered with, covered or decorated in any way.
- No live flame i.e. Candles, kerosene lanterns etc., are brought into or used in the building without prior approval by the Chief Executive Officer.
- No confetti is brought into or used in the building.
- Any kitchen or food preparation room is left in a clean condition and that all rubbish is placed in the bags or other receptacle provided.
- All decorations, including flowers and all equipment brought into the building are removed by the time the period of hire terminates.
- No damage is caused to the building or any property, chattels, equipment, fixtures or fittings therein or used in connection therewith.
- No property, chattels, equipment, fixtures or fittings are removed from the building
- No nuisance or annoyance is caused to owners or occupiers of property in the vicinity of the facility.
- Where liquor or other drinks are to be serviced from a keg or other bulk container, such keg or container is located in the place designated by an officer of the Shire.



## **GASCOYNE JUNCTION PAVILION TERMS AND CONDITIONS OF HIRE**

### **1 BOOKINGS**

- 1.1. Applications for use of 'The Gascoyne Junction Pavilion' will be treated as 'tentative' until the booking application form is signed and returned to the Gascoyne Junction Community Resource Centre along with the relevant bond, and is approved by the Shire of Upper Gascoyne. The above bond will be returned to the hirer minus any costs incurred for damages or extra cleaning after the event and once the hire has been paid for.
- 1.2. The bond will be forfeited should a booking be cancelled less than 14 days prior to the event. If cancellation is made outside of this period, a refund may be given, less any costs incurred by the Shire of Upper Gascoyne.
- 1.3. Alterations of the booking date can only be made with the express approval of the Gascoyne Junction Community Resource Centre. Alterations made less than 7 days prior to the event may result in a forfeiture of one third of the bond if the Shire has incurred any financial loss or loss of an alternative booking.
- 1.4. *Hire fees* shall be in accordance with the schedule of charges current at the time of the booking being confirmed.
- 1.5. Bookings taken less than 7 days prior to the function may incur a surcharge of \$44.00 per hour on top of the original hire charge.
- 1.6. The Gascoyne Junction Pavilion may not be made available to hire if notice is given less than 48 hours before the proposed function.
- 1.7. Management reserve the right to request additional bond and or full payment of hire fees. Police must be notified of any event that will be selling or supplying alcohol via the 'party application form'.
- 1.8. The CEO has the discretion to approve or decline applications for venue hire based on the merit of the application. All requests received from hirers based on charitable exemptions will be subject to the Shire's hire criteria including Terms and Conditions and assessed for approval by the CEO.

### **2 BAR AND KIOSK**

- 2.1 All rights regarding catering and bar, including the sale of foodstuffs, liquor and other consumable items, are reserved to the Shire, unless otherwise arranged with the Gascoyne Junction Community Resource Centre. In the event of the hirer operating the bar, the hirer will be responsible for obtaining appropriate liquor licences. Once the liquor licence has been received, a copy must be given to the Gascoyne Junction Community Resource Centre no less than one month prior to the event, and then displayed in public view before any liquor will be permitted on the premises for the purpose of sale.

### **3 LIMIT OF HIRING**

- 3.1 The hirer shall only be entitled to the specified part of the building hired. Hire of 'The Gascoyne Junction Pavilion' includes its facilities and all its related areas. In particular, hire of 'The Gascoyne Junction Pavilion' does not include the use of the accommodation dongas.
- 3.2 The Shire reserves the right to let any other part of the Pavilion building for any other purpose at the same time. Where this occurs, hirers are expected to give due regard to one another.
- 3.3 Refusal may be given to the hirer should it be deemed by police, council or shire staff that the event is not in the best interest of the community. If the hirer is well known to police and they advise management against hiring the Gascoyne Junction Pavilion, refusal will be given.



#### **4 SUBLETTING**

- 4.1 No portion of the building shall be sublet by the hirer, or any tenancy transferred or assigned without the written consent of the Gascoyne Junction Community Resource Centre.

#### **5 REFUSAL TO LET**

- 5.1 It shall be at the discretion of the Shire to refuse to let the Pavilion in any case, and notwithstanding that the Pavilion may have been let or that the conditions have been accepted and signed and the hiring fee and bond paid, Council shall have the full power if it sees fit, to cancel such a hiring and direct the return of the hire fee and bond so paid, and the hirer thereby agrees to accept the same and to be held to have consented to such cancellation and to have no claim at law or in equity for any loss or damage in consequence.

#### **6 DECORATIONS**

- 6.1 No electrical installation or decoration materials shall be bought into the building without the consent of the Gascoyne Junction Community Resource Centre.

#### **7 DAMAGE**

- 7.1 The hirer shall be responsible for making good any damage caused to any part of the building and its equipment during the term of hire. The floors, walls, fittings, furniture or any other part of the building shall not be broken, pierced by nails or screws or in any such manner, or in any other way, damaged. The hirer shall be responsible for the maintenance of all equipment and fittings in good order. Cost of damage will be taken out of the bond. Should the bond not be sufficient to cover the costs, the hirer will be invoiced accordingly and will be expected to pay within the Shire terms.

