

Council Policy Manual

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Shire of
Serpentine
Jarrahdale

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Council Policy – Acceptable Building/Planning Minor Modifications

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning and Compliance, Building Services
Responsible Officer	Manager Statutory Planning and Compliance
Affected Business Units	Statutory Planning Compliance Building Services

Objective

The objectives of this Policy ~~are~~ to ~~provide for a~~:

- ~~Provide a~~ Clear description of when an amended application for planning approval will and will not be required, depending on the scale of modification proposed in the building permit application; and
- Provide an equitable and standardised manner in determining what constitutes an 'Acceptable Minor Variation' for Planning and Building Services within the Shire of Serpentine Jarrahdale (Shire).

Scope

The scope of this policy is to assist the Shire in exercising discretion in exempting minor modifications from the requirement ~~to obtain development of planning~~ approval to expedite the development process.

1 Policy

1.1 Introduction

It is acknowledged that due to costs associated with preparing detailed design drawings and the uncertainty of ~~planning development~~ approval being granted, developers for larger proposals (often commercial in nature) submit plans which are conceptual in nature as part of an application for ~~planning development~~ approval.

Once ~~planning development~~ approval has been granted, detailed design is undertaken ~~where and~~ in some instances minor modifications are required to be undertaken to a design to address site constraints and Building Code of Australia (BCA) requirements.

This policy seeks to provide the mechanism to bypass the requirement of obtaining ~~planning development~~ approval for minor modifications which are necessary to address site constraints and BCA requirements, to fast track the development process where possible.

This Policy importantly is an instrument to assist Officers in exercising discretion in the decision-making process and should not be read as an automatic exemption.)

1.2 Acceptable Minor Modifications

An application under clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* may not be required where a minor or multiple minor modifications to an approved development ~~has been~~are sought which propose the following 'Acceptable Minor Modifications' and read in conjunction with Clause 2.1 of this policy:-

- (a) Reduction in scale of development that is considered to have a lesser impact than what is approved
- ~~(b)~~ Increased boundary setbacks, such that the development would remain predominantly within the footprint of what has been approved and only where required as a result of detailed design
- ~~(b)~~
- (c) Any Increase to the height of building between 1% and 5%, subject to this increase not directly impacting adjoining neighbours. An increase in building height less than not exceeding 1% is acceptable. ~~Increase to the height of building not exceeding 4%~~
- (d) Relocation of windows and doors within an elevation, and material changes which do not significantly alter the appearance of the building or impact adjoining properties
- (e) Change in floor level in order to comply with drainage or any other requirement
- (f) Minor adjustment to the position of a flagpole
- (g) Minor external fixtures, fittings, located within the lot boundaries and must not encroach or adversely affect neighbouring property
- (h) Modification required to address a Building Code of Australia requirement
- ~~(i)~~ Increase to the height of building between 1% and 5%, subject to this increase not directly impacting adjoining neighbours

2 Exclusions

2.1 Exclusion to Acceptable Minor Modifications

~~Planning Development~~ approval for minor modifications will be required where, despite a proposal which may meet the 'Acceptable Minor Modifications' list of Clause 1.2, triggers the following:

- (a) Where minor modifications have been proposed that would trigger the requirement of public consultation for the proposal, ~~a development application will be required;~~
- (b) Where a minor modification triggers an assessment against the ~~provisions~~ Design Principles of the Residential Design Codes;
- (c) Where a minor modification seeks to vary ~~a Shire of Serpentine Jarrahdale Town Planning Scheme No.02~~ Local Planning Scheme No.3;
- (d) For development occurring within ~~the a~~ Bushfire Prone Area, any modifications to the location of the development that would impact on the Asset Protection Zone or increase the Bushfire Attack Level ~~will require a development application;~~
- (e) Where minor modification requires an acoustic requirement;

- (f) Where a single or multiple minor modification(s) are ~~have been~~ proposed that in the Shire's opinion materially changes the overall development;
- ~~(g) Where minor modifications are proposed to an approved development resolved by either Council or the Joint Development Assessment Panel, where in the Shire's opinion significantly modifies the approved development;~~
- ~~(h)(g)~~ Where it is considered that modifications will have an adverse impact on surrounding development.
- ~~(i)(h)~~ Where modifications are proposed to address the BCA when ~~in~~ the Shire's opinion modifications ~~they~~ are not required to address a Building Code of Australia requirement.

Definitions

Acceptable Minor Modification means an amendment or modification that in the opinion of Officers, would not have a measurable impact on an abutting property or views from a street or right-of-way

Related Documents

- ~~XX~~[Local Planning Policy 1.5 – Exempted Development](#)

Legislation / Local Law Requirements

- Local Government Act 1995
- Planning and Development (Local Planning Schemes) Regulations 2015
- Building Code of Australia

Amendment Record

Relevant Delegations		Refer to Register of Delegations and Sub-delegations (as amended)	
		Date	Resolution Number
Council Adoption		18/11/2019	OCM252/11/19
Version	Date	Resolution Number	Amendment Details
2			New template and minor amendments to update language and relevant legislation titles

Council Policy – Asset Management

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Finance
Responsible Officer	Asset Technical Officer
Affected Business Units	Finance Corporate Performance Infrastructure Services Operations

Objective

The objective of this Policy is to ensure the Shire of Serpentine Jarrahdale (the Shire) has the systems, people, resources, capability, knowledge and understanding of its assets to effectively provide the intended services to meet the objectives of the Council Plan and Corporate Business Plan. Through the Asset Management Framework and this Policy, in conjunction with the Asset Management Strategy and Asset Management Plans determines the evolution of asset management within the Shire.

Scope

This Policy applies to infrastructure assets such as roads, carparks, pathways, kerbs, bridges, stormwater drainage, park recreation, public open spaces, streetscapes, trails, natural areas, buildings, land, plant and equipment.

Policy

Introduction

This Policy defines the key principles and requirements which the Shire will apply to planning and management, including long term financial sustainability of assets to ensure that these are effective and safe to meet the needs of its community, customers and stakeholders.

The Policy delivers an essential framework and rationale for best practice Infrastructure Asset Management (IAM) decision-making and informs the organisation on how it will maintain its infrastructure assets to meet service delivery requirements.

The asset management framework will also enable IAM to be undertaken in a structured and integrated manner with consideration to full lifecycle costing and assessment of the feasibility, and cost of future replacement.

This Policy complements and builds on the Council Plan, to provide a more formalised approach to IAM principles and methodology and incorporates processes to enable informed decision-making to meet service needs over the life of an infrastructure asset from planning, creation, operations, maintenance, and renewal through to disposal.

Council Policy - Asset Management

Policy

As custodians of the Shire's assets, Council represents the community as the asset owner and the administration is responsible to provide technical and professional advice to Council in accordance with the Asset Management Strategy.

To achieve the Policy objectives, the Shire is committed to ensuring that asset management is recognised as a major corporate function of Council, and that staff are committed to supporting the function in line with this Policy, by implementation of the following:

- Development and application of consistent standards to infrastructure assets built by the Shire, Community, or the Land Developer.
- Council engagement with the community and key stakeholders on determining service standards when developing levels of service for infrastructure assets in accordance with the Asset Management Plans.
- Allocation of appropriate resources to ensure the IAM practices are undertaken effectively, including timely maintenance and renewal to ensure that lifecycle costs are optimised for both existing and new assets.
- Council will work towards adopting an annual Infrastructure Works Budget that reflects the objectives of IAM, with adequate funding allocated for maintenance, capital renewal and capital upgrade of existing assets.
- Recording and maintaining Asset data in the asset register contained within OneComm for accurate reporting and effective decision-making.

The Shire is committed to making informed decisions in relation to its assets. To achieve this, the Shire has prepared an Asset Management Strategy that guides the implementation of Asset Management practices across the organisation with the significant outcome being the adoption by Council of an Asset Management Plan for the following major classes of assets:

- roads
- stormwater drainage
- buildings
- parks & reserves
- pathways
- bridges

Asset Management Plans will form part of the Shire's day-to-day business practices and will be used to make informed decisions in relation to service delivery when considering the need to acquire new assets, renew existing assets, upgrade existing assets, or dispose of existing assets to support service delivery.

Asset Management Plans will be prepared as a high-level Executive Summary for each major asset class following elements of the Institute of Public Works Engineering Australasia (IPEWA) and the International Infrastructure Management Manual (IIMM). Supporting technical information will be prepared by key stakeholders to align with IAM which will include long term forward works programs for renewal, upgrade and new.

Key Principles to inform Council decision making

In making informed decisions in relation to assets, Council will consider the following key principles:

- Philosophy of renewing assets before acquiring new assets and where possible, rationalisation of assets which do not provide the necessary level of service or are no longer used to sustainably deliver the service for which the asset was acquired.
- Prior to consideration of any construction or acquisition of a new asset, major refurbishment, improvement to an existing asset, a critical review of the following shall occur as part of the evaluation and prioritisation process:
 - demonstrated need (short and long term),
 - taking a life cycle approach,
 - sustainable outcomes,
 - legislative requirements.
 - future proofing and adaptability of facilities to changing needs including multipurpose/shared use opportunities, and
 - appropriate levels of service and affordability for the management of assets.
- All capital projects will be evaluated in accordance with a Capital Evaluation model and consider Asset Lifecycle Management principles including capital, operating, maintenance, refurbishment, replacement and/or disposal costs.
- Management of assets utilising a team approach supported by the multidiscipline cross-functional Asset Management Working Group (AMWG).
- The commitment to engage the community and key stakeholders when determining service levels.
- Training in asset and financial management will be provided for Elected Members and relevant staff.

Responsibility and Reporting

Council is responsible for approving (including amendments to):

- Asset Management Policy
- Asset Management Strategy
- Asset Management Plans

Chief Executive Officer (CEO) is responsible for ensuring that systems are in place to ensure that Council's Asset Management Policy, Asset Management Strategy and Asset Management Plans are prepared and kept up to date and reviewed annually. The CEO reports to Council on matters relating to Asset Management.

Executive Management Group (EMG) is responsible for monitoring the implementation of asset management across the organisation. The EMG will ensure that strategies are put in place for the successful implementation of Asset Management.

Asset Management Working Group (AMWG) is responsible for ensuring that Council's Asset Management Strategy is achieved, and that Asset Management Plans are prepared and maintained in line with this policy. Where changes to Council's Asset Management Policy, Asset Management Strategy or Asset Management Plans are identified, the AMWG is responsible for reporting these to the Executive Management Group (EMG) for consideration. The AMWG reports to the EMG on all matters relating to Asset Management.

Director Infrastructure Services is responsible for resource allocation associated with achieving Council's Asset Management Strategy. The Director Infrastructure Services is responsible for supporting the AMWG and ensuring that resources are commissioned (where appropriate) to assist the AMWG to achieve its objectives.

Director Corporate Services is responsible for asset data management and financial reporting. The Director Corporate Services is responsible for supporting the AMWG and ensuring that financial capacity is available (where appropriate) to assist the AMWG to achieve its objectives.

All Directors are responsible for ensuring that resources under their control are appropriately allocated to resource asset management and in particular the AMWG.

Definitions

Infrastructure Asset Management (IAM) means the systematic process of operating, maintaining, upgrading, and managing physical assets such as roads, bridges, utilities, and buildings to ensure their optimal performance, sustainability, and cost-effectiveness over their lifecycle. It integrates planning, engineering, and financial strategies to meet service delivery goals while minimizing risks and costs.

Institute of Public Works Engineering Australasia (IPWEA) is a professional association representing public works engineers across Australia, New Zealand, and other parts of Australasia. It supports the development of public infrastructure through education, advocacy, and providing resources for professionals working in public works and engineering management. The IPWEA focuses on improving the delivery of public services, infrastructure, and asset management.

International Infrastructure Management Manual (IIMM) is a comprehensive guide for the management of public infrastructure assets. It provides best practices, frameworks, and methodologies for the planning, maintenance, and optimization of infrastructure to ensure sustainability, efficiency, and cost-effectiveness. The IIMM is widely used by professionals involved in asset management, particularly in local government and public works sectors.

Asset Management Working Group (AMWG) means the multidiscipline cross-functional group is responsible for ensuring that Council's Asset Management Strategy is achieved, and that Asset Management Plans are prepared and maintained in line with this policy.

Related Documents

- Council Plan [\(E23/15978\)2023-2033](#)
- Corporate Business Plan [\(SJ940\)](#)
- Council Policy [3.2.10](#) – Significant Accounting Policies [\(E17/11770\)](#)
- Asset Management Strategy [\(E20/8417\)](#)
- AP26 – Asset Management [\(E15/5096\)](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*

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Amendment Record

		Date	Resolution Number
Council Adoption		22/03/2010	CGAM056/03/10
Version	Date	Resolution Number	Amendment Details
2	29/09/2015	OCM187/09/15	
3	25/01/2010	OCM023.1/01/10	
4	18/12/2017	OCM179/12/17	
5	18/11/2024	OCM323/11/24	
6			New template and definitions added

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TO BE RESCINDED

Council Policy – Bed and Breakfast Accommodation

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning and Compliance
Responsible Officer	Manager Statutory Planning and Compliance
Affected Business Units	

Objective

The objective of this Policy is to:

- To ensure that bed and breakfast accommodation will complement and encourage further tourism in the area.
- To ensure that bed and breakfast accommodation is undertaken to a sufficient quality and standard suitable for tourist use.
- That approval of bed and breakfast accommodation facilities will not detract from the amenity or character of an area.

Scope

The Shire's ~~Local Planning Scheme~~Town Planning Scheme No. 2 does not include a provision for this facility, consequently this policy is required to establish guidelines and development standards for Council to consider such proposals. The policy is intended as an interim policy pending inclusion of appropriate provisions within Council's Town Planning Scheme ~~text~~.

Policy

1. Scheme Provisions

Pending inclusion of appropriate provisions within Council's Town Planning Scheme, bed and breakfast is to be assessed as an 'SA' use within the Residential, Special Residential, Conservation, Special Rural, Rural Living A and B and Farmlet zones, and 'AA' within the Rural Zone and Agriculture Protection zones. No bed and breakfast applications will be considered within any other zone comprised within Town Planning Scheme No. 2.

2. Policy Measures

2.1 Location and Site Area Requirements

2.1.1 The minimum lot size considered for a bed and breakfast facility will be 900m² on the basis that prospective impacts (and hence lot sizes) are similar to duplex development.

2.2 Car Park and Access

2.2.1 One car parking bay is required for each guest room together with two for the normal permanent residential use. The Council may accept tandem parking for the two

permanent residential bays. Accessible parking is to be provided in accordance with the [BCA National Construction Code \(NCC\)](#).

2.2.2 Car parking areas should generally be screened from major access roads with car parking area and access to the specifications of the local government.

2.3 Building

2.3.1 Where the existing standard of dwelling is not considered appropriate, consent to the facility may be conditional upon upgrading of the dwelling.

Class 1b classification will apply and the residence must comply with the [BCA-NCC](#) provisions for this classification.

2.4 Health

2.4.1 Separate guest rooms conforming to size, light, and ventilation requirements as per the *Health Act 1911*.

2.4.2 Separate toilet, shower, bath, and hand basins are to be supplied for guest users, where practical, as determined by Council. Council may require upgrading to existing facilities to meet satisfactory health standards, if required.

2.4.3 An acceptable standard of hygiene, especially in areas of food preparation to be determined prior to approval and in any subsequent inspections. Council may require upgrading to existing facilities to meet satisfactory health standards if required.

2.4.4 Dwelling must be connected to reticulated water supply and/or rainwater tank of sufficient capacity.

2.4.5 Premises must register with the local government as a food premises in accordance with legislative requirements.

2.4.6 The swimming pool shall comply with the *Health Act 1911* and be tested for water quality at regular intervals as determined by the Environmental Health Officer.

2.5 Signposting

2.5.1 Signposting will be limited to completely within the property and shall not exceed 0.5m² (i.e. 1.0m x 0.5m) on the property frontage. The height of the sign from ground level shall not exceed 1.5m. Directional signposting in general will not be contemplated by Council other than Council standard signs. Applications will be assessed in accordance with Council's Local Planning Policy – Advertising Signs.

2.6 Landscaping and Fencing

2.6.1 Council may require the front setback to be landscaped in order to provide a high quality street frontage or sufficient screening of car parking areas where necessary.

3. **Advertising**

In accordance with the provisions of the Shire's Town Planning Scheme for "SA" uses, applications for bed and breakfast in the relevant zones are to be advertised in order ~~that for~~ adjoining owners have the opportunity to comment. This is not necessary in the Rural Zone or Agriculture Protection zones where the same zoned land abuts. Adjoining owners will be notified in writing and Council may also require the erection of a sign on site at the applicant's cost.

Where an application abuts a regional reserve or roadway, Council may be required to forward the application to other Government agencies for comment.

Definitions

“Bed and Breakfast Establishment” means a private dwelling intended for short stay/overnight accommodation in which one or two guest bedrooms are utilised to provide incidental holiday accommodation for not more than four persons or one family located under the main roof of the dwelling house.

Relevant Policies / Council Documents

- [Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 N#](#)

Legislation / Local Law Requirements

(*Local Government Act 1995*)

- *Strategic Community Plan 2017 - 2027*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		Not recorded	
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5			Rescinded

Council Policy – Bus Shelters

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Engineering Services
Responsible Officer	Manager Engineering Services
Affected Business Units	Engineering Services Operations

Objective

Bus shelters are a valuable community resource and Council has approved their provision by external stakeholders subject to conditions.

Scope

This Policy applies to [all existing and proposed new bus shelter locations within the Shire of Serpentine Jarrahdale.](#)

Policy

- Any community group, agency or business may construct a bus shelter based on the Public Transport Authority standard designs and erect the shelter on the Shire [of Serpentine Jarrahdale](#)'s road reserve to the satisfaction of the Director Infrastructure Services.
- Advertising on bus shelters is to be submitted to and approved by the Director Infrastructure Services prior to it being placed on the shelter.
- The Chief Executive Officer (or delegate) may approve applications which comply with this policy.

Definitions

Nil

Related Documents

[Strategic Community Plan 2017 – 2027](#) [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- Local Government Act 1995* [\(WA\) Part 2, s3.53\(1\), S3.1](#)
- Public Transport Act 2003* (WA)
- Land Administration Act 1997* [\(WA\) S55\(1\)\(a\)](#)
- Main Roads Act 1930* [\(WA\) s16](#)

- *Disability Discrimination Act 1992*

Amendment Record

Relevant Delegations		Delegation E09S – Authority to determine applications and apply conditions to matters connected with road reserves	
		Date	Resolution Number
Council Adoption		24/04/1990	
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	25 January 2010	OCM023.1/01/10	
4	29 September 2015	OCM187/09/15	
5	18 December 2017	OCM179/12/17	
6			New template and updates to related documents title.

Council Policy – Cash Reserves

Responsible Directorate	<u>Corporate Services</u>
Responsible Business Unit/s	<u>Finance</u>
Responsible Officer	<u>Manager Finance</u>
Affected Business Units	<u>Finance</u>

Objective

This Policy provides direction to management in relation to a framework surrounding decisions to place funds into a reserve account and provides strategic support and direction for the establishment and utilisation of Cash Backed Reserves (Reserves).

Scope

~~Please complete~~ This policy relates to establishment and management of the Shire of Serpentine Jarrahdale's reserve accounts.

Policy

Reserves are accounts established and held within the municipal fund to hold cash retained by the Shire of Serpentine Jarrahdale (the Shire) for the purpose of:

- reducing business risk;
- improved financial management;
- improved strategic capacity;
- meeting asset renewal needs; or
- meeting statutory obligations and other external requirements.

The balance of cash held in reserve accounts are restricted to the defined purpose for which the reserve account was established.

Linkage to the Long-Term Financial Plan

Cash reserves are a mechanism to assist in achieving the strategic objectives of the Shire and the decision to allocate cash to/from a reserve account is made within the context of its implication on the long-term financial sustainability of the Shire.

Inter-Generational Equity

~~The Shire will seek to achieve intergenerational equity in its use of reserve savings as a means of funding long lived assets to achieve an alignment of the cost of funding the asset(s) and the consumption of the benefit.~~

Establishment of Reserve Accounts

The Shire will generally support the establishment of cash reserves in accordance with Appendix A of this policy, to achieve the following outcomes:

Purpose	Rationale for Establishment
Business Risk	<p>Reserves may be established to minimise the impact on Council–Shire operations in any one year from unanticipated events. Unanticipated events can arise from the impact of natural disasters where the financial risks cannot be fully recouped under an insurance policy or disaster funding.</p> <p>In addition, unanticipated events may include draws on employee entitlements such as annual leave or sick leave or the unanticipated failure of assets critically important to maintaining service levels.</p>
Financial Management	<p>To manage the transition from a past budget period to a future accounting period, reserves may be established to hold restricted funds for transfer to a future period to match/offset the respective expenditure.</p> <p>Reserves may also be established to be used to accumulate funds for significant operating expenses that occur on a recurrent basis but do not require an annual allocation in every budget year, <u>for example for Elections which do not happen every year.</u></p>
Strategic Capacity	<p>On occasions, the Shire is offered strategic opportunities by the State/Federal government or the private sector to partner in the provision and delivery of community initiatives and programs. These are usually in the form of external grants or contributions which require a financial contribution from the Shire. Sufficient notice may not be provided to develop a specific financing strategy to take advantage of these opportunities. Strategic Reserves may be established to maintain a level of savings to access these opportunities subject to the outcomes aligning with the Shire's strategic community goals and priorities.</p>
Meeting Future Needs for Asset Management	<p>Reserves may be established to save for the future renewal of assets with the funding of anticipated future expenditure needs which provides the Shire a financing tool to manage issues of intergenerational equity, reduce reliance on borrowing to fund long lived assets and to overcome the restriction of a single budget by smoothing the funding allocation over the longer term.</p>
Statutory Obligations	<p>The <i>Local Government Act 1995</i> requires selected revenue streams to be quarantined and to only fund the purpose for which the revenue was raised. Examples are nominated service charges and specified area rates. Any revenue collected in a budget year not used for the purpose for which it was raised must be held in a reserve until it is applied to the purpose in future periods. Money held in these Reserves cannot be used for any other purpose.</p> <p>Developer contributions are collected in accordance with Community Infrastructure Plans to be used to fund specific assets in nominated areas.</p>

Interest on Investment of Reserves

Subject to the balance of the reserve being below the maximum levels as outlined in this policy, interest earned on cash in Reserve accounts shall be transferred to the reserve account as a deposit.

Monitoring and Reporting

The minimum and maximum levels of cash held in each reserve (if applicable) will be determined in accordance with Appendix A of this Policy. The level of reserves will be reported in the budget annually in accordance with minimum and maximum levels as set out in this policy.

The minimum levels as set out in this policy are to be considered as a goal and may not be able to be achieved at times due to events that impact the use of the reserve. If minimum levels are not achieved, the long-term financial plan is to include strategies to return the cash reserves to the minimum balance in accordance with the levels set out in this policy.

If the maximum levels, as set out in this policy, are achieved for the relevant reserve account, future transfers of cash to the reserve (including interest earning from the investment of the reserve) may be suspended until such time as a report is prepared to the Council to review the levels and purpose of the reserve account.

Definitions

Nil.

Relevant Policies / Council Documents

- Council Plan 2023-2033

- Long Term Financial Plan

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Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

Amendment Record

Relevant Delegations		Nil. or Refer to Register of Delegations and Sub-delegations (as amended)	
		Date	Resolution Number
Council Adoption		18/12/2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2			New template and <u>removal of intergenerational equity.</u> Update

			references to long term financial plan. ...
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Council Policy – Cash Reserves

<u>Appendix A</u>					
Category	Sub Category	Purpose	Examples	Minimum Reserve Balance	Maximum Reserve Balance
Operational	Timing Adjustments	To assist with the matching of revenue and expenditure across accounting periods.	Unspent Grants/ Committed Works	Determined by the amount of funds to be transferred across financial years. <u>Eg Election Reserve, ICT Reserve.</u>	
	Statutory	To achieve statutory compliance in accordance with relevant legislation	Service charges, specified area, <u>Developer Contribution Plans</u> rates or external restrictions.	Determined in accordance with legislation	
	Accumulated Liabilities	To offset liabilities generated as a result of past accounting periods.	Employee Entitlements/ Revaluations costs	50% of the accumulated liability	100% of the accumulated liability
Strategic	Natural Disaster	To reduce the financial risk of unanticipated events	Flooding or storm damage	As per budget availability Equivalent to an amount equal to 1% of annual general funds Equivalent to an amount equal to 2% of annual general funds	
	Community	To provide for strategic actions in support of identified activities that cannot be funded in the one budget period	N/A	Determined by the renewal requirements of each project.	

Council Policy – Cash Reserves

<u>Appendix A</u>					
Category	Sub Category	Purpose	Examples	Minimum Reserve Balance	Maximum Reserve Balance
	Opportunities	To provide for the capacity to take-up unanticipated strategic opportunities	N/A	As per budget availability Equivalent to an amount equal to 2% of annual general funds Equivalent to an amount equal to 4% of annual general funds	
Asset Management	Specific	To hold funds for the future renewal of identified assets which cannot be managed in a single budgetary year.	Significant asset renewal needs such as facilities of regional significance or essential services.	As per budget availability Determined by the renewal requirements of each project.	
	Light Fleet & Plant Acquisition	To hold funds for asset renewal for plant & vehicles to reduce the risk of a sudden loss of service potential and to assist with peak renewal demand.	Plant and Vehicles	As per adopted Long Term Financial Plan which will be informed by the Long Term Plant Replacement Plan 10% of the current replacement cost of the depreciable component of each asset group 20% of the current replacement cost of the depreciable component of each asset group	
	General	To hold funds for general asset renewal for each fixed asset class (excluding plant & vehicles) to reduce the risk of a sudden loss of service potential	Waste Management, Roads, Footpaths, Drainage, Parks	As per budget availability 1% of the current replacement cost of the depreciable component of each asset group	

Council Policy – Cash Reserves

<u>Appendix A</u>					
Category	Sub Category	Purpose	Examples	Minimum Reserve Balance	Maximum Reserve Balance
		and to assist with peak renewal demand.	Infrastructure, Buildings.	2.5% of the current replacement cost of the depreciable component of each asset group	
Developer Contributions	Major Community Infrastructure Development Contribution Plans	To hold contributions to be used in accordance with the specific major plan	N/A	Determined by the amount of unexpended funds. Matching contributions to be made in accordance with developer concept contribution plans eg CIDCP	
	Miscellaneous	To hold contributions to be used in accordance with several minor plans	N/A		

Council Policy - CCTV

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Community Activation
Responsible Officer	Manager Community Activation
Affected Business Units	Information Communication Technology

Objective

The objective of this Policy is to establish clear parameters for the use of Closed Circuit Television (CCTV) systems across the Shire of Serpentine Jarrahdale (the Shire) to assist in:

- Creating a safer environment for residents and visitors to the Shire ~~of Serpentine Jarrahdale~~;
- Protect ~~Council's Shire~~ assets and other assets under the control and care of ~~Council~~the Shire.

Whilst CCTV cameras bring benefits to the community, such as a reduction in crime, which can lead to enhanced community safety and property protection in particular areas, it is recognised that crime will never totally be prevented. This would be beyond the scope of any one agency or sector.

Scope

Generally, this Policy applies to fixed CCTV cameras that are installed in and on ~~Council~~Shire owned infrastructure and are listed within relevant asset registers.

Organisations contracted to operate and manage facilities on behalf of the Shire ~~of Serpentine Jarrahdale~~, where CCTV is in operation, are to abide by this Policy.

It is acknowledged that CCTV cameras installed in public place locations as part of ~~Council~~Shire infrastructure, will capture images of the general public and staff performing work tasks. The provision of CCTV within the Shire ~~of Serpentine Jarrahdale~~ is not designed to intentionally provide workplace surveillance unless specifically stated.

CCTV cameras are also installed from time to time by tenants or licensees of ~~Council~~Shire land or buildings in accordance with the terms of leases and/or licenses, as a separate safety measure by the tenant or licensee. Unless identified as a key site, where the vision is clearly recorded and held by ~~Council~~Shire, such cameras lie outside the scope of this Policy. Accordingly, all references to CCTV cameras within this policy refer only to cameras operated and monitored by, or on behalf of ~~Council~~the Shire.

Mobile or temporary cameras that are used in the same manner as fixed CCTV cameras to achieve said objective of CCTV provision, are incorporated into the scope of this Policy. This policy does not relate to mobile or temporary cameras (including dash cams or body worn cameras) that are primarily used for activities associated with enforcement by authorised ~~Council~~Shire officers in their delegated tasks; or for personal safety measures relevant to those tasks.

Policy

Introduction

New CCTV systems are to be introduced in consultation with staff, community groups and Council as appropriate, with consideration towards relevant statistical information wherever available.

Where systems are already in operation, these are to be reviewed regularly in consultation with staff, community groups and Council as appropriate, with consideration to relevant statistical information wherever available.

Principle Areas

Wherever relevant, applicable legislation shall be followed. Broadly, this Policy aims to clarify Council's intent when providing CCTV across the following principle areas:

One – Purpose, Privacy and the Public Interest

All CCTV's are to be operated fairly, within applicable law, and for the purposes unto which they were established or subsequently agreed to. Operation should occur with due regard towards the privacy and civil liberties of individual members of the public, and particularly with a view to minimising false association. The public interest in the operation of CCTV's is to be recognised by ensuring the security, review and integrity of operational procedures is maintained.

- a. The purpose of CCTV installation and operation occurs in accordance with this policy.
- b. The provision of CCTV is intended to assist in the prevention of crimes against a person or property, as well as offences and non-compliance where appropriate under the Local Government Act 1995.
- c. CCTV's may utilise intelligent surveillance and/or behaviour analysis software. This is to assist ~~Council the Shire~~ in the detection of suspicious behaviour, intrusion, crowd and traffic management, vehicle and facial recognition processes (identification).
- d. Cameras regulated under this Policy may be used by WA Police during emergency situations such as a siege, riot, bomb blast/threat or other controlled operation.
- e. Cameras may be used to monitor individuals, groups or locations where a Shire operator has reason to believe that an offence has been committed, is being committed or is about to be committed in the monitored area.
- f. Council and Shire operators are to use all reasonable efforts to prevent the occurrence of false association arising from the operation or utilisation of CCTV systems.
- g. CCTV cameras are not placed with the expectation that all conceivable areas are covered. Rather, cameras are installed at priority locations that take into account a range of criteria. This includes, but is not limited, to history of crime; public requests; illumination of area to ensure quality of images; and ability to integrate with existing or planned infrastructure whilst maintaining cost/benefit ratios.
- h. CCTV cameras installed in locations that are later deemed to be a non-priority area, or are not assisting ~~Council the Shire~~ to achieve policy objectives, may be removed or relocated.

Two – Ownership of CCTV's, Responsibilities and Accountability

~~Council~~The Shire is responsible for complying with the objectives of CCTV provision articulated within this Policy, and the protection of public interests that may otherwise be impacted by that provision.

- a. Information is to be publicly available on the Shire's website, where relevant to the effective operation and management of the CCTV Program and systems.
- b. Council will either operate the system, or give authority to an appointed contractor to operate the system.
- c. Council has the right of inspection of all CCTV facilities, procedural documentation, files, registers, records, and live and recorded material associated with the CCTV Program.
- d. Requests from third parties to install CCTV equipment on ~~Council~~Shire land or in/on ~~Council~~Shire owned facilities can be considered. In all instances, the request must comply with relevant legislative requirements, as well as demonstrate a need and purpose consistent with the Policy objectives. Any request must not exceed a 3 month period and come at no cost to ~~Council~~the Shire.
- e. Where hirers of ~~Council~~Shire facilities are subject to being recorded, this should be articulated within the conditions of hire.

Three – Shire of Serpentine Jarrahdale CCTV and Police involvement

As a partner to ~~Council's~~the Shire's CCTV Program, WA Police are to act in accordance with this Policy and related documents. This includes, but is not limited to any Memorandum of Understanding (MOU), Agreements, or legislative conditions between ~~Council~~the Shire and Police.

Contact related to the CCTV Program between ~~Council~~Shire staff, any delegated contractors and the Police, is to be conducted in accordance with relevant legislation. ~~Council~~The Shire may request information from the Police to:

- a. Identify crime 'hot spots' where cameras may be required;
- b. Contribute to the Business Operating Procedures and/or Manuals that support this Policy;
- c. Assist in determining the level of response to incidents identified on monitoring screens, according to available resources and existing priorities;
- d. Provide ongoing information and advice to Council on the nature and level of crime in the monitored areas; and
- e. To evaluate the effectiveness of any CCTV provision.

It is noted that Police do not have the ability to record footage shown on ~~Council's~~the Shire's CCTV system and separate application/s will need to be made in line with relevant legislation.

Four – Public Information and Community Consultation

- a. The public is to have access to clear and easily obtained information relevant to the operation of the CCTV Program and systems, without jeopardising or impeding its objectives.
 - Signs advising that CCTV cameras are operating are to be displayed as legislatively required. This may include, but is not limited to information such as:

- General advice of CCTV presence;
- Footage is recorded 24 hours a day; 7 days per week; and
- Identifying Council-the Shire as the owner of the CCTV system.

b. Council-The Shire to retain records of all new, additional, altered or removed cameras.

Five – Evaluation of CCTV Provision

Regular evaluation of the CCTV Program shall be undertaken to identify whether the purpose and relevance of CCTV provision is current.

The evaluation of the CCTV Program should include, but is not limited to a review of:

- Specific locations and associated purpose of CCTV provision;
- Authorised Shire Officers and/or relevant contractors at each CCTV location;
- New or amended legislation relevant to the provision of CCTV;
- Business improvement opportunities;
- Actions that could safeguard or enhance the CCTV Program;
- Feedback received and/or public perception surveys;
- Requests for recorded material;
- System and technology related challenges or opportunities.

Six – Management of CCTV Monitors, Control Rooms and Associated Infrastructure

Staff and contractors, who have responsibilities related to viewing and/or controlling CCTV monitors or equipment are to meet and apply the highest standards of probity.

Access to any control room or equipment is to be restricted to relevant or authorised operating staff. Unauthorised access is not acceptable, and opportunities for inadvertent viewing of any screens or CCTV images by other persons are to be minimised.

- a. Access to control rooms and recordings captured by CCTV are not available to members of the public.
- b. The circumstances in which visitors are able to access control rooms and equipment is to be limited to extenuating circumstances only (such as approved maintenance).
- c. Council-The Shire and/or its security provider/contractors are to maintain:
- d. Suitable qualifications and licensing requirements for staff to meet all relevant legislation and regulatory requirements;
- e. Clear parameters and documentation for staff that outlines the disciplinary proceedings (including dismissal) for any breach related to the provision and management of CCTV;
- f. Confidentiality clauses enforceable during and after termination of employment;
- g. Appropriate systems so as to keep a record of all requests for footage, as well as the response provided.
- h. CCTV cameras should be installed and housed in manners that minimise ongoing maintenance costs, such as within weather protective casings or domes. However, they are to be clearly apparent to the public and not unduly concealed.

- i. Cameras are not to be used to look into adjacent or nearby premises, buildings, commercial premises or private residences unless under special request by WA Police for the purpose of:
- Following participants of a crime;
 - Following participants suspected of being involved in a crime;
 - Specific WA Police intelligence gathering or covert operation;
 - Monitoring persons or motor vehicles suspected of being involved in a crime; and/or
 - Monitoring property suspected of being used to accommodate criminal activity.

Seven – Retention of and Access to Recorded Material

All requests for access to recorded material, other than by authorised representatives of Council, must be made by means of a CCTV Access Application pursuant to the (WA) Surveillance Devices Act 1998. CCTV Access Applications are to be determined by Council's authorised officers in accordance with the provisions of that Act.

The retention of and access to recorded materials is only for the purposes articulated within this Policy and not to be kept longer than is necessary. Recorded material no longer required is to be disposed of using approved disposal methods.

- a. Recorded material is not to be sold or used for commercial purposes.
- b. The showing of recorded material is only permitted in accordance with the needs of WA Police and/or ~~Council~~ Shire security provider/contractors in connection with the investigation of a crime or other circumstances provided by law. This includes the release of recorded material to the media, where public information is being requested to identify a person/s wanted.
- c. Any material released to the media under the above provision is to be accompanied by a signed release that clearly states what the material will be used for and sets out the limits on its use.
- d. Appropriate security measures are to be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- e. Footage is generally retained for no less than thirty (30) days, unless identified as containing an incident and required to be retained as relevant to the investigation of a crime.
- f. Footage and images may be recorded and retained for a period less than outlined in (e) above during times of upgrade, repair or changeover of IT or related CCTV infrastructure.
- g. If in the rare circumstances that there is a failure within the CCTV system and recorded images within the stipulated thirty (30) day period are deleted, all reasonable efforts to repair or replace equipment will be made.
- h. Council retains ownership of and has copyright in all recordings, photographs and documentation pertaining to the provision and management of its CCTV Program.

Definitions

Closed Circuit Television (CCTV): A means an audio-visual system in which signals are not publicly distributed but are recorded & monitored, primarily for surveillance and security

purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors at some location.

CCTV Program means a ~~C~~collective provision and administration of the Shire ~~of Serpentine Jarrahdale~~'s CCTV system/s.

Related Documents

~~In developing this Policy, reference to the following public documents have been made:~~

- *Western Australia Legislation for Video Surveillance Devices.*

Legislation / Local Law Requirements

- ~~WA~~ Evidence Act 1906 (WA)
- Criminal Procedures Act 2004 (WA)
- ~~(WA)~~ Surveillance Devices Act 1998 (WA)
- Guardianship and Administration Act 1990 (WA)
- ~~Local Government Act 1995~~ (WA)

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Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		26 November 2018	OCM137/11/18
Version	Date	Resolution Number	Amendment Details
2			<u>New template and formatting updates.</u>

DRAFT

Council Policy – Cemeteries: Grant of Right of Burial at Serpentine or Jarrahdale Cemeteries

Responsible Directorate	Operations
Responsible Business Unit/s	Operations
Responsible Officer	Manager Operations
Affected Business Units	Operations

Objective

The objective of this Policy is to ensure the extended availability of burial plots for persons with a personal connection to the area, application for burials at Serpentine and Jarrahdale cemeteries are only accepted for persons with a demonstrable personal link to the district of Serpentine Jarrahdale.

Scope

~~This Policy applies to The Shire manages and maintains two cemeteries, Serpentine and Jarrahdale, both of which offer picturesque rural character with the option for burials or ashes placement. The Shire's intention is to ensure the extended availability of burial plots for persons with a personal connection to the area, and applications for burials are only accepted for persons with a demonstrable personal link to the district of Serpentine Jarrahdale.--~~

Policy

1. Persons making an application for a grant of right of burial at the Serpentine or Jarrahdale Cemeteries are required to demonstrate to the satisfaction of the Chief Executive Officer a personal link to the district of Serpentine Jarrahdale.
2. A demonstrable personal link to the area does not limit burial rights to a current local resident or family member and can extend to a former resident, or other person with some other personal, social or cultural link with the area.
3. The Chief Executive Officer may refuse an application on the grounds that no personal link has been demonstrated

Definitions

Not applicable

Related Documents

- Strategic Community Plan 2017-2027

Legislation / Local Law Requirements

- *Local Government Act 1995*

Council Policy - Cemeteries: Grant of Right of Burial at Serpentine or Jarrahdale Cemeteries

- *Cemeteries Act 1986*

Amendment Record

Relevant Delegations		EX015D Execute powers and duties of the local government under Local Laws made under Part 3 of the Local Government Act 1995	
		Date	Resolution Number
Council Adoption		28/11/1988	F196
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	25 January 2010	OCM023.1/01/10	
4	29 September 2015	OCM187/09/15	
5	18 December 2017	OCM179/12/17	
6			New template and updated scope

Council Policy – CEO Performance Review Cycle

Responsible Directorate	Executive Services
Responsible Business Unit/s	People & Development
Responsible Officer	Manager People, Development and Wellbeing
Affected Business Units	Executive

Objective

The objective of this Policy is to provide guidance on the processes in relation to the Chief Executive Officer's (CEO) performance review cycle in accordance with relevant legislation, the model standards and internal policies to ensure that they are based on the principles of fairness, integrity and impartiality.

The performance review processes are to:

- be objective and based on facts and evidence.
- engage the CEO and be conducted in a fair and reasonable manner based on agreed performance indicators.
- support and facilitate CEO development.
- recognise achievement and support performance improvement

Scope

Application of these processes include the planning, implementation, facilitation and reporting of all processes related to the CEO's performance review cycle including probation reviews, performance criteria setting, performance monitoring, annual performance and remuneration reviews.

Application of these processes is to be in conjunction with:

- The relevant legislation, including the Model Standards for CEO Recruitment, Performance and Termination Performance, and the Departmental Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, and all other relevant policies, procedures and processes of the Shire.
- The Salaries and Allowances Tribunal's (SAT) parameters and requirements for local government CEO Total Remuneration Packages, and all components of the CEOs remuneration.

Process Program

CEO Employment Committee

The Council will appoint a CEO Employment Committee to facilitate the CEO's performance review processes on behalf of Council.

The CEO Employment Committee's administrative and accountability requirements are as documented in the Shire of Serpentine-Jarrahdale's CEO Employment Committee Terms of Reference.

The primary functions of the CEO Employment Committee are to:

- provide a recommendation on the engagement of an appropriately experienced independent consultant, for the purposes of assisting to conduct the performance process, in consultation with the CEO.
- facilitate the performance review process in accordance with this policy.
- provide a recommendation regarding the independent consultant performance appraisal report for consideration by Council.
- develop the performance agreement and performance criteria with the CEO for approval and mutual agreement with the CEO and Council.

Appointment of Consultant

Council shall have due regard to the advice of the Committee and shall appoint a suitably qualified and experienced independent consultant to assist with the conduct of the performance review process in an independent and equitable fashion.

The independent consultant will have extensive experience in performance reviews of senior executives and preferably local government experience.

The independent consultant should not have any interest in, or relationship with, the Council or the CEO.

The role of the independent consultant will be to:

- develop performance criteria with the Committee and the CEO.
- facilitate the performance review processes including but not limited to:
- assist with planning of the processes.
- collect and collate performance evidence.
- facilitate meetings between the CEO, Committee and Council.
- assist with the provision of feedback to the CEO.
- provide an objective view regarding any performance management related matters between the Council, Committee and CEO.

Council employees may be involved in the CEO's performance review processes through agreement with the Shire President, CEO and Presiding Member, CEO Employment Committee. Council employees may be requested by Council to prepare agendas and take minutes.

CEO Performance Review Processes

It is incumbent upon Council-Elected Members and senior staff to actively participate and have input into the CEO Performance Review processes in accordance with the provisions of this policy.

The CEO and Council must mutually agree on the planned performance criteria in the CEO's Employment Contract. These should relate to the statutory functions of the CEO, performance criteria relating to the themes, objectives and outcomes contained in the Shire's ~~Strategic Community Plan~~ Council Plan and Corporate Business Plan and executive leadership behaviours.

All performance criteria must contain:

- the aspect of the CEO's role to which the criteria applies
- the indicator used to assess the performance
- the target to be achieved in order for the criteria to be met, and
- evidence used for determining whether the target is achieved.

The CEO's performance criteria ~~should~~ will be made publicly available on the Shire's website alongside the relevant minutes of the meeting in accordance with legislative requirements.

Council is responsible for ensuring the CEO is provided with the appropriate resources and support to facilitate the achievement of the performance criteria.

If the CEO's anniversary date does not align with the financial year, then over a period of time agreed between Council and the CEO, the CEO's performance criteria review period (inclusive of remuneration review) will be transitioned to align with the financial year. To give effect to this alignment, Council and the CEO may agree to conduct a performance review(s) for a period of less than 12 months based on performance criteria to align them to the same duration of time.

The required steps relating to each of the processes related to the CEO's performance review cycle (i.e., probation reviews, performance criteria setting, performance monitoring, and annual performance and remuneration reviews) are detailed in the flowcharts contained in the addendum.

Definitions

Nil

Related Documents

- CEO Employment Contract.
- Department of Local Government, Sport and Cultural Industries Guideline for Local Government – CEO Recruitment and Selection, Performance Review and Termination.
- Shire of Serpentine-Jarrahdale ~~Strategic Community~~ Council Plan and Corporate Business Plans.
- Shire of Serpentine-Jarrahdale ~~CEO Employment Committee Terms of Reference.~~

Legislation / Local Law Requirements

- *Local Government Act 1995* ~~—section 5.38(1) and section 5.39.~~
- *Local Government (Administration) Regulations 1996* ~~—Regulation 18FA, Schedule 2, Division 3—Standards for Review of Performance of CEO's.~~
- Salaries and Allowances Tribunal Annual Determination ~~—Sections 7A and 8.~~

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		15/05/2023	OCM091/05/23
Version	Date	Resolution Number	Amendment Details
2			New template <u>and amendments to align with new legislative provisions</u>

DRAFT

Council Policy – Child Safety and Wellbeing

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Community Activation
Responsible Officer	Manager Community Activation
Affected Business Units	All

Objective

The objective of this Policy is to outline the Shire of Serpentine Jarrahdale's (the Shire) application of child safe principles and provide a framework to best ensure the safety and wellbeing of children and young people within the community.

Scope

This Policy applies to anyone who conducts work for the Shire in a paid or unpaid capacity. This includes, but is not limited to, Councillors and staff, irrespective of their involvement in child related services, work or duties.

This policy also applies to trainees, volunteers, work placement students and contractors working for and/ or with the Shire, whether that be through another agency or on a contract basis.

This Policy specifies the requirement of all applicable parties to take necessary action and make decisions based on the best interests of children and young people, apply child safe principles, report all concerns relating to possible harm (including neglect and abuse) and comply with Shire procedures.

This Policy also references the Reportable Conduct Scheme (the Scheme). For the avoidance of doubt, the following persons over 18 are included in the Scheme:

• paid employees;

• volunteers;

•

• contractors;

•

Policy

Introduction

The Shire acknowledges that protecting children and young people from harm is a whole of community responsibility, and every member of our community has an important role to play. The welfare of children in the Shire's care is our utmost priority, with zero tolerance of child harm and abuse.

We are committed to creating and maintaining a culture of child safety, where all children are valued and protected from harm and abuse.

The Shire embraces diversity and inclusion. Children irrespective of age, gender, race, religion, disability, sexual orientation, family background, and social background have equal rights to feel safe and to be protected from harm.

National Principles

The Shire subscribes to the 10 National Principles for creating a Child Safe Organisation, which underpin the implementation and design of services for our community:

- Child safety and wellbeing is embedded in organisational leadership, governance, and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes to respond to complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people.

Working with Children Checks

All Councillors, Staff and Volunteers who engage in child related work as defined within the *Working with Children (Criminal Record Checking) Act 2004* and who are eligible to obtain one under this Act are required to obtain and maintain a Working with Children Check (WWCC).

The Shire will reimburse renewal costs for WWCC for staff and volunteers that are required by law to have a Working with Children Check to fulfil their official duties.

National Redress Scheme

The Shire acknowledges and supports survivors of child sexual abuse within the Western Australian community. The National Redress Scheme offers survivors of institutional child sexual abuse access to redress, counselling and support.

The Shire has joined the National Redress Scheme as a participating state government institution within the State Governments amended declaration of participation.

Reportable Conduct Scheme and Categories of Child Abuse

The Reportable Conduct Scheme (the Scheme) in Western Australia is a system that compels organisations that deliver services to children to notify allegations of, or convictions for child abuse by their employees to the Ombudsman WA, and then to investigate these allegations.

There are five types of reportable conduct:

- **Sexual offences:** Any sexual offense against, with, or in the presence of a child.
- **Sexual Misconduct:** Any sexual misconduct against, with, or in the presence of a child, such as grooming or sharing pornographic material.
- **Physical Assault:** Any physical assault against, with, or in the presence of a child, such as using force or threatening to harm.
- **Significant Neglect:** Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so.
- **Behaviour that causes emotional or psychological harm to a child:** Includes severe or sustained verbal abuse, coercive or manipulative behaviour, hostility, rejection, humiliation, belittling and scapegoating children.

The Department of Communities, Child Protection and Family Support sets out four categories of abuse which may occur as single events or ongoing events. A child may suffer abuse in the form of one category or across a number of categories:

Physical Abuse:

Occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured. This includes but is not limited to, hitting, shaking, punching, burning and scalding, excessive punishment or discipline, attempted suffocation, shaking a baby.

Sexual Abuse:

Occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and development level. It includes circumstances where the child has less power than another person involved, is exploited or where the child has been bribed, threatened, or coerced. It also includes situations where there is a significant difference between the developmental or maturity level of the child and another person involved. Examples include but are not limited to; letting a child watch or read pornography, allowing a child to watch sexual acts, fondling the child's genitals, having oral sex with a child, vaginal or anal penetration, using the internet to find a child for sexual exploitation, grooming behaviour.

Emotional Abuse (includes Psychological Abuse):

Occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. Can occur by repeatedly treating and speaking to a child in ways that damage the child's perceptions, memory, self-esteem, moral development and intelligence and includes behaviours such as isolating, discrediting, and disregarding. This includes but is not limited to; constantly putting the child down, humiliating or shaming the child, not showing love, support or guidance, continually ignoring or neglecting the child, exposing the child to family and domestic violence, threatening

~~abuse or bullying the child, threats to harm loved ones, property or pets or encouraging the child to act inappropriately.~~

Neglect:

~~When children do not receive adequate food or shelter, medical treatment, supervision, care or nurture to such an extent that their development is damaged or they are injured. Neglect may be acute, episodic or chronic. This includes but is not limited to; leaving a child alone without appropriate supervision, not ensuring the child attends school, or not enrolling the child at school, infection because of poor hygiene or lack of medication, not giving a child affection or emotional support, not getting medical help when required.~~

Responding to Suspicions of Abuse

All parties to this Policy have a responsibility to respond to and report any suspicions, allegations of abuse and/or misconduct involving a child or young person.

When responding to a child who has disclosed allegations of harm or abuse it is important to demonstrate they are believed and that you will seek help. It's important that the person who received the disclosure keeps the person up to date with information relating to their complaint.

All adults who have a reasonable belief and/or evidence that an individual has committed an abusive offence against a child, have an obligation to report that information. Allegations of significant abuse towards a child, particularly child sexual abuse must be directed to the WA Police on 131 444.

If a child is in immediate danger then contact the WA Police on 000 immediately.

Concerns for a child's wellbeing can be made to the Department of Communities, Child Protection Central Intake Team.

The Shire has avenues available for the public to provide feedback on the behaviours and standards of service provided by Councillors, employees and contractors, as outlined in the Customer Service Charter. Any concerns that are identified regarding interactions with children may be reported in this manner, however this does not negate the responsibility to report information to police where there is a reasonable belief that a crime has occurred.

Misconduct involving a child under the age of 18 and a Shire Councillor, employee, contractor or volunteer must be reported to the organisation immediately.

Reportable conduct includes:

- A sexual offence or sexual misconduct against, with or in the presence of a child;
- Physical assault committed against, with, or in the presence of a child;
- Significant neglect of a child;
- Any behaviour that causes significant emotional or psychological harm to a child
- Any incident or suspected incident of harm or abuse involving a child or young person is to be documented. Some responses and reports will be required to consider the privacy and confidentiality of one or more parties.
- Misconduct involving a Shire's employee, contractor or volunteer and a child under the age of 18 must be reported to the Chief Executive Officer or the People and Culture team immediately.

Definitions

Child means a person who is under the age of 18.

Child Abuse: Children and Community Services Act 2004 ~~Child protection legislation defines outlines categories of~~ child abuse, ~~as~~ behaviours s and/ or actions that causes a child significant harm or is likely to cause significant harm.

~~**Child Safe Organisation**, in the context of the Child Safe Standards, means a child safe organisation as one that meets the Child Safe Standards by proactively taking measures to protect children from abuse.~~

Child Safe Organisation: As outlined by the Commissioner for Children and Young People in the National Principles for Child Safe Organisations WA.

Child related work is defined in the Working with Children (Screening) Act 2004 ~~Working with Children legislation~~. “Work” is child-related work if the usual duties of the work involve, or are likely to involve, contact with a child in connection with at least one of the categories of child-related work, unless an exemption applies.

Reasonable Belief means a reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than a mere rumour or speculation. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ might be formed if:

- A child states that they have been physically or sexually abused;
- A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been physically or sexually abused;
- Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused;
- Signs of abuse lead to a belief that the child has been physically or sexually abused;
- A report has been made of a sexual relationship with a child under 16.

Related Documents

- Shire of Serpentine Jarrahdale - Customer Service Charter
- Shire of Serpentine Jarrahdale - Code of Conduct for Councillors, Committee Members and candidates
- Shire of Serpentine Jarrahdale – Employee Code of Conduct
- Shire of Serpentine Jarrahdale – Business Operating Procedure – Community – Child Safety and Wellbeing
- Ombudsman Western Australia Reportable Conduct – Investigation Plan; Investigation Report

Legislation / Local Law Requirements

- *Children and Community Services Act 2004 (WA)* [section 240](#)
- *Equal Opportunity Act 1984 (WA)*
- *Public Sector Management Act 1994 (WA)*
- *Public Interest Disclosure Act 2003 (WA)*
- *Restraining Orders Act 1997 (WA)*
- *Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016*
- *State Records Act 2000 (WA)*
- *Working with Children (Criminal Record Checking) Act 2004 (WA)*
- *Working with Children (Criminal Record Checking) Regulations 2005 (WA)*
- *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022*
- *Child Wellbeing and Safety Act 2005*
- *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024 (Cth).*

DRAFT

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		21 February 2022	OCM031/02/22
Version	Date	Resolution Number	Amendment Details
2			New template, updated categories , and legislative updates in line with the Reportable Conduct Scheme ...

DRAFT

Council Policy – Christmas Closure

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Director Community Engagement Manager <u>Communications and Customer Engagement</u>
Affected Business Units	All

Objective

The objective of this Policy is to provide guidance for the closure of the Shire of Serpentine Jarrahdale's (the Shire) Administration Centre, Operations Depot, Waste Transfer Station and Serpentine Jarrahdale Library over the Christmas and New Year period.

Scope

This Policy applies to the operations of the Shire Administration Centre, Operations Depot, Waste Transfer Station and Serpentine Jarrahdale Library only.

Policy

Introduction

The Shire Administration Centre, Serpentine Jarrahdale Library, Waste Transfer Station and Operations Depot shall close operations each year for the non-public holidays and weekends over the Christmas / New Year period.

The closure days will be the working days and weekends between Christmas Day and New Year's Day each year. Closure on public holidays will be observed.

All facilities to close and Shire staff can finish work at ~~at 3pm~~ 12pm on the last business day before break.

Advertising the Closure

Within three weeks of the first date of the closure period, the Chief Executive Officer or their delegate will advertise the dates of the closure on the Shire website and social media page (Facebook) and with publicly displayed signs on the public notice boards at the Administration Centre and Serpentine Jarrahdale Library.

These advertisements are to include details of the emergency contact number(s) for customers to access for essential operations during the closure period.

Maintaining Essential Services during the Closure Period

The Chief Executive Officer will determine what essential operations are to be provided during the closure period each year and ensure that appropriate staff are available to resource the provision of these operations.

Leave Arrangements for Staff during the Closure Period

Shire employees shall use their accrued rostered days off, annual leave or take leave without pay for the closure days.

Definitions

Administration Centre means the Administration Centre, 6 Paterson Street, Mundijong.

Essential Operations means operations that are to be maintained during the closure period as determined by the Chief Executive Officer.

Operations Depot means the depot on the corner of Whitby Street and Butcher Street, Mundijong.

Serpentine Jarrahdale Library means the library at 858 South Western Highway, Byford.

Waste Transfer Station Lot 512, Watkins Road, Mundijong

Related Documents

Nil.

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		18/03/2019	OCM041/03/19
Version	Date	Resolution Number	Amendment Details
2			New template and amends closure from 3pm to 12pm

Council Policy – Civic Events and Civic Awards

Responsible Directorate	Community Engagement Executive
Responsible Business Unit/s	Community Activation Governance/Executive
Responsible Officer	Manager Community Activation
Affected Business Units	Community Development Executive Services Emergency Services

Objective

The Shire of Serpentine Jarrahdale (the Shire) is committed to celebrating and promoting civic pride within our community.

To fulfill this objective, the Shire delivers a variety of Civic Events and offers Civic Awards to cultivate positive relationships between the community and Council, connect the community in celebration, and recognise and celebrate individual and community achievements. Collectively, these are referred to as civic activities.

Scope

The scope of this policy applies to:

- Civic Events delivered by the Shire.
- Civic Awards presented by the Shire, or by the Shire on behalf of specified organisations and government departments.
- Use of the Civic Centre as a function space, where relevant to Civic Events and Civic Awards.

This Policy does not include general duties associated with hosting guests or dignitaries within the Shire on occasion, where not associated with Civic Events or Awards.

Policy

Civic Event and Civic Award Categories

A Civic Event or Civic Award (which may or may not include an Award Ceremony) may be held for the following reasons:

1. Community acknowledgement: For exceptional services by groups and/or individuals to the Shire of Serpentine Jarrahdale community.

2. Recognition: For community services by individuals throughout the year or outstanding achievements/efforts in a special circumstance.

3. Commemorative: For individuals, groups or significant dates on the Australian calendar that have or have had an impact on the local community. This may include recognition to a community group for a significant anniversary/occasion.

4. Celebratory: For exceptional achievements by the Shire, or for a significant milestone such as the signing of agreements/accords with State and Federal Government. The Shire may also host celebratory civic events to commemorate the opening of, or significant upgrades to, public amenities.

5. Official delegations: To meet the requirements or obligations of a local government authority, and/or to recognise state, interstate or international relations. This includes Citizenship Ceremonies.

Civic Events and Civic Award Ceremonies – General

- The President, in conjunction with the Chief Executive Officer shall have discretion to determine when a Civic Event or Civic Award Ceremony is to be held consistent with budget allocations and conditions within this Policy. These activities are to be identified 8 weeks in advance of the proposed date. The discretion to approve such functions should take into consideration the following:
 - Allocated budgets.
 - Availability and suitability of venues.
 - Officer capacity and resourcing requirements.
- All Civic Events or Civic Award Ceremonies delivered on behalf of the Shire are hosted by the President. In the President's absence, the Deputy President has next right of refusal. Where neither representative is available, the President may nominate an alternative Councillor.
- Unless otherwise stated in subsequent sections of this Policy, the date, time, location, invitation list (including the inclusion/exclusion of partners for invitees) and guest speakers shall be determined by the President, in conjunction with the Chief Executive Officer.
- Elected members and identified dignitaries are invited to attend Civic Events, with the proceedings being formal in nature. The venue is determined by the number of guests to be invited, and the Chief Executive Officer determines the final format and all other administrative arrangements associated with the organisation and conduct of Civic Events and Award Ceremonies.
- Recognition to Australia's First Nation's people is expected to form part of any Civic Event.
- The President, in conjunction with the Chief Executive Officer has discretion to use the Civic Centre or Council Chambers for Civic Events or Civic Award Ceremonies. The Chief Executive Officer has sole discretion on the use of the Civic Centre for non-Council or Civic Event purposes.

Specific Civic Events and Civic Awards

The following Civic Events and Civic Awards are known within the Shire, itemised per Policy category:

1. Community acknowledgement

National Medal and Awards Ceremony

The National Medal is Australia's most awarded civilian medal. It recognises long and diligent service by members of recognised government and voluntary organisations that risk their lives or safety to protect or assist the community in enforcement of the law in times of emergency or natural disaster. This includes government organisations such as ambulance, correctional, emergency, fire and police forces, and voluntary organisations such as search and rescue groups.

The Governor-General awards the National Medal. Nominations are made by the chief officer of the nominee's organisation. In the context of the Shire, this refers to the Volunteer Bushfire Brigades and State Emergency Service (SES) organisations. Fifteen years' service is required to qualify for the National Medal. Clasps are available for each additional ten years' service. A ceremony may be scheduled to present these medals to local recipients, with all those that have qualified since the previous ceremony to be included for recognition.

Emergency Services Awards Dinner

A formal dinner to acknowledge all members of the Volunteer Bushfire Brigades and State Emergency Service organisations within the Shire. The function recognises their valuable contribution in keeping the local community safe.

The function consists of a dinner, with restricted service of alcohol; and the presentation of service awards, including National Medals awarded to local members since the previous National Medal Award Ceremony.

2. Recognition

Community Citizen of the Year/Auspire Awards

Each year, the Community Citizen of the Year Awards give local governments around the State the opportunity to acknowledge the contribution and celebrate community engagement of people within the community. This occurs via the Auspire Community Citizen of the Year Award Program.

There are four award categories, with the criteria and nomination process being in accordance with Auspire protocols:

- Community Citizen of the Year
- Young Community Citizen of the Year (16 – 30 years of age)
- Senior Community Citizen of the Year (over 65 years of age)
- Active Citizenship – group or event

The selection of winners for each category is undertaken at a local government level by the Shire's Community Citizen of the Year selection panel, with the final selected recipients of the Awards being invited to a presentation ceremony hosted on 26 January. Where venue capacity allows, all nominees are to be invited.

Clem Kentish Award

The Clem Kentish Community Service Award is a prestigious local award that commenced in 1989, recognising long standing contributors to the Shire of Serpentine Jarrahdale community.

In order to be considered for this local award, the person being nominated must be able to demonstrate the following:

- Minimum length of service to the community is to have been at least twenty (20) years.
- Nominee is to have served on several committees that have benefited the local community.
- Nominee is to be a current resident of the Shire of Serpentine Jarrahdale.
- The Clem Kentish Award can only be bestowed once to the same individual.

Nominations for the award may be received from organisations or individuals, however the Clem Kentish award is for individual nominees only. The call for nominations occurs concurrent to the Community Citizen of the Year Awards. The final selection of the worthy recipient is via the Clem Kentish selection panel and presented at the same ceremony as the Community Citizen of the Year Awards.

3. Commemorative

Anzac Day Commemorations

(Processional March, Commemorative Service, Community Morning Tea)

Anzac Day commemorative services are to be held on Anzac Day at the Civic Centre and adjoining Mundijong cenotaph. The proceedings and format for the day are to be coordinated through a community partnership working group, in liaison with the Executive Management Group and President. The responsibilities for each stakeholder is agreed through these forums, as a collaborative approach to the recognition of service personnel within each agencies/individuals capacity and resources.

Formal invites are to be sent to dignitaries and guest speakers, however the whole community is invited to participate in the activities through the Shire's ordinary marketing and communication channels.

Wreaths are purchased by the Shire and laid by Council representatives at Anzac Day services delivered by the Shire. Where an invitation is extended for Shire representation at any

Anzac Day service by an external organisation, group or government agency with an approved Public Event application, individual consideration will be given to this invitation by the President in consultation with the CEO and representation from Council may be endorsed.

4. Celebratory

Official Openings for Council Amenities

Periodically, official openings of Shire amenities delivered by the Shire following significant investment (such as roads, trails, buildings, playgrounds, and ovals) may occur to celebrate the occasion and to recognise the contributions of relevant stakeholders in the provision of a new/upgraded community asset. Stakeholders may include (but is not limited to) community representatives/groups, volunteers and funding bodies. Official openings shall be designed within the parameters or characteristics of the specific project.

5. Official delegations

Citizenship Ceremonies

The Department of Home Affairs is responsible for the administration, approval and processing of citizenship applications. However, the Shire hosts the ceremonies as the arm of government closest to new citizens and the communities to which they belong.

The invite list is dictated by the Department of Home Affairs, who provide the names and details of conferees. The Presiding Officer has the lead role in a citizenship ceremony. It is a legal requirement that the Presiding Officer is authorised by the Australian Government

Minister responsible for citizenship matters. The final invite list for each ceremony is at the sole discretion of the Chief Executive Officer, but is to include Elected Members, Local Members of Parliament, and for conferee guests - a limited number of friends/family, subject to venue capacity.

Any guest speakers proposed for the citizenship ceremonies are to be selected by the Chief Executive Officer, in consultation with the President. Following each Citizenship Ceremony, a reception inclusive of light refreshments, is held for invitees.

Other/Ad-Hoc Civic Events or Civic Awards

External requests or unforeseen opportunities for Civic Events and Civic Awards may arise and can be considered on their individual merits, where consistent with provisions in this Policy. These requests are to be received in writing no less than 10 weeks prior to the anticipated delivery date, allowing for consideration by Council.

Definitions

Anzac Day community working group: A consultative group of community stakeholders, involved in the delivery of Anzac Day services and commemorations. The group has no formal/legislative role and convenes through general administrative tasks of the Shire. It is to include representation from the Serpentine Jarrahdale Returned Services League (RSL) subbranch and local Volunteer Bushfire Brigades, as well as any other stakeholders that may identify themselves as interested parties in the delivery of Anzac Day services such as schools and choirs. Participation by stakeholders is voluntary in nature.

Auspire: An independent, not for profit organisation with the mission to inspire active citizenship.

Civic Centre: The main function and reception venue at the Shire Administration Office, 6 Paterson St, Mundijong. It includes the main hall (which may be divided into separate spaces) ablutions, a dining room and kitchen area.

Civic Event: A function, ceremony, receptions and/or ceremonial occasion hosted by the Shire of Serpentine Jarrahdale.

Community Citizen of the Year Awards and Clem Kentish Award selection panel: The Shire's Community Citizen of the Year Awards and Clem Kentish Award selection panel is to consist of the President, Deputy President, Community Citizen of the Year Award winners from the previous year, the Clem Kentish Award winner of the previous year, and the Chief Executive Officer or a CEO delegated proxy. The participation of previous award recipients is entirely voluntary, and their attendance is at their individual discretion.

Council Chamber: The use of the Civic Centre when assembled as a Chamber which is not to be used for hospitality or entertainment purposes.

Freeman: A person who has been bestowed the honorary title of Freeman.

Related Documents

- Council Policy [1.1.7](#) – Honorary Freeman of the Municipality
- Auspire protocols – Auspire provides member councils with access to a toolkit including procedures and requirements. This is accessible each year via the member password on the Auspire website www.citizenshipawards.com.au (Container: SJ502)
- Order of service and flag protocols for a commemorative event - Anzac Portal (www.anzacportal.dva.gov.au)
- Clem Kentish Award processes (Container: SJ501)
- Australia Citizenship Ceremonies Code - Australian Citizenship Ceremonies Code (<https://www.immi.homeaffairs.gov.au>)

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Australian Citizenship Act 2007*
- *National Medal Regulations 2011*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		20/05/2024	OCM142/05/24
Version	Date	Resolution Number	Amendment Details
2			New template and formatting changes .

Council Policy – Commercial Signage on Local Road Reserves

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning
Responsible Officer	Manager Statutory Planning and Compliance
Affected Business Units	Statutory Planning, <u>Engineering Services</u>

Objective

The objective of this Policy is to:

1. To provide a framework for the effective regulation of commercial signage on Shire of Serpentine Jarrahdale (Shire) road reserves, which ensures public safety is maintained and which protects the character and amenity of the area where signage may be proposed.
2. To avoid the general proliferation of commercial signage, and to focus commercial signage within town centre areas where they relate to promoting the range of businesses and services available.
3. To actively avoid commercial signage in rural areas and all areas of high amenity within the Shire, especially natural amenity.
4. To guide applicants in understanding where commercial signage may be considered

Scope

This Policy applies to all commercial signage proposed to be located within local government road reserves. The scope includes a framework to consider applications for commercial signage permit, to be assessed.

Policy Provisions

General provisions for all commercial signage

1. Commercial signs proposed on local government road reserves which are proximate to State Government Controlled Roads, requires a separate approval of Main Roads Western Australia (MRWA). This includes the following types of commercial signs:
 - a. Commercial signs which are visible from a highway or a MRWA main road; or
 - b. Commercial signs located within 50 metres of any traffic light signal.
2. The Shire will refer any proposal for commercial signage to MRWA where it considers there may be an impact on a road under the care/control of MRWA, or where it is unclear as to the potential for such impact on that road.
3. The applicant shall be responsible to maintain all commercial signage and ensure it is kept clean, free from stains, not permitted to deteriorate, not permitted to become unsightly and kept clean of graffiti at all times, to the satisfaction of the Shire.
4. Any permit granted for commercial signage must include a suitable performance bond, which covers the cost to remove such commercial signage at the end of the permit timeframe. An

applicant will be required to remove such commercial signage and reinstatement the verge at their cost at the end of the permit timeframe, or alternatively seek a new permit for such commercial signage. In this regard, should:

- a. An applicant not seek a new permit for the commercial signage; or
- b. An applicant, in seeking a new permit for the commercial signage, has such permit refused by the Shire; and/or
- c. Fail to remove such commercial signage;

the Shire will utilise the performance bond to complete such removal and verge reinstatement works.

Acceptable Sign Types

5. The following freestanding sign types may only be considered for a permit (as defined under Local Planning Policy 4.11):

- Freestanding sign;
- Pylon sign.

Location, display and positioning

6. Commercial signage will only be considered on Shire managed local road reserves located within commercial, centre or mixed use zones within the localities of Byford, Mundijong, Serpentine or Jarrahdale.
7. Commercial signage on local road reserves in all other areas will not generally be supported. Specifically, consistent with the policy objective, commercial signage in rural areas and areas of high amenity within the Shire, especially natural amenity, will not be supported.
8. Commercial signage should not be located within 100m of other commercial signage on the same local government road reserve.
9. Commercial signage should be positioned to not expose an unsightly back view of such commercial sign, to areas that are publicly visible.
10. Commercial signage will not be permitted if it has the potential to obstruct safe intersection site distances.
11. Commercial signage should only display information of available commercial and/or retail services located within the town centre environment where the commercial sign is proposed.
12. In assessing consideration of acceptable positioning of commercial signage, the following table will be given regard in respect of setbacks from the edge of the road carriageway curb:

Street Type	Design Speed Km/hr	Distance to edge of carriageway (Frangible sign)	Distance to edge of carriageway (Non frangible sign)
Integrator A and B	70	2.5m	2.75m
	60	2m	2.5m
Neighbourhood connectors and 50km/hr integrator B	50	0.75m	1.15m
Access street	50 or less	0.75m	0.75m

Safety

13. All commercial signs and their associated fittings are to be constructed in accordance with relevant current Australian Standards.
14. Each commercial sign is to have a frangible level above the base plate and the structural adequacy of the frangible support is to be certified by a suitably qualified structural engineer.
15. Commercial signage must be manufactured from damage resistant materials and be non-flammable.
16. Commercial signs will not be supported within or in the vicinity of intersections where traffic speed and movements are such that the driver needs to concentrate fully on the task of driving.
17. Commercial signs will not be permitted if they impede pedestrian, bicycle or vehicular movement.

Application

18. When assessing a permit application for commercial signage on a local government road reserve consideration will be given to the following matters in addition to the provisions of this policy:
 - Whether the scale of the commercial sign is appropriate;
 - Whether the design, colours and materials of the commercial signage reflects natural character;
 - Whether the commercial signage would result in an excess/proliferation of signage in the area (taking account of existing commercial signage either located on private land or within local government road reserves);
 - Whether the form of the commercial sign unreasonably detracts or obstructs key landscape or architectural values of buildings;
 - Whether the proposed commercial signage poses unacceptable safety risk to the public.

Administration

19. Any permit application will be subject to an applicant demonstrating suitable public liability insurance in order to indemnify the Shire against any and all claims or action arising as a result of the commercial sign. No permit application will be assessed by the Shire until an applicant provides evidence of suitable Public Liability Insurance.
20. An applicant with an approved commercial sign must provide annual evidence of maintaining such Public Liability Insurance to the satisfaction of the Shire.
21. In addition to the permit application fee, an annual licence fee is required to be paid to the Shire for the commercial signage consistent with the adopted fees and charges.

Definitions

~~Edge of Carriageway means the face of a kerb or cycle lane or road carriage~~

Commercial, centre or mixed use zone means a zone however named, the objectives of which as set out within the town planning scheme for the locality which indicates that it is an area suitable for:

- A range of shops, offices, restaurants and other commercial outlets (whether or not in a town centre or activity centre); or
- A wide variety of active uses on street level that are compatible with residential and other non-active uses on upper levels

~~Edge of Carriageway means the face of a kerb or cycle lane or road carriage.~~

Frangible means able to be broken into fragments: brittle or fragile.

Related Documents

- ~~Strategic Community Plan 2017 – 2027~~ [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		16 August 2021	OCM207/08/21
Version	Date	Resolution Number	Amendment Details
2			New template

DRAFT

Council Policy – Community Contributions

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Community Activation
Responsible Officer	Manager Community Activation
Affected Business Units	Community Development Operations Corporate Services Economic Development, Tourism and Marketing Corporate Communications

Objective

The objective of this Policy is to outline the Shire of Serpentine Jarrahdale's principles relevant to Community Contributions:

- In-Kind
- Donations
- Sponsorships
- Fee Waivers and Reductions

To establish a transparent and coordinated approach to both incoming and outgoing Community Contributions of this nature.

Scope

The Shire of Serpentine Jarrahdale (the Shire) delivers a range of activities, programs and events that contribute to the vibrant cultural life of the Serpentine Jarrahdale community. Through incoming financial and in-kind Sponsorship or Donations, the Shire can enhance these activities, programs and events to provide a greater benefit to the community.

The Shire also provides outgoing Sponsorship and Donations to community organisations, groups and individuals for the benefit of the community.

All contributions articulated within this Policy are subject to the availability of funds. Any agreement regarding a contribution made or received by the Shire constitutes the entire arrangement between the parties, and no privileges for either party shall exist outside the agreement.

Community Contributions **will not** be considered for:

- Any activity, event or program that contravenes Council Policies;
- Bond charges associated with the use of Shire Facilities;

- (c) Retrospective applications;
- (d) Requests from non-resident individuals or organisations which do not directly service or represent the community of the Shire ~~of Serpentine Jarrahdale~~;
- (e) Any requests received within 10 working days of the event or hire;
- (f) Requests from commercial organisations unless they clearly relate to community or not-for-profit projects and/or events occurring in, and directly serving the Shire ~~of Serpentine Jarrahdale~~ community;
- (g) Requests from organisations who have notices from the Shire (or are involved with legal action) pertaining to outstanding debts of 30 days or more;
- (h) State and Federal government organisations (unless the contribution is a donation made under the School Book Awards program or substantial benefit to the broad Shire ~~of Serpentine Jarrahdale~~ community is established).

This Policy excludes gifts given and received by the Shire. This Policy also excludes grants given or received by the Shire (see Council Policy - Community Funding)

Policy

Introduction

Community Contributions aim to provide assistance to individuals and incorporated local community groups that can deliver ~~measurable~~ measurable benefits and outcomes in one or more of the following target areas:

- Community Development
- Sport and Recreation
- Economic Development
- Environment and Heritage
- Culture and the Arts
- Education and Leadership
- Health and Wellbeing
- Community Safety and Resilience

Contribution Categories

In-kind Contribution

In-kind Contributions refer to the provision of Shire equipment, services or products free of charge. These contributions represent a cost to the Shire, however there is no set charge articulated within the Schedule of Fees and Charges.

Examples of in-kind contributions include but are not limited to:

- Use of equipment.