#### **8 SECURITY**

- 8.1 Whilst all care will be taken, Council shall not be held responsible in any way for the loss of or damage to property placed in the Pavilion by the Hirer, nor for any loss by the hirer through accident or failure of the electricity or other plant or by any unavoidable cause.
- 8.2 Security guards must be provided at any function that is supplying or providing alcohol. The guards must be approved by the Gascoyne Junction Community Resource Centre.

#### **9 CURFEW**

- 9.1 The curfew for the Gascoyne Junction Pavilion is 12am. Music and refreshments must end at the hire time designated by the hirer and are not permitted to go later than this curfew.
- 9.2 Please ensure that you have vacated the building at the agreed time. Failure to do so may result in additional charges. Extension of the curfew may be permitted by applying in writing to the CEO of the Upper Gascoyne Shire only.

#### **10 POWER**

- 10.1 The Shire of Upper Gascoyne shall not at any time, or in any way, be liable for the failure or non-working of the air-conditioning/electrical, plant, or the non-supply of power to the Gascoyne Junction Pavilion. The hirer, at their own expense may make arrangements for temporary supplies, subject to the approval of the Community Resource Centre, of both the type and placing of such equipment.



## **11 LIABILITIES AND INSURANCE**

- 11.1 The hirer shall not do, or neglect to do, or permit to be done, or let undone, anything which will affect the Shire's insurance policy/s in respect to fire or public risk in connection with the building. The hirer agrees to indemnify the Shire of Upper Gascoyne to the extent that such policies are affected through any such act of commission or, omission.
- 11.2 The hirer shall indemnify and keep indemnified, the Shire and it's agents, from and against all claims, demands, writs, summonses, actions, suits, losses and expenses of any nature whatsoever, which may occur in connection with the loss of life, personal injury and or damage to property of any person using or entering on or near any entrance, passage, vestibule to/into or off the premises or occasioned (where to it may occur) wholly or in part, by any act, neglect, default or omission by the hirer, or his agents, servants or invites, or any other persons using or on the premises with his/her approval, express or implied.

## **12 PERFORMANCE RIGHTS AND COPYRIGHT**

- 12.1 The hirer is responsible for any payments due under the Copyright Act and the hirer agrees to indemnify Council against any action resulting from non-payment or non-compliance with copyright laws. The Gascoyne Junction Pavilion or Council is under no obligation to ensure, prior to the use of the premises, that the activity for which the premises are hired does not infringe copyright.
- 12.2 Should the hirer obtain the permission of the Venue Manager to make a video recording, one recording only shall be made and an appropriate licence to make the recording shall have been granted by the Australasian Mechanical Copyright Owners society (AMCOS). The hirer shall not allow a performance to be photographed where such photographs are in breach of copyright legislation.

## **13 CAMERA USE**

- 13.1 No camera, video recorder, tape recorder, bioscopy or projecting lens may be used in the Gascoyne Junction Pavilion without the consent of the Venue Coordinator.

## **14 DISORDERLY CONDUCT**

- 14.1 No obscene or insulting language or behaviour or damage to property shall be permitted in any part of the building or its grounds. The hirer is responsible for their patrons and guests behaviour whilst attending any function in the boundaries of the Gascoyne Junction Pavilion. The Shire of Upper Gascoyne reserves the right to refuse admission to any person.

## **15 NOTICES**

- 15.1 No notices, poster, banners or such shall be put up inside or outside the Pavilion without the consent of the Venue Coordinator.

## **16 FOOD, DRINK AND SMOKING**

- 16.1 No smoking is allowed in 'Gascoyne Junction Pavilion' hall. Smoking is not permitted in any part of the building except to the outside areas allocated for such. The hirer will be responsible for any damage caused by food, drink or cigarettes by the hirer's employees, agents or any person acting on behalf of the hirer.

## **17 COMPLIANCE WITH THE LAW**

- 17.1 The hirer shall comply in every respect, with regulations under the Health Act and Council's by laws with regards to public buildings, for the prevention of over-crowding and obstruction of gangways, passages, corridors, or any other part of the building.
- 17.2 The hirer shall comply with any Act or regulation governing theatres, or public halls and will be responsible for any tax or fee charged from time to time.

## **18 CONTROL AND USE OF THE GASCOYNE JUNCTION PAVILION**

- 18.1 The general administration and control of the Gascoyne Junction Pavilion is vested in the Venue Manager who shall exercise absolute discretionary power for the good order and control of such premises.
- 18.2 The Venue Manager shall have complete control and supervision over all means of entry and exit into the building, and over the opening of doors and admission of the public, and the hirer or his/her representative shall act under the Coordinators discretion in this respect.
- 18.3 Any volunteer or private attendants engaged by the hirer shall work under the discretion of the Venue Coordinator and the instruction of the Venue Manager shall be obeyed at all time.
- 18.4 The hirer will use the Pavilion in conformity with all laws, regulations or by-laws applicable thereto, and not allow taking place therein any performance which in the view of Council is unsuitable, unruly, disorderly, objectionable or dangerous.
- 18.5 The hirer will dismantle and remove the production after the show on the last performance of the season so as to leave entirely clear premises by 4.00am on the following day, unless otherwise agreed by the Venue Manager.
- 18.6 Hirers of 'Gascoyne Junction Pavilion' shall leave the stage area and dressing rooms in a clean and tidy condition. The stage floor shall be cleaned of all fixings and any equipment returned to storerooms. Failure to do this, shall incur additional labour charges.
- 18.7 All hirers are to leave all areas of the Gascoyne Junction Pavilion in a clean and tidy manner. If cleaning exceeds 1 hour by our cleaning contractors, the hirers will be charged accordingly.
- 18.8 Main courtyard and front and rear entrance is to be left in a clean and tidy state. If not left in this state then the hirer will be charged for the extra cleaning.
- 18.9 The vacating of the venue by all patrons at the conclusion of the event is the express responsibility of the hirer.
- 18.10 All tables and chairs must be replaced in the shed as they were found. Additional charges may be incurred if Gascoyne Junction Pavilion staff has to return tables and chairs to their original set up.

## **19 ADVERTISING**

- 19.1 The advertising and promotion of the event or activity is solely the responsibility of the hirer. The hirer is responsible to pay the Shire should any advertising be done on the hirer's behalf.
- 19.2 The centre accepts no responsibility for any advertising or promotion of the hirer's event.

## **20 PERFORMANCE / EVENT RATINGS**

- 20.1 The hirer is solely responsible for ensuring that all advertising materials inform patrons of any offensive material.
- 20.2 Furthermore the hirer shall indemnify the Gascoyne Junction Pavilion Management, its employees and the Shire of Upper Gascoyne against any actions, costs, claims, charges, expenses and damages that may arise out of the hirer's failure to comply with the above



## **21 SOUND RESTRICTIONS**

- 21.1 The hirer shall comply with the Environmental Protection (& Noise) Regulations of 1997 and sound levels recommended by the Department of Occupational Safety and Health of Western Australia (DOSHWA).
- 21.2 The hirer shall be responsible for the payment of all fines and associated costs incurred as a result of non-compliance with either the Environmental Protection (& Noise) Regulations or relevant Occupational Safety and Health requirements.

## **22 DISPUTES**

- 22.1 In the event of any difference or dispute arising as to the interpretation of the conditions, the matter shall be referred to the Shire of Upper Gascoyne Chief Executive Officer for his decision thereon and such decision shall be binding on the parties to the dispute.
- 22.2 Non compliance with any of the above conditions will cause the implementation of extra cost to the hirer, retention of the bond, or cancellation of the hire booking. Any costs over and above the amount of the bond will become a debt recoverable from the hirer by the Shire of Upper Gascoyne.



## SECTION 11 – Recreation & Culture

DOCUMENT	11.05 Use of Gymnasium	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	04/01/2023	No changes.	
Ainsley Hardie	23/01/2023	Use of Gymnasium Notes	

### **11. 05 USE OF GYMNASIUM**

#### **OBJECTIVE:**

To define the use of the gymnasium for all community members taking into account the consideration of the care and maintenance of the facility

1. The gym (donga facility) is situated within the pavilion complex located on Gregory Street in Gascoyne Junction. The facility is air conditioned with a code for entry. Toilets are available in the pavilion.
2. Entry to the gym by use of a code is permitted between the hours of 4:00am and 10:00pm daily.
3. At least two persons should be present when the gym is being used.
4. Only persons 16 years of age or over will be authorised by the Shire to have access to the gym.
5. The gym user must sign in and out of the gym each time the facility is used. Children under the age of 16 years are not permitted to accompany the swipe card holder unless prior written approval of the Shire is obtained.
6. Access to the gym is granted by paying an annual membership for residents, or for contractors and visitors a seasonal pass. This fee is outlined in the Shire of Upper Gascoyne Fees and Schedules charges.
7. Users should be familiar with the correct way to use the equipment and should observe posters in the room showing correct lifting procedures and warm up routines.
8. Users are required to ensure that loose equipment is stored safely. If equipment is not stored safely and/or if damage is caused to the facility, access to the gym may be withdrawn.
9. First aid equipment and defibrillator are stored in emergency access only cabinets to the right of the entry door. ALL USE TO BE REPORTED TO THE SHIRE.