- Officer time.
- Engineered drawings.
- Project management

In-kind contributions may be made by the Shire where there is a significant community benefit associated with the request, and a financial contribution does not represent best value for money or obtain the most desirable outcome.

Donations

Donations refer to the provision of cash or items of value, towards an initiative that aligns with key objectives with no return benefit expected.

Outgoing Donations

Assets or physical items to be donated to a third party are to follow Asset Disposal policies and practices.

Acceptable donations to third parties

It is preferable for organisations to request funding via a community grant process. However, it is acknowledged that in some instances a donation is a more appropriate contribution. These might include charity, community organisations, events or extraordinary crisis support. Donations are a direct, one-off contribution to the organisation or party and do not require an acquittal.

The donation may be used for general purposes or allocated to a specific activity to a maximum value of \$500 (ex GST).

Examples of acceptable donation from the Shire may include, but not be limited to:

- Registered community or charitable organisations seeking ad hoc or crisis funding.
- Event or activity that displays a strong and relevant benefit to the local community, but is unable to meet requirements for a community grant.

Whilst recognition is not expected, it may be requested if appropriate to the circumstances.

Individuals

The Shire offers two opportunities to assist individuals via a donation.

- Sporting Travel Grant

Residents of the Shire are eligible for up to \$200 (ex GST) per person to assist with expenses associated with competing in a national or international sporting competition, where their participation has transpired via a formal selection process.

Where more than three applications from a single team are received, the sum of \$500 (ex GST) will be donated to the whole team rather than the individuals. A maximum of one successful application per person per financial year is permitted.

- Youth Leadership and Training

Residents of the Shire between the ages of 12 and 25 are eligible to receive up to \$200 (ex GST) per person towards costs associated with youth leadership and training opportunities. These donations are only available to participants. Coaches, support staff and chaperones are not eligible to apply.

Only one successful application per person per financial year is permitted.

Unacceptable donations to third parties

Examples of unacceptable donation may include, but not be limited to:

- General funding request for donations relevant to staffing and administration costs i.e. the Shire will not cover the day-to-day operational expenses incurred by community organisations.
- To political parties or groups.
- To individuals for personal use that does not meet the criteria under acceptable donation to third parties.

Incoming Donations

All offers to donate or contribute to the Shire are to be made in writing to the Shire. Incoming donations are to be approved in accordance with the following values:

Value (ex GST)	Approving Officer
Library Resources to max value \$1,000	Manager Library Services
Financial Value up to \$30,000	Director Community Services, Director Infrastructure Services or CEO
Financial Value \$30,001 - \$100,000	Chief Executive Officer

All donations over the value of \$100,000 (ex GST) are to be approved by Council.

Shire Officers are to assess whether the donation can be used in the way the donor has requested prior to accepting the donation. This includes any public recognition or acknowledgment requested by the prospective donor.

Donations of public facilities or contributions towards public facilities can only be accepted where the donation is in the community's best interests. This should be guided by the Shire's:

- Adopted ~~Strategic Community Plan~~ Council Plan.
- Relevant Land Management Plan/s for the public land on which the facility is to be located.
- Council's work program or priority list for that type of facility.
- Relevant Council policy and/or strategies that relates to the nature of the donation.

Items are to be assessed pertinent to ongoing costs and implications of owning the item prior to acceptance. This includes (but is not limited to) insurance and maintenance requirements, as all

such costs will transfer to the Shire upon receipt of the article. Where it cannot be demonstrated that the Shire has the ability to meet ongoing costs, the donation is to be declined.

The Shire does not have deductible gift recipient (DGR) status. A receipt can be issued for financial contributions, but no tax deductible receipts will be issued to donors. Donors will need to seek independent financial advice regarding tax and GST implications.

Acceptable donations to the Shire

An acceptable donation is one deemed to represent an appropriate sum of money or in-kind items/goods/services from an external organisation for a project or activity that falls within the normal scope of Shire services.

The reasons for the donation need to be considered and assessed accordingly before acceptance, with the Shire to evaluate:

- Whether the donation is in the best interest of the public.
- Public accountability and perception towards the donation.
- Potential risks and potential benefits of the donation.

It is equally important that the entity making the donation is considered, and the entity makes clear the purpose of their donation.

Generally, conditional donations are only accepted where these conditions can be met within a three year period. Should it not be possible to fulfil the conditions of the donor at any time within the designated period, this will be disclosed as soon as it becomes apparent, at the earliest possible opportunity.

Any donations offered subject to indefinite conditions, or that must be sustained post a three year period are only considered by the CEO, by exception. Such donations would need to demonstrate a significant community benefit.

Examples of acceptable donations to the Shire (subject to any applicable Council Policy requirements) may include, but are not limited to:

- Financial donation, including offers of donation of, or towards, public facilities on public land or the purchase of land. Public facilities including buildings (kiosks, lights, shelters, sheds etc) and structures (benches, playground equipment, barbeques, walkways etc)
- Library resources which meet accepted public library standards for content and condition.
- Documents, photographs, memorabilia, artefacts, diaries and records of historical and/or cultural significance.
- Artworks created by local artists for display in public places or which record events or local cultural/historical significance.

Unacceptable donations to the Shire

Examples of unacceptable donations may include, but are not limited to:

- Artworks or other objects including books that are deemed to be offensive or inappropriate for other reasons.

- Books that are supplied in large quantities by publishers (where the provision of these books is not philanthropic, but for promotion or advertising).
- Financial donation that may infer excessive restrictions or exclusivity of use or benefit to only the donor or another individual or group.

Sponsorship

A sponsorship is a commercial arrangement in which a sponsor provides a financial contribution or in kind support to an activity in return for certain specified benefits.

There are two components to sponsorship relevant to this policy. These are:

- Shire providing sponsorship to a community event, organisation or individual, either through the provision of financial; in-kind support; or both (outgoing Sponsorship).
- Shire receiving financial and/or in-kind support from a commercial or external organisation, in exchange for public recognition or association, to provide a facility or activity for the community (incoming Sponsorship).

Sponsorship does not include:

- Selling advertising space.
- Consultancies.
- Grants, including funding agreements and community grants.
- Gifts, donations, bequests or endowments.

Sponsorship is not philanthropic. Sponsors can expect to receive a reciprocal benefit beyond a modest acknowledgement.

All sponsorships (incoming and outgoing) are to be approved in accordance with the following values:

Value (ex GST)	Approving Officer
Up to \$30,000	Director Community Services, Director Infrastructure Services or CEO
\$30,001 - \$100,000	Chief Executive Officer

All sponsorships over the value of \$100,000 (ex GST) are to be approved by Council.

Outgoing Sponsorship

The Shire may wish to undertake sponsorship of an event or activity that is organised or managed by an external organisation. The organisation/activity/event may be not-for-profit or commercial in nature.

The Shire may undertake a sponsorship of such an event if it has an expectation that it will receive agreed benefits that may include, though not limited to:

- Appropriate branding and profile raising opportunities;

- Ability to leverage support through community attendance or staging of display/complementary event where appropriate;
- Ability to reach traditional and non-traditional audiences; and
- Is seen to be supporting a worthwhile cause or activity within the community.

Sponsorship arrangements may require the acquittal of funds. In these circumstances, a satisfactory acquittal must be submitted within six months of the completion of the event, project or activity demonstrating how the funding was spent to achieve the agreed outcomes.

Failure to provide satisfactory acquittal will render the organisation ineligible for future sponsorships or community grants until such acquittal is provided to the satisfaction of the Shire.

Organisations are to apply for sponsorship in writing to the Shire. Sponsorship is only granted to suitable activities and acceptable recipients, in line with the target areas outlined in this policy.

Acceptable sponsorships to third parties

Activities suitable for granting sponsorship are generally non-core, non-operational activities relevant to the shire, including but not limited to:

- Festivals and events not coordinated by the Shire.
- Competitions or corporate activities/conferences that attract significant attention to the region.
- Community education activities.
- Conferences.
- Economic Development opportunities.

Benefits to the Shire for providing sponsorship

Demonstrated benefits to the Shire in return for sponsorship are to include one or more of the following:

- Opportunities to promote key messages, programs and activities of the Shire.
- Development or enhancement of key stakeholder relationships.
- Provision of immediate and/or sustained community benefit in accordance with Council's overall mission and desired outcomes.
- Connection with a reputable recipient could enhance Council's image and reputation.
- Facilitate community, cultural and economic development.

Benefits to a recipient of Shire sponsorship

Demonstrated benefits to the recipient receiving sponsorship may include one or all of the following:

- Building key relationships with government and community bodies.
- The delivery of activities that could not otherwise proceed or be undertaken to the same extent.

- Enhancing the recipient's image and reputation via connection with the Shire of Serpentine Jarrahdale.
- Achieve greater community awareness or public profile for the recipient.

Incoming Sponsorship

The Shire of Serpentine Jarrahdale may consider opportunities to maximise returns from assets and develop new income streams through strategic corporate sponsorship with private organisations or service providers.

Any income or contra services obtained from sponsorship would go towards delivering or improving the services provided by the Shire of Serpentine Jarrahdale, or reducing the costs associated with that particular program or service.

New sponsorship arrangements with any business or individual that is currently tendering for work with the Shire of Serpentine Jarrahdale cannot be considered.

In a situation where a current supplier of goods or services seeks to undertake some kind of sponsorship, Officers involved in the procurement or contract management of that service are not to be involved in the sponsorship negotiations. Current or future sponsorship is not considered as part of any procurement criteria.

All incoming sponsorship arrangements approved by Council in excess of \$100,000 (ex GST) are to be described in the Shire of Serpentine Jarrahdale Annual Report.

Acceptable sponsorships to the Shire

The objectives and products of potential sponsors (including parent companies or subsidiaries) must not conflict with the values and the objectives of the Shire.

Activities suitable for achieving and granting sponsorship are generally activities that can be enhanced via additional contribution or support offered by external parties, including but not limited to:

- Festivals and events.
- Tourism and/or economic development opportunities.
- Shire buildings or major assets (e.g. naming rights), vehicles or minor assets on a case by case basis.

Benefits to a sponsor

The Shire of Serpentine Jarrahdale can recognise corporate sponsors in a number of ways.

The extent of such recognition is determined in relation to the level and nature of the sponsorship. Forms of benefits may include:

- Temporary signage.
- Media release and seeking of associated media or promotional opportunities including discounted or gratis advertising.
- Invitations to selected Shire or Council functions.

- Printing of the sponsor's name and logo in the Shire's external publications.
- Naming rights for an event, building, etc. for the term of the sponsorship.
- Award or trophy in the sponsor's name and publicly presented.
- Right to use the asset, service, event, name and logo, etc. in sponsor's advertising and sales promotion in a form to be mutually agreed.
- Event facilities, which may include hospitality, free preferential seats, event functions, award presentation, car parking, VIP functions, etc.
- Merchandising of goods at selected points of sale.
- Static display in the foyer of the Shire's Civic Centre or other Shire-owned facility in a form to be mutually agreed.
- Professional footage and photography of the asset, service, event, etc, for use by the sponsor in a form to be mutually agreed.
- Use of the asset or facility, subject to approval in each individual case, in static displays or for an activity of the sponsor when not required for Shire use.
- Opportunity for sponsor's name and/or logo to be promoted through appropriate general advertising by the Shire.
- Opportunity for the sponsor's name and/or logo to be promoted on the Shire's website and a link to be provided to the sponsor's website for a specified time period.

Benefits to the Shire for accepting sponsorship

Benefits to the Shire in receiving sponsorship may include one or all of the following:

- Connection with a reputable sponsor to enhance the Shire's image and reputation.
- Enhance the Shire's ability to undertake beneficial non-core activities that could not otherwise be delivered or undertaken to the same extent.
- Reduce the cost of a particular event or activity, or enable it, to be expanded or enhanced to the overall benefit of the local community.
- Achieve greater community awareness or public profile for the Shire, or for a particular service, program or product, than may otherwise have been possible.

Unacceptable sponsorships to the Shire

The Shire of Serpentine Jarrahdale will not enter into sponsorship agreements with organisations, companies, partnerships, or sole traders:

- Involved in the manufacture, distribution and wholesaling of tobacco and tobacco-related products.
- Involved in the manufacture, distribution and wholesaling of alcoholic products, where such sponsorship is relevant to services, programs or activities for youth and children.
- Involved in any illegal activities.

- Whose services or products are injurious to health, or are perceived to be in conflict with the Shire's policies and responsibilities to the community and do not support the goals of the Shire's Health and Wellbeing Strategy.
- Who are in legal conflict with the Shire.
- A sponsorship agreement should not impose or imply conditions that would limit, or appear to limit, the Shire's ability to carry out its functions fully and impartially. Activities where sponsor involvement could compromise or be seen to compromise Council's ability to exercise its role impartially on behalf of the community or could diminish the public's confidence are not suitable for sponsorship.
- Where the cost of managing and evaluating the sponsorship outweighs the dollar value of the sponsorship.
- The sponsorship conflicts or is seen to conflict with the objectives, policies and planning controls of the Shire.

Restrictions and considerations

Where sponsorship involves a sponsor supplying a product:

- Commercial products or services associated with the sponsor, recipient or any third party are not to be publicly endorsed outside of the agreed sponsorship activities.
- That product must still be evaluated for its fitness for purpose against objective criteria, relevant to needs.

Community Fee Waivers and Fee Reductions

The Shire owns and operates various facilities for casual, event and seasonal hire as a service provided to the community. A community group may apply for a reduction or a waiver of the applicable Fees and Charges for facility or reserve hire, (as detailed within the Council adopted Schedule of Fees and Charges), for events or casual bookings via a written request to the Shire articulating:

- The fees and correlating amount requested to be waived;
- A brief description of the community benefit of waiving fees;
- A brief description of the club benefit of waiving fees; and
- Current (or anticipated) membership and attendance numbers.

Applications for fee waivers or reductions relevant to Bond Charges are not considered.

Applications for fee waivers or reductions to government, corporate or commercial entities are not considered.

The Chief Executive Officer may, at his/her discretion, approve any application for Fee Waiver or Reductions up to the value of \$2,000 ex GST per group, per financial year.

Extenuating circumstances

If an application for a contribution does not meet the required criteria, but is assessed as a case warranting further consideration, it will be forwarded to Council for determination

Definitions

Conditional Donation means a donation offered, however subject to certain prescribed conditions by a donor.

Community Group means any group whose activities are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; but does not include schools or State or Federal Government agencies.

Contra Arrangement means an arrangement between two parties who exchange goods or services without any cash changing hands. For example, a contra agreement with a media outlet could see a designated number of advertisements provided without the exchange of funds.

Donation means the provision of cash or items of value towards an initiative that aligns with key objectives with no return benefit expected. An acquittal is not required.

Fee Reduction means a fee or charge articulated within the Shire's Schedule of Fees and Charges (excludes rates concessions) that is formally reduced to a lesser amount, however still more than zero.

Fee Waiver means a fee or charge articulated within the Shire's Schedule of Fees and Charges (excludes rates concessions) that is formally reduced to zero.

In Kind Contribution means the provision of Shire equipment, services or products free of charge. In kind contributions represent a cost to the Shire, however there is no set amount articulated within the Schedule of Fees and Charges. For example, Officer time or use of plant and equipment.

Local means any community group which undertakes activities within the gazetted boundaries of the Shire of Serpentine Jarrahdale, and whose membership base is made up of more than 50% of members who live within the Shire of Serpentine Jarrahdale.

Resident means someone who can demonstrate their primary place of residence is located in the Shire of Serpentine Jarrahdale.

Sponsorship means a contribution of financial and / or in kind support, received or provided by the Shire in return for an expected benefit. An acquittal may or may not be required.

Related Documents

- [~~XX~~Council Plan 2023-2033](#)

Legislation / Local Law Requirements

Nil

Amendment Record

		Date	Resolution Number
Council Adoption		18 February 2019	OCM031/02/19
Version	Date	Resolution Number	Amendment Details
2	19 October 2020	OCM343/10/20	
3			New template

DRAFT

Council Policy – Community Engagement

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Manager Communications and Customer Engagement
Affected Business Units	<u>All</u>

Objective

The purpose of this Policy is to provide guiding principles for community engagement to ensure consistent, meaningful, and best practice engagement is carried out within the Shire of Serpentine Jarrahdale (the Shire).

Scope

This Policy applies to all Shire staff and contractors that deliver services, or undertake projects, that impact Shire community and stakeholders.

The Shire will engage with community and stakeholders using a number of different methods appropriate to the level of engagement, and in accordance with the Shire's Community Engagement Strategy

Policy

Policy Statement

The Shire of Serpentine Jarrahdale will deliver timely and appropriate community engagement, which keeps people informed, provide meaningful opportunity for input and show when and how participation has contributed to decisions and outcomes.

The Shire's approach to community engagement is built upon the International Association for Public Participation (IAP2) core values and practices, which reflect international standards for best-practice engagement.

Principles

The Shire's approach to all community and stakeholder engagement is guided by the following set of principles.

- **Right to be involved:** Our communities have a right to be involved in decisions which affect them and we are genuine and responsive in seeking their input for sustainable development when decisions are made.
- **Accessible and inclusive:** We are inclusive and accessible to all stakeholder groups, incorporating all ages, abilities, genders and cultural backgrounds. We provide a range of engagement activities and techniques to ensure the broadest possible range of stakeholders have the opportunity to participate.
- **Time sensitive:** We respect people's time, ask the questions that matter and provide quality information and sufficient timeframes for people to participate and contribute meaningful input.

- **Tailored:** We use a range of engagement and communication methods to suit the purpose of engagement and the range of stakeholders involved, including subsets of the community that may be difficult to reach.
- **Transparent:** We make decisions in the public interest in an open and transparent way and provide feedback to our stakeholders to explain our decisions and how their input has influenced the outcome.
- **Learning from practice:** We evaluate our engagement, report on and publish our engagement outcomes and are committed to continuous improvement.

Community Perception Survey

The Community Perception Survey enables Council to keep in touch with the current wishes of local residents, determine priorities and make the best decision possible on behalf of the community in line with the Shire of Serpentine Jarrahdale Strategic Community plan Council Plan 2023-2033.

The survey shall be conducted every two years, pending budget allocation or as per legislative requirements.

Communication with Residents

The Shire will communicate with residents regarding its intention to undertake a Community Perception Survey. This communication will include information about how residents may be involved in the survey, the dates the surveying will be undertaken and how and when residents can access the Community Perception Survey outcomes report.

The Community Perception Survey outcomes report will be posted to the Shire website once it has been endorsed by Council.

Roles and Responsibilities

Staff undertaking engagement and the relevant Manager/Director have a role and responsibility in planning and implementing community engagement.

The Communications and Customer Engagement Team is available to assist and participate where required.

Further guidance is provided in the Shire's Community Engagement Strategy, while information on delivering community engagement is detailed in the Shire's Toolkit for Community Engagement and Engagement Plan template.

Definitions

Community means people who live, work or visit the Shire and are united by at least one common characteristic such as geography, shared interests, impacts, values, experiences or traditions.

Community consultation means the practice of actively bringing community and stakeholder values into decisions about the plans, projects and policies that Council develops on behalf of the community, using a range of methods.

eConsultation means seeking and receiving feedback or opinion, usually on a proposed plan or decision, e.g. seeking comment on a draft policy or concept.

Stakeholder means groups, communities and individuals who have an interest in the decisions of Council and are directly impacted by their outcomes but may not necessarily reside or work here.

Related Documents

- Community Engagement Strategy
- Council Plan 2023-2033
- Strategic Community Plan 2017 - 2027 Policies
- Council Policy ~~4.3.3~~ - Social Media
- Complaints Resolution Policy
- Shire of Serpentine Jarrahdale Code of Conduct for Councillors and Employees
- Toolkit for Community Engagement
- Engagement Plan

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Planning and Development Act 2005*
- *Land Rights Act 1993*

In addition to Council's commitment to meaningful engagement to ensure the community is informed and engaged in its future, Council has a duty to act in accordance with its legislative obligations, for example when:

- developing a 10 year Strategic Community Plan
- changing local laws (such as laws around dog ownership or parking fees)
- applying different rates according to zoning, land use or vacant land
- determining planning matters including development applications.

The Local Government Act 1995 and the Planning and Development Act 2005 are the two most critical pieces of legislation with regards to community engagement.

In exercising its planning functions, Council is further guided by the direction expressed in the Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 to "carry out any other consultation the local government considers appropriate".

Council also has legislative responsibility under the Land Rights Act 1993 to engage with Aboriginal stakeholders to protect cultural heritage and the rights of traditional owners to self-determination on their traditional homelands.

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		21 September 2020	OCM308/09/20
Version	Date	Resolution Number	Amendment Details
2			<u>Incorporate Community Perception Survey</u>

DRAFT

Council Policy – Community Funding

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Community Activation
Responsible Officer	Manager Community Activation
Affected Business Units	Community Development Operations Corporate Services Health and Building Planning Community Safety

Objective

Community funding is ~~a strategic tool~~ aimed at building the capacity of local community organisations, supporting innovation and addressing identified community need. This Policy provides an equitable, efficient, transparent and sustainable framework for the allocation of funds to community driven; and community delivered initiatives, where these can demonstrate their ability to benefit the Shire of Serpentine Jarrahdale (Shire) community.

Scope

This policy supports implementation of the Shire's Community Grants Program. The individual schemes covered by this Policy are:

1. General Grant
2. Major Event Grants
3. Friendly Neighbourhoods Grant

This Policy does not apply to sponsorships, donations, in-kind contributions or fee waivers and reductions; these are administered under Council Policy - Community Contributions. This Policy also excludes gifts given and received by the Shire.

Policy

Introduction

Community funding programs extend local capabilities in the delivery of activities, create opportunities for enhanced partnerships and assist in the development of strong not-for-profit organisations and clubs.

In recognition of the value provided by active community members, local community groups and not-for-profit organisations in contributing to a liveable, sustainable and vibrant Shire community, Council is committed to providing support and assistance through a Community Grants Program, as outlined in this Policy.

Community Grants Program - General

Within the Community Grants Program, there are three individual grant schemes.

Applications to the General Grant and Major Event Grant Schemes are considered on the following basis:

1. Eligibility

Ensures that the applicant and initiative outlined in the application is eligible to apply within the provisions of this Policy. Applications that do not meet the eligibility criteria do not progress for further assessment.

2. Community Benefit

Information contained within the application is assessed by an internal Shire grants panel consistent with the weighted criteria outlined in this Policy.

This process aims to optimise distribution of Shire funding to support community groups and organisations that best demonstrate an ability to deliver initiatives with social, environmental and/or economic benefits to the community, and that align with the specified objectives of each scheme. Applications that do not reach at least 50% of the total possible score do not progress further and are not awarded funding.

3. Priority

Following the Community Benefit assessment process, applications are then prioritised to finalise a recommendation for the award of funding. Award of funding is to be within the available Shire funds (budget allocations), therefore considerations such as awarding less than the amount requested may be required.

Eligibility

An application must meet the following requirements in order to be considered. Additional eligibility criteria specific to the individual grant schemes are specified in subsequent sections of this Policy.

- Registered not-for-profit organisations and incorporated community groups, providing services to; and for the local Shire community are eligible to apply to any of the 3 grant schemes.
- The initiative requesting funding must be delivered within the boundaries of the Shire of Serpentine Jarrahdale Local Government Area (LGA).
- If a local community group is not incorporated, the organisation can apply for a grant via an auspice organisation.
- Individuals that reside within the Shire are eligible to apply for the Friendly Neighbourhood Grant only.
- An entry fee for event applications is permissible, but this must be identified in the application.
- Applications for equipment must include a copy of the organisation's wind-up clause.
- A Parents and Citizen's Association (P&C) of a local school is eligible to apply, where the application has a clear, demonstrated benefit to the whole of the community. Applications for

initiatives that can only be attended or accessed by school members and their families will not be considered.

- Religious groups / organisations may be funded for community-based activities / programs only. Funding towards religious specific activities will not be considered.
- Applicants are not precluded from applying to multiple grant categories outlined in this policy. However, applications that have been financially supported by the Shire via an alternative grant category or any other community contribution process, for the same initiative in the same financial year will not be accepted.

Ineligibility

Any applications that identify the following will not be considered:

- the applicant has an outstanding funding acquittal for any of the community grant program schemes.
- the applicant currently has outstanding debts to the Shire (or are involved in legal action with the Shire) or had a known outstanding debt to the Shire greater than 90 days in the past 3 years. An exception to this criterion may be considered for organisations that can prove a positive financial standing over an 18 month period.
- the application is submitted retrospectively i.e. after a project, activity and/or program has already taken place or equipment has already been purchased.
- an individual applicant is a Shire employee or Elected Member
- the applicant is a Corporate and commercial entity, political party or group, State or Federal Government organisation (including schools).
- the application is for a project that has been financially supported by the Shire via an alternative grant category or other community contribution process, for the same initiative in the same financial year.
- Applications for capital projects/works, including those on Shire controlled land; or within Shire owned or managed facilities.
- Applications for any activity, event or program that contravenes Council Policies.
- Bond charges associated with the use of Shire facilities, reserves or other amenities.
- Applications that include letters of support from Elected members.
- Items relevant to the general operating expenses of an organisation, such as wages, uniforms, utilities or consumables.
- Items relevant to the consumption of alcohol.

Guidelines

Each Community Grant Program has a correlating set of guidelines, endorsed at the sole discretion of the Chief Executive Officer. These guidelines are specific to the administrative requirements for each grant category.

It is expected that applicants meet any conditions outlined in the advertised guidelines or their application may be deemed ineligible.

Lobbying of Elected Members or staff

Applicants may not lobby or seek to influence the decision-making of Elected Members or Shire staff, in relation to their submitted funding applications.

If, during the period between submitting a funding application and a determination by the Shire of Council, an applicant seeks to lobby any Elected Member or staff member of the Shire of Serpentine Jarrahdale, or attempts to provide additional information without this being requested by Officers, either directly or indirectly on any matter relating to the funding application, the person/organisation may be disqualified and the grant application excluded from being considered for approval.

Conflicts of Interest

In the administration and awarding of community funding programs any real, potential or perceived conflicts of interest are to be managed in keeping with the *Local Government Act 1995*, the code of conduct, the Shire's Conflict of Interest Procedures and the Shire's values.

Community Grants Program – Individual Schemes

There are three grants schemes available through the Community Grants program. The objectives and individual eligibility requirements per scheme is as follows:

General Grants

A grant of up to \$5,000 (ex GST) is available to assist with the implementation of initiatives, such as programs or small events that align with the following objectives:

- Promote a sense of community and inclusion across the Shire.
- Celebrate cultural diversity, heritage and character of our Shire.
- Encourage residents to be healthy, active and engaged in community life.
- Support locally led initiatives through strong, capable, well governed community organisations.
- Delivery of high calibre initiatives, in line with the Shire's plans and objectives.

Three General Grant rounds are advertised per year, being July/August; October/November and February/March rounds. Timing for delivery of the initiative outlined in the application, is to be achievable and consistent with the advertised guidelines.

Applicants can make multiple applications under this category per annum, however the total amount approved per organisation per financial year for this category cannot exceed \$5,000 (ex GST).

The Community Benefit criteria and weighting (assessed by the General Grant panel) is as follows:

Criteria	Weighting
Alignment with Shire strategies and plans	20%
Community benefit and support	20%
Applicants benefit and need	20%
Quality of application (Includes ability for initiative to be delivered)	20%
Value for money	20%

TOTAL	100%
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Once applications are prioritised by the internal Shire panel, final award and determination of funding is approved by the Chief Executive Officer.

All successful applicants must acquit their grant funds within 6 months of award of funding, unless approved for an extension prior to the stated date as a result of exceptional circumstances.

Major Events Grant

Grants between \$5,000 and \$2025,000 (ex GST) are available to local community groups to hold whole of community, sporting or cultural events in the Shire, that align with the following objectives:

- Events that promote a sense of community and inclusion across the Shire.
- Events that are of significance to the Shire of Serpentine Jarrahdale community and are of interest to residents of the Shire and surrounding areas within Perth and Peel regions.
- Events that connect and engage various sectors of our community.
- Events that celebrate, recognise, and enhance opportunities for local talent.
- Support locally led initiatives through strong, capable, well governed community organisations.
- Deliver high calibre initiatives, in line with the Shire's plans and objectives.

Two Major Event Grant rounds are advertised per year, being August and February. Timing for delivery of the event is to be achievable and consistent with the advertised guidelines. Applications will be deemed ineligible if the event is not open for general public attendance.

Applicants may make only one application to this grant category per financial year.

The Community Benefit criteria and weighting (assessed by the Major Event Grant panel) is as follows:

Criteria	Weighting
Alignment with Shire strategies and plans	20%
Community reach, support, and significance	20%
Applicant capabilities and need	20%
Quality of event proposal	20%
Value for money	20%
TOTAL	100%

Once applications are prioritised by the internal Shire panel, a recommendation for the award of funding is presented to Council for final determination.

All successful applicants must acquit their grant funds within 6 months of the event delivery date, unless approved for an extension prior to the stated date as a result of exceptional circumstances.

Major Event Grant - Multiple Year Funding

Events that have been hosted in the Shire at least once, are eligible to apply for funding towards the event for up to 3-years. In order to be eligible, applicants must be able to provide the following within their application:

- An overview and analysis of event previously/historically delivered.
- Demonstrated alignment to the objectives of the scheme.
- Business case for the event, aligned per annum to the funding request (must not exceed \$250,000 ex GST per annum).

Each subsequent year's funding is dependent on Council's annual acceptance and endorsement of the event acquittal report. This must occur prior to the release of funding each subsequent year.

Friendly Neighbourhood Grants

A grant of up to \$250 (ex GST) is available to individuals and local community groups wanting to host events or activities which encourage connection within their local communities. This supports community efforts to build community cohesion and support at a neighbourhood level. The small grant applies all year round while funds remain.

Events or activities must be hosted within the Shire on public property and alcohol consumption at the funded activity is not permitted.

Applications may be received at any time, however applications will be deemed ineligible if the event is scheduled for delivery within 4 weeks of submitting the application.

Once applications are assessed, final award of funding is approved by the Community Activation Team.

Events are to be complete within 6 months of grant approval notification.

Definitions

Acquittal: Accurately reporting on the funded activities, including all expenditure of the grant. Receipts demonstrating expenditure must be provided.

Auspice Organisation: An organisation that is the grant applicant (must be a not-for-profit, incorporated organisation) managing the grant on a group's behalf. In this context, the auspice organisation's objectives and operations must align naturally with those of the community group and initiative proposed.

Incorporated: An association or group incorporated under the *Associations Incorporation Act 2015* and contributes to the community in a social, sporting, cultural environmental or charitable context.

Local Community Group: Any incorporated, not for profit community group which undertakes activities within the gazetted boundaries of the Shire of Serpentine Jarrahdale.

Not-for-profit organisation: An organisation registered with the Australian Charities and Not-for-Profits Commission.

General Grant Panel: A panel of no less than three Shire staff members that assess all eligible applications received and make recommendations to the Chief Executive Officer for final determination and award of funding.

Major Events Grant Panel: A panel of no less than three Shire staff members that assess all eligible applications received and make recommendations to Council for final determination and award of funding.

Related Documents

- Council Policy - Lease and Licence Management
- Council Policy - Community Contributions
- Council Policy - Acceptable Building / Planning Minor Modifications
- Council Policy - Asset Management

Legislation / Local Law Requirements

- *Associations Incorporated Act 2015*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		18 May 2020	OCM126/05/20
Version	Date	Resolution Number	Amendment Details
1	18 May 2020	OCM126/05/20	
2	21 September 2020	OCM312/09/20	
3			Formatting changes and increase major events grant from \$20,000 to \$25,000

Council Policy – Community Gardens

Responsible Directorate	Operations <u>Community Engagement</u>
Responsible Business Unit/s	Community Development and Organisational <u>Operations</u> <u>Community Projects</u> <u>and</u> <u>Property</u>
Responsible Officer	Manager Operations <u>Manager</u> Communications and Customer Engagement <u>Community Projects</u> <u>and</u> <u>Property</u>
Affected Business Units	? <u>Community Activation</u> <u>Operations</u>

Objective

To facilitate and promote community gardens, in appropriate locations on Shire of Serpentine Jarrahdale ~~(the Shire)~~ owned or managed land, that are sustainably managed and led by the community in such a way that promotes healthy living practices and builds strong community relationships. ~~the needs of all stakeholders are taken into account.~~

Scope

This Policy applies to all community gardens established, managed, or supported by the local government on Shire owned or managed land.

Policy

Roles and Responsibilities of the Shire

- Provide a streamlined and consistent approach to the assessment, approval and management of community garden requests on Council owned or managed land.
- Facilitate community gardens through the provision of advice and referral for interested groups.
- Connect community garden groups to encourage relationship building, encourage knowledge and skill sharing, and strengthen community cohesion.
- Encourage the incorporation of strategies that could enable the establishment of community gardens in new structure plan areas.
- Prepare and monitor the terms of the lease or license for Council approved community gardens.

Roles and Responsibilities of Community Gardeners Garden Groups

Community gardeners are responsible for maintaining the garden so that the health and safety of the surrounding community is not adversely impacted.

Community Garden groups shall:

- Become incorporated associations in order to manage their own insurance and funds and apply for grants;
- Abide by [terms and conditions of lease or license agreements](#) ~~all relevant Shire of Serpentine Jarrahdale and state legislation;~~
- Source any necessary funding for the establishment of the community garden;
- Ensure any water leaving the garden is not contaminated by sediment, fertiliser, manure or excessive organic matter that might pollute waterways;
- Ensure rainwater harvesting systems are maintained so that water is of a high quality;
- Ensure compost, worm farming systems and fertilisers are maintained so as not to attract vermin, produce unpleasant odours or present a fire risk;
- Ensure any materials delivered to, or stored at the garden are maintained so as not to create an unpleasant or unsafe environment for other residents in the community;
- Ensure that, on request and with prior arrangement, visitors are welcomed to the garden;
- Maintain appropriate insurance cover for the group;
- ~~Abide by the terms of the lease with the Shire; and~~
- Return the site to its original condition should the group disband or the lease not be renewed.

Definitions

Community gardens ~~are a not-for-profit, community-based~~ community-based enterprise producing food primarily for the consumption of the gardeners. They are community managed, multi-functional garden space that when carefully designed and managed can provide a wide range of environmental, social and economic benefits

~~means a piece of land operated collectively by a group of people for the primary purposes of community food production and recreational gardening. There are a number of different structures of community gardens. The most common types are:~~

~~community gardens with individual allotments allocated to individual members;~~

~~community gardens where the entire garden is run collectively as a shared enterprise; and/or~~

~~community gardens that integrate both allotment and shared gardens.~~

Community garden groups are incorporated associations or entities who have applied for a lease or licence to develop appropriate Shire owned or managed land into community gardens.

Council owned or managed land includes present and future Shire freehold land (land owned by the Shire of Serpentine Jarrahdale) and Crown land (land owned by the State, under the care and control of the Shire, usually by way of a management order). It excludes privately owned or controlled land, and land owned or controlled by State Departments

Related Documents

- ~~Strategic Community Plan 2017 - 2027~~ Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		29 September 2015	OCM187/09/15
Version	Date	Resolution Number	Amendment Details
2	18 December 2017	OCM179/12/17	
3			New template and <u>updated Directorate, Business Units, and definitions.</u>

DRAFT

TO BE RESCINDED

Council Policy – Community Perception Survey

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Manager Communications and Customer Engagement
Affected Business Units	

Objective

The objective of this Policy is to provide guidance regarding the undertaking of the Community Perception Survey.

Scope

This Policy applies to the undertaking of the Community Perception Survey only.

Policy

Introduction

The Community Perception Survey enables Council to keep in touch with the current wishes of local residents, determine priorities and make the best decision possible on behalf of the community in line with the Shire of Serpentine Jarrahdale ~~Strategic Community plan~~ Council Plan 2023-2033.

Frequency

The Community Perception Survey shall be conducted every two years.

Communication with Residents

The Shire will communicate with residents regarding its intention to undertake a Community Perception Survey. This communication will include information about how residents may be involved in the survey, the dates the surveying will be undertaken and how and when residents can access the Community Perceptions Survey outcomes report.

The Community Perceptions Survey report will be posted to the Shire website once it has been endorsed by Council.

Definitions

Nil

Related Documents

Nil

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		18 March 2020	OCM041/03/19
Version	Date	Resolution Number	Amendment Details
2			Rescind

Council Policy – Community Signage on Shire Reserves and Facilities

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Facilities
Responsible Officer	Manager Facilities
Affected Business Units	Statutory Planning and Compliance Sport and Recreation Operations Community Development

Objective

The objective of this policy is to establish a framework for the approval and installation of sponsorship signage by clubs and organisations on Shire ~~of Serpentine Jarrahdale (the Shire)~~ owned or managed facilities and reserves, excluding Shire leased facilities which have a contractual arrangement to have signs permanently fixed.

Scope

This policy applies to all ~~Council-Shire~~ owned or managed reserves or facilities including infrastructure located within these reserves such as sports grounds, tennis and netball courts, buildings and other minor infrastructure (e.g. scoreboards, players enclosures, goal posts and fencing etc).

This policy does not cover naming rights for facilities or reserves. Sponsorship agreements between clubs and commercial entities for naming rights are not supported by the Shire and will not be considered within the confines of this policy.

Policy

Introduction

The Shire recognises the importance of promotion of clubs, user and community groups, organisations and businesses in terms of advertising activities and major events, raising funds and attracting new members. It has also been recognised there is a requirement to manage and control advertising, sponsorship and promotional signs to ensure the visual integrity of Shire facilities and reserves are aligned with the requirements of the Shire's Local Planning Scheme, Council Policy/s and Local Law/s.

The Shire ~~of Serpentine Jarrahdale~~, as the asset manager of public reserves and facilities, has the responsibility to ensure there is a consistent approach to signage across the Shire.

This policy recognises that where multiple clubs, groups, businesses and/or organisations utilise a space, a coherent and structured approach to the installation of signage (particularly promotional signage) is essential to manage any potential conflict or reputational concerns - real

and/or perceived. In addition, to ensure any signage is safely erected, well maintained and does not detract from the visual amenity of the facility and/or reserve.

Clubs, community groups, businesses and/or organisations (the applicant) intending to erect permanent signage at a Shire facility and/or reserve, must submit an application for consideration. Approval from the Shire must be gained prior to the installation of any permanent sign.

Category

Temporary

Types of temporary signage may include banners, “A frame” signs, corflute signs and on occasion, electronic score board signage.

This includes signage displayed during a specified time (e.g. playing season, event) but on a temporary basis and removed after a specified time (e.g. game/tournament, event). Temporary and Seasonal signage must be removed after the game/tournament and stored appropriately outside of these times.

All other club-related advertising signage will be considered on a case by case basis and must be approved by the Shire.

Conditions

All costs associated with the design, production and installation of the signs shall be borne by the applicant.

Approval for signage will be subject to the following conditions:

- Temporary signage only
- Signs outside the facility and/or reserve do not exceed 5m² (2.5m wide by 2.5m high).
- Signage must not be principally aimed at people beyond the reserve, namely passing traffic. Additionally, the sign is to be located so as not to obstruct visibility of motorists or pedestrian access.
- Signage is generally prohibited from being attached to any other fixtures or structures within a sporting facility or reserve not limited to; amenity buildings, storage sheds, trees, public toilets etc. Signage must not be painted directly onto the walls or the roof of any facility, building or structure on the reserve.
- All signs may be installed for a maximum of 14 days prior to a one-off event or on the day of the game/tournament.
- Temporary signs must be removed by the end of the game/tournament or event.
- Commercial sponsorship signs within a Shire facility are not to exceed 20% of the total sign area unless a designated sponsorship board is utilised.

Signage Content

The information and message/s conveyed of any signage within any category, must be to the satisfaction of the Shire. All signs must not:

- Promote tobacco / alcohol / gambling;
- Promote messages that negatively impact on public health;

Council Policy – Community Signage on Shire Reserves and Facilities

- Promote political or religious messages;
- Contain reference to inappropriate or offensive language or material;
- Negatively affect the reputation of the Shire;
- Negatively impact the visual aesthetics of Shire buildings.

It is the club's responsibility to maintain all sponsorship signage. Signs may be removed by the Shire if not consistent with the conditions outlined in this Policy at the Club's cost.

Existing Advertising Signage

Consideration may be granted for the installation of a sign for commercial enterprises that have contributed to the development of the facility and/or reserve at the sole discretion of the Shire.

This policy is not retrospective, however existing signs which have been erected, placed or displayed unlawfully prior to the coming into force of this policy will be considered by Council officers.

However, if the Shire considers that a particular sign conflicts with the aims or objectives of this Policy, is deemed dangerous or a planning permit is required and has not been obtained, an enforcement notice to require the removal or replacement of the sign may be served to the relevant club/community group. Signage deemed not to comply with this policy that is removed by sporting clubs must not be stored on site (e.g. within amenity buildings, storage sheds or other areas within the facility).

Any costs associated with the removal or reinstallation of existing advertising signage will be the responsibility of the club/community group. The Shire cannot and will not be held liable for any claim made by an aggrieved sponsor where advertising signage considered by ~~Council~~ Shire officers to be in breach of this policy has been removed.

Definitions

Council owned or managed reserves means any passive open space, bush-land reserve, active recreation reserve, road reserve, or land vested in, or under control of Council. The land may be subject to a tenancy agreement with Council.

Event refers to signage erected for promotion of 'one off' community events (e.g. lightning premierships, membership drives, fundraising activities etc).

Facilities means buildings that are available to the public for recreation or sport.

~~**Tenancy** includes temporary hire agreements, seasonal tenancy agreements, leases and licence tenancy agreements and service contracts.~~

~~**Facilities** means buildings that are available to the public for recreation or sport.~~

~~**Event** refers to signage erected for promotion of 'one off' community events (e.g. lightning premierships, membership drives, fundraising activities etc).~~

Promotional sign means any board, notice, structure, banner or similar device used for the purposes of promoting a club, group, organisation, business or any event or activity that the club, group, organisation or business may be involved in.

Sponsorship sign means any board, notice, structure, banner or similar device used for the purposes of promoting a sponsor. Sponsorship is not philanthropic as a sponsor expects to receive a reciprocal benefit beyond a modest acknowledgement.

Sign or signage means all permanent and temporary board, notice, structure, banner or similar device.

Tenancy includes temporary hire agreements, seasonal tenancy agreements, leases and licence tenancy agreements and service contracts.

Related Documents

- Council Policy ~~1.1.8~~ - Election Signs ~~on Road Reserves and Shire Land~~ [age](#)
- Local Planning Policy 4.11: Advertising

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Shire of Serpentine Jarrahdale Public Places and Local Government Property Local Law 2019*
- *Shire of Serpentine Jarrahdale Local Planning Scheme no. 3*

DRAFT

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		11 October 2021	OCM278/10/21
Version	Date	Resolution Number	Amendment Details
<u>2</u>			<u>New template and minor formatting changes</u>

DRAFT

Council Policy – Complaints Resolution

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Manager Communications and Customer Engagement
Affected Business Units	All Business Units

Objective

The purpose of this policy is to provide a framework to guide the Shire of Serpentine Jarrahdale in its management and handling of complaints.

Scope

This policy applies to complaints relating to the Shire of Serpentine Jarrahdale (the Shire) and its services relating to:

- Decisions made by employees of the Shire;
- The conduct of employees and contractors of the Shire; and
- Practices, policies and procedures of the Shire.

Policy

1. Introduction

- 1.1. The Shire ~~of Serpentine Jarrahdale~~ is committed to managing complaints in a consistent and unbiased manner while ensuring an open and responsive complaints handling process.

2. Implications (Financial, Human Resources)

- 2.1. The Shire's Coordinator Customer Service and team Leader Customer Service will manage the Shire's complaints handling processes and reporting, and provide an advisory service in complaint handling and resolution according to *Local Government Act 1995* ~~—Sect 5.120~~.
- 2.2. The Coordinator Team Leader Customer Service, during their course of investigation, may liaise with the Chief Executive Officer, Directors, Managers and Coordinators.
- 2.3. No additional financial implications apply as a result of this policy.

3. Implementation

- 3.1. The Shire is committed to providing quality customer service. Should our customers be dissatisfied with the provision of services or products of the Shire, and/or its contractors, or with the actions of employees, we will actively seek to resolve the complaint at the first point of contact.
- 3.2. This policy aims to ensure that all of our customers have the opportunity to provide feedback to the Shire. To assist with this, the Shire will adopt a Complaints Resolution

Business Operating Procedure, which provides clear information about how complaints will be managed in line with guidelines from the Ombudsman Western Australia.

3.3. Complaints will be acknowledged and responded to in a timely manner with objectivity and fairness ensuring that, where required, the Shire provides an appropriate response.

3.4. To achieve this, the Shire will:

- Adopt a customer-focused approach that encourages open feedback and a commitment to resolving complaints;
- Endeavour to ensure that anyone who is dissatisfied with a Shire service or product can easily and simply make a complaint and/or provide feedback;
- Designate a location to lodge complaints which is visible and easily accessible to customers;
- Acknowledge complaints;
- Investigate feedback and complaints courteously and fairly;
- Respond to complaints in a timely manner and within prescribed timelines set out in its Complaints Resolution Business Operating Procedure;
- Establish a system for complaint handling that will enable it to identify trends, eliminate causes of complaints and improve operations and customer service;
- Ensure all employees are aware of the Complaint Resolution Policy and Complaints Resolution Business Operating Procedure.

4. Formal complaint

4.1. If a formal complaint is lodged, the Shire will determine complaints as quickly as possible and will keep the complainant (and if applicable, the person who is the subject of the complaint) advised of the progress, details of the resolution and reasons.

4.2. The following will not be registered as complaints due to the fact that each of the below is covered under a separate process or policy:

- A request for council services;
- A request for documents, information or explanation of policies or procedures;
- A request for the council to exercise a regulatory function;
- The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy;
- A submission relating to the exercise of a regulatory function; and
- A petition.

4.3. The Coordinator Customer Service and/or relevant officers from the Customer Service Team will investigate and may determine to take the following courses of action:

- Take no further action and give the complainant reason/s;
- Resolve the complaint by use of other appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation;

- Discontinue the assessment in circumstances where it becomes evident that the matter would be referred to another body or person and advise the complainant accordingly.

4.4. At a minimum, the following information is to be supplied in order to effectively process the complaint:

- Name and address.
- Contact details.
- Complaint details.
- Date of occurrence of complaint.

4.5. Customer correspondence, telephone conversations or interviews which proceed in an inflammatory manner will not be acted on. Where this occurs, the Shire has the right to terminate conversations or interviews after warning the customer of that intention.

5. Anonymous complaints

5.1. An anonymous customer complaint will only be investigated where reasonable and sufficient information is provided and which, in the opinion of the Coordinator Customer Service, Manager Governance and/or Manager Human Resources and Organisational Development, constitutes:

- A breach of statutory provisions;
- A breach of an approval, licence or permit;
- A matter for which the Shire is obligated to act, prescribed in the Local Government Act 1995, Corruption Crime & Misconduct Act 2003 or under any other written law (i.e. the Public Interest Disclosure (PID) legislation);
- A matter which if not attended to could reasonably constitute a risk to the public health and safety of persons, animals or the environment; and
- A matter which is deemed to be capable of investigation and resolution without assistance from the complainant.

6. Complaints regarding Shire of Serpentine Jarrahdale employees

6.1. Complaints relating to employees regarding to the provision of a service or product should be referred to the Coordinator Customer Service to coordinate the investigation process. Complaints that relate to misconduct will be forwarded to the Chief Executive Officer where the complaint is in regard to an employee, and the Shire President where the complaint is in regard to the Chief Executive Officer.

6.2. Should a customer specifically state they are making a disclosure under the *Public Interest Disclosure Act* (PID Act) the complaint should be directly referred to the Shire's PID Officer (refer to PID Act, at Paragraph 10).

7. Unreasonable Complainant Conduct

7.1. Most complainants who approach the Shire act reasonably and responsibly in their interactions with the Shire, even when they are experiencing high levels of distress, frustration and anger about their complaint. However in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite

the Shire's best efforts to assist them. They may be aggressive and verbally abusive towards Shire employees and even Elected Members. They may threaten harm and violence, bombard the Shire's offices with unnecessary and excessive phone calls and emails, make inappropriate demands on employees' time and the Shire's resources and refuse to accept the Shire's decisions and recommendations in relation to their complaints. When Complainants demonstrate such behaviours the Shire considers their conduct to be 'unreasonable'.

- 7.2. Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the Shire as an organisation, the Shire's employees and Elected Members, other service users and complainants or the complainant. To determine if complainant behaviour and conduct is considered UCC, consideration should be given to the guidelines published by the Ombudsman.

UCC can be divided into five categories of conduct:

- **Unreasonable persistence** – continued, incessant and unrelenting conduct by a Complainant that has a disproportionate and unreasonable impact on the Shire as an organisation, Shire employees and/or Elected Members, services, time and/or resources.
- **Unreasonable demands** – are any demands (express or implied) that are made by a Complainant that have a disproportionate and unreasonable impact on the Shire as an organisation, the Shire's employees and Elected Members, services, time and/or resources.
- **Unreasonable lack of cooperation** – is an unwillingness and/or inability by a Complainant to cooperate with the Shire, Shire employees (or agents), complaint system and processes that results in a disproportionate and unreasonable use of the Shire's services, time and/or resources.
- **Unreasonable arguments** – include any arguments that are not based in reason or logic, that are incomprehensible, false, inflammatory, trivial or delirious and that disproportionately and unreasonably impact on the Shire as an organisation, Shire employees and/or Elected Members, services, time and/or resources.
- **Unreasonable behaviours** – is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a Complainant is – because it unreasonably compromises the health, safety and security of the Shire's employees and/or Elected Members, other service users or the Complainant.

- 7.3. UCC incidents will be managed in line with Council Policy 1.1.12 - Habitual or Vexatious Complainants.

8. Complaints regarding Elected Members

- 8.1. The *Local Government (Rules of Conduct) Regulations 2007* provides a disciplinary framework to deal with individual misconduct by local government council members.
- 8.2. Any person may make a formal complaint about an Elected Member for a minor or serious breach under the *Local Government (Rules of Conduct) Regulations 2007*. The Complaint must be made on the relevant Form 1 or 2, available from the Shire of

~~Serpentine Jarrahdale~~ or the Department of Local Government and sent to the Chief Executive Officer.

9. Allegations of Misconduct – Corruption and Crime Commission

- 9.1. Allegations concerning misconduct will be dealt with independent of the Shire's complaint handling process.
- 9.2. In the first instance they will be referred directly to the Chief Executive Officer where the complaint is in regard to an employee, and the Shire President where the complaint is in regard to the Chief Executive Officer, including whether there are reasonable grounds for notification to the Crime and Corruption Commission or the Police. Further information is available from the Commissions website – **www.ccc.wa.gov.au**.

10. The Public Interest Disclosure Act 2003 - (PID ACT)

- 10.1. The PID Act is designed to facilitate the disclosure of suspected misconduct by public officers. This legislation specifically covers improper conduct, corruption, irregular or unauthorised use of public resources, conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.
- 10.2. Before making a disclosure it is important that a person is aware of the rights and responsibilities imposed on the individual and others under the Act. Further information can be found at the Public Sector Commission's (PSC) website: **<https://publicsector.wa.gov.au/public-administration/official-conduct-andintegrity/public-interest-disclosures>**

11. Complaints in regard to Breaches of the *Local Government Act 1995*

- 11.1. The Department of Local Government, Sport and Cultural Industries (the Department) has a complaints handling system for the management of complaints received from local governments, residents and other agencies for a variety of matters such as local government administrative procedures and breaches of the *Local Government Act 1995*.
- 11.2. Complaints in this category will be dealt with independent of the Shire's complaint handling process and should be sent to the Department directly. Their procedure for managing complaints is available from their website – **www.dlg.wa.gov.au**.

12. Complaints to the Ombudsman and Third-Party Agencies

- 12.1. The Ombudsman can investigate complaints about most Western Australian public authorities, including local governments. Generally the Ombudsman will investigate actions or decisions where the decision maker has:
 - Acted outside their legal authority;
 - Not followed policy, or applied its policy inconsistently;
 - Did not consider all the relevant information, or considered irrelevant information;
 - Unreasonably delayed making a decision or informing the complainant of the decision; or
 - Failed to notify the complainant of the decision or did not provide reasons for a decision.

12.2. The Shire may be required to provide information to the Ombudsman and the Coordinator Customer Service/[Team Leader Customer Service](#) will coordinate this process. All final responses to the Ombudsman will be signed by the Chief Executive Officer.

12.3. The Shire will register complaints which are made to other third party agencies, for example Ombudsman Western Australia, the WA Planning Commission or State Administrative Tribunal (SAT) within the Shire's record keeping system, Content Manager (CM).

13. Privacy and Confidentiality

13.1. Personally identifiable information concerning the complainant will not be made publicly available to the offending party except to the extent required in law and/or with the express consent of the complainant.

13.2. Appropriate security will be utilised within Shire's Content Manager and OneComm CRM system. Customers seeking anonymity should note that the Shire cannot guarantee that they will not be identified during investigation, and as such, it is the customers right to decide if they would like to proceed with the complaint.

14. Review and appeals

14.1. A complainant has a right to request a review of a process of investigation and/or decision.

14.2. Where a complainant is dissatisfied with the way in which a complaint has been dealt with and/or the final determination of the complaint by the Shire, the complainant may request a secondary review. However, this should only be supported when new information is presented that was not already initially considered. If no new information is presented for review the customer will be informed of the most appropriate external body such as the Western Australia Ombudsman or the Department of Local Government, Sport and Cultural Industries.

15. Reporting

15.1. Quarterly reporting to the Shire's Executive Management Group will be developed outlining complaint trends, outcomes and mitigation strategies.

Definitions

Complaint means a dissatisfaction with the services or products of the Shire and its contractors, or with the actions of employees or Council in the provision of those services or products. A complaint **is not** a request for a service to be delivered or a complaint against another resident.

Complainant means a person, organisation or its representative, making a complaint.

Feedback information about reactions to a product, service or a person's performance of a task, which is used as a basis for improvement.

Formal complaint is when, at a minimum, the following information is supplied in order to effectively process the complaint:

- Name and address.
- Contact details.

- Complaint details.
- Date of occurrence of complaint.

Misconduct occurs when a public officer abuses their authority for personal gain, causes detriment to another person, or acts contrary to the public interest (Source: Corruption and Crime Commission)

Vexatious denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant.

Related Documents

- ~~Strategic Community Plan 2017-2027~~ Council Plan 2023-2033
- Code of Conduct
- Customer Service Charter
- Council Policy ~~1.1.12~~ - Habitual or Vexatious Complainants

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Australian Standard Guidelines*
- *Ombudsman Western Australia Guidelines*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		20/09/2021	OCM261/09/21
Version	Date	Resolution Number	Amendment Details
<u>2</u>			<u>New template and updates to position titles.</u>

Council Policy – Consumption of Alcohol in/on Shire Owned Facilities and Reserves

Responsible Directorate	Operations
Responsible Business Unit/s	Facilities
Responsible Officer	Manager Facilities
Affected Business Units	Infrastructure Services Environmental Health Community Engagement Sport and Recreation Governance Community Safety

Objective

The objective of this Policy is to:

- Encourage the responsible consumption of alcohol in/on Shire of Serpentine Jarrahdale (Shire) owned or managed facilities and reserves, particularly at events held in/on those facilities and reserves
- Outline the conditions for the provision of a Permit to Consume Alcohol in/on a Shire owned or managed facility or reserve
- Outline the requirements to gain approval to sell alcohol in/on a Shire owned or managed facility or reserve

Scope

The Scope of this Policy is to ensure responsible consumption of alcohol in/on all Shire owned and managed facilities and reserves.

This Policy does not apply to the assessment of liquor license applications relating to non-Shire owned and/ or managed facilities and reserves.

This policy does not apply to the assessment of Development Applications for outlets providing access to liquor under the relevant legislation.

The Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor is responsible for the provision of a liquor license. It is the responsibility of the person hiring the Shire facility to ascertain if they require a liquor license. A Shire Permit to Consume Alcohol does not replace the requirement to obtain a liquor license where that requirement exists.

Policy

Introduction

The Shire recognises the social and economic cost of alcohol-related harm within the community and encourages responsible and safe consumption of alcohol. The Shire also recognises that alcohol consumption is legally acceptable for assenting adults when consumed responsibly, and may play a role in hosting celebrations, activities and events.

As these are activities Shire facilities or reserves are commonly hired or utilised for, the Shire will consider requests to consume alcohol in/on Shire owned and managed facilities and reserves for such purposes.

However, such approval does not negate an individual's or organisation's legal responsibility in the provision and consumption of alcohol.

Permit to Consume Alcohol

In order to supply and/or consume alcohol in/on a Shire owned or managed facility or reserve, an application to consume alcohol must be made to the Shire, including the payment of the required fee (as per Fees and Charges Schedule).

A Permit to Consume Alcohol must then be issued by the Shire. A Permit to Consume Alcohol on a Shire owned or managed facility or reserve may be issued by the Shire subject to the following conditions.

- (a) The Chief Executive Officer must be satisfied that any application or request to consume alcohol will not cause undue disruption or harm to members of the community, or does not demonstrate potentially significant risk that would result in damage to a Shire owned or managed facility or reserve.
- (b) Applications for a Permit to Consume Alcohol will only be considered for facilities and reserves within the following time restrictions: Sunday, Monday, Tuesday, Wednesday, Thursday from 11am to 10pm Friday and Saturday from 10am to 11 pm
- (c) A wedding ceremony on a Shire reserve (not to exceed 2 hours) would be permitted.
- (d) Compliance with all Shire of Serpentine Jarrahdale terms and conditions of hire (including private events or functions).
- (e) A community or corporate event held in/on a Shire owned or managed facility or reserve, where a Liquor Licence has been successfully obtained from the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor.

Sale of Liquor on Council Properties

Any proposal to sell alcohol in/on a Shire owned or managed facility or reserve, will require the applicant to apply to the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor for a Liquor Licence, and also to the Shire of Serpentine Jarrahdale for a Permit to Consume Alcohol.

The following conditions apply to Sale of Liquor on Shire premises;

- (a) The Shire may provide comment to the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor regarding an Application submitted for an Occasional Liquor Licence.

The Department may be advised of the time restrictions on permission to consume alcohol on council premises as per times outlined in Permit to Consume Alcohol section (b) above.

- (b) A Liquor Licence from the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor must be in place and a copy supplied to the Shire a minimum of 14 days prior to the event date. A Permit to Consume Alcohol will only be issued after receipt of the liquor licence.
- (c) The Chief Executive Officer must be satisfied that any application or request to sell alcohol will not cause undue disruption or harm to members of the community.

It is an offence for juveniles and drunk persons to consume, be in possession of, or be supplied alcohol at functions in public venues, as regulated by the *Liquor Control Act 1988*. Should the Shire become aware of breeches to the *Liquor Control Act 1988*, these will be reported to the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor. The Shire may refuse to support any further applications (by that applicant) for a Liquor License or refuse to provide a Permit to Consume Liquor for future hires of Shire owned or managed facilities and reserves.

Definitions

Liquor Licence means a licence issued by the Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor to sell alcohol.

Permit to Consume Alcohol means a permit issued by the Shire of Serpentine Jarrahdale to supply and/or consume alcohol in/on a Shire owned or managed facility or reserve.

Related Documents

- Council Policy ~~5.1.4~~ - Facility Hire
- Council Policy ~~5.1.3~~ - Lease and Licence Management

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Liquor Control Act 1998*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		20 July 2020	OCM232/07/20
Version	Date	Resolution Number	Amendment Details
2			New template

DRAFT

Council Policy – Contract Management

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Procurement
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to set out the Shire [of Serpentine Jarrahdale's \(the Shire\)](#) approach to Contract Management. This policy describes who is authorised to enter into contracts on behalf of the Shire, authorise variations and/or extensions to those contracts, and outlines Contract Management roles and responsibilities.

Scope

This Policy applies to contracts for goods and services entered into by the Shire regardless of value. The following contracts are excluded from this policy:

- Employment contracts.
- Outgoing funding agreements, donations and sponsorships.
- Incoming funding agreements.

Policy

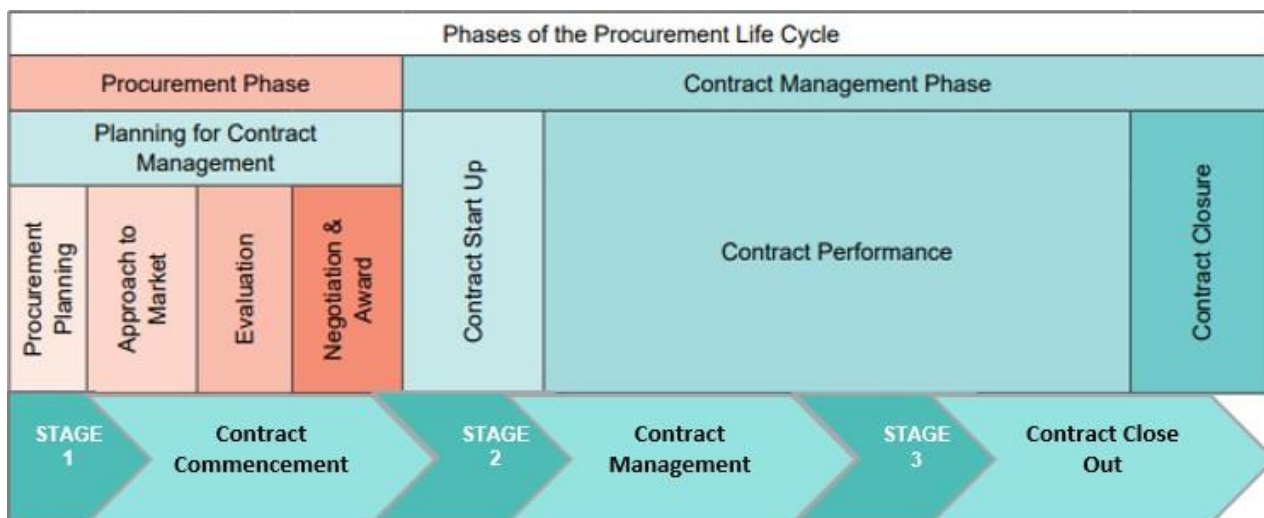
Introduction

This policy provides a framework for managing contracts with a value threshold of:

1. \$250,000 or greater, whether they were publicly advertised or not;
2. less than \$250,000, but greater than \$~~120~~75,000;
3. less than \$~~120~~75,000.

Contract Management

Contract Management integrates with the overall Procurement Life Cycle.



Contract management involves three key stages: contract commencement, contract management and contract close out. These three stages are then split into six distinct phases:

1. Contract planning and negotiation
2. Contract execution
3. Contract performance management
4. Variation management
5. Contract extensions
6. Contract close out

The Shire's approach to each of the six distinct phases is described in the following sections.

1. \$250,000 or greater, whether they were publicly advertised or not

Contract planning and negotiation

Each procurement process involving a publicly advertised tender is required by Regulation 14 of the *Local Government (Functions and General) Regulations 1996* (the Regulations) to have detailed specifications of the goods or services required. To avoid any possible confusion, tenders that are exempt from public advertising must also have a specification of the goods or services required.

These specifications form the basis for contract management of quality, performance and the activities that will follow.

In considering procurement options and the specifications for the preparation of the decision to call for tenders or otherwise purchase goods and services greater than \$250,000 through exemptions from public tendering under legislation, Officers will have regard to:

- The legislative rules associated with procurement via tender, including delegated authority to call tenders.
- Procurement and contractual options to provide value for money.
- The means that performance will be assessed.
- The appropriateness of contract extension options.

- The most appropriate contractual arrangements.
- The need for contingency and provisional sums.

A decision regarding the contractual arrangements must be made prior to the decision to call tenders. The call for tenders must include information regarding the contractual arrangements and assessment criteria.

The Shire's contract standard inclusions will comprise the following parts:

- ~~Letter of Award~~
- Formal Instrument of Agreement (if applicable)
- Contract as appropriate for the goods / services procured (e.g., relevant Australian Standard or a Goods and Services Contract)
- Invitation to Tender and Specification ~~Conditions of Tendering~~
- ~~Specification and/or plans/drawings~~
- ~~General Conditions of Contract~~
- ~~Special Conditions of Contract~~
- Respondent Offer
-

Regulation 20 of the Regulations provides rules for varying the goods or services required after the tender has been awarded, but prior to entering into the contract. A variation of this kind must be made in accordance with the Regulations and the relevant delegation. Regulation 20 only applies before a contract has been executed.

Contract execution

Following the awarding of the tender, the contract must be executed in accordance with Council Policy ~~1.1.4~~ – Execution of Documents and Use of the Common Seal.

Following execution of the contract, the details of the contract will be recorded in the Shire's Contract Management Register by Procurement.

Contract performance management

Properly managing supplier performance with respect to outcomes and deliverables clearly specified and agreed in the contract will help ensure Council and its customers obtain the business benefits and value for money within target timeframes.

Contract performance management involves:

- Relationship management with the suppliers' nominated contact.
- Monitoring timeliness and quality of deliverables including reporting.
- Issue identification and escalation.
- Assessment of invoices to contract terms and conditions.
- Tracking performance against budget.
- Ensuring ongoing compliance with relevant licences, qualifications, permits and insurances.

- Ensuring quarterly contract management meetings are conducted.

The Contract Manager is responsible for performance management of the contract.

Variation management

Council authorises the Chief Executive Officer to vary contracts in accordance with Regulation 21A of the Regulations where:

- the expenditure required for the variation is contemplated in the Budget; and
- if the variation is a renewal or extension of the term of the contract as described in Regulation 11(2)(j) that it is in accordance with relevant delegations and Council resolutions.

The Contract Manager is responsible for reviewing variations submitted by contractors and making a recommendation to the Chief Executive Officer.

In the event that a Superintendent has been appointed to administer the contract, the Superintendent may approve variations subject to terms of the contract and where applicable under this policy and the conditions of their appointment. The conditions of appointment of a Superintendent are to include requirements to adhere to Shire policies, procedures and project management framework where they do not directly conflict with the Australian Standard contract conditions.

A request for approval to vary the contract should come from the Contract Manager in the approved form. If approved, the signed form is to be attached to the requisition. The details of the variation must be recorded according to record keeping standards.

Variations to a contract require the approval of both parties to the Contract.

Where the variation is not contemplated in the contract in the form of contingency or other reserve amount and the expenditure required is not contemplated in the project budget, Council approval is required prior to acceptance of the variation and approval to commence works. See the following section for contract variations where a Superintendent has been appointed.

Where a variation would change the scope of the contract, in accordance with Regulation 21A of the [Local Government \(Functions and General\) Regulations 1996](#), a new procurement process would be required for the variation item.

Variations management where a Superintendent has been appointed

A Superintendent may be appointed to assist the management of a contract.

In the event that a Superintendent has been appointed to administer the contract, the Superintendent may approve variations subject to terms of the contract, where applicable under this policy and the conditions of their appointment. The conditions of appointment of a Superintendent are to include requirements to adhere to Shire policies, procedures, and project management framework where they do not directly conflict with the Australian Standard contract conditions.

The Superintendent's role is to 'administer' the contract and ensure the contractual obligations are performed. Under a traditional construction contract, the Superintendent has two separate and distinct roles:

- to act as agent for the principal; and
- to act as an independent certifier.

The Superintendent administers the contract terms and conditions in accordance with legislation and where applicable, Shire policies and procedures.

The Superintendent's specific functions when acting as agent include:

- issuing directions to the contractor on behalf of the principal;
- approving programs;
- approving subcontractors;
- controlling employees;
- resolving contract document ambiguities;
- examining and testing materials;
- postponement and suspension of work; and ordering variations.

The types of issues the Superintendent may be asked to certify include:

- extensions of time;
- payment of liquidated damages;
- the amount of delay costs payable to the contractor;
- valuing variations;
- payment certificates;
- issuing final certificates and certificates of practical completion.

Noting the roles and powers outlined above, it is essential that the Contract Manager proactively manages any potential variations. Variations must be managed in line with cost and contingency availability and early advice of potential above contract variations must be negotiated and progressed in sufficient time to obtain formal approvals for additional budget. The only exception to this requirement is for emergency works and where an extreme safety risk requires immediate attention.

Once the variation is approved, a Purchase Order for the specific variation, notated with the Variation Reference and detail is created. This amount is over and above the original Purchase Order value, as it is assumed all other estimated costs will be billed against the remaining available budget.

Variations contemplated by the contract

The following circumstances does not constitute a variation under Regulation 21A because they are contemplated by the contract:

- additional costs that relate to items within the budget where these items form part of the contractor's obligation to complete everything necessary to carry out the contract work and can be met by the contingency within the contract; or
- substitution of materials where the contract contemplates a substitution.

Where necessary variations are contemplated by the contract and budget permits, the Contract Manager may raise a requisition. Approval for the expenditure must be in accordance with the Shire's purchasing power authorisations.

The decision to agree to a variation contemplated by the contract must be in accordance with the Shire's Project Management Framework and must be recorded in the Shire's Contract Management Register.

Contract extensions

The Contract Manager is responsible for making recommendations regarding contract extensions contemplated by Regulation 11(2)(j) of the Regulations. Note that any contract extensions must be based on performance of the contractor being to the specified standard in the contract. The Chief Executive Officer is authorised to approve contract extensions contemplated by Regulation 11(2)(j) unless otherwise specified by Council resolution or limit on delegated power.

Contract close-out

The Contract Manager is responsible for contract close-out. This involves ensuring that all contractual obligations have been met, any disputes resolved, all asset documentation is received and complete, lessons learned recorded and final payment made.

Contracts resulting from a procurement process to establish a schedule of rates

Where the Shire has conducted a procurement process to establish a schedule of rates, contractual arrangements will include an initial contract that will bind work conducted based on that tender and a contract for the specific works provided for in the Shire's purchase order. This condition applies to all contracts.

2. Contracts with a value of less than \$250,000, but greater than \$12075,000

Purchasing of goods and services up to \$250,000 is dealt with in Council Policy ~~3.2.4~~ Purchasing - Procurement of Goods or Services up to \$250,000.

Following execution of the contract, the details of the contract will be recorded in the Shire's Contract Management Register by Procurement.

Contract variations

A request for approval to vary the contract should come from the Contract Manager in the approved form. If approved, the signed form is to be attached to the requisition. The details of the variation must be recorded according to Record Keeping Standards.

Variations to a contract require the approval of both parties to the Contract. Approval of contract variations are subject to the Shire's Execution of Documents Policy.

Variations requiring additional expenditure for contracts with a value of between \$~~75~~120,000 and \$250,000 are governed by the following rules:

- The variation must be within the available budget.
- Approved by an Officer with appropriate financial authority, where the total of all approved variations to the contract to date does not exceed the individual approver's financial authority threshold.

The decision to agree to a variation must be recorded in the Shire's Contract Management Register by Procurement.

Contract extensions

Contract extensions should be contemplated in the contract and should not be used to avoid adherence to purchasing rules.

3. Contracts with a value of less than \$75120,000

Purchasing of goods and services over \$58,000 and up to \$12075,000 is included in and dealt with in Council Policy ~~3.2.4 - Purchasing~~ Procurement of Goods or Services up to \$250,000.

Contracts with a value of less than \$75120,000 comprise:

- the Shire's purchase order terms and conditions; and
- the specifications and scope of the works against which the price was costed.

For all contracts up to \$12075,000, the Officer raising the requisition is responsible as the Contract Manager.

Contract variations

Variations to contracts with a value less than \$75120,000 that involve additional expenditure are governed by the following rules:

- The variation must be within the available budget.
- Approved by an Officer with appropriate financial authority, where the total of all approved variations to the contract to date does not exceed the individual approver's financial authority threshold.

Contract extensions

Contract extensions should be contemplated in the contract and should not be used to avoid adherence to purchasing rules.

Contract Terminations

For avoidance of doubt, subject to the contract terms for termination being met, both parties of the contract agreeing, and if appropriate, legal advice, a contract termination can be executed by:

- Chief Executive Officer for all contracts \$250,000 or over,
- the relevant Director for all other contracts.

Definitions

Budget means the approved budget for the Project or works as adopted by Council, as part of the annual budget or subsequent Council decision to adjust or amend the budget allocation.

Contract Manager means that each procurement process that leads to a contract with a value of \$250,000 or greater will have a Contract Manager. The Contract Manager will be nominated during the decision to call for the tender. The Contract Manager has the following responsibilities:

- Day to day management of assigned contracts.
- Clearly defining in the specifications used to call for tenders or otherwise the performance standards, review mechanisms and deliverables required from contractors.
- Ensuring contracts are managed in compliance with approved policies, procedures and processes and all client obligations contained in contracts are fully satisfied.
- Reporting on contract status and identifying issues for escalation.

Council Policy – Contract Management

- Making recommendations on the appropriateness variations that are not contemplated by the contract.
- Assessing the appropriateness of variations that are contemplated by the contract.

Contract Management Register means a register of contracts resulting from contracts with a value of over \$~~12075~~,000. The register will include information regarding the parties to the contract, the duration, a link to variations requested, approved or declined and the total contract value including any extensions. This register is an auditable record.

Financial Authority Threshold means the Financial Authority limit set out in Business Operating Procedure – Authorisation to Issue Purchase Requisitions.

Procurement team means the Shire's Procurement team which has the following responsibilities:

- Preparing the contract
- Maintaining the contract management register

Superintendent means the ~~the~~ person appointed by the Shire to perform the role of Superintendent as described in this policy.