10. Users should report any equipment that needs repair or maintenance to the Shire.
11. The Shire accepts no liability for any death or injury to any person or any loss of or damage to property of any person arising directly or indirectly out of use or access to the gym at any time.
12. By paying the annual membership or seasonal membership fee, all gym users indemnifies and agrees to indemnify and keep indemnified the Shire, its officers, agents and employees in respect of any liability whatsoever in respect of any death or injury to any person or any loss or damage to any property of any person arising directly and indirectly out of sharing the code of access to non-members of the establishment.
13. Terminating a membership agreement during the cooling-off period A client may terminate a membership agreement during the 48 hour cooling-off period if they give the Shire written notice of termination, if the agreement is terminated within the 48 hour period there will be no administration charges.

Termination of the agreement outside of the cooling off period: The agreement may be terminated due to an illness or injury that would render the user unable to utilise the facility or

1. The user moves from the region on a permanent basis. Notification of the termination is to be given in writing to the Shire and the Shire is to reply within seven days of receipt of such notice. There will be no extra administration costs on termination of this agreement.
2. Agreements are for a twelve month period only and will run from the date entered into for that period only. Renewal will be required every twelve months.
3. The Shire will not provide direct debit options for payment of accounts



SECTION 11 – Recreation & Culture			
DOCUMENT	11.06 Community Engagement Policy	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	04/01/2023	No changes.	
Ainsley Hardie	23/01/2023	Hire of Pavilion and Shire Facilities Notes	

## 11. 06 COMMUNITY ENGAGEMENT POLICY

### OBJECTIVES:

The objectives of this policy are to:

- provide awareness of the Shire of Upper Gascoyne’s principles toward community engagement and to set a framework for all community engagement activities conducted by the Shire.
- ensure Shire stakeholders are well informed about issues, strategies and plans that may directly or indirectly affect them.
- ensure Shire stakeholders have the opportunity to be involved in Council’s decision making and policy development.
- seek the views of all stakeholders, selecting engagement methods that are flexible, inclusive and appropriate to those being engaged.
- provide members of the community with the opportunity to hear each other’s opinions and to recommend appropriate solutions to community issues.
- ensure Council is meeting its legislative requirements regarding community consultation in all areas of its service delivery.
- recognise that there is diversity in the activities and projects Council undertakes and that the type of engagement should vary accordingly.

The Community Engagement Policy applies to elected members, employees and community members. The Shire recognises that community engagement and the opportunity for communities to participate in planning for the future are vital in ensuring we meet our Strategic Community Plan objectives. Community engagement is not only good business practice but also important to good government. For this reason, the Council is committed to engaging with the community. Community engagement is about involving the community in decisions which affect them, and it is critical to the successful development and implementation of acceptable policies and decisions and for improving services by being responsive to the needs of the community. Community engagement does not mean achieving consensus. However, it does involve seeking broad, informed agreement and the best possible solution for Council and the community. The overarching principle is that the Shire will consult with our communities. Therefore, this policy applies not only to Shire’s Strategic Planning processes but to all facets of our operations and projects.

### Benefits of community engagement

There are numerous benefits from community engagement:

- Increased community awareness of Council’s services, planning and programs,

- Increased awareness across Council of community views and the issues that should be considered as part of the decision-making process,
- Increased awareness of the needs, priorities, and diversity of the local community, which in turn ensures that Council's service provision and planning is well aligned with community expectations,
- Increased level of community ownership and acceptance of decisions,
- Council and the community working together to address local issues; and the potential for the Council to save time and resources.

The Shire of Upper Gascoyne will approach community engagement adhering to the following principles.

- Be open and inclusive
- Recognise that community participation is an integral part of informed decision making,
- Promote and support opportunities for the community to actively participate,
- Encourage involvement from all stakeholders and will use engagement processes that are accessible and inclusive, Create mutual trust, respect and be accountable.
- Treat all stakeholders in the engagement process with respect and dignity,
- Approach engagement from an impartial perspective,
- Be accountable, accessible, and ethical in all dealings with the community. Engage early and be clear
- Seek early engagement and regularly involve the community in decision making
- Clearly communicate the objectives of the engagement process and provide community members with all available, relevant information as part of the consultation engagement process to ensure informed discussion
- Communicate the parameters of the engagement process to participants from the outset, including legislative requirements, Council's sphere of influence, conflicting community views, policy frameworks and context, budget constraints etc.
- Acknowledge that planning is a critical process to deliver successful outcomes and are committed to developing and implementing community engagement plans. Consideration and feedback
- We are committed to demonstrating that we have considered all community contributions and relevant data, prior to making any decisions that affect the local community,
- We are committed to providing participants with feedback at key stages throughout the project and upon completion and how community input influenced the decision.

We recognise and acknowledge the skills required to undertake community engagement and will provide employees with opportunities for further skill development and training, and that in certain circumstances it will be beneficial to retain professional consultants to assist with certain engagement strategies.



## SECTION TWELVE – TRANSPORT & PUBLIC SERVICES

DOCUMENT	12.1 – Use of Heavy Vehicle Combinations on Local Roads	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	Changes made to reflect the RAV ratings and speed limits.	
John McCleary	03/01/2023	No changes.	

### **12.1 USE OF HEAVY VEHICLE COMBINATIONS ON LOCAL ROADS**

The Chief Executive Officer is authorised to give Councils agreement to applications to operate applicable heavy vehicle combinations on local roads subject to the RAV road rating of the road, the weight of the loads, frequency of the transport task and vehicle configuration.

#### **SPECIAL CONDITIONS:**

- 1) All roads are subject to the conditions allowed by the Commissioner of Main Roads. These being:
  - a. Where the heavy vehicle is being utilized for the servicing of primary producers or businesses within the Shire of Upper Gascoyne approval is granted for the use of all local roads within the Shire subject to those vehicles involved taking the shortest possible route, or an agreed route, to and from the properties involved utilising the roads.
  - b. Any operators using the vehicle categories as described traveling on roads other than those roads described in Condition (1) in accordance with Condition (2) must be able to provide proof of purpose for utilising the said road and substantiate that the shortest possible route or an agreed route has been taken to reach the destination from the designated routes if challenged by an authorised person.
- 2) Use of town streets other than through roads of the Shire of Upper Gascoyne will not be permitted unless for access to Industrial area unless specific approval is obtained from the Shire of Upper Gascoyne.

#### **GENERAL CONDITIONS:**

- a. Operators wishing to vary the conditions as detailed in this policy must contact the local authority for written agreement and forward agreement if granted to Main Roads for approval and endorsement on their permit.
- b. Local Government conditions will vary according to the road network topography, traffic, road condition and weather conditions.

- c. Speed limits for permit vehicles are:
- Unsealed open roads 70km/hour
  - Built up areas 50km/hour or 10km below the designated speed limit whichever is the lesser.
- d. Council may review its policy and add or remove roads from the approved roads as they see fit subject to endorsement by the Commissioner of Main Roads.



## SECTION TWELVE – TRANSPORT & PUBLIC SERVICES

DOCUMENT	12.2 Road Closures	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	Minor changes to way we communicate road closures.	
John McCleary	24/08/2021	Added a clause that refers to the Shires Local Laws.	

### **12.2 ROAD CLOSURES**

Roads affected by rain may be closed forthwith. Operators are to be advised to check the Road Report on the Shire’s website or contact the Shire for advice if heavy rains have fallen in the area. Road closure signs are to be placed on the effected roads where possible.

The Shire will communicate road closures via Facebook, Shire Web Page, notify adjoining Local Governments, notification on Public Notice Boards.

The Shire is to provide pastoralists with appropriate Road Closed signs to effect road closures.

Gates where erected will be closed with signs attached advising that the roads are closed to the public.

Police, emergency service vehicles and other light vehicles with legitimate need must gain permission from the Shire prior to entering a closed section of road.

The CEO and the Manager of Works and Services are able to issue fines under the Shire of Upper Gascoyne “Activities in Thoroughfares” Local Law for those motorists that drive on closed roads with the Shire of Upper Gascoyne.

The CEO or Works Manager may pass on evidence and details of those that drive on closed roads for further prosecution.



**SECTION TWELVE – TRANSPORT & PUBLIC SERVICES**

DOCUMENT	12.3 – Traffic Signs	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	25/08/2021	No changes.	

**12.3 TRAFFIC SIGNS**

Council accepts the delegation of responsibility from Main Roads WA.

The Main Roads Code of Practice “Traffic Management on Roads” relating to the erection, establishment and display of any traffic signs and traffic control signals will form the basis for the construction, erection and maintenance of signs within the Shire of Upper Gascoyne. This does not include roads not under the Shire’s control.



**SECTION TWELVE – TRANSPORT & PUBLIC SERVICES**

DOCUMENT	12.4– Gravel Supply Arrangements	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**12.4 GRAVEL SUPPLY AGREEMENTS**

Where gravel use is negotiated with land holders from pastoral property either a written or verbal agreement is to be entered into with the landholder as required. The agreement is to clearly identify estimated area required and the amount of gravel to be extracted. Gravel pits are to be leveled and reinstated by council staff at the end of their useful life as determined by the Works Manager or Chief Executive Officer.

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



**SECTION TWELVE – TRANSPORT & PUBLIC SERVICES**

DOCUMENT	12.5 – Cyclone Clean-Up	Triennially	Triennially 9or as required)
<b>NAME:</b>	<b>DATE REVIEWED:</b>	<b>CHANGES/COMMENTS:</b>	
John McCleary	17/03/2019	No changes.	
John McCleary	25/08/2021	No changes.	