Related Documents

- Council Policy ~~1.1.4~~ – Execution of Documents and Use of the Common Seal
- Council Policy ~~3.2.4~~ - Purchasing – Procurement of Goods or Services up to \$250,000
- Council Policy ~~3.2.5~~ - Procurement of Goods or Services through Public Tendering
- Business Operating Procedure – Authorisation to Issue Purchase Requisitions

Legislation / Local Law Requirements

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996

Amendment Record

Relevant Delegations		1.1.4: Expressions of Interest for Goods and Services 1.1.33: Tenders for Goods and Services – Call Tenders 1.1.34: Tenders for Goods and Services - Accepting and Rejecting Tenders; Determining and Negotiating Minor Variations before entering a contract; Exercising Contract Extension Options 1.1.35: Tenders for Goods and Services - Exempt Procurement	
		Date	Resolution Number
Council Adoption		16 May 2022	OCM115/05/22
Version	Date	Resolution Number	Amendment Details
2			New template, minor updates to wording and inclusion of termination of contracts-

ATTACHMENT 1

Contract Management Roles and Responsibilities

Key Roles

Item.	Role	Responsibilities
1	Contract Owner <i>(Manager or Director subject to value and risk)</i>	<ul style="list-style-type: none"> • Person accountable for the budget/cost center that funds contract • Employee with delegation to approve contract payments and variations • Allocate contract management roles within own team • Ensure compliance and performance • Obtain necessary delegate approvals (Council, CEO or Director as applicable) • Manage ongoing under performance in conjunction with Governance
2	Contract Manager <i>(Note this may be the same as the Contract owner in some instances subject to value/structure)</i>	<ul style="list-style-type: none"> • Manage contracts through post-award lifecycle as the single point of contact for suppliers on all contract matters • Monitor contract performance and compliance • Recommend being a representative within the business unit with the relevant skills • Contract management meetings (quarterly and annually) • Contract Development clearly define scope and performance standards, negotiation, execution, and management of contracts in accordance with approved policies, procedures, and processes. • Manage contract extensions, and renewals and preparation for future contracts / RFX • Manage contractor efficiently and effectively to ensure contract value is achieved • Manage contractors and supplier relationships • Manage contract services communication and messaging • Contract OH&S engagement and assurance • Contract risk identification and management • Contract closure activities • Understand and manage confidentiality
3.	Where there is a Support	<ul style="list-style-type: none"> • Contract operational administration. • Quotes/Confirmation of rates, goods receipting requisitions

	Officer/s a contract Manager may delegate the following tasks.	<ul style="list-style-type: none"> Records management and compliance Variation registers for contracts below \$250,000 Contract closure activities
4.	Procurement Coordinator	<ul style="list-style-type: none"> Perform administrative activities over the contract management lifecycle for the, overarching contract documentation, variations, and provide compliance assurance Records management and compliance for RFQ's and RFX's Variation registers for contracts above \$705120,000 Contract extensions <u>and variation</u> documentation <u>Support quarterly contract assurance/performance and ensure the Minutes and Actions are recorded in the contract record</u>Manage the Contract Management Framework and supporting processes and system tools <u>Work with IT and internal stakeholders to implement and improve the OneComm Contract Management module</u>
5.	Project Management Office Leader	<ul style="list-style-type: none"> Manage the Contract Management Framework and supporting processes and system tools Work with IT and internal stakeholders to implement and improve the OneComm Contract Management module Provide input and assurance to specifications, scope, negotiations, and variations Support quarterly contract assurance/performance meetings as required Update and maintain the corporate Contracts Register
6.	Governance, Corporate Performance Advisor	<ul style="list-style-type: none"> Risk Management Policy PPLGS Reporting
75.	Employees	<ul style="list-style-type: none"> Compliance with the contract management Framework and underpinning Policy and processes. Records management Understand and manage confidentiality
86.	Shire Audit Team	<ul style="list-style-type: none"> Annual audits and reporting Following up improvements and recommendations

Council Policy – Corporate Purchasing Cards

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Finance
Responsible Officer	Manager Finance
Affected Business Units	All

Objective

~~The purpose of the Corporate Purchasing Card Policy is to establish the use and responsibilities of the cardholder. Corporate Purchasing Cards can deliver significant benefits through improved administrative practices and more effective cash management. However, if not properly controlled, Purchasing Cards can also expose the Shire to significant risks. These risks can be minimised by implementing a policy to guide and control the responsible use of the Shire's Corporate Purchasing Card. Purchasing cards can be a more efficient purchasing method than that of formal methods in some circumstances. It can reduce administration costs, and the need to carry reasonable levels of petty cash.~~

The Objective of this Policy is to establish an effective control environment for the issue, use and cancellation of the Shire of Serpentine Jarrahdale's Corporate Purchasing Card.

Scope

This Policy applies to the Shire's of Serpentine Jarrahdale's Corporate Purchasing Cards, being the two Corporate Credit Cards and all employees who use these cards. ~~all corporate purchasing cards issued by the Shire.~~

Policy

The following sections are designed to control the use of the Corporate Purchasing Cards:

General

1. The Shire of Serpentine Jarrahdale (the Shire) will operate ~~one two~~ (24) Corporate Purchasing Cards for the purposes of Shire business transactions, ~~a primary card and a secondary card.~~
2. The Shire's Corporate Purchasing Card is to be issued by the same financial institution that municipal transactions are made.
3. ~~The Corporate Purchasing Cards~~ is-are to be issued to ~~a Cardholder, a nominated person (Cardholder) as per banking institution regulations. The nominated person will be the~~ Director Corporate Services is to be the Primary Card Holder and the ~~the Manager Finance an appointed Director TBA is to~~ will be the Secondary Card holder.
- 3.4. The secondary card is to only be used in the event that the Primary Card Holder is on leave or is unavailable to approve a purchase or in the event of an emergency such as a bushfire or other natural disaster.

- ~~4. In the event that a cardholder ceases employment, takes an extended period of leave, the cardholder must notify the Chief Executive Officer two (2) weeks before termination date, to arrange cancellation and settlement of receipts.~~
- ~~5. In the event that the cardholder loses or misplaces the Purchasing Card it must be reported to the issuing financial institution by telephone. Written notification must also be forwarded to the Chief Executive Officer.~~
- ~~6.5.~~ An agreement must be signed by the Ccardholder and the Shire Chief Executive Officer setting out the Ccardholder's responsibilities and legal obligations when using the Corporate Purchasing Card.
- ~~7.6.~~ Where the Corporate Purchasing Card, issued by the financial institution, includes reward schemes, these will be accumulated in the name of the Shire ~~of Serpentine Jarrahdale~~. The Chief Executive Officer, at their discretion will decide how these rewards are utilised and could include offering these to charitable institutions, or sporting clubs. Under no circumstances is the reward scheme to be used for employees Officers or Councillors' Elected Members private benefit.

Breaches of the Corporate Purchasing Card Policy

1. Any transactions that appear to be unauthorised, excessive, or unreasonable shall be reported to the Chief Executive Officer. Any breach shall be investigated and appropriate action taken by the Chief Executive Officer, including but not limited to withdrawal of the card or in more serious circumstances, possible termination of employment.

Purchasing

1. The Corporate Purchasing Card shall only be used for purchasing goods and services on behalf of the Shire which are authorised in the current budget. Transactions must follow Council Policy ~~3.2.4~~ – Purchasing – Procurement of Goods or Services up to \$250,000.
2. Personal expenditure is prohibited.
3. The Corporate Purchasing Card shall not be used for cash withdrawals.
4. The maximum credit limit is determined by the Chief Executive Officer.
5. All uses of Corporate Purchasing Card must be requisitioned and outline details of the purchase, the budget code and explanation as to why the Corporate Purchasing Card is being used in lieu of a Purchase Order. This must be authorised by the Ccardholder prior to purchase.
6. An invoice or receipt of purchase is required in all circumstances and must contain details of the purchase and be submitted to the Director Corporate Services Cardholder.
7. For Fringe Benefits Tax purposes, any expenditure for entertainment must include the number of people who were in attendance and the full names of any Shire employees Officers.

Payments

1. A monthly account statement shall be sent to the Ccardholder. The Ccardholder is required to certify the statement and attach all requisitions, invoices/receipts for transactions. All invoices/receipts must include the suppliers ABN, amount and whether GST applies, and a brief description of goods and services purchased.

~~2. During the absence of the cardholder (Director Corporate Services), "Acting" Director Corporate Services shall review the statement and attach all requisitions, invoices/receipts for transactions. All invoices/receipts must include the suppliers ABN, amount and whether GST applies, and a brief description of goods and services purchased.~~

~~3.2.~~ A detailed summary of all purchases is to be provided to the Chief Executive Officer with the statement and all receipts. The Chief Executive Officer is to authorise the completed statement for payment.

~~4. All paperwork is to be returned to Financial Services within 7 days of receiving the statement.~~

Financial Services Responsibilities

Financial Services shall:

1. Coordinate and register the issue, replacement, and cancellation of the Corporate Purchasing Card.

~~2. Provide the cardholder with a copy of this Policy.~~

~~3.2.~~ Process payments for the Corporate Purchasing Card. This includes ensuring all receipts and tax invoices are submitted and the ~~relevant authorising officers~~ Chief Executive Officer ~~has have~~ authorised the credit card statement.

~~4.3.~~ Provide the Cardholder with a copy of this Policy and e Ensure the cardholder signs the Corporate Purchasing Cardholder Agreement when issued with a Corporate Purchasing Card. ~~new card and place the signed agreement in the Corporate Purchasing Card Register in TRIM.~~

Cardholder Responsibilities and Obligations

The Cardholder must:

1. Keep their card in a safe place.

2. Ensure purchases are within the card limit, budget, and authority to do so.

3. Adhere to policies and procedures in relation to the Corporate Purchasing Card Policy and Council Policy ~~3.2.4 – Purchasing – Procurement of Goods or Services up to \$250,000.~~

4. Ensure all requisitions, receipts and tax invoices are provided and submitted to Financial Services with the purchasing card statement, ~~within seven (7) days of receipt.~~

~~5.~~ Assign costing accounts for each item on the purchasing card statement. ~~Reporting Council shall receive a detailed list of transactions for the Corporate Purchasing Card as part of the monthly financial reporting requirements.~~

~~6.~~ In the event that the Cardholder ceases employment or takes an extended period of leave, the Cardholder must notify the Chief Executive Officer two (2) weeks before termination or leave date to arrange cancellation and settlement of receipts.

~~5.7.~~ In the event that the Cardholder loses or misplaces the Corporate Purchasing Card it must be reported to the issuing financial institution by telephone. Written notification must also be forwarded to the Chief Executive Officer.

Reporting

Council shall receive a detailed list of transactions for the Corporate Purchasing Card as part of the monthly financial reporting requirements.

Definitions

Nil

Related Documents

- ~~Strategic Community Plan 2017 – 2027~~
- ~~Council Policy 3.2.4 – Purchasing – Procurement of Goods or Services up to \$250,000~~
- ~~Corporate Purchasing Card User Agreement (E16/10449)~~
- Business Operating Procedure – Authorisation to Issue Purchase Requisitions

Legislation / Local Law Requirements

~~The use of Corporate Purchasing Cards is not specifically mentioned in the Local Government Act 1995. However the impacts of the use and control of corporate credit cards are related to the following sections of the Local Government Act 1995:~~

- ~~1. Section 2.7(2)(a) and (b) requires the Council to oversee the allocation of the local government's finances and resources and determine the local government's policies; and~~
- ~~2. Section 6.5(a) requires the CEO to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government.~~

~~Local Government (Financial Management) Regulations 1995 11(1) (a) requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.~~

~~Local Government Regulations Amendment Regulations 2023 13A (1) requires a local government to have authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared :-~~

- ~~(a) the payee's name;—~~
- ~~(b) the amount of the payment;—~~
- ~~(c) the date of the payment;—~~
- ~~(d) sufficient information to identify the payment~~

~~Local Government Regulations Amendment Regulations 2023 13A (2) requires a local government to prepare a list prepared under sub regulation (1) which must be presented to the council at the next ordinary meeting of the council after the list is prepared and record in the minutes of that meeting.~~

- *Local Government Act 1995*
- *Local Government ~~Regulations Amendment Regulations 2023~~(Financial Management) Regulations 1996*
- *Department of Local Government, Sport and Cultural Industries 'Use of Corporate Credit Cards' Local Government Operational Guidelines*

Amendment Record

Relevant Delegations		<u>Nil C007S Payments from Municipal or Trust Funds</u>	
		Date	Resolution Number
Council Adoption		27 April 2011 13 May 2013	CGAM051/04/11 OCM193/05/13
Version	Date	Resolution Number	Amendment Details
2	18 September 2015	OCM18/09/15	
3	29 May 2016	OCM093/05/16	
4	18 December 2017	OCM179/12/17	
5			New templates and amendments <u>to include second cardholder.</u>

DRAFT

Council Policy – Council Delegates and Representation on External Organisations, Including Community Groups

Responsible Directorate	Chief Executive Officer
Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to provide guidance to Council on the nomination of delegates to external organisations, including community associations and guide ~~Councillors~~ Elected Members acting as delegates on their required roles and responsibilities.

Scope

This Policy applies to all delegates appointed by Council resolution to external bodies, agencies, and forums. ~~Councillors~~ Elected Members should also consider the policy generally when interacting with external organisations.

Policy

Introduction

Council membership of external organisations including community groups can assist engagement, partnership and collaboration and inform Council decision-making. Historically, Council is often asked to nominate one or more delegates to represent Council.

Being an Elected Member ~~Councillor~~ delegate is an important role and carries with it a high level of responsibility because as ~~an Elected Members Councillor~~ you are representing the Shire of Serpentine Jarrahdale (the Shire). It is important to ensure that the most appropriate person is appointed for a delegate position and that clear guidance is given as to the obligations of the role.

~~Being a Councillor delegate is consistent with section 2.10 of the Local Government Act 1995 which provides that the role of a Councillor includes representing the interests of electors, ratepayers and residents of the district; providing leadership and guidance to the community in the district; and facilitating communication between the community and the Council.~~

This Policy sets the manner by which those nominated as delegates to external committees or organisations may fulfil their representative role. It provides guidance to ~~Councillors~~ Elected Members and the CEO on the process to be used in selecting and making appointments to external bodies and forums.

Principles

- Appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with formally established Council position, or with the Council's known strategic vision or direction.
- Where a matter arises requiring a decision which may be inconsistent with established policies, strategies or vision, these matters will always be referred to the Council for discussion and direction and any pressures for early decision on such matters will be withstood.
- Sign-off of any joint document involving the Shire ~~of Serpentine Jarrahdale~~ must occur through ~~formal a~~ Council resolution unless formally delegated by the Council.
- Where possible within these parameters, delegates will have the ability to explore new ideas and possible solutions freely, and to achieve consensus with other members.
- Delegates to any organisation or forum will always advocate for their community but also should seek where possible wider outcomes which benefit other communities, provided the interests of the Shire ~~of Serpentine Jarrahdale~~ community are not adversely affected.

~~Councillors who are private members of an organisation or forum receiving financial assistance from the Council, or with a financial interest in the outcomes of any its deliberations, will not be appointed as a delegate to that organisation.~~

~~Where conflict arises being the statutory obligations as a Councillor and fidelity to an another organisation, Councillors should consider their position on the external organisation.~~

~~Councillors are civic leaders and it is appropriate for Councillors to be members of community associations and groups without being formally delegated as Councillors to the extent that they manage conflicts and abide by their obligations as a Councillor.~~

Provisions

Appointment of Delegates

Council will only consider the appointment of a delegate to a body/group/organisation or forum where:

- it represents state or regional interests that are likely to have an impact on the Shire ~~of Serpentine Jarrahdale~~;
- the terms of reference or constitution of the organisation complements the objectives of the Shire and does not readily involve a conflict;
- it is considering or working on a matter or issue of significant strategic interest to the Council. This may be confined to local interests, involve state or regional matters, or be issue based at any level;
- it represents local interests and the Council has a direct financial or strategic interest in the affairs of that group; and
- it represents local interests and the group occupies Shire property.

Review of Appointments

The Council will review its appointment to external bodies and forums in conjunction with the regular election cycle. Council will not consider the appointment of a delegate to a body/group/organisation or forum prior to being provided with the terms of reference or constitution of the group. This will enable the Shire to identify any potential real or perceived conflicts associated with appointing a Council delegate.

The Chief Executive Officer (CEO) will call for the nomination of delegates to all relevant bodies, groups, organisations and forums as soon as possible after the local government elections and appointment of Councillors-Elected Members to their positions. Where a position arises outside this process, the CEO will call for nominations within five days of notification of the position coming available.

At the next available meeting of the Council:

- where the nominations equal available vacancies, the delegates will be appointed by resolution of Council;
- where there are more nominations than vacancies, Council by resolution may:
 - ask the CEO to conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote for a position, lots will be drawn by the Chief Executive Officer to determine the preferred delegate; or
 - ask the CEO to draw lots; or another method determined by Council.

The Shire President will call for a resolution of Council for the preferred delegate or delegates to be appointed to the vacant positions. The next preferred delegate will be appointed as the deputy for the position to carry out the duties of the appointed Councillor-Elected Member in his or her absence when required.

Where the external time for acceptance of nominations closes prior to the next available Council meeting, and it is deemed inappropriate to hold a Special Council Meeting, the Chief Executive Officer is to forward any relevant nomination and subsequently advise Council of the nomination, so that it can be considered and ratified through the normal process.

Where the number of nominations from Councillors-Elected Members exceeds the number of vacant positions, the Chief Executive Officer will consult with the President to determine an order of preference, based on experience in the position of Councillor-Elected Member and interest and merit in the vacant position.

If a delegate is unable to fulfil his or her commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated, and subsequent formal advice to the external organisation provided in a timely way.

Delegate Roles and Responsibilities

Being an Councillor-Elected Member delegate is consistent with the *Local Government Act 1995* (the Act), which provides that the role of a Councillor includes representing the interests of electors, ratepayers and residents of the district, including taking into account the interests of other persons who work in, or visit, the district; providing leadership and guidance to the

~~community in the district;~~ and facilitating communication between the community and the Council.

Where an Councillor-Elected Member has been approved as Council's delegate for an external committee, body organisation or forum, the delegate shall understand that their appointment / membership is as a representative of the Council and is by virtue of their position with Council.

~~understand that their appointment / membership is as a representative of the Council and is by virtue of their position with Council;~~

Attendance at Meetings

Delegates are required to:

- ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member;
- provide timely notice of anticipated absences to any deputy delegate where one is appointed;

Participation in Meetings

Delegates are required to:

- ensure that in participating and contributing to decision making of the external organisation, the delegate communicates and is cognisant of Council's determined position on matters before the external organisation;
- ~~m~~perform the functions and duties of a delegate in accordance with the principles set out in this policy and the standards set out in the Shire's Code of Conduct; k
- kkeep Council informed of the activities and achievements of the external organisation in a timely manner;
- bBring any significant matters to Council for discussion and direction where any matter may fall outside current Council policy positions or known strategic direction.

~~If a delegate is unable to fulfil his or her commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated, and subsequent formal advice to the external organisation provided in a timely way.~~

Communication

Both the delegate and Council have a shared responsibility to ensure that effective communication between delegates and Council occurs before and after meetings of external organisations. This is to enable Council to deliberate and discuss relevant matters and to consider and inform future decision making.

One of the primary purposes of appointing Council delegates to external organisations is to inform Council decision-making and Councillor-Elected Member delegates should carefully consider managing situations where external organisations wish to discuss confidential matters.

Non-delegate participation in external organisations

It may be appropriate or necessary for ~~Councillors~~ Elected Members who are not Council's resolved delegate to attend meetings of external organisations, outside of their role as an Elected Member-Councillor. In such situations, ~~Councillors~~ Elected Members should carefully consider the reputational and collegial impacts of attending and inform Council's delegate of their attendance prior to the meeting. ~~Councillors~~ Elected Members are public officials and participation could be interpreted or perceived as participation as a Councillor.

Conflicts of Interest

Elected Members are to disclose any financial, proximity and impartiality interest in accordance with section 5.60 of the Local Government Act 1995.

~~Councillors~~ Elected Members -who are private members of an organisation or forum that is receiving financial assistance from the Council, or with a financial interest in the outcomes of any its deliberations, will not be appointed as a delegate to that organisation.

Where conflict arises being the statutory obligations as an ~~Elected Member -Councillor~~ and fidelity to ~~an~~ another organisation, ~~Councillors~~ Elected Members should consider their position on the external organisation.

~~Councillors~~ Elected Members are civic ~~leaders~~ leaders, and it is appropriate for ~~Councillors~~ Elected Members to be members of community associations and groups without being formally delegated as ~~Councillors~~ Elected Members to the extent that they manage conflicts and abide by their obligations as a Councillor.

Code of Conduct

Elected Members are required to ~~P~~perform the functions and duties of a delegate in accordance with the principles set out in this policy and the standards set out in the Shire's Code of Conduct for Councillors, Committee Members, and candidates, -

Definitions

Delegate means a representative nominated by the Shire of Serpentine Jarrahdale through a decision of Council made after a local government election or as required.

External Organisation means other committees or organisations that Council nominates representatives.

Related Documents

- Council Policy ~~3.3.5~~— Councillor and CEO Attendance at Events

- [Shire of Serpentine Jarrahdale Code of Conduct for Councillors, Committee Members and candidates](#)
- [Committees and Related Groups Handbook \(SJ518\)](#)

Legislation / Local Law Requirements

- [Local Government Act 1995](#)

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		16 December 2019	OCM294/12/19
Version	Date	Resolution Number	Amendment Details
2			New template and minor amendments to restructure the policy and reflect legislative changes.

Council Policy – Councillor and CEO Attendance at Events

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance
Responsible Officer	Manager Corporate Performance
Affected Business Units	Governance Executive Services

Objective

The objective of this policy is to deal with matters associated with attendance at events by ~~Councillors~~Elected Members and the Chief Executive Officer (CEO), in accordance with section 5.90A of the *Local Government Act 1995* (the Act).

Scope

This policy applies to ~~Councillors~~Elected Members and the CEO in respect to events that are offered at a discounted rate or free of charge, as part of a sponsorship agreement, or paid for by the Shire of Serpentine Jarrahdale (the Shire). Under legislation, the acceptance of this benefit (if not paid for by the Shire) is considered a gift and is subject to the disclosure of interest provisions, unless the event is of a type defined in this policy.

Policy

Introduction

A gift is defined under ~~section 5.57 of~~ the Act as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel.

"Consideration in money or money's worth" refers to the value of a gift compared to a person's contribution. Training approved under Council Policy – Councillor Training and Professional Development or as part of the CEO's professional development when paid for by the Shire, is not a gift.

~~Councillors~~Elected Members and the CEO are statutorily obligated to disclose the receipt of a gift received in their capacity as ~~an Elected Member~~Councillor or CEO where the value of the gift is over \$300 or the cumulative value of gifts received from the same person in a 12 month period is over \$300. This includes tickets to events covered by this policy.

The interest relating to gift provisions recognise that a relationship is created between the donor and a recipient of a gift, which could be perceived to affect, influence and possibly prejudice the decisions made by the gift receiver. This applies to any gift received.

Notwithstanding this, there are certain events whereby attendance by ~~Councillors~~Elected Members and/or the CEO provides a clear benefit to the Shire, the community and/or the professional development of the respective ~~Councillor~~Elected Member or the CEO, and due to

Council Policy – Councillor and CEO Attendance at Events

this benefit, the respective ~~Councillor~~Elected Member and/or the CEO are encouraged to attend.

~~Section 5.62(1B) of the~~ The Act excludes gifts in the form of event tickets covered under this policy from declaration of interest provisions. Event tickets accepted under this policy at a value of \$300 or the cumulative value of gifts received from the same person in a 12 month is over \$300 must be declared and registered.

Under ~~Regulation 20B of the~~ *Local Government (Administration) Regulations 1996* ~~(the Regulations)~~, Councillors and the CEO are not required to disclose ~~financial interests in relation to~~ gifts or event invitations from the following entities:

- Western Australian Local Government Association (WALGA);
- Local Government Professionals Australia WA (LG Pro);
- Australian Local Government Association (ALGA);
- A department of the ~~p~~Public ~~S~~Service;
- A government department of another State, a ~~Territory~~Territory, or the Commonwealth; and
- A local government or regional local government.

~~Attendance at events by Councillors and the CEO will be administered in accordance with the following:~~

~~1.~~ Key Considerations

Whether a benefit ~~is a gift for the purposes of the Act and Regulations~~, such as an invitation to an event or hospitality given to an ~~Elected Member~~ Councillor or the CEO ~~is a gift for the purposes of the Act and Regulations~~, ~~the key considerations are~~ consideration needs to be given to:

- who is providing the invitation to the event (the donor);
- the cost to attend the event, (or estimated value of the event per invitation) and any other expenses such as travel and accommodation;
- the location of the event in relation to the local government (within the district or out of the district);
- the role of the ~~Councillor~~ Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution. If the value of the contribution outweighs the value of the benefit, it will not be a gift for the purposes of the Act and Regulations. ~~For example, participation at the WALGA convention, which is a ticketed event, is not a gift because the event inherently involves a contribution from a Councillor or CEO in respect to advocacy and relationship building;~~
- the benefit of ~~Councillor~~ the Elected Member or CEO representation at the event;
- the number of invitations / tickets received;
- whether the event is sponsored by the Shire; and
- whether the event is paid for by the Shire.

2. Attendance at Events

Any event invitation accepted by a ~~n Councillor~~ Elected Member or CEO without payment, where a member of the public is required to pay, unless specified in this policy, will generally be classified as a gift to which the declaration of interest provisions will apply (depending on the value of the gift and if the gift is otherwise exempt under Regulation 20B of the Local Government (Administration) Regulations 1996).

Acceptance of reasonable and modest hospitality by a ~~n Elected Member~~ Councillor or CEO, in ~~his or her~~ their capacity as a ~~n Elected Member~~ Councillor or CEO, is not to be classified as a 'gift' where the contribution by the ~~Councillor~~ Elected Member or CEO to the event is reasonably considered to outweigh the value of the hospitality.

Any event that is not specified as a pre-approved event or otherwise approved in accordance with this policy, or the event invitation is received in a personal capacity would not be considered an approved event.

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

If the event is ticketed and the ~~Councillor~~ Elected Member or CEO pays the full ticketed price and does not seek reimbursement, then no action is required.

If the event is ticketed, and the ~~Councillor~~ Elected Member or CEO pays a discounted rate or is provided with a free ticket, then the recipient must adhere to the gift and declaration of interest provisions.

3. Pre-Approved Events

In accordance with ~~section 5.62(1B) of~~ the Act, ~~Councillors~~ Elected Members and the CEO are exempt from declaring a financial interest that ordinarily would have been required if a matter related to the event organiser was before Council for Council's decision. However, gift declaration provisions still apply for these events if the value is over \$300 and received in an official capacity, and otherwise not exempt.

For the purposes of section 5.62(1B) ~~(b)~~ of the Act, the following are considered ~~defined~~ prescribed as "Pre-Approved Events, and therefore excluded gifts":

- Awards functions specifically related to local government;
- Shire hosted ceremonies and functions;
- Shire organised/run tournaments or events;
- Community cultural events/festivals/art exhibitions;
- Events hosted by Clubs or Not for Profit Organisations within the Shire, to which the Councillor Elected Member or CEO are officially invited; and
- Events run by schools within the Shire.

The exemption from declaring interests only applies to the event ticket or otherwise relates to the person's attendance. Caution should be exercised in accepting gifts related to attendance, for example, lucky door prizes or gifts in recognition of speaking. These can be interpreted as being ancillary to a person's attendance and subject to both disclosure of interest and declaration requirements.

Council Policy – Councillor and CEO Attendance at Events

4. Approval Process

Council approval is required prior to acceptance of all invitations for events to be attended in an official capacity, valued at \$300 or over, except for those specified as 'pre-approved events' or is from an exempt entity under ~~Regulation 20B of the Local Government (Administration) Regulations 1996~~.

Invitations to events valued at \$300 and over (or the cumulative value of \$300 and over within a 12-month period) are considered gifts for the purposes of the Gift Framework, and must be disclosed. However, declarations of interest are not required if the event is listed in this policy as a pre-approved event.

5. Approval Process Considerations

When considering attendance at an event that is not a pre-approved event, the following factors should be considered: The following are the pertinent factors that should be considered in determining approving attendance at a non "Pre-Approved Event"; subject to 5(2):

- The donor providing the invitation or ticket to the event (for example; the donor is a person who is undertaking or seeking to undertake an activity involving a Council decision or discretion);
- The location of the event in relation to the Shire (whether it is within the district);
- The role that the ~~Councillor-Elected Member~~ or CEO will have when attending the event (participant, observer, presenter) and the value of their contribution;
- Whether the event is sponsored by the Shire;
- The benefit to the Shire of an Elected Member ~~Councillor~~ or the CEO attending;
- Alignment to the Shire's Strategic Objectives;
- The number of Shire representatives already approved to attend; and
- Any justification provided by the applicant when the event is submitted for approval.

Events that will not be considered for approval are:

- Political party events and fundraisers;
- Social events;
- Entertainment events with no link to the Shire; and
- Events that primarily benefit Councillors-Elected Members or CEO in a personal capacity or in a role other than their role at the Shire.

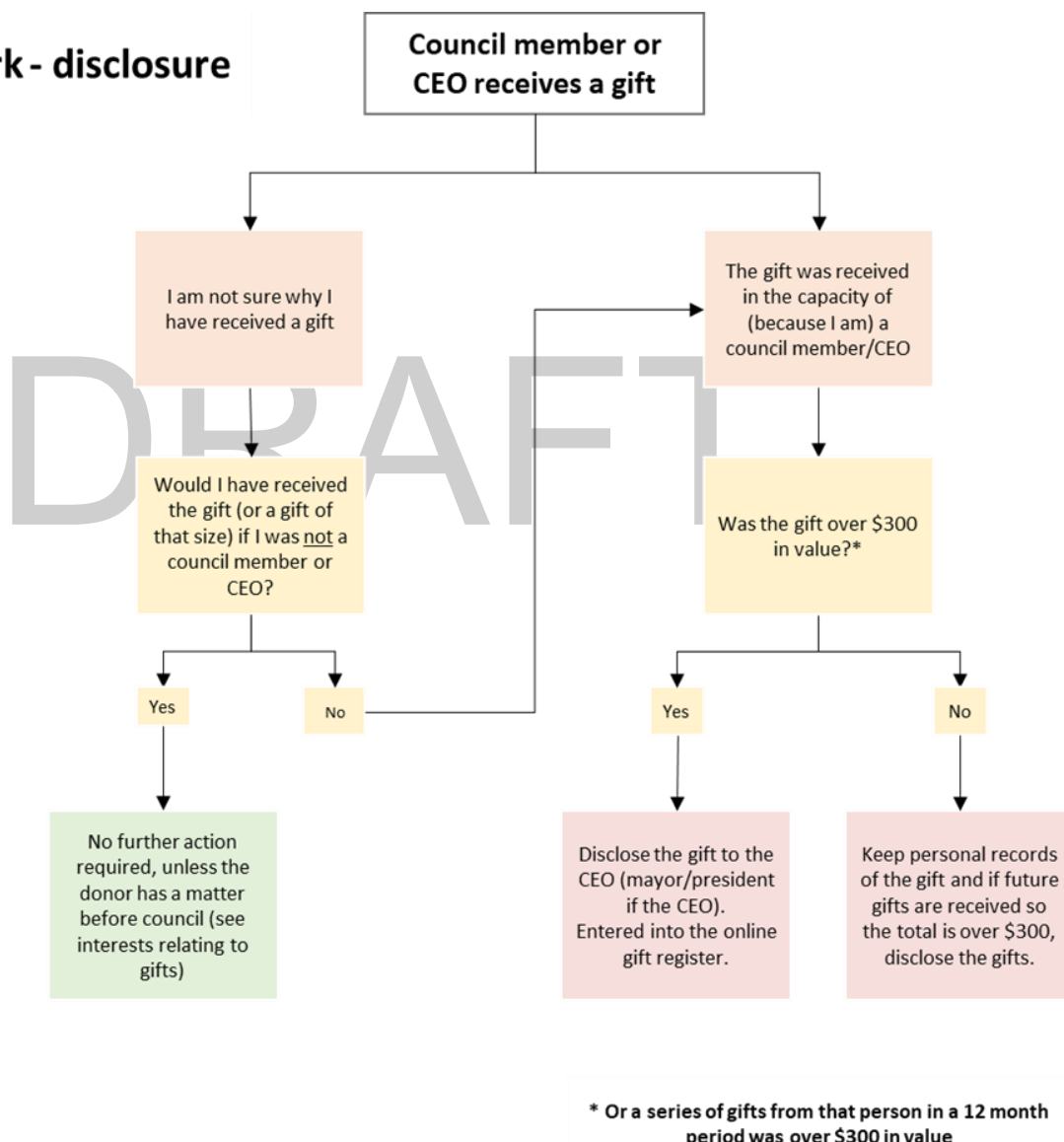
Adoption

Council may amend this policy by Absolute Majority in accordance with section 5.90A of the Act.

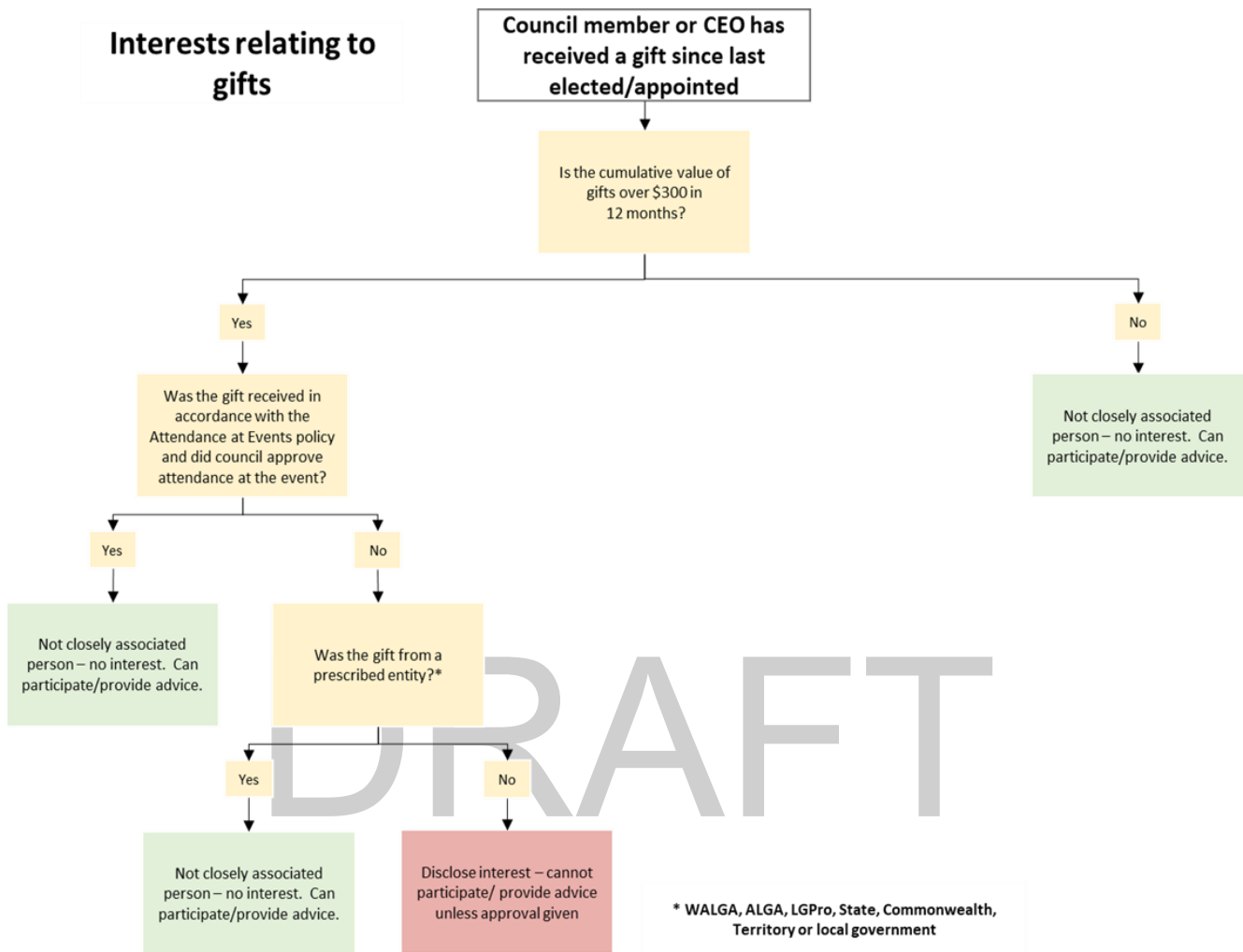
Gift Framework

~~To illustrate, the~~ The Department of Local Government, Sport and Cultural Industries has prepared the following flow-charts to guide ~~Councillors~~ Elected Members and CEOs.

Gift framework - disclosure



Council Policy – Councillor and CEO Attendance at Events



Definitions

[Nil](#)

Related Documents

- Elected Member Code of Conduct
- Employee Code of Conduct
- Council Policy – Councillor Fees and Entitlements
- Council Policy – Councillor Training and Continuing Professional Development
- Council Policy – Council Delegates and Representation on External Organisations, including Community Groups
- Councillor and CEO Disclosure of Gifts Declaration Form

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		21 September 2020	OCM297/09/20
Version	Date	Resolution Number	Amendment Details
<u>2</u>			<u>New template and minor wording changes</u>

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Council Policy – Councillor Fees and Entitlements

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Coordinator Governance
Affected Business Units	Governance Finance Executive Services

Objective

In accordance with Division 8 Part 5 of the *Local Government Act 1995* (the Act), Elected Members and Independent Committee Members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. This Policy also provides for the payment of fees and expenses to Elected Members under Division 10, Part 5 for participation in mandatory training or continuing professional development in accordance with the Act.

This policy provides the approval framework under which all fees, allowances and reimbursements to Elected Members and Independent Committee Members will be made.

The policy also ensures that the Elected Members are provided with appropriate facilities, equipment and information to support them in performing their duties.

Scope

This policy applies to all persons who holds the office of Councillor or President on the Council of the Shire of Serpentine Jarrahdale (the Shire) as well as Independent Committee Members on Committees of Council.

All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* (Admin Regulations) and determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members in accordance with the *Salaries and Allowances Act 1975*.

Policy

1. ~~1.~~ Fees and Allowances

All fees and allowances to be paid to the Shire President and Elected Members are set out in this Policy. There is no form of entitlement received by way of discounted Council rates. The payment of rates is a legislative requirement for all rate payers in the Shire, as per the *Local Government Act 1995*, including the Shire President and Elected Members.

1.1 Annual Meeting Attendance Fees

In accordance with section 5.98(1)(b) of the *Local Government Act 1995*, the President and Elected Members are to receive the maximum annual attendance

fee specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*.

1.2 Annual Allowance for President

In accordance with section 5.98(5) of the *Local Government Act 1995*, the President is to receive the maximum annual allowance specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*

1.3 Deputy President Allowance

In accordance with section 5.98A(1) of the *Local Government Act 1995*, the Deputy President is to receive the maximum annual allowance specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1975*.

1.4 Committee Meeting and Prescribed Meeting Attendance Fees - Independent Committee Members

In accordance with section 5.100 of the *Local Government Act 1995*, Independent Committee Member's shall receive the maximum meeting attendance fee specified by the Salaries and Allowances Tribunal pursuant to the *Salaries and Allowances Act 1995*, for attendance at a meeting of the Committee to which they are a member.

1.5 Information and Communication Technology (ICT) - (Local Government Act 1995 Section 5.99A)

1.5.1 The annual ICT allowance for Elected Members will be \$2,500. This covers the ICT expenses incurred by Elected Members in performing a function under the express authority of the Council or in performing a function in their official capacity.

1.5.2 All Elected Members will be provided with one laptop, headset, and warranty services to the value of \$3,000 amortised over 3 years (\$1,000 per annum), at the commencement of their term and for the duration of their term. The Shire retains ownership of any equipment provided under this clause.

Conditions associated with the use of this equipment include:

- i. Computer equipment is to be used for Shire purposes only including, researching Council related matters, Shire approved social media, Shire related pictures or filming, receiving and despatching email correspondence, diary requests and Council meeting agendas.
- ii. All information on a Shire issued computer equipment is subject to Freedom of Information requests.
- iii. Any costs associated with upgrades or additional requirements over and above the standard computer being offered should be met by the Elected Member.
- iv. Subject to point 1.5.3, all computer equipment is to be returned to the Shire in the event of an Elected Member resigning from Council or at the expiry of their term of office.

- 1.5.3 Departing Elected Members are eligible to purchase equipment purchased on their behalf and used by them during their term of office, as follows:

Years of Service	Amount Payable
1st year of service (or part thereof)	70 per cent
2nd year of service (or part thereof)	35 per cent
3rd year of service (or part thereof)	Nil
4th year of service (or part thereof)	Nil

1.6 Conditions Relating to Payment of Fees and Allowances

All Allowances and Fees shall be paid automatically unless the Elected Member or Independent Committee Member has advised the Chief Executive Officer in writing that he/she does not want to claim any or part of those. The taxation liability arising from these payments is the individual responsibility of the Elected Member or Independent Committee Member.

All the fees and allowances described in 1.1 to 1.5 above shall be paid to Elected Members, monthly in arrears. Independent Committee Members shall be paid after each meeting.

2. Reimbursements

2.1 Childcare

- 2.1.1 Elected Members and Independent Committee Members are entitled to be reimbursed for childcare costs incurred for children of which they are a parent or legal guardian, whilst attending a Council or Committee meeting.
- 2.1.2 In accordance with Regulation 31 of the Admin Regulations, childcare costs will be paid the lesser amount of the actual childcare costs or the hourly rate prescribed by the Salaries and Allowances Tribunal in its most recent determination.
- 2.1.3 Receipts for expenses incurred from the Childcare Centre and correspondence from Centrelink showing entitlement of rebate and benefit that are claimed are to be provided for reimbursement.

2.2 Parental Leave *(Local Government Act 1995 section 2.25)*

- 2.2.1 Elected Members are entitled to parental leave when themselves, or their spouse or de facto partner, either:
- gives birth.
 - adopts a person under 16 years of age.
 - becomes the guardian or foster parent of a person under 16 years of age.
- 2.2.2 Elected Members are entitled to up to 6 months of parental leave beginning on the day on which the Elected Member, or their spouse or de facto

partner, gives birth, adopts or becomes a guardian or foster parent and cannot be deferred to a later date.

2.3 Travel

The payment of travel costs is prescribed under Regulations 31, 32 and 34 of the Admin Regulations. Travel and accommodation costs as a result of authorised travel for Shire business is provided for in Council Policy – Travel and Accommodation.

Reasonable travel costs, as determined by the Salaries and Allowances Tribunal, that are incurred and paid by Elected Members and Independent Committee Members may be eligible for reimbursement upon submission of a reimbursement claim when using a private motor vehicle for travel to, from, and attendance at:

- a) Meetings of the Council or a Committee of the Council;
- b) Any Shire convened meeting requiring the Elected Member or Independent Committee Members attendance, including briefing sessions, workshops and other forums;
- c) Meetings where the Elected Member or Independent Committee Member has been appointed by Council as its delegate or a deputy to the delegate (except where the other body pays for meeting attendance and/or travel e.g. ministerial appointment to State Advisory Boards);
- d) Attending functions where the Elected Member is representing the President or is attending by resolution of Council;
- e) A specific request or instruction of the Council;
- f) Elected Member training courses;
- g) Attendance at community functions with a formal invitation as an Elected Member or Independent Committee Member;
- h) Seminars and conferences attended in the capacity of an Elected Member.
- i) Site inspections in connection with matters listed on any Council Agenda (Members to state the item number listed on any Council Agenda along with the date and time of the visit on the claim form).

2.5 Elected Member Training Allowances - (*Local Government Act 1995* Section 5.129)

An Elected Member participating in a course of training required under section 5.126 or 5.128 of the *Local Government Act 1995*, is entitled to be reimbursed expenses under section 2.1 and 2.3 of this Policy that are incurred as a result of attending the training.

Eligibility for reimbursement will be in accordance with Regulation 37 of the Admin Regulations.

2.6 Rates of Reimbursement

In accordance with the Admin Regulations and Salaries and Allowances Tribunal Determination, travel reimbursement claims to and from Council and Committee meetings will be determined in accordance with section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011*.

2.7 Process for Reimbursement

Requests for reimbursement must be made no more than seven days after the end of the financial year to which the claim relates. Requests for reimbursement are to be emailed to the Council Support Officer with supporting evidence.

The Chief Executive Officer is authorised to make determinations regarding the acceptance of expenses claimed under this Policy.

3. Items Provided to Elected Members

3.1 Corporate Items

In order to assist Elected Members in the performance of their duties they shall be provided with:

- a) Business cards;
- b) Name badges;
- c) Elected members are entitled to obtain one of the following uniform:
 - 1 x Tie with Shire Logo, or
 - 1 x Scarf with Shire Logo

The abovementioned is applicable to Elected Members for each full term of office.

3.2 Recognition of Elected Members

Retiring Elected Members are recognised at the last Ordinary meeting of Council before the election or prior to the next available Ordinary Council Meeting.

Retiring Elected Members are presented with:

- their name badge
- their name plaque
- a certificate of service
- A gift up to the value of \$100 per year of service with a maximum value of \$1000 (provided that at least one full four-year term of office has been served). The value of any gift provided to a retiring Elected Member is limited to the prescribed amount set out in Regulation 34AC of the Admin Regulations.

3.3 Shire Office Access

The Shire shall provide to the Shire President the use of a suitable office within the Shire's Civic Centre.

Elected Members will be issued with a 24-hour access security card/token for the Civic Centre. Elected Members are not permitted to enter the administration areas without the permission of the CEO. All meetings with Shire employees should be pre-booked through the CEO or a Director's office and held in the meeting rooms in the Civic Centre.

4. Dispute Resolution

Any disputes concerning this policy shall be referred to the Chief Executive Officer in the first instance. In the event that the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be referred to the Council for a decision.

Adoption

Council may amend this policy by Absolute Majority in accordance with section 5.129 of the Act.

Definitions

Committee of Council means a committee established by Council under s 5.8 of the *Local Government Act 1995*

ICT Allowance means a subsidy towards ICT expenses such as Internet access and telephony expenses.

Independent Committee Member means a person appointed to a committee of the Council who is not an elected member or employee.

Retiring Elected Member means an Elected Member whose term has expired but have not nominated for election.

Related Documents

- Shire of Serpentine Jarrahdale's Council Plan 2023-2033
- Council Policy - Councillor and CEO Attendance at Events
- Council Policy - Councillor Training and Continuing Professional Development
- Council Policy - Travel and Accommodation

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government Officers' (Western Australia) Interim Award 2011*
- *Public Service Award 1992*
- *Salaries and Allowances Act 1975*

Amendment Record

		Date	Resolution #
Council Adoption		22/05/2017	OCM066/05/17
Version	Date	Resolution #	Amendment Details
2	22/05/2017	OCM066/05/17	
3	22/11/2017	SCM162/11/17	
4	18/12/2017	OCM186/12/17	
5	19/08/2019	OCM187/08/19	
6	16/12/2019	OCM301/12/19	
7	19/08/2024	OCM226/08/24	
8	xx	xx	Update into new template

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Council Policy – Councillor Training and Continuing Professional Development

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance Corporate Performance
Responsible Officer	Manager Corporate Performance
Affected Business Units	Governance Finance Executive Services

Objective

This policy describes the Shire of Serpentine Jarrahdale's (the Shire) approach to enable Elected Members to meet their statutory obligations in relation to training and gives effect to the requirement to adopt a continuing professional development policy.

The *Local Government Act 1995* (the Act) provides that:

- each Elected Member must complete training in accordance with the *Local Government (Administration) Regulations 1996* (Regulations);
- the CEO must publish a register of training completed by Elected Members; and
- a local government must prepare and adopt a policy (by absolute majority), in relation to continuing professional development of Elected Members.

Scope

This policy applies to all Elected Members ~~of the local government~~.

Policy

Introduction

Elected Members have a unique and challenging role performing their functions under the Act. The Shire recognises the value of training and continuing professional development to build and supplement Elected Member skills and experience.

Elected Members are required to complete Mandatory Training in accordance with the Act and are allocated an annual budget to undertake continuing professional development.

Mandatory training requirements (legislative)

The Regulations requires Elected Members to complete a 'Council Member Essentials' course consisting of five modules. Certain exemptions, specified in the Regulations, apply.

Training must be completed within 12 months of taking office and is valid for five years. The Regulations require that the course is completed through North Metropolitan TAFE, South Metropolitan TAFE, or WALGA.

Non-compliance with the requirement to complete training is an offence and Elected Members will be subject to the penalties outlined in the Act and Regulations.

Following each ordinary election, information on training options from the approved training providers will be provided to Elected Members, who are able to select a training option to meet their learning style and availability.

Unless otherwise resolved by Council, training that is required to be completed under the Act will be paid for separately by the Shire and will not be subtracted from the individual training allocation provided to the respective Elected Member in the budget.

Non-legislative training requirements

One of the key responsibilities of Elected Members is in the recruitment and performance assessment of the Chief Executive Officer. This is reflected in the Standards of CEO Recruitment, Performance and Termination adopted under Schedule 2 of the *Local Government (Administration) Regulations 1996*.

As a requirement of this policy, every Elected Member must complete the WALGA CEO Performance Review training within 12 months of the adoption of this requirement in the Policy and thereafter within 12 months of taking office.

Prescribed training in this section will be paid for separately by the Shire and will not be subtracted from the individual training allocation provided to the respective Elected Member in the budget.

Continuing Professional Development (CPD)

The Shire is committed to supporting continuing professional development of Elected Members to the benefit of Council, the Shire, and the community.

Training can take several forms including formal qualifications, short-courses, seminars, and conferences.

Training paid for in accordance with this policy must have a benefit to Council, the Shire, and the community. Training must relate to the professional development of Elected Members in their role as specified in the Act.

Training related to public sector management leadership; town planning; strategic planning; financial management; corporate governance; risk management; conflict resolution; and emergency management is also considered to be relevant.

Examples of organisations that provide training relating to the professional development, includes, but is not restricted to:

- Western Australian Local Government Association (WALGA)
- Australian Local Government Association
- Australian Institute of Management
- Australian Institute of Company Directors
- Institute of Public Administration Australia

In considering training, Elected Members should complete training, where possible, through a Registered Training Organisation.

Attendance and/or participation at conferences is also considered to be training where value to the Council, Shire and community can be demonstrated.

All training undertaken by Elected Members, including conferences paid for entirely or partially by the Shire, will be published on the Shire's website.

Undertaking CPD

Each Elected Member is to be allotted an annual training allocation in the Annual Budget. Unless authorised by Council, travel, accommodation, and other costs associated with attendance at training or conferences are to be debited from an Elected Member's training allocation. Training that exceeds the allocated budget amount may be approved by resolution of Council.

The training allocation is for a financial year and expires at the end of the financial year.

Elected Members interested in undertaking CPD are to submit their request in writing to the Council Support Officer, outlining:

- The course or event title, provider or organiser name, location and date;
- Copy of, or link to the program, course outline or other summary of the content;
- Total estimated cost, including accommodation, travel and other expenses;

If the CPD is in accordance with this Council Policy, the Council Support Officer will advise the Elected Member and make the necessary arrangements in accordance with the Shire's procurement and purchasing rules.

Elected Members wishing to complete a training program that spans across multiple financial years or that exceeds their annual funding allocation may seek approval from Council ~~apply~~ to have their allocation allotted in advance.

As the expenditure of funds from the Shire's budget can only be authorised by Council or through Council approved instrument of delegation, Elected Members must ~~obtain the necessary approvals~~ follow the procedure set out in this policy prior to making any financial or other commitments on behalf of the Shire.

The Act defines a gift as the conferral of a financial benefit made by one person in favour of another person without adequate compensation. Under this definition, the provision of training to Elected Members at no cost or at a subsidised rate can be considered in a gift in certain circumstances. Elected Members should consult the Council Support Officer ~~Officers~~ before accepting offers of training or attendance at conferences.

Elected Members must not receive personal ancillary benefits associated with travel to participate in training and conferences such as frequent flyer points.

Unless otherwise resolved by Council:

- Elected Members are to use their annual training funding allocation for all training and continuing professional development, except for training that they are required to complete under ~~section 5.126 of~~ the Act;
- Elected Members are not permitted to nominate for attendance at a training course or conference paid for by the Shire within three months prior to their term of office expiring;

- Elected Members who do not complete training paid for by the Shire will be required to repay the Shire for the training and associated costs; and
- Any amendments or cancellations to bookings resulting from a change in personal circumstances shall be at the Elected Member's own cost. Any change or cancellation resulting from the Shire's operations shall be communicated to Elected Member's and paid for by the Shire.

Training to be delivered to all Elected Members may be paid from a separate allocation by Council resolution.

Mentoring and coaching

~~Independent inquiries and academic research have demonstrated the benefit of professional mentoring and coaching.~~ Professional mentoring and coaching are a distinct form of professional development and is outside the parameters of this policy as it relates to training.

When adopting its annual budget, Council may resolve to allocate funding to an Elected Member mentoring and coaching program. Each sitting Elected Member may at any time request to access professional mentoring and coaching services procured by the Shire to a maximum value of the total value of the allocation divided by the number of Elected Members. If there are insufficient funds during a financial year, Council may consider an additional allocation.

Requests to access professional mentoring and coaching services will be managed confidentially by ~~Officers~~ the CEO. Procurement for professional mentoring and coaching services will be conducted in accordance with Council's purchasing policy.

Reporting on training

In accordance with the Act, the Shire will maintain a register on the local government's website detailing the training completed by Elected Members.

In order to complete the register, Elected Members shall, following completion of the training, provide evidence of completion of the training to the Council Support Officer. Elected Members will be asked to confirm their completion or attendance as applicable prior to the publication of the register. The register will state:

- Name
- Each training course or module completed
- The cost of training and any associated travel and accommodation paid for by the Shire
- The training provider or conference name

For reporting purposes, the costs of training completed as a group will be apportioned to each Elected Member that was registered to attend.

Mentoring and coaching will not be included in the register.

Elected Members are encouraged to share learnings and insights from training, including conferences with Council. This could include a summary of the training or conference to be distributed in 'Friday Facts'.

Fees and Expenses

Elected Member training allowances will be made in accordance with Council Policy – Councillor Fees and Entitlements and Council Policy – Travel and Accommodation.

Adoption

Council may amend this policy by Absolute Majority in accordance with section 5.128 of the Act.

Definitions

Nil.

Related Documents

- Council Policy – Councillor and CEO Attendance at Events
- Council Policy – Travel and Accommodation
- Council Policy – Councillor Fees and Entitlements
- Council Policy – Procurement of Goods and Services up to \$250,000

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Amendment Record

Relevant Delegations		Nil.	
		Date	Resolution Number
Council Adoption		16 December 2019	OCM301/12/19
Version	Date	Resolution Number	Amendment Details
2	19 July 2021	OCM194/07/21	
3	18 July 2022	OCM174/07/22	
4			Formatting, clarification on CPD approval process, update to align with new and impending legislative amendments and consistency of terms used.

TO BE RESCINDED

Council Policy – COVID-19 Leave

Responsible Directorate	Executive Services
Responsible Business Unit/s	People, Development and Wellbeing
Responsible Officer	Chief Executive Officer
Affected Business Units	All

Objective

The objective of this Policy is to outline the terms and conditions associated with leave related to the COVID-19 pandemic. This policy covers provisions that are in addition to other leave provisions prescribed by the National Employment Standards and the Local Government Industry Award 2020.

Scope

This Policy is intended to supplement and summarise employment conditions contained in awards, legislation and enterprise agreements but not to override them. To ascertain the rights and responsibilities of both the Shire and employees, the parties should always refer to the primary documentation, e.g. Local Government Industry Award 2020.

Policy

1. COVID-19 Leave

1.1 Objective

This policy outlines the provision of additional paid leave for employees in response to the COVID-19 pandemic under circumstances where an absence from the usual workplace is unforeseen and the conditions under which it may be taken.

1.2 Policy

- (a) Full Time and Part Time employees are entitled to up to 5 days COVID-19 leave (38 hours for a full time employee, pro rata for part time employees) for each occasion following an applicable confirmed diagnosis of COVID-19, a positive PCR or Rapid Antigen Test or in the event that they are mandated to quarantine or self-isolate by the WA Department of Health in the case of exposure to a locally transmitted case. Other circumstances related to COVID-19 and the application of this leave may be granted or declined at the CEO's discretion. Each 'day' of COVID-19 leave will be calculated according to the rostered or ordinary hours an employee would have worked on that day.
- (b) Working from home is encouraged where it is available and where you feel it is safe to do.
- (c) COVID-19 leave will be available under the circumstances outlined in this policy as agreed by the CEO and Council.

- (d) COVID-19 leave will not affect existing annual leave, personal leave or long service leave accruals.
- (e) The following circumstances will provide access to COVID-19 leave:
 - i. Employees who have received a confirmed diagnosis of COVID-19.
 - ii. A direct member of the household where the employee permanently resides has received a confirmed diagnosis of COVID-19.
 - iii. Employees who receive a confirmed diagnosis of COVID-19, may access the leave provisions of this policy in the first instance. If ongoing leave is required, employees may access existing personal or sick leave entitlements.
 - iv. Employees who are not sick but have been notified to self-isolate by the WA Department of Health or the Public Health Emergency Operations Centre due to being in close contact with a person who is positive. Leave will be approved on providing evidence of either a positive PCR or Rapid Antigen Test or confirmation notification to quarantine from the Department of Health.
- (f) Leave will be approved on providing evidence of either a positive PCR or Rapid Antigen Test or confirmation of notification to quarantine from the Department of Health.
- (g) Employees will continue to be able to apply for all existing leave provisions as per the National Employment Standards, for all other leave required during the pandemic.
- (h) Employees who may be at higher risk due to illness or treatment making them more vulnerable than the general population in respect to COVID-19 are encouraged to work from home if their role provides for this, where possible. A choice not to be vaccinated against COVID-19 other than an exemption as recorded on the Australian Immunisation Register is not considered as vulnerable for the purposes of this Policy.
- (i) Nothing in this policy prevents the CEO from amending work arrangements of staff in line with the Shire's Business Continuity Plan and Commonwealth or State Government direction.
- (j) If employees are travelling outside of Western Australia, either interstate or international they need to monitor the WA Department of Health website for up-to-date information and will be required to ensure they have sufficient leave for any mandatory quarantining period before returning to work. Employees will be asked to provide details of planned trips outside of Western Australia to their managers to ensure contingency measures are in place in the event of the employee requiring unplanned time off.

1.3 Procedure

- (a) Employees should read this policy and discuss it with their Manager and/or their People and Development representative.
- (b) The employee requesting COVID-19 leave must submit a leave request through OneComm, and include the required evidence as outlined in 1.2 (g).
- (c) A leave type is available for use in OneComm for COVID-19 leave.

Definitions

COVID-19 leave means to allow an employee to be paid while having time off from work as a direct result of an unforeseen COVID-19 related situation as outlined in the terms and conditions in this policy. Employees have access to 5 days COVID-19 leave (or pro-rated if part time).

long service leave means employee entitlement to Long Service Leave in accordance with the provisions of the Long Service Leave Regulations.

personal/carers leave means personal/carers leave covers both sick leave and carer's leave. Employees have access to 10 days per year, pro-rata.

Vulnerable person means someone who is medically vulnerable including:-

- Undergoing certain medical treatments including:-
 - immune suppressive therapy
 - chemotherapy
 - radiotherapy
 - immunotherapy
 - targeted anti-cancer therapy
- particular illnesses and conditions including respiratory illness and immune-suppress illnesses
- pregnancy

Relevant Policies / Council Documents

- [Business Operating Policy Procedure \(BOP\) Personal and Carers Leave 1.4.11 – Leave \(National Employment Standards\)](#)
- [Business Operating Procedure \(BOP\) – Annual Leave](#)
- [Business Operating Procedure \(BOP\) – Leave Without Pay and Leave of Absence](#)

Legislation / Local Law Requirements

- [Fair Work Act 2009](#)
- [Local Government Industry Award 2020](#)

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		20 April 2020	OCM099/04/20
Version	Date	Resolution Number	Amendment Details

2	21 February 2022	OCM030/02/22	
3			Rescind

~~*ⁱAdministrative note: When presented to Council, inconsistency in clause 1.2 (a) stated “Full Time and Part Time employees are entitled to up to 5 days COVID-19 leave (76 hours for a full time employee, pro rata for part time employees).”*~~

~~*Additionally, Definitions: **COVID-19 leave** stated, “Employees have access to 10 days COVID-19 leave (or pro-rated if part time).”*~~

~~*For clarity, the specified period for COVID-19 Leave is up to 5 days (38 hours for a full time employee, pro rata for part time employees), approved by Council on 21/2/22. Inconsistencies in time periods were updated accordingly on 25/2/22.*~~

~~*[#]As per above*~~

DRAFT

RESCIND

Council Policy - Crossovers

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Engineering Services
Responsible Officer	Manager Engineering Services
Affected Business Units	Engineering Services Finance

Objective

The objective of this Policy is to encourage the construction and maintenance of crossovers to adequate standards and specifications.

Scope

This Policy applies to all residential landowners within the Shire of Serpentine Jarrahdale (the Shire). This Policy, in conjunction with the Shire's Standard Specifications for Construction of Crossovers, sets the requirements for the construction of crossovers from a public thoroughfare to private land or a private thoroughfare serving the land, and sets the eligibility for a crossover subsidy.

This Policy does not apply to the design and specifications for a commercial or industrial crossover. Applications regarding commercial or industrial crossovers require consultation with the Shire, and Shire approval prior to construction, to ensure the crossover is designed to accommodate required vehicle/s servicing the development.

Policy

Introduction

All buildings and developments approved within the Shire are required to have a crossover constructed and maintained in accordance with the Shire's Standard Specifications for Construction of Crossovers.

These specifications guide property owners and contractors on the required standards as set by Council, in regard to constructing a crossover to the satisfaction of the Shire.

Shire of Serpentine Jarrahdale requirements

An Application for Crossover Construction [form](#) ~~An Application for Crossover Construction~~ must be completed and submitted to the Shire, in conjunction with a Crossover Plan, prior to construction commencing. The Crossover Plan [A crossover plan](#) is to detail:

- The proposed route of the crossover in relation to the road carriageway and property boundaries
- The location of existing and nearby affected trees on both the public verge and private property. Where practicable, crossover planning should minimise disruption to trees.

- Any trees proposed to be removed and details of plans to replace the tree/s, including the proposed species and location. Replacement trees should, where practicable, be planted as close as possible to the location of the removed tree.

Where a Local Development Plan is in place over the land, the Crossover Plan shall be consistent with the Local Development Plan, or any subsequent planning consent.

Shire assessment

The Shire will assess the Application for Crossover Construction and Crossover Plan in accordance with this Policy and the specifications.

Irregular shaped lots, steep grades or other irregularities may mean that it is not always practicable or the safest option to execute exactly to the specifications required by the Standard Specifications for Construction of Crossovers. In this case it is at the discretion of delegated Shire Officers to assess and approve such crossovers in accordance with the Register of Delegations and Authorisations.

Where the Shire approves a crossover for construction:

- The builder or owner shall construct the crossover for a newly constructed dwelling as indicated on the approved plan and prior to an occupancy permit being issued for the property, or by a date mutually agreed upon by the Shire and the owner.
- Where an established property does not have a crossover which is compliant with current specifications, and the property owner requests and receives the Shire's approval for a new crossover, the owner is to construct or arrange to construct the new crossover as per the approved plan.
- Property owners can engage a private contractor to build their crossover. Furthermore, nothing prevents property owners with adequate skills from building their own crossover to the Shire's specifications.
- Where a footpath exists and a crossover is to cross it, the footpath is to remain in situ and is not to be modified or any part of it removed.
- The full cost for the supply of all required materials and construction of a crossover, as well as any associated costs, including alterations to existing road and drainage infrastructure, removal or relocation of street trees and the supply and installation of associated culverts and headwalls in rural settings are the responsibility of the property owner, builder, or applicant.

Crossover subsidy

When a crossover is completed to specification, the property owner may make a written request to the Shire for a crossover subsidy rebate. The crossover is then inspected by Shire Officers to verify the required specifications have been met and, if approved, the subsidy rebate is processed.

If the crossover does not meet the required specifications, the property owner will be contacted.

The rebate will be made to the applicant when a crossover has been constructed in accordance with the Shire's Standard Specifications for Construction of Crossovers. The rebate is claimable within five (5) years from the Building Practical Completion only.

Crossover subsidy calculation

In respect to the first crossover to the private land or private thoroughfare, the a subsidy rebate payment is calculated based on a minimum rate of \$22.50 per square meter and up to a total rebate of amount \$400 per crossover. equivalent to a maximum of 50 per cent of the cost of a standard three (3) metre wide crossover from the road kerb to the front boundary of the property. The rebate will be made to the applicant when a crossover has been constructed in accordance with the Shire's Standard Specifications for Construction of Crossovers. The rebate is claimable within five (5) years from the Building Practical Completion only.

The maximum crossover subsidy is reviewed on an annual basis and is included in the Shire's Fees and Charges, based on the supply and placement of a 100mm thick concrete crossover. The method of calculating the rebate is based on the total area of the crossover. distance measured between the property boundary and the back of the kerb or footpath excluding a footpath area.

The Shire's contribution shall not exceed the maximum subsidy as detailed in the Fees and Charges.

Crossover subsidy conditions

- A maximum of one (1) contribution may be claimed per property.
- Crossings-Crossovers will only be subsidised where they are newly constructed to the approved Crossover Plan and Shire's Standard Specifications for Construction of Crossovers.
- The Shire will not provide a subsidy rebate towards construction of a second crossover, or when a rebate has already been paid for a previously approved crossover on that land (Lot).
- Any crossover constructed without approval from the Shire, and/or not constructed to the Shire's specifications is not entitled to a subsidy rebate. In accordance with regulation 13 of the Local Government (Uniform Local Provisions) Regulations 1996, the Shire may also issue a notice requiring the crossover to be repaired or removed. Additionally, any damage to the verge will be required to be repaired at the owner's expense.
- Crossovers will not be subsidised when the crossing-crossover is already/meant to be provided by the Subdivider / Developer.
- Where an existing crossing is in place, no retrospective rebate will apply.

Definitions

Crossover has the same meaning as 'standard crossing' referred to in the *Local Government (Uniform Local Provisions) Regulations 1996*, meaning, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.

Delegated Shire Officers are Shire Officers who have been appointed to perform specific discretionary functions and duties prescribed in legislation, as detailed within the Shire's Register of Delegations and Authorisations.

Private land means land that is neither vacant Crown land nor local government land.

Private thoroughfare means a thoroughfare that is principally used for access to private land that abuts the thoroughfare, and that land is land served by the thoroughfare.

Related Documents

- Standard Specifications for Construction of Crossovers (E23/644)
- Shire of Serpentine Jarrahdale Fees and Charges
- Application for Crossover Construction (E13/2908)
- Application for Crossover Subsidy (E13/2907)

Legislation / Local Law Requirements

- *Local Government Act 1995, ~~Schedule 9.1, clause 7~~*
- *Local Government (Uniform Local Provisions) Regulations 1996*

Amendment Record

Relevant Delegations		1.1.11: Crossing – Construction, Repair and Removal	
		Date	Resolution Number
Council Adoption		19/06/2023	OCM142/06/23
Version	Date	Resolution Number	Amendment Details
2			New template and <u>minor formatting changes...</u>

DRAFT

Council Policy – Customer Service

Responsible Directorate	<u>Community Engagement</u>
Responsible Business Unit/s	<u>Customer Service</u>
Responsible Officer	<u>Coordinator Customer Service</u>
Affected Business Units	<u>All Business Units</u>

Objective

The objective of this Policy is to:

- ensure we deliver the service as outlined in the Shire of Serpentine Jarrahdale (the Shire) Customer Service Charter and to outline customer rights and responsibilities;
- provide customers with a choice as to how they provide feedback to Council the Shire about service provision;
- provide a structure around responding to, recording, reporting and using feedback to improve service to customers; and
- outline customer rights and responsibilities.

The Shire's Customer Service Framework includes an effective complaint resolution process. Please see Council Policy – Complaint Resolution for a detailed outline of this process.

The Shire's Council's Customer Service Framework includes an effective complaint handling resolution process. Refer to Council Policy – Complaint Resolution. system which aims to benefit both our customers and Council in a number of ways including:
responding to feedback/complaints equitably, objectively and in an unbiased manner, ensuring there is no loss of service to the customer;
creating a second chance to provide service and satisfaction to dissatisfied customers;
identifying areas of service delivery that need improving;
providing an opportunity to strengthen relationships between the community and Council; and
assist in the planning of and allocation of resources.

Scope

This Policy is to assist the Shire in monitoring the achievement of its expectations through a validated proven feedback methodology to ensure the highest standards of customer service and achieving efficient and effective delivery of services to the community.

Policy

Introduction

The Shire of Serpentine Jarrahdale strives to deliver standards of customer service at the highest level and this which is reflected in our the Council Strategic Community Plan and our Organisational Values. This pPolicy details how Council the Shire delivers on the commitment

to customer service and how we measure our performance. This policy and the Customer Service Charter form the Customer Service Framework.

Council's-The Shire's commitment to Customer Service includes an effective complaint handling management system. It is recognised that this is one method of measuring customer and client satisfaction to provide a useful source of information and feedback for continual improvement of our service.

Customer Service Responsibility

All Shire Elected Members, Officers, contractors, and volunteers are responsible for the provision of quality customer service to the Community of Shire. They should perform their duties in a professional and responsible manner and treat members of the public fairly, respectfully, and consistently, in a non-discriminatory manner and with proper regard for rights and obligations.

Each Officer is accountable for the quality of customer service delivered through their own work or the quality of output of any project or business unit of which they are a member.

Directors, Managers and Coordinators are responsible for developing a customer focused work ethic in their teams and empowering Officers to undertake customer focused decision making for the advancement of the community's interest.

The Shire acknowledges the diversity of our community, understanding the individual rights and needs this diversity brings and commit to act with the proper regard and sensitivity. The Shire commits to provide a clear and logical means for customers to access services, facilities and information including assistance where necessary to lodge requests or provide feedback.

The Shire recognises that our customers may wish to contact the Shire in a variety of ways, and we are committed to providing multiple options for customers to access Shire services. Customers can contact the Shire in the following ways:

- via the Shire Website – Make a Request
- by phone
- by visiting the Shire Office
- by visiting Serpentine Jarrahdale Library Services
- by email
- by mail.

Commitment to Service

The Shire is committed to better understanding the needs and expectations of the local community. The Shire will enhance its understanding of the needs and expectations of the local community by:

- Carrying out periodic community surveys to learn about what the local community thinks about the areas where the Shire is performing well and the areas where the Shire needs to improve service;
- Maintaining opportunities for feedback by encouraging the public to complete feedback ~~form~~ surveys that the Shire will record and analyse;

- Maintaining a complaint handling system to respond to service failures and unsatisfied expectations and to enable the Shire to identify and rectify service failures;
- Establishing guarantees of service in a number of areas and regularly measure the performance of the Shire against these guarantees;
- Continuing to deliver information on the activities of the Shire through a variety of means including publishing regular community updates, publishing community information in local newspapers, social media pages and on the Shire's website, placing on exhibition at Shire offices and libraries plans and other documents relating to Shire activities and, using public meetings and other open forms of consultation and dialogue where appropriate; and
- Continuing to encourage input from the community on Shire activities through a variety of means including encouraging the local community to attend and speak at Shire meetings, encouraging the local community to contact CouncillorsElected Members to discuss concerns, publicising Shire's complaint ,management and feedback systems and encouraging submissions on plans and other documents relating to Shire activities.

Officers will be provided with the appropriate tools, information, and training to provide quality customer service.

Commitment to Customer Service

~~The Shire is committed to delivering a quality customer service that is consistent equitable for all customers. We understand that customers have an expectation that they receive the best possible service that can be practically achieved. Our service is reflective of our organisational values.~~

~~We aim to deliver service in a friendly, knowledgeable and professional manner by:~~

- ~~Being respectful, courteous and impartial in all dealings;~~
- ~~Identifying ourselves when we talk to customers;~~
- ~~Listening carefully to customers;~~
- ~~Ensuring that personal information is kept confidential at all times; and~~
- ~~Having trained and professional staff who will uphold the Shire's Values and Code of Conduct.~~

Customer Service Responsibility

~~All Shire Councillors, staff, contractors and volunteers are responsible for the provision of quality customer service to the Community of Shire. They should perform their duties in a professional and responsible manner and treat members of the public fairly, respectfully and consistently, in a non-discriminatory manner and with proper regard for rights and obligations.~~

~~Each staff member is accountable for the quality of customer service delivered through their own work or the quality of output of any project or business unit of which they are a member.~~

~~Directors, Managers and Coordinators are responsible for developing a customer focused work ethic in their teams and empowering staff to undertake customer focused decision making for the better of the communities interest.~~

~~Directors, Managers and Coordinators are responsible for working in consultation with their teams to develop and implement customer focused systems and processes that respond to and satisfy internal and external customer needs and expectations.~~

~~Staff will be provided with the appropriate tools, information and training to provide quality customer service.~~

~~Customer Service Charter~~

~~The Shire's Customer Service Charter reflects our commitment to providing quality service and outlines what you can expect from us. We strive to provide a friendly, professional and efficient service which meets the needs of our customers. This charter is designed to ensure that standards are upheld.~~

~~Our Values~~

- ~~• We focus on the customer — Delivering high service, whilst respecting each other and our customers.~~
- ~~• We act Safely — We put safety first, take responsibility for safety of ourselves and our colleagues, we care about each other and our environment.~~
- ~~• We do the right thing — Act with integrity, create a sustainable environment, we do what we say and say what we do.~~
- ~~• We work as a team — Working together and help each other, our impact on others, and take time to celebrate success.~~
- ~~• Council staff, Councillors, volunteers and contractors will strive to meet the best standards that can be practically achieved, defined in the Customer Service Charter in a professional, responsive and ethical manner. Information provided to customers should be provided promptly and in a format that is easy for the recipient to understand. Information provided should be clear, accurate, current and complete.~~
- ~~• The Customer Service Charter will be published and communicated to ensure that Shire customers are aware of the standards they can expect from the representatives of Council and that are expected of them.~~

~~We will:~~

- ~~• Provide prompt, friendly, courteous and professional customer service.~~
- ~~• Understand customer needs, and find better ways of customer service delivery.~~
- ~~• Clearly identify responsible officers.~~
- ~~• Provide the best contact details for an alternative if we cannot help for any reason.~~
- ~~• Encourage feedback to improve our service.~~
- ~~• Respect your privacy, discussing personal business matters privately.~~

~~We ask our customers to:~~

- ~~• Treat our employees with the same courtesy and respect given to you.~~
- ~~• Provide us with accurate, complete information and documentation.~~
- ~~• Advise of address or name change.~~
- ~~• Become involved through community consultation projects.~~
- ~~• Contact the officer nominated on your correspondence quoting the letter reference number.~~

Council Policy – Customer Service

- Provide us with feedback and comments so that we can monitor and improve the quality and standards of our service.
- Have a notepad and a pen on hand when you call.
- Provide us with a daytime telephone number or email address.
- Recognise we may not have the authority to deal with your request or concern, and may need to refer it to another agency/organisation.
- The Customer Service Charter also defines the standards of response from Council. General enquiries are handled by front line staff and referred to specialist staff for other issues.

In Person

- Promptly greet, and treat you in a polite, professional and attentive manner.
- Ensure all employees providing face to face service wear a name badge for ease of identification.
- Ensure guidance will be provided on the process and expected timelines.
- Ensure enquiries of a technical or specialist nature will be dealt with by a suitably experienced officer, either at the time, or by close of business the next working day.
- Ensure written information will be concise and clear in plain English.
- Ensure external customers are prioritised over incoming telephone calls.

Phone

- Answer the calls during work hours within four rings
- Speak clearly and with a smile on our face.
- Provide a direct contact number for future communications (when necessary).
- Greet you with good morning/afternoon, Shire/department name, and advise name.
- Listen carefully to comments, requests or concerns.
- Ensure a minimal number of transfers, ensuring contact with most appropriate officer, and any delays communicated.
- Make a written record (when required) of key points during a phone call.

Written

This includes letters, faxes, emails and online enquiries.

- Provide acknowledgement of receipt to the customer within 48 hours of the officer receiving the request.
- Ensure written, verbal response within seven days of receipt.

Online Media

Our Website

- Contain reliable up to date information.
- Provide links to other websites to provide the customer with helpful information.