**12.5 CYCLONE CLEAN UP**

Prior to the cyclone season, all residents and ratepayers within the townsite will be requested to clean up their property and remove all debris and dangerous items around their yards and buildings



**SECTION TWELVE – TRANSPORT & PUBLIC SERVICES**

DOCUMENT	12.6 – Restrictions on use of plant for private works	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	

**12.6 RESTRICTIONS ON USE OF PLANT FOR PRIVATE WORKS**

- a) The Shire will refrain from hiring out small equipment such as small petrol Generators Welders, Jackhammers, Chainsaws, Whipper-Snippers etc.
- b) The Shire’s plant shall not be used for any purpose either the Chief Executive Officer or the Works Manager believe is potentially dangerous or not the intended use of the particular machine.
- c) Council plant shall be available for private work hire subject to the operation of the machine being done by Shire operators. Private works must not exceed \$10,000 at any given time unless authorized by the CEO prior to works commencing. Once private works costs reach an amount of \$10,000 (ten thousand dollars) immediate payment of this amount in required in full by cash, cheque or EFT prior to continuing with the works.



## SECTION TWELVE – TRANSPORT & PUBLIC SERVICES

DOCUMENT	12.7 – Aircraft Landing Strips	REVIEW:	Triennially (or as required)
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes	
Jarrod Walker	03/01/2023	Major Changes	

### **12.7 AIRCRAFT LANDING STRIPS**

Grading of aircraft landing strips will be carried out under the following conditions:

1. On the basis the Shire cover 50% of the cost and the pastoralist cover the remaining 50% of the cost;
2. When the grader is in the general vicinity;
3. Should a pastoralist want the airstrip graded when the grader is not in the vicinity the pastoralist will be responsible for 100% of the costs associated with the mobilisation and demobilisation of the plant;
4. Should the airstrip require rolling this will be an additional cost realizable on a cost recovery basis inclusive of mobilization and demobilisation; and
5. Reconstruction of an airstrip will be treated as private works and charged out to the pastoralist at 100% of the cost.
6. If the airstrip is deemed by the CEO or Works Manager to require additional works other than a maintenance grade then it will be treated as private works and charged out to the pastoralist at 100% of the cost.

Note:

Airstrips are the property of the pastoralist and are not an asset of the Shire; hence the responsibility to maintain such lies with the the pastoralists.



## SECTION TWELVE – TRANSPORT & PUBLIC SERVICES

DOCUMENT	12.8 – Grid Policy	REVIEW:	Triennially (or as required).
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	Added section 3 as requested by Council	
John McCleary	03/01/2023	Added sections 6,7&8	

### **12.8 GRID POLICY**

1. Where a pastoral fence has remained down or removed for a period of 12 months or more, the lessee or resident manager should be given notice of the intent to remove the grid from the road reserve. The lessee should be given at least 30 days to object and any objection should be referred to Council at the next meeting;
2. If a grid has been removed and the lessee later wishes to have a new grid installed, then the new grid should be at least a 8m grid and only installed once the fence has been suitably rebuilt or a new fence constructed;
3. The Shire will re-instate the grid within three months however, however this will depend on the state of the budget and availability of materials and services;
4. This policy does not prevent agreement with any lessee to remove any grid at any time where advice has been received that the grid is no longer required;
5. Grids can be removed by suitable contractors or by the Shire crew particularly when working nearby;
6. The cost of purchasing a new grid and installing the same, where there was no grid previously, will be apportioned at 50% to the Shire and 50% the pastoralists for tier 3 and 4 roads; and
7. The cost of cleaning out grids or repairing grids / grid wings on tier 3 and 4 roads will be apportioned at 50% to the Shire and 50% for the effected pastoralists.
8. Grids will be installed / replaced on a 'first in' basis. The Shire will create a list and will work down the list when the budget allows given the cost of purchasing and installing a grid.



## SECTION 13 – ECONOMIC SERVICES

DOCUMENT	13.01 TOURISM	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	
Ainsley Hardie	17/01/2023	Proposed Policy	

### 13.1 TOURISM

To outline the support and promotion of Tourism in the Shire of Upper Gascoyne. The Tourism goals for the Shire of Upper Gascoyne are to increase visitor numbers and visitor nights spent in the Shire of Upper Gascoyne and to increase the visitor spend per visitor. Tourism was rated of high importance to residents in the Shire of Upper Gascoyne Plan for the Future 2022-2032 Community Strategic Plan and this policy aims to support achieving the outcomes of this document.

#### STRATEGIC GOALS

- Strategy 1.1.1 Foster our community spirit and promote our local attractions
- Strategy 2.1.1 Provide appropriate transport network infrastructure, supporting our community, local pastoral and mining industries and tourism
- Strategy 2.3.1 Increased awareness of the district and regional attractions
- Strategy 2.3.2 Promote opportunities for economic development in the region
- Strategy 2.3.3 Encourage diversity and growth of local business, industry and investment
- Strategy 3.1.1 Protect natural capital, associated infrastructure and support appropriate access
- Strategy 3.2.1 Continue planning and development of existing and new infrastructure
- Strategy 3.2.2 Maintenance and upgrade of infrastructure
- Strategy 4.1.1 Effectively represent and promote the Shire
- Strategy 4.1.2 Lobby and advocate for the community and district
- Strategy 4.2.1 Provide professional and efficient services to the community

#### STRATEGIC OUTCOMES

##### WORKING COLLABORATIVELY

1. The Shire Council shall work closely with the Western Australian Tourism Commission, Australia's Golden Outback and other relevant tourism associations and government departments in all aspects of tourism development within the Shire of Upper Gascoyne and where possible seek representation on appropriate organisations.

2. Work collaboratively with neighbouring Shires across the Gascoyne Murchison Sub Region, Gascoyne and Pilbara or other tourism stakeholders identified as important in delivering successful the Councils tourism outcomes.

### **PLANNING & LEGISLATION**

3. In the formulation of planning Shire policies and documents ie: Local/Town Planning, Strategic Community Plans, the Council will consider the requirements of tourism in the decision making process.
4. In the preparation of local laws for the Shire of Upper Gascoyne, the Council shall consider the impact of these laws on tourism and the balanced development of the Shire.
5. The Shire of Upper Gascoyne will foster and encourage tourism product development and investment throughout the area and where possible facilitate the development application process.
6. When considering tourism projects, Council shall consider the social, cultural, economic and environmental impact of the proposal on the Shire of Upper Gascoyne to ensure responsible and sustainable tourism practices that benefit stakeholders, the community and visitors to the region.
7. The Shire Council will encourage through town planning a high standard of relevant design and aesthetics in all forms of tourism development.
8. To create an inviting space for visitors and residents the Shire Council will support the landscaping of residential and commercial centres that continue to make the Shire a unique and attractive visitor destination.

### **TOURISM & PRODUCT DEVELOPMENT**

9. The Shire Council will consider an appropriate and fiscally sound budget allocation annually to support the successful delivery of strategic tourism policies and outcomes as outlined in key documents and policies. The Shire Council will ensure funds are available to market the Shire of Upper Gascoyne effectively to increase visitor numbers, increase visitor length of and to increase visitor spend in the Upper Gascoyne.
10. The Shire Council shall endeavour to assist (financially and by other means) tourism organisations or events and initiatives that build the tourism potential within the Shire of Upper Gascoyne.
11. The Shire Council shall initiate the provision of tourism facilities sufficient to cater for destination and day trip visitors to appropriate areas within the Shire.
12. The Shire Council shall seek to source funding from other sources such as grants to support the provision of tourism facilities.
13. The establishment of National Parks, the enhancement of specific natural features, conservation areas of outstanding beauty and recognising items of heritage significance, will be supported where practicable by the Shire Council.
14. The Shire of Upper Gascoyne where practicable will facilitate the development of scenic routes, walk-trails and lookouts and review signage needs in strategically important visitor areas.

### **ROLES AND RESPONSIBILITIES**

Tourism and Community Development Officer



## SECTION 13 – ECONOMIC SERVICES

DOCUMENT	13.02 Astrotourism Dark Sky	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	03/01/2023	No changes.	
Ainsley Hardie	30/01/2023	Proposed Policy	

### 13.2 ASTROTOURISM DARK SKY

To provide guidance on a light spill and dust management for development proposals located within identified dark sky and Astrotourism locations in the Shire of Upper Gascoyne.

#### OBJECTIVE

- This policy seeks to preserve and protect the night sky for future generations through environmentally responsible outdoor light and dust management
- Provide a basis for decision making and establishment of principles to achieve night sky protection
- To identify and protect wildlife from the effects of light pollution

#### LEGAL STATUS

This policy is adopted under deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which enables the Shire of Upper Gascoyne to prepare local planning policies for any matter related to the planning and development of the Scheme area. The local planning policy can only have effect where consistent with the deemed provisions and local planning scheme.

#### DEFINITIONS & ABBREVIATIONS

Name of area	Additional Provisions
Asymmetric	Asymmetric beams allow light to be concentrated in one direction and prevents the need for light fittings to be mounted such that they are pointed down.
Colour Temperature	The perceived colour of a light source ranging from cool (blue) to warm (red), measured in Kelvin (K). A low correlated colour temperature such as 2500 will have a warm appearance whilst 6500K will appear cold.
Dark Sky Principles	Principle 1: Eliminate light spill Principle 2: Avoid over lighting Principle 3: Use energy efficient bulbs Principle 4: Ensure lights are not directed towards reflective services Principle 5: Use warm white colours
Development	As defined in the <i>Planning and Development Act (2005)</i>
Observatory	Any structure or land containing permanent optical and/or radio telescopes that are fixed or erected and used for scientific, tourism, business, defence and/or educational purposes includes permanent observatories, land that is frequently used for the above purposes, and those

	observatories listed in the Dark Sky and Astrotourism Position Statement.
Regulations	Means the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Symmetric	Symmetric beams are produced by fittings that distribute light equally in all directions and is typically seen in floodlighting. This form of lighting is detrimental to the night sky and contributed toward artificial sky glow.