- ~~Enable lodgement of planning and building applications.~~
- ~~Enable online map viewing, which details planning zones, property details, land use and aerial photographs.~~
- ~~Enable easy and intuitive searching.~~
- ~~Enable customers to lodge service requests for repairs, landscaping, graffiti removal, and other concerns.~~
- ~~Detail how to lodge a complaint or a compliment about the way we performed, or delivered a service.~~
- ~~Display contact details in an easy to find location.~~

Social Media

- ~~Enquiries on our social media platforms will be responded to in a timely and professional manner~~
- ~~Include interesting, engaging, relevant and up to date information on our social media platforms, encouraging interaction feedback.~~

Service requests

~~A service request is defined as a person's demand for a service or action to be undertaken by the Shire~~

- ~~Collect refuse bins from 6am on designated collection days weekly and recycling bins from 6am on a fortnightly basis (non-compliant bins will not be collected)~~
- ~~Deliver, replace and maintain mobile garbage bins within 7-10 working days from date or request.~~
- ~~Inspect urgently reported dangerous trees within 4 hours of them being reported. Required works will be prioritised in line with operational demands and the work addressed directly or scheduled. The initiator of the action request is to be advised of actions taken, and works scheduled to deal with the problem within 24 hours of the complaint being received.~~
- ~~Inspect street trees where pruning has been requested and provide a response indicating the Shire's position and any planned works to the indicator within 10 working days.~~
- ~~Assess reported obscene or offensive graffiti to Council owned property within 4 hours and remove any such graffiti within 2 working days of it being reported to the Shire.~~
- ~~Assess and respond to routine service requests or complaints, provide a response indicating the Shire's position and any planned works within 10 working days of receipt.~~
- ~~Provide at least 24 hours warning notice to impacted residents of repair works. This excludes emergency situations.~~

Development Application

- ~~Register planning applications, including mail applications (in the event they contain all the required information)~~
- ~~Advise applications by letter or email within 7 working days of registration, the name of the Shire officer responsible for the application.~~

- ~~Process planning applications for developments of a minor nature or impact within 60 calendar days (where all information has been provided).~~
- ~~Process other planning applications within 90 days (where all information has been provided).~~
- ~~Advise applicants at least 3 working days prior to their application being considered at a Council meeting.~~
- ~~Advise persons who made a written submission about a development at least 3 working days prior to the application being considered at a Council meeting.~~
- ~~Advise applicants at least 5 working days prior to their application being considered at a Development Assessment Panel Meeting (DAP)~~

Building Applications

~~For building applications with all the required information, process will complete within 10 working days for certified, and within 25 for uncertified.~~

In all cases we will

- ~~Provide reference numbers, name of responsible officer and contact details.~~
- ~~Deliver a concise, easy to understand, and complete response.~~
- ~~Provide the customer with a reference number to quote when following up their communication.~~
- ~~Address issues in a friendly, informative and fair manner.~~

~~Where correspondence relates to a complex or technical matter:~~

- ~~Respond within 14 days, and when further investigation required, we will let you know, provide a completion date and stick to it.~~
- ~~Provide the name of the responsible person and their contact details.~~
- ~~Correspondence associated with a statutory process will be resolved in accordance with legislative requirement and timeframes.~~

Customer Records Management (CRM) system and HPRM.

~~The Council CRM and HPRM systems and process will provide a system of receiving, recording, investigating, resolving, reviewing and storing service requests made by customers.~~

Regulatory Framework

~~Council is committed to providing a fair and equitable service and this Policy has been developed particularly in accordance with the following legislation, regulations, policies and standards:~~

- ~~Local Government Act 1995~~
- ~~State Records Act 2000~~
- ~~Freedom of Information Act 1992~~
- ~~Code of Conduct~~

Statement of Procedures

~~In order to meet the Customer Service commitment, Council will ensure that all staff have access to a range of training and materials to support their Service Delivery.~~

~~We acknowledge the diversity of our communities and understand that all members of the public have individual rights and needs and we will act with proper regard and sensitivity. We aim to offer quality service by recognising this diversity and ensuring individual needs are met. We will provide clear and logical means for customers to access services, facilities and information including assistance where necessary to lodge requests or provide feedback.~~

~~The Shire recognises that our customers may wish to contact Council in a variety of ways and we are committed to providing choice about how customers can access Council Services. Customers can contact the Shire in a variety of ways:~~

~~Via the Council Website – lodging a request online:~~

- ~~• by Telephone;~~
- ~~• by Email;~~
- ~~• Facsimile;~~
- ~~• In our Customer Service Centre;~~
- ~~• by Mail; and~~
- ~~• In our Libraries and Community Centres~~

~~Commitment to Service~~

~~Council is committed to better understanding the needs and expectations of the local community. Council will enhance its understanding of the needs and expectations of the local community by:~~

- ~~• Carrying out periodic community surveys to learn about what the local community thinks about the areas where Council is performing well and the areas where Council needs to improve service;~~
- ~~• Maintaining opportunities for feedback by encouraging the public to complete feedback forms that Council will record and analyse;~~
- ~~• Maintaining a complaint handling system to respond to service failures and unsatisfied expectations and to enable Council to identify and rectify service failures;~~
- ~~• Establishing guarantees of service in a number of areas and regularly measure the performance of Council against these guarantees;~~
- ~~• Continuing to deliver information on the activities of Council through a variety of means including publishing regular community updates, publishing community information in local newspapers and on the Council website, placing on exhibition at Council offices and libraries plans and other documents relating to Council activities and, using public meetings and other open forms of consultation and dialogue where appropriate; and~~
- ~~• Continuing to encourage input from the community on Council's activities through a variety of means including encouraging the local community to attend and speak at Council meetings, encouraging the local community to contact Councillors to discuss concerns, publicising Council's complaint handling and feedback systems and encouraging submissions on plans and other documents relating to Council activities.~~

Standards

The importance of measuring how well we deliver customer service is recognised. ~~Council~~The Shire has established a feedback handling process to ensure that customers are able to provide feedback and to enable ~~improvement in Service Delivery~~service delivery improvements. ~~We will also measure how well we deliver our customer service through measurement against a number of standards.~~

~~* Resolution is defined as providing the customer with all relevant information and/or outline of action required and timeframe for completion and/or completed all action required.~~

~~Our~~The quality of our customer service performance is measured against ~~the a number of standards, including~~ key performance indicators and reported in the Quarterly Management Report and ~~the~~ Annual Report.

Records of Customer Service Requests

~~Council~~The Shire has an obligation to properly record and consider all Customer reports and complaints.

The Customer Request Management System (CRM) is utilised to enable the logging, allocating, tracking and reporting of all Customer Service Requests. The CRM is integrated with all relevant organisational mandated ~~systems utilised~~systems, utilised to measure ~~Council~~the Shire's performance in the completion of service requests.

~~Council~~The Shire is committed to:

- ~~e~~Ensuring whole of ~~Council~~Shire utilisation of the CRM.
- ~~d~~Delivering control and tracking mechanisms to ensure service standards are being met.
- ~~t~~The regular review of the CRM.
- ~~u~~Upggrading the CRM when necessary and appropriate.
- ~~p~~Provision of training and education ~~to support cross organisational use.~~

It is recognised that at times, anonymous ~~complaints~~/service requests may be made. For many service requests contact names, addresses or phone numbers are required to confirm information or ~~if necessary to~~ obtain additional information. ~~Council~~The Shire may therefore determine not to accept or investigate anonymous requests for service; however it is dependent on the substance of the information provided, the severity of the situation or the service requested.

In some cases Customers may contact ~~Council~~the Shire with an expectation that specific action will be undertaken by ~~Council~~the Shire. ~~In circumstances where a service request will not be progressed by the Shire, or the request is the responsibility of another organisation or State Government department or agency, the Shire will advise the customer of the reason and/or relevant organisation that may be better placed in assisting resolution of the matter.~~In these circumstances Customer Service staff may record the complaint and provide information to the customer if it is clear the complaint is a 'no action' matter. Customer service staff will advise the customer of any means available through other agencies which may assist the customer to resolve the matter.

Customer Feedback

~~Quality customer service consists of providing an efficient, fair, impartial and responsive service. It is also about delivering the most appropriate and complete service at the outset. However, things can and do go wrong and can only be put right and a quality service delivered where Council becomes aware of the issue.~~

~~Council's feedback handling system provides an opportunity for service recovery. Customer feedback encompasses complaints, compliments and suggestions. Specifically a 'complaint' is an expression of dissatisfaction with Council's policies, procedures, charges, employees, contractors, quality of service or goods sold or provided.~~

~~Feedback does not include:~~

- ~~• A request for service (unless it's a second request, where there was no response to the first)~~
- ~~• A request for information or explanation of policies or procedures~~
- ~~• Reports of damaged or faulty infrastructure (ie potholes)~~
- ~~• Reports of hazards (eg fallen trees)~~
- ~~• Disputes concerning neighbours~~
- ~~• The lodging of an appeal or request to review a decision~~
- ~~• Complaints where Council has no jurisdiction~~

~~Customer Feedback Review Process~~

~~In cases where the customer is dissatisfied with the resolution of Customer Feedback, the customer should advise the Customer Service Manager in writing, the reasons for dissatisfaction within 28 days of the initial verbal or written advice. The Customer Service Manager will liaise with the relevant Senior Manager to investigate the matter. Further resolution processes may be implemented such as mediation or conciliation. The Customer Service Team will provide a written response to the customer within 28 days.~~

~~It is important to note that throughout the feedback handling process, Council expects that the customer will provide all relevant information. Additional reviews will not be undertaken.~~

~~Members of the local community who do not believe that Council has fulfilled any of its commitments should complain to Council in the first instance.~~

~~If the complaint, and any subsequent review, does not resolve the matter, they can complain to:~~

- ~~• The WA Ombudsman (if the matter concerns maladministration or is related to child abuse);~~
- ~~• The Department of Local Government Sport & Cultural Industries (if the matter concerns a serious breakdown in Council operations, if Council as a whole, is not operating satisfactorily or the matter relates to pecuniary interest matters); or~~
- ~~• The Corruption and Crime Commission (CCC) (if the matter concerns corrupt conduct).~~

~~Each agency has a separate role in relation to the oversight of the conduct of councils. The WA Ombudsman is responsible for complaints about a broad range of matters generally described as maladministration. The Department of Local Government is responsible for investigating pecuniary interest matters and will intervene if councils are operating in an unsatisfactory manner or if Council operations have seriously broken down. The CCC is responsible for investigating corrupt conduct. Councils should be able to explain to the public, on request, these different roles.~~

Respecting our community

~~At times some members of the public may act inappropriately toward Council staff or may make onerous demands on Council resources. Staff Guidelines have been developed to enable staff to deal effectively with customers in such situations.~~

Guidance Notes

~~Council~~The Shire's Customer Service Charter is the overarching Statement of Commitment to the delivery of service to our community, a copy of which can be downloaded from the Shire website. ~~Council~~The Shire delivers a range of services for which more specific service charters may be adopted. This is reflective of the varying Customer Service delivery models dependant on the type of service provided. All Service delivery charters must comply with the overarching charter. ~~This policy is applicable to the following persons:~~

- ~~— All Council employees, including all contractors and volunteers~~
- ~~— Customers defined as any person or organisation that engages with Council, or seeks product, service or information offered by Council~~

~~A Customer Service Request is defined as a request for action to be taken in relation to a service or product of Council.~~

Definitions

Customer means a purchaser or user of products or services of Council. This may include external customer such as ratepayers, residents, organisations, constituents, stake holders, businesses, government agencies, contractors, consultants and internal customers, Councillors and other staff members.

Customer Service Request means a request for action to be taken in relation to a service or product of the Shire.

Feedback means positive or negative information about a customer's reactions to a product, or a person's performance of a task which is used as a basis for continuous improvement and positive reinforcement.

Resolution means providing the customer with all relevant information and/or outline of action required and timeframe for completion and/or completed all action required.

Related Documents

- ~~• Strategic Community Plan 2017 – 2027~~Council Plan 2023 – 2033
- Council Policy – Complaints Resolution
- Customer Service Charter
- Shire of Serpentine Jarrahdale Code of Conduct

Legislation / Local Law Requirements

- Local Government Act 1995*

Amendment Record

		Date	Resolution Number
Council Adoption		18/12/2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2			New template and removal of the Customer Service Charter from the policy

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Council Policy – Draft Borrowings

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Finance
Responsible Officer	Manager Finance
Affected Business Units	Finance

Objective

This Policy provides direction to management in relation to the decision-making framework surrounding a decision to use borrowings to finance activities. The objectives of this policy are to:

- Ensure the appropriate level of funds are available at the appropriate time to support its strategic objectives;
- Be financially responsible and prudent in financial matters ensuring all risks are considered in the decision-making process;
- Minimises the costs of borrowings;
- Ensures, where possible, the structure of the borrowing is appropriate for the nature of the assets being funded;
- Consider intergenerational issues as part of determining the most appropriate way to fund activities;
- Ensure the Shire's funding activities are in accordance with its legislative responsibilities;
- Establish the process for monitoring the level of borrowings and to ensure decisions in relation to the use of borrowings are made within a long-term financial context.

Scope

This Policy ~~applies to ...~~ is intended to provide clear direction of the Shire's debt management strategies in relation to long term and short term borrowing activities for all new borrowings as well as existing borrowings.

Policy

Introduction

This Policy underpins the Shire's decision-making in the funding of the Shire's activities in the context of cash flow, budgeting, borrowings and investments. It is an important financial management tool in the funding of the Shire's expenditure. As such, this policy links closely to the Shire's overall Long Term Financial Plan (LTFP) in the context of:

- Strategic planning for the future of the Shire, covering short, medium and long term spending issues;

- Current and estimated future revenues and the ability to increase the revenue stream through either [taxation rates](#), user charges, additional grant funds or entrepreneurial activities;
- Inter-generational equity; and
- Current and future funding needs for both operating and capital expenditures.

Link to the Forward Financial Plan

Borrowings shall be considered as a mechanism to assist in achieving the strategic objectives of the Shire and the decision to borrow is made within the context of its implication on the long-term financial sustainability of the Shire.

The financial implications of the borrowings shall be included in the current LTFP.

Inter-Generational Equity

The Shire will seek to achieve intergenerational equity in its use of borrowings as a means of funding long lived assets to achieve an alignment of the cost of funding the asset(s) and the consumption of the benefit.

Types of Expenditures to be Funded by Long Term Borrowings

Long-term borrowings will generally be considered for the following purposes:

1. Commercial activities, providing the activity results in a positive cash inflow or positive net present value;
2. Community assets that:
 - provide intergenerational benefit; and
 - have an economic life of over 5 years; and
 - if a disposal of the asset is planned, all associated borrowings are extinguished from the proceeds; and
 - the construction or acquisition is planned within the current LTFP, corporate business plan and support the goals as outlined in the current [Strategic Community Plan Council Plan 2023-33](#); and
 - the term of the borrowing does not exceed the economic life of the funded asset.
3. Self-Supporting loans, providing adequate security is obtained to ensure, in the case of default, any outstanding liability is fully recovered; or
4. Refinancing existing borrowings; or
5. Natural disaster management; or
6. Projects that intensify the capital base for the purpose of reducing future operating costs.

Types of Expenditures not to be Funded by Long Term Borrowings

The Shire will not use borrowings to fund asset renewal which occurs on a frequent, regular or recurrent basis, such as:

- Road resurfacing;
- Plant and equipment changeover;

- IT network renewal; or
- Office equipment.

To ensure that the Shire does not become reliant on borrowings as a mechanism to fund operations, the Shire shall not use borrowings to fund operating activities except for:

- Overdraft;
- Credit Cards; or
- Operating Leases.

Interest Only Loans

~~Interest only loans will only be considered to fund commercial activities that are planned to return positive future cash inflows.~~

Consideration of Future Borrowings

Prior to any long-term borrowing being considered:

1. A ~~cost/benefit analysis~~**business case** of the proposed borrowing shall be undertaken for presentation to the Council for consideration; and
2. The ~~analysis-business case~~ shall:
 - a. consider all alternative funding options; and
 - b. contain a projection of the financial impact of the borrowings on:
 - i. the levels of the ratio indicators set out in the policy; and
 - ii. the overall financial circumstances of the Shire as set out in the current LTFP.

Future Borrowings will only proceed if:

1. The additional borrowings will not result in a breach of the borrowing level limitations as set in this policy; and
2. The Council considers the conclusion of the ~~cost/benefit analysis~~ **business case** is that the borrowings are necessary to achieve the benefits as outlined in the analysis and the cost of borrowings is exceeded by the benefits; including consideration of the movement of construction acquisition costs of the project over the life compared to the interest rate over the same period.

Limitation on the Level of Borrowings

The level of borrowings shall be maintained within defined limits to ensure long-term financial sustainability. The Shire shall ensure that the amount of borrowings does not exceed the limits, so that debt servicing costs can be met on an ongoing basis.

The Shire will need to meet the following ratio benchmarks when considering borrowings:

- **Debt Service Cover Ratio (DSCR)** is a measurement of debt serviceability and an indicator of the Shire's ability to generate sufficient cash flow to cover debt repayments.
- The Shire must maintain a DSCR greater than or equal to 2 (based on DLGSC guidelines).
- **Total Debt Ratio (TDR)** is a measure of leverage and indicates the extent to which the total debt of a local government can be serviced by operating activities.

The Shire must maintain a TDR of 50% or less (based upon WA Treasury Corp Guidelines)

~~Two indicators are identified as set out below:~~

Ratio	Value	Limitation	Level
Debt Servicing Ratio	Percentage	Below	106%
Borrowing Ratio	Percentage	Below	50%

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Indicator Calculation:

Ratio Name	Calculation	Definitions	Rationale
Borrowings Ratio	Numerator The amount of loan principal outstanding	The aggregate of all principal outstanding on previous borrowings measured at the end of the period under review. Includes self-supporting loans. Self-supporting loans are loans taken out in the name of the local government with the proceeds passed to external parties on the proviso the external party agrees to refund all future outflows associated with the borrowing.	An indicator of the level of principal on past borrowings owed by the Shire to external entities expressed as a percentage of the amount of general funds available to the Shire. Self-supporting loans are included in the ratio as the local government has primary responsibility to repay the borrowing in the event the external party defaults on their agreement.
	Denominator General Funds	As per Section 6.21(4) of the Act, general funds are: <ul style="list-style-type: none"> • General Rates; and • Government grants which were not given to the local government for a specific purpose; and • any sources prescribed (none to date) Note: General rates do not include revenue from specified area rates or service charges.	The use of general funds as the denominator provides an indication of the level of outstanding borrowings relevant to the Shire's capacity to generate discretionary revenue to repay those future commitments.
Debt Servicing	Numerator <u>Annual operating surplus before interest and depreciation</u> Principal and interest paid (adjusted)	<u>Annual operating surplus before interest and depreciation with the below adjustments:</u> <u>Net result:</u> <ul style="list-style-type: none"> — <u>less non operating grants and subsidies</u> — <u>add interest expense</u> — <u>add depreciation</u> The aggregate of all loan principal and interest for the period under review. (Exclude any early repayment of the principal on past borrowing.)	An indicator of the level of general annual obligation of principal and interest resulting from past borrowings owed by the Shire to external parties. Self-supporting loans are included in the ratio as the Shire has the primary responsibility to repay the borrowing in the event the external party defaults on their agreement.
	Denominator	Adjusted general funds being:	One off, early or balloon repayments of principal are excluded from the

	<p><u>Adjusted General Funds</u></p> <p><u>Principal and interest paid (adjusted)</u></p>	<ul style="list-style-type: none"> • <u>General Rates; and</u> • <u>Government grants which were not given to the local government for a specific purpose; and</u> • <u>interest and principal for the period relating to loans established on the basis that they would be repaid using revenue sourced from a specified area rate or service charge or on a self-supporting basis; and</u> • <u>any sources prescribed (none to date).</u> <p><u>The use of an adjusted general funds as the denominator provides an indication of the level of the annual commitment to repay past borrowings relevant to the local government's discretionary revenue plus revenue sources specifically for repaying annual principal and interest to match those included in the ratio numerator.</u></p> <p><u>The aggregate of all loan principal and interest for the period under review. (Exclude any early repayment of the principal on past borrowing.)</u></p>	<p><u>numerator to provide an option for early repayment of the principal without having an adverse impact on the ratio limitation.</u></p> <p><u>An increasing ratio over time suggests an increasing proportion of discretionary funds is being applied to the repayment of past borrowings and the associated interest.</u></p>
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Monitoring of Borrowing Level Limitations

Borrowing ratios are to be reported in the annual budget financial report and LTFP with the current level compared to the limitations as set by this policy. To assist with the task of monitoring the ratios, the following gradient is to be applied:

Ratio	Lower Risk	Medium Risk	Higher Risk
Debt Servicing Ratio	<u>0.0% to 2.9%</u>	<u>3.0% to 4.9%</u>	<u>5.0% to 6.0%</u>
Borrowing Ratio	<u>0.0% to 19.9%</u>	<u>20.0% to 34.9%</u>	<u>35.0% to 50.0%</u>

Risk Minimisation

All treasury activities are to be undertaken in a manner that seeks to manage the risk to the Shire, in particular:

1. The decision on the type of borrowing, the term and interest rate arrangements shall take into account the purpose of the borrowing, the nature of the assets being funded, intergenerational equity and the cost of debt at the time of the borrowing, giving due regard to minimising exposure to interest rate movements; and
2. Council approval is required for all new borrowings.

Legislative Provisions

The legislative requirements relating to borrowings are summarised below:

Part six, division five of the *Local Government Act 1995* – Section 6.20 - provides that a Shire has the power to borrow. Section 6.21 – states the restrictions on borrowings.

The Shire may borrow money as part of adopting the annual budget in accordance with 6.2 of the *Local Government Act 1995*. Should the Shire propose to exercise the power to borrow and it has not been included in the annual budget, the Shire must follow the procedure as detailed in Sections 6.20 (2) of the *Local Government Act 1995*.

Definitions

Self-Supporting Loans means loans taken out by Shire the repayments of which are made by a third party e.g. local club and organisation or ratepayers through a specified area rate or service charge.

Economic Life means the estimated period over which an asset is expected to be economically usable by one or more users, with normal repairs and maintenance.

Intergenerational Equity means the concept of fairness or justice between generations.

Debt Service Cover Ratio (DSCR) is a measurement of debt serviceability and an indicator of the Shire's ability to generate sufficient cash flow to cover debt repayments.

$$\text{DSCR} = \frac{\text{Annual Operating Surplus BEFORE interest and Depreciation}}{\text{Annual Principal and Interest}}$$

Total Debt Ratio (TDR) is a measure of leverage and indicates the extent to which the total debt of a local government can be serviced by operating activities.

$$\text{TDR} = \frac{\text{Total Local Government Debt}}{\text{Operating Revenue}}$$

Related Documents

- Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil. or Refer to Register of Delegations and Sub-delegations (as amended)	
		Date	Resolution Number
Council Adoption		26/05/2008	CGAM082/05/08
Version	Date	Resolution Number	Amendment Details
2	29/09/2015	OCM187/09/15	
3	18/12/2017	OCM179/12/17	
4			New template and updated definitions. Updated the benchmark ratios for borrowings to align with current DLGSC and WA Treasury guidelines, remove restrictions on interest only loans and updated definitions

Council Policy – Elected Member Social Media

Responsible Directorate	Executive Services
Responsible Business Unit/s	Governance and Council Support
Responsible Officer	Manager Corporate Performance
Affected Business Units	Governance and Council Support Executive Services

Objective

The Council is committed to engaging with the community who live, work and spend time in the Shire of Serpentine Jarrahdale (the Shire), and enhancing existing communication and information circulation. Social media is increasingly becoming a part of daily life and an accepted method of instant communication. The use of social media by the Shire and the Elected Members can improve communication, engagement and collaboration with our community, and share the positive and professional identity of our organisation.

Scope

The purpose of this policy is to provide guidance and direction for the use of social media by Elected Members to meet the expectations of the community and their professional requirements, particularly when commenting or engaging with the community in both a private and public capacity.

Policy

Introduction

Social Media, in all of its various forms, now plays a huge role in the public forum and offers a public means for discussion around sensitive, council and community issues, particularly in the lead-up to decision making around high profile topical issues and Local Government Elections.

Social media can help remove barriers in engaging wide sectors of the community and enhance existing communications and information circulation. There are no new rules for social media, the existing expectations around professional conduct should apply, and it is important to remember that the use of social media is not without risk and the speed and reach of publishing online means content is available immediately to a wide audience. Anything posted can be difficult to delete and may be replicated endlessly. It may be sent to or seen by people the author never intended or expected would see it.

A person takes significant public obligations upon themselves when they become a member of the Council and make the required declaration of office in accordance with ~~s.2.29 of~~ the *Local Government Act 1995* (the Act) that they will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the local government's district according to the best of their

judgment and ability. These obligations cannot be separated from the position and this means Elected Members cannot divest themselves of the character of an Elected Member¹.

Elected Members must not make 'improper use of office' to cause detriment to the Shire or another person. ~~for Elected Members include the requirement to avoid damage to the reputation of the Shire and the legal fidelity to the Council.~~ It is important to ensure the language and approach used online is consistent with what the community would expect from an Elected Member and meets the requirements of the Shire's Elected Member Code of Conduct.

The local community and the public in general are entitled to expect that the following general principles in the Local Government (Model Code of Conduct) Regulations 2021, regulation 3(1)(a)-(h) of the Local Government (Rules of Conduct) Regulations 2007 (the Regulations), will be used to guide Elected Members in their behaviours, including:

- a. act with reasonable care and diligence; and
- b. act with honesty and integrity; and
- c. act lawfully; and
- d. avoid damage to the reputation of the local government; and
- e. be open and accountable to, and represent the community in the district the public; and
- ~~f. base decisions on relevant and factually correct information; and~~
- ~~g. treat others with respect and fairness; and~~
- ~~f. not be impaired by mind affecting substances. treat others with respect, courtesy and fairness; and~~
- ~~h.g. base decisions on relevant and factually correct information.~~

It is important that when an Elected Member is posting, commenting or liking posts/comments on social media that they think about the language and tone. When commenting, it is essential for Elected Members to communicate that their comment/s are their own personal opinion, not those of the Council.

Private Profiles and Private Groups

Nothing that is posted on-line is truly 'private'. Private profile settings and private groups bare no guarantee that information is only seen by the target audience. Posts may have been screenshot and distributed to individuals, groups and organisations that were never intended to see the content, even after the original post has been deleted.

Privacy settings are not enough to stop someone who disagrees with what has been posted from screen shotting and using it. Comments by Elected Members of the Council have the capacity to affect the Shire's reputation.

Guidelines

~~Social media can help remove barriers in engaging wide sectors of the community and enhance existing communications and information circulation. There are no new rules for social media; therefore, the existing expectations around professional conduct should apply.~~

¹ Treby and Local Government Standards Panel [2010] WASAT 81 (Treby) at paragraphs [26]-[33]

Council Policy – Elected Member Social Media

The following information is provided to guide Elected Members in the preparation of social media content and responses. Elected Members should:

- remember the Shire President and the CEO are the official spokespersons for the Shire ~~of Serpentine Jarrahdale~~; any statements on behalf of the Council should only be made with specific authority;
- clearly label content and responses as personal views and not those of the Shire or the Council;
- ensure content is accurate, relevant and complies with current policies, if in doubt check;
- avoid offensive, defamatory, intimidating and provocative language, and avoid commenting on or liking posts that contain this type of language;
- avoid making personal comments about other Elected Members, staff or members of the community;
- maintain a positive and respectful tone;
- adhere to copyright, privacy, defamation, discrimination, harassment and other applicable laws;
- observe confidentiality;
- remember Council decision making is by majority, and whilst there may be decisions that are disagreed with, alternative points of view should be made respectfully and constructively;
- where requests for service or official feedback has been posted, comments should encourage direct contact with the Shire to enable the matter to be dealt with;
- where misinformation or factually incorrect information is posted, encourage the original poster to make contact with the Shire for clarification i.e. – Contact the Shire's Customer Service;
- liking, sharing or reacting to a post on Social Media is generally taken to be an endorsement of that material, as if you had created it yourself, and may be seen by a wider audience than intended;
- not to make public statements expressing their opinion on matters before the Council that would indicate a predetermined voting position.

The intent of this policy is not to stifle the use of social media, but rather to ensure that comments, likes, posts and the use of all forms of online and social media by Elected Members aligns with the adopted policies of the Council and are thoughtful, well-reasoned and responsible communications suited to their professional position and standing in the community.

~~The Shire's staff monitor relevant social media posts and retain them in the Shire's document management system for record keeping purposes.~~

Definitions

Council means the Elected body of the Shire of Serpentine Jarrahdale.

~~Shire means the Shire of Serpentine Jarrahdale.~~

Social Media means any form of online technology through which individuals and organisations can engage in social media activity.

Social Media activity means the communication or sharing of information through social media and includes but is not limited to the posting, uploading, reviewing, downloading and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols or hyperlinks.

Related Documents

- [Shire of Serpentine Jarrahdale Code of Conduct for Councillors, Committee Members and candidates. Elected Member Code of Conduct](#)
- Business Operating ~~Process~~ Procedure - Elected Member Code of Conduct Complaints

Legislation / Local Law Requirements

- ~~Section 2.29 of the~~ Local Government Act 1995
- ~~Regulation 3(1)(a)-(h) of the~~ Local Government (~~Rules of Conduct~~ Mode Code of Conduct) Regulations 2021~~07~~

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		22 October 2018	OCM114/10/18
Version	Date	Resolution Number	Amendment Details
2			New template and updates to align with legislative change

Council Policy – Election Invalidity Complaints

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Manager Corporate Performance
Affected Business Units	Executive Services Corporate Services Corporate Performance

Objective

The objective of this Policy is to provide a decision-making framework for determining when Council would support initiating or joining an invalidity complaint under section 4.80 of the *Local Government Act 1995* (the Act).

Scope

This Policy applies to invalidity complaints initiated under s 4.80 of the Act where the election was for the Shire of Serpentine Jarrahdale (the Shire).

Policy

Introduction

Section 4.80 of the Act provides that any person who is dissatisfied with the result of an election or with the way in which an election was conducted may make an invalidity complaint.

Section 4.81 of the Act provides that an invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.

Complaints Initiated by the Shire

The initiation of an invalidity complaint by the Shire is an extraordinary measure that shall only be initiated through a resolution of Council supported by evidence that:

- the reputation of the organisation is at risk; and
- the action is considered to support the good government of persons in the district; and
- an Electoral Offence has or is suspected to have occurred in the election; and
- that the Electoral Offence is believed to have impacted the outcome of the election; and
- the Council has received and noted independent legal advice regarding the matter.

In considering the matter, Council is to be aware that s4.83 of the Act provides that:

An election is not invalid because of -

- (a) a failure to do something in connection with the election within the time, or for the period or before the date allowed or required under this Act, so long as the failure does not affect the result of the election; or*
- (b) an irregularity or defect in the appointment or authorisation of an electoral officer; or*
- (c) a formal omission, irregularity or defect in a document, declaration, publication or other thing that a person has made, issued or done in good faith.*

Complaints initiated by another party

In all cases where some other party brings an invalidity complaint on a Shire Election, the Shire will join the action as an interested party with appropriate legal representation in order to receive details of the proceedings.

The joining of an invalidity complaint by the Shire must be supported by a resolution of Council.

Implementation

Where the Council has resolved to initiate or join an invalidity complaint, the Council's resolution shall be put into effect through:

- the appointment by Officers of a suitably qualified, independent legal professional who will be provided with all evidence that was available to Council in making the determination.
- the development of a governance management plan on roles and responsibilities, conflict of interests, risks and legal instruction.

The legal professional shall not obstruct the admission of any evidence to the Court and will neither defend or attack any successful or unsuccessful candidate but seek to have all evidence available presented to the Court of Disputed Returns for the magistrate to determine the outcome.

Definitions

Electoral Offence means an offence as set out in Part 4 Division 11 of the *Local Government Act 1995*.

Related Documents

- Nil

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		17/06/2024	OCM174/06/24
Version	Date	Resolution Number	Amendment Details
2			New template

DRAFT

Council Policy – Election ~~Signs on Road Reserves and Shire Land~~Signage

Responsible Directorate	Development Services
Responsible Business Unit/s	Community Safety
Responsible Officer	Coordinator Community Safety
Affected Business Units	Community Safety Community Services Governance

Objective

The objective of this Policy is to summarise the Shire of Serpentine Jarrahdale's (the Shire's) position in relation to the placement of election signs for Federal, State and Local Government elections on private and public property within the district.

Scope

This Policy applies to political parties, candidates promoting a party, and/or individuals participating in a State, Federal or Local Government election.

Policy

Introduction

In accordance with s.61(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, development approval is not required for election signs, providing the conditions within the legislation are satisfied. However, all signs, whether election signs or otherwise, are required to comply with the Shire's Local Laws.

This Policy supports the implied freedom of political communication, whilst summarising the conditions applicable to the placement of election signage on private and ~~public Shire~~ property (~~that is, Shire~~ property is property that is owned by the Shire freehold or which is under the care, control or management of the Shire).

The Shire maintains an apolitical position with regard to election signage and application of this Policy is based on the principle that election sign standards are applied consistently and equitably to all political parties and candidates, whilst ensuring public safety.

The party and/or individuals participating in a State, Federal or Local Government election are responsible for their own election signage and the placement of it in accordance with this Policy.

Shire of Serpentine Jarrahdale's election signage conditions

Where election signage is on private property, consent from the property owner should be obtained prior to placement.

Prior consent from the Shire to place election signage on ~~Shire land or public~~ property is not required, providing the criteria within this Policy is adhered to. As election signage and its

placement is the responsibility of the party and/or individuals participating in a State, Federal or Local Government election, the Shire will not intervene unless the election signage poses a safety risk, is placed directly on or within Shire facilities, ~~or~~ buildings ~~or~~ assets and therefore may be interpreted as having endorsement of the Shire, or otherwise impacts the apolitical conduct of the Shire's functions.

Criteria applicable to election signage on public property

The below criteria apply to election signs placed on [Shire public](#) property, meaning property that is owned by the Shire freehold or which is under the care, control and/or management of the Shire.

- signs are not to be placed on or within Shire facilities, [assets](#) and/or municipal buildings
- signs are not to be placed on verges of Shire facilities and/or municipal buildings. The only exclusion to this is where the facility / municipal building is being used as a polling place, provided the signage is placed in accordance with statutory requirements, and is not placed on or within Shire facilities and/or municipal buildings
- signs are not to be affixed to any tree or regulatory sign (e.g., street sign, traffic direction sign or parking sign)
- signs are temporary in nature and not permanently attached to a structure or fixed to the ground or pavement
- signage on thoroughfares and road reserves complies with the Safe System Approach to Road Safety. That is, signs should:
 - be frangible
 - not be located within a clear zone
 - [not obstruct or restrict the sight distance of other signs and traffic control devices](#)
 - [not be placed in the centre of roundabouts](#)
 - have a 2.5m vertical clearance to an obstruction
 - ~~placement does~~ not cover or obstruct Shire signs or markings.

Signs can be placed on verges if compliant with all other conditions of this Policy.

Election signage on main roads

Various main arterial roads within the Shire, including Tonkin Highway, South Western Highway, Thomas Road and Nicholson Road ~~)~~ are under the care and control of Main Roads WA under the *Main Roads Act 1930* and *Main Roads (Control of Advertising) Regulations 1996 (WA)*. [Main Roads should be contacted before Main Roads' Guidelines for Roadside Election Signs \(the Guidelines\) should be consulted before placing a sign on a main road. In any circumstances where the Guidelines differ from this Policy, the Guidelines will take precedence.](#)

Main Roads WA may remove unauthorised signs at their discretion and any queries regarding election signage on main roads should be made directly with them.

Authority to remove non-compliant signs on public property

In accordance with the Shire's guiding principal of apolitical conduct and respecting the implied freedom of political expression, the Shire will explore avenues for candidates to rectify non-compliance with this policy prior to removal of non-compliant signage.

When these options have been exhausted, or in situations where signage is a hazard requiring immediate rectification, the Shire may take action in accordance with its statutory powers as a regulator and property owner.

Election signage content

The Shire does not have the power to regulate the content of electoral signs. Queries in relation to State or Local Government elections should be directed to the Western Australian Electoral Commission. Queries in relation to Federal elections should be directed to the Australian Electoral Commission.

Local Government Election Signage Complaints

The Shire contracts the Western Australian Electoral Commission (WAEC) to conduct the local government elections. All complaints regarding election signs should be directed to the Shire's Returning Officer, appointed by the WAEC.

Contact details for the Western Australian Electoral Commission's appointed Returning Officer are available on the Shire's website during the election period.

Definitions

Clear zone means a carriageway, dividing strip, traffic island, roundabout, [and any space](#) within 10 metres of an intersection, or within 50 metres of a signalised intersection or pedestrian activated crossing.

Elections means periodic and General Elections, By-elections and Referenda.

Election sign means any advertisement for a candidate or party in the election, or for a referendum whether held for Federal, State or Local Government purposes.

Municipal Building means any building that is owned or held under a management order or control of the Shire, and includes any recreation centre, library and alike.

Private Property means any land that has a separate certificate of title and is in private ownership or is the subject of a lease or agreement with a person enabling its use for private purposes and includes any building or structure on that land.

Road means any thoroughfare, highway or road that the public is entitled to use and any part thereof, and all bridges, viaducts, tunnels, culverts, grids, approaches and other things belonging or used in connection with the road.

Returning Officer means a person appointed by the Electoral Commission who is responsible for the management of polling places, polling place staff, candidate nominations and supervising the election on polling day.

Safe System Approach to Road Safety is a collaborative multi-agency framework to manage interactions between the road user, travel speed and the vehicle.

Related Documents

- [Main Roads Western Australia Guidelines: Roadside Election Signs](#)

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Elections) Regulations 1997*

- *Electoral Act 1907 (WA)*
- *Electoral Act 1918 (Commonwealth)*
- *Main Roads Act 1930*
- *Main Roads (Control of Signs) Regulations 1983*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Public Places and Local Government Property Local Law

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		29/09/2015	OCM187/09/15
Version	Date	Resolution Number	Amendment Details
2	18/12/2017	OCM179/12/17	
3			New template and <u>alignment of Policy to current legislative framework.</u>

Council Policy – Electronic Meetings

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to provide guidance on participation and the conduct of Council and Committee meetings held electronically.

Scope

This Policy applies to:

- meetings with attendees participating via electronic means under Regulation 14C of the *Local Government (Administration) Regulations 1996* (reg 14C); or
- meetings held entirely electronic under Regulation 14D of the *Local Government (Administration) Regulations 1996* (reg 14D).

Policy

All meetings will be held primarily as in-person meetings unless exceptional circumstances require meetings to be held electronically, including due to a public health emergency or state of emergency.

An Elected Member may make a regulation 14C request to participate electronically at a physical meeting in accordance with Part 1 of this Policy.

A meeting may be held entirely electronically (regulation 14D) in accordance with Part 2 of this Policy.

Part 1 - electronic participation at physical meetings (reg 14C)

- 1.1. An Elected Member may request to participate in a physical meeting by electronic means in exceptional circumstances approved by the President or Council.
- 1.2. Electronic participation at physical meetings will be conducted in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.
- 1.3. An application to participate in a meeting electronically should be made to the President via the Chief Executive Officer at the earliest opportunity, but in any case, requests must be received so there is sufficient time for the request to be considered and necessary technology and meeting protocols to be implemented (no later than 24 hours prior to the meeting that the request relates to).
- 1.4. Applications are to be made in writing and include sufficient information to demonstrate the suitability of the location and equipment for participation via electronic means.

Council Policy – Electronic Meetings

- 1.5. The Chief Executive Officer will present the application in the first instance to the President or Presiding Member for consideration.
- 1.6. If required, the application can be presented to Council for consideration as part of the attendances portion of the meeting. Council may authorise participation via a simple majority decision. The minutes of the meeting shall record whether electronic participation was granted or refused by the President or Council.
- 1.7. At the commencement of a meeting with electronic participants, Council, under clause 18.1 of the *Standing Orders Local Law 2002 (as amended)* should resolve to suspend, for the duration of the meeting, the following clause:
 - Clause 8.2 – Members to Occupy Own Seats
- 1.8. During a meeting with electronic participation, the Presiding Member will:
 - regularly check the attendance of any persons participating electronically,
 - ensure courtesy is shown to electronic participants to enable the effective and orderly conduct of the meeting, and
 - request electronic participants to state whether they are for or against a motion put forward.
- 1.9. To ensure compliance with the Regulations, which limits the number of meetings that a member is allowed to attend electronically in the previous 12 months, the minutes shall record instances where a member participated electronically.

Part 2 – electronic meetings (reg 14D)

- 2.1. In deciding whether to authorise a meeting by electronic means under subregulation (2)(a)(b) or (c) of the Regulations, the President or Council must have regard for:
 - the suitable location of each member
 - suitable equipment of each member for the purposes of the remote location
- 2.2. Where possible the decision to hold a meeting via electronic means should be made prior to the issuing of the notice paper. Where this cannot occur, the Chief Executive Officer will update the details of the meeting on the Shire's website and provide notice to all Elected Members and Committee Members, as relevant, as soon as practicable.
- 2.3. Non-electronic attendance at an electronic meeting is not possible. This includes participation of members of the public.
- 2.4. In situations where an electronic meeting is called, the only option for members to attend is electronically.
- 2.5. Meetings held electronically will be arranged and conducted in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.
- 2.6. At the commencement of an electronic meeting, Council, under clause 18.1 of the *Standing Orders Local Law 2002 (as amended)* should resolve to suspend, for the duration of the meeting, the following clauses:
 - Clause 3.5 – Public Question Time insofar as it relates to Public Statements
 - Clause 3.13 - Deputations

- Clause 8.2 – Members to Occupy Own Seats

- 2.7 Clause 9.1 of the *Standing Orders Local Law 2002 (as amended)* provides that every member of the Council or a committee wishing to speak, shall indicate by show of hand or other method agreed upon by the Council. To facilitate electronic meetings, each member present shall exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.
- 2.8 In accordance with the Regulations, for public questions received by 2pm on the meeting day (for committee meetings and Ordinary Council Meetings), the question and response shall be read out at the meeting by the Chief Executive Officer or a delegate and recorded in the minutes.
- 2.9 Public Statements received prior to 2pm of the meeting day will be provided to Elected Members and recorded in the minutes, but not read out at the meeting.
- 2.10 Any Deputations approved for a meeting prior to the decision to hold an electronic meeting, will be provided to Elected Members and recorded in the minutes, if the text of that Deputation is provided prior to 2pm on the meeting day.
- 2.11 The voting method for electronic meetings shall be by each member being called by the Presiding Member in alphabetical order by surname, to state whether they are 'for' or 'against' the motion being put forward, with the Presiding Member providing their vote last.
- 2.12 Elected Members and Officers participating electronically that are required to leave a meeting as a result of a declared interest, will be disconnected from the meeting for the duration of the matter and must not converse with meeting participants. The reconnection shall be initiated by Officers assisting the meeting.
- 2.13 To ensure compliance with the Regulations, which limits the number of meetings that a member is allowed to attend electronically in the previous 12 months, the minutes shall record instances where a member participated electronically.
- 2.14 Proceedings will be publicly broadcasted live and recorded in accordance with Council Policy – Live Streaming and Recording of Council and Committee Meetings.

General principles for electronic meetings

Behaviour protocols

The Western Australian Local Government Association (WALGA)'s guidance material on electronic meetings is instructive where it states:

"The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

- *Speak clearly and slowly, as connections may be distorted or delayed.*
- *Always **state your name** to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first.*
- *In debate, only speak after the Presiding Member has acknowledged you. Then **state your name**, so that others know who is speaking.*
- *Follow the Presiding Member's directions and rulings.*

- *If you are unclear about what is happening in an eMeeting, immediately **state your name** to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member.*
- *Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter."*

Logistical considerations

Participating electronically in a meeting, whether that meeting is electronic or a physical meeting, presents logistical challenges and can impact the effective conduct of the meeting.

In addition to the behavioural protocols described above, participants should ensure that they have a stable connection to the meeting and are able to give the meeting their full and proper attention.

Elected Members participating electronically must ensure that they are in an appropriate location to participate in the meeting. Such provisions include being free from distraction and being able to conduct business behind closed doors in accordance with the *Local Government Act 1995*. Participants are not permitted to record meetings unless authorised by Council and should avoid using chat facilities or other means to communicate outside of the parameters of the meeting.

Under Clause 15.9 of the *Standing Orders Local Law 2002 (as amended)*, the Presiding Member may adjourn a meeting to regain order. This provision can be used to regain order in the event of technical difficulties.

Elected Members and Officers are provided with Information Technology equipment to assist in the performance of their role. This equipment should be used when participating electronically, as it is the equipment supported by the Shire's ICT specialists.

Elected Members and Officers who are unable to participate in an electronic meeting in a location conducive to the effective conduct of the meeting are encouraged to utilise the facilities of the Shire's Civic and Administration Centre, where meeting rooms can be made available.

Definitions

Nil.

Related Documents

Council Policy – Live Streaming and Recording of Council and Committee Meetings

Legislation/Local Law Requirements

Local Government Act 1995

Local Government (Administration) Regulations 1996

Amendment Record

		Date	Resolution Number
Council Adoption		21/02/2022	OCM027/02/22
Version	Date	Resolution Number	Amendment Details
2	20/03/2023	OCM061/03/23	
3	21/10/2024	OCM293/10/24	Amended to reflect livestreaming and reformatting
4			New template

DRAFT

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TO BE RESCINDED

Council Policy – Energy and Water Efficiency

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning and Compliance
Responsible Officer	Manager Strategic Planning
Affected Business Units	

Objective

The objective of this Policy is to provide information and education in achieving energy and water efficient outcomes contributing to sustainable development within the Shire [of Serpentine Jarrahdale \(the Shire\)](#).

Scope

This Policy applies to all development applications for new rural and urban residential buildings and additions, subdivisions and building licence applications, including vegetation and revegetation proposals.

Policy

Introduction

The Shire is committed to achieving energy and water efficiency in its own actions as well as within the community. It is part of the South East Regional Energy Group including Gosnells and Armadale, who work together to educate and inform the community (Switch Your Thinking Program). It is also committed to participating in the International Council for Local Environmental Initiatives (ICLEI) - Cities for Climate Protection (CCP) program and the Water Campaign program. The Water Campaign has set water conservation targets.

Preparing and implementing a policy on energy and water efficiency, in conjunction with the regional action plans, will significantly help the community achieve its water and energy reduction targets.

Vision and Objectives

A vision of the Shire of Serpentine Jarrahdale is to promote and encourage homes which are sustainable; and:

- Affordable to purchase;
- Comfortable to live in;
- Use minimal non-renewable energy;
- Are economical to run; and
- Contribute positively to an overall reduction in greenhouse gas emissions.

With objectives:

- To improve and include energy and water efficiency design in new and existing dwellings;
- To assist professionals, technicians and trade persons by providing relevant information;
- To provide leadership and innovation to the community; and
- To develop partnerships with other government agencies and the corporate sector to achieve energy and water efficiency [GB1]

Areas Targeted for Energy and Water Efficiency

Subdivisions

- Site analysis
- Orientation and solar access

Buildings

- Site analysis
- Orientation and solar access
- Thermal mass
- Building materials and colours
- Window shading
- Ventilation/wind orientation
- Insulation
- Water heating and water fixtures
- Renewable energy
- Lighting
- Appliances and swimming pools
- Landscaping and water sensitive design

Energy and Water Efficiency Outcomes

Shire officers are able to provide direction for achieving energy and water efficiency outcomes so that informed energy and water efficiency features or designs can be incorporated into buildings and landscaping.

Proposals for subdivisions will be assessed with consideration for satisfactorily addressing and achieving where possible preferred energy and water efficiency outcomes. Subdivision applications will often be able to address the requirements for individual dwellings in their subdivisions, e.g. design specifications, covenants etc.

Wherever practical [Council- the Shire](#) will endeavour to achieve energy and water efficiency outcomes. In some instances there may be reason why energy performance for dwellings, alterations and additions are not feasible and these may include:

- Block Geometry – orientation or shape of block preclude northerly orientation defined as 20' west of north and 30' east of north.

Council Policy – Energy and Water Efficiency

- Block overshadowing – adverse slope of the block, existing obstruction or approved planned obstruction or existing development resulting in overshadowing of northerly windows.
- Conflicting guidelines – existing lease and development conditions. Other regulations, local planning policies or detailed area plans will have priority.
- Uneconomic requirements – where a requirement can be demonstrated to not be cost effective over a reasonable period of time.
- Council may also recognise social, environmental or economic constraints that may apply making it difficult to achieve preferred energy and water efficiency outcomes.

Definitions

[Nil.](#)

Related Documents

- [Strategic Community Plan 2017 – 2027](#) [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

		Date	Resolution Number
Council Adoption			
Version	Date	Resolution Number	Amendment Details
2	18/02/2017	OCM179/12/17	Modified
3			Rescind

Council Policy – Excavations within Road Reserves

Responsible Directorate	Operations
Responsible Business Unit/s	Operations
Responsible Officer	Manager Operations
Affected Business Units	Operations

Objective

The objective of this Policy is to ensure that excavations within the road reserves are completed to the appropriate standards.

Scope

This Policy applies to road reserves within the Shire of Serpentine Jarrahdale (the Shire).

Policy

Works involving excavation within road reserves may be permitted providing that:

- The applicant is a licensed contractor in this field of work.
- The conditions imposed by the approval are adhered to.

In instances where underground services are required to cross Shire roads, the road shall be bored.

Applications for open trenching across Shire roads shall include data justifying the need for special approval to open trench.

All other conditions under which works may be approved shall be determined under delegated authority.

Definitions

Nil

Related Documents

- [Strategic Community Plan 2017 – 2027](#) [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

		Date	Resolution Number
Council Adoption		25/01/2010	OCM023.1/01/10
Version	Date	Resolution Number	Amendment Details
2	29/09/2015	OCM187/09/15	Modified
3	18/12/2017	OCM179/12/17	Modified
4			New template

DRAFT

Council Policy – Execution of Documents and use of the Common Seal

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

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

Scope

This Policy applies to all Officers preparing documents for execution and/or who have been authorised to execute documents on behalf of the Shire of Serpentine Jarrahdale (the Shire).

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

Policy

Introduction

This Policy covers four categories of documents as outlined below and is supported by clause 19.1 of the *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (as amended)*, and Authorisation 1.11 – Execution of Documents, in the Shire's Register of Delegations and Authorisations.

The Shire of Serpentine Jarrahdale authorises the Shire President and the Chief Executive Officer to sign and affix the Common Seal to documents using the execution clauses shown on page 4-5 of this policy.

Category 1(A) Documents

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

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

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

Category 1(B) Documents

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

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

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

In accordance with s9.49A(23), the attachment of the Common Seal requires attesting by both the Shire President ~~(or in their absence the Deputy Shire President)~~ and the Chief Executive Officer ~~(or the person acting in that position)~~. ~~Section 9.49A(3)(b) of the Act, provides that the Shire President and a senior employee (if authorised by the CEO) can also affix and attest the common seal.~~

Category 2 Documents

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

Under section 9.49A(4), Council authorises the Officers listed in Authorisation 1.11 – Execution of Documents, in the Shire's Register of Delegations and Authorisations, to sign documents and/or deeds on behalf of the Shire of Serpentine Jarrahdale. Directors only have authority where the documents are related to their area of responsibility.

The positions of ~~Deputy CEO~~ / Director Community ~~and Organisational Development Engagement~~; Director Corporate Services; Director Development Services;

Director Infrastructure Services [and Executive Manager of Operations](#) are restricted to executing documents that are to a value of \$250,000 or less.

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

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

The following are examples of Category 2 documents:

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

Category 3 Documents

Category 3 documents are documents that are created in the normal course of business to discharge the duties of an Officer's position in a manner consistent with Shire policies and procedures. Category 3 documents are to be executed by the CEO, a Director or Manager, or a Shire officer, where the authority and accountability has been extended through an authorisation, policy, procedure, or a position description. It is therefore important to have a good knowledge of the documents that relate to the team that is responsible for the document.

These documents include but are not limited to the following:

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

Common Seal Register

1. The Chief Executive Officer shall maintain a register of all documents executed with the Common Seal;
2. The register is to record each Common Seal transaction and include an identification number, date, the nature of the document and the parties to the document being executed; and
3. The Common Seal identification number is to be recorded on the document being executed

Execution Clauses

The correct execution clauses for Shire of Serpentine Jarrahdale documents are below. Officers must ensure the document being executed contains the correct execution clause.



Category 1(A) documents:

THE COMMON SEAL of)
SHIRE OF SERPENTINE JARRAHDAL)
(ABN 98 924 720 841))
was hereunto affixed by a)
resolution of Council and in accordance with the)
provisions of the *Local Government Act 1995* (WA))
in the presence of:)

Date

by:

DRAFT

Signature of President

Print name of President

Signature of Chief Executive Officer

Print name of Chief Executive Officer



Category 1(B) documents:

THE COMMON SEAL of)
SHIRE OF SERPENTINE JARRAHDALE)
(ABN 98 924 720 841))
was hereunto affixed in accordance with the)
provisions of the *Local Government Act 1995* (WA))
in the presence of:)

Date

by:

DRAFT

Signature of President

Print name of President

Signature of Chief Executive Officer

Print name of Chief Executive Officer

Category 2 documents - deeds:

EXECUTED as a DEED by the
SHIRE OF SERPENTINE JARRAHDAL
(ABN 98 924 720 841)
in accordance with s9.49A of the
of the *Local Government Act 1995* (WA)
by its authorised officers:

)
)
)
)
)
)

Date by:

DRAFT

Signature of Chief Executive Officer
~~Officer Deputy CEO/Director~~
Community ~~and Engagement~~
~~Organisational Development~~

Director Development Services
Director Infrastructure Services
Director Corporate Services
Executive Manager of Operations

In the presence of:

Print name of Chief Executive Officer
~~Deputy CEO/Director Community~~
~~and Organisational~~
~~DevelopmentEngagement~~
Director Development Services
Director Infrastructure Services
Director Corporate Services
Executive Manager of Operations

Signature of witness

Print name of witness

Category 2 documents – other documents:

EXECUTED ~~as a DEED~~ by the
SHIRE OF SERPENTINE JARRAHDAL
(ABN 98 924 720 841)
 in accordance with s9.49A of the
 of the *Local Government Act 1995* (WA)
 by its authorised officers:

)
)
)
)
)
)

Date

by:

DRAFT

Signature of Chief Executive Officer

~~Deputy CEO~~

~~/Director Community and Organisational
 DevelopmentEngagementt~~

Director Development Services

Director Infrastructure Services

Director Corporate Services

Executive Manager of Operations

In the presence of:

Print name of Chief Executive Officer

~~Deputy CEO~~

~~/Director Community and Organisational
 DevelopmentEngagement~~

Director Development Services

Director Infrastructure Services

Director Corporate Services

Executive Manager of Operations

Signature of witness

Print name of witness

Definitions

Nil

Related Documents

- Register of Delegations and Authorisations
- Common Seal Register

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (as amended)*

Amendment Record

Relevant Delegations		Authorisation 1.11 - <i>Local Government Act 1995</i> - Execution of Documents	
		Date	Resolution Number
Council Adoption		13/05/2002	C130/05/02
Version	Date	Resolution Number	Amendment Details
2	24/05/2004	SM047/05/04	
3	15/12/2008	CGAM050/12/08	
4	29/09/2015	OCM187/09/15	
5	18/12/2017	OCM179/12/17	
6	15/06/2020	OCM163/06/20	
7	20/07/2020	OCM226/07/20	
8	17/05/2021	OCM124/05/21	
9	<u>2025</u>		New template_ and amendments to reflect the new Executive Manager of Operations position.

Council Policy – Facility Hire

Responsible Directorate	Operations
Responsible Business Unit/s	Facilities
Responsible Officer	Manager Facilities
Affected Business Units	Operations Facilities Community Engagement Sport and Recreation Governance Community Safety

Objective

The objective of this Policy is to identify a fair and equitable method for determining fees and charges for the hire of community facilities.

This policy aims to establish clear guidelines, promote equitable access, and ensure that all facility hires are managed effectively and efficiently in alignment with community needs.

Scope

This Policy applies to the hire of all community facilities. The framework and key elements of a comprehensive council policy relating to the hiring of community facilities. The framework and key elements of a comprehensive council policy relating to the hiring of community facilities. This policy aims to establish clear guidelines, promote equitable access, and ensure that all facility hires are managed effectively and efficiently in alignment with community needs.

Policy

Introduction

The Shire of Serpentine Jarrahdale (the Shire) owns and operates various facilities for casual and seasonal hire as a service provided to the community.

Hire Fees

A fee is established for the hire of community facilities as part of Council's annual budget process. Fees and charges are designed to assist the Shire with the cost of operating and maintaining community facilities. Fees are to be paid at the time the booking is confirmed by the Shire.

Reduced Fees for local community groups

To be entitled to a reduction in facility hire fees, a community group must be based within the Shire. The maximum reduction in facility hire fee for local community groups is 50% of the relevant fee. To qualify for a reduction in facility hire fees, a community group must be located

within the Shire and classified as a new user group that has recently been established itself. The maximum reduction available for local community groups is 50% of the applicable fee.

Bond Charges

A bond is a security measure designed to protect the Shire's assets and applies to all facility hire bookings. Full payment of the bond is to be made two weeks prior to the event.

The bond is only held 3 days before the booking and released 3 days after the booking through the SpacetoCo booking Facility currently implemented by the Shire.

~~The bond is only held 3 days before the booking and released 3 days after the booking through the SpacetoCo booking Facility currently implemented by the Shire.~~

Bond charges are as per Council's Schedule of Fees and Charges except for schools (primary and high schools) and local sporting groups who are charged a maximum \$100 bond.

Cancellation Fees

If a hirer cancels a booking four weeks prior, a full refund of hire fees is to be made.

If a hirer cancels the booking less than four weeks prior, 75% of the hire fee is to be refunded with 25% of the hire fee retained by the Shire.

Definitions

Nil.

Related Documents

- ~~Strategic Community Plan 2017 – 2027~~ [Council Plan 2023-2033](#)

•

Legislation / Local Law Requirements

- Local Government Act 1995 ~~s6.16, s6.17~~

Amendment Record

		Date	Resolution Number
Council Adoption		24/09/2012	OCM042/09/12
Version	Date	Resolution Number	Amendment Details
2	29/09/2015	OCM187/09/15	Reviewed
3	18/12/2017	OCM179/12/17	Modified
4			New template and minor wording amendments

Council Policy – Farmland Concessions

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Finance
Affected Business Units	Financial Services

Objective

Council provides a rate concession to properties maintaining genuine farming interests. It ensures that Council is protecting and developing appropriate agricultural and horticultural industries and pursuits within the Shire of Serpentine Jarrahdale (the Shire). This Policy outlines the eligibility criteria for a farmland concession.

Scope

This policy outlines the criteria that must be met to be eligible for the concession and maintains the rural character of the area in line with the strategic goals of Council.

Policy

1. Criteria

To be eligible for the farmland concession, all of the following criteria must be satisfied:

- a) The property must be zoned Rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);
- b) Letter from your accountant stating that the indicators that are relevant to whether or not a person is carrying on a business of primary production in Tax Ruling 97/11 (or any later revised versions of this ruling) have been fulfilled;

Other requirements that need to be included in the letter are:

- i) In the subject line, include the address of the property that is applying for farmland concession;
- ii) Must state that the address of the property has derived primary production and the owner has claimed primary production in their tax return;
- iii) The latest tax return year that has been lodged;
- iv) Signed by the accountant and is on the accountants letterhead;
- v) If you prepare and lodge your own tax return, you are to:
 - address all indicators that are relevant to carrying on a business of primary production (refer to (b)); and
 - provide a copy of the last tax return lodged with the Australian Taxation Office; and

- provide a copy of the notice of assessment to verify amounts on the tax return match amounts lodged; and
- provide a signed Statutory Declaration stating that you are still using the property for Primary Production and are carrying on a genuine business of primary production.

2. Other

- a) The applicant ordinarily resides* on the property or is farming it in association with a home property within the Shire of Serpentine Jarrahdale.
- b) Where the applicant is a tenant and liable to pay the Council rates on the property, a copy of the lease stating that they are required to pay Council rates will need to be provided (Note: the applicant will only be eligible for the concession if all of the above conditions have been satisfied).
- c) To be eligible, all rates and services, and other charges owing to the Shire, for this property, must be paid, and no current and prior years amounts are to be outstanding.
- d) The farmland concession provides for a concession of 31% off the rural rate in the dollar.
- e) The concession does not apply to the minimum rate set for the rural rate. If after discounting the rural rate by 31%, the property is on minimum rates, then the rural minimum rate will apply.
- f) Shire officers can request from applicants to inspect any documents that they have requested a third party to verify, such as business plans, and tax returns, when considering eligibility.
- g) All information submitted for consideration by landowners will be considered confidential.
- h) If applications are not received by 30 June of each financial year then they will not be taken to effect until the following financial year. For example, if an application is received between 1 July 2023~~412~~ and 30 June 2024~~43~~, the farmland concession will not take effect until the next financial year, being 1 July 2024~~43~~.
- i) A farmland concession will still be applied if the applicant has multiple group rated properties, or is farming it in association with a home property if they meet all other conditions.
- j) Council may consider a variation to part (f) of the criteria where there is a clear demonstrated history of farming the property for at least 30 years. This will only be accepted by proof of ownership by providing a copy of the certificate of title, and a statutory declaration to be completed by owner.
- k) A review will be conducted in a four year cycle, and applicants will be required to reapply at every review.
- l) If the property is subdivided, the farmland purpose will be reviewed to determine if it is still applicable. If found to be no longer~~no longer~~ be valid it may~~and~~ revert back to the rural rate category code, if criteria at 1 is no longer met on any lot.
- m) If the property sells, then the farmland purpose will be reviewed to determine if it is still applicable. If found to be no~~no~~ longer~~be~~ valid-and it may revert back to the rural rate category code, if criteria at 1 is no longer met.

n) _____

* see definition below

~~Based on the information from the Australian Taxation Office (ATO)....~~

~~...Serpentine Jarrahdale Shire defines "ordinarily resides" as being your ordinary place of residence. The Shorter Oxford Dictionary defines reside as: '...to dwell permanently, or for a considerable time, to have one's settled or usual abode, to live in a particular place.....'. The Shire of Serpentine Jarrahdale will accept The postal address on the application should match your application if our records show your postal address as matching the property on which the application is being made. Proof of residence can also be in the following forms;~~

- Where it states home address on your tax return
- Copy of utility expense where your mailing address is the respective property
- Confirmation from the Australian Electoral Commission
- Letter from your Accountant, stating you ordinarily reside at the respective property (the property address must be mentioned)
- If in the case, a company owns the property, a director must reside at the property.

Definitions

~~Not applicable.~~ Ordinarily Resides means as being your ordinary place of residence with residing being to dwell permanently, or for a considerable time, to have one's settled or usual abode, to live in a particular place.

Related Documents

- Farmlands Concession Application Form

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		19/12/2011	CGAM036/12/11
Version	Date	Resolution Number	Amendment Details
2	11/06/2012	OCM160/06/12	
3	29/09/2015	OCM187/09/15	
4	18/12/2017	OCM179/12/17	

5	20/11/2023	OCM275/11/23	
6			New template and inserted definition.

DRAFT

Council Policy – Financial Hardship

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Finance
Responsible Officer	Manager Finance
Affected Business Units	<u>Rates</u> <u>Finance</u>

Objective

Council acknowledges that due to exceptional circumstances ratepayers may, at times, encounter difficulty in paying rates and service charges as they fall due.

Whilst acknowledging all landowners should make an equitable contribution toward funding the cost of the provision of the essential services provided by the Shire of Serpentine Jarrahdale (the Shire), it is not the intention of Council to cause hardship to any ratepayer through the Council's debt recovery procedures and consideration will be given to acceptable arrangements to clear any debt.

The objective of this Policy is to have a consistent, collaborative and supportive approach to recovery and collection of debts including rates and charges whilst recognising the need to ensure that all payments due are collected, in order to deliver Shire of Serpentine Jarrahdale services.

Scope

Collection of all rates, service charges and other fees or charges made under Part 6 – Division 5 & 6 of the *Local Government Act 1995*, the *Waste Avoidance and Resource Recovery Act 2007* Part 6 and the *Emergency Services Act 1998* Part 6A.

Policy

Introduction

Payment difficulties and hardship

A person in a situation of vulnerability may have, as a result of their circumstances, be experiencing a financial shock, leading to difficulties in paying rates by the due date.

This can take the form of 'payment difficulties' or 'financial hardship'.

Payment Difficulties can be defined as:

- a state of immediate financial disadvantage that results in a debtor being unable to pay an outstanding amount by reason of a change in personal circumstances.

Financial Hardship can be defined as:

- a state of more than immediate financial disadvantage which results in a debtor being unable to pay an outstanding amount without affecting the ability to meet the basic living needs of the debtor or a dependant.

Council Policy – Financial Hardship

Payment difficulties therefore reflect short-term financial constraints while financial hardship may reflect financial constraints with longer term or broader implications. It is important to note that in both cases, there is willingness to pay, but an inability to do so.

This Policy is not designed to inform the collection of rates from people who are able, but unwilling, to pay their rates in accordance with their obligations under the *Local Government Act 1995*.

Any debtor payment due to the Shire of Serpentine Jarrahdale that has not been received by the due date or receipt of a substantiated claim of financial hardship under this policy, shall be recovered in accordance with Council Policy – Rates Collection and General Debtors and any relevant legislation.

The Shire recognises that Landowners may from time to time experience Payment Difficulties or Financial Hardship.

Should a landowner be assessed by an independent Financial Counsellor to be experiencing either situation and meet the following criteria the Shire will enter into a payment plan that will not see the debt clear by the end of the financial year.

Any such payment plan is to be re-assessed after each 3 month period for up to one year.

If the financial hardship criteria is not met or At the expiration of one year, officers refer to Council Policy – Rates Collection and General Debtors and any relevant legislation in determining an appropriate payment arrangement will recommence.

Financial Hardship Criteria

While evidence of hardship will be required, the Shire recognises that not all circumstances are alike.

The applicant is required to complete the Shire's Financial Hardship Application Form and include an original copy of a recent hardship letter from a Financial Counsellor.

These completed documents need to be submitted either by attending the Shire's Administration Building in person or via electronic means - email.

Eligible Criteria

- The ratepayer has no outstanding rates or service charges from the previous rating period.
- The property being claimed will only qualify for Hardship provisions if it is the principal place of residence or business at time of application.
- A current, original hardship letter from a Financial Counsellor supporting the applicant's circumstances.
- Financial Counsellor letter must include suitable payment plan and state they have sighted and evaluated the applicant's proven income and expenditure.
- The applicant is not bankrupt or subject to a bankruptcy petition.
- The application must be from all owners or co-owners of the property who are liable for payment of rates and charges – or as per the Certificate of Title.

Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are to be of an agreed frequency and amount. These arrangements will consider the following:

- Whether a ratepayer has made a genuine effort to meet rate and service charge obligations in the past; and
- If the payment arrangement made under this policy will endeavour to clear the debt prior to the end of the current financial year; and
- That the ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardises the agreed payment schedule.

Where the ratepayer has defaulted three times or more from the Council approved payment arrangement, Officers may proceed with legal action and not agree to enter into another payment arrangement.

Communication and Confidentiality

The Shire will maintain confidential communications at all times and will undertake to communicate with a nominated support person or other third party at the applicant's request.

The Shire recognises that applicants for hardship consideration are experiencing additional ~~stressors, and~~ stressors and may have complex needs. The Shire will respond to communication and will communicate in alternative formats where appropriate. The Shire will ensure all communication with applicants is clear and respectful.

Elected Members and/or Shire Employees will not tolerate any offensive language or threatening behaviour, as per Council Policy – Habitual or Vexatious Complainants.

Definitions

Financial Counsellor is identified as any ~~of the service providers on the approved service agency that provides free and independent financial counselling and advocacy services to people in financial difficulty.~~

Financial Hardship means where a change in a person's circumstances results in them being unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

Ratepayer means a person or entity that is responsible for the payment of rates to the Shire of Serpentine Jarrahdale.

Service Charges means charges that appear on the annual rate notice. (Waste Services, ESL, Pool Inspection fee).

Related Documents

- Council Policy ~~3.2.9~~ – Rates Collection and General Debtors
- Register of Delegations and Authorisations

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

- *Rates and Charges (Rebates and Deferments) Act 1992*

Amendment Record

		Date	Resolution Number
Council Adoption		27/07/2020	SCM241/07/20
Version	Date	Resolution Number	Amendment Details
2			New template and <u>minor formatting changes.</u>

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Council Policy - Fireworks

Responsible Directorate	Community Engagement
Responsible Business Unit/s	<u>Emergency Services</u> Emergency Services
Responsible Officer	<u>Coordinator</u> Emergency Services <u>Coordinator</u> Emergency Services
Affected Business Units	<u>Community Activation, Health, Building and Community Safety, Emergency Services</u>

Objective

The objective of this Policy is to set the principles to apply when responding to a Fireworks Events Notice administered by the Department of Mines, Industry Regulation and Safety under the *Dangerous Goods Safety Act 2004*.

Scope

This Policy applies to the use of Fireworks at a Fireworks Event conducted in the district of the Shire of Serpentine Jarrahdale (the Shire).

The Shire's role in assessing a Fireworks Events Notice is restricted to the community impacts associated with noise, proximity to residences and environmental impacts such as litter and bush fire prevention.

The Shire has no expertise or authority to act in the determining of the safety requirements including the handling, storage and safety clearance distances required for Fireworks and does not assess fireworks applications for compliance to the requirements of the relevant legislation. The assessment of safety and risk management for Fireworks is the sole responsibility of the Licensed Fireworks Contractor and the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS).

Policy

Introduction

Prior to the lodgement of an application for a Fireworks Event Permit with the Department of Mines, Industry Regulation and Safety DEMIRS, the Holder of a fireworks contractor licence must lodge a Fireworks Event Notice with the WA Police, the Department of Fire and Emergency Services (DFES), and the local government ~~authority~~.

On receiving a Fireworks Event Notice, the Shire may give the Holder a written response that:

- agrees to the proposed event; or
- objects unless certain conditions specified in the response are met; or
- objects on the grounds that the Shire considers the event –
- is not in the public interest; or
- will cause danger to the public, or unintended damage to any property or to the environment.

A Fireworks Event Notice should be received by the Shire at least 4 weeks prior to the date of the event. If a Fireworks Event Notice requires consideration by Council, it should be received 8 weeks prior.

Assessment of a Fireworks Event Notice

Authority

The Chief Executive Officer (CEO) is authorised to sign the Fireworks Event Notice Local Government Authority approval and acknowledgement on the Shire's behalf in accordance with this Policy. This includes the Authority to:

- agree to a Fireworks Event if the minimum criteria outlined in this Policy has been met; or
- object to the Fireworks Event unless conditions consistent with this Policy are met; or
- object to a Fireworks Event for the reasons outlined in this Policy.

The Holder of a fireworks contractor licence seeking Shire agreement to an event that does not comply with the requirements of this Policy may request an exemption in writing outlining the reasons, for consideration. Exemptions must be considered by Council prior to completion of the Fireworks Event Notice. If an exemption request is not received, the CEO is authorised to object to the event in accordance with this Policy.

Principal Considerations

When considering the use of Fireworks in relation to a Fireworks Events Notice, the Shire's principal considerations will include:

- the risk in relation to people, property or the environment; and
- whether the event is in the public interest; and
- ensuring people in the vicinity of the proposed event are notified of it and minimising any disturbance of those people.

Minimum criteria to be met for a Fireworks Event to not be objected:

Having regard for the principal considerations outlined above, the following conditions and criteria must be met for a Fireworks Event to not be objected by the Shire:

- 1) The event at which the Fireworks display is proposed, is in the public or community interest, having regard for the reason for the event and expected size of the event.
- 2) The event venue has not had more than three (3) Firework Events in any twelve (12) month period unless a separate noise management plan has been approved by the Responsible Approving Authority.
- 3) The Fireworks Event is scheduled to occur between the times of 8am to 10pm Friday and Saturday and 8am to 9pm Sunday to Thursday, unless the event is a Community/Public Event, or an exemption has been approved by the Responsible Approving Authority.
- 4) An Event Risk Assessment is provided to the Shire at the time of submitting the Fireworks Event Notice.
- 5) A Fire Management Plan is provided to the Shire at the time of submitting the Fireworks Event Notice.

Council Policy – Fireworks

- 6) The Licensed Fireworks Contractor agrees to indemnify the Shire and any persons acting for or on behalf of the Shire against any claim for damage or injury to persons or property and the costs associated with such a claim that may arise from the event.
- 7) The Licensed Fireworks Contractor holds current public liability insurance policy to a minimum value of \$20,000,000.

Note – All public liability insurance policies must stipulate that they provide coverage relevant to Fireworks Events within a local government area in relation to the event or contain suitable wording to the satisfaction of the Local Government Insurance Services.

- 8) Prior notice of the Fireworks Event will be given, by the venue's business website (where available) and advertisement in a newspaper circulating generally throughout the Shire, not more than 21 days prior to and not less than 7 days prior to the event detailing the date, time and duration of the fireworks display and reason for the event.
- 9) At least 7 days prior to the scheduled event, the Licensed Fireworks Contractor or event organiser provides written notification to residents and occupiers of surrounding properties within the notification area.

The Shire's Environmental Health team will determine the notification area which may include up to 1km of surrounding properties of the Fireworks display. The notice shall contain the following details:

- a) Name of event and venue
 - b) Date, time and duration of the Fireworks display
 - c) Address of venue
 - d) Manned telephone number for reporting complaints
- 10) Compliance with the requirements of the Shire's Public Event Approval, and where appropriate or requested by the Shire, any other key planning documents including (but not limited to) Traffic Management and/or Noise Management are provided.

Consideration of such things as weather conditions and fire danger rating on the day of such an event may require special conditions be imposed for safety reasons or possibly even the cancellation or relocation of proposed event.

Objection to a Fireworks Event

Having regard for the principal considerations and the minimum criteria to be met outlined in this Policy, the Shire may object to the use of Fireworks via a Fireworks Event Notice where it believes the Fireworks Event is not in the public interest or presents an unacceptable risk to people, property or the environment.

If the Shire intends to object after considering a Fireworks Event Notice, it will provide the Licensed Fireworks Contractor with a right of reply to the objection before it completes the Fireworks Event Notice.

Key reasons for objecting to a Fireworks Event may include (but not limited to) circumstances where the event is in areas considered to be:

- environmentally sensitive where the application of Fireworks may have a negative impact on local native flora and fauna

Council Policy – Fireworks

- fire prone or at increased fire risk as assessed and determined by the Shire's Emergency Services department
- adversely affect the social wellbeing of the community including areas within 500 metres of: aged care facilities; hospitals; animal care facilities.

Definitions

Community/Public Events means an event open to the community or the public, whether ticketed or not (i.e. shows, fairs, fetes, concerts etc) and likely requires a Public Event Approval.