## POLICY PROVISIONS

### 1. Specified exemptions

This policy does not apply to:

- Development exempt under Clause 61 of the Regulations
- Residential Development of Single Houses (including the development, extensions or ancillary structures on the same lot)
- A change of land use unless there is a works component, which is not exempt under this policy.

Unless located within a special control area.

### 2. Development Standards

The Shire of Upper Gascoyne will aim to keep all street lighting at a maximum of 3000K

A lighting management plan is to be submitted with all applications subject to this policy. Where a lighting management plan is not submitted, the Shire of Upper Gascoyne, may apply a condition requiring a lighting management plan, prior to commencement of development. This may include any details relevant to ensuring that the application is consistent with Dark Sky Principles, at the Local Government's discretion. Where no external lighting is proposed, this should be stated.

All lighting must:

- Be pointed downward
- Be shielded such that only the intended area to be lit is illuminated, and any light spill created by the luminaire which is not directed to the intended area is effectively shrouded (See Appendix 1)
- Be commensurate with the intended use of the land and to the minimum standard to ensure safety and security, but no greater
- Be switched off or on a timer so that lighting is off/minimal between the hours of 10pm and 4am
- Use energy efficient lighting bulbs/systems (ie LED)
- Use warm white or filtered LEDs with a correlated colour temperature (CCT) of between 2500 and 3000K
- Be asymmetric (when floodlighting is required)
- Only face surfaces with low reflective policies in accordance with table 1

**Table 1: Surface Reflectivity**

Surface	Reflective Properties	Surface	Reflective Properties
Natural grass and vegetation	Low	Uncoloured Concrete	High

Painted Surface (Dark)	Low	Painted Surface (Light)	High
Pre-coloured factory metal (dark)	Low	Artificial Grass (Sand Base)	High
Brick (Dark)	Low	Pre Coloured Factory Metal (Light)	High
Raw or Stained Timber	Medium	Brick (Light)	High
Stone Surface	Medium	Zincalume Steel (unpainted)	High

## DUST MANAGEMENT

Where development may result in the generation of dust, applications should include a dust management plan as part of an application for development approval. Where a dust management plan is not submitted, the Shire of Upper Gascoyne may apply a dust condition requiring a management plan, prior to commencement of development. The dust management plan should be consistent with Department of Water and Environmental Regulation's *A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities* (March 2011)

## COMMERCIAL/INDUSTRIAL/MIXED USE/NON-RESIDENTIAL

In addition to the general provisions of this policy, a condition will be applied requiring compliance with *Australian Standard 4282-2019: Control of obtrusive effects of outdoor lighting*

## SIGNAGE

In addition to the general provisions of this policy, internally or externally lit signage should comply with the internationally accepted limits in accordance with Table 2.

**Table 2: Signage Luminosity**

Illuminated Areas (Square Metres)	Maximum Luminance at a point (candela per square metre)
More than 10	300
2 to 10	600
0.5 to 2	800
Less than 0.5	1000

## Appendix 1 – Dark sky principles

The WAPC adopts the following principles to guide implementation of dark sky standards:

### Principle 1 – Eliminate light spill

Light spill is light that falls outside of the area which is intended to be lit and contributes directly to artificial sky glow. Lighting should generally be:

- in the 'as installed' position to achieve 0% upward light waste ratio (UWLR)
- directed downward and prevented from shining above the horizontal plane
- shielded
- mounted under eaves, verandas or roof
- internalised within buildings
- using directional fittings to ensure that light is directed
- mounted higher to reduce light spill, through a more efficient and effective light spread.

Figure 1: Common aspects of light pollution

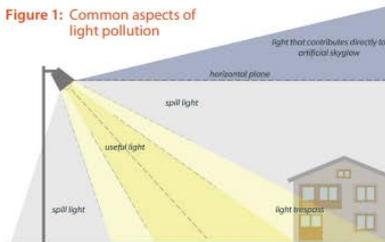


Figure 2: Acceptable asymmetric lighting installed below an eave

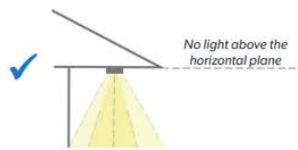


Figure 3: Non-shielded light fitting



Figure 4: Shielded light fitting



Figure 5: Non-shielded light fitting



Figure 6: Shielded light fitting



Figure 7: Shielded flood lights





**SECTION 14 (A) – OTHER**

DOCUMENT	14 – OTHER	REVIEW:	Triennially
NAME:	DATE REVIEWED:	CHANGES/COMMENTS:	
John McCleary	17/03/2019	No changes.	
John McCleary	25/08/2021	No changes.	

**14 (A). OTHER**

No policies have been developed at this stage.