Fireworks has the meaning given to the term in the *Dangerous Goods Safety (Explosives) Regulations 2007* being: "an article or substance containing one or more explosives with or without other substances, that is designed to entertain people by producing light, sound, gas, smoke, or a combination of them, by means of or a combination of them, by means of an exothermic chemical reaction that does not rely on oxygen from external sources to sustain the reaction, but not a model rocket motor".

Fireworks Event has the meaning given to that term in regulation 136 of the *Dangerous Goods Safety (Explosives) Regulations 2007* being: "an event or show that involves the use of a firework outdoors to entertain one or more people, whether at a public or Private Event or show". For the purposes of this policy, fireworks displays that occur over a number of days/times at one venue for the same purpose are regarded as one event.

Fireworks Event Notice refers to the relevant DMIRS form or notice submitted to the Shire for a fireworks event. The Notice is a prerequisite for a Fireworks Event Permit, issued by the Department.

Holder means the holder of a fireworks contractor licence. Also referenced in this Policy as a Licensed Fireworks Contractor.

Licensed Fireworks Contractor means the contractor licensed by DMIRS as stipulated in the Fireworks Event Notice.

Private Event means an event that is private (normally by invitation) and not open to the public such as private parties, weddings, etc; held at function centres (or similar venues).

Public Event Approval is a certificate of approval issued under the *Health (Miscellaneous Provisions) Act 1911* is required whenever there is a prearranged gathering of people regardless of whether there is any other approval in place. This approval is intended to address public health and safety issues and it is the only approval applicable to almost every event. The certificate of approval links venue suitability with capacity. Sometimes individual approvals are required for specific areas within buildings, or areas, spectator stands or marquees and other temporary structures

Responsible Approving Authority refers to the authority who is responsible for approving the venue's noise management plan under the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*. The responsible approving authority includes the Chief Executive Officer of the Shire of Serpentine Jarrahdale for all venues located within the Shire of Serpentine Jarrahdale, and the Department of Water and Environmental Regulation for prescribed premises.

Related Documents

- Guidance on planning an event in the Shire (available on the Shire's website here: <https://www.sjshire.wa.gov.au/community/your-community/programs/access-and-inclusion/planning-an-event-in-the-shire.aspx>)

Legislation / Local Law Requirements

- *Dangerous Goods Safety Act 2004*
- *Dangerous Good Safety (Explosives) Regulations 2007*
- Code of Practice – Safe use of outdoor fireworks in Western Australia
- *Bush Fires Act 1954*
- *Bush Fires Regulations 1954*
- Australian Explosives Code, current edition
- *Health (Miscellaneous Provisions) Act 1911*
- *Environmental Protection Act 1986*
- *Environmental Protection (Noise) Regulations 1997*

DRAFT

Amendment Record

		Date	Resolution Number
Council Adoption		29/09/2015	OCM187/09/15
Version	Date	Resolution Number	Amendment Details
2	18/12/2017	OCM179/12/17	
3	20/03/2023	OCM062/03/23	
4			New template and updates to government department titles

DRAFT

DRAFT

Council Policy - Flags

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Director Community Engagement <u>Manager</u> <u>Communications and Customer Engagement</u>
Affected Business Units	Communications and Customer Engagement

Objective

The objective of this policy is to ensure that that Shire of Serpentine Jarrahdale's (Shire) protocols and practice of flying, displaying, and lowering flags to half-mast is exercised in a consistent, respectful and appropriate manner at Shire owned/managed premises.

Scope

This policy applies to flags flown at Shire buildings and reserves only. Order is relevant to the number of poles available at that site and does not constitute a requirement for additional poles.

Policy

Introduction

The Australian National Flag is to be flown/displayed at Shire buildings during ordinary working hours on ordinary business days.

In a two flagpole configuration, the Western Australian State Flag is to be flown.

In a three flagpole configuration, the Western Australian State Flag and Aboriginal Flag is to be flown.

In a four flagpole configuration, the Western Australian State Flag, Aboriginal Flag and Torres Strait Islander Flag is to be flown.

The flag configuration to be used for Australian Citizenship Ceremonies will accord with the Australian Citizenship Ceremonies Code.

Flying flags

Flags will be flown in accordance with the Australian National Flag Protocols.

When flags may be flown at half-mast

The Shire may fly flags at half-mast on specific occasions to commemorate a solemn occasion, including:

- When advised by the Commonwealth and/or State Government.
- When a current or former Elected Member of the Shire passes away.
- When a Freeman of the Shire passes away.
- When a current Shire employee passes away.

Approval to fly the flags at half-mast in circumstances b), c) or d) above is to be given by the Chief Executive Officer in consultation with the Shire President.

When the flags are flown at half-mast acknowledgement of the reason will be made via a post on the Shire's Facebook page.

Definitions

Nil.

Related Documents

Nil.

Legislation / Local Law Requirements

- *Department of the Prime Minister and Cabinet – Australian Flags Booklet*
- *Department of the Prime Minister and Cabinet – Australian National Flag protocols*
- *E16/678 Honorary Freeman Contact List Shire of Serpentine Jarrahdale*
- *Australian Flags Act 1953*
- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		29/09/2015	OCM187/09/15
Version	Date	Resolution Number	Amendment Details
2	18/12/2017	OCM179/12/17	
3	18/02/2019	OCM031/02/19	
4	20/11/2023	OCM275/11/23	
5			New template and updated position titles.

Council Policy – Footpaths and Dual Use of Paths

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Engineering Services
Responsible Officer	Manager Engineering Services
Affected Business Units	Engineering Services

Objective

Council recognises the importance of footpaths and dual use paths. There is greater demand than funds available to meet all proposals for footpath and dual use path provision. This policy establishes how priority will be allocated and standards established.

Scope

This policy applies to all footpaths and dual-use paths within the Shire of Serpentine Jarrahdale. It establishes the criteria for prioritising the construction and maintenance of these paths based on community needs, safety concerns, and strategic plans.

Policy

1. Footpaths and dual use paths will be constructed in accordance with the priorities established in the Shire of Serpentine Jarrahdale Local Area Bicycle and Share Path Plan.
2. Paths are to be constructed to the standards as set out in the Shire's Guidelines for Subdivisional Development January 2010.

Definitions

Footpath means a paved path for pedestrian use.

Dual-Use Path means a path intended for shared use by pedestrians and cyclists.

Related Documents

- Shire of Serpentine Jarrahdale Local Area Bicycle and Share Path Plan
- ~~Shire of Serpentine Jarrahdale Guidelines for Subdivisional Development – January 2010~~ Subdivisional Guidelines and Standards
- ~~Strategic Community Plan 2017 – 2027~~ Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

		Date	Resolution Number
Council Adoption		27 October 2003	AS027/10/03
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	25 January 2010	OCM023.1/01/10	
4	29 September 2015	OCM187/09/15	
5	18 December 2017	OCM179/12/17	
6			New template and updates to related documents

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Council Policy – Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance Corporate Performance
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

Local government forums range from a once-only event to discuss and explore a particular issue, to a number of sessions to address matters such as a specific project or the compilation of a report for internal or external use, through to forums held at regular intervals with a consistent structure and objectives.

This Policy establishes guidelines and procedures for the effective conduct and management of these local government forums.

Scope

The Policy applies to Elected Members, Employees and participants involved in Policy Concept Forums, Question and Answer Sessions and Workshops (Local Government Forums).

Policy

~~Forums of Council~~ Policy Concept Forums

Background

Policy Concept Forums (PCF) involve ~~Council-Elected Members~~members and employees meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to Council for decision. In discussing such issues, employees are looking for general guidance from the ~~Council members~~Elected Members as they research the matter and draft the report. ~~Council members~~Elected Members and employees are also looking to present ideas and concepts for future consideration. If the response is favourable employees can proceed with their research and eventual report on the matter.

Examples of the type of issues concept forums may cover include:

- current matters of a local or regional significance;
- matters relating to the future development of the local government;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and

- ~~development of the selection criteria and performance objectives for the Chief Executive Officer (CEO); and~~
- reports from Working Groups, Consultation Forums or other non-formal activities involving ~~Councillors Elected Members~~ or employees.

Behind Closed Doors

Behind closed doors and in a relatively informal manner are the two notable characteristics of ~~concept forums~~ PCFs. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.

Managing Policy Concept Forums

Unless otherwise determined by ~~the Chief Executive Officer in consultation with the Shire President~~ Council, Policy Concept Forums will be held on the 1st and ~~2nd 4th~~ Monday of the calendar month.

~~Additional PCFs may be scheduled at the request of the CEO, in consultation with the President.~~

~~The Shire President shall Chair these meetings or if the Shire President is not available then the Deputy Shire President. If either is not available the Council members present shall choose a person who shall preside over the PCF so as to ensure the guidelines as addressed in this policy are adhered to.~~

~~A general record should be kept of the PCF noting attendance, requests for further information and interests declared. No minutes as such will be taken, nor will specific discussions, actions or outcomes be recorded, received or adopted at a later date.~~

Conduct at Policy Concept Forums

~~Councillors and employees shall adhere to the provisions of the Local Government (Rules of Conduct) Regulations 2007 and the Shire of Serpentine Jarrahdale Code of Conduct for Council Members, Committee & Working Group Members and Employees, in relation to their conduct at PCF.~~

~~The forums shall run in a formal manner with all questions being directed through the Chairman.~~

Quorum (Non-Technical)

To ensure integrity of information flow/guidance and to avoid repetition, there shall be a requirement that a minimum of ~~three~~ ~~four~~ ~~Council members~~ ~~Elected Members~~ are to be in attendance for a PCF to proceed. If a non-technical quorum is unable to be achieved the forum is to lapse and reconvene again at the next ~~months~~ ~~month's~~ cycle, or sooner if required.

Project Updates

The Chief Executive Officer ~~shall~~ may cause presentations to be made in relation to the following:

- Presentations on Achieving Major Projects;
- ~~A Power Point Presentation that lists the Major Projects shall be prepared that indicates status and progress of the projects and their reference to the Strategic Community Plan;~~
- New Ideas; and

- Council Policy Review. Concept Forums are a place for which new ideas and projects are to be discussed.

For a new concept to be put forward it must meet the following criterion:

- Have reference to the Strategic Council Plan 2023-2033 ~~or forward vision of the Council~~; and
- Indicate what is the resourcing requirement for the project to proceed, indicative costs in relation to cash, workforce planning, asset management and generational cost indications.

Councillor-Elected Member Reports

At every PCF each Councillor-Elected Member ~~shall~~ may present a report to the Forum on issues that have arisen over the previous period. These may include discussions that have come from ratepayers/electors or third parties that require further information clarification on employee's actions to date or general information.

As a guideline, Elected Members ~~Councillors~~ may take the opportunity to present a report to Council members Elected Members present in a written format that can be kept for record keeping purposes.

Elected Members may also request matters, such as new ideas, to be discussed at a PCF. A PCF Topic Request Form needs to be completed and emailed to the PA CEO for it to be scheduled on the agenda. These will be required to be placed in the Attendance Register and disclosed in the Annual Report.

Managing Conflicts of Interest

~~No Council member or staff member shall raise any matter at a PCF for which they have or may perceive to have a Financial or Proximity Interest.~~

~~As a matter of probity and integrity, members and employees are required to make disclosures of interest in accordance with sections 5.59—5.90 of the Local Government Act 1995 (Financial and Proximity Interests) and regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007 and regulation 34(C)(1) of the Local Government (Administration) Regulations 1996 (Impartiality Interests).~~

~~It is noted that this is above and beyond the scope of the legislation, however is required to ensure a high level of governance and transparency.~~

~~Members shall make written disclosures of interest to the Chair at PCF.~~

~~Where the declaration is Financial or a Proximity Interest the Councillor or employee shall leave the room for the duration of the enquiries regarding the item so as not to add to the discussion in any manner and ensure appropriate independence for those members remaining.~~

Questions & Answers Agenda Forums (QAAF)

Background

For proper-informed decision-making, Council members, Elected Members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the Council on which they must vote. It is reasonable for Council members Elected Members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following Ordinary Council meetings. The complexity of many

items means that Elected members may need to be given information additional to that in an employees report and/or they may need an opportunity to ask questions of relevant employees. Many local governments have determined that this can be achieved by the Elected Members convening as a body to become better informed on issues listed for Council decision. Such assemblies have been termed agenda forums. It is considered they are much more efficient and effective than Elected members meeting employees on an individual basis for such a purpose with the added benefit that all Elected members hear the same questions and answers. To protect the integrity of the decision-making process it is essential that agenda forums are run with strict procedures.

Managing Questions & Answers Agenda Forum (QAAF)

QAAF's will be held on the ~~3rd Monday of the month~~, preceding the Ordinary Council meeting; however, additional QAAF's may be held before an Ordinary Council Meeting as required.

~~The Shire President shall Chair these meetings or if the Shire President is not available then the Deputy Shire President. If either is not available the Elected members present shall choose a person who shall preside over the Agenda Forum so as to ensure the guidelines as addressed in this policy are adhered to.~~

QAAF's shall not be open to the public and therefore no debate on the items shall be entered into during the QAAF's and there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council meetings so as to ensure the public in attendance at a Council meeting can see and hear the decisions and debate around Council decisions.

The purpose of the QAAF is to allow questions in relation to the item or to request further information from the Chief Executive Officer (employee) in relation to the item in a collective environment. Where questions are Taken on Notice, answers will be distributed to all Councillors Elected Members, the CEO and Directors prior to the Ordinary Council meeting.

A Councillor Elected Member may still choose to raise issues associated with the Agenda independently through the Chief Executive Officer or another Senior Officer as defined in the Shire of Serpentine Jarrahdale's Code of Conduct Communications Protocol.

~~A general record should be kept of the QAAF noting attendance, requests for further information and interests declared. No minutes as such will be taken, nor will specific discussions, actions or outcomes be recorded, received or adopted at a later date.~~

Managing Workshops

The preferred scheduling of Workshops will be determined by the CEO and the Shire President. Debating, collective decision-making or revelation of one's intention on how they will vote at a future Council or Committee Meeting is not permitted. Expressing an opinion or seeking clarification on matters under discussion generally however, is appropriate and welcome.

~~The Shire President shall Chair these meetings or if the Shire President is not available then the Deputy Shire President. If either is not available the Council members present shall choose a person who shall preside over the Workshop so as to ensure the guidelines as addressed in this policy are adhered to.~~

Discussion is limited to the subject on the Workshop Agenda.

~~A general record should be kept of the workshop noting attendance, requests for further information and interests declared. No minutes as such will be taken, nor will specific discussions, actions or outcomes be recorded, received or adopted at a later date.~~

General Provisions for Local Government Forums

Management

~~The Shire President shall Chair these local government forums, or if the Shire President is not available then the Deputy Shire President. If either is not available, the Elected Members present shall choose a person who shall preside over the meeting so as to ensure the guidelines as addressed in this policy are adhered to.~~

~~A general record should be kept of the local government forum, noting attendance, requests for further information and interests declared. No minutes as such will be taken, nor will specific discussions, actions or outcomes be recorded, received or adopted at a later date.~~

Conduct at Workshops

~~Elected Members and employees shall adhere to the relevant Shire Code of Conduct in relation to their conduct.~~

~~Councillors and employees shall adhere to the provisions of the Local Government (Rules of Conduct) Regulations 2007 and the Shire of Serpentine Jarrahdale Code of Conduct for Council Members, Committee & Working Group Members and Employees, in relation to their conduct at Workshops.~~

The **Workshops** ~~local government forum~~ shall run in a formal manner with all questions being directed through the Chairman.

Managing Conflicts of Interest

~~No Elected Member or staff member shall raise any matter at a local government forum for which they have or may perceive to have a Financial or Proximity Interest.~~

~~As a matter of probity and integrity, members and employees are required to make disclosures of interest in accordance with the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021* and the *Local Government (Administration) Regulations 1996*.~~

~~It is noted that this is above and beyond the scope of the legislation, however is required to ensure a high level of governance and transparency.~~

~~Members shall make written disclosures of interest to the Chair of the ~~at local~~ relevant local government forum.~~

~~Where the declaration is Financial or a Proximity Interest the ~~Councillor~~ Elected Member or employee shall leave the room for the duration of the ~~enquiries~~ discussion regarding the item so as not to add to the discussion in any manner and ensure appropriate independence for those members remaining.~~

Managing Conflicts of Interest

~~As a matter of probity and integrity, members and employees are required to make disclosures of interest in accordance with sections 5.59 – 5.90 of the *Local Government Act 1995* (Financial and Proximity Interests) and regulation 11(1) of the *Local Government (Rules of Conduct)*~~

~~Regulations 2007 and regulation 34(C)(1) of the Local Government (Administration) Regulations 1996 (Impartiality Interests).~~

~~It is noted that this is above and beyond the scope of the legislation, however is required to ensure a high level of governance and transparency.~~

~~Members shall make written disclosures of Interest to the Chair at the Workshops.~~

~~Where the declaration is Financial or a Proximity Interest the Councillor or employee shall leave the room for the duration of the enquiries regarding the item so as not to add to the discussion in any manner and ensure appropriate independence for those members remaining.~~

Definitions

~~Not applicable.~~Local government forum means a Policy Concept Forum, Question and Answer Forum or Workshop

Related Documents

- ~~Strategic Community Plan 2017/2027~~Council Plan 2023 - 2033

Legislation / Local Law Requirements

- Local Government Act 1995*

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Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		18 December 2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
<u>2</u>			<u>New template and amendments to reflect change to timing of workshops and legislative change</u>

DRAFT

Council Policy – General Compliance and Enforcement

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning and Compliance
Responsible Officer	Director Development Services
Affected Business Units	Statutory Planning and Compliance Health and Building and Community Safety Infrastructure Services

Objective

The objective of this Policy is to assist the Shire of Serpentine Jarrahdale (the Shire) to use compliance and enforcement strategies to achieve legislated objectives and encourage compliance by implementing a cooperative and collaborative approach to enforcement action.

The Policy provides a range of prescribed compliance and enforcement options for dealing with compliance matters and also aims to:

- Ensure a consistent approach in enforcement and compliance related matters;
- Provide transparency, apply procedural fairness and natural justice for all enforcement and compliance related matters;
- Provide an educational, cooperative, and collaborative process towards compliance and enforcement; and
- Guide decision making and actions by the Shire in the consistent use of enforcement options commensurate with the risk.

Scope

This Policy applies to all compliance and enforcement actions where the Shire has a regulatory responsibility under State and Local Laws.

Policy

Introduction

The Shire is required to administer its statutory responsibilities under the applicable legislation in a transparent and fair manner in the interest of public health, safety, and amenity. Each compliance investigation undertaken by the Shire will be assessed on a case-by-case basis. The action taken will be proportionate to the seriousness of the non-compliance.

Legislation Enforced by Shire

The Business Units within the Shire which may enforce legislation are outlined in the below table.

Business Unit	Legislation
Building Services	<ul style="list-style-type: none"> • <i>Building Act 2011 and Building Regulations 2012</i> • <i>Caravan Parks and Camping Grounds Act 1995 and Regulations</i> • <i>Local Government Act 1995</i> • <i>Shire of Serpentine Jarrahdale Local Laws</i>
Statutory Enforcement (Planning Compliance) Services	<ul style="list-style-type: none"> • <i>Building Act 2011 and Building Regulations 2012</i> • <i>Caravan Parks and Camping Grounds Act 1995 and Regulations</i> • <i>Graffiti Vandalism Act 2016</i> • <i>Local Government Act 1995 and Regulations</i> • <i>Planning and Development Act 2005 and Regulations</i> • <i>Shire of Serpentine Jarrahdale Local Laws</i>
Environmental Health Services	<ul style="list-style-type: none"> • <i>Caravan Parks and Camping Grounds Act 1995 and Regulations</i> • <i>Environmental Protection Act 1986 (Public Health component only)</i> • <i>Environmental Protection (Noise) Regulations 1997</i> • <i>Environmental Protection (Unauthorised Discharge) Regulations</i> • <i>2004 Food Act 2008 and Regulations</i> • <i>Health (Miscellaneous Provisions) Act 1911</i> • <i>Local Government Act 1995</i> • <i>Regulations Public Health Act 2016 and Regulations</i> • <i>Shire of Serpentine Jarrahdale Local Laws</i>
Engineering Services	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Planning and Development Act 2005</i> • <i>Shire of Serpentine Jarrahdale Local Laws</i>
Ranger Services	<ul style="list-style-type: none"> • <i>Bushfires Act 1954 and Regulations</i> • <i>Cat Act 2011 and Regulations</i> • <i>Control of Vehicles (Off Road Areas) Act 1978 and Regulations</i> • <i>Dog Act 1976 and Regulations</i> • <i>Graffiti Vandalism Act 2016</i> • <i>Litter Act 1979 and Regulations</i> • <i>Local Government Act 1995 and Regulations</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i>

Business Unit	Legislation
	<ul style="list-style-type: none"> • <i>Shire of Serpentine Jarrahdale Local Laws</i>
Emergency Services	<ul style="list-style-type: none"> • <i>Bush Fires Act 1954 and Regulations</i> • <i>Emergency Management Act 2005 and Regulations</i> • <i>Local Government Act 1995 and Regulations</i>
Environmental and Sustainability Services	<ul style="list-style-type: none"> • <i>Cemetery Act 1986</i> • <i>Planning and Development Act 2005</i> • <i>Shire of Serpentine Jarrahdale Local Laws</i>

Lodging a Complaint

Where a complaint relates to a breach in legislation, for which the Shire is responsible for administering, the complaint shall be made in writing and include:

- name and address, telephone number, and email address of the complainant;
- address of the offending property; and
- details of the alleged offence.

The Shire may consider verbal complaints received on a case-by-case basis.

Investigation of Complaints (Reactive Compliance)

Complaints will be prioritised for investigation based upon the offence category set out in ~~clause 5 of~~ this policy.

Decisions on enforcement action may have regard to any or all of the following considerations:

- The offence category - the type and seriousness of offence
- The occurrence of the offence and whether it is repeated
- Whether the offence was committed ~~willfully~~ or unknowingly
- Voluntary action by the alleged offender to remediate the offence
- The potential short term and long term consequence of the non-compliance
- Cooperation by the alleged offender and their willingness to undertake remediation
- The public interest

Offence Categories

Where an investigation is undertaken and it is considered that there is sufficient evidence, the Shire will take the appropriate enforcement action based on the specific circumstances of each individual case, and based on the following offence categories:

Minor: A minor offence is a breach of legislation, which has a minimal impact on the community, a person, or the environment. The breach may be able to be resolved in a relatively short timeframe without any further impact on the community or the environment once compliance has been reached.

Moderate: A moderate offence is a breach of legislation that may initially have minimal impact on the community, life, critical infrastructure, property, or the environment but if allowed to continue the impact may have a major or more significant impact on the community. The breach may initially be able to be resolved with an infringement, directions notice or order under relevant legislation.

Major: A major offence is a breach of legislation that significantly affects or risks the health and safety of the community, life, critical infrastructure, property, or the environment. It may also be a case where the issue cannot be resolved in a relatively short timeframe or where the alleged offender is not willing to cooperate or negotiate in order to achieve compliance and which may lead to a prosecution action.

The offence category is subject to review during the investigation process and the category will be determined at the discretion of the Officer.

Enforcement Action

The Shire may consider the following enforcement actions or a combination of the following actions.

No enforcement action taken

The Shire may exercise discretion and take no enforcement action after an investigation where:

- The allegation is considered inconsequential or insignificant. For example, where the extent of the non-compliance is minor to the point where the distinction between complying and not complying with the relevant legislation would not be noticeable other than to a person well versed in the relevant requirement.
- The complaint has been made primarily as a result of a neighbour dispute.
- The Shire is not the appropriate authority to investigate the matter.
- Where a complaint is anonymous, unless the matter is considered to be a significant risk to public health, safety, the environment and/or the amenity of the locality.
- Having considered the nature of the non-compliance, an educative approach to preventing the matter from continuing or reoccurring is considered most appropriate.
- There is insufficient evidence to prove non-compliance after reasonable attempts have been made by the Shire to investigate the matter.

No enforcement action would generally only occur for minor offences.

Referral to an external agency or relevant authority

Where the Shire is not the responsible authority to administer the legislation which has been breached, the Shire will refer the complaint to the relevant agency/authority.

Requests for retrospective development approvals (if applicable)

Where a breach relates to use or works undertaken without development approval, the Shire may require and assist the offender to submit a retrospective development application where such a development application is capable of approval, subject to a merits-based assessment.

The Shire may allow the use of a minor offence to continue until the development application is determined dependent on the scale and impact. This would generally be for minor offences.

Formal cautions or warnings

Formal action includes either verbal or written warnings or requests for action by the person committing the offence. This may include the provision of advice, information, or assistance to ensure future compliance. This would generally be for a minor to moderate offence.

Infringement notices issued under relevant legislation

For offences that have modified penalties, an infringement notice may be issued. This would generally be for a minor to moderate offence.

A person who receives an infringement notice may choose to pay the penalty or elect to have the matter heard in court.

Records of all infringements notices are kept on the electronic record system for future reference, in the event that a further offence be committed.

The *Fines, Penalties and Infringement Notices Enforcement Act 1994* provides that the effect of payment of an infringement notice is that:

- a) no further prosecution of that matter can take place for the same time period; and
- b) that payment is not to be taken as admission of any kind for that alleged offence.

Multiple infringement notices can be issued for any given offence/(s).

Where a fine is not paid within the specified timeframe, the matter will be referred to the Fines Enforcement Registry for collection or action.

Direction Notices

The Shire may:

- Issue a written direction that development stops immediately and not recommence.
- Issue a written direction that development must be removed.
- Issue a written direction that remedial action be undertaken to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority, within a specified time period of no less than 60 days.
- The Shire may undertake works as specified in the notice or order to restore the land as nearly as practicable to its condition immediately before the development started or execute that work as it directed that person. The Shire may be entitled to recover its expenses in a court of competent jurisdiction.
- In the event that an infringement, notice or order is appealed in accordance with the relevant legislation, the Shire may be required to substantiate its actions to a court or tribunal. This may result in the infringement, notice or order being overturned, amended or subject to mediation.

This would generally be for moderate to major offences.

Prosecution Action

Prosecution will be undertaken for serious breaches in legislation such as major offences or in matters where other enforcement actions have not resulted in compliance for minor or moderate offences.

Council Policy – General Compliance and Enforcement

The initiation of a prosecution is subject to a Council decision.

The Shire will consider the following as part of a prosecution initiation:

- the seriousness and nature of the offence;
- legal advice received by the Shire;
- any evidence of contempt or disregard for the law;
- any public health or safety impacts resulting from the offence; and
- whether the prosecution is in the public interest.

Withdrawal of Prosecution Proceedings

The Shire may consider the following when determining whether to withdraw from prosecution proceedings:

- legal advice received by the Shire; or
- in the opinion of the Chief Executive Officer, an appropriate level of compliance has been achieved; or
- an error of law or fact; or
- the owner or occupier of the land is deceased or cannot be located.

Audits, patrols, and checks (Proactive Compliance)

The Shire will carry out proactive compliance in the following manner:

- carry out audits of development approvals, conditions and refusals;
- carry out yearly audits or as often as required of extractive industry licencing and conditions;
- investigate compliance issues observed by Shire Officers during the course of daily work-related activities.

Disclosure of Information

The Shire will endeavour to keep complaints confidential however Freedom of Information applications may be made in accordance with the *Freedom of Information Act 1992* and will be assessed based on their individual merits.

Officers shall not release information on specific compliance and enforcement activities, such as active investigations, to the public. General updates may be provided to the complainant however detailed information in relation to ongoing discussions with offenders will not be disclosed.

On completion of an investigation, complainants will be advised in writing of the outcome (subject to confidentiality requirements) and the compliance matter closed.

Definitions

Nil.

Related Documents

- Local Planning Policies

- Private Swimming Pool Inspection and Enforcement Business Operating Procedure (E19/11218)
- Conflict of Interests Business Operating Procedure (E19/4606)
- Quick Reference Guide – How to Lodge a Prosecution Notice through the eCourts Portal (E22/13525)

Legislation / Local Law Requirements

- Refer to table 1

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Amendment Record

		Date	Resolution Number
Council Adoption		22/05/2017	OCM052/05/17
Version	Date	Resolution Number	Amendment Details
2	18/12/2017	OCM179/12/17	
3	16/09/2019	OCM195/09/19	
4	20/05/2024	OCM117/05/24	
5			New template and formatting changes.

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Council Policy – Habitual or Vexatious Complainants

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Manager Communications and Customer Engagement
Affected Business Units	<u>All</u>

Objective

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

1. To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.
2. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

Scope

[This policy applies to all interactions between the local government and individuals or groups who are identified as habitual or vexatious complainants.](#)

Policy

Habitual or Vexatious Complainants

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used: The repeated and/or obsessive pursuit of:
 - (i) unreasonable complaints and/or unrealistic outcomes; and/or
 - (ii) reasonable complaints in an unreasonable manner.
2. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Schedule A), the CEO, following discussions with the Executive Management Group, will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.
3. The CEO will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. The CEO will also notify the Elected Members that a constituent has been designated as a habitual or vexatious complainant.

Council Policy – Habitual or Vexatious Complainants

4. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable
5. In the event a complainant reverts to habitual or vexatious behaviours then the status will be reinforced.

Schedule A – Criteria for Determining Habitual or Vexatious Complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complainants:

1. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgment will be used in applying this criteria.
6. Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.
7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.

Council Policy – Habitual or Vexatious Complainants

9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
10. Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
11. Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - Clearly does not have any serious purpose or value; or
 - Is designed to cause disruption or annoyance; or
 - Has the effect of harassing the public authority; or
 - Can otherwise fairly be characterised as obsessive or manifestly unreasonable.
12. Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies.

Definitions

Habitual means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”.

Related Documents

- [Strategic Community Plan 2017 – 2027](#) [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		18 December 2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2			New template and updated scope

Council Policy – Health and Safety

Responsible Directorate	Executive Services
Responsible Business Unit/s	People and Development
Responsible Officer	Workplace Safety and Wellbeing Business Partner
Affected Business Units	All

Objective

The objective of this Policy is to ensure all Workers and visitors to the Shire of Serpentine Jarrahdale (the Shire) have safe workplace conditions and systems of work to minimise:

- the risk of injury or illness to Workers and visitors
- damage to Council property and the environment.

The Shire commits to maintaining an effective Workplace Health and Safety Management System and Workplace Health and Safety Management Plan that incorporates a continual improvement philosophy and provides for maintenance of the highest work, health and safety standards to protect the wellbeing of our people and the environment.

Scope

This Policy applies to all Workers and visitors.

Policy

All Workers have the right to a workplace that is, as far as is practicable, safe and without risk. The Shire applies a systematic risk management approach to Work Health and Safety to achieve this goal.

ISO 45001 is the international standard which specifies requirements from an Occupational Health and Safety Management System (OHSMS) to provide a safe and healthy workplace for Workers and visitors. The Shire applies a risk management approach by identification, implementation of safety controls and review of risks that might result in illness, injury, or in certain cases death. ISO 45001 covers all of these aspects and provides guidance on how to mitigate conditions which may lead to adverse effects on Workers or visitors' health or safety.

Work Health and Safety is a management responsibility however all Workers and visitors have a role to play in achieving a safe and healthy working environment.

For employees, these roles are defined in legislation and Managers, Supervisors and other Workers will be held accountable for meeting those responsibilities and acknowledge that no task is so important that time cannot be taken to find a safe and healthy way to work.

The Shire implements strategies in line with Work Health and Safety legislation, and information, instruction, training and supervision is provided to enable all Workers to carry out their responsibilities effectively and participate in the continuous improvement process of the Work Health and Safety Management System.

Council Policy – Health and Safety

As part of their role, Workers will be provided with a genuine opportunity to participate in decision making on matters with the potential to affect their health and wellbeing.

The Shire of Serpentine Jarrahdale will:

- comply with the *Work Health and Safety Act 2020*, all relevant subsidiary legislation, Codes of Practice and Australian Standards
- ensure Workers understand and comply with their obligations regarding Work Health and Safety legislation and the Shire's policies, procedures and safe systems of work
- in consultation with Workers, manage all safety related matters to reduce risks in the workplace
- control physical and procedural safety and environmental hazards through hazard identification and control processes
- provide induction and ongoing training, information and instructions to Workers and relevant stakeholders, regarding Work Health and Safety
- ensure that relevant purchasing programs, contracts, tenders, leasing, hiring systems and assets comply with and are maintained in line with the Shire's policies and procedures and Australian Standards in relation to the *Work Health and Safety Act 2020*
- provide an effective system of accident/incident reporting, investigation, recording and injury management
- monitor and review the effectiveness of the Shire's Work Health and Safety performance
- monitor and communicate safety performance at all levels via Work Health and Safety Committee meetings, Executive Management Group meetings, meetings within Directorates, Toolbox meetings and other internal communication resources.

Workers are required to:

- comply with the *Work Health and Safety Act 2020*, all relevant subsidiary legislation, Codes of Practice and Australian Standards
- report workplace hazards, incidents, injuries and near misses to a Supervisor
- report any instance of another Worker engaging in an unsafe work practice to a Supervisor work in accordance with Council policies, procedures, and safe systems of work of the Shire of Serpentine Jarrahdale
- work in a safe manner that will not endanger the safety and health of themselves, their colleagues, the public or the environment
- consult and cooperate with Supervisors and management on matters relating to workplace safety and health.

Responsibilities

The development of the Workplace Health and Safety Management System and Safety Management Plan is the responsibility of the Executive Management Group and confirms senior management's commitment to a framework for an ongoing healthy and safe work environment. The Chief Executive Officer is ultimately accountable for ensuring the implementation of the Workplace Health and Safety Management System and Plan.

The application of this Policy is the responsibility of all Workers and stakeholders.

All senior management are responsible for compliance to this Policy by ensuring that Workers are aware of the requirement to comply with this Policy.

All Workers are responsible and accountable for the health and safety of themselves and others in the workplace.

Definitions

Australian Standards means the standards and documents setting out specifications, procedures and guidelines. They are designed to ensure products, services and systems are safe, reliable and consistent.

Code of practice as defined by the Occupational Safety and Health Legislative Framework (WA) as, means a document prepared for the purpose of providing:

- (a) practical advice on preventive strategies
- (b) practical means of achieving any code, standard, rule, provision or specification relating to occupational safety and health in Western Australia.

Employee means a person employed by a local government under section 5.36 of the *Local Government Act 1995*.

Executive Management Group means the Chief Executive Officer and the Director of each Directorate.

ISO 45001 is an international standard for health and safety at work developed by national and international standards committees independent of government.

Senior management means Managers and Directors of the Shire of Serpentine Jarrahdale.

Stakeholder means anybody who can affect or is affected by an organisation, strategy or project.

Supervisor means a Worker's next in line Manager.

Worker means a person who carries or works in any capacity for a person conducting a business or undertaking, including works as:

- an employee
- a contractor or sub-contractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer
- a person of a prescribed class.

The person conducting the business or undertaking is also a Worker if the person is an individual who carries out work in that business or undertaking.

Workplace means a place where work is carried out for a business and undertaking, and includes any place where a Worker goes, or is likely to be, while at work. This includes a vehicle, vessel, aircraft or other mobile structure and any waters and any installation on land.

Related Documents

- Workplace Health and Safety Management Plan
- Workplace Health and Safety Management System
- Occupational Health and Safety Work Procedures
- Employee Code of Conduct
- Statement of Business Ethics

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Work Health and Safety Act 2020*
- *Work Health and Safety (General) Regulations 2022*
- Australian Standard ISO 45001
- Codes of Practice

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		25/01/2010	OCM023.1/01/10
Version	Date	Resolution Number	Amendment Details
2	27/06/2011	CGAM065.3/06/11	
3	29/01/2013	OCM117/01/13	
4	25/02/2013	OCM147/02/13	
5	29/09/2015	OCM187/09/15	
6	18/12/2017	OCM179/12/17	
7	20/02/2023	OCM031/02/23	
8			New template.

Council Policy – Health Services Functions in Relation to the Environmental Protection Act 1986

Responsible Directorate	<u>Development Services</u>
Responsible Business Unit/s	<u>Health, Building and Community Safety</u>
Responsible Officer	<u>Manager Health, Building and Community Safety</u>
Affected Business Units	Environmental Health

Objective

This policy establishes a framework for avoiding duplication of the provision of Health Services within the meaning of the *Environmental Protection Act 1986* given the obligations of ~~Council the Shire of Serpentine Jarrahdale (the Shire)~~ pursuant to ~~Section 3.18(3) of the Local Government Act 1995~~.

Scope

This policy applies to all Environmental Health Services provided by the Shire in relation to the *Environmental Protection Act 1986*, as it pertains to the obligations and powers of the Shire under the *Local Government Act 1995*.

Policy

Introduction

The majority of the Shire's Environmental Health Services are provided under the provisions of the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, and the *Environmental Protection Act 1986*. Other Acts such as the *Caravan Parks & Camping Grounds Act 1995*, *Emergency Management Act 2005*, *Tobacco Products Control Act 2006*, and the *Liquor Control Act 1988* also influence service provision.

Unlike the performance of duties under the provisions of the *Public Health Act 2016* and the *Health (Miscellaneous Provisions) Act 1911*, there is no statutory power requiring local governments to ~~provide premises monitoring~~monitor premises, inspect, or investigate complaints under the provisions of the *Environmental Protection Act 1986*.

A number of these functions e.g. investigation of low level pollution complaints, show a high degree of overlap between the *Environmental Protection Act 1986* and Council's Local Laws. It is acknowledged however that the Shire Environmental Health Officers have been appointed as Authorised Persons and Inspectors under sections 87 and 88 of the *Environmental Protection Act 1986* by the CEO of the Department of Water and Environment Regulation.

Council Functions in Relation to the *Environmental Protection Act 1986*

Council ~~having~~has considered the provisions of Section 3.18(3) of the *Local Government Act 1995* and the nature of Environmental Health Service relating to matters regulated by the *Environmental Protection Act 1986*, and is satisfied that the Shire ~~of Serpentine Jarrahdale~~ will not be responsible for investigating matters relating to Licensed Premises under the

Environmental Protection Act 1986, as this service duplicates a service provided by another body or person.

~~Having considered the provisions of Section 3.18(3) of the Local Government Act 1995 and the nature of Environmental Health Service relating to matters regulated by the Environmental Protection Act 1986, the~~ The Shire's Authorised Officers and Inspectors will only undertake the service where it does not inappropriately duplicate services provided by any other body or person, and will continue to:

- Assess and respond to noise pollution and administer the requirements of the *Environmental Protection (Noise) Regulations 1997* with the exception of licensed premises in accordance with the delegation under the *Environmental Protection Act 1986*;
- Assess and respond to unauthorised discharges and administer the requirements of the *Environmental Protection (Unauthorised Discharge) Regulations 2004* with the exception of licensed premises in accordance with the delegation under the *Environmental Protection Act 1986*.
- Investigate low level pollution which can be dealt with by the ~~Council-Shire~~ under its Local Laws but where a matter becomes too complex, requires expertise, or resources beyond which the ~~Council-Shire~~ could reasonably expect to provide it will be referred to the Department of Water and Environmental Regulation for investigation.

Definitions

Not applicable.

Related Documents

- ~~Strategic Community Plan 2017/2027~~Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Environmental Protection Act 1986*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2016*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		24 May 2004	SM047/05/04
Version	Date	Resolution Number	Amendment Details
2	15 December 2008	CGAM050/12/08	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5			New template and minor wording changes.

DRAFT

Council Policy – Honorary Freeman of the Municipality

Responsible Directorate	Executive Services
Responsible Business Unit/s	Executive Services Governance
Responsible Officer	Manager Corporate Performance
Affected Business Units	Executive Services Governance

Objective

This Policy sets out the method by which Council may assess and grant the honour of Freeman of the Municipality in recognition of a person's contribution to the community of Serpentine Jarrahdale. ~~This policy establishes how the nomination of a candidate is to be made, the eligibility and selection criteria against which nominations are to be considered.~~ The objective of this policy is to establish how the nomination of a candidate is to be made, the eligibility and selection criteria against which nominations are to be considered and the circumstances under which the Shire of Serpentine Jarrahdale may bestow the title of Honorary Freeman of the Shire upon individuals who have made an outstanding and exceptional contribution to the community.

Scope

This Policy applies to all Elected Members, Officers and nominees of the award 'Honorary Freeman of the Municipality' within the Shire of Serpentine Jarrahdale.

Policy

Criteria for appointment Introduction

~~From time to time members of the Serpentine Jarrahdale community demonstrate outstanding commitment and contribution to the community, and it is recognised that this contribution should be acknowledged. The Shire of Serpentine Jarrahdale is committed to recognising individuals who have demonstrated outstanding commitment and contribution to the community.~~

~~Council will do this by, in~~ In special circumstances that meet the criteria of this policy, awarding to Council will may award an individual the title of "Honorary Freeman of the Shire of Serpentine Jarrahdale".

The title of Honorary Freeman is the most prestigious form of honour or recognition that can be conferred by Council. This honour will be conferred only in rare and exceptional circumstances to maintain both the significance and prestige of the title.

Bestowing of the title of Honorary Freeman of the Shire will only be by absolute majority and in accordance with this policy.

Eligibility Criteria

To be eligible, any successful candidate for the honour must:

1. Have served the Serpentine Jarrahdale community for a minimum 15 years in any capacity.
2. Been a resident of the district for all, or most of the period relating to their eligibility.
3. Not be a currently serving Councillor or employee.
4. The nominee's specific achievement/s must be of a nature which would encourage the local government to nominate that person for an honour under the Australian Honours System.

The relevant criteria in determining number four, being that the nominee has:

- i demonstrated achievement at a high level;
- ii made a contribution over and above what might be reasonably expected through paid employment; or
- iii whose voluntary contribution to the community stands out from others who may have also made a valuable contribution.

Nominations

Any ~~Councillor~~ ~~Elected Member~~ may nominate, to the CEO in writing, a person as Freeman of the Municipality, to the CEO in the strictest confidence and without the nominee's knowledge. Nominations for the Honorary Freeman must be made in writing and contain the following details of the person to be accepted:

- Full name
- Contact details (if known)
- Detailed information (including examples) to demonstrate the persons significant contributions.
- The roles or areas in which they have excelled.
- Dates of service (if known)
- Evidence of other awards or recognition
- What they have done to benefit the community
- How they have demonstrated outstanding personal leadership and personal integrity
- At least 2 referees (including contact details)

Adequate information needs to be provided in the nomination to enable Council to make a determination against the following

Selection Criteria

~~In making a determination, Council is to give consideration of the following~~ selection criteria:

- ~~• Level of commitment to their field of activity. (20 per cent)~~
- ~~• Outstanding personal leadership qualities and personal integrity. (20 per cent)~~
- ~~• Benefits to the community of the district. (40 per cent)~~
- ~~• Special achievements of the nominee. (20 per cent)~~

<u>Selection Criteria</u>	<u>Weighting</u>
<u>Level of commitment to their field of activity</u>	<u>20%</u>
<u>Outstanding personal leadership qualities and personal integrity</u>	<u>20%</u>
<u>Benefits to the community of the district.</u>	<u>40%</u>
<u>Special achievements of the nominee.</u>	<u>20%</u>

Process

~~Any Councillor may nominate, in writing, a person as Freeman of the Municipality, to the CEO in the strictest confidence and without the nominee's knowledge.~~ Following submission to the CEO of the nomination, consideration of a nomination for Freeman of the Municipality is to be dealt with as follows:

- a) ~~On receipt of a nomination, the Chief Executive Officer will circulate a copy of the nomination and the~~ Assessment Selection Criteria Assessment Sheet (Assessment Sheet) ~~sheet~~ provided in Appendix 1 to all Elected Members.
- b) ~~Elected Members will be given at least 2 weeks to consider the nomination and return their~~ Assessment Assessment S-Sheet ~~to the Chief Executive Officer. The aAssessment Ssheets~~ are anonymous.
- c) Nominations must be supported in writing by at least one third of Elected members
- a)d) ~~If the nomination is supported, Officers are to prepare a report for the consideration of Council at the next practicable Ordinary Council Meeting a Special Meeting of the Council held for that purpose as a Confidential Item. The nominating Councillor must provide supporting information/documentation for inclusion in the report to enable an assessment of the eligibility and selection criteria.~~
- b)e) The Officer's report will make comment regarding eligibility of the nominee. The report will also include the completed ~~Assessment Assessment Sheets~~ provided for in Appendix 1. Councillors should complete the Assessment Sheet and return to Officers for collation prior to the publication of the report. The assessment sheets are anonymous.

- e)f) Council is to give consideration of the ~~Assessment~~ Assessment Sheet results when making a Resolution.
- d)g) The bestowing of the title of Honorary Freeman of the Shire will only be by absolute majority.
- h) If it is considered appropriate to pursue the nomination further, it should then be resolved 'that Council bestow the honour of Honorary Freeman of the Municipality as indicated in this report should the nominee accept the award'.
- i) Once a nomination has been accepted by Council, the nominee shall be contacted by the Chief Executive Officer to determine whether the award will be accepted. A letter advising of this Council decision is to be sent to the nominated Freeman.
- e) If the candidate for Freeman declines the nomination, Council is to be informed and the matter shall lapse.
- j)
- f) If it is considered by Council that it would not be appropriate to pursue such a nomination, the recommendation is to reflect that the nomination has not received the support of Council.
- g)k) If the candidate for Freeman declines the nomination, Council is to be informed and the matter shall lapse.

Awarding the Title

The award is to be presented at a Civic reception held by the Shire such as the Australia Day Awards and Citizenship Ceremony or any other civic event held by the Shire.

Entitlements

- Any person awarded an Honorary Freeman of the Shire may designate themselves "Honorary Freeman of the Shire of Serpentine Jarrahdale"
- Be presented with a plaque and certificate signed under the Shire's common seal by the CEO and Shire President to commemorate receiving the award.
- Be invited to attend or officiate civic events as a special guest

Rescission/Revocation of Award of Freeman

The Shire reserves the right, at its absolute discretion, to rescind/revoke the award of Honorary Freeman if the individual is found guilty of a criminal matter or where Council considers the conduct of the individual has caused embarrassment or damage to the reputation of the Shire. Such decision is to be taken by an absolute majority of Council. A request to rescind the award must be made in writing to the CEO, including supporting information detailing the reasons for revocation. A confidential report will then be provided to Council and be made by an Absolute Majority.

Conduct

Honorary Freeman of the Shire attending events or functions at the invitation of the Shire President, will behave in a manner befitting the honour bestowed and will at all times:

- Refrain from making critical or disparaging remarks about Council or past and present Councillors-Elected Members and employees;
- Refrain from any behaviour that may embarrass Council or bring it into disrepute; and

- c) Comply with all Shire's policies, procedures and guidelines in relation to the use of the Shire's crest.

Definitions

Freeman means a person who has been bestowed the honorary title of Freeman

Absolute Majority means a decision of the majority of members of Council in accordance with section 1.9 of the *Local Government Act 1995*.

Related Documents

- E16/678 – Honorary Freeman Contact List
- E16/677 – Honorary Freeman Certificate Template

Legislation / Local Law Requirements

- Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		25 September 1995	A092
Version	Date	Resolution Number	Amendment Details
1	15 December 2008	CGAM050/12/08	
3	12 December <u>November</u> 2012	OCM086/11/12	
4	29 September 2015	OCM187/09/15	
5	18 December 2017	OCM179/12/17	
6	14 February 2021	OCM040/02/21	
<u>7</u>			<u>Updated template and process amendments and removal of the need for a special council meeting for consideration of the application.</u>

Appendix 1 – Freeman of the Shire Selection Criteria Assessment Sheet

Eligibility Criteria

1. Minimum service of 15 years to the Serpentine Jarrahdale community in any capacity.
2. Resident of the district for all, or most of the period relating to their eligibility.
3. Not a currently serving Councillor-Elected Member or employee.
4. Nominee's specific achievement/s must be of a nature that would encourage the local government to nominate that person for an honour under the Australian Honours System.

The relevant criteria in determining number four being:

- i demonstrated achievement at a high level;
- ii made a contribution over and above what might be reasonably expected through paid employment; or
- iii whose voluntary contribution to the community stands out from others who may have also made a valuable contribution.

Selection Criteria

Each criteria to be scored out of five (whole numbers only)

Councillor	Level of commitment to their field of activity (20 per cent)	Outstanding personal leadership qualities and personal integrity (20 per cent)	Benefits to the community of the district (40 per cent)	Special achievements of the nominee (20 per cent)
1				
2				
3				
4				
5				
6				
7				

8				
9				

<u>Selection Criteria</u>	<u>Score</u>	<u>Comment</u>	<u>Weighting</u>
<u>Level of commitment to their field of activity</u>			<u>20%</u>
<u>Outstanding personal leadership qualities and personal integrity</u>			<u>20%</u>
<u>Benefits to the community of the district</u>			<u>40%</u>
<u>Special achievements of the nominee</u>			<u>20%</u>

Council Policy - Investments

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Finance
Responsible Officer	Manager Finance
Affected Business Units	<u>Finance</u>

Objective

The objective of this Policy is to ensure that there are effective and accountable systems in place to safeguard the Shire's financial resources. This includes the development of proper systems to authorise, verify and record the investment of monies in appropriate financial instruments.

This policy ensures the Council and all officers entrusted with a role in the investment of the Shire of Serpentine Jarrahdale's (the Shire) funds act with the highest regard for their fiduciary duties.

This policy facilitates prudent investment of the Shire's surplus funds in authorised investments.

Scope

This Policy applies to the investment and management of all funds held by the Shire including operating and investment accounts. all of the Shire's investments.

Policy

Introduction

~~To invest the Shire's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.~~ While exercising the power to invest, consideration is to be given in-to preservation of capital, liquidity and the return of investment as follows:

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment. Liquidity does not need to be in at-call deposits; securities able to be quickly realised will be considered liquid.
- In determining how much liquidity is "sufficient", management will give regard to:
- Historical seasonality in the Shire's cash flow.
- Known or projected major capital expenditure ~~(capex)~~.
- Holding contingency reserves adequate to cover a major unexpected short-term demand on the Shire.

- ~~○ The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.~~

Subject to the policy objectives and risk management guidelines outlined in this document, the Shire will ensure its financial investments consider the reduction of fossil fuels, by investing with non-fossil fuel lending banks. The Shire will refer to the research of third-party bank services to determine eligible non-fossil fuels lending banks.

Delegated Authority

~~Authority for implementation of the Investments Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995. The CEO may delegate the day-to-day management of Council's Investments to senior staff, subject to regular reviews.~~

Risk Management Guidelines

Investments obtained are to comply with eight key risk management criteria relating to:

- Portfolio Credit Framework: limits overall credit exposure of the portfolio
- Counterparty Credit Framework: limits exposure to individual counterparties/institutions
- Term to Maturity Framework: Limits based upon maturity of securities
- Liquidity: Portfolio management must always maintain adequate levels of liquidity to cover seasonality, planned capex and contingencies
- Rollover and Income: Where conditions permit, stability and protection of the Shire's income against unexpected weakness in interest rates should be considered, especially in the context of potential for inflation
- Market Value: Investments with highly volatile market values that affect the Shire's income should be minimised if appropriate, and will be dependent on 'term to maturity' risks
- Diversification: limit credit and market risk. Even if funds are to be invested 100% in Bank Deposits/Securities, diversification between counterparties is desirable
- Fraud: Two signatories are required to authorise any investment transaction (refer Delegated Authority)

The Shire will determine credit and short-term obligation ratings in accordance with the Standard and Poor's (S&P) global credit ratings definitions as found on their website (S&P Global Ratings). ~~Credit Ratings described in Appendix 1 of this policy,~~ taking into account any higher guarantors (including government guarantees on any assets). ~~Investments in an Australian Authorised Deposit Taking Institution (ADI) shall be grouped according to the parent bank's rating where applicable.~~

Overall Portfolio Limit

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

S&P* Long Term Rating	S&P* Short Term Rating	Direct Investment Maximum%	Managed Funds Maximum %
AAA	A-1+	100%	100%

AA	A-1	100%	100%
A	A-2	60%	60%
BBB (ADI only)	A-3 (ADI only)	20%	0%
Not Rated (refer Appendix 2)		0%	20%

* or Moody's / Fitch equivalents

Counterparty Credit Framework

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

S&P* Long Term Rating	S&P Short Term Rating	Direct Investment Maximum%	Managed Funds Maximum %
AAA	A-1+	45%	45%
AA	A-1	35%	35%
A	A-2	20%	20%
BBB (ADI only)	A-3 (ADI only)	5%	0%
Not Rated (refer Appendix 2)		0%	20%

* or Moody's / Fitch equivalents

If any of the Shire's investments are downgraded such that they no longer fall within the Investment Policy, they will be reviewed as soon as practicable. Where it is considered in the Shire's interests to retain the investment (or the investment is not tradeable), the circumstances shall be reported to Council.

Term to Maturity Framework

The investment portfolio is to be invested within the maturity constraints as imposed by [Regulation 19C of the Local Government \(Financial Management\) Regulations 1996](#).

Prudent Person Standard

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

Ethics and Conflict of Interest

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

Authorised Approved Investments

Without express approvals from Council, investments are limited to:

- State/Commonwealth-/Semi-Government Bonds;
- Interest bearing deposits such as Term Deposits or Cash Reserve of an authorised deposit-taking institution except as restricted by the credit rating requirements ~~of clause 3.2(a)~~ of this policy;
- Bank accepted/endorsed bank bills; or
~~Commercial paper;~~
~~Bank negotiable Certificate of Deposits; or~~
- Existing investments that are outside the Local Government Regulations or Investment Policy as they pertain to new investments.

With express approval from Council, investment is also permitted in land and its development – subject to the requirements of ~~Section 3.59(1) of “the Act”~~ the Local Government Act 1995 (the Act).

~~Appendix 2 of this policy provides descriptions of approved investment instruments.~~

Bendigo Bank

Deposits with the Bendigo Community Bank do not require Council approval as long as their Standards and Poor's rating does not drop below a short-term domestic credit rating of A2 strong and a long term credit rating of BBB+.

Prohibited Investments

This Investments Policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- “Contingent income” investments or securities that provide potentially nil or negative cash flow; (except for managed funds which do not guarantee unit prices); and
- Stand-alone securities issued that have underlying futures, options, forward contracts, and swaps of any kind, such that returns are dependent on factors other than issuer solvency.

However, nothing in this policy is intended to force the disposal of any investment held at the date of adoption of this Policy.

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

This policy also requires that the Shire may not do any of the following when investing money, as per ~~r19C of~~ the *Local Government (Financial Management) Regulations 1996*:

- Deposit with an institution except an authorised institution;
- Deposit for a fixed term of more than 3 years;
- Invest in bonds that are not guaranteed by the Commonwealth Government or a State or Territory government;
- Invest in bonds with a term to maturity of more than 3 years; and
- Invest in a foreign currency.

Reporting and Review

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

~~Council requests that the monthly financial statement and reports include the percentage of funds in fossil fuel free banks.~~

~~This Investments Policy will be reviewed at least once every two years or as required in the event of legislative changes.~~

~~Documentary evidence must be held for each investment and details thereof maintained in an Investment Register retained in the Shire's Corporate Record Keeping Systems.~~

~~Certificates must be obtained from the financial institutions and retained in the Shire's Corporate Record Keeping Systems, confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.~~

Definitions

Bank Bills refers to Bank-accepted bills that are bills of exchange drawn by a company or individual (the borrower) usually for periods between 30 and 180 days. The bill is accepted by the bank, which in turn accepts the liability for payment at maturity. It is a short-term investment issued at a discount to the face value and is of a very high credit standing and consequently trades at the lowest yields of all commercially issued bills.

Cash Reserve refers to an interest bearing deposit where funds can be recalled and reinvested when required.

Nil Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit-worthiness of an obligor with respect to particular debt security or other financial obligation, based on relevant risk factors.

State/Commonwealth/Semi-Government Bonds refers to fixed income securities issued and guaranteed by the Commonwealth, State or Territory Governments of Australia.

Term Deposit —refers to an interest bearing deposit where funds are invested with a financial institution at a predetermined rate (or floating rate margin) that applies to the duration of the deposit. The principal is held on deposit for a fixed term with interest payable either at regular intervals or at maturity. It is not a tradeable security and the investor may be penalised when funds are prepaid. ~~Cash Reserve – refers to an interest bearing deposit where funds can be recalled and reinvested when required.~~

~~**Bank Bills** refers to Bank-accepted bills that are bills of exchange drawn by a company or individual (borrower) usually for periods between 30 and 180 days. The bill is accepted by the bank, which in turn accepts the liability for payment at maturity. It is a short-term investment issued at a discount to the face value and is of a very high credit standing and consequently trades at the lowest yields of all commercially issued bills.~~

Related Documents

- Council Plan 2023-2033

Legislation / Local Law Requirements

- Local Government Act 1995, ~~s6.14 (1) and (2), s3.59(1)~~
- Local Government (Financial Management) Regulations 1996 — ~~Regulation 8(3) and Regulation 19(1) and (2), Regulation 28 and Regulation 49~~
- Trustees Act 1962 ~~Part III~~
- Australian Accounting Standards ~~139 (i) and 139.9 (iii)~~

Amendment Record

Relevant Delegations		3.2.3 — Investments (Exx/xxx) Refer to the Delegations and Authorisations Register	
		Date	Resolution Number
Council Adoption		25/01/2010	OCM023/01/10
Version	Date	Resolution Number	Amendment Details
2	29/01/2013	OCM119/01/13	Reviewed
3	29/09/2015	OCM187/09/15	Reviewed
4	6/06/2017	ARG003/09/15	Reviewed
5	18/12/2017	OCM179/12/17	Modified
6	23/04/2018	OCM037/04/18	Amended
7			New template and <u>definitions added.</u> ...

Council Policy – Lease and Licence Management

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Community Projects and Facilities
Responsible Officer	Director Community Engagement
Affected Business Units	All

Objective

The objective of this Policy is to provide a framework and guideline for undertaking leasing and licencing arrangements for a Shire of Serpentine Jarrahdale (the Shire) owned facility that:

- is linked to the outcome objectives in the Shire's Council Plan,
- provides guidelines for arrangements with tenants of a Shire facility,
- ensures the support of the Shire, including peppercorn or rental subsidy or other support is recognised transparently as a community benefit and social impact investment,
- provides a framework for key lease and license terms, and
- ensures the effective use and management of Shire facilities.

Scope

This Policy applies to all leases and licenses of facilities owned or managed by the Shire

Policy

Introduction

This policy applies to all community (not for profit), commercial organisations and government departments that seek to lease or license a Shire facility. Any lease or license arrangement will be aligned with the Shire's Council Plan 2023 – 2033 pillars to enable a thriving, liveable and connected community.

This policy is relevant to all Shire facilities including sporting, recreational, community, land, commercial, residential and agricultural facilities where the use of the facility is not provided for under Council Policy – Facility Hire.

Decisions regarding leasing and/or licensing of Shire properties will take into account economic, social and environmental considerations, whilst also ensuring compliance with relevant legislation or policy requirements.

Terms

Leases will be undertaken for a maximum of 10 years under a five + five-year arrangement.

Licenses will be for a maximum of three years, with review after two years under a two + one year arrangement.

Council Policy – Lease and Licence Management

Any commercial or government purpose lease or licence will be rent reviewed every 12 months in accordance with Consumer Price Index (CPI) increases and at five-year intervals in accordance with valuation by a licenced valuer.

Cost Recovery vs Community Benefit

The leasing and licensing of Shire facilities and land will balance sound financial management, whilst also ensuring facilities and land are utilised for the benefit of the community in line with the Shires Council Plan 2023 – 2033.

For community (not for profit) lease and license holders, the Shire will use a cost recovery model to recover a portion of operating costs for facilities (where appropriate). Any community lease or licence that is provided for under this model will detail the value of provision by the Shire and the subsequent community benefit the lessee or licensee provides.

For commercial or government lease or licence holders, a market rental valuation assessment will be undertaken. Rent will be market related and negotiated on a case-by-case basis. Commercial purpose leases will be administered to maximise income generation, in alignment with market conditions, as far as is practicable.

Purpose of use

The lessee or licensee must use the premises for the purpose as outlined within the lease or licence agreement, in a way that is consistent with the purpose of the reserve land and/or the zoning of the land.

Form of Lease or Licence

The Shire's standard lease or licence template will be utilised for all undertakings. The need for specific terms and conditions relative to unique requirements for the leasing or licensing of a Shire facility will be considered on a case-by-case basis.

Redevelopment Clause

All Shire leases and licences will contain a redevelopment clause, whereby if the Shire wishes to carry out significant redevelopment of the facility, the Shire may give six months' written Notice of Termination to enable undertaking of the proposed redevelopment.

Responsibility for Outgoings

All outgoings applicable to the premises are the responsibility of the Tenant. These include but are not limited to local government charges (rates), sewerage, water rates and usage, electrical and fire equipment testing, electricity, telephone and land tax.

If the facilities are on a portion of land which does not have its own meters for services, the charges will usually be calculated based on the extent of the Tenant's area in comparison to the whole land / building known as proportionate usage. This percentage will be detailed in the agreement.

Maintenance

Generally, a Tenant is solely responsible for maintenance and repair of the Premises.

For community agreements the Tenant is expected to maintain and keep the premises clean and in good repair. The tenant would be responsible for any damage and the Shire responsible for fair wear and tear. Maintenance obligations taking in the specific considerations for the site will be an annexure to the agreement.

Approval

All leases must be approved by Council. All licences must be approved by Council unless otherwise delegated in accordance with 1.1.16 Disposing of Property.

Definitions

Commercial Organisation means an organisation that can lawfully distribute their funds in excess of operating expenses (i.e. surplus funds or profit), to owners, directors, members or any other stakeholders

Commercial Purpose means a use aimed at advancing commercial or economic interests typically business activities that target income generation or profit.

Community Purpose means a use aimed at benefiting the local community and can include a government purpose that the Shire considers that use to be of particular value to the local community.

Facility means land, halls, pavilions, change rooms, clubrooms, civic offices and other buildings owned or managed by the Shire.

Government Purpose means a use for the provision of public services by a state or federal government department or body corporate that is incorporated within Australia and is a public authority or an agency of the crown.

Lease means a lease is a contract between a lessee and the Shire which grants exclusive use of a portion or all of a facility or land parcel in return for payment of rent. Length or tenure is typically up to 10 years.

Licence means a licence is a contract between a licensee and the Shire which grants non-exclusive use of a facility for a specified period of time.

Not for Profit means a not for profit legal entity incorporated under the Associations Incorporation Act 2015 or the Australian Charities and Not-for-Profits Commission Act 2012, that demonstrates it is financially viable, demonstrates good financial management, record-keeping practices and maintains records for audit purposes.

Related Documents

- Council Policy ~~5.1.4~~ – Facility Hire
- Land Asset Management Plan
- Long Term Financial Plan
- Shire Council Plan 2023 – 2033
- Shire Leases and Licences Procedure Manual
- Community Infrastructure Implementation Plan
- Shire of Serpentine Jarrahdale Guidelines for Leases and Licences
- Delegations and Authorisations Register

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Residential Tenancies Act 1987 and Regulations*
- *Land Administration Act 1997*
- *Property Law Act 1969*

Amendment Record

Relevant Delegations		1.1.16 Disposing of Property	
		Date	Resolution Number
Council Adoption		22/04/2013	OCM186/04/13
Version	Date	Resolution Number	Amendment Details
2	29/09/2015	OCM187/09/15	
3	18/12/2017	OCM179/12/17	
4	18/12/2024	OCM330/11/24	
5			New template

Council Policy – Legal Representation and Cost Indemnification

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance <u>Corporate Performance</u>
Responsible Officer	Manager Corporate Performance
Affected Business Units	<u>All</u>

Objective

1.—This policy is designed to protect the interests of Councillors—Elected Members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings, which may include through the relevant insurance policy.

This policy does not apply to legal advice and representation that is obtained by the Shire of Serpentine Jarrahdale (the Shire) in the normal course of fulfilling the functions and exercising the powers of a local government.

Scope

This Policy applies to current and former CouncilElected Members members and employees, including full time, part time, and casual staff, and volunteers. ...

Policy

Introduction

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything a Councillor or employee has, in good faith, done in the performance or purported performance of a function under the Act or any other written law.

Section 3.1 of the Act provides that the general function of the local government is to provide for the good governance of person in its district. Section 6.7(2) provides that money held in the Municipal Fund may be applied towards the performance of the functions of the local government.

Therefore, the Shire's approval to pay legal representation costs incurred by an individual Elected Member or employee will rely on the determination that it is reasonably concluded that the expenditure provides for the good governance of the district, whether through use of the Shire's insurance policy or not.

1.—Payment Criteria

There are four major criteria for determining whether the Shire will pay the legal representation costs of an Elected Member or employee. These are:

- the legal representation costs must relate to a matter that arises from the performance by the relevant person, or 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 relevant person 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.

The Shire may not pay, either wholly or partially, for legal representation, or any other costs such as punitive damages, for any matter relating to:

(a) a complaint or investigation regarding behavioural or code of conduct breaches, or any breach specified by the Act.

(b) Proceedings before any tribunal, including the State Administrative Tribunal.

(a)(c) Criminal investigations or proceedings.

2.—Examples of Legal Representation Costs that may be Approved

If the payment criteria ~~in clause 1 of this policy listed above~~ are satisfied, the Shire may approve the payment of legal representation costs in the following circumstances:

- (a) where proceedings are brought against a relevant person in connection with his or her functions (e.g.: an action for defamation or negligence arising out of a decision made or action taken by the relevant person); or
- (b) to enable proceedings to be commenced and/or maintained by a relevant person to permit his or her functions (eg-e.g.: where a relevant person seeks to take action to obtain a restraining order against a person using threatening behaviorbehaviour to the relevant person); or
- (c) where exceptional circumstances are involved (eg-e.g.: where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about a relevant person-).

3.—Applications for Payment

~~3.1~~ A relevant person who seeks assistance under this policy is to make an application(s), in writing, for Council to consider. Applications can be submitted, to the CEO. ~~, or to the Council if~~ the relevant person is the CEO, a-p-plications will be processed by the Director Corporate Services.

~~3.2~~ The written application for payment of legal representation costs is to give details of:

- (a) the matter for which legal representation is sought;
- (b) how the matter relates to the functions of the relevant person making the application;
- (c) the proposed lawyer (or law firm) who is to be asked to provide the legal representation;
- (d) the nature of legal representation to be sought (such as advice, representation in court, preparation of documents etc);
- (e) an estimated cost of the legal representation; and
- (f) why it is in the interest 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~~they have acted in good faith, disclosed anything that might affect representation, and ~~has~~have 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~~The application is to be made as far in advance as possible before commencement of the legal representation to which the application relates.

~~3.5~~ The application is to be accompanied by a signed written statement by the applicant that ~~he or she~~they:

- (a) ~~has~~have read and understood~~s~~, the terms ~~or of~~ this policy; and
- (b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of ~~clause 7~~this policy and any other conditions to which the approval is subject~~;~~ and
- ~~(c) undertakes to repay 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 document 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 employee.

The completed application and CEO report will then be submitted to Council for determination.

~~4.~~ Legal ~~R~~epresentation ~~C~~osts – Limit

~~4.1~~—Unless otherwise determined by Council, the payment of legal representation costs ~~is in~~ respect of a particular matter is not to exceed \$10,000. If the matter is accepted under the Shire's insurance policy, unless otherwise determined by Council, the amount to be paid is not to exceed the amount of the policy excess.

~~4.2 An Elected Member –Councillor~~ or employee may make a further application to ~~the~~ Council in respect of the same matter.

~~5.~~ Council's Powers

Upon assessing the application, 5.1—~~T~~he Council may:

- (a) refuse;
- (b) grant; or
- (c) grant~~s~~ subjects to conditions,

an application for payment of legal representation costs.

~~5.2~~—Conditions ~~under clause 5.1~~ may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

~~5.3~~ In assessing an application, 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. All decisions to use the Shire's insurance for matters under this policy must be approved by Council.

~~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.

~~Based on, and consistent with, the findings of a court, tribunal, or inquiry, 5.5 The~~ Council may, ~~subject to clause 5.6,~~ determine that an Elected Member ~~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 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 this determination under clause 5.5,~~ the legal representation costs paid by the Shire ~~are to be repaid by the Council member~~ Elected Member or employee in accordance ~~with clause 7~~ with this policy.

~~6. Delegation to the~~ 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 approval powers of the Council under clause 5.1 and 5.2 under this policy,~~ to a maximum of \$10,000 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 to under clause 5.4~~ revoke or vary an approval.

~~6.3 This clause shall not apply where the applicant is the CEO. The matter will instead be referred to Council at the earliest opportunity, including a special meeting.~~

~~7. Repayment of Legal Representation Costs~~

~~7.1 A relevant person whose legal representation costs have been paid by the City Shire is to repay the Shire:~~

- (a) all or part of those costs, if a determination is made by Council that the person did not act in good faith, acted unlawfully, engaged in improper conduct, or has given false or misleading information. —in accordance with a determination by Council under clause 5.7;
- (b) as much of those costs as are available to be paid by way of set-off, where the person receives monies paid for costs, damages, or settlement.

~~7.2 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.~~

Definitions

Defining word (bold) means definition (arial 12, para spacing 6 above, 6 below)

Approved lawyer means:

- a) a 'person who is admitted to the legal profession' under the Legal Profession Uniform Law Act 2022008

b) from a law firm listed as a WALGA preferred supplier, if relevant, unless Council considers that this is not the appropriate – for example where there is or may be a conflict of interest or insufficient expertise

c) approved in writing by Council or the Chief Executive Officer under delegated authority.

Good faith means a sincere belief or motive without any malice or desire to defraud others.

Elected Member or employee means a current or former Elected Member, employee, volunteer or member of a council committee of the Shire.

Legal proceedings may be civil, criminal or investigative.

Legal representation is the provision of legal services, to or on behalf of an Elected Member or employee, by an approved lawyer in respect of:

a) A matter or matters arising from the performance of the functions of the ~~Councillor~~Elected Member or employee

b) Legal proceedings involving the ~~Councillor~~Elected 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 include 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

b) a reimbursement to the ~~Councillor~~Elected Member or employee, or

c) insurance (including payment of the policy excess).

Relevant person is an Elected Member ~~Councillor~~ or employee.

Related Documents

• ~~Strategic Community Plan 2017–2027~~

- Department of Local Government, Sport & Cultural Industries Operational Guideline No 14 Legal Representation for Council Members and Employees

Legislation / Local Law Requirements

• Local Government Act 1995, ~~S3.1, s9.56~~

• Legal Profession Uniform Law Application Act 2022

Amendment Record

Relevant Delegations		C008D – Legal Representation and Cost Indemnification Check Process 7 & 251 Form to be created	
		Date	Resolution Number
Council Adoption		27 November 2000	C087/11/00
Version	Date	Resolution Number	Amendment Details
2	24/05/2004	SM047/05/04	
3	15/12/2008	CGAM050/12/08	
4	29/09/2015	OCM187/09/15	
5	18/12/2017	OCM179/12/17	
6	TBA	TBA	New template, minor updates and process clarification. Added references to insurance.

Council Policy – Live Streaming and Recording of Council and Committee Meetings

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to provide guidance in relation to the live streaming and recording of Shire of Serpentine Jarrahdale (the Shire) Council and Committee meetings. Live streaming and recording of meetings will provide the public with an opportunity to view Council meetings, ensuring open and transparent government and improving accessibility to Council decision making.

Scope

This Policy applies to Council and Committee meetings (Council Meetings), and any other meetings as determined by Council, that are held in Council Chambers. It does not apply to Policy Concept Forums, Q&A briefings, or Elected Member workshops

Policy

General

The visual and audio of all Council Meetings will be publicly broadcasted live (i.e., live streamed) and recorded in accordance with the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations).

The live stream will be publicly accessible via the Shire's website and appropriate social media platform and recordings will be available for viewing on the Shire's website and appropriate social media platform approximately two business days after the meeting.

Members of the public, or someone acting on their behalf, who wish to address a Council Meeting (e.g., to ask questions, make a statement and/or a deputation) are required to attend in person. There shall be no public participation via the live stream for in person Council Meetings.

The Shire will make every reasonable effort to ensure that a live stream and recording is available, however should technical difficulties arise in relation to live streaming or access to the Shire's website or appropriate social media platform, live streaming may be stopped and the availability of recordings may be delayed.

The Shire will provide and maintain audio visual equipment installed in the Council Chamber for the purpose of facilitating live streaming and recordings. This audio-visual equipment is not for the purpose of security monitoring and will be switched off unless there is a meeting imminent or in progress.

No protection against any award of damages or costs, can be given to Elected Members, employees, or members of the public for any statements made, by any of those persons, during the course of a meeting, when the statement is subsequently held by a court to be defamatory.

Other than in accordance with this Policy, or Council Policy - Electronic Meetings, a person must not use any electronic, visual or audio recording device, or instrument to record the proceedings of a Council Meetings

In accordance with the Regulations, any Council Meeting not held in Council Chambers will be audio recorded, with recordings available on the Shire's website approximately five business days after the meeting.

Visual and Audio Capture

Elected Members and Shire Officers

It is intended that the standard camera positions will provide live and recorded vision of the Chambers, and live and recorded audio when Elected Members and Officers speak into their respective microphones, for the duration of the Council Meeting (other than for confidential items or meetings).

This Policy recognises that there will be incidental capture of other Shire Officers, due to the seating arrangements in the Council Chamber and their role in participating in or attending meetings.

Public

It is intended that standard camera positions will provide live and recorded vision of all members of the public, and live and recorded audio when they speak into the gallery microphone. By attending a public Council Meeting, those members of the public in attendance agree to being recorded.

Signage immediately outside the Council Chamber, a statement on the Public Question Time submission form, and a statement made by the Presiding Member at the commencement of each Council Meeting, will inform the public that audio and video of the meeting will be streamed live on the Internet and that the video recording will be made publicly available on the Shire's website and appropriate social media platform. Due to this recording, a member of the public will only be required to provide their name and suburb, not their full address, when addressing the meeting, but will still be required to provide contact details (such as a postal or email address) on the Public Question Time submission form to ensure that responses can be provided to them for any questions taken on notice.

Meeting or Items of Business Closed to Public

In accordance with the Regulations, meetings, or part of meetings, closed pursuant to section 5.23 of the Act for consideration of confidential matters, are not permitted to be live streamed. In this circumstance, live streaming will be suspended at the time the Council resolve the meeting is to be closed to the public and will recommence when the Council resolve to reopen the meeting to the public.

Audio only recording of confidential items will be undertaken, maintained and kept confidential in accordance with and to the extent required by the Regulations and any other law.

Record Keeping

The official record of the meeting is the written minutes kept in accordance with the Act and Regulations. All recordings will be retained as part of the Shire's records in accordance with the requirements of the *State Records Act 2000*.

The recording of meetings does not alter the form or method of the recording of minutes or the contents of minutes in accordance with the provisions of the *Local Government Act 1995* and the Department's guidance material on the matter.

Licence and Use of Live Streams and Recordings

Access to live streams and recordings of Council Meetings is provided on the Shire's website, or appropriate social media platform, for personal and non-commercial use. Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the Shire. Copyright remains with the Shire. The sharing of a hyperlink will not be a breach of this section.

Liability and Defamation

Persons attending to participate in or observe a Council Meeting acknowledge that they will be video and audio recorded in the Council chamber, which in turn will be live streamed in accordance with the Act. Where a person attending objects to being video or audio recorded during a Council Meeting, the Shire will not suspend or discontinue recording or broadcasting of the recording in response to those objections.

Under section 9.57A of the Act, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a broadcast, audio recording, or video recording, of Council Meetings. Under section 9.56 of the Act, Elected Members and employees are provided with a qualified form of immunity from liability for wrongdoing in the performance of their functions. This however relates to the person's performance of a function under the Act or a function of their office. This does not extend to defamation proceedings. Whilst defences under the *Defamation Act 2005* may also be applicable, this is a matter that can only be determined by the Court. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.

Definitions

Council Meeting means a meeting of a council or committee.

Related Documents

- Council Policy - Electronic Meetings
- Council Policy - Public Question and Public Statement Time

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		20/06/2022	OCM121/06/22
Version	Date	Resolution Number	Amendment Details
2	21/10/2024	OCM293/10/24	
3			New template

DRAFT

Council Policy – Media

Responsible Directorate	<u>Community Engagement</u>
Responsible Business Unit/s	<u>Communications & Customer Engagement</u>
Responsible Officer	<u>Manager Communications and Customer Engagement</u>
Affected Business Units	<u>All</u>

Objective

~~The objectives of the Media Policy are to provide for effective communication of Shire of Serpentine Jarrahdale (the Shire) Council affairs to the public through the media and~~ The objective of this Policy is to promote positive coverage of council of the Shire of Serpentine Jarrahdale (Shire) affairs that is fair, accurate and reliable.

~~This policy applies to situations where Council officials/Elected Members communicate with the media about Council affairs and related matters and attend public speaking engagements.~~

~~This policy also acknowledges the rights and responsibilities of Councillors as eElected mMembers as outlined in the Local Government Act 1995 (the Act).~~

Scope

This Policy applies to Elected Members, Shire Employees when making comment in the media about the Shire. and volunteers.

Policy

The following guiding principles underline Council's interaction with the media:
Media Liaison:

Council will openly discuss matters of interest with the media unless disclosure of certain information contravenes Council's obligations of confidentiality or privacy, duty of care, or could infringe other laws or regulations that govern its operations.

Media statements are to maximise the opportunity to present a positive image of the Shire.

Media organisations and their representatives will be treated equally.

Speaking on behalf of the Shire

In accordance with the Local Government Act 1995 (the Act), the Shire President is the principal official spokesperson of the Shire. and/or thThe Chief Executive Officer are may speak on behalf of the Shire if authorised by the Shire President. the official spokespersons on Council affairs. If the Shire President is unavailable, they may authorise another person to act on their behalf.

As members of the community, Councillors/Elected Members are entitled to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a

committee of Council. Any such communication must comply with the Shire's Code of Conduct for Councillors, Committee Members and Candidates, and must:

- be made with reasonable care and diligence,
- not disclose confidential information,
- not reflect adversely on the Shire or a council member, committee member, candidate or Shire employee,
- be factually correct and not misleading.

Administration

1. The Chief Executive Officer may nominate specialist members of staff to respond to technical questions on operational matters only. The Shire President and/or Chief Executive Officer must approve of other information before it is issued or distributed to the media.
2. ~~Council~~ ~~Shire employees~~ ~~staff~~ should support Council decisions and should refrain from using the media to make negative personal reflections on each other or comment that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council or local government generally.
3. ~~Council staff~~ ~~Shire employees~~ must not make political or controversial statements in or to the media relating to Council affairs, decisions and/or events, or about Elected Members which are likely to generate negatively on Council.
4. ~~Council staff~~ ~~Shire employees~~ are entitled to enter into public debate and make comment on civic affairs, provided they do not give the impression they are speaking in their official position for or on behalf of Council.
5. The ~~Communications Department~~ Corporate Communications team is responsible for co-ordinating and distributing articles, columns and newsletters on behalf of the Shire President or the Council. In each case, the responsible officer must ensure the information contained in the document is accurate and approved by the relevant Directorate, Chief Executive Officer and Shire President, prior to release.

Incorrect Information

In the event of incorrect information or information that has a personal or corporate reputation risk being published, the ~~Communications Department~~ Corporate Communications team will investigate and report to the Chief Executive Officer on how the information came to be published. If necessary, the Chief Executive Officer will issue or will authorise a media release clarifying the incorrect information. If the information is published in an external publication, the Corporate Communications team will coordinate a correction in that publication.

Breaches

Breaches of this policy will be dealt with in accordance with ~~Local Government Act 1995~~ the Act and the relevant Shire of Serpentine Jarrahdale ~~Code~~ Code of Conduct.

Definitions

Not applicable.

Related Documents

- ~~Strategic Community Plan 2017-2027~~ Council Plan 2023-2033
- Code of Conduct for Councillors, Committee Members and candidates
- Employee Code of Conduct
- Bush Fire Brigade Operating Procedures
- Volunteer Code of Conduct

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		29 September 2015	OCM187/09/15
Version	Date	Resolution Number	Amendment Details
2	18 December 2017	OCM179/12/17	
<u>3</u>			<u>New template and minor updates to reflect legislative changes</u>

Council Policy – Mobile Food Vendors

Responsible Directorate	Development Services
Responsible Business Unit/s	Health, Building and Community Safety
Responsible Officer	Manager Health, Building and Community Safety
Affected Business Units	Facilities Statutory Planning

Objective

The objective of this Policy is to:

- Encourage the use of public places for outdoor Mobile Food Vendors as a means of place activation, enhancing community social interaction and public health wellbeing.
- Protect the interests of existing bricks and mortar food businesses and to consider the needs of all users of the area, including the safety of consumers and pedestrians.
- Seek Vendors who provide high quality non-standard food options and/or whose vehicle presentation contributes to the character and energy of the area will be given priority.
- Support all food outlets, including mobile food vendors, to demonstrate that healthy and nutritious food options are part of the menu and to practice safe food handling in accordance with the *Food Act 2008*.

~~is to allow outdoor, unique, and high quality food vending activities for the local community and tourist population and in so doing, protecting the retail sector whilst maintaining public health.~~

~~The objective of this policy is to regulate the operation of mobile food vendors within the local government area to ensure public health and safety, support local businesses, and enhance the vibrancy of public spaces.~~

Scope

This policy applies to all mobile food vendors operating within the local government area, including food trucks, carts, and other temporary food vending setups.

Policy

Introduction

This policy informs officers when considering an application for a Trading in Public Places License issued under the Shires *Public Places and Local Government Property Local Law 2019*.

Mobile food vendors such as food trucks, coffee vans or other food serving vehicles provide food offerings to the community in a location that otherwise has limited options. This has the

additional benefits of place activation and social cohesion. It is also an important aspect of this policy to protect the interests of existing food businesses in permanent 'bricks and mortar' buildings with contrasting financial costs to that of a mobile food vendor.

- ~~1. The Shire of Serpentine Jarrahdale (the Shire) encourages the use of public places for outdoor Mobile Food Vendors as a means of place activation and enhancing community social interaction and wellbeing.~~
- ~~2. The Shire supports Mobile Food Vendors that practice safe food handling in accordance with the Food Act 2008 and consider the needs of all users of the area, including the safety of consumers and pedestrians.~~
- ~~3. The Shire seeks Vendors who provide high quality non-standard food options and/or whose vehicle presentation contributes to the character and energy of the area will be given priority.~~
- ~~4. The Shire supports encourages all food outlets, including food vendors, to provide a variety of healthy and nutritious food choices.~~
- ~~5. Food vendors are to comply with all relevant state and local laws in relation to noise, parking, and traffic, etc.~~

Applications

The Shire will consider application for mobile food vendors subject to statutory health provisions and requirements that:

1. Vehicle(s) be kept fully self-contained and mobile at all times;
2. All stock to be kept within the confines of the vehicle;
3. Erection of structures or umbrellas not permitted, unless otherwise approved;
4. No signs allowed on road reserves except on vehicle;
5. Maximum stopping time in any one location – four ~~two~~ hours if trading, 30 minutes if not;
6. No trading permitted on any land under the control of Main Roads WA; and
7. Trading must not occur within 500 metres of any existing ~~shops or licence holders~~ registered food business which offer for sale the same ~~commodities offerings~~, unless written permission has been obtained from the ~~shop or licence holder~~ food business operator, or unless hours of operation are outside those offered by the existing business.
8. Food vendors are to comply with all relevant state and local laws in relation to noise, parking, and traffic, etc.
9. Demonstrate that a healthy and nutritious option is available on the menu; and
10. Demonstrated compliance with the Food Act 2008 and Food Safety Standards.
11. Trading in the same location cannot occur more than 12 times in a calendar year unless otherwise approved.

The online booking of a designated trading location for mobile food vendors can only occur once the vendor has been granted an annual Trading in Public Places License. A person issued an Itinerant food vendors license cannot book designated trading locations as they are limited to trading for the time a customer is making a purchase.

Provisions for Itinerant Food Vendors

The above provisions apply as well as:

1. Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the permit holder must move on from that location as soon as practicable from the last transaction; and
2. The Shire does not permit the playing of music, or any other forms of noise to attract customers, whilst the mobile food vendor is stopped.

Definitions

Designated Trading Area means a Shire approved location for vendors to undertake mobile food vending in accordance with a valid Trading in Public Places License

Itinerant Food Vendor means a person who travels along a road looking for customers and who sells a product from a vehicle which stops temporarily to serve customers who stop the vendor or come to the vendor whilst the vehicle is stopped.

Mobile Food Vending means the use of the public places for preparing and dispensing food products by Mobile Food Vendors.

Mobile Food Vendor includes caravans, vehicles, trailers, carts, and/or trucks.

Public Place includes a street, way or place, which the public are allowed to use, whether the street, way or place is or is not on private property. It shall also include parklands, squares, reserves and other lands set apart for the use and enjoyment of the inhabitants of the District and includes all lands vested in or under the care, control or management of the Shire.

~~**Itinerant Food Vendor** means a person who travels along a road looking for customers and who sells a product from a vehicle which stops temporarily to serve customers who stop the vendor or come to the vendor whilst the vehicle is stopped.~~

Related Documents

- ~~Strategic Community Plan 2017—2027~~ [Council Plan 2023-2033](#)
- Health and Wellbeing Strategy ~~2016—2019~~ [2020-2024](#)

Legislation / Local Law Requirements

- Local Government Act 1995
- ~~Food Act 2008~~
-
- [Public Places And Local Government Property Local Law 2019](#)
- ~~Trading in Public Places Local Law~~

Amendment Record

Relevant Delegations		<u>1.2.5. CEO Delegations under the Public Places and Local Government Property Local Law 2019Nil</u>	
		Date	Resolution Number
Council Adoption		Unidentified	
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5			<u>New template and updates to how applications will be considered</u>

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Council Policy – Naming of Shire Owned, ~~or Administered~~ or Managed Reserves, Buildings, Structures, and Other Assets

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Community Projects and Property <u>Communications and Customer Engagement</u>
Responsible Officer	Manager Community Projects and Property
Affected Business Units	Community Development Strategic Community Facilities and Projects Infrastructure and Assets Operations Subdivisions and Environment Rangers and Emergency Services <u>Strategic Planning</u>

Objective

The objective of this Policy is to:

- Outline Council's policy position on the naming of all Shire of Serpentine Jarrahdale (the Shire) owned or administered bridges, buildings and community facilities, parks, reserves, open space, waterways, places, memorials, and other assets (except for roads); and
- Establish a naming convention for each of those categories of Shire controlled assets, which is both responsive to anticipated community expectations, and consistent with the stated values of stakeholders and Council.

Scope

This Policy applies to the naming of Shire owned or administered buildings, structures, and other assets.

This policy does not apply to the naming of roads.

The suitability of names is to be assessed using Landgate's Policies and Standards for Geographical Naming in Western Australia.

Policy

Introduction

Council recognises the value to the community ~~in general and to emergency services~~ of naming those items of infrastructure and assets under its direct control. Council also acknowledges that any policy and naming convention that it adopts on this issue must be both responsive to

Council Policy – Naming of Shire Owned, ~~or Administered, or Managed Reserves,~~ Buildings, Structures, and Other Assets



anticipated community expectations and consistent with the stated values of all relevant stakeholders.

The ~~position adopted under this policy is that~~ naming of Shire owned or administered infrastructure and its other assets is to be consistent with the overarching values, ethical principles, and current standards of Council, stakeholders and both the local and wider community.

This policy also includes guidelines for the selection of permanent names, which are included under the appropriate headings throughout this policy.

Proposals to give recognition to specific members of the community through naming of facilities must be able to establish an association between that individual and the facility to be named or provide other justification such as that person's notable contribution to the community.

All requests for naming under this policy will first be assessed in accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia and referred to Landgate's Geographic Names Team before being presented ~~to Council for consideration by the Arts, Culture and Heritage Advisory Committee who will make recommendation to Council regarding the request.~~

~~Although this policy does not apply to~~ Applications for naming of bridges, waterways, reserves, other assets, or infrastructure which are controlled or managed by other authorities, the Shire will use this policy to guide a response to a referral or invitation to comment made by that other authority.

Request to name a Shire owned or administered facility

Any member of the community or Council may initiate a request for naming or renaming of existing Shire owned or administered facilities.

Anyone seeking to name either a new facility or an existing facility which has not yet been allocated a permanent name must submit their proposal on the 'Application to Name or Rename a Shire Owned or Administered Facility form' and include both detailed reasons and research material in support of that proposal. When proposing to name a Shire owned or administered facility after a person, the applicant must also demonstrate that the person is of good repute and not likely to be the subject of controversy.

Each submission must ~~state the~~ ~~be accompanied by a map or diagram which clearly shows the~~ location of the facility for which the name is being proposed. ~~relative to readily identifiable features such as roads, parks, waterways, permanent structures, dominant landscape elements and the like.~~

The name proponent is expected to ensure that all material supplied to the Shire is accurate, objective and not a distortion of actual facts. The proponent may be required to provide additional evidence or research material to further substantiate the proposal.

Where proposals are found not to be consistent with this policy or the Policies and Standards for Geographical Naming in Western Australia, the proposed name will not be considered further.

Facility specific provisions

Bridges

Consideration will also be given to dual names for a bridge as a way of recognising more than one person, place or event of importance to the community; most commonly to recognise both European and Indigenous heritage.

When proposing names for bridges the following are to be considered for their relevance:

- Name(s) of historic significance;
- Names of families who have had a long association with the locality or pioneers of the area;
- Names of service personnel from the area that have died serving Australia;
- Indigenous connections;
- Names of respected community members of considerable service (20 years or more) who are / were resident or working within the area;
- Names which commemorate a special event or occurrence;
- Names which recognise a place;
- Names of persons may include 'nicknames'.

Buildings and community facilities

Names for buildings and community facilities would normally be allocated in a way that reflects the location, geographical or historical context of the land on which the facility is erected. In some instances, it may be appropriate to consider an expanded scope.

When proposing names for buildings and community facilities the following are to be considered for their relevance:

- Historic landmarks;
- Geographic features such as a nearby mountain or creek;
- Locality of the land;
- Australian, including locally found flora or fauna species;
- Persons with a historical connection to the land or area;
- Indigenous connections;
- Names of pioneering families and long-term residents (20 years or more);
- Names of respected community members of considerable service who are / were resident or working within the area.

Rooms and building features

Features of, and within, buildings and community facilities, (e.g., a room, courtyard or garden), may also be named. Names for these types shall be selected from the same criteria as for "Buildings and Community Facilities". Naming of rooms and features within the one building or community facility would normally be required to adopt one constant theme which has direct links to the name of the overall facility itself.

Parks, reserves, and other open spaces

Where a substantial parcel of land has been gifted or bequeathed as public open space by an individual (not including land dedicated to the Shire as part of a development approval or subdivision), a request for the land to bear the name of that benefactor may be considered.

Where parks provided at different times about one another, the additions shall assume the name of the adjacent previously named park. Where a small part of a planned larger park is dedicated



to public use at the early stages of a development, this may be grounds for delaying the permanent naming of that facility to a later time. A proposal for permanent naming (of the combined parks) may be made by a development proponent at the time associated with dedication of the later park.

Generally, parks on opposite sides of the same public road or major waterway are to have different names. An exception to this is linear linkage park, which may retain the one name for its complete length despite the fact that it may be severed at one or more locations by roadways and/or major waterways.

When proposing names for park, reserve and other open space the following are to be considered for their relevance:

- Persons with a historical connection to the land or area;
- Indigenous connections;
- Names of pioneering families and long-term residents (20 years or more);
- Names of respected community members of considerable service who are, or were resident or working within the region (20 years or more);
- Historic landmarks;
- Persons having prior ownership of a substantial part of that land for a significant period of time;
- Persons having made a significant financial or “in kind” contribution to the park;
- Recognition of a bequeathed or gifted parcel of land for open space;
- Local fauna, flora or geographic features;
- Locality of the land.

Sporting complexes

The hierarchical level of a sporting complex is to be clearly reflected in its name. For example, facilities of regional significance shall have this indicated within the name, whereas a smaller local facility catering for sport on a much smaller scale should reflect its subordinate/local status.

Naming shall generally be consistent with the significance of the facility and the criteria used for naming Parks, Reserves and Open Space. In instances of local level facilities catering for one sport only, naming relevant to that sport or use may be appropriate.

Sports fields

Where opportunities arise to sub-name fields, courts and ovals within a sporting complex, Council acknowledges that it would be fitting for each particular field or court to bear the name of a sports person, member or volunteer of the sports organisation having the predominant use of that field or court, who has provided a significant contribution to the organisation or has been a representative of that sport and can be shown to be of good character.

Sub-naming of a field within a complex having only one playing field is permissible if it can be shown to Council's satisfaction that the sub-naming is not likely to cause an unacceptable level of confusion to potential patrons of the sporting complex and its associated facilities.

When proposing names for sports fields or courts, the following are to be considered for their relevance:

Council Policy – Naming of Shire Owned, ~~or Administered, or Managed Reserves,~~ Buildings, Structures, and Other Assets



- ~~s~~Sports persons of high achievement within the organisation the field or court is associated with;
- ~~l~~ong serving and respected administrators or volunteers within the sport or organisation the field or court is associated with;
- ~~s~~Sports persons of high achievement within the sport of which the organisation is associated.

Before undertaking the naming of any field pursuant to this policy, the sports organisation seeking the sub-naming must:

- ~~c~~Conduct due diligence and character checks on the person after whom the field is to be named;
- ~~s~~Supply the Shire with details of their findings on the character checks;
- ~~s~~Supply the Shire with copies of the minutes of the organisation meeting proposing the naming;
- ~~s~~Supply the Shire with supporting reasons for the proposed naming of the field;
- ~~p~~Provide the Shire with a layout plan clearly showing the location of the field to be named within the overall sporting complex; ~~and~~;
- ~~a~~Await written approval to undertake the naming of the field.

Waterways

Most waterways come under the direct control of authorities outside of the Shire. For those that do fall under the Shire's control, a unique name may be allocated to each individual waterway or tributary to a main waterway.

Generally, naming would be undertaken in a way that reflects the location, geographical or historical context of the land through which the waterway flows.

Waterways are to be named in a way that clearly identifies with one or more of the following:

- Historic landmarks;
- Location of the feature being named;
- Local fauna, flora or geographic features;
- Persons with a historical connection to the land or area (20 years or more);
- Indigenous connections;
- Names of respected community members of considerable service who are/were resident or working within the area (20 years or more).

Naming of places

Council will consider proposals to name places within open spaces. A name allocated to any place within a park or open space must be appropriate, be in context, and not include the word "Park" or "Reserve".

Duplication of naming

Facility names are not to be duplicated anywhere within the region and duplication of names of existing facilities within adjacent local authority areas is to be avoided wherever practicable.

Further, a similarity between the names of different facilities is also to be avoided, (e.g., “Freshwater Park” and “Freshwater Place” are to be avoided wherever possible even though they may be in well separated parts of the Shire).

Facilities named after individuals having similar names shall be accepted provided that they are well separated, (e.g., “Bill Jones Park” in one locality and “Fred Jones Park” in a different and non-adjointing locality).

Community engagement for naming (and renaming) proposals

~~Community engagement for naming proposals will be carried out in accordance with the Policies and Standards for Geographical Naming in Western Australia. The scope of community engagement to be undertaken will be determined by the Shire on a case-by-case basis, having particular regard to anticipated community sensitivities and the results or scope of other recent consultation activities undertaken in the local community or area. In those instances where public advertising of a naming proposal is deemed to be warranted, it will be carried out by the Shire.~~

~~In order for submissions to be given due consideration, the person giving the response to the advertised naming must ensure that it:~~

~~is made in writing;~~

~~_____ is received by the Shire prior to expiry of the advertising period; and~~

~~_____ fully articulates the reasons for supporting or opposing the proposed naming.~~

Installation of name plates, signs

Once a permanent name has been assigned to a Shire owned or administered facility, a suitable plaque, name plate, sign or other similar device will be displayed stating the allocated name and, if warranted, explanatory information, or abbreviated history outlining the basis for the name. All such devices shall comply with the Shire’s standards, and/or be appropriate and applicable to the context of the facility, and may only be installed with the prior approval of the Shire.

Note that explanatory information in the context of major projects and partnerships specifically includes details such as:

- ~~D~~ate of opening or unveiling;
- ~~t~~he Shire’s current logo;
- ~~N~~ames of persons opening the place or unveiling the plaque;
- ~~n~~Names of partner organisations or sponsorships;
- ~~L~~ogos of others as may be relevant;
- ~~T~~he official name of the building or project; and
- ~~A~~ny other wording relevant to the project which the Shire considers is deserving of display.

Recording of names

The Shire shall maintain a register of all interim and permanent names allocated to bridges, buildings and community facilities, parks, reserves, open space, waterways, and places under its direct control. However, using its sole discretion, the Shire may also include names and details of facilities outside of its control in that names register.



The register shall include the reasons or basis for selection of each name, related historical information, and references to related documentation to ensure the names of these facilities are selected and managed in a consistent, accountable and logical manner which aims to prevent undue confusion and duplication of names.

Assessment of applications

Due consideration will be given to every proposal to permanently name facilities. However, approval of a proposal to permanently name ~~is only likely to be~~ will only be given in instances where Council is satisfied that the proposal:

- meets all relevant criteria within this policy,
- where applicable, is accepted by the nominee or related persons,
- withstands assessment and diligence searches conducted by the Shire,
- meets the Policies and Standards for Geographical Naming in Western Australia, and
- ~~is accepted by~~ has support, or ~~within, the community meets community expectations~~

Proposals for permanent naming shall be subject to relevant levels of community engagement as outlined in this policy. All submissions received during the community engagement period shall be considered before a final decision is made by Council on the naming proposal. Council may approve the proposed name, amend the proposed name, or reject the proposal.

Notification of new or revised names

The official name of each asset which is owned or administered by the Shire at any point in time is the name listed for that particular asset in the Shire's Asset Names Register at that time.

In those instances where a name has been proposed by an entity outside of the Shire or some public consultation has been undertaken, those entities seeking the name allocation or involved in the public consultation will be notified of Council's final decision on the proposal.

~~Similarly, Emergency Services, Mundijong Public Library Community History Collection and all other external organisations that the Shire has formally agreed to keep informed of naming will be notified of new or amended names in a timely manner.~~

Renaming

From time to time, there are circumstances for considering new names. Renaming is discouraged however a naming of Shire owned or administered buildings, structures and other assets may be renamed upon request or at Council's discretion if:

- the person/body/entity after which the park was named has been discredited or dishonoured;
- there is very strong community desire (i.e. over 100 submissions) for a name change;
- the name is duplicated elsewhere in the Council area;
- it has been found that the information submitted regarding the naming of the park is factually incorrect;
- the name is no longer appropriate in historical or geographical terms;
- the name is no longer appropriate because it is likely to cause distress to members of the community; and
- any other reason deemed appropriate at Council's discretion.

Any proposal to rename a park or reserve must follow the procedure to name a park previously outlined in this policy.

Definitions

Bridge means a structure of significant dimension and magnitude which is built across a river, creek, waterway, road, rail or other thing for the primary purpose of allowing people or vehicles to cross.

Buildings and Community Facilities means one or more roofed structures which are enclosed by walls and are established by the Shire for use predominantly by the Shire or the community. The term includes, but is not limited to, administration buildings, libraries, galleries, museums, theatres, day care facilities, community centres, refuges, respite care facilities, clubhouse facilities, public amenity buildings and roofed parking facilities.

Commemorative plaque means any plaque which is affixed to either its own integral support structure or a seat, table, shelter or other structure located within a Shire owned or administered space, and which has as its primary purpose, the commemoration of the life and/or deeds of a person, family or organisation. The term does not include a plaque containing an explanatory statement about the naming or significance of a Shire asset covered by this policy or another object of public significance within the region.

Community Infrastructure means any public furniture within an open space area or the surrounds of a community facility. The term includes, but is not limited to, seats, benches, shelters, barbecues and the like.

Memorial means any monument, commonly accompanied by an explanatory plaque, sign or inscription, which has as its primary purpose, the recognition of individuals or groups for their eminence and outstanding community endeavour across the region, or of events or incidents pertaining to, or of relevance to the region. A commemorative plaque alone is not a memorial.

Open Space means any public space, other than a road, that is open to the sky and contributes to community wellbeing principally through its aesthetic qualities and opportunities for recreation within an urban or rural setting.

Park means an area of Shire controlled open space primarily dedicated to public use for informal recreation purposes.

Pathway means a clearly identifiable track, trail or other developed access route through an open space area which is dedicated primarily for use by pedestrians, cyclists, horse riders and the like for non-motorised recreational or commuter purposes.

Place means a readily distinguishable element of, or within, a park or other open space. The term does not include a sports field.

Reserve means open space that contributes to community wellbeing principally through environmental qualities and provides opportunities for nature-based recreation. The term also includes land acquired for local government purposes, such as drainage reserves.

Room means an enclosed space established for public or private gatherings within a building.

Sporting Complex means an area of open space primarily dedicated to public use for sporting activities, both formal and informal, which may also provide for some passive recreation opportunities.

Council Policy – Naming of Shire Owned, or Administered, or Managed Reserves, Buildings, Structures, and Other Assets



Sports Field means an area of land formally and permanently marked or set aside for the playing of organised sport which is managed by the Shire or a sports organisation recognised by the Shire.

Waterway means includes gullies, lakes and dams, wetlands, crossings and similar. These may be naturally occurring or constructed.

Related Documents

- Local Planning Policy 1.7 Road Naming
- Policies and Standards for Geographical Naming in Western Australia

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Land Administration Act 1997*

Amendment Record

		Date	Resolution Number
Council Adoption		20/05/2019	OCM089/05/19
Version	Date	Resolution Number	Amendment Details
2			New template and <u>minor procedural updates. Renamed from Naming of Shire Owned or Administered Buildings, Structures, and Other Assets.</u> ...

Council Policy – New Lighting as part of New Public Infrastructure

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Engineering Services
Responsible Officer	Manager Engineering and Manager Strategic Planning
Affected Business Units	Engineering Services Operations Project Delivery Strategic Projects Strategic Planning Statutory Planning

Objective

The objective of this Policy is to provide a policy position in respect of new lighting assets within the Shire of Serpentine Jarrahdale (the Shire).

Scope

This Policy is applied for the provision of effective and efficient lighting on all new road, public open space and public accessway infrastructure projects.

Policy

Introduction

The Shire ~~of Serpentine Jarrahdale (Shire)~~ is committed to pursuing energy efficiency in its operations. The Shire works collaboratively with stakeholders in respect of this pursuit, and through this policy provides a position in which to inform consideration of new lighting assets on new infrastructure.

New Lighting Infrastructure

1. All subdividers and developers proposing new lighting assets as part of new infrastructure must provide the most energy efficient lighting infrastructure that meets the applicable Australian Standards, available from Western Power's standard range.
2. Such new lighting assets must also be compliant with the requirements of the current edition of the Institution of Public Works Engineering Australia WA Division Subdivisional Guidelines (IPWEA Subdivisional Guidelines).
3. Light-emitting diode (LED) lighting currently offers the longest life, greatest reliability, least reactive maintenance, and most efficient use of energy. LED lights also offer the best light distribution and control of unwanted light spill, resulting in a 60-70% reduction in energy consumption with significant long-term benefits to the environment and community as a result. The Shire supports LED lighting as the preferred policy position for all new lighting assets.

Existing lighting infrastructure

1. This Policy acknowledges and supports Western Power's Corporate Strategy Action Plan, which under the section Decarbonising our community seeks to Replace all streetlights with LEDs by 2029.
2. This Council Policy is aligned to the Corporate Strategy of Western Power, by supporting new lighting assets which are LED.

Definitions

Light-emitting diode (LED) means a light-emitting diode (a semiconductor diode which glows when a voltage is applied).

Related Documents

Nil

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *IPWEA (WA) Subdivisional Guidelines*
- *AS/NZS 1158. 1.2:2010 Lighting of roads and public spaces*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		25 January 2010	OCM023.1/01/10
Version	Date	Resolution Number	Amendment Details
2	29 September 2015	OCM187/09/15	
3	18 December 2017	OCM179/12/17	
4	19 September 2022	OCM221/09/22	
5			New template.

Council Policy – Panels of Pre-Qualified Suppliers

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Procurement
Responsible Officer	Manager Corporate Performance
Affected Business Units	<u>All</u>

Objective

In accordance with Regulation 24AC of the *Local Government (Functions and General Regulations) 1996* (Regulations) a Panel of Pre-qualified Suppliers ("Panel") may be created where the following factors apply:

- ~~The~~ Shire of Serpentine Jarrahdale (the Shire) demonstrates that similar goods and services are required to be purchased on a continuing and regular basis;
- ~~The~~ Shire has identified that there are numerous potential suppliers available locally and regionally that may be interested in supplying goods and services to the Shire;
- ~~The~~ Shire has assessed the supply requirements under the intended Panel as being low to medium risk;
- ~~The~~ Shire has determined that creating a Panel will deliver operational efficiency and other value benefits; and
- ~~The~~ Shire is satisfied that it has the capability to consistently establish, manage the risks and achieve the benefits expected of the proposed Panel, including all auditory requirements

Scope

This policy applies to all panels of pre-qualified suppliers established by the Shire and is binding upon all councillors ~~Elected Members, officers, employees, employees,~~ contractors, and consultants engaged by the entity Shire.

This policy covers the establishment, management, and utilization of panels of pre-qualified suppliers for the procurement of goods and services ~~required on a continuing and regular basis.~~

~~This policy applies to all panels of pre-qualified suppliers established by the Shire and is binding upon all councillors, officers, employees, contractors, and consultants engaged by the entity.~~

~~This policy covers the establishment, management, and utilization of panels of pre-qualified suppliers for the procurement of goods and services required on a continuing and regular basis.~~

Policy

Establishing a Panel

The Shire must establish and manage Panels in accordance with Part 4, Division 3 the Local Government (Functions and General) Regulations 1996.

Council Policy – Panels of Pre-Qualified Suppliers

Panels may be established for one type of supply requirement, or a number of similar types of supply requirements under defined categories within the Panel.

Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire.

Evaluation criteria must be determined and communicated in the invitation process by which applications will be assessed and accepted.

Where a Panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to the Panel (or each category under the Panel), on the basis of offer of best value for money. Where less than three (3) suppliers are determined as offering value for money, either per category or the Panel, the Panel or category of the Panel is not to be established.

In each invitation to apply to become a pre-qualified supplier (through a state-wide notice), the Shire must state the number of suppliers it intends to pre-qualify onto the Panel, or to each category under the Panel.

Should a Panel member leave the Panel during its operation, they may be replaced by the next ranked supplier as determined in the original value for money assessment to join the Panel of Pre-qualified Suppliers (should the supplier agree to do so), with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the Shire intends to:

- i. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, ~~in accordance with Clause 0~~; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances (e.g. emergency purchases, etc).

In considering the distribution of work among Panel members, the detailed information must also prescribe whether each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the pre-qualified supplier for each supply requirement. Contracts under the Panel will be awarded on the basis of value for money.

Contracts under the Panel must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes any options to extend the contract.

Purchasing from the Panel

All purchases made under the Panel must be made in accordance with the method prescribed in the Invitation to Join a Panel of Pre-qualified Suppliers, and applied in a consistent fashion.

Recordkeeping

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire electronic records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.

For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- A copy of the Invitation to Apply to Become a Pre-qualified Supplier documentation;
- Copy of public advertisement inviting applications;
- Copies of all applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- Copies of framework agreements entered into with pre-qualified suppliers; and
- Records of orders issued under the Panel and any subsequent performance details of works undertaken.

The Shire is also to retain itemised records of each invitation to quote process, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Panel Contract.

Information on each Panel of Pre-qualified Suppliers, including scope of the Panel, details of pre-qualified suppliers under each Panel and term of the Panel must be maintained and made available for access by all officers across the Shire

Definitions

Nil.

Related Documents

- Council Policy – Procurement of Goods and Services up to \$250,000 purchasing
- Council Policy – Procurement of Goods and Services through Public Tendering
- Business Operating Policy (BOP) 3.1.3 - Records Management Guidelines
- Business Operating Policy (BOP) 3.3.4 - Probity and Procurement
- Council Plan 2023-2033

Legislation / Local Law Requirements

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		18 December 2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2	2025		Formatting to new template and updated scope.

DRAFT

Council Policy – Payments to Employees in Addition to Contract on Cessation of Employment

Responsible Directorate	Executive Services
Responsible Business Unit/s	People & Development
Responsible Officer	Manager People, Development and Wellbeing
Affected Business Units	All

Objective

The purpose of this policy is to outline the circumstances in which a payment may be made to an employee who is ceasing employment with the Shire [of Serpentine Jarrahdale \(the Shire\)](#) in accordance with ~~s5.50 of~~ the *Local Government Act 1995* (the Act).

Decisions under this policy are to be made:

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

Scope

This policy applies to all staff employed by the Shire with the exception of the CEO or a Senior Employee not governed by a written contract as set out in ~~S5.39 of~~ the Act.

Policy

The Shire may wish to recognise an employee for outstanding dedication and/or performance which and who, in the judgement of the Chief Executive Officer, has made a significant and valuable contribution to the organisation in the circumstances of resignation or retirement. This may be recognised by way of a gratuity payment

Gratuity Payments

The Shire may wish to recognise the service provided by an employee, who is finishing employment with the Shire, and who, in the judgement of the Chief Executive Officer, has made a significant and valuable contribution to the organisation. This may be recognised by way of a gratuity payment.

In determining the gratuity payment to be made, the Chief Executive Officer will consider the matter on its merit having regard for the length of the employee's service or contribution with the Shire and the employee's standard of performance, outstanding service and/or contribution.

These payments, when proposed to be made, are in addition to any amount which the employee is entitled to under a contract of employment, enterprise agreement or Award. This policy shall not be considered as a contractual entitlement under the employment relationship.

The gratuity payment identified within this policy does not apply to an employee who has been dismissed by the Shire for any reason.

Cessation of Employment

The Shire may elect to pay to a terminating employee an amount in excess of their award or contractual entitlement where the termination of employment is a matter of serious and genuine dispute between the Shire and the employee, that is best resolved, in the judgement of the Chief Executive Officer, after considering legal and other relevant advice, on a commercially negotiated basis.

Value of Payment

The value of a payment or payments made under ~~s5-50(1) and (2) of~~ the Act, to an employee whose employment finishes with the Shire will be made in accordance with ~~Regulation 19A of~~ the *Local Government (Administration) Regulations 1996* (the Regulations) and is not to exceed in total:

- a. The equivalent value of 3 months of the employee's base annual salary, 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 ~~s5-39 the Act~~ or
- b. In all other cases, \$5,000.

Special Circumstances

If special circumstances warrant, Council may at any time give consideration to the payment of a gratuity that is additional to that set out in this policy. In this instance public notice shall be given of the proposed additional gratuity, in accordance with the provisions of the Act.

Note: As required by ~~s5-50 of~~ the Act, this policy is to be advertised by local public notice.

Definitions

Not applicable.

Related Documents

- ~~Strategic Community Plan 2017-2027~~ Council Plan 2023-2033

Legislation / Local Law Requirements

- Local Government Act 1995* ~~S5-50~~
- Local Government (Administration) Regulations 1996*, ~~r19A~~

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		22 August 2011	CGAM008/08/11
Version	Date	Resolution Number	Amendment Details

2	20 August 2015	OCM187/09/15	
3	18 December 2017	OCM179/12/17	
4			New template. Included scope and policy introduction

DRAFT

Council Policy – Proceedings before the State Administrative Tribunal

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning and Compliance Environmental Health Building Services
Responsible Officer	Director Development Services
Affected Business Units	Statutory Planning and Compliance Environmental Health Building Services Emergency Services

Objective

The objective of this Policy is to:

- Outline the Shire of Serpentine Jarrahdale's (the Shire's) general position and approach to proceedings before the State Administrative Tribunal;
- Support the Shire's continued efforts to achieve general community compliance with relevant statutory requirements;
- Support the Shire's continued efforts to operate in an open and transparent manner; and
- Support the Shire's continued efforts to operate in a financially responsible manner

Scope

This Policy applies to State Administrative Tribunal matters, which involves the Shire's Planning, Compliance, Building and Health Services.

Policy

1. Introduction

The State Administrative Tribunal (SAT) was established in Western Australia in 2005 as an independent body that makes and reviews a range of administrative decisions. Individuals, businesses, public officials and vocational boards can bring before the SAT many different types of applications related to civil, commercial and personal matters. These range from reviews of multi-million-dollar tax judgements and dog destruction orders to disciplinary proceedings, guardianship questions and town planning and compensation issues.

The SAT was established by the *State Administrative Tribunal Act 2004* (SAT Act) and the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* (Conferral Act). The Conferral Act refers to more than 130 existing Acts of Parliament, known as enabling

Council Policy – Proceedings before the State Administrative Tribunal

Acts. The enabling Acts give the SAT the jurisdiction to make decisions on specific matters. The most common proceedings before the SAT for the Shire are in relation to the following:

- Where an applicant is aggrieved by a determination on an application for development approval under the provisions of the Shire's ~~Town Planning Scheme No. 2 (TPS 2)~~ Local Planning Scheme No. 3 (LPS3);
- Where an applicant is aggrieved by the lack of a determination on an application for development approval within the timeframes prescribed in ~~TPS 2;~~ LPS3
- Where a party is aggrieved under the provisions of the *Dog Act 1976*.

The SAT is required to consider all relevant information available to it, including any submissions received during the advertising of the proposal previously conducted by the local government and the formal determination of the local government. In general terms, the SAT may ultimately:

- Reaffirm the original decision;
- Set aside or vary the original decision and substitute its own decision; or
- Invite the Shire to re-consider the proposal, often in the light of new information that has become available during proceedings before the SAT.

This policy does not deal with the procedures involved in making an application for review or the process of the review as these matters are the subject of separate legislation and regulations.

2. Status

(a) Relationship to State Administrative Tribunal Act 2004

This policy shall be read in conjunction with the SAT Act. To the extent of any inconsistency between this policy and the SAT Act, the SAT Act shall prevail.

~~(b) Relationship to Town Planning Scheme No.2~~

~~This Policy shall read in conjunction with Clause 8.6 of TPS2, which states the following:~~

~~An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and Rules and Regulations made pursuant to the Act.'~~

~~To the extent of any inconsistency between this policy and the provisions of TPS2, the Scheme shall prevail.~~

3. Interpretations

This policy does not seek to establish any specific interpretations or definitions for terms it contains.

4. Policy Measures

Council's Role in SAT Proceedings

- 4.1 Upon the commencement of a SAT review the Council ceases to be the decision-maker with respect to the matter the subject of the review (unless the SAT invites the Council to reconsider its original decision), and instead becomes a party to the proceeding. However the Council has an obligation under the SAT Act to use its best endeavours to assist the SAT to make the correct and preferable decision in the review.

Council Policy – Proceedings before the State Administrative Tribunal

- 4.2 In order to maintain the integrity of the SAT review process and uphold its obligation to the SAT, elected members and employees should avoid discussions or correspondence concerning an ongoing SAT review with third parties, except where necessary or appropriate:
- to inform a person that a matter is before the SAT;
 - to make a person aware of their ability to access relevant information on the SAT website at www.sat.justice.wa.gov.au, including information concerning the role of third parties in SAT reviews;
 - to inform a person of the outcome of a step in, or the outcome of, the SAT proceedings; and
 - to assist the SAT or the Council in the SAT review (e.g. to obtain advice from an expert or government agency, or to obtain a witness statement).
- 4.3 In the interests of avoiding any later conflict and in maintaining integrity in the process, direct communication between a proponent and the Shire's elected members (individually or collectively) should be avoided for the duration of proceedings before the SAT. Should contact be made by a proponent, the elected member/s are encouraged to:
- make the person aware of this Council policy; and
 - advise the applicant to contact the Shire's responsible officer if they require any further information.

Representation

- 4.4 Where the applicant has retained legal representation, the Shire will be legally represented.
- 4.5 Where an applicant has elected on their application for review to the SAT in a Class 1 planning matter to not have legal representation, the Shire shall be represented by either officers or appointed consultants.
- 4.6 Where a Council decision is the same or essentially the same as an officer's recommendation, or corrects or improves the content of an officer's recommendation, then officers shall generally provide a written response on behalf of the Council and/or attend a mediation or Tribunal hearing as an expert witness to represent the Council's position. Decisions in respect of which officers are to attend proceedings shall be determined by the Chief Executive Officer.
- 4.7 Where an application is made for the review of a decision that is substantially inconsistent with a recommendation made by Shire officers, then in the interests of the Council and Shire officers, and to assist the SAT, independent consultants may be engaged to represent the Shire during the SAT process, and will usually be engaged if the matter proceeds to a final hearing. This does not preclude Officers from attending mediation to provide the SAT factual information on behalf of Council.
- 4.8 The decision to engage, or not engage, independent consultants as described in 4.7 above, shall be made by the Chief Executive Officer or relevant Director.

Mediation Proceedings

- 4.9 The Shire acknowledges the Tribunal's desire to resolve matters by mediation where possible and will generally agree to participate in the SAT mediation process, provided there is a reasonable prospect of reducing or clarifying the issues in dispute, or achieving

Council Policy – Proceedings before the State Administrative Tribunal

a negotiated outcome. Discussions occurring for the purposes of mediation are conducted by the Tribunal on a “without prejudice” and confidential basis and the Council acknowledges that the content of this discussion cannot be discussed outside the mediation session.

Where a matter is referred to mediation, the consultant or officer with conduct of the matter:

- (a) Shall participate constructively in the mediation in order to attempt to reach a compromise solution;
- (b) Shall not agree to any compromise solution at the mediation beyond the scope of the officer's delegated power; and
- (c) Shall refer any potential solutions arising out of the mediation back to the decision maker in the original application.

With respect to (b) above, where the matter was originally considered by Council, any proposed compromise solution arising from the mediation shall be presented to Council for further consideration in accordance with the procedures for section 31 reconsiderations set out below.

- 4.10 Where practical, officers shall provide regular updates on proceedings before the SAT to elected members. The updates shall, however, generally be limited to issues relating to the programming of proceedings, including timeframes and likely cost implications. Specific details in relation to the proceedings shall generally not be discussed and officers and elected members shall acknowledge that such meetings are not decision-making forums.

Section 31 Reconsiderations

- 4.11 The Tribunal may refer a matter to Council under section 31 of the SAT Act, inviting Council to reconsider the original decision. This regularly occurs following the mediation process, or where there has been a deemed refusal. In the interests of achieving time and cost-effective outcomes for all parties involved, officers shall generally seek to resolve matters through a section 31 reconsideration process.
- 4.12 The responsible Shire officer, in consultation with their Director, shall have the discretion to advise the SAT member during mediation proceedings as to whether or not a reconsideration under section 31 would likely assist with the resolution of matter in a timely and cost effective manner.
- 4.13 Upon receipt of an invitation from the SAT to reconsider the matter, the officer shall assess the proposal and refer it to the Council. The Council may then affirm the original decision, vary the decision or set aside the decision and substitute a new decision.
- 4.14 Except where, in the opinion of the Chief Executive Officer there are exceptional circumstances which justify a contrary position, reports presented to Council for consideration under Section 31 of the Act following mediation may be presented as confidential reports.
- 4.15 Where a proposal the subject of a SAT review has already been advertised by the Council, the proposal will not be re-advertised before the Council reconsiders the proposal pursuant to a section 31 invitation except where:
- (a) the SAT mediating member suggests re-advertising, or the applicant agrees; or
 - (b) the proposal to be re-considered is substantially different to the proposal in the form already advertised and may add planning issues not raised by the original proposal; or

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- (c) in the judgment of the officer with conduct of the matter, there are exceptional circumstances which justify re-advertising.

If it is determined by the relevant officer that a proposal should be re-advertised before a re-consideration by the Council, but the applicant does not consent to the re-advertising, the officer shall be entitled to decline to refer the proposal back to the Council.

- 4.16 Following the Council's decision upon re-consideration, the Shire will inform persons who made a submission (whether on the original or amended proposal) of the Council's decision.

Involvement of third parties

- 4.17 Third parties may make a request at any time to the SAT to make a submission, either in person or in writing, in respect of a particular matter. Such requests must be in writing and sent to the SAT (not through the Shire).
- 4.18 A third party may only be present during a mediation session by invitation from the Tribunal.
- 4.19 It is the responsibility of any third party interested in proceedings before the SAT to obtain their own independent advice. The Shire may, however, raise awareness of the ability of a third party to make a submission to the SAT through the following methods:
- making this policy publicly available through the Shire's policy manual, which is published on the Shire's website; and
 - informing those persons who lodged a submission during the public advertising of a proposal of the lodgement of a SAT application for review. The Shire shall make all reasonable endeavours to contact, in writing, such persons within a fourteen (14) day period of the Shire's receipt of a copy of the application for review.
- 4.20 Upon receipt of a request by a third party to make a submission, the SAT must consider whether the person has 'sufficient interest' in the proposal to justify their involvement and whether the involvement of the person would aid the SAT in progressing the matter towards an ultimate determination. The involvement of a third party is generally limited to final hearings, which are usually only programmed where mediation proceedings have failed to reach an agreed outcome between the applicant and the Shire.
- 4.21 As the Shire is bound by the confidential nature of the process, the Shire will generally be unable to provide any updates to a third party as to the progress of a section 31 re-consideration until after it has been determined.

Appeals against Decisions of the Tribunal

- 4.22 The Shire will not generally appeal a decision of the Tribunal unless, in the opinion of the Council following legal advice, it is considered that the Tribunal has made an error of law and the issue at stake has significant implications for the Shire or local government in general.

Parallel Direction Notice under s214 of the Planning and Development Act 2005

- 4.23 Where an application for review of a decision is lodged and the matter is also the subject of a direction notice under s214 of the Planning and Development Act 2005, the Shire will generally defer enforcement of the direction notice until such time as the application before

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the Tribunal is determined. In the event that the review application is dismissed, the Shire will enforce the direction notice immediately without further consideration by Council.

Notifying parties of proceeding outcomes

4.24 Upon the conclusion of proceedings before the SAT, information about the outcome is notified in the following manner:

- Through the publication of a decision report by the SAT on the SAT website at www.sat.justice.wa.gov.au;
- Through written advice being sent to those persons who lodged submissions during the public advertising of the proposal;
- Through the inclusion of relevant details in the monthly 'Information Report' presented to Council through relevant Committee and Council Meetings.

4.25 The information made available by the Shire will usually be limited to the decision outcome (e.g. approval or refusal) and shall not include information that is not generally publicly available – for example the nature of discussions before the SAT that were conducted in a confidential manner

Definitions

Nil

Related Documents

Nil

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *State Administrative Tribunal Act 2004 (SAT Act)*
- *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 (Conferral Act)*
- ~~*Town Planning Scheme No 2 (TPS2)*~~ *Local Planning Scheme No. 3 (LPS3)*
- *Planning and Development Act 2005*
- *Building Act 2011*
- *Building Regulations 2012*
- *Food Act 2008*
- *Caravan Parks & Camping Ground Act 1995*
- *Caravan Parks & Camping Ground Regulations 1997*
- *Health (Aquatic Facilities) Regulations 2007*
- *Health (Asbestos) Regulations 1992*
- *Health (Miscellaneous Provisions) Act 1911*
- *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*

- *Public Health Act 2016*
- *Dog Act 1976*

Amendment Record

Relevant Delegations		Refer to Register of Delegations and Sub-delegations (as amended).	
		Date	Resolution Number
Council Adoption		22 November 2010	SD052/11/10
Version	Date	Resolution Number	Amendment Details
2	29 September 2015	OCM187/09/15	
3	18 November 2017	OCM179/12/17	
4	16 September 2019	OCM195/09/19	
5	2025		Formatted to new template. <u>Updated references from Town Planning Scheme No.2 to Local Planning Scheme No.3.</u>

Council Policy – Procurement of Goods or Services through Public Tendering

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Finance <u>Procurement</u>
Responsible Officer	Manager Finance <u>Corporate Performance</u>
Affected Business Units	All

Objective

The Shire of Serpentine Jarrahdale (the Shire) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the “Act”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “Regulations”). Procurement processes and practices to be complied with are defined within this Policy and the Shire’s prescribed procurement procedures.

Scope

This Policy applies to all ~~staff employees in all Directorates~~ who are required to call tenders for goods, ~~or services or works.~~

~~The policy specifies the role of the Evaluation Panel and the Procurement Team.~~

~~If there is a change of procurement methodology from quoting to tendering, the incumbent suppliers are to be notified of the change of methodology prior to the tender being advertised.~~

Policy

Fairness, Ethics and Integrity and Transparency

All officers and employees of the Shire ~~of Serpentine Jarrahdale~~ shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- all purchases must be made in accordance with the *Local Government Act 1995* and relevant Regulations made under that, or any other Act, and relevant Delegations determined by the Council and / or Chief Executive Officer.
- full accountability shall be taken for all purchasing decisions to ensure the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements and be consistent with the Shire’s policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;

- all processes, evaluations and decisions shall be transparent, free from bias and fully documented to ensure processes and decisions are able to be assessed and audited as required to ensure compliance with this policy~~in accordance with applicable policies and audit requirements;~~
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial in confidence and shall not be released unless authorised by the supplier or relevant legislation.

Value for Money

Value for money is one of the overarching principles governing purchasing that allows the best possible outcome to be achieved for the Shire ~~of Serpentine Jarrahdale~~. ~~It is important to note that compliance with the specification~~ Value for Money is more important than obtaining the lowest price. ~~It also takes into account particularly taking into account~~ user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any tenders shall consider:

- all relevant whole-of-life costs and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive tenders wherever practicable.

Where a higher priced conforming tender is recommended, there shall be clear and demonstrable benefits over and above the lowest total priced, conforming tender.

Public Tendering

The Shire follows the processes and procedures within the Regulations when publicly inviting Tenders including:

- The method and content of tender advertisements, r 14 (1), (2) and (3)
- Varying tender information through tender addendums, r 14 (5)
- The minimum timeframes to allow for submissions, r 15
- The procedure for receiving and opening tenders, r 16
- Recording details within the tender register, r 16 (c) and 17
- Rejecting and accepting tenders, r 18
- Advising tenderers of the tender outcome, r 19
- Undertaking a minor variation after award but prior to contract execution, r 20

i) Expressions of interests, r 21, 22, 23 and 24

Other requirements outlined within the Shire's Register of Delegations and Authorisations, Council Policies and Business Operating Procedures as applicable must also be adhered to.

Requirement for Tender

Regulation 11(1) of the Regulations Local Government (Functions and General) Regulations 1996 determines where tenders are required:

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

Tender Exemption from Public Tendering

Regulation 11(2) of the Regulations establishes the circumstances where tenders do not have to be publicly advertised prior to a local government entering into a contract for goods or services where the consideration under the contract is, or is expected to be, more than \$250,000.

For an exemption to be utilised it must adhere to the principles of procurement and be approved in accordance with Delegation 1.1.35 Exempt Procurement of the Shire Register of Delegations and Authorisations (E20/5259).

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the Local Government (Functions and General) Regulations 1996 Regulations provides for certain circumstances where tenders do not need to be publicly invited, including when the purchase :-

- The purchase is obtained from a pre-qualified supplier under the through the WALGA Preferred Supply Program or State Government Common Use Arrangement;
- The purchase is from a Regional Local Government or another Local Government;
- The purchase is acquired from a person registered on:
 - the WA Aboriginal Business Directory WA, as published by the Small Business Development Corporation Chamber of Commerce and Industry; or
 - the Australian Indigenous Minority Supplier Officer Ltd (trading as Supply Nation);
 - where the consideration under contract is worth \$250,000 or less and represents value for money;
- The purchase is acquired from an Australian Disability Enterprise and represents value for money;
- The purchase is from a pre-qualified supplier under a Panel established by the Shire; or
- is associated with a state of emergency.
- Any of the other exclusions under Regulation 11 of the Regulations apply.

Anti-Avoidance

~~In accordance with Regulation 12 of the Regulations, the Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or contract value so that the effect is to avoid a particular purchasing threshold or the need to call a public tender. It is not permissible to enter into two (2) or more contracts in circumstances such that the desire to avoid the requirements of tendering is a significant reason for not dealing with the matter in a single contract. Refer Regulation 12 of the Local Government (Functions and General) Regulations 1996.~~

Tender Evaluation Criteria

~~The Shire of Serpentine Jarrahdale shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender shall be accepted.~~

~~In accordance with Regulation 14(2a), the criteria for evaluating which tender to accept will be prepared exercising Delegation 1.1.33 utilising the Appendices A – F as a guide. Scoring will be undertaken by an evaluation panel in accordance with Appendix G.~~

~~Procurement Services will compile and be responsible for the tender package, comprising the specifications received from the authorised officer and based on the Shire's standard terms and conditions of contract and decision matrix as per Appendices A – E.~~

~~There are five categories to cater for:~~

- ~~• Construction Works (major and minor);~~
- ~~• Professional and Consultant Services;~~
- ~~• Other Services;~~
- ~~• Plant and Equipment; and~~
- ~~• Goods and Merchandise.~~

~~A Director may appoint professional consultants to assist with the development of the tender documentation.~~

~~All contracts will include the following sections:~~

- ~~a) Conditions of tendering;~~
- ~~b) Specification;~~
- ~~c) General Conditions of Contract; and~~
- ~~d) Special Conditions of Contract.~~

~~The Shire may use Australian Standards as its General Conditions of Contract if required.~~

~~Conditions of contract can be adjusted to incorporate specific aspects of a tender.~~

Specifications

The role of the specification is to provide the tenderer with a concise, unambiguous description explaining to the tenderer exactly what is required. The object of the specification is to ensure:

- a valid comparison between tenderers, keeping variations to a minimum;
- avoidance of price loadings by tenderers to cover contingencies;
- the prevention of interpretive dispute; and
- better cost management.

Specifications may be functional with focus on what is to be achieved; performance orientated with emphasis on outcome, or, technical being highly prescriptive.

The specifications shall be clear and incorporate detailed design briefs and drawings if appropriate. Standard specifications are to be utilised where appropriate.

Probity

In order to ensure the tender selection process is fair and objective, the Shire shall observe the highest standards of integrity. This will be achieved by ensuring that:

- a) ~~j)~~ a Probity Auditor is to be appointed for each Tender expected to be greater than \$1 million in value, or other such Tenders as deemed necessary by the CEO.~~?~~;
- b) ~~k)~~ processes, procedures and documentation that demonstrate fairness, openness and accountability;
- e) ~~l)~~ tenders are undertaken on a competitive basis, in which the Shire seeks to attract a wide range of Tender Respondents that are treated impartially, honestly and consistently so that no individual Respondent is either advantaged or disadvantaged;
- d) ~~m)~~ actual or perceived conflicts of interest are identified, disclosed and dealt with according to local government obligations. For clarity, the following is specified:
 - i) Where a member of the Tender Evaluation Panel has accepted a personal gift directly or a gift of hospitality from a Tender Respondent that employee must not participate in a relevant Tender Evaluation Panel;
 - ii) Where an employee has any financial interest in relation to a Tender Respondent, that employee must not participate in a relevant Tender Evaluation Panel;
 - iii) Where an employee is related to a person who has an interest in a business that is a Tender Respondent, that employee must not participate in a relevant Tender Evaluation Panel;
 - iv) Where an employee has either a personal association with or a close working relationship with a former work colleague who has an interest in a business that is a Tender Respondent, that employee must not participate in a relevant Tender Evaluation Panel;
 - v) For the purpose of clarity:
 - “related” has the meaning assigned to “closely associated persons” at Section 5.62 of the *Local Government Act 1995*;
 - “personal association” has the meaning assigned to “impartiality interests” of the Shire’s Code of Conduct and includes friends and colleagues, whether current or previous associations, with whom a person has had a direct relationship; and
 - “a close working relationship” includes a person who was previously the employee’s direct supervisor, direct subordinate or a colleague within a work team”;
- e) ~~n)~~ recommendations are made and decision-making is undertaken in a manner that is transparent, free from bias and fully documented; and
- f) ~~o)~~ 'Commercial in Confidence' information provided by Tender Respondents shall be treated in confidence, unless authorised for publication by the Tender Respondent or relevant legislation.

Advertising Tenders

~~Tenders are to be advertised in accordance with the Statewide public notice, which is to include publication in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday and local media outlets and:-~~

•—

~~—The advertisement shall be placed on the publication on the public notice boards located at the Shire of Serpentine Jarrahdale Administration Building and the Mundijong Byford Public Library;~~

~~—Shire website, and~~

~~•publication in local newspapers, including the Examiner.~~

~~Tenders are also to be advertised on the Shire's website.~~

~~The tender must remain open for a minimum of 14 days working days after the date the tender is advertised. Care must be taken to ensure that the 14 full 14 working days are provided as a minimum, which does not include the day the notice is given.~~

~~The notice must include:~~

- ~~•a brief description of the goods or services required;~~
- ~~•information as to where and how tenders may be submitted;~~
- ~~•the date and time after which tenders cannot be submitted;~~
- ~~•particulars identifying a person from who more detailed information as to tendering may be obtained;~~
- ~~•detailed information shall include:~~
 - ~~○such information as the Shire of Serpentine Jarrahdale decides shall be disclosed to those interested in submitting a tender;~~
 - ~~○detailed specifications of the goods or services required;~~
 - ~~○the criteria for deciding which tender shall be accepted; and~~
 - ~~○whether or not the Shire of Serpentine Jarrahdale has decided to submit a tender.~~

~~Part 4, Division 2 of the Local Government (Function and General) Regulations 1996 applies.~~

Issuing Tender Documentation

The Shire has entered into an agreement with an e-tender provider. The e-tender provider hosts an online portal for the detailed tender information on behalf of the Shire.

Tenders will not be made available by any other means.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Serpentine Jarrahdale not to compromise its duty to be fair.

Tender Deadline (Regulation 18)

~~AA tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected. Refer Regulation 18 of the Local Government (Functions and General) Regulations 1996.~~

Opening of Tenders

All tenders shall be closed at the nominated date and time as stipulated in the tender documents.

All tenders shall be opened by Procurement ~~Services~~ through the Electronic Tender Box. The Electronic Tender Box key will be forwarded to Procurement ~~Services~~ by email from the e-tender provider at the time nominated in the Tender Documents.

At least two (2) employees of the local government must be available for the opening.

The details of all tenders received and opened shall be recorded in the Electronic Tender Register.

All Tenderers and members of the public may attend or be represented at the opening of Tenders.

The names of the Tenderers who submitted a tender by the due deadline will be read out at the tender opening.

No discussions will be entered into between tenderers and the Shire's officers, present or otherwise, concerning the Tenders submitted.

Note: ~~In accordance with Part 4, Regulation 16-3(c) and 17-3 of the Local Government (Functions and General) Regulations 1996 the Principal is only required to record the price of the winning Tenderer/s in the Tenders Register. The Tender Register will be maintained in accordance with the Regulations.~~

All tenders received and opened on the due date and time shall be electronically date stamped by the e-tender providers system.

No Tenders Received

In accordance with ~~Section Regulation 11(-2)(c) of the Local Government (Functions and General) Regulations 1996, Regulations~~, where the Shire of ~~Serpentine Jarrahdale~~ has invited tenders and no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- ~~a sufficient number of quotations are obtained the process follows the guidelines for seeking quotations between \$75,001 and \$2149,999 as detailed in Council Policy – Procurement of Goods or Services up to \$250,000; purchasing;~~
- the specification for goods and/or services remains unchanged; and
- purchasing is arranged within 6 months of the closing date of the lapsed tender.
- A contract in accordance with Council Policy – Contract Management is put in place

As this is an Exemption from Public Tendering, to utilise this exemption it must be approved in accordance with Delegation 1.1.35 Exempt Procurement of the Shire Register of Delegations and Authorisations (E20/5259).

Tender Selection Criteria and Evaluation Panel Guidelines

An evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase. The panel shall contain a minimum of three (3) members.

Procurement ~~Services~~ will fulfil a governance function to ensure the panel understands and performs its responsibilities in determining value for money.

When purchasing goods or services the Tender Evaluation Panel must be aware of the principles underlying probity - these principles are referred to as procedural fairness.

Procedural fairness can be defined as the duty to act fairly and the duty to adopt fair procedures that are appropriate and adapted to the circumstances of a particular case.

In order to ensure the tender selection process is fair and objective, the following principles of procedural fairness must be adhered to:

a) Knowledge

Before commencing the tender process, Panel members must have an understanding of the contents of the tender, the selection criteria against which tenders will be rated, and the process by which each tender will be rated.

b) Relevant Considerations

Panel members must consider all relevant information related to each tender. This would include the tenderer's responses to the selection criteria, and all other information tenderers were required to supply. Tender evaluation ratings and selections must be made on the basis of the material presented and included in the tender submissions rather than hearsay.

c) Bias

The tender selection process must be free of bias, and any perception of bias. Any connections between a Panel member and a tenderer must be disclosed to Procurement ~~Services~~ by completing a Declaration of Interest form. Panel members shall not accept gifts, under any circumstances and shall limit contact with tenderers during the tender selection process. Any Panel member who has been nominated by one of the tenderers as a referee is to also complete a Declaration of Interest form before the tender assessment commences, but can provide a referee report.

d) Confidentiality

The contents of each tender shall not be disclosed to any outside party.

Each tender shall be viewed as commercially confidential information. However, it is acceptable to have disclosure of the awarded tenderer's overall tender price after the tender has closed.

e) Commenting During the Tender Selection Process

Procurement ~~Services~~ are the only staff members to communicate with tenderers during the tender process. Panel members shall not discuss any element of the selection process with work colleagues or any other party.

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire ~~of Serpentine Jarrahdale~~ may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation. ~~Refer regulation 14(5) of the Local Government (Function and General) Regulations 1996.~~

Tender Clarification

Tender Clarification questions will be answered via the tender forum hosted by the e-tender provider.

Minor Variation (Regulation 20)

If, after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire ~~of Serpentine Jarrahdale~~ and tenderer have entered into a Contract, a minor variation may be made by the ShireCEO (as per Delegation 1.1.34). ~~of Serpentine Jarrahdale.~~

A minor variation will need to meet all three requirements:

- Does not alter the nature of the goods and/or services procured;
- Does not materially alter the specification or structure provided for by the initial tender; and
- Less than 10% of the original contract price.

If the variation does not meet all three of the minor variation requirements, then the variation must be presented to Council for consideration/adoption.

~~Refer regulation 20 of the Local Government (Functions and General) Regulations 1996.~~

~~Variation after Contract Commencement (Regulation 21A)~~

~~If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless:~~

- ~~a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or~~
- ~~a) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j) of the Local Government (Functions and General) Regulations 1996.~~

~~Regulation 21A of the Local Government (Functions and General) Regulations 1996 applies.~~

The Evaluation Process

Following the closing of tenders:

- Panel members will receive a copy of each tender submission and an evaluation sheet.
- Panel members will individually score each tender submission using the 0-5 rating scale at Appendix G., with a comment as to what led to this determination.
- The Panel shall then reach a consensus as to the recommended score. If consensus cannot be reached the majority view will be that which is recommended.
- Procurement ~~Services~~, once satisfied with the content of the Consensus form, will complete the report to Council.
- The Agenda report will then be submitted to Council for Council consideration.
- Upon acceptance by Council, a letter notification of award will be issued by Procurement ~~Services~~ to the successful Tenderer and unsuccessful Tenderers.
- ~~• Upon acceptance by Council, Procurement Services will issue a letter advising all unsuccessful Tenderers of Council's decision. Scoring System~~

~~Each Panel member will individually assess each submission on a 0-5 score basis, as shown in the following table.~~

		Risk Analysis	
Evaluation Factor	Tender Submission Demonstrates:	Descriptor	Definition

0	No evidence of addressing criteria	Severe risk	Fail – fails to meet minimum requirements in all respects or did not respond. Therefore, the tender submission will be rejected as a risk to the Shire
1	Minimal evidence on how the criteria will be achieved. Evidence does not address all the requirements of the criteria.	Major risk	Poor – fails to meet minimum requirements in several respects: contains insufficient or unclear information. Therefore, the tender submission will be rejected as a risk to the Shire.
2	Moderate evidence on how the criteria will be achieved. Evidence does not address all the requirements of the criteria in current form.	Moderate risk	Marginal – some areas of concern in relation to ability to meet minimum requirements or some deficiencies. Therefore, the tender submission will be rejected as a risk to the Shire.
3	Evidence on how the criteria will be achieved. Evidence may have some minor deficiencies.	Minor risk	Negligible impact on the objectives of the tender.
4	Clear evidence meeting all the requirements of the criteria.	Negligible risk	Negligible impact on the objectives of the criteria.
5	Evidence exceeded the requirements of the criteria.	Minimal risk	Minimal impact on the objectives of the criteria.

If a tender submission scores below a 3 for any of the qualitative criteria it will be rejected as a risk to the Shire and will play no further part in the assessment.

Records Management

All records associated with the tender process must be recorded and retained. This includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation; and
- Notification and award documentation.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire of Serpentine Jarrahdale's internal records management policy.

Definitions

Nil

Relevant Policies / Council Documents

- [Register of Delegations and Authorisations \(E20/5259\)](#)
- [Council Policy - Contract Management](#)
- [Business Operating Procedure – Authorisation to Issue Purchase Requisitions](#) ~~Strategie Community Plan 2017 – 2027~~ [Council Plan – 2023-2033](#)
- Council Policy – ~~Purchasing~~ Procurement of Goods or Services up to \$250,000
- WALGA Purchasing and Tendering Guidelines
- ~~WALGA Procurement Toolkit~~ [Business Operating Procedure \(BOP\) 3.3.5 – Provision of Goods and Services to External Clients](#)
- ~~E11/1439 Process 16 – Request for Tender~~
- ~~E11/1464 – Procedure 16 – Tender Evaluation Panel Guide~~
- ~~E11/1592 – Procedure 16 – Tender Evaluation Panel Authorisation~~
- ~~E13/489 – Tender Compliance Summary~~
- ~~E15/2297 – Tender Register~~

Legislation / Local Law Requirements

- *Local Government Act 1995* ~~s. 3.57~~
- *Local Government (Functions and General) Regulations 1996* ~~Part 4 Division 2~~

Amendment Record

		Date	Resolution Number
Council Adoption			
Version	Date	Resolution Number	Amendment Details
1	28/05/2012	OCM147/05/12	
2	14/04/2014	OCM163/04/14	
3	29/09/2015	OCM187/09/15	
4	14/03/2016	OCM037/03/16	
5	18/12/2017	OCM179/12/17	
6	15/07/2019	OCM148/07/19	
7	20/07/2020	OCM226/07/20	
8			New template, removal of duplication of legislation, minor amendments to wording and appendices. etc

APPENDIX A

TENDER EVALUATION CRITERIA

CONSTRUCTION WORKS

(major and minor)

Definition: All Infrastructure projects such as building, road, carpark, footpath, drainage, park and bridge construction.

Description of Criteria	Weighting
<p>Compliance Criteria</p> <p><u>Tenders are checked for completeness and compliance. Tenders that do not contain the Minimum Submission Requirements may be excluded from evaluation. The Minimum Submission Requirements are:</u></p> <ul style="list-style-type: none"> <u>Completed Responses to the Compliance Criteria (e.g., licences, financial capacity, contract departures, insurance, Work Health and Safety and relevant disclosures)</u> <u>Comprehensive, tailored responses to the Qualitative Criteria (not generic information, general capability statements, etc);</u> <u>Completing the Pricing Schedule; and</u> <u>Completing the Tenderer Offer form.</u> <p><u>Tenderers are required to comply with the requirements regarding the undertaking of a Financial Risk Assessment if required and the Shire may take this into consideration when assessing compliance.</u></p> <p>—Tenders submitted by the due date and time prescribed in the tender documentation;</p> <p>—Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and</p> <p>– Tenders must address qualitative selection criteria.</p>	<p>Mandatory criteria must be addressed no weighting applied.</p>
<p>Qualitative Selection Criteria – Service delivery plan</p> <p>Relevant Experience</p> <p>Demonstrated relevant experience of the Company in providing the same or similar services to local government over the past five years. Include the following:</p>	<p><u>To be determined based on the specific tender. 2010% – 15% is recommended.</u></p>

Tenderers are to demonstrate relevant experience of the organisation in delivering similar requirements to those outlined in the RFT, by providing details of previously completed projects of a similar nature.

At a minimum, Tenderers should provide the following details for each example project:

- Project title;
- Client;
- Duration, and confirmation whether the contractually agreed PC-date was achieved;
- Years the contract was active;
- Value;
- Scope;
- Key issues/challenges that arose with the project, and how they were resolved;
- Disclosure of any contractual disputes;
- A clear description of the organisational structure of the entity that delivered the identified scope, including the Tenderer's role, clearly identifying whether the Tenderer was engaged directly by the client to deliver the whole scope for the project, or was appointed as a sub-contractor or through another arrangement and delivered part of the scope only. If so, the part of the scope delivered by the Tenderer should be identified;
- If key elements of the scope were sub-contracted, the Tenderer should identify these, including the details of the sub-contractor that delivered them;
- If the Tenderer is proposing to sub-contract key components of the works, or operate in a Joint Venture or other similar approach whereby the Tenderer will not be directly delivering all key components of the works, the Tenderer should demonstrate, as applicable:
 - Experience of the Tenderer in the delivery of a similar scope of works using a similar delivery structure to that proposed to deliver this requirement;
 - Experience of the Tenderer in managing key sub-contractors to achieve project outcomes and meet requirements;
 - experience of any nominated key sub-contractors in delivering works of a similar nature to the scope that is proposed to be delivered by them;

- experience of any nominated sub-contractors in acting as a sub-contractor to a head-contractor, and meeting overall project requirements; and
- Contact details of a referee from the Client.

Key Personnel, Skills and ~~Resources~~Experience

Tenderers are to demonstrate the suitability of the key personnel nominated to deliver the requirements, including:

- Provision of a detailed project organisational structure, outlining the team members and hierarchy for the team proposed to deliver the requirements (the Key Personnel); demonstrating a suitable project structure to deliver the requirements in line with the methodology outlined in the Demonstrated Understanding and Project Methodology criterion
- Where any key elements of the project are being delivered by a Joint Venture, Contractor/Sub-contractor or other such arrangement, the project organisational structure should include Key Personnel nominated from these organisations as appropriate, clearly identifying the organisation each key personnel member represents.
- For each nominated Key Personnel member:
 - Outline the scope of the role they have been nominated to perform;
 - Provide a CV, outlining their tenure, qualifications, skills and experience to demonstrate their suitability to perform the role they have been nominated for;
 - Identify their commitment to the project on an FTE basis over the life of the project, including any fluctuations in commitment during the contract period

To be determined based on the specific tender.
10% –15% is recommended.

Organisational Capacity

Tenderers are to demonstrate sufficient organisational capacity to meet the requirements, including:

- Provide an outline of your organisational structure and background information on the Tenderer, including a summary of the history of the organisation, and general organisational support and capacity to deliver requirements of this nature;
- Provide details of back-up personnel and contingency measures for all nominated Key Personnel;

To be determined based on the specific tender.
10% is recommended.

- Provide details of plant, equipment and systems that will support the delivery of requirements of this nature.
- Provide details of other contracts the organisation is currently delivering and/or expected to be engaged to deliver over the life of the contract, and:
 - identify the FTE involvement of any nominated Key Personnel in these other projects, and how their time will be managed between competing commitments;
 - Identify how plant, equipment and organisational resources will be managed between competing commitments.

Note – for any Tenderer proposing a Joint Venture or the delivery of key components of the requirements by a sub-contractor, this criterion should include, as appropriate, responses to the above criteria from any and all organisations proposed to deliver key requirements.

Demonstrated Understanding and Project Methodology

Tenderers are to demonstrate their understanding of the requirements and their ability to meet them, by providing the following:

- A detailed methodology for completing all major aspects of the requirements;
- A GANTT chart (in .mpp native format) that:
 - Demonstrates alignment with any key timings stipulated in the requirements;
 - Identifies a critical path; and
 - Identifies key hold points and milestones
- A list of key issues and challenges expected to be faced in the delivery of the requirements, and how they will be mitigated
- If the Tenderer is proposing to sub-contract key components of the works, or operate in a Joint Venture or other similar approach whereby the Tenderer will not be directly delivering all key components of the works, the Tenderer should outline, as applicable, the strategies and mechanisms that will be employed to govern the overall delivery entity and key sub-contractors. (provide proposed subcontractor management plan). Tenderers shall detail the process they intend to use to achieve the Requirements of the Specification.

Use dot points to explain the process.

The process shall include a timetable for delivering the services.

To be determined based on the specific tender.
20% is recommended. 10% – 15%

<u>A demonstrated understanding of the scope of work including Project specific plans including safety and environmental management plans.</u>	
Price:	<u>To be determined based on the specific tender.</u> <u>40% is recommended.</u> <u>55% - 70%</u>
Total	100%

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APPENDIX B

TENDER EVALUATION CRITERIA

PROFESSIONAL AND CONSULTANT SERVICES

Definition: Delivery of legal, accounting, auditing, governance or similar services. The services may be delivered as a one-off service or on an ongoing basis.

Description of Criteria	Weighting
<p>Compliance Criteria</p> <p><u>Tenders are checked for completeness and compliance. Tenders that do not contain the Minimum Submission Requirements may be excluded from evaluation. The Minimum Submission Requirements are:</u></p> <ul style="list-style-type: none"> <u>Completed Responses to the Compliance Criteria (e.g., licences, financial capacity, contract departures, insurance, Work Health and Safety and relevant disclosures)</u> <u>Comprehensive, tailored responses to the Qualitative Criteria (not generic information, general capability statements, etc);</u> <u>Completing the Pricing Schedule; and</u> <u>Completing the Tenderer Offer form.</u> <p><u>Tenderers are required to comply with the requirements regarding the undertaking of a Financial Risk Assessment if required and the Shire may take this into consideration when assessing compliance.</u></p> <p>–</p>	<p>Mandatory criteria must be addressed no weighting applied.</p>
<p>Qualitative Selection Criteria – Service delivery plan Relevant Experience</p> <p><u>Tenderers are to demonstrate relevant experience of the organisation in delivering similar requirements to those outlined in the RFT, by providing details of previously completed services of a similar nature.</u></p> <p><u>At a minimum, Tenderers should provide the following details for each example service:</u></p> <ul style="list-style-type: none"> <u>Type of Services;</u> <u>Client;</u> <u>Duration</u> <u>Value;</u> <u>Scope;</u> 	<p><u>To be determined based on the specific tender. 10% is recommended. 0%–30%</u></p>

- Contact details of a referee from the Client. Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. Include the following:

Project	Client	Duration	Value	Deliverables	Achieved Results
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Key Personnel, Skills and ~~Resources~~ Experience

Tenderers are to demonstrate the suitability of the key personnel nominated to deliver the requirements, including:

Capacity to deliver the services including:

Key Personnel / Professional skills.

Name	Years in Industry	Roles and Responsibility	Experience
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To be determined based on the specific tender. 10% is recommended. ~~15%–30%~~

Support facilities

Organisational Capacity

Tenderers are to demonstrate sufficient organisational capacity to meet the requirements, including:

- Provide an outline of your organisational structure and background information on the Tenderer, including a summary of the history of the organisation, and general organisational support and capacity to deliver requirements of this nature; and
- Provide details of back-up personnel and contingency measures for all nominated Key Personnel;

To be determined based on the specific tender. 10% is recommended.

Demonstrated Understanding

Tenderers are to demonstrate their understanding of the requirements and their ability to meet them, by providing the following:

- A detailed methodology for completing all major aspects of the requirements;

Tenderers shall detail the process they intend to use to achieve the Requirements of the Specification.

Use dot points to explain the process.

- The process shall include a timetable for delivering the services.

To be determined based on the specific tender. 20% is recommended. ~~0%–15%~~

Price:

To be determined based on the specific tender. ~~540%~~ is recommended.

Total	100%
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APPENDIX C

TENDER EVALUATION CRITERIA

OTHER SERVICES

Definition: All services with the exception of professional and consulting services e.g., pest control, weed spraying, verge maintenance. The services may be delivered as a one-off service or on an ongoing basis.

Description of Criteria						Weighting
Compliance Criteria —Tenders submitted by the due date and time prescribed in the tender documentation; —Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and —Tenders must address qualitative selection criteria.						Mandatory criteria must be addressed no weighting applied.
Qualitative Selection Criteria – Service delivery plan Relevant Experience Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. Include the following:						10%–20%
Project	Client	Duration	Value	Deliverables	Achieved Results	
Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / Professional skills						10%–20%
Name	Years in Industry	Roles and Responsibility	Experience			
Support facilities Financial capacity (a credit reference check may be required).						
Demonstrated Understanding Tenderers shall detail the process they intend to use to achieve the Requirements of the Specification. Use dot points to explain the process. The process shall include a timetable for delivering the services.						0%–15%
Price						50%–60%
Total						100%

<u>Description of Criteria</u>	<u>Weighting</u>
<p><u>Compliance Criteria</u></p> <p><u>Tenders are checked for completeness and compliance. Tenders that do not contain the Minimum Submission Requirements may be excluded from evaluation. The Minimum Submission Requirements are:</u></p> <ul style="list-style-type: none"> <u>Completed Responses to the Compliance Criteria (e.g., licences, financial capacity, contract departures, insurance, Work Health and Safety and relevant disclosures)</u> <u>Comprehensive, tailored responses to the Qualitative Criteria (not generic information, general capability statements, etc);</u> <u>Completing the Pricing Schedule; and</u> <u>Completing the Tenderer Offer form.</u> <p><u>Tenderers are required to comply with the requirements regarding the undertaking of a Financial Risk Assessment if required and the Shire may take this into consideration when assessing compliance.</u></p>	<p><u>Mandatory criteria must be addressed no weighting applied.</u></p>
<p><u>Qualitative Criteria</u></p> <p><u>Relevant Experience</u></p> <p><u>Tenderers are to demonstrate relevant experience of the organisation in delivering similar requirements to those outlined in the RFT, by providing details of previously completed services of a similar nature.</u></p> <p><u>At a minimum, Tenderers should provide the following details for each example service:</u></p> <ul style="list-style-type: none"> <u>Type of service;</u> <u>Client;</u> <u>Duration, and confirmation whether the contractually agreed works were achieved;</u> <u>Years the contract was active;</u> <u>Value;</u> <u>Scope;</u> <u>Key issues/challenges that arose with the services, and how they were resolved;</u> <u>Disclosure of any contractual disputes;</u> <u>A clear description of the organisational structure of the entity that delivered the identified scope, including the Tenderer's role, clearly identifying whether the Tenderer was engaged directly by the client to deliver the whole scope of the services, or was appointed as a sub-contractor or through another arrangement</u> 	<p><u>To be determined based on the specific tender. 10% is recommended.</u></p>

and delivered part of the scope only. If so, the part of the scope delivered by the Tenderer should be identified;

- If key elements of the scope were sub-contracted, the Tenderer should identify these, including the details of the sub-contractor that delivered them;
- If the Tenderer is proposing to sub-contract key components of the works, or operate in a Joint Venture or other similar approach whereby the Tenderer will not be directly delivering all key components of the works, the Tenderer should demonstrate, as applicable:
 - Experience of the Tenderer in the delivery of a similar scope of works using a similar delivery structure to that proposed to deliver this requirement;
 - Experience of the Tenderer in managing key sub-contractors to achieve project outcomes and meet requirements;
 - experience of any nominated key sub-contractors in delivering works of a similar nature to the scope that is proposed to be delivered by them;
 - experience of any nominated sub-contractors in acting as a sub-contractor to a head-contractor, and meeting overall project requirements; and
 - Contact details of a referee from the Client.

Key Personnel, Skills and Experience

Tenderers are to demonstrate the suitability of the key personnel nominated to deliver the requirements, including:

- Provision of a detailed project organisational structure, outlining the team members and hierarchy for the team proposed to deliver the requirements (the Key Personnel); demonstrating a suitable project structure to deliver the requirements in line with the methodology outlined in the Demonstrated Understanding and Service Methodology criterion
- Where any key elements of the project are being delivered by a Joint Venture, Contractor/Sub-contractor or other such arrangement, the project organisational structure should include Key Personnel nominated from these organisations as appropriate, clearly identifying the organisation each key personnel member represents.
- For each nominated Key Personnel member:
 - Outline the scope of the role they have been nominated to perform;

To be determined based on the specific tender. 10% is recommended.

<ul style="list-style-type: none"> ○ <u>Provide a CV, outlining their tenure, qualifications, skills and experience to demonstrate their suitability to perform the role they have been nominated for;</u> ○ <u>Identify their commitment to the project on an FTE basis over the life of the project, including any fluctuations in commitment during the contract period</u> 	
<p><u>Organisational Capacity</u></p> <p><u>Tenderers are to demonstrate sufficient organisational capacity to meet the requirements, including:</u></p> <ul style="list-style-type: none"> • <u>Provide an outline of your organisational structure and background information on the Tenderer, including a summary of the history of the organisation, and general organisational support and capacity to deliver requirements of this nature;</u> • <u>Provide details of back-up personnel and contingency measures for all nominated Key Personnel;</u> • <u>Provide details of plant, equipment and systems that will support the delivery of requirements of this nature.</u> • <u>Provide details of other contracts the organisation is currently delivering and/or expected to be engaged to deliver over the life of the contract, and:</u> <ul style="list-style-type: none"> ○ <u>identify the FTE involvement of any nominated Key Personnel in these other projects, and how their time will be managed between competing commitments;</u> ○ <u>Identify how plant, equipment and organisational resources will be managed between competing commitments.</u> <p><u>Note – for any Tenderer proposing a Joint Venture or the delivery of key components of the requirements by a sub-contractor, this criterion should include, as appropriate, responses to the above criteria from any and all organisations proposed to deliver key requirements.</u></p>	<p><u>To be determined based on the specific tender. 10% is recommended.</u></p>
<p><u>Demonstrated Understanding and Service Methodology</u></p> <p><u>Tenderers are to demonstrate their understanding of the requirements and their ability to meet them, by providing the following:</u></p> <ul style="list-style-type: none"> • <u>A detailed methodology for completing all major aspects of the requirements;</u> • <u>A GANTT chart (in .mpp native format) that:</u> <ul style="list-style-type: none"> ○ <u>Demonstrates alignment with any key timings stipulated in the requirements;</u> ○ <u>Identifies a critical path; and</u> 	<p><u>To be determined based on the specific tender. 20% is recommended.</u></p>

<ul style="list-style-type: none">○ <u>Identifies key hold points and milestones</u>• <u>A list of key issues and challenges expected to be faced in the delivery of the requirements, and how they will be mitigated</u> <p><u>If the Tenderer is proposing to sub-contract key components of the works, or operate in a Joint Venture or other similar approach whereby the Tenderer will not be directly delivering all key components of the works, the Tenderer should outline, as applicable, the strategies and mechanisms that will be employed to govern the overall delivery entity and key sub-contractors. (provide proposed subcontractor management plan).</u></p>	
<u>Price:</u>	<u>To be determined based on the specific tender.</u> <u>50% is recommended.</u>
<u>Total</u>	<u>100%</u>

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APPENDIX D

TENDER EVALUATION CRITERIA

HEAVY PLANT AND EQUIPMENT

Definition: All heavy vehicles and plant, earthmoving and ground care machinery plus ancillary equipment. All light vehicles, heavy vehicles, earthmoving and ground care machinery plus ancillary equipment such as mechanical saws and static pumps.

Description of Criteria	Weighting
Compliance Criteria — Tenders submitted by the due date and time prescribed in the tender documentation; — Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and — Tenders must address qualitative selection criteria. <u>Tenders are checked for completeness and compliance. Tenders that do not contain the Minimum Submission Requirements may be excluded from evaluation. The Minimum Submission Requirements are:</u> — Completed Responses to the Compliance Criteria (e.g., licences, financial capacity, contract departures, insurance, Work Health and Safety and relevant disclosures) — Comprehensive, tailored responses to the Qualitative Criteria (not generic information, general capability statements, etc); — Completing the Pricing Schedule; and — Completing the Tenderer Offer form. <u>Tenderers are required to comply with the requirements regarding the undertaking of a Financial Risk Assessment if required and the Shire may take this into consideration when assessing compliance.</u>	Mandatory criteria must be addressed no weighting applied.
Qualitative Selection Criteria The ability to supply parts in a timely manner <u>specifically addressing:</u> <u>a) Ability to supply within WA</u> <u>b) Lead times for alternative sources</u> <u>c) 24Hr Service Response</u> <u>b)d) Callout provisions</u>	20%
<u>Mechanical Assessment (In House Assessment) Technical Specification</u> <ul style="list-style-type: none"> <u>Provide details of how the plant meets or exceeds the specification (Make and Model)</u> <u>Provide additional details on Safety features present as standard</u> 	10%

<ul style="list-style-type: none"> • Provide additional details on included Technology Features available (i.e. GPS, Tracking, Cameras, unit display). • Provide details on any additional/bonus accessories offered above the required specifications • National/International Lead Times 	
Driver / Operator Assessment — (In House Assessment) Dealership Reputation Provide details on: <ul style="list-style-type: none"> a) Previous Local Government Supplier Experience b) Private Industry Supply (Examples) c) Referees 	10%
Price	60%
Total	100%

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APPENDIX E**TENDER EVALUATION CRITERIA****LIGHT FLEET**

Definition: All light fleet vehicles including passenger cars, utilities and light vans

<u>Description of Criteria</u>	<u>Weighting</u>
<u>Compliance Criteria</u> <u>Tenders are checked for completeness and compliance. Tenders that do not contain the Minimum Submission Requirements may be excluded from evaluation. The Minimum Submission Requirements are:</u> <ul style="list-style-type: none"> - <u>Completed Responses to the Compliance Criteria (e.g., licences, financial capacity, contract departures, insurance, Work Health and Safety and relevant disclosures)</u> - <u>Comprehensive, tailored responses to the Qualitative Criteria (not generic information, general capability statements, etc);</u> - <u>Completing the Pricing Schedule; and</u> - <u>Completing the Tenderer Offer form.</u> <u>Tenderers are required to comply with the requirements regarding the undertaking of a Financial Risk Assessment if required and the Shire may take this into consideration when assessing compliance.</u>	<u>Mandatory criteria must be addressed no weighting applied.</u>
<u>Qualitative Selection Criteria</u> <u>Environmental Impact</u>	<u>20%</u>
<u>Mechanical and Operational Assessment (Includes scoring attributes related to Fit for Purpose, Safety, Service Support and Driver/Operator Assessment and Delivery Timeframe)</u>	<u>30%</u>
<u>Price – Whole of Life Costs (WOL) Includes Purchase Price</u>	<u>50%</u>
<u>Total</u>	<u>100%</u>

APPENDIX **FE****TENDER EVALUATION CRITERIA****GOODS / MERCHANDISE**

Definition: All goods, chattels, stores and the like.

Description of Criteria	Weighting										
<p>Compliance Criteria</p> <p><u>Tenders are checked for completeness and compliance. Tenders that do not contain the Minimum Submission Requirements may be excluded from evaluation. The Minimum Submission Requirements are:</u></p> <ul style="list-style-type: none"><u>Completed Responses to the Compliance Criteria (e.g., licences, financial capacity, contract departures, insurance, Work Health and Safety and relevant disclosures)</u><u>Comprehensive, tailored responses to the Qualitative Criteria (not generic information, general capability statements, etc);</u><u>Completing the Pricing Schedule; and</u><u>Completing the Tenderer Offer form.</u> <p>—Tenders submitted by the due date and time prescribed in the tender documentation;</p> <p>—Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and</p> <p>– Tenders must address qualitative selection criteria.</p>	<p>Mandatory criteria must be addressed no weighting applied.</p>										
<p>Qualitative Selection Criteria</p> <p>Relevant Experience</p> <p><u>Tenderers are to demonstrate relevant experience of the organisation in delivering similar requirements to those outlined in the RFT.</u></p> <p>Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. Include the following:</p> <table><tr><td>Project</td><td>Client</td><td>Duration</td><td>Value</td><td>Deliverables</td><td>Achieved Results</td></tr></table> <p>Key Personnel, Skills and Resources</p> <p>Capacity to deliver the services including:</p> <p>Key personnel / Professional skills</p> <table><tr><td>Name</td><td>Years in Industry</td><td>Roles and Responsibility</td><td>Experience</td></tr></table>	Project	Client	Duration	Value	Deliverables	Achieved Results	Name	Years in Industry	Roles and Responsibility	Experience	<p>0%—2010%</p>
Project	Client	Duration	Value	Deliverables	Achieved Results						
Name	Years in Industry	Roles and Responsibility	Experience								

Support facilities <u>Key Personnel, Skills and Experience</u> <u>Tenderers are to demonstrate the suitability of the key personnel nominated to deliver the requirements, including:</u>				<u>10%</u>
<u>Name</u>	<u>Years in Industry</u>	<u>Roles and Responsibility</u>	<u>Experience</u>	
Price				80% 100%
Total				100%

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APPENDIX G**SCORING SYSTEM**

Each Panel member will individually assess each submission on a 0-5 score basis, as shown in the following table.

<u>Evaluation Factor</u>	<u>Tender Submission Demonstrates:</u>	<u>Risk Analysis</u>	
		<u>Descriptor</u>	<u>Definition</u>
<u>0</u>	<u>No evidence of addressing criteria</u>	<u>Severe risk</u>	<u>Fail - fails to meet minimum requirements in all respects or did not respond. Therefore, the tender submission will be rejected as a risk to the Shire</u>
<u>1</u>	<u>Minimal evidence on how the criteria will be achieved.</u> <u>Evidence does not address all the requirements of the criteria.</u>	<u>Major risk</u>	<u>Poor - fails to meet minimum requirements in several respects: contains insufficient or unclear information. Therefore, the tender submission will be rejected as a risk to the Shire.</u>
<u>2</u>	<u>Moderate evidence on how the criteria will be achieved.</u> <u>Evidence does not address all the requirements of the criteria in current form.</u>	<u>Moderate risk</u>	<u>Marginal - some areas of concern in relation to ability to meet minimum requirements or some deficiencies. Therefore, the tender submission will be rejected as a risk to the Shire.</u>
<u>3</u>	<u>Evidence on how the criteria will be achieved. Evidence may have some minor deficiencies.</u>	<u>Minor risk</u>	<u>Negligible impact on the objectives of the tender.</u>
<u>4</u>	<u>Clear evidence meeting all the requirements of the criteria.</u>	<u>Negligible risk</u>	<u>Negligible impact on the objectives of the criteria.</u>
<u>5</u>	<u>Evidence exceeded the requirements of the criteria.</u>	<u>Minimal risk</u>	<u>Minimal impact on the objectives of the criteria.</u>

If a tender submission scores below a 3 for any of the qualitative criteria it will be rejected as a risk to the Shire, and will play no further part in the assessment. This includes any assessment of the price offered.

Council Policy –~~Purchasing~~— Procurement of Goods or Services up to \$250,000

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Procurement
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to:

- Ensure compliance with Regulation 11A of the Local Government (Functions and General) Regulations 1996;
- Provide uniformity and direction in the ~~purchase~~procurement of goods and services up to the amount of \$250,000;
- Facilitate Council obtaining best value for money; and
- Establish control in the purchasing function, including adequate maintenance of commitment records (i.e. Requisitions).

Scope

This Policy applies to all staff in all Directorates who are required to procure goods or services up to the value of \$250,000

Policy

Fairness, ~~Ethics and Integrity~~ and Transparency

All officers and employees of the Shire of Serpentine Jarrahdale (the Shire) shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- all purchases must be made in accordance with the *Local Government Act 1995* and relevant Regulations made under that, or any other Act, and relevant Delegations determined by the Council and / or Chief Executive Officer.
- full accountability shall be taken for all purchasing decisions to ensure the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements and be consistent with the Shire's policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;

- all processes, evaluations and decisions shall be transparent, free from bias and fully documented to ensure processes and decisions are able to be assessed and audited as required to ensure compliance with this policy~~in accordance with applicable policies and audit requirements;~~
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial in confidence and shall not be released unless authorised by the supplier or relevant legislation.

Value for Money

Value for money is one of the overarching principles governing purchasing that allows the best possible outcome to be achieved for the Shire ~~of Serpentine Jarrahdale~~. It is important to note that compliance with the specification is more important~~Value for Money is more~~ than obtaining the lowest price. It also takes into account, ~~particularly taking into account~~ user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any purchasing shall consider:

- all relevant whole-of-life costs and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming quote is recommended, there shall be clear and demonstrable benefits over and above the lowest total priced, conforming quote.

- ~~4. All processes, evaluations and decisions shall be transparent, free from bias and appropriately documented to ensure processes and decisions are able to be assessed and audited as required to ensure compliance with this policy.~~
- ~~5. Any employee who has an actual or perceived conflict of interest must disclose the interest, in writing, and may not exercise any discretion allowed by this policy without the prior approval of the Chief Executive Officer. Approval to exercise a discretion when an actual or perceived conflict of interest may exist, is to be sought via a memorandum to the Chief Executive Officer prior to raising a purchase order and the creditor being appointed to carry out works. The memo, if approved, is to be uploaded and attached to the requisition within the purchasing program.~~

Purchasing Procurement Method Thresholds

Unless an exemption exists (refer below), the procurement method to be undertaken is determined by the value of the goods or services being procured as outlined in the below table.

~~The Shire must comply with all requirements, including purchasing thresholds and processes, as prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire~~

Monetary Threshold (ex GST)	Procurement Type	Supply Methodology Procurement Method
Up to \$2,000	Direct	a suitable supplier open market Seek at least one verbal quote from a suitable supplier.
\$2,001 Up to \$58,000	Direct	Seek at least one written quote from a suitable supplier with documented evidence. Direct purchase from supplier seeking at least one verbal quotation.
\$58,001 - \$75,120,000	Competitive	Seek at least a minimum of three written quotations from the marketplace prospective suitable suppliers.
75,120,001 - \$250,000	Competitive	Procurement to undertake a formal Request for Quote (RFQ) requesting a minimum of three responses containing price and specification of goods and services. Procurement will issue a formal Request for Quote (RFQ) to a minimum of three suitable suppliers, seeking responses against a selection —criteria for formal evaluation.

~~Note: The supply of goods or services can be obtained through Western Australia Local Government Association (WALGA) or State and Commonwealth (CUA's) as an exemption to the above requirements in which case a minimum of three quotes is required for purchases over \$5,000.~~

State Government Common Use Agreements and WALGA Preferred Supplier Program

~~Employees are encouraged to make use of state government supply contracts (Common Use Agreements) and WALGA's Preferred Supplier Program for goods and services where possible – as these items have been the subject of a competitive tendering process prior to their inclusion on the relevant government supply contract. As such they may offer administrative cost savings. Purchases made through the Common Use Agreements and Preferred Supplier Program are exempt from the tendering process as per the Local Government (Functions and General) Regulations : 1996 – Part 4 however, the purchasing threshold processes apply.~~

~~A further exception to the above exempt quotation requirements applies when legal representation or advice is sought through the WALGA preferred supply panel. In this case, competitive quotation requirements do not apply and the preferred supplier may be procured on WALGA rates.~~

~~A sole source of supply arrangement requires approval where the:~~

~~Purchasing value is estimated to be over \$5,000; and~~

~~Market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier. The Sole Source Form is to be signed off by your the relevant Director and then forwarded to the Chief Executive Officer for final approval.~~

Exemptions from procurement method thresholds

~~The tender exemptions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 (the Regulations) also apply to the purchases of goods and services less than \$250,000 under this Policy.~~

~~For an exemption to be utilised it must adhere to the principles of procurement and be approved by the Chief Executive Officer.~~

~~88120120The procurement of legal representation and advice may be procured without quotation and without CEO approval providing it is in line with an Officer's purchasing authority and the firm is a WALGA preferred supplier and procured on the WALGA rates.~~

Variations

~~Where a purchase order has been issued for the procurement of goods or services and it is identified that a variation to the original quoted price is required, the original purchase order plus the value of the variation, cumulatively needs to be appropriately authorised.~~

~~For example, a purchase order has been issued for \$30,000 for agreed works. The purchase order has been authorised by the Coordinator/Manager (in accordance with their authorisation limit), a variation of \$10,000 is required. The project now totals \$40,000 and therefore the Director (in accordance with their authorisation limit) is required to authorise the purchase order for the variation of \$10,000.~~

Sustainable Procurement

~~The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).~~

~~The Shire will embrace Sustainable Procurement by applying the value for money assessment to ensure that whenever possible our suppliers demonstrate outcomes that contribute to~~

~~improved environmental, social and local economic outcomes. Sustainable Procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).~~

No Quotes Received

Where the Shire has invited quotes and no submissions have been received, direct purchases can be arranged on the basis of the following:

- the specification for goods and/or services remains unchanged; and
- a written quote is obtained; and
- purchasing is arranged within 3 months of the closing date of the lapsed request for quote.

Repetitive Purchases

In making regular or repetitive purchases for the same goods or services, officers should be conscious of the potential for the annual purchases of the same, or a similar kind, to accumulate to an amount in excess of the ~~tender~~ thresholds ~~(currently above \$250,000)~~. Where this repetitive purchasing issue is relevant and such occurrence is subsequently identified, officers should take appropriate actions to ensure that future purchases for these items are aligned to the thresholds detailed in this policy and the progressed in accordance with the requirements to obtain tenders as per the Local Government (Functions and General) Regulations 1996 Regulations and Council Policy – Procurement of Goods or Services through Public Tendering. Council Policy – Procurement of Goods or Services through Public Tendering.

Anti-Avoidance

In accordance with Regulation 12 of the Regulations, the Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of “splitting” the purchase value or contract value so that the effect is to avoid a particular purchasing threshold or the need to call a public tender.

~~The anti-avoidance provision Regulation 12 of the Function and General Regulations states that intentionally creating multiple contracts or purchase orders in order to avoid having to tender the supply is a breach of the regulation provisions and is not permitted.~~

~~Officers are to ensure that consideration must be given to the total value of the purchase. Where that total value is equal to, or in excess of the value at which tenders must be invited, a tender process shall be commenced.~~

Financial Control

A requisition must be raised and the purchase order must be raised and approved in accordance with Shire procedures prior to the Shire making any payment, except for:

Exemptions

A Purchase Order is unnecessary in the case of the following:

- ~~(a)~~—Fees and payment due under any Act of Parliament;
- ~~(b)~~—Insurances;
- ~~(c)~~—Payments made through payroll;
- ~~(d)~~—Fees and payments that are statutory, this includes bank fees;

- ~~(e)~~—Other statutory damages, infringements and penalties;
- ~~(f)~~—Loan and lease repayments;
- ~~(g)~~—Freight, and postal charges and fuel cards; ~~(h)~~ Goods purchased from petty cash;
- ~~(i)~~—Payments made under any Award binding upon the Council;
- ~~(j)~~—Licences and rights of copyright - payment of which is not avoidable at law;
- ~~(k)~~—Awards against the Council by a court of law for damages, penalties and royalties;
- ~~(l)~~—Payments for subscriptions and publications
- ~~(m)~~—Credit card payment requests;
- ~~(n)~~—Refunds and reimbursements; ~~(o)~~—If an emergency situation arises after hours, as determined by a Shire officer on call; and
- ~~(p)~~—Utilities including telephones.

~~Authorising Purchase Orders & Invoices~~

~~A Requisition and Purchase order is to be raised and approved prior to any commitment to purchases on behalf of the Shire for all purchases of goods and services except where the Shire has determined that exemptions apply. Purchase orders must include details of the goods or services to be purchased, delivery information, estimated, contracted or quoted prices, references to contracts or successful quotations, and any other information relevant to that purchasing activity.~~

Records Management

All records associated with direct purchasing procurement under this Policy must be recorded and retained. This includes:

- Quotation documentation;
- Internal documentation; and
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000* and the Shire's Business Operating Procedure (BOP)—~~2.3.0~~—Employees Record Keeping Requirements.

Purchasing Policy Non-Compliance

Purchasing Activities are subject to financial and performance audits, which review ~~for~~ compliance with legislative requirements and also compliance with the Shire's policies and procedures.

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated, it may be treated as:

- An opportunity for additional training to be provided;

- A disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; and
- Misconduct in accordance with the Corruption, Crime and Misconduct Act 2003.

Definitions

- Nil

Relevant Policies / Council Documents

- ~~Strategic Community Plan 2017 – 2027~~ [Council Plan 2023-2033](#) ~~WALGA Purchasing and Tendering Guidelines~~
- ~~Council Policy 3.2.5~~ – Procurement of Goods or Services through Public Tendering
- [Council Policy – Contract Management](#)
- ~~Business Operating Procedure (BOP) 3.1.0 – Employees Record Keeping Requirements~~
- Business Operating Procedure (BOP) - Authorisation to Issue Purchase Requisitions

Legislation / Local Law Requirements

- Local Government Act 1995, ~~s. 207 – Role of Council, s. 3.57~~
- Local Government (Functions and General) Regulations 1996 ~~Part 4~~
- ~~Division 1 – Purchasing Policies for Local Governments~~

Amendment Record

Relevant Delegations		Payments from the Municipal of Trust Funds Nil.	
		Date	Resolution Number
Council Adoption			
Version	Date	Resolution Number	Amendment Details
2	28 May 2012	OCM147/05/12	
3	8 April 2013	OCM179/04/13	
4	29 September 2015	OCM187/09/15	
5	14 March 2016	OCM037/03/16	
6	18 December 2017	OCM179/12/17	
7	28 May 2018	OCM049/05/18	
8	15 July 2019	OCM148/07/19	

9	15 July 2020	OCM226/07/20	
10	2025		Formatted to new policy template. Minor wording updates to principles. Updates to procurement thresholds and exemptions.

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Council Policy – Project Management

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this Policy is to outline the Shire of Serpentine Jarrahdale's [\(the Shire\)](#) Project Management Framework and approach to Project Management.

Scope

The Project Management Framework applies to all Shire staff responsible for delivering capital projects. The framework considers the nature and size of different projects and determines the level of governance and controls a project requires.

There are currently two levels of controls, they are:

Code	Project Spend	Category	Controls	Reporting
A	>\$250K	Major	Complex	<ul style="list-style-type: none"> Quarterly Corporate Business Plan PPLGS to Council and Community by individual Project Monthly PLM project reporting monthly Project Management to Executive Management Group and Elected Members by individual project Quarterly Policy Concept Forum to Elected Members by individual project
B	<\$250K	Minor	Basic	<ul style="list-style-type: none"> Quarterly Corporate Business Plan to Council and Community by Program PLM project reporting. Monthly Project Management to Executive Management Group and Elected Members by individual project Links to PPLGS Program reporting or by priority

If a project requires any exemption from, or variation to the processes and documentation in this framework, prior approval must be obtained from the Project [Change](#) Board.

~~Publication, relevant training, and review of the framework will follow Council's Policy and Procedure Framework.~~

Principles

The Shire's approach to Project Management is underpinned by the following principles:

- Project decisions are integrated with organisational strategic planning and/or approved by the Project ~~Change~~ Board or Council.
- Project planning decisions are based on an understanding of the design considerations, evaluation of alternatives which incorporate 'life cycle' costs, benefits and risks of ownership for project deliverables, and the Shire's risk appetite.
- An effective internal control structure is established to manage the projects in a consistent manner to ensure objectives are met and the decision-making process is applied.

The Project Management Framework and the subordinate procedures, processes and other supporting documentation have been developed to ensure that decisions are made, and issues are resolved consistently, efficiently, effectively, and transparently across all projects. The Project Management Framework defines the general roles and responsibilities and decision and approval processes.

Policy

The Project Management Framework, including establishment of a Project Management Office has been implemented to:

- Provide a consistent ~~Council-wide~~ framework for managing projects.
- Align projects with Council's strategic plans.
- Increase project transparency and visibility to enable effective decision regarding the optimal use of resources.
- Deliver services through improved project management capability.
- Improve the efficiency and consistency in project delivery.
- Define roles and responsibilities, performance measures and accountability for success.
- Identify and manage project risks.
- Support the development and capabilities of ~~Shire staff who manage projects~~project managers.
- Support process improvement, staff development and learning.

These objectives are achieved through the organisation of project management processes supported by software. These processes include, but are not limited to:

- Identifying requirements.
- Addressing the various needs, concerns, and expectations of the stakeholders in planning and executing the project.
- Setting up, maintaining, and carrying out communications among stakeholders that are active, effective and collaborative in nature.

Council Policy – Project Management

- Managing stakeholders towards meeting project requirements and creating project deliverables.
- Balancing the competing project constraints, which include, but are not limited to scope, quality, schedule, budget, resources and risks.

The Project Management Framework includes the following elements:

- Defined roles and responsibilities, including governance arrangements through a Project ~~Change~~ Board.
- A Responsibility Assignment Matrix (RASCI).
- Defined change management thresholds.
- Project monitoring and reporting processes.

The ~~new~~ Project Lifecycle Management (PLM) module in the Shire's Enterprise Resource Planning is aligned to the Project Management Framework principles. The Project Lifecycle Management processes and the project governance themes provide guidance on how ~~it should be done at each of the processes projects are to be managed~~.

~~These project governance themes are represented within the software as PLM Registers that go through several stages and include sections with data capture to be completed in the following PLM Register Component:~~

- ~~Business Cases~~
- ~~Daily Log Items~~
- ~~Lessons Learned~~
- ~~Risks~~
- ~~Issues~~
- ~~Benefits~~
- ~~Change Requests~~
- ~~Project Initiation Documentation (PID)~~
- ~~Project Stages Boundaries~~
- ~~Quality Activities~~
- ~~Work Packages~~
- ~~Plans~~
- ~~Work orders~~
- ~~Reporting~~

Assurance and Internal Audits

Assurance

The Project Management Office ~~Leader~~ will complete assurance activities through the Lifecycle and at each Stage Gate Review.

Internal Audits

Internal audits of the Project Management Framework will be undertaken every two years to assess the delivery of projects against the Project Management Framework.

Non-conformances will be consolidated with the audit report and recommendations listed for implementation.

Definitions

Capital Projects means the acquisition, renewal or construction of new assets which increases the service potential or extends the life of an asset or upgrade or expansion of an existing asset that is included within Council's Capital Budget, ~~Strategic Plan or Long Term Funding Plan~~.

~~Enterprise Resource Planning (ERP) means the organisational software that manages core business processes such as financials, supply chain, operations, commerce, reporting, manufacturing, and human resource activities.~~

~~Project Lifecycle Management (PLM) is the Module in the OneComm system.~~

~~Performance Planning Local Government Solution (PPLGS) facilitates the organisation's reporting against the 2020-24 Corporate Business Plan.~~

Project means a unique endeavour with a defined start and end, undertaken to create a unique product, service or result. For the purpose of this policy, the term applies to any Capital Project or project identified by the Project ~~Change~~ Board.

Project ~~Change~~ Board means the change delegate for projects within approval delegations, and the authority that review reports and progress.

Program means a group of similar projects to be combined for delivery to achieve a single objective.

Project Management Framework is a consistent Council-wide framework for managing projects.

Responsibility Assignment Matrix (RASCI) is the tool that depicts different role responsibilities by function.

Stage Gate Review means the project management technique in which a project is divided into distinct stages separated by decision points (known as gates). At each gate, continuation is decided by (typically) a manager, steering committee, or governance board. The decision is made based on forecasts and information available at the time, including the business case, risk analysis, and approval of budget.

Related Documents

- Council Policy ~~2.0.1~~- Asset Management
- Council Policy ~~5.3.4~~- Community Engagement
- Council Policy ~~1.1.4~~- Execution of Documents and Use of the Common Seal
- Council Policy ~~3.2.5~~- Procurement of Goods or Services through Public Tendering
- Council Policy ~~3.2.4~~- Procurement of Goods or Services up to \$250,000
- ~~3.3.3~~- Risk Management

- [Council Policy - Contract Management](#)
- [Business Operating Procedure – Project Management Framework](#)
- ~~[Register of Delegations and Authorisations](#)~~

Legislation / Local Law Requirements

~~The Shire and its project delivery consultants and contractors must ensure that the Project Management Framework and Projects comply with the following:~~

- [Local Government Act 1995 and regulations](#)
- ~~[Building Act 2011](#)~~
- ~~[Building and Construction Industry \(Security of Payment\) Act 2021](#)~~
- ~~[Work Health and Safety Act 2020](#)~~
- ~~[Building Regulations 2012](#)~~
- ~~[Dangerous Goods Safety \(Storage and Handling\) Regulations 2007](#)~~
- ~~[Heritage Act 2018](#)~~
- ~~[National Construction Code \(NCC\) including the Building Code of Australia \(BCA\)](#)~~
- ~~[Disability \(Access to Premises – Buildings\) Standards 2010](#)~~
- ~~[Plumbing Code of Australia \(PCA\)](#)~~
- ~~[Statement of Business Ethics – Shire of Serpentine Jarrahdale](#)~~

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		20 June 2022	OCM145/06/22
Version	Date	Resolution Number	Amendment Details
2	2025		Formatted to new template, <u>minor updates to wording to reflect current process.</u>

Council Policy – Public Internet Usage and Access to Computers

Responsible Directorate	Corporate Services
Responsible Business Unit/s	ICT
Responsible Officer	Manager ICT
Affected Business Units	<u>ICT</u> <u>Library Services</u>

Objective

The objective of this Policy is to promote responsible use of [public internet services and](#) public computer facilities provided by [Mundijong Public Library](#) [Serpentine Jarrahdale Library Services](#)[Byford Public Library](#).

Scope

This Policy applies to all users of the [Mundijong Public Library](#) [Serpentine Jarrahdale Library Services](#)[Byford Public Library](#).

Policy

Introduction

The Shire of Serpentine Jarrahdale ([Mundijong Public Library](#) [Serpentine Jarrahdale Library Services](#)[Byford Public Library](#)) recognises the needs of the community to access information and provides the library computers and a public wireless network as a means of satisfying those needs. The Shire also recognises the need to regulate that access to comply with contemporary social standards and the law.

As with all formats of information, users must respect copyright laws and licensing agreements. The Library cannot act as a censor, the public access the internet at their own discretion.

Users may find materials that are unreliable, personally offensive or illegal under Australian law. The Library does not endorse the viewpoints or vouch for the accuracy of information obtained through the Internet.

As a product of its international character there is no external monitoring of the internet. The Library cannot police global networks and each individual user must take responsibility for their own activities on the Internet and for the activities of their children.

Children and Young People Headings

As with other Library materials, the supervision of children and young persons (under the age of 18) is the responsibility of the parent or legal guardian whilst using the Library's public access computers.

Risks Applying to the use of the [Serpentine Jarrahdale Library Services](#) [Mundijong](#)[Byford Public Library](#) Internet Connection

Users are advised of the following risks of using the Library's public access computer facilities:

Council Policy – Public Internet Usage and Access to Computers

- The library has no control over the content of material available via the internet and accepts no responsibility for any damages, direct or indirect arising from the use of its internet access.
- The library takes no responsibility for the accuracy, reliability, or currency of the information obtained via the Internet including confidentiality of any transactions particularly e-commerce transactions.
- The internet is a largely unpoliced domain and is host to people and organisations that pose a danger to others. The Library does not police or monitor interactions over its internet connection and users are advised to exercise due care in disclosing personal information over the internet.
- Each user is required to make their own assessment of the truth, completeness, accuracy or suitability of information found on the internet.

Protocols for using the Library's public access computers

It is unacceptable to use the library's public terminals and wireless networks for any of the following:

- Any activities of an illegal or fraudulent nature. Some activities are unlawful; and therefore prohibited. Unlawful activities include but are not limited to:
 - gaining access to any material that is pornographic, offensive or objectionable,
 - harassment (sexually, bullying or otherwise) of another person,
 - engaging in any defamatory message, including reading and then forwarding a message of which you are not the author,
 - sending or forwarding anything that is abusive, sexist, racist, pornographic, offensive or otherwise illegal.
- Violating applicable Australian or state laws, eg *Copyright Act 1968*.
- Violating computer system or network integrity, including attempts to bypass network security functions, obtain passwords or alter the configurations of library workstations or systems in any way.
- Committing illegal activity.
- Harassing others.

Terms and Conditions of Use

Access to the public use computers will be through half hour bookings. Additional access is available if it is not booked by other customers.

- Bookings are not transferable. Latecomers lose the unused portion of their reserved time.
- There will be no charge for computer access, though a charge will apply for material printed (at the applicable photocopying charge).
- The library is not responsible for technical problems experienced by websites beyond its control that may result in down time. Copyright laws and licensing agreements must be respected.
- The Library is not responsible for any fees incurred on websites.

Council Policy – Public Internet Usage and Access to Computers

- The computers are located in public areas shared by customers of all ages, backgrounds and sensibilities. Individuals are asked to consider other customers when accessing the internet from the public access computers.
- Access to the public access computers is provided in a public place and through publicly available facilities. Therefore no guarantee of privacy can be made.
- Library internet terminals may not be moved, unplugged or modified in any way.
- All material accessed must be appropriate to a public access site. Non-compliance will result in the suspension of library access rights.
- Any person who abuses protocols for allocating computer facilities may have access to the facilities restricted or withdrawn.
- Users of the Library's computer facilities that infringe the security of people or property is grounds for immediate exclusion from the Library premises and temporary or permanent loss of access to those facilities.

Disclaimer

Every endeavour will be made to provide reasonable internet access for all users with bookings, however the Library reserves the right to cancel a booking should it be necessary to do so.

Definitions

Nil

Related Documents

- ~~Strategic Community Plan 2017 – 2027~~ Council Plan 2023-2033
- Business Operating Policy (BOP) ~~3.3.0~~ Public Library Lost and Damaged Items
- Public Wifi – Guidelines for Use

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

		Date	Resolution Number
Council Adoption		22/02/2016	OCM023/02/16
Version	Date	Resolution Number	Amendment Details
2	18/12/2017	OCM179/12/17	
3			<u>New template. Updated references from Mundijong Public Library to Serpentine Jarrahdale Library ServicesByford Public Library.</u>

DRAFT

Council Policy – Public Question and Public Statement Time and Deputations

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Corporate Performance
Responsible Officer	Coordinator Governance
Affected Business Units	All

Objective

The objective of this Policy is to establish guidelines for Council and members of the public to ensure that Public Question and Public Statement Time and Deputations are conducted in a fair, transparent and responsible way.

Scope

This Policy applies to Public Question and Public Statement Time and Deputations at Council and Committee meetings.

Policy

Public Question and Public Statement Time

1. There must be a public question time at every ordinary meeting of Council and such other meetings of Council or Committee meetings to enable members of the public to submit questions to Council.
2. Public Question and Public Statement Time will be in accordance with the Local Government (Administration) Regulations 1996 and the Shire of Serpentine Jarrahdale's Standing Orders Local Law 2002 (as amended).
3. Members of the public that wish to ask a question or make a statement are encouraged to complete and submit the approved form either electronically or hand delivered to the Shire office, by 2pm on the day of the relevant meeting.
4. The completed form must state the name and address of the person submitting the question or making the statement.
5. A person asking a question or making a statement is required to attend in person to address a Council meeting or provide written authorisation for someone else act on their behalf.
6. If a person submits a question or statement in advance of a meeting, but neither they or their delegate attends, the question or statement will not be included in the minutes of the relevant meeting. A written response to public questions submitted but not asked, will be sent within 14 days.
7. A person asking a question or making a statement will be live streamed and recorded in accordance with Council Policy - Live Streaming and Recording of Council and Committee Meetings.

8. No person may ask more than 3 questions at a single meeting.
9. No statement is to ~~or make a statement~~be greater than 3 minutes in duration: The Presiding Member may terminate statements that exceed this time.
9. The content of any statement made will not be included in the minutes of the meeting. Only the name of the person making the statement, along with the statement subject matter will be recorded in the minutes.
- 10.
11. A question or statement may be disallowed by the Presiding Member if the Presiding Member determines that it:
- a) relates to a matter outside the duties, functions and powers of Council;
 - b) is defamatory, indecent, abusive, offensive, irrelevant or objectionable in language of substance;
 - c) relates to repeated or previously answered questions or statements from the same individual;
 - d) is aimed at embarrassing an Elected Member or a Shire employee;
 - e) relates to personal matters concerning employees or Elected Members;
 - f) relates to the personal hardship of any resident or ratepayer;
 - g) relates to industrial relations matters;
 - h) relates to contractual matters that are commercial in confidence;
 - i) relates to development applications that have not yet been determined by Council;
 - j) relates to legal advice;
 - k) relates to matters that may jeopardise the security of Council property; or
 - l) relates to any other matter which Council considers would prejudice Council or any person.
12. All questions and statements must be as concise as possible.
13. Like questions may be group together and a single answer provided.
14. The Presiding Member may nominate the Chief Executive Officer or a Shire employee to respond to a question.
15. The Presiding Member may require a question to be taken on notice. If a question is taken on notice, a written response will be sent within 14 days to the person who asked the question.

Deputations

16. A Deputation is a verbal presentation, most often regarding a matter scheduled for consideration by Council. It can be either in support or opposition to a proposal.
17. There will be the opportunity at every ordinary meeting of Council and such other meetings of Council or a Committee for members of the public to make a Deputation.
18. A person making a Deputation will be live streamed and recorded in accordance with Council Policy - Live Streaming and Recording of Council and Committee Meetings.

19. Deputations will be in accordance with the Shire of Serpentine Jarrahdale's Standing Orders Local Law 2002 (as amended), which provide that:

- a. a deputation cannot exceed 15 minutes without approval of the Council or Committee, and
 - b. no more than five people, of which only two can address the meeting, can attend the meeting. All attendees can respond to specific questions from the Council or Committee members.
- In accordance with Council Resolution OCM313/12/22, members of the public that wish to make a Deputation are to apply in writing to the Chief Executive Officer at least three (3) working days prior to the meeting, who will seek approval from the Shire President or Presiding Member of the committee.

~~20. Requests should state what Agenda item or matter the Deputation will relate to and include the wording of the Deputation.~~

~~21.~~20. The Shire President or Presiding Member may accept or reject a request for a Deputation. The applicant will be advised of the decision prior to the meeting.

~~22.~~21. If approved, the applicant may distribute any printed material relating to a Deputation in advance. Information is not to be distributed at the meeting.

~~23.~~22. If available, the approved Deputation wording will be provided to all Elected Members at least 72 hours prior to the meeting. A copy of the wording provided will be included in the Minutes of the meeting.

Any circumstances not provided for under this Policy or the *Standing Orders Local Law 2002 (as amended)* may be determined by the Presiding Member of the meeting.

Definitions

Nil.

Related Documents

- Council Policy - Habitual or Vexatious Complainants
- Council Policy - Live Streaming and Recording of in-person Council and Committee Meetings
- Council Policy - Electronic Meetings

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Administration) Regulations*
- *Standing Orders Local Law 2002 (as amended)*

Amendment Record

		Date	Resolution Number
Council Adoption		18/12/2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2	21/10/2024	OCM293/10/24	Update to include deputations and reflect livestreaming
3			New template <u>and procedural amendments regarding statements and deputation.</u>

DRAFT

Council Policy – Rates Collection and General Debtors

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Finance
Affected Business Units	Finance Accounts Rates

Objective

~~The objective of this Policy is to ensure that monies owed to the Shire of Serpentine Jarrahdale (the Shire) are paid when due and that effective steps are taken for debt management.~~

The objectives of this Policy are to:

- Promote a fair, consistent, and accountable approach to managing and collecting debts in alignment with Council practices.
- Provide clear guiding principles for credit control, debt collection, and the handling of bad debt write-offs.
- Ensure the timely collection of all amounts owed to the Shire of Serpentine Jarrahdale (the Shire), optimizing cash flow and minimizing bad debt write-offs.

Scope

~~This Policy establishes the parameters within which the Council expects the Chief Executive Officer to ensure staff are controlling the rates and general debtor collection function.~~

~~This Policy applies to....~~

The purpose of this policy and any associated guidelines aims to establish a framework for the efficient and applies to the effective management and collection of outstanding sundry and rates debts owed to the Shire.

Policy

Introduction

~~This Policy establishes the parameters within which the Council expects the Chief Executive Officer to ensure staff are controlling the rates and general debtor collection function.~~

Collection of Local Government Rates

In the event that the rates are unpaid by the due date, A copy of the rate assessment marked "Final Notice" shall be issued fifty (50) days after issue of the original assessment, allowing fourteen (14) days for payment of the account. Officers will seek either payment in full or for the ratepayer to enter in a satisfactory payment arrangement.

For outstanding rate accounts for which no satisfactory arrangements have been made, a Letter of Demand shall be sent advising of impending legal action for recovery of outstanding rates. The Letter of Demand shall be issued allowing ten (10) days for payment in full or the establishment of a Council approved payment arrangement.

For outstanding rate accounts for which no satisfactory arrangements have been made, Shire officers will commence court proceedings in accordance with section 6.56 of the Local Government Act 1995. The process to enforce judgement is as follows:

- The Shire will lodge a General Procedure Claim (GPC)
- If the GPC is not served and the debtor cannot be located, the Shire may instruct an agent to undertake a Skip Trace.
- If no formal agreement is established within 14 days of the GPC being served, a Default Judgement will be obtained.
- A Means Inquiry or Property Sale and Seizure Order (PSSO) will be sought in accordance with the Magistrate Court to pay the judgment debt.

Other Courses of action that may be taken include:

- In accordance with section 6.60 of the *Local Government Act 1995*, the Shire of Serpentine Jarrahdale may require the lessee to pay the rent as it falls due to the Local Government;
- The Shire may contact the Mortgagee for payment of outstanding rates and services charges;
- For rates remaining unrecoverable after legal action, a caveat may be lodged;
- If any rates or service charges which is due to the Shire in respect of any rateable land, has been unpaid for at least three years and the Shire has attempted to commence legal proceedings at least once within the period of three years prior to the exercise of the power of sale, the Council if it resolves, may take possession of the land and sell the land to recover the outstanding payment amounts.

Satisfactory Arrangements

Where a ratepayer's circumstances do not suit the payment options under the Act a formal payment arrangement (via Direct Debit) may be entered into. Refer to Council's Payment Arrangement Application Form.

The formal payment arrangement is the only option available if the debtor cannot satisfy the payment options set out in the *Local Government Act 1995*.

All formal payment arrangement debts will need to be finalised before 30 June of the financial year. This can include any claim of financial hardship. Refer to Council Policy – Financial Hardship.

Where the ratepayer has defaulted three times or more from the Council approved payment arrangement, the Shire may proceed with legal action and not agree to enter into another payment arrangement.

Should a ratepayer choose to undertake instalments and then clear their account within the original due date, the administration and interest costs will be reversed. Should full payment be received after this date, no adjustment will be made to the costs.

For ratepayers and debtors with significant outstanding debts, where it is impractical to satisfy the entire debt by 30 June of the financial year, the Shire may accept a payment arrangement that will see the debt reduce over time, to be determined by Shire Officers.

Sundry Debtors

~~Whenever practical, pre-payment be sought for works, services and facilities. The estimated cost may form the basis of pre-payment.~~

~~In all other cases invoices shall be forwarded within seven (7) days of the debt being incurred.~~

~~If the account is outstanding beyond thirty (30) days, a reminder notice is forwarded requesting a payment within seven (7) days.~~

~~If the debt remains outstanding, a reasonable debt collection process is to be initiated.~~

~~A sundry debtor report shall be submitted monthly to the Council.~~

A sundry debt is a debt that relates to a charge for goods and services received other than Ordinary Rates and Charges

- All invoices will be issued in accordance with the fee and charges schedule and the services provided.
- Invoices will be issued with a 14 days payment terms. will be dated and will request payment within 14 days.
- Monthly statements will be issued for all unpaid invoices, clearly specifying the due date for payment.
- A debt collection procedure shall be followed as per steps outlined in Business Operating Procedure – Recovery of Outstanding Sundry Debts –Business Operating Procedure”.
- A monthly report will be provided to the Council summarizing outstanding debts categorized as 30, 60, and 90+ days overdue. The report will include detailed explanations for debtors with over \$1,000 in debt that has been overdue for more than 90 days.

Satisfactory Arrangements

~~Where a ratepayer's circumstances do not suit the payment options under the Act a formal payment arrangement (via Direct Debit) may be entered into. Refer to Council's Payment Arrangement Application Form.~~

~~The formal payment arrangement is the only option available if the debtor cannot satisfy the payment options set out in the Local Government Act 1995.~~

~~All formal payment arrangement debts will need to be finalised before 30 June of the financial year. This can include any claim of financial hardship. Refer to Council Policy – Financial Hardship.~~

~~Where the ratepayer has defaulted three times or more from the Council approved payment arrangement, the Shire may proceed with legal action and not agree to enter into another payment arrangement.~~

~~Should a ratepayer choose to undertake instalments and then clear their account within the original due date, then administration and interest costs will be reversed. Should full payment be received after this date, no adjustment will be made to the costs.~~

~~For debtors with significant outstanding debts, where it is impractical to satisfy the entire debt by 30 June of the financial year, the Shire may accept a payment arrangement that will see the debt reduce over time, to be determined by Shire Officers.~~

Definitions

Nil Sundry Debtor is an unsecured debt for goods and services received other than Ordinary Rates and Charges.

Rates Debtor means an individual, organisation or other party that has outstanding monies owed to the Shire of Serpentine Jarrahdale for rates and services charges levied by the Shire.

Means Inquiry means an inquiry conducted in Court to determine the debtor's means to pay the judgement debt.

General Procedure Claim (GPC) means the claim lodged with the Magistrates Court where the value of the claim or the relief claimed does not exceed \$75,000.

Property Seizure and Sale Order (PSSO) is a court order that authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially.

Related Documents

- Council Policy ~~3.2.13~~ – Financial Hardship
- ~~Register of Delegations and Authorisations~~
- Business Operating Procedure - Recovery of Outstanding Sundry Debts~~—Business Operating Procedure~~

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- *Civil Judgments Enforcement Act 2004*
- *Rates and Charges (Rebates and Deferments) Act 1992*

DRAFT

Amendment Record

		Date	Resolution Number
Council Adoption		23/04/2001	C163/04/01
Version	Date	Resolution Number	Amendment Details
2	24/05/2004	SM047/05/04	
3	25/01/2010	OCM023.1/01/10	
4	28/02/2011	CGAM039/02/11	
5	29/09/2015	OCM187/09/15	
6	18/12/2017	OCM179/12/17	
7	27/07/2020	SCM241/07/20	
8			New template and formatting changes. Included definitions. ...

DRAFT

DRAFT

Council Policy – Recognition of Long Serving Employees

Responsible Directorate	Executive Services
Responsible Business Unit/s	People & Development
Responsible Officer	Manager People, Development and Wellbeing
Affected Business Units	All

Objective

The purpose of this policy is to express appreciation to employees with extended periods of continuous service and to promote positive workplace relations between the Shire [of Serpentine Jarrahdale \(the Shire\)](#) and its employees.

Scope

This policy applies to all staff employed by the Shire.

Policy

The Shire recognises that our success is built on the dedication and loyalty of our staff. This policy provides a framework to acknowledge the milestones of service of long serving employees in recognise its appreciation of the value of longevity of service.

Milestone service achievements

Eligibility is based upon years of continuous employment with the Shire:

- Employees with a minimum continuous service of five (5) years and for every five (5) year increment thereafter, from the date of their employment, is eligible for service recognition.
- Eligible employees must be in active service on their anniversary date to receive this recognition.
- Employees on leave of absence will receive their award upon return to active employment.
- Council will contribute a gift of \$50 per year of service to employees who achieve five (5) years continuous service from the date of their employment, and on every five (5) year increment thereafter.
- The Shire will host a morning tea or similar every three months to present the service awards.
- No cash or cheque directly paid to the employee will be allowable – contribution will be made via a gift voucher or gift vouchers to various retailers.

Anniversary recognition

- Permanent employees are eligible for an annual anniversary bonus commencing on their third (3) year anniversary of continuous employment.
- No cash or cheque directly paid to the employee will be allowable. Recognition will be a gift voucher to an outlet of the employees' choice to the value of \$100.00.

Definitions

Continuous employment includes long service leave, study leave, sick leave and compassionate leave. It includes part time and full time employees and those who may have, from time to time, been both a full time and part time employee. For the purpose of calculating the anniversary date for qualifying for the entitlement it does not include periods of leave taken without pay, maternity leave and any other type of approved leave where the employee remains an employee of the Shire but is not paid for the period of absence by the Shire.

Note the period a person has been employed in either a full time or part time position will be interpreted for the purpose of this policy as the employment period i.e. five (5) years part time will still be considered employment for a period of five (5) years for the purposes of qualifying for the entitlement.

Related Documents

- [Strategic Community Plan 2017-2027](#) [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption			
Version	Date	Resolution Number	Amendment Details
1	29 September 2015	OCM187/09/15	
2	18 December 2017	OCM179/12/17	
3			New template. Update to related documents.

~~TO BE RESCINDED~~

Council Policy – Refreshment and Alcohol Policy

Responsible Directorate	<u>Corporate Services</u>
Responsible Business Unit/s	<u>Corporate Performance</u>
Responsible Officer	<u>Manager Corporate Performance</u>
Affected Business Units	<u>All</u>

Objective

The objective of this Policy is to provide guidelines governing appropriate expenditure on refreshments and alcohol, ensuring that the public monies are utilised prudently and properly.

The policy will also provide the following outcomes for the community, ~~and the Council,~~ and the Shire of Serpentine Jarrahdale (the Shire):

- Clarity and consistency in decision-making in line with the community expectations;
- Improved efficiency in decision-making in line with community expectations; and
- Improved community outcomes through open and transparent governance.

Scope

This Policy applies to ~~...~~ all expenditure on refreshments and alcohol by the Shire.

Policy

Introduction

The objectives of this policy are to ensure that expenditure on refreshments and alcohol is reasonable and appropriate, that it is incurred in the public interest, and that approval for such expenditure follows standard Council-Shire procedures.

Principles

1. All entertainment and hospitality expenditure must be incurred in the public interest or be incurred as a means of promoting Council-Shire business. The person authorising the expenditure must also be able to demonstrate the benefits resulting from such expenditure.
2. The amount spent on refreshments and alcohol must be reasonable and must be commensurate with the benefit received by Council-the Shire or the public.
3. The expenditure must be provided for in a Budget and be authorised in accordance with Council Policy 3.2.4 – Purchasing/Procurement of Goods or Services up to \$250,000 and be in accordance with the requirements of this policy.
4. Expenditure incurred by Council-the Shire which is not reasonable and appropriate (eg private expenses or private entertainment) must be repaid ~~to Council~~ within 14 days of being paid.

Council Policy – Refreshment and Alcohol Policy

- Refreshments and alcohol expenses may only be charged to a corporate purchasing card or purchase order if prior authorisation has been obtained and such expenditure has been authorised within a specific limit, and the expenditure complies with this policy.

Hospitality Provided to Council Employees

~~Council~~ The Shire may meet the cost of food and non-alcoholic drinks provided to employees in the following circumstances:

- A light meal may be provided for employees who are required to work during a mealtime and an alternative meal break is not available. This includes Council Meetings, Agenda Discussions, Policy Concept Forums, working group meetings, conferences, seminars and training sessions where the ~~Council~~ Shire meets the cost;
- If the employee is required to attend a meeting or other function attended by a non-employee and food and drink is provided for all attendees under this policy; and
- If the employee is working at premises remote from normal place of work so that normal arrangements for a particular meal are not available.

~~Council~~ The Shire may contribute towards the cost of providing food and drink (including alcoholic drinks) to employees in the following circumstances:

- Where the employee attends a function at which alcoholic drinks are provided for non-employees under this policy. As representatives of the ~~Council~~ Shire, employees must adhere to the Fitness for Work and the Drug and Alcohol Policies.
- At Staff Christmas parties, as a means of recognising the dedication and commitment shown by ~~Council~~ Shire staff in the provision of services.

Training Courses and Other Functions

Where a training course, meeting or other function is arranged and employees or visitors will be present during the normal meal period, ~~Council~~ the Shire may, if it facilitates the purpose of the event, arrange for refreshments to be made available. Such refreshments are to be reasonable in relation to the purpose and nature of the event and the expected attendees.

Alcohol may only be provided at a function if the Shire President or the Chief Executive Officer has approved it prior to the function. Alcohol will not be provided during meetings or training courses provided by the ~~Council~~ Shire.

If an employee attends a training course, meeting or other function not provided by ~~Council~~ the Shire but at ~~Council's~~ the Shire's cost, the ~~Council~~ Shire may pay for meals (excluding alcoholic drinks) if they are included in an overall cost for the event, or are provided at meals which are an integral part of the event.

Reasonable and Appropriate Expenditure

Civic Functions

Such as citizenship ceremonies that provide community recognition or a welcome by the ~~Council~~ Shire. The decision as to reasonable and appropriate costs will take into consideration the number of attendees, the timing of the function, the venue and the location in the ~~Council~~ Shire area.

Council Policy – Refreshment and Alcohol Policy

Employer Reward and Recognition Presentations

Recognition of Council Shire Officers, to reward outstanding achievements in the provision of services to the Council Shire. This may include official reward and recognition events, length of service presentations and Officer farewells. Such expenditure is to be approved by Chief Executive Officer or the relevant Director.

ANZAC Day Wreaths

Recognition of the service of war veterans to the community.

Condolence Wreaths or Floral Presentations

For the death of, or serious injury to, an Elected Member or employee or their immediate family. This is in recognition of service and a mark of respect to his/her family.

Visits by Other Delegates/Business Forums/State or other relevant Working Groups

These visits occur for cultural or economic development reasons and have the potential to increase investment in the Council Shire area.

Annual Christmas Celebration

In order to recognise and appreciate employees for their dedication and commitment to the provision of Council Shire services to the public, a contribution will be provided for the annual Christmas function.

Meetings within Ordinary Hours

Refreshments for meetings held within ordinary working hours should be kept to a minimum. Where Councillors-Elected Members or employees are required to work through a meal break or outside normal hours due to the impracticality of holding the meeting at any other time, the relevant meal is to be used as a guide. Such refreshments and hospitality should not be substituted for business meetings that would ordinarily be conducted in the workplace. Examples may include Ordinary Meetings of Council, Committee Meetings and Management Team Meetings.

Where there are regular meetings that are similar in nature each time, there will be no need to justify the reasonableness and appropriateness of expenditure for each meeting, provided that the expenditure for the first meeting is reasonable and appropriate and has been incurred in the public interest.

Associate Persons Expenditure

Only in exceptional circumstances, specifically approved by Council, the Shire President, the Chief Executive Officer or the relevant Director and where the attendance of an Associate is of demonstrated benefit to the Council Shire, and are the entertainment and hospitality costs for such a person to be met by the Council Shire. In these instances, the Associate will be considered an official representative of the Council Shire and will be expected to comply with Council's the Code of Conduct.

Other Refreshment Expenses

Other types of expenditure considered reasonable as Official hospitality includes the provision of tea, coffee, sugar and milk, and morning or afternoon tea for official visitors and appropriate staff.

Council Policy – Refreshment and Alcohol Policy

Inappropriate Expenditure

Examples of expenditure that is generally considered not to be reasonable and appropriate and is therefore to be treated as private expenditure:

- Tips or gratuities - tipping is not customary in Australia, however, when travelling overseas and tipping is the custom, these will be considered official expenditure.
- Drinks only costs - including hot and cold beverages.
- Morning/Afternoon Tea outside Council-Shire premises, where only Councillors-Elected Members or Council-Shire Officers are attending.
- Mini bar expenses.
- Employees working on Council-Shire premises, where food and beverages are on sale, are not entitled to charge food and beverages to Council the Shire in the normal course of their duties.
- Inappropriate entertainment (e.g. a floor show).
- Excessive alcohol consumed in conjunction with a meal.

Fringe Benefits Tax

The provision of entertainment by way of food, drink or recreation may have implications for fringe benefits tax. The following types of fringe benefits may arise from Council the Shire providing such entertainment:

- An expense payment fringe benefit if, for example, the cost of tickets purchased by an Employee is reimbursed by Council the Shire;
- A property fringe benefit through the provision of food and drink; or
- A residual fringe benefit resulting from the provision of accommodation or transport in connection with such entertainment.

Council-The Shire must keep sufficient records to enable the correct calculation of its FBT liability. With this objective in mind, a separate work order is required for each function funded wholly or in part by Council the Shire, detailing the following:

- The number of Council-Shire Employees in attendance;
- The nature of the event and its purpose;
- The date and time of the event (e.g. whether it has been held during business hours);
- The location of the event; and
- Whether or not alcohol has been provided.

Controls

- A person may not authorise his or her own expenditure.
- Expenditure by the Chief Executive Officer must be authorised by the Shire President.
- Expenditure by an employee must be authorised by the Chief Executive Officer only.
- Expenditure by an Elected Member ~~Councillor~~ is not allowed.

Council Policy – Refreshment and Alcohol Policy

- Appropriate documentation must be supplied when claiming reimbursement for expenses incurred (eg. tax invoices, receipts etc).
- Where there is some doubt about the validity of claiming particular expenditure, the principles of these guidelines should be used to make the determination.

Definitions

Examples of 'Alcohol or refreshments' refers to:

- entertaining members of the public in order to promote a local government project.
- providing food or beverages to a person who is visiting the local government in an official capacity.
- providing food or beverages for a conference, course, meeting, seminar, workshop or another forum that is held by the local government for its Councillors/Elected Members, local government employees or other persons.
- paying for an Elected Member-Councillor or local government employee to attend a function as part of the Councillor's-Elected Member's or employee's official duties or obligations as an Elected Member-Councillor or local government employee.

For the purpose of this policy, where the cost is borne by Council/the Shire, entertainment will include:

- The provision of food or drink other than as a commercial transaction for full payment;
- The provision of a performance other than as a commercial transaction for full payment; and
- Attendance by an Elected Member-Councillor or Shire employee of Council at a function as part of the Councillor's-Elected Member's or employee's official duties or obligations as an Elected Member-Councillor or Shire employee of Council.

Related Documents

- Code of Conduct for Councillors, Committee Members and Candidates
- Employee Code of Conduct
- Council Policy – Procurement of Goods or Services up to \$250,000
- Council Policy – Civic Events and Civic Awards
- Council Policy – Councillor and CEO Attendance at Events

Legislation / Local Law Requirements

- Local Government Act 1995

Amendment Record

Relevant Delegations		Nil.	
		Date	Resolution Number
Council Adoption		18 December 2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2			New template and minor wording updates

DRAFT

Council Policy - Related Party Disclosures

Responsible Directorate	<u>Corporate Services</u>
Responsible Business Unit/s	<u>Finance</u>
Responsible Officer	<u>Manager Finance</u>
Affected Business Units	<u>Finance</u> <u>Corporate Performance</u> <u>All department with staff required to complete disclosure</u>

Objective

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made in order to comply with the requirements of AASB124 – Related Party Disclosures.

Scope

The objective of the standard is to ensure that the Shire's financial statements contain 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 in line with the requirements of AASB124 – Related Parties.

It is importance to note that AASB 124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of Council transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire of Serpentine Jarrahdale must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

Policy

~~The objective of the standard is to ensure that the Shire's financial statements contain 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 in line with the requirements of AASB124 – Related Parties.~~

~~It is importance to note that AASB 124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of Council transactions.~~

~~The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire of Serpentine Jarrahdale must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.~~

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

1. Identification of Related Parties

AASB 124 provides that the Shire of Serpentine Jarrahdale will be required to disclose in its Annual Financial reports; related party relationships, transactions and outstanding balances.

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

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

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

1. Elected Members.
2. Key management personnel being the Chief Executive Officer employed under section 5.36 of the Local Government Act 1995 and senior employees appointed under section 5.37 of the Local Government Act 1995, who heavily influence Council decision-making and/or direct and control significant functions of Council.
3. Close members of the family of any person listed in point 1 or 2, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner, as defined by AASB124.
4. Entities that are controlled or jointly controlled by an Elected Member, key management personnel or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Shire of Serpentine Jarrahdale will therefore be required to assess all transactions made with these persons or entities.

2. Identification of Related Party Transactions

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

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Payment of rates issued by the Shire of Serpentine Jarrahdale.
- Payment of fines issued by the Shire of Serpentine Jarrahdale.
- Use of Shire of Serpentine Jarrahdale owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether a fee is charged or not).
- Attending council functions that are open to the public.
- Employee compensation, whether it is for key management personnel or close family members of key management personnel.
- Application fees paid to the Shire of Serpentine Jarrahdale for licences, approvals or permits.

Council Policy – Related Party Disclosures

- Lease agreements for housing rental (whether for a Shire of Serpentine Jarrahdale owned property or property sub-leased by the Shire of Serpentine Jarrahdale through a Real Estate Agent).
- Lease agreements for commercial properties.
- Monetary and non-monetary transactions between the Shire of Serpentine Jarrahdale and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire of Serpentine Jarrahdale (trading arrangement).
- Sale or purchase of any property owned by the Shire of Serpentine Jarrahdale, to a person identified above.
- Sale or purchase of any property owned by a person identified above, to the Shire of Serpentine Jarrahdale.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

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

Disclosure Requirements

For the purposes of determining relevant transactions in point 2 above, Elected Members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form for submission to the Shire.

Ordinary Citizen Transactions (OCTs)

The Chief Executive Officer will provide a recommendation to Council annually, declaring that in his or her opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly Related Party Disclosures - Declaration form will be required.

- Payment of rates issued by the Shire of Serpentine Jarrahdale.
- Payment of fines issued by the Shire of Serpentine Jarrahdale.
- Use of Shire of Serpentine Jarrahdale owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and key management personnel will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

All other transactions

For all other transactions listed in point 2 above, Elected Members and key management personnel will be required to make a declaration in the Related Party Disclosures - Declaration form.

Frequency of disclosures

Elected Members and key management personnel will be required to complete a Related Party Disclosures - Declaration form ~~each quarter, commencing 1 July 2017~~ by 31 July each year.

The Related Party Disclosures – Declaration form must be completed by Elected Members and key management personnel prior to termination of office or termination of employment.

Confidentiality

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

Materiality

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

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

Definitions

Related Party means a person or entity that is related to the local government that is preparing its financial statements (the Shire).

A person or a close member of that person's family is related if that person:

- a. Has significant influence over the reporting entity; or
- b. Is a member of the key management personnel of the reporting entity.

An entity is related if any of the following conditions applies:

- a. The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others); or
- b. A person is a member of the key management personnel of the entity;
- c. The entity is controlled or jointly controlled by a person identified above.

Key Management Personnel (KMP) means those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

KMP for Local Government's would include Elected Members and Senior Staff (CEO and Directors).

Close Member of the Family of a Person means those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

Council Policy – Related Party Disclosures

- That person's children and spouse or domestic partner;
- Children of that person's spouse or domestic partner;
- Dependents of that person or that person's spouse or domestic partner; and
- Any other close family member.

Related Party Transactions means a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Related Documents

- ~~Strategic Community Plan 2017 – 2027~~
- ~~Department of Local Government, Sport & Cultural Industries Guidelines~~
- ~~AASB 124 Related Party Disclosures – Fact Sheet~~
- ~~AASB 124 Related Party Disclosures – Implementation Guide – June 2017~~
- E17/4866 Related Party Disclosures Declaration Form

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- *Australian Accounting Standard – AASB 124 Related Party Disclosures*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		24 July 2017	OCM097/07/17
Version	Date	Resolution Number	Amendment Details
2	18 December 2017	OCM179/12/17	
3			New template and updated scope.

Council Policy – Request to Remove Dangerous Trees

Responsible Directorate	Operations
Responsible Business Unit/s	Operations
Responsible Officer	Manager Operations
Affected Business Units	Operations

Objective

This policy recognises that there may be circumstances which justify the removal of trees and this policy establishes how the Shire of Serpentine Jarrahdale (the Shire) will deal with applications.

Scope

This policy applies to Shire Officers, property owners and the community.

Policy

Requests for the removal or permission to remove dangerous trees are to be made to the Shire as follows:

Trees on applicant's property

An application will only be considered for removal of a dangerous tree (other than permitted under ~~Clause 7.13.4 of~~ Town Planning Scheme No. 2) if a report by a qualified arborist detailing the reason for removal is provided to the Shire.

Trees on adjacent private property

The Chief Executive Officer may authorise ~~the the use of powers under Schedules 3.1 and 3.2 of the Local Government Act 1995 in relation to~~ serving notice for the removal of a tree or entering a property to remove a tree in the following circumstances:

- Where ~~Director Infrastructure Services~~Executive Manager Operations advises that the tree has been assessed and is deemed to be in a dangerous condition; or
- Where the affected neighbour can demonstrate reasonable negotiation has occurred with the owner of the property on which the tree is located and no agreement can be reached and provides a report by a qualified arborist detailing reason for removal.

Trees on land under the care and control of Council

In the event that a request by a resident is denied for the removal of a tree on land under the care and control of Council, the resident may apply for a decision of Council subject to the application including a report by a qualified arborist detailing reason for removal. If Council resolves to approve the removal of the tree, the cost of the arborist report will be refunded to the resident.

Definitions

Nil.

Related Documents

- ~~Strategic Community Plan 2017-2027~~ Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Town Planning Scheme No 2*

Amendment Record

Relevant Delegations		Delegation – E008D Notices requiring things to be done by owner or occupier of land and additional powers when notice is given, undertake works on land that is not local government property and powers of entry. <u>1.15 – Local Government Act 1995 – Appoint Authorised Persons – Certain provisions about land</u>	
		Date	Resolution Number
Council Adoption		29 March 2005	CGAM030/03/05
Version	Date	Resolution Number	Amendment Details
2	25 January 2010	OCM023.1/01/10	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5			New template and update to position to reflect new Operations directorate

Council Policy – Requests for Memorials, Plaques, Monuments and Trees

Responsible Directorate	Infrastructure Services <u>Community Engagement</u>
Responsible Business Unit/s	Operations and Community Activation <u>Community and Organisational Development</u> <u>Activation</u>
Responsible Officer	Manager Operations and Manager Community Activation
Affected Business Units	Operations – Parks and Gardens <u>Community Activation</u> Infrastructure and Assets <u>Community Projects and Property</u>

Objective

The objective of this Policy is to:

- Provide guidance in relation to the use of public open space in the placement of memorials, monuments, plaques and the planting of commemorative trees.
- Ensure that applications for memorials, monuments, plaques and trees are managed on a consistent basis and in accordance with the Council's strategic direction and corporate policies.

Scope

This Policy applies to the placement of memorials, plaques and monuments as well as the planting of commemorative trees in Shire of Serpentine Jarrahdale (the Shire) owned/managed parks, reserves, public open space and streetscapes. This Policy does not apply to operations of cemeteries.

All items instated in accordance with this policy become Shire assets and are therefore owned and under the care, control and management of the Shire.

The policy applies to memorials, monuments, plaques and commemorative trees, where the naming is intended to commemorate a (deceased) person, organisation or significant event. It also includes the placement of such items for community driven projects, where the intent of the project is to raise awareness of a particular community issue. Requests to recognise a living person/individual does not fall within the scope of this policy.

An artwork or other feature intended primarily to enhance open space and not designed as a commemorative piece, is not considered a memorial for the purpose of this policy.

Policy

Introduction

The Shire of Serpentine Jarrahdale recognises that members of the community may wish to use public open space to commemorate a person, group of people or event through a memorial, which adds to the value of the wellbeing of the community.

In order for the Shire to ensure its public open spaces continue to serve their intended purpose and are not transformed into places of mourning, and that its asset management practices are not impacted negatively, subjects for plaques, monuments, memorials and commemorative trees in public open space are limited to the criteria and requirements outlined in this policy.

Applications and Base Criteria

Each application will be assessed on its individual merit and must first meet one or more of the following base criteria:

- ~~a~~An individual or association that has contributed significantly to the cultural, political or social aspects of the Shire. Individual nominees are to be deceased, and demonstrate:
 - they were a local community member;
 - ~~l~~Left a tangible legacy to the community that has resonance with the broader public;
 - ~~P~~Placement benefits the community in acknowledging the deceased;
- an event or occasion to be commemorated:
 - ~~a~~Anniversary or event must be unique and highly significant to the history and development of the Shire of Serpentine Jarrahdale; and State of Western Australia and/or Australia
 - ~~r~~Reference to historical, social or culturally significant events must be highly significant to a particular site within the Shire of Serpentine Jarrahdale.
- awareness campaign:
 - ~~w~~Where the intent of a plaque or memorial item is to raise awareness of a particular community issue, the applicant must demonstrate the relevance of the issue to the local community.

Further to the base criteria, applications for items outlined in this policy must be received in writing to the Shire.

- ~~a~~All applications relevant to memorialising an individual are to be presented to Council for consideration and approval/refusal.
- applications for monuments that meet conditions within this policy are to be presented to Council for consideration and approval/refusal.
- all other applications that meet conditions within this policy for memorials, plaques and trees are to be presented to the CEO for consideration and approval/refusal via an internal recommendation process.
- community requests for infrastructure items such as park benches, picnic tables and plaques, where these are related to heightening the awareness and understanding of a particular community matter need to demonstrate the campaigns relevance to the local Shire

of Serpentine Jarrahdale community. These applications are to be presented to the CEO for consideration and approval/refusal via an internal recommendation process.

The outcome of applications are to be confirmed with the applicant/s following the relevant process.

Applicant Requirements

All applications must meet the following requirements:

- commitment to fund the requested memorial item (plaque, memorial, monument or tree);
- Must bear a relationship with the open space setting proposed and be consistent with any approved masterplans for the site; and
- mMust not detract from the aesthetic value of the identified location.

Plaque

The Shire will specify the size and design of the plaque. This will be determined in accordance with the type of furniture or structure (such as raised plinth or stone) on which it will be placed.

The Shire will coordinate the purchase, design and installation of the plaque.

Monument

Any requested monument is to be managed, maintained, approved, constructed and sited in a manner which is consistent with the financial, cultural, environmental and social aspirations of the Shire. This includes consistency with the Public Art Masterplan. Further to the above Memorials Criteria, monuments must also meet the following criteria:

- Aan individual Nominee should have made a highly significant contribution to the shared community history in the Shire of Serpentine Jarrahdale that is also significant at a State, National or International level.
- Aan individual Nominee must have achieved at a high level and made a contribution over and above what might be reasonably expected through paid employment, or their voluntary contribution to the community and should stand out from others who may have also made a valuable contribution.

The Shire will commission any approved monument request.

Park furniture

All furniture that is to be installed and/or on which Memorial plaques are to be placed, is at the discretion of the Shire and subject to the conditions of this Policy.

The Shire will coordinate the selection, purchase, installation and maintenance of the furniture.

Tree selection

The type of tree to be planted is at the discretion of the Shire. The Shire will have final approval of the exact location of the tree and installation details.

The Shire will coordinate the selection, purchase and planting of the tree.

Memorial trees may be identified by a commemorative plaque or other identification at the discretion of the Shire.

Locality

The appropriate Shire park, reserve, public open space or streetscape for the placement of the memorial is to be determined by the Shire in consultation with the applicant.

Cost

Applicants must meet the cost of the purchase and installation of furniture, monuments, plaques (inclusive of any required structure for mounting purposes) and trees.

Costs are to be determined on a case by case basis. Applicants will be advised of the costs prior to the application being presented for approval/refusal purposes.

Applicants can advise at this stage if they do not wish to proceed with the application.

Costs are to be paid in full before the Shire will undertake the purchase of the memorial.

Life of the furniture/plaque/ tree/monument

Memorials and plaques have a finite life. The Shire envisages that infrastructure such as seating/plaques will be located at the site for a period of not less than 10 years from the date of installation.

Should a piece of memorial park furniture be vandalised beyond repair, it will be deemed to be at the end of its useful life and the Shire will use reasonable endeavours to contact the applicant/next of kin to inform them of this.

The Shire reserves the right to remove a memorial if it falls into a state of disrepair or to remove a memorial after the expiry of 10 years. The Shire will use reasonable endeavours to contact the applicant/next of kin.

In the case of a tree, the memorial will be for the life of the tree. There will be no right to renewal and should the tree die; the applicant/next of kin will need to lodge a new application for a new memorial tree.

Monuments approved and commissioned in line with this policy will be deemed an asset of the Shire of Serpentine Jarrahdale, and managed in accordance with associated practices.

Memorial Register

The relevant registers are to be updated where a memorial, plaque, monument or tree is approved. This may include asset databases and the memorial register.

Definitions

Applicant means the person/s or organisation submitting a proposal for a memorial, monument, plaque or tree as described within this policy.

Local Government Land means land owned by the Shire or under the Shire's care, control and management.

Memorial park furniture (i.e. park bench, seat or picnic setting) means, ephemeral artwork or tree designed to preserve the memory of a person, group or significant event. For the purpose of this policy, it is defined separate to a monument.

Monument means a tangible, architectural structure (including public artworks that are not ephemeral) commemorating significant people and significant events associated with the Shire.

Nominee means the person(s)/organisation or association being named on the memorial, plaque, monument or tree.

Plaque means a flat metal or brass plate that includes text that commemorates an individual, organisation or significant event.

~~**Applicant** means the person/s or organisation submitting a proposal for a memorial, monument, plaque or tree as described within this policy.~~

Public Open Space land that is available to the public for recreation or sport or has a conservation or aesthetic purpose. Open space includes reserves, parks, trails, sportsgrounds, civic area and play spaces.

Related Council Documents

Nil.

Legislation / Local Law Requirements

- Local Government Act 1995
- ~~Town~~ Planning and Development Act 2005

Amendment Record

Relevant Delegations		1.1.6 – Reserves under control of Local Government	
		Date	Resolution Number
Council Adoption		19 October 2020	OCM344/10/20
Version	Date	Resolution Number	Amendment Details
<u>2</u>			<u>New template and updated Directorate and Business Units. ...</u>

Council Policy – Reserve Development and Community Volunteers

Responsible Directorate	Operations
Responsible Business Unit/s	Operations
Responsible Officer	Manager Operations
Affected Business Units	Operations

Objective

The objective of this Policy is to provide direction in the maintenance and development of the Shire's reserves, undertaken by community volunteers, is carried out within an approved and managed framework.

Scope

This Policy is intended for use by shire staff, volunteers, and other relevant stakeholders.

Policy

Introduction

Community volunteers can have valuable input to the enrichment and management of reserves within the Shire. Their role contributes to:

- restoring the conservation values within natural areas
- raising community awareness on the values of the reserves and facilities
- promoting healthy living and improved mental health
- learning new skills and techniques
- community awareness and stewardship of an area

When volunteers want to undertake an activity within a Shire managed reserve there is a process that needs to be followed to ensure the volunteering effort has a positive and lasting effect on the area. It is designed so the Shire has knowledge and approves all on ground community works in the reserves before they commence.

Before an application is submitted, it is recommended for the Community groups to contact Shire Officers to discuss the proposal. They can provide advice on site preparation, suitable native species, location of plants, location of structures and maintenance requirements.

~~This Policy only covers proposals not needed the Planning xxx~~

The proposal of works can include but not limited to; planting, watering, mulching, slashing, mowing, installation of signs, seating and some types of fencing.

This process also ensures the community activities align with the Shire's maintenance works. Agreement should also be reached on the ongoing management and Shire budget considerations.

Community volunteers are to submit a **Reserve Improvement or Development Application Form** ~~online form XXX~~, ~~ideally XXX months~~ before works are due to commence, to ensure application is assessed in a timely fashion.

The Shire assesses the application against the following principles:

- follows the endorsed Reserve Management Plan (or similar) recommendations if one is available,
- the proposed works are in accordance with the purpose and values of the reserve,
- only locally native plant species, or Shire approved plants to be used within the Reserve,
- activities do not cause any safety issues,
- maintenance activities of the site decided,
- volunteers have the skills to undertake the works or can be instructed on the best practice.

Unless in an agreed partnership with the Shire for the project, the nominated community volunteers are responsible for the ongoing maintenance of any planting within Shire reserve for two years. This may include weed control, plant watering, mulching, plant surrounds/stakes maintenance and general care of the site.

The application process will involve those Shire officers that have a vested interest in the reserve, including those that currently undertake maintenance of the area. This will ensure the Operations staff are aware of the works taking place and can prevent damage to plants or other structures during maintenance activities.

Definitions

Development is the growth and advancement of an area.

Maintenance activities to protect and enhance the condition of an area.

Reserve is an area classed as a natural area or park managed or owned by the Shire.

Volunteers are individuals or a group that provide support to help organise and undertake activities, willing to participate while not being paid.

Related Documents

- Council Policy - Control of Weeds ~~(under review)~~
- Urban and Rural Forest Strategy 2018-2028

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations	Nil
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		Date	Resolution Number
Council Adoption		Not identified	
Version	Date	Resolution Number	Amendment Details
2	25 January 2010	OCM023.1/01/10	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5	2025		<ul style="list-style-type: none"> • Formatted to new policy template • New title • Amended to....

DRAFT

Council Policy – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Engineering
Responsible Officer	Manager Engineering
Affected Business Units	Engineering

Objective

The objective of this Policy is to set the principles applied when assessing whether or not Restricted Access Vehicle (RAV) Operations are permitted on designated roads under the care, control and management of the Shire of Serpentine Jarrahdale (the Shire).

Scope

This Policy applies to Restricted Access Vehicles (RAVs) operating on designated roads under the care, control and management of the Shire.

Policy

Introduction

In view of the high level of development and rapid expansion of residential and commercial properties, Council determined that it was necessary to develop and establish a policy for RAVs using designated roads under the care, control and management of the Shire.

This policy details the assessment process for considering applications for RAV Operations on designated roads under the care, control and management of the Shire, and the local operating conditions to be imposed if supporting an application.

Designated Roads

A list of the designated roads approved as suitable for RAV Operations within the Serpentine Jarrahdale Shire district is available on the Main Roads WA website.

Assessment Process

Main Roads WA is responsible for approving RAV Operations on all roads through their Heavy Vehicle Services Division.

Main Roads WA has standard operating conditions but can impose the condition that on a certain road or section of road, the RAV operator must comply with additional local operating conditions. This is achieved by the Shire recommending local operating conditions to Main Roads WA as part of their approval process.

The Director of Infrastructure Services is authorised to support an application to add or amend a RAV route and provide advice and conditions back to Main Roads WA accordingly, subject to the following:

- RAV Operations on networks 1 to 10 must comply with the Main Roads Route Assessment Guidelines.
- Any application for the operation of a Tri-drive RAV network must include a cost recovery method in accordance with the WALGA Policy for Assessing Applications to operate Restricted Access Vehicles (RAV) on Local Government Roads and be determined by Council.
- Concessional load RAV networks are not permitted on any Shire managed roads.

Definitions

Restricted Access Vehicle - A vehicle that exceeds a statutory mass or dimension limit as prescribed in the Road Traffic (Vehicles) Regulations 2014.

Restricted Access Vehicle Operations – the use of a Restricted Access Vehicle on designated Shire roads.

Related Documents

- ~~RAV Access Requests (E15/4017)~~
- ~~RAV Audit Process (E15/4016)~~
- Main Roads Standard Restricted Access Vehicle Route Assessment Guidelines
- Main Roads Guidelines for Approving RAV Access
- Main Roads Tri Drive Route Assessment Guidelines
- Main Roads RAV Route Assessment Form
- WALGA Policy for Assessing Applications to operate Restricted Access Vehicles (RAV) on Local Government Roads.

Legislation / Local Law Requirements

- *Road Traffic (Vehicles) Act 2012*
- *Road Traffic (Vehicles) Regulations 2014*



Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		8 December 2014	OCM102/12/14
Version	Date	Resolution Number	Amendment Details
2	29 September 2015	OCM187/09/15	
3	22 May 2017	OCM059/05/17	
4	18 December 2017	OCM179/12/17	
5	19 September 2022	OCM229/09/22	
6			New template and updated relevant documents

Council Policy – Risk Management

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance <u>Corporate Performance</u>
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Objective

The objective of this policy is to outline the strategies and processes applied in implementing an effective risk management system for the Shire of Serpentine Jarrahdale (~~the Shire~~).

Scope

This Policy applies to all risk processes within the Shire and is subject to regular monitoring through the Audit, Risk and Governance (~~ARG~~) Committee and Council.

Policy

Risk Management is a framework of culture, processes and structures directed towards the effective management of risk. This includes consideration of both potential opportunities and adverse effects on existing operations. As all actions and transactions involve risk, effective Risk Management involves ~~the~~ anticipating, understanding, ~~and~~ monitoring-managing of risk. It contributes to good corporate governance by providing reasonable assurance to Council, Executive Management, and the community that the organisational objectives will be achieved within a tolerable degree of residual risk.

The Shire has exposure to risks that, if unmanaged, may have an adverse impact on the achievement of organisational objectives. The Policy of Risk Management at the Shire is to ensure an ~~enterprisewide~~enterprise wide risk management framework is implemented that:

- identifies, manages and monitors key strategic and operational risk;
- documents, monitors and reviews risk appetite;
- fosters a risk mature environment where Council and Officers take responsibility for risk management through integrated practices;
- safeguards the Shire's people, assets, property, reputation and information;
- promotes an environment where risk management principles and practices are the tools to the achievement of organisational goals;
- provides the resources required to execute controls and minimise adverse reaction to risks;
- guides decision making and manages potential opportunities;
- outlines roles and responsibilities.

Enterprise Risk Management at the Shire

The Shire adopts a framework for risk management that is based on the principles of the current Australian and International Standards on Risk Management (AS/NZ ISO 31000) and is committed to managing risk in accordance with the principles, framework, and process contained within the standard. The Shire's application to these areas of the standard is outlined below.

Principles

The Shire adopts the following risk management principles when managing risk:

- Integration – risk management systems and processes will be aligned with current strategic and operational planning processes and risk assessments will be conducted on all strategic projects and major initiatives with consideration of their impact on the Shire's strategic [objectives-risks](#);
- Consistency – the risk framework will be applied consistently to strategic, operational and project risks using systematic tools that ensure a structured approach and comparable results;
- Relevance – the risk framework will be customised to meet the Shire's unique environment and the achievement of its strategic objectives informed by community consultation;
- Inclusiveness – risk management will take a collaborative approach where differing perceptions, skills and knowledge are leveraged to improve the decision making process;
- Dynamic – the risk framework enables ongoing monitoring of the Shire's environment to ensure any new and emerging risks and/or changes to current risks are identified and managed;
- Best available information – decisions to manage risk will be made based on the best available information taking into account any limitations and uncertainties associated with the information;
- Culture – [the Shire will build and maintain a culture of 'risk awareness and risk thinking' which will be an integral factor of decision-making across risk management will form part of the Shire's culture to ensure the aspects of risk management are considered at all levels within the organisation](#);
- Continuous Improvement – the Shire strives to continuously improve its approach to its enterprise risk management.

Framework

~~The Shire has two~~ [This Policy is the Shire's main documents in place designed to assist the organisation to identify, manage and mitigate-report risks. These are: Supporting tools and templates are also provided to Employees to support the implementation of this Policy.](#)

- ~~Council Policy~~ [3.3.3 Risk Management \(E17/11041this policy\)](#)
- ~~Risk Management Framework (E19/1310)~~

Process

The risk management process involves four components:

- establishing the context,

Council Policy – Risk Management

- risk assessment and treatment,
- monitor, review and report, and
- communication and consultation.

Establishing the Context

This phase establishes the basic parameters within which risk must be managed and sets the scope for the rest of the risk management process. The Shire's [Strategic Community Plan Council Plan 2023-2033](#) is key to the context of risk, as this sets out the Shire's strategic [objectives/priorities](#). Regard is also given to the Shire's vision, [as well as any](#) strengths, weaknesses, opportunities and threats (SWOT), [as well as the environment in which it operates](#).

Risk Assessment and Treatment

Risk assessment involves the identification, analysis, and evaluation of risk. Risk ~~t~~reatment involves the identification of options for treating risks, including consideration of whether to tolerate the risk without further action. The Shire uses the Risk Management Tools at **Appendix 1** and the Risk Appetite Statements at **Appendix 2** to guide this phase of the risk management process.

Monitor, Review and Report

~~The Shire has four monitoring, reviewing, and reporting processes in place to~~ ensure agreed treatment plans are being implemented, risk registers are kept up to date, policies and procedures remain relevant, and an appropriate culture is continually developing and improving. ~~These processes are: the Shire has in place the following monitoring, reviewing and reporting processes:~~

- A review of the appropriateness and effectiveness of the Shire's systems and processes in relation risk management, internal control and legislative compliance is undertaken in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996* and the results of the review are reported to the ARG Committee;
- The Strategic Risk Register is reviewed on a quarterly basis and is subject to regular monitoring through the ARG Committee;
- Documentation and improvement plans in relation to the Shire's risk management framework are overseen by the ARG Committee;
- Operational risk is continuously monitored and overseen by the Executive Management Group.

Communication and Consultation

This component involves establishing a culture that is committed to openness and transparency on risk management and consulting within and external to the Shire as required. A quarterly [risk](#) report ~~on risk management activities~~ is prepared by Officers and reported to the ARG Committee for oversight.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer [is](#) responsible for ensuring that a risk management system is established, implemented, and maintained in accordance with this policy.

Executive Management Group (EMG)

EMG is responsible for instilling a strong risk culture throughout the organisation that aligns with the risk appetite, and for ensuring that an effective process of risk management, internal compliance and control is in place.

Audit, Risk and Governance Committee (ARG)

In accordance with the ARG Committee Terms of Reference, the ARG Committee is responsible for providing advice regarding risk management, including assessing whether the enterprise risk framework is effective, monitoring the Strategic Risks, and supporting Council to fulfil its responsibilities in relation to risk ~~management systems governance~~.

Council

Council are responsible for determining the appropriate risk appetite ~~appropriate~~ to achieve the Shire's Strategic Objectives, approving the Shire's Risk Management ~~Tools Policy~~ and monitoring the Shire's Strategic Risk Management Register through recommendations from the ARG Committee.

Internal Audit

The Shire's internal audit function plays a key role in providing assurance to EMG, the ARG Committee and Council on the Shire's management of risk by:

- Providing recommendations to enhance the Shire's internal control environment; and
- Establishing an internal audit plan that ~~integrates with the Shire's Strategic Risk Register~~ focuses on the material areas of risk facing the Shire.

All Employees

Every employee within the Shire is recognised as having a role in risk management; ~~It~~ this involves vigilance in the identification and ongoing management of risks, ~~and~~ participating in the risk management process and implementing sound risk-based decision-making.

Definitions

Risk means the chance of something happening that will have an impact upon objectives. Risk is measured in terms of consequence and likelihood.

Risk management means the culture, processes and structures that are directed towards the effective management of risk. This includes both potential opportunities and adverse effects on existing operations. As all actions and transactions involve risk, effective Risk Management involves the anticipating, understanding and monitoring of risk.

Related Documents

- Audit, Risk and Governance Committee Terms of Reference (E17/1739)
- ~~Risk Management Framework (E19/1310)~~
- Internal Audit Charter (E19/5497)
- Strategic Risk Register (E20/8711)
- Health and Safety Risk Management BOP (E25/1373)

- [AS/NZS ISO 31000 Risk Management](#)

- [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- ~~Local Government Act 1995 s2.7 – Role of Council~~

-

- ~~Local Government Act 1995 Part 7 – Audit~~

- Local Government (Audit) Regulations 1996 ~~Regulation 17 – CEO to review certain systems and procedures~~

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		18 December 2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2	21 September 2020	OCM281/09/20	
3	2025		Formatting changes to merge with new policy template. Minor updates to consequence and likelihood table.

Appendix 1: Risk Management Tools

Risk Matrix

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Rare	LOW	LOW	LOW	LOW	MODERATE
Unlikely	LOW	LOW	<u>MODERATE</u> LOW	MODERATE	<u>MODERATE</u> SIGNIFICANT
Possible	LOW	<u>MODERATE</u> LOW	MODERATE	SIGNIFICANT	<u>SIGNIFICANT</u> HIGH
Likely	<u>MODERATE</u> LOW	MODERATE	SIGNIFICANT	HIGH	HIGH
Almost Certain	MODERATE	SIGNIFICANT	<u>SIGNIFICANT</u> HIGH	HIGH	HIGH

Consequence Table

DESCRIPTOR	PHYSICAL OR PSYCHOLOGICAL IMPACT	FINANCIAL (OPERATIONAL)	REPUTATION	ORGANISATIONAL PERFORMANCE	ENVIRONMENT/ HERITAGE	SOCIAL/ COMMUNITY OUTCOMES	STRATEGIC STAKEHOLDER RELATIONSHIPS
Insignificant	Minor physical injuries requiring no treatment. No expected psychological impact.	< \$25,000	Isolated individual's issue-based complaint. No media coverage.	Impact managed through normal business practices.	Low level environmental impact OR negligible impact on heritage place. Immediately rectifiable.	<u>Low localised event with no broader social/community health and wellbeing, economic or financial impacts</u> <u>Isolated individual's social/community health and wellbeing, economic or financial impact.</u>	Insignificant weakening of a single strategic stakeholder relationship and little impact to staff morale
Minor	First aid injury treated on site. Minor psychological Impact treated on site.	\$25,000 - \$150,000	Local community impacts or issue based concerns.	Impact requires additional local management effort or response or redirection of resources to respond.	Minor environmental impact (< 3 months to remediate / recover) OR heritage place damage fully rectifiable within reasonable period.	<u>Possible social/community health and wellbeing, economic or financial impacts to singular cohort of the shire</u> <u>Localised event with no broader social/community health and wellbeing, economic or financial impacts.</u>	Damage to a strategic stakeholder relationship, able to be rectified in the short term

DESCRIPTOR	PHYSICAL OR PSYCHOLOGICAL IMPACT	FINANCIAL (OPERATIONAL)	REPUTATION	ORGANISATIONAL PERFORMANCE	ENVIRONMENT/HERITAGE	SOCIAL/COMMUNITY OUTCOMES	STRATEGIC STAKEHOLDER RELATIONSHIPS
Moderate	Physical injury requiring professional treatment and/or short-term hospitalisation. Psychological impact requiring professional treatment.	>\$150,000 - \$1m	Community impacts and concerns publicly expressed. Some reduced confidence by community and stakeholders.	Delays in critical services or programs. Administration of project or activity subject to significant review or change. One or more critical outcomes only partially achieved. Impact requires short term significant management and organisational resources to respond.	Moderate environmental impact (< 1 year to remediate / recover) OR heritage place damage fully rectifiable in a prolonged period.	Possible social/community health and wellbeing, economic or financial impacts across multiple shire cohorts to singular ward of the Shire.	Weakened relationship with a significant number of strategic stakeholders or a key strategic stakeholder, requiring specific measures to rectify
Major	Serious injury/illness requiring immediate emergency response or prolonged hospitalisation. Serious psychological injury requiring medium/long term professional medical treatment, counselling or intervention.	>\$1m - \$3.5m	Considerable and prolonged community impact and dissatisfaction publicly expressed. Criticism and loss of confidence and trust by community and stakeholders in Shire's processes and capabilities. Shire's integrity in question. Significant media attention. Council/Shire President intervention.	Long term viability of organisation is threatened. One or more critical services or programs cannot be delivered. Majority of critical outcomes only partially achieved, or a single critical outcome not achieved. Impact requires long term significant management and organisational resources to respond.	Major impact (> 1 year to remediate or recover) on ecosystem or threatened species OR severe or large-scale damage to heritage place partially rectifiable.	Possible state-wide social/community health and wellbeing, economic or financial impacts. Possible social/community health and wellbeing, economic or financial impacts across multiple Shire wards.	Damage done to the majority of existing strategic stakeholder relationships or a key strategic stakeholder relationship
Catastrophic	Death or severe permanent disablements. Permanent/long term psychological damage requiring extensive remedial intervention.	> \$3.5m	Significant adverse community impact and condemnation. Consistent ongoing community loss of confidence and trust in Shire's capabilities and intentions.	Majority of critical services or programs cannot be delivered. Majority of critical outcomes not achieved. Impact cannot be managed within the organisation's existing resources and threatens the long term viability survival of the organisation.	Permanent loss of ecosystem or threatened species OR severe or large-scale damage to highly valued heritage place beyond recovery.	Widespread social/community health and wellbeing, economic and financial impacts. Social/community health and wellbeing, economic or financial impacts across multiple districts.	Total loss of credibility with all strategic stakeholders, catastrophic breakdown of the relationship with a key strategic stakeholder

DESCRIPTOR	PHYSICAL OR PSYCHOLOGICAL IMPACT	FINANCIAL (OPERATIONAL)	REPUTATION	ORGANISATION AL PERFORMANCE	ENVIRONMENT/ HERITAGE	SOCIAL/ COMMUNITY OUTCOMES	STRATEGIC STAKEHOLDER RELATIONSHIPS
			High widespread media. Department intervention.				

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Likelihood Table

DESCRIPTOR	DESCRIPTION	FREQUENCY	PROBABILITY
Rare	The event may occur only in exceptional circumstances. <u>Has not occurred at the Shire, however has occurred infrequently in another similar project/s</u>	<u>Typically occurs</u> Less than once in <u>greater than 10</u> years	<5%
Unlikely	The event could occur at some time. <u>Has occurred very infrequently at the Shire and/or is known to occur occasionally in other similar organisations / projects.</u>	<u>Typically occurs</u> <u>once every 5-10</u> <u>years At least</u> <u>once in 10 years</u>	5-25%
Possible	The event should occur at some time/ <u>will probably occur, in some circumstances. Has occurred more than once at the Shire and/or has occurred several times in similar organisations / projects.</u>	<u>Typically occurs</u> <u>once in every 1-5</u> <u>years At least</u> <u>once in 4 years</u>	25-75%
Likely	The event <u>is expected to will probably occur in most circumstances. Has occurred often at the Shire and/or frequently in other similar organisations / projects.</u>	<u>Typically occurs</u> <u>more than Once</u> per 4-year	75-95%
Almost certain	The event is <u>a common or frequent occurrence. expected to occur in most circumstances. Has occurred many times at the Shire and/or circumstances are such that it will almost certainly happen</u>	<u>Typically occurs</u> <u>More than once</u> per <u>monthyear</u>	>95%

Control Rating Table

LEVEL	DESCRIPTOR	DESCRIPTION
FER	<u>Fully EffectiveRobust</u>	Controls are adequate, appropriate and fully effective. Overall control environment provides reasonable-strong assurance that the risk is being managed. Control objectives are being met and no <u>material</u> improvements to controls have been identified <u>that would have a noticeable impact on the level of risk.</u>
EA	<u>AdequateEffective</u>	A few specific control weaknesses noted however the overall control environment is adequate, appropriate and remains effective. Certain <u>critical</u> controls <u>may</u> require improvement to ensure that the overall environment will continue to operate effectively.
I	Inadequate	Numerous specific controls weaknesses or gaps were noted. Overall control environment is not adequate or effective and fails to provide reasonable assurance that risks are being managed and control objectives are being met. The control environment needs improvement.

Criteria for Managing Risk

LEVEL OF RISK	CRITERIA FOR MANAGEMENT OF RISK	REPORTING TO	RESPONSIBILITY
Low	Acceptable with adequate controls (subject to alignment with risk appetite)	Annual reporting to EMG	Risk Owner
Moderate	Acceptable with adequate controls (subject to alignment with risk tolerance and appetite)	Annual reporting to EMG	Risk Owner
Significant	Refer to CEO/Director for acceptance decision	Monthly reporting to CEO. Quarterly reporting to ARG Committee and Council.	CEO/Director
High	Refer to CEO/Council for acceptance decision	Immediate and ongoing reporting to CEO, ARG Committee and Council	CEO/Council

Appendix 2: Risk Appetite Statements

These risk appetite statements define the nature and extent of the risk that the Shire is willing to *accept* or *tolerate* in the pursuit of its strategic objectives and the delivery of its core services. This guidance outlines the principles upon which these risks are accepted or tolerated in such a way as to achieve the optimum balance between taking and avoiding risks, and are categorised in terms of:

- *PHYSICAL OR PSYCHOLOGICAL IMPACT*
- *FINANCIAL (OPERATIONAL)*
- *REPUTATION*
- *ORGANISATIONAL PERFORMANCE*
- *ENVIRONMENT/HERITAGE*
- *SOCIAL/COMMUNITY OUTCOMES*
- *STRATEGIC STAKEHOLDER RELATIONSHIPS*

It is acknowledged that it is neither feasible nor desirable to eliminate all risk and that certain activities carry residual risk, in order to realise reward, which must be tolerated in order to function. The table below provides an outline of the Shire's risk appetite with respect to core impact areas:

Risk Appetite Statements
Physical or Psychological Impact Risk Appetite: ALARP

The Shire is committed to providing a safe and secure workplace in an increasingly complex safety environment. This requires a range of mitigation controls to reduce the risk of harm to our staff, volunteers, visitors and contractors. These controls must be fully effective and maintained. Residual risk is tolerated providing the risks are reduced to "As Low As Reasonably Practicable" (**ALARP**) in accordance with our statutory obligations.

There is a very low tolerance for breaches of controls, or any practices or behaviours which lead to people being harmed, whether physically or mentally.

Incidents and trends are analysed in the context of the environment in which we operate, and strategies are put in place to continuously improve our safety culture to strive for zero lost time injuries.

Financial Impact

Risk Appetite: **MODERATE** subject to Maximum Impact: **Moderate (<\$1M)**

In the context of external factors which affect our revenue, and therefore our ability to mitigate financial uncertainty and risk, we have a MODERATE risk appetite for financial risks associated with operational decisions and activities.

However, we have zero tolerance for fraud or deliberate misuse of funds or assets for personal gain, and we expect all officers, staff and volunteers and contractors to conduct themselves with the highest degree of integrity and honesty.

Reputation

Risk Appetite: **MODERATE** subject to a Maximum Impact: **Minor**

Given the nature of the work done by the council, some damage to REPUTATION associated with issues-based concerns raised at a local community level mean there is a MODERATE appetite for risks associated with activities, services or major projects under these circumstances. However, there is no appetite for REPUTATION impacts above LEVEL 2 Minor.

We have zero tolerance for REPUTATION risks arising from the actions of our staff or volunteers, which may include;

- damage arising from inappropriate behaviour of our staff and volunteers, lack of integrity or customer focus. This includes direct interaction with our clients and also via social media;
- errors, inaccuracies or lack of transparency in our reports to funders and stakeholders;
- reputation damage associated with misuse or mismanagement of information.

Organisational Performance

Risk Appetite: **LOW** subject to Maximum Impact: **Minor**

The Shire recognises the significance of external threats and their potential to disrupt operations. Whilst we may not be able to control the source of these risks, we strive to minimise the impact that these disruptions may have on the continuity of our services. As such, we have a LOW appetite for any risk associated with disruption to critical operations, regardless of the circumstances.

We have a LOW appetite for risks associated with inefficiencies and/or failures of business/management processes and systems, as these are largely under our control.

We have a LOW appetite for any risk which may put us in breach of any legislative compliance.

<p style="text-align: center;">Environment/Heritage</p> <p style="text-align: center;">Risk Appetite: LOW subject to Maximum Impact: Minor</p>
<p>There is a LOW appetite for any risks associated with potential damage to environmental or heritage assets, including any breaches of compliance requirements.</p>
<p style="text-align: center;">Social/Community Outcomes</p> <p style="text-align: center;">Risk Appetite: LOW subject to a Maximum Impact: Minor</p>
<p>The delivery of social and community outcomes is core to the function of the Council, and as such there is a LOW appetite for any risks which may impact in this area.</p>
<p style="text-align: center;">Strategic/Stakeholder Relationships</p> <p style="text-align: center;">Risk Appetite: LOW subject to a Maximum Impact: Minor</p>
<p>The future growth, success and sustainability of the Shire is dependent upon the development and maintenance of strong strategic stakeholder relationships and as such, there is a LOW appetite for any risks which could impact these relationships.</p>

Note:

1. The terms for Risk Appetite i.e. LOW, MODERATE, SIGNIFICANT and HIGH relate to the assessed **LEVEL OF RISK** as defined in the Risk Matrix (Appendix 1).
2. The terms for Maximum Impact i.e. Insignificant, Minor, Moderate, Major and Catastrophic relate to the **CONSEQUENCE RATING** as defined in the Consequence Table (Appendix 1).

Where the desired risk appetite cannot be achieved due to uncertainties associated with external factors, higher levels of risks may be tolerated providing the control environment is fully effective and the required approval (refer Criteria for Managing Risk in Appendix 1) is obtained.

TO BE RESCINDED

Council Policy – Road Closures for Events

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Community Activation
Responsible Officer	Manager Community Activation
Affected Business Units	

Objective

Council recognises the contribution of special events to the community. This policy authorises temporary road closures to allow events to occur.

Scope

Policy

Council authorises the temporary closure of roads under the provisions of the *Road Traffic Act 1974* and *Road Traffic (Events on Roads) Regulations 1991* and section 3.50 of the *Local Government Act 1995* and the temporary suspension of the *Road Traffic Act 1974*, Regulations and Code for the conduct of events on roads within the Shire, provided that:

1. Sufficient measures are in place to advise affected parties unless the road closure is in accordance with section 3.50A;
2. Minimise disruption to road users; and
3. Protect public and shire assets.

Definitions

Not applicable.

Relevant Policies / Council Documents

- ~~Strategic Community Plan 2017-2027~~ Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Road Traffic Act 1974*
- *Road Traffic (Events on Roads) Regulations 1991*

Amendment Record

Relevant Delegations		E007D Closure of Streets, Temporary Closure of Thoroughfares to Vehicles and Road Closures for Events	
		Date	Resolution Number
Council Adoption			
Version	Date	Resolution Number	Amendment Details
	25 January 2010	OCM023/01/10	
	29 September 2015	OCM187/09/15	
	18 December 2017	OCM179/12/17	

Council Policy - Serpentine Jarrahdale Communication Protocol

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance
Responsible Officer	Manager Corporate Performance
Affected Business Units	All

Preamble

The Shire of Serpentine Jarrahdale is a local government established under the *Local Government Act 1995* (the Act). Like all local governments in Western Australia, it is comprised of two parts: a Council which is made up of [Councillors-Elected Members](#); and an Administration which is made up of Officers. The respective roles of each of these groups is enshrined in legislation.

Both the Council and the Administration are required in order to meet the legislative role of the local government, to provide for the good government of persons in its district. To deliver on good governance, the Council and the Administration also require a common purpose, a common understanding of their unique and important roles, respect of, and recognition of, their value.

To deliver good government, a partnership between Council and the Administration is required.

This Communication Protocol documents the commitment of Council and the Administration for a partnership and the framework for communications between Council and Administration that recognises the contribution made by each entity and sets out accepted behaviours in accordance with legislation.

Commitment

The Council and its [Councillors-Elected Members](#), and the Administration and its Officers of the Shire of Serpentine Jarrahdale express their commitment to work in partnership to deliver good government for the district and recognise the unique and essential contribution that each makes.

The Council and its [Councillors-Elected Members](#) and the Administration and its Officers of the Shire of Serpentine Jarrahdale agree to abide by this Communication Protocol as a policy of the local government.

The Role of Council

Section 2.7 of the Act sets out the role of Council:

[*\(1\) The council governs the local government's affairs and, as the local government's governing body, is responsible for the performance of the local government's functions.*](#)

[*\(2\) The council's governing role includes the following —*](#)

[*\(a\) overseeing the allocation of the local government's finances and resources;*](#)

[*\(b\) determining the local government's policies;*](#)

[*\(c\) planning strategically for the future of the district;*](#)

(d) determining the services and facilities to be provided by the local government in the district;

(e) selecting the CEO and reviewing the CEO's performance;

(f) providing strategic direction to the CEO.

(3) For the purpose of ensuring proper governance of the local government's affairs, the council must have regard to the following principles —

(a) the council's governing role is separate from the CEO's executive role as described in section 5.41;

(b) it is important that the council respects that separation.

(4) The council must make its decisions —

(a) on the basis of evidence, on the merits and in accordance with the law; and

(b) taking into account the local government's finances and resources.

(5) The council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.

(6) The council has the other functions given to it under this Act or any other written law.

(1) The Council —

(a) governs the local government's affairs; and

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

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

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

(b) determine the local government's policies.

The Role of Councillors (Elected Members)

Section 2.10 of the Act sets out ~~the role of~~ that the role of Councillors (Elected Members) including they are to:

• ~~A councillor —~~

• ~~represents~~ the interests of electors, ratepayers and residents of the district and taking into account the interests of others who work in, or visit the district; and

• participate in the local government's decision-making processes at council and committee meetings; and

• facilitate communication between the community about council decisions; and

~~— provides leadership and guidance to the community in the district~~ facilitate and maintain good working relationships with Elected Members, President and CEO.; ~~and~~

~~— act consistently with section 2.7(3) to (5); and~~

• ~~maintain and develop the requisite skills to maintain their role.~~

• ~~facilitates communication between the community and the council; and~~

- ~~participates in the local government's decision-making processes at council and committee meetings; and~~
- ~~performs such other functions as are given to a councillor by this Act or any other written law;~~

The Role of the President

Section 2.8 of the Act sets out ~~the role of~~ the role of that the President, including they are to:

- provides leadership and guidance to the council and its members, including guidance as to their roles; and
- speaks on behalf of the local government; and carries out civic and ceremonial duties on behalf of the local government, consistent with council decisions; and
- ~~carries out civic and ceremonial duties on behalf of the local government; and~~
- presides at meetings in accordance with this Act; and
- promotes, facilitates and supports positive and constructive working relationships among council members; and
- ~~provides leadership and guidance to the community in the district; and~~
- ~~carries out civic and ceremonial duties on behalf of the local government; and~~
- ~~speaks on behalf of the local government; and~~
- ~~liaises with the CEO on the local government's affairs and the performance of its functions.;~~
- ~~performs such other functions as are given to the mayor or president by this Act or any other written law.;~~ and
- ~~liaises with the CEO on the local government's affairs and the performance of its functions.~~

The Role of Chief Executive Officer (CEO) and Officers

Section 5.41 of the Act sets out ~~the role of~~ the role of that the CEO, including that they are to ~~(to whom Officers act through):~~

- ~~The CEO's functions are to~~
- causes council decisions to be implemented; and
- manages the provision of services and facilities that the council has determined the local government is to provide in the district i.e. the day-to-day operations; and
- advises the council in relation to the affairs and performance of functions of a local government under this Act and other written laws; and
- ~~is responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and~~
- ensures that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

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

Overarching principles

- Excluding matters such as integrity matters, development of Alternative Motions, development of and Notices of Motions, personally sensitive information, and individual training, communication that goes to one Councillor-Elected Member is sent to all Councillors-Elected Members.
- Notwithstanding, in accordance with section 2.8 of the Act, the role of the President includes liaising with the CEO on the local government's affairs and the performance of its functions which requires heightened communication to achieve.
- Councillors-Elected Members are leaders in the community and their conduct can impact positively and negatively on the reputation of the Shire.
- The Administration has respect for the Office of the President and Councillor and values the contribution that Councillors-Elected Members make.
- Both Administration and Councillors-Elected Members acknowledge the separation of powers enshrined in legislation.
- Both Administration and Councillors-Elected Members recognise the importance of timely communication and that the provision of accurate information takes time.
- Both Administration and Councillors-Elected Members recognise the importance of professionalism in communication.

Customer requests

Customer Service forms part of the day-to-day operations of the local government under section 5.41 of the Act.

The Shire's Customer Request Management (CRM) system provides a means for customers to request and report issues associated with the extensive services provided by the Shire to the community. The Customer Request Management CRM system is linked to the Shire's Enterprise Resource Planning systems through works and procurement to ensure efficient, effective and timely service delivery.

As community leaders and the public face of the local government, Councillors-Elected Members are often a point of contact for members of the public.

Members of the public will often reach out to Councillors-Elected Members with issues and requests for services relating to advancing planning or building matters, maintenance of parks and gardens, road works or waste collection.

While Councillors-Elected Members have a role representing the collective interests of electors, ratepayers and residents of the district, acting on behalf of individual customers can put Councillors-Elected Members in a difficult position.

~~Customer Service forms part of the Administration's functions under section 5.41 and because~~ Unavoidably a request from an Councillor-Elected Member can be perceived by the Administration as a direction that must be acted on as a priority and accordingly result in an advantage to the customer.

When approached by members of the community, Councillors-Elected Members should direct the customer to the Customer Request Management CRM system. This approach will assist Councillors-Elected Members to meet the requirements of ~~the~~ Regulations 18, 19 and 20 of the *Local Government (Model Code of Conduct) Regulations 2021*.

A model response that Councillors-Elected Members may wish to use when contacted by members of the public directly is below:

"Thank you for email regarding XXXX. The best way to action your issue is to contact the Shire through the **Customer Request Management (CRM) system**. This will enable you to track progress on your request. A response will be provided by the Shire in accordance with the Shire's Customer Service Charter. If you do not receive a response to your satisfaction, please follow up with me."

If an Elected Member forwards an email from a third party that is deemed a CRM, the Councillor Support Officer (CSO) will raise the CRM on the resident's behalf removing all reference to the Elected Member and this will be processed in accordance with the Customer Service Charter.

~~In the event that a customer is not satisfied with the Shire's services, a Councillor may wish to:~~

- ~~• liaise with the Shire President who has the authority under section 2.8 of the Local Government Act 1995 to liaise with the CEO on the local government's affairs and the performance of its functions; and/or~~
- ~~• advise the customer to contact the Ombudsman.~~

To protect Councillors-Elected Members, Customer Requests received from Councillors-Elected Members on behalf of third parties will be treated like any other request received in the Customer Request Management system. Councillors-Elected Members will not receive any preferential treatment in this regard because such an action would be in conflict with the Shire's conflict of interest procedures and respective codes of conduct.

~~Requests for action by Councillors on behalf of third parties will not be actioned by the Council Support Officer.~~

Councillors-Elected Members are community members and customers too and Customer Requests received from Councillors-Elected Members will be managed in accordance with the Department's Conflict of Interest procedure.

The Shire has adopted a Customer Service Charter and Council Policy 3.3.1 – Customer Service which describes the Shire’s commitment to customer service and achieving efficient and effective delivery of services to the community. The Shire has also adopted Council Policy 5.3.5 – Complaints Resolution which describes the Shire’s approach to managing complaints related to service provision.

Resident Complaints

In the event that a customer is not satisfied with the Shire’s services and contacts an Elected Member wishing to make a complaint, an Elected Member can forward the complaint to the CSO, including:

- relevant contact details for the resident;
- any previous CRM number or details of the resident’s initial contact with the Administration.
~~Resident complaints forwarded by Councillors Elected Members will contain resident contact details and CRM numbers or some details of the resident initial contact with the Administration/Operations departme~~

The CSO will raise a CRM on behalf of the resident, including the Elected Member’s email and the Resident complaints will then be dealt with in accordance with Council Policy 5.3.5 – Complaints Resolution. The CSO will advise the Elected Member of the resolution at completion.

In the event that a customer is still not satisfied with the Shire’s services, an Elected Member may wish to:

- liaise with the Shire President who has the authority under section 2.8 of the Local Government Act 1995 to liaise with the CEO on the local government’s affairs and the performance of its functions; and/or
- advise the customer to contact the Ombudsman

Information requests

Effective communication between Councillors Elected Members and Officers is critical to the success of the entire organisation. Both Councillors Elected Members and Officers have a responsibility to communicate effectively.

Under section 5.92 of the Act, Councillors Elected Members may request any information held by the local government that is relevant to the performance by the person of any of his or her their functions under the Act or under any other written law. An Elected Member’s –Councillor’s functions under the Act are section 2.10 of the Act are to:

- represent the interests of electors, ratepayers and residents of the district
- provide leadership and guidance to the community in the district
- facilitate communication between the community and the council
- participate in the local government’s decision-making processes at council and committee meetings

perform such other functions as are given to a councillor by this Act or any other written law outlined above.

In making requests for information under section 5.92 of the Act, an ~~Elected Member -Councillor~~ may be asked to specify why the information is relevant to the performance of their duties. This approach will help ensure that ~~Councillors~~Elected Members do not breach section 5.93 of the Act that provides that a Council Member must not make improper use of information acquired in the course of their duties to:

- gain directly or indirectly an advantage for the person or any other person; or
- cause detriment to the local government or any other person.

Such a breach of section 5.93 constitutes serious misconduct under the *Corruption, Crime and Misconduct Act 2003* and can be investigated by the Corruption and Crime Commission.

If the Elected Member deems the information requested is of a high priority, and waiting the scheduled timeframe for a response may be detrimental to the Shire, they may contact the President, who can liaise directly with the CEO to determine if the request may be given priority.

To promote shared expectations, the table below summarises categories of communication typically initiated by ~~Councillors~~Elected Members and guidance on the timeframe for responses.

Category	Timeframe for Response	Examples	Most appropriate communication channel
Councillor support	Acknowledgment within 2 business days. Initial response within 7 business days with further responses provided as required.	<ul style="list-style-type: none"> • Councillor Training Request • Fees and Allowances • IT Assistance • <u>Resident Complaints</u> • <u>Requests for Information</u> 	Email to Council Support Officer Telephone
Decision making	Acknowledgment within 2 business days. Response according to meeting timeframes.	<ul style="list-style-type: none"> • Notice of Motions • <u>(NOM)</u> • <u>Alternative</u> • Motion <u>-(AM)</u> 	(NOM) Email to CEO (AM) CEO or Director
Decisions involving changes in service delivery	Shire President / CEO meetings are held weekly	<ul style="list-style-type: none"> • Requesting additional citizenship ceremonies • Pothole repairs • Increases/ decrease maintenance 	Shire President to Chief Executive Officer Notice of Motion

The following table summarises categories of communication typically initiated by Officers where a response is required.

Category	Timeframe for Response	Examples	Most appropriate communication channel
Statutory information requests	With statutory limits specified	<ul style="list-style-type: none"> Annual <u>R</u>eturns Related <u>P</u>arty <u>D</u>isclosure Training <u>R</u>egister information 	Email to relevant <u>Councillor/Elected Member/s</u>
General	Within agreed timeline specified	<ul style="list-style-type: none"> Miscellaneous <u>r</u>Requests for <u>f</u>eedback (e.g. arranging meeting times, requesting responses to survey's, requesting feedback on documentation) Miscellaneous <u>r</u>Requests for <u>i</u>nformation (e.g. <u>Councillor—Elected Member p</u>rofiles and <u>Councillor D</u>etails); 	Email to relevant <u>Councillor/Elected Member/s</u>

Elected Member Correspondence Triage Methodology:

For ease, ~~the following three pages is~~ a useful visual information sheet to help guide Elected Members ~~has been prepared and is provided at Appendix A.~~

Weekends and afterhours

Officers are employees who are compensated for their time with a salary. Achieving a productive workplace requires respecting the boundaries between work and non-work periods. In general, responses to information requests from Councillors/Elected Members will only occur during normal work hours.

Councillors—Elected Members have responsibilities and commitments outside their role as a Councillor/Elected Member. While it is impossible to accommodate all individual Councillors/Elected Members and their circumstances, Officers recognise the limitations on the availability of Councillors—Elected Members and will generally schedule events and meetings on a Monday evening which by convention is the day where Council business occurs.

Communication to and from ~~Councillors~~ Elected Members and Officers

To ensure separation of powers and in accordance with the different roles and responsibilities set out in legislation, communication to and from ~~Councillors~~ Elected Members and Officers is regulated by this protocol.

The primary communication points for ~~Councillors~~ Elected Members are:

- CEO and Directors
- Council Support Officer

Where matters relate to the functions of a Directorate, communication can occur between an ~~Councillor~~ Elected Member and the relevant Director or their Personal/Executive Assistants.

Where matters relate to integrity and conduct, communication can occur between a ~~Councillor~~ Elected Member and the ~~Manager Governance and Strategy~~ Co-ordinator Governance, ~~or the Internal Auditor~~ or Manager Corporate Performance.

Distribution of Council and Committee meeting agenda and minutes occurs via the ~~Governance Officer (Council and Committees)~~ PA to Director Corporate Services or an Officer acting on their behalf. Queries regarding the contents of agenda and minutes should be directed to the CEO, Council Support Officer or relevant Director.

All correspondence generated and received by ~~Councillors~~ Elected Members that relate to the business of Council is subject to the *State Records Act 2000*, the *Freedom of Information Act 1992* and the Shire's Record Keeping Plan, and as such must be retained within the Shire's corporate recordkeeping system.

Friday Facts

The Shire issues a "Friday Facts" newsletter to its ~~Councillors~~ Elected Members once a week on a Friday. This newsletter is collated by the Council Support Officer (CSO) from various internal and external sources. The purpose of the newsletter is to provide ~~Councillors~~ Elected Members with administration information that is not necessarily publicly available and provides a mechanism for the Administration to communicate information to ~~Councillors~~ Elected Members informally and regularly.

Friday Facts communicates to ~~Councillors~~ Elected Members:

- Attendance Registers – ~~Shire President~~ and Councillors Elected Members and CEO.
- A link to the Shire President's Facebook posts.
- Councillor Upcoming Meetings and Events
- Register of Exercised Delegations
- Directorate Updates
- A link to the Examiner newspaper articles mentioning the Shire.
- Corporate Business Plan Report (Quarterly)
- Council Resolutions Report (Quarterly)
- Project Management Framework Report (Monthly)
- _____

Diaries

All Councillors-Elected Members have access to an electronic diary through Outlook. This is the official diary in performance of their duties and all invitations are sent through Outlook.

Shire President – all Shire related calendar activities will be updated and managed by the Executive Assistant to the CEO on behalf of the Shire President.

Councillors-Elected Members - all Shire originated diary requests will be managed by the Council Support Officer who will issue invites and update calendars by sending invites to the relevant Councillors. A decline to a meeting invite indicates that a member will be an apology for the meeting or event.

External agencies and organisers of official Committees and Groups –may send invitations directly to an Councillor-Elected Member (delegated member) for events/meetings that require attendance in an official capacity, and these will be reflected in the Council Attendance Register.

Shire calendars should include only Shire related activities in which Councillors-Elected Members are attending in an official capacity including:

- Committees of Council
- Council Advisory Groups
- External groups of which a Councillor is a delegated member
- Shire eEvents.

Attendance at meetings/events reflected in the calendars will be confirmed on a weekly basis for recording in the Councillor Attendance Register.

As a public record subject to the *State Records Act 2000*, the *Freedom of Information Act 1992* and the Shire's Record Keeping Plan, Councillor-Elected Member electronic diaries should only be used for recording official business.

Maintaining Confidentiality/Embargoed information

Councillors-Elected Members must not promote Shire information to the community that has not already been released or published, or until such time as the Shire President, as spokesperson for the Shire, has had an opportunity to speak.

The CEO, or representative, will advise verbally, or in writing if appropriate, where information is deemed to be confidential in nature or embargoed. Such documents will be clearly marked 'confidential' or embargoed.

Information does not need to be marked confidential for its release to constitute a gain for another person.

Meetings

Receipt of notice paper

In accordance with Regulation 14 of the *Local Government (Administration) Regulations 1996* Councillors-Elected Members will receive the notice paper and agenda relating to any council or committee meeting from the time that these documents are available for inspection by members of the public. The following conventions shall apply:

- All [CouncillorsElected Members](#) will receive electronic versions of Council and Committee agendas and all attachments.
- All [CouncillorsElected Members](#) will receive a printed copy of all Council agendas and Committees that they are a member of, including confidential Items.

[CouncillorsElected Members](#) may wish to opt out of receiving paper copies of agendas.

Where practicable, the agenda for Ordinary Council Meetings will be published 10 days prior to the Council meeting (that is Friday the week before the Council [mMeeting](#)).

Council and the Administration recognise the importance of accurate and timely advice contained in the agenda and that on occasion, individual agenda items may need to be published following publication of the agenda. This shall occur [through the use of using](#) a header box in the agenda with the associated report being published on the Shire's website with the agenda when available.

In accordance with Regulation 6 of the *Local Government (Model Code of Conduct) Regulations 2021* [CouncillorsElected Members](#) should ensure they read all papers prior to the meeting.

Alternative Motions / Amendments

[CouncillorsElected Members](#) wishing to propose an Alternative Motion or Amendment to the Officer's recommendation are encouraged to first consult with the CEO or relevant Director. This is to ensure the consequences of the Alternative Motion / Amendment are considered.

[CouncillorsElected Members](#) are encouraged to distribute Alternative Motions / Amendments prior to the meeting to [CouncillorsElected Members](#), Executive and the Council Support Officer. Alternative Motions / Amendments that are circulated prior to 2:00pm on the day of the meeting will be printed and provided to [CouncillorsElected Members](#) at their chamber desk. Officers will not distribute alternates as it could be construed as being a revision to Officer recommendation.

Information regarding agenda reports

Under section 5.41 of the Act, the functions of the CEO include ensuring that advice and information is available to the Council so that informed decisions can be made. The Question and Answer (Q&A) session provides an opportunity for [CouncillorsElected Members](#) to identify additional information requirements related to agenda reports. Written responses to questions that are not answered at the Q&A will be provided to all [CouncillorsElected Members](#).

[CouncillorsElected Members](#) seeking information on agenda reports can also request to meet with the relevant Director and/or CEO.

Definitions

Nil

Related Documents

- Code of Conduct for Councillors, Committee Members and candidates
- Council Policy - Councillor and CEO Attendance at Events
- Council Policy - Council Delegates and Representation on External Organisations, Including Community Groups
- Council Policy - Elected Member Social Media

- Council Policy - Public Question and Public Statement Time - Ordinary Council Meeting
- Council Policy - Forums of Council Policy Concept Forums, Question & Answer Agenda Forums and Workshops
- Council Policy – Media
- Council Policy - Complaint Resolution.
- Customer Service Charter

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Model Code of Conduct) Regulations 2021*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		21 February 2022	OCM026/02/22
Version	Date	Resolution Number	Amendment Details
2	2025		Formatted to new policy template and amendments to reference legislative changes to roles and responsibilities and process changes

Correspondence Categories

Request for Information (RFI)

A RFI is a question that requests information, not a question that requests action. The information must be related to the performance of duties as an Elected Member. The information request should not give a person an advantage over others or attempt to direct the Administration.



What is the Shire's rationale behind the watering and mowing frequency at the Jarrahdale Hub?



Can the Shire increase the watering and mowing frequency at the Jarrahdale Hub?

Customer Request (CRM)

A resident seeking operational information – ie installation of signage, change to speed zones, increase in maintenance, assistance with planning applications.

An Elected Member may:

- Encourage the resident to submit a CRM request, or
- Email CSO who can raise a CRM request on behalf of the resident.

Resident Complaint

A resident sends an email to an Elected Member with a complaint.

Before sending it to CSO, the Elected Member must confirm that the resident has already attempted communication with the Shire and is not satisfied with the response.



If the resident has already submitted a CRM and is outside the Shire's Customer Charter timeframes for a response, the complaint can be emailed to CSO. A CRM is raised by CSO on behalf of the resident. The resident is responded to directly by the Shire in line with the Shire's complaint Resolution Policy and the Elected Member is advised of the outcome via CSO.



If a complaint has already been lodged by the resident and is within timeframe, CSO will advise the Elected Member.

Note: In some cases, a resident complaint may be registered as a resident CRM if the matter has not been raised previously.



Make sure sufficient information is provided to allow Customer Service to investigate the complaint or further clarification may be requested.



Notice of Motion (NoM)

A request by an Elected Member that involves changes in service delivery or decision making. The request is to be emailed to the CEO at least four full working days prior to the meeting (midnight Monday the week before an Ordinary Council Meeting).

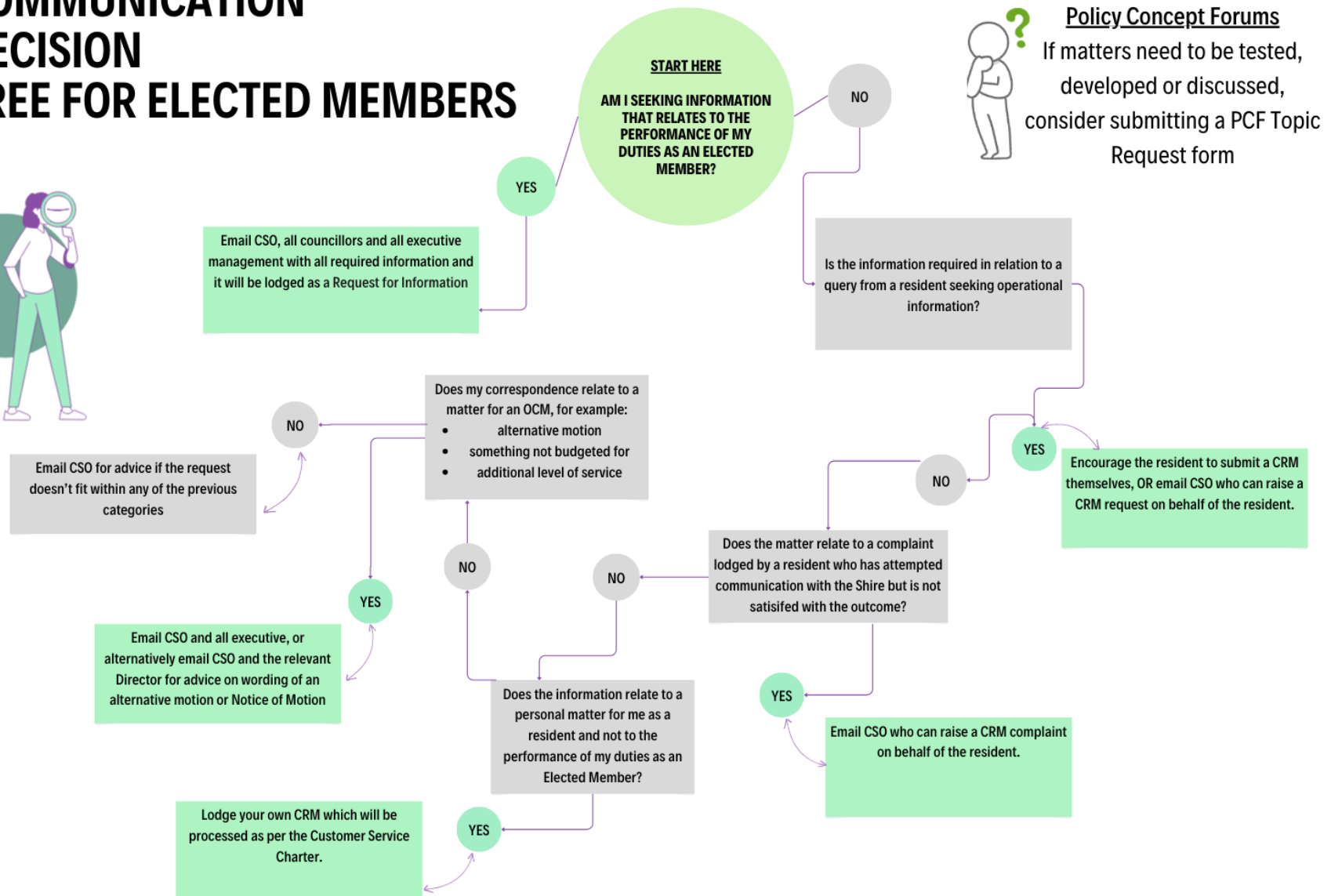
This may be the outcome when correspondence on behalf of a third party has reached the point where the above three levels of triage are exhausted, and the Elected Member feels that the request is worthy of Council consideration.

Policy Concept Forum

Elected Members may request matters, such as new ideas, to be discussed at a Policy Concept Forum.

Elected Members need to complete the PCF Topic Request form and email it to the PA CEO for it to be scheduled on the PCF agenda.

COMMUNICATION DECISION TREE FOR ELECTED MEMBERS



Council Policy – **Street Shire** Trees

Responsible Directorate	Infrastructure Services <u>Operations</u>
Responsible Business Unit/s	Operations
Responsible Officer	Manager Operations
Affected Business Units	All

Objective

~~The objective of this Policy is to~~The objective of this Policy is to support the values and goals of the Shire of Serpentine Jarrahdale Urban and Rural Forest Strategy 2018 – 2028, and to promote a cool, healthy, and liveable community that integrates the natural environment and reflects the unique sense of space and identity of the Shire of Serpentine Jarrahdale (the Shire).

~~Fulfil Council's obligations in reducing the impact of heat waves by increasing the level of vegetation and trees and minimising the proliferation of heat producing surfaces such as artificial turf and hardstands.~~

~~Provide safe amenity to pedestrians, road traffic and property.~~

~~Preserve the existing street and reserve trees within the Shire.~~

~~Enhance the amenity of streets and reserves through the planting of new trees.~~

~~Define the circumstances under which the Shire's trees may be removed or pruned.~~

Scope

~~This Policy applies to~~This Policy applies to Shire officers, property owners, developers, contractors, the community, and other stakeholders.

Policy

Introduction

~~The Shire's operational tree management processes and procedures ensures~~s consistency with this Policy and ~~ensures~~that all existing trees and native flora remain protected, and that the urban tree canopy increases now and in the future. Trees are identified to be an important natural asset that:

- increases biodiversity and faunal habitats,
- improves soil health and stability,
- provides wind breaks, improves air quality and carbon sequestration,
- maintains groundwater levels, and helps to reduce stormwater flows and nutrient loads,
- combats urban heat island effect,
- improves mental health and wellness, increasing community connection and engagement by encouraging outdoor activity and recreation, and

- increases property values and reduced energy demand costs.

1. The Shire of Serpentine Jarrahdale (the Shire) manages a large number of Shire trees, to ensure its residents receive all the economic, environmental, social and health benefits trees provide. These include:

Providing cooler, greener, more comfortable access ways for walking and cycling.

Improving air quality.

Improving property values.

Providing habitat for native fauna.

Reducing urban heat island effect.

Enhancing the character of our suburbs.

The Shire recognises the importance of trees in creating functional and attractive streets and reserves within the urban environment. As such, the Shire is committed to planning, establishment and maintenance of all Shire trees with the goal of:

Preserving the Shire's urban forest through tree protection and maintenance programs.

Increasing the number of Shire trees through proactive planting programs; and

Boosting canopy coverage on verges and reserves within the Shire.

To effectively promote the Shire's goals, all Shire trees, unless proven hazardous, will be:

Protected from any activity, including development, that threatens their health and/or longevity, with priority given to the relocation of activities away from trees to reduce the potential for immediate or future damage.

Protected from infrastructure conflict, where possible, with priority given to the relocation of infrastructure away from trees to reduce the potential for immediate or future damage; and

Prioritised when considering applications for new developments so that potential conflicts with Shire trees will be addressed before an application is approved for planning, construction/building and verge related permits.

The Manager Operations and the Environmental and Sustainability Services jointly have the authorisation for the planting, pruning, removal and management of Shire Trees, under this policy. Any decision on tree removal need to be jointly approved by Operations and Environmental and Sustainability Services.

Tree Planting Headings Tree Species Selection and Planting

The Shire will select and approve plant and approve the planting of endemic, native and exotic trees to achieve the goals identified within the Urban and Rural Forest Strategy 2018 – 2028, Shire's Climate Change Strategy and Local Action Plan.

The Shire encourages the planting of trees within the verge by offering a Street Tree Program to Shire residents. Property owners can apply for a free tree via the Shire's website.

1.1 New Developments

New developments within the Shire are largely guided by the Shire's local schemes, policies, and structure plans. Where possible, developers should protect and retain existing trees as a

priority and plant new trees wherever possible in accordance with the approved Landscape Management Plan and Master Street Tree Plan.

The Shire requires that developers plant a minimum of one (1) tree per lot frontage (and two (2) to three (3) additional trees on the side verge of corner lots) in new subdivisions and maintain the trees for two years, or until they are established. Where canopy cover is considered insufficient or where saplings or small trees are proposed to replace mature trees, additional trees may be required.

Note: Trees within new developments are provided by the developers.

1.2 Verge Planting

Urban landowners are entitled to one (1) tree per 10-15m of verge but not more than three (3) trees per frontage. A normal residential lot shall be allocated one (1) tree on its front verge, while a corner lot may be allocated an additional two (2) to three (3) additional trees on the side verge.

Rural and industrial lots are entitled to one (1) tree per 30m.

The Shire is responsible for the final selection and planting of each tree:

- Trees are to be planted at a minimum of one (1) metre from essential infrastructure and utilities.
- Verges treated with paving or other hardstand materials, are required to have at least one (1) street tree in accordance with Council Policy Urban and Rural Verge. — Council Policy 2.2.6.
- The Shire reserves the right to allocate verge space for future tree planting.
- If there is no existing street tree, the Shire will plant at least one (1) in the next available planting season, (space and budget permitting).
- Planting near road intersections and driveway crossovers will be subject to pedestrian and road safety assessments by the Shire.

Residents are encouraged to water street trees during the establishment period, as per instructions provided at the time of planting.

Note: All allocations are subject to available funding each year and may be placed on a waiting list for subsequent planting seasons.

1.3 Tree Planting by Property Owners

The Shire may approve trees being planted within the verge by residents/property owners at their own expense, subject to written application. The species and location are to be approved by the Shire and the applicant must accept the responsibility for watering the trees until well established.

1.4 Unauthorised Planting

Trees planted within a verge without the Shire's approval are unauthorised plantings. This constitutes any of the following:

- a tree of an inappropriate species for verge planting,
- a tree out of alignment in relation to the Shire's verge planting specifications, and
- a tree of an undesirable species that has self-germinated.

Where an unauthorised tree has been identified, the Shire shall determine whether the tree can be retained or removed.

~~2.0 The retention of remnant trees within the streetscape or reserve will be prioritised and at the discretion of the Shire.~~

~~The Shire is responsible for the planting of all Shire trees as identified under its annual programs, which include community tree planting programs run by Landcare SJ Inc. and street tree requests from residents/occupants. Tree planting is generally carried out in the winter months to aid in the establishment of trees.~~

~~The Shire will supply and plant selected trees free of charge on receipt of a written application from a ratepayer/householder. The preferred species (from a list of available street trees held by the Shire) and planting location can be requested in the application but final selection is at the discretion of the Shire. An application form is available from the Shire's administration centre or downloaded from its website.~~

~~NOTE: Street trees in new subdivisions are provided by the developer. The provision of a street tree by the Shire, as outlined in this policy, is applicable to existing suburbs only, where a street tree has not been supplied by the developer at subdivision stage or during the maintenance period.~~

~~The Shire will require developers to plant a minimum of one street tree per lot frontage (and additional trees on the side verge of corner lots) in new subdivisions, and maintain street trees for two years until establishment. Street plantings shall be in accordance with the developer's submitted and approved Master Street Tree Plan, with a requirement for more than 70% native species and a preference for local native species.~~

~~The Shire strives to create a balance between promoting development and providing cooler, greener and more comfortable urban environment. As such, the Shire applies the following street planting guidelines:~~

~~The Shire at all times reserves the right to reserve verge space for future tree planting;~~

~~Where there is no existing street tree, the Shire will plant at least one street tree in the next available planting season, space and budget permitting;~~

~~Verges which have been treated with paving are required to have at least one street tree in accordance with the Verge Management Policy;~~

~~When considering development of car parks and/or parking bays in the road or other reserve, the plan must accommodate a new tree planting per every six car bays in its design.~~

~~Street tree plantings must adhere to the following conditions:~~

~~Be positioned within the verge;~~

~~Generally, a minimum of one tree shall be planted per property frontage, while larger verge spaces can be subject to more than one tree;~~

~~Plantings near road intersections and driveway crossovers will be subject to pedestrian and road safety assessments by the Shire; and~~

~~All new developments that do not have a street tree on the verge will have a tree planted in the next available planting season, as deemed appropriate by the Shire, and included as a condition of development along with a contribution payment by the applicant towards the cost of the tree/s planted as per Council's Fees and Charges.~~

Council Policy - Street Shire Trees

~~Urban landowners are entitled to one tree per 10-15m of verge but not more than three trees per frontage. A normal residential lot shall be allocated one tree on its front verge, while a corner lot may be allocated an additional two to three trees on its side verge. Rural and industrial lots are entitled to one tree per 30m. All allocations are subject to available funding each year, and may be placed on a waiting list for subsequent planting seasons.~~

~~The Shire shall be responsible for the final selection and planting of each tree. Property owners are requested to ensure trees are watered twice weekly, with 60 litres per tree per watering application, during the warmer months for a minimum of two years from the date of planting and/or until established. In planting street trees the Shire will observe restrictions imposed by service authorities where required.~~

~~The Shire may approve trees being planted on verges by ratepayers/householders at their own expense, subject to written application. The species and location must be approved by the Shire with the applicant accepting the responsibility for watering the trees until well established. Fruit trees may be planted, subject to Shire approval, with the applicant accepting the responsibility for the management of mess and nuisance, and fruit flies and other pests and diseases. The Shire reserves the right to remove fruit trees if fruit flies or other pests and diseases become an issue.~~

~~Street trees planted without the Shire's approval are considered unauthorised plantings. An unauthorised street tree planting shall constitute any one of the following:~~

~~A tree of an inappropriate species for verge planting;~~

~~A tree out of alignment in relation to the Shire's verge planting specifications; or~~

~~A tree of an undesirable species that has self-germinated.~~

~~Where an unauthorised street tree planting is identified, the Shire shall determine whether the tree can be retained or removed, dependent upon its conformity to the Shire's planting specifications.~~

~~Street trees are to be located:~~

~~So as to not interfere with underground services or overhead lines in that location;~~

~~No closer than one metre from infrastructure, including crossovers, footpaths, street lights and drainage pits;~~

~~No closer than 10m from the intersection of front and side boundaries if on a corner lot;~~

~~Not less than 10-15m apart; and~~

~~Consistent with proposed future development (e.g. footpath construction or property development), to minimise the requirement to remove trees.~~

~~The Shire is responsible for the post planting care, maintenance and watering of all newly planted street trees until the trees are established, as determined by the Shire. Residents/owners are encouraged to water street trees during the establishment period, as per instructions provided at the time of planting.~~

Tree Pruning and Removal**Tree Maintenance**

~~The Shire is solely responsible for the pruning of Shire trees: and any uUnauthorised pruning of is any Shire tree is not permitted.~~

In accordance with relevant Australian Arborist Standards and codes of practice, the Shire undertakes pruning of Shire trees on an annual schedule. The scheduled pruning may fulfil any of the following requirements, as determined by the Shire:

- to clear the canopy from interference with overhead powerlines, electrical feeder lines to individual properties and other essential services,
- to remove overhanging branches considered hazardous to road traffic, buildings, or structures,
- to under prune low growing branches considered hazardous to road traffic or pedestrians,
- to define the form, structure, and framework of trees,
- to remove dead, dying, diseased or pest infested limbs and branches or abnormal growth,
- to under prune low growing branches that impede parking control signage and/or street signs, and
- fire mitigation purposes.

When pruning is required for the clearance of power lines, the trees are to be pruned as necessary to comply with the Department of Mines, Industry Regulation and Safety guidelines.

2.1 Trees will be pruned, where practicable, in line with the Australian Standard for Pruning of Amenity Trees. Where pruning is required for clearance of power lines, the trees will be pruned as necessary to comply with Electrical Service Providers' current clearance requirements set by the State regulator.

The Shire will undertake street tree pruning, the extent of which will be determined by the Shire's operational programming. The Shire will consider written requests from ratepayers / householders for the removal or pruning of street trees subject to acceptable justification. Depending on the reasons submitted for removal, the ratepayer/householder may be required to meet all costs involved. The Shire will consider granting approval to ratepayers/householders to carry out street tree pruning subject to a written request.

The Shire undertakes pruning of street trees as required on an annual schedule. The scheduled street tree pruning may fulfil any of the following requirements, as determined by the Shire:

To clear the canopy from interference with overhead power lines, electrical feeder lines to individual properties and other essential services;

To remove overhanging branches considered hazardous to road traffic, buildings or structures;

To underprune low growing branches considered hazardous to traffic or pedestrians;

To define the form, structure and framework of trees;

To remove dead, dying, diseased or pest infested limbs and branches or abnormal growth; or

To underprune low growing branches that impede parking control signage and/or street signs.

Tree Maintenance Requests by Resident/Property Owners

The Shire will consider written requests from resident/property owners for the removal or pruning of Shire trees subject to acceptable justification.

If the Shire determines that pruning is required but is not urgent, then the pruning will be incorporated into the next scheduled pruning for that suburb/locality. If the Shire determines that the pruning request requires immediate response, then this will be attended to on an as-needed

basis. The resident/property owner will be informed of the outcome of any requests by the appropriate means.

The following are not considered to be sufficient or justifiable reasons for the pruning or removal of Shire trees:

- the tree species is disliked,
- is too large,
- attracts birdlife or other fauna,
- the shape or structure is not liked,
- causes allergy and/or health problems,
- is an inconvenience during development/works etc,
- is in the way of a non-essential crossover or verge paving/treatment option,
- obscures or potentially obscures views (other than traffic/pedestrian sight lines),
- shades private gardens, lawns, solar panels, solar hot water installations etc, and
- the tree species causes nuisance by natural debris production, which includes the dropping of leaf, flower, fruit, bark, etc.

2.2 Tree Removal

This policy recognises that there may be circumstances which justify the removal of Shire trees, and this policy establishes how the Shire will deal with applications. Circumstances may include:

- the tree is dead, diseased or in decline,
- has been assessed by the Shire as structurally unsound,
- has been irreparably damaged by a storm or other event,
- was planted without authorisation,
- has been affected by infrastructure works and the tree cannot be retained,
- interferes with vehicle safety sightlines, as assessed by the Shire, or
- is in contact with power lines and selective pruning is not practical.

The Shire is responsible for the removal of Shire trees, and ~~Unauthorised removal of any is~~ Shire tree is not permitted. ~~The authorised officer/contractor of Council will undertake any tree removals that are required.~~ In the event a tree requires removal, qualified Shire officers or contractors will undertake the works. Depending on the reason submitted for the removal, the resident/property owner may be required to meet all costs involved in its removal and replacement.

The Helliwell method is used to place a monetary value of the tree. It takes into consideration tree size, life expectancy, tree cover and importance in the landscape. This method will be used to determine what the tree is worth and the amount the resident/property owner will need to pay for retributions.

Any Shire tree that dies, is damaged, or removed requires replacement in accordance with the Shire's Urban and Rural Forest Strategy.

If it is found that the health of a Shire tree or other native vegetation has declined following a verge modification by resident/property owner, to the point where removal is necessary, or if unauthorised pruning or removal has occurred, the resident/property owner may be responsible for all costs associated with its removal and replacement as per the Helliwell method (or other method authorised by the Shire).

~~2.3 It is recognised that in some cases tree retention is not feasible owing to the condition, location or species of the tree, its implications for development on an abutting site and/or the achievement of other Council objectives. Trees may be considered for removal, as determined by the Shire, under the following circumstances:~~

~~The tree is dead;~~

~~The tree is diseased or in decline;~~

~~The tree has been assessed by the Shire as structurally unsound;~~

~~The tree has been irreparably damaged by a storm or other event;~~

~~The tree is an unauthorised street or reserve tree;~~

~~The tree has been affected by infrastructure works and the tree cannot be retained;~~

~~The tree interferes with vehicle safety sightlines, as assessed by the Shire; or~~

~~The tree is in contact with power lines and selective pruning is not practical.~~

~~Tree removal due to development application~~

If a Shire tree prevents the impending development of an abutting property, and all possible design solutions have been deemed exhausted by the authorised **Shire** officer, permission for the removal of a Shire tree may be granted ~~by the authorised officer~~

~~The associated contributory costs of the tree and its removal (or pruning) shall be paid by the property owner or development representative prior to the removal and commencement of development.~~

~~3.0~~

~~Street trees that die or are damaged or removed will be replaced. No damage to existing street trees or other native vegetation, including their root systems, shall occur during any modification to the verge. If it is found that the health of trees or other vegetation declines following verge modification to the point where removal is necessary, or if unauthorised pruning or removal has occurred, the property owner may be responsible for all costs associated with removal and replacement of the tree or vegetation, as per the Helliwell method (or other method authorised by the Shire).~~

~~The Shire will investigate requests from residents/owners for tree pruning or removal. If the Shire determines that pruning is required but is not urgent, then the pruning will be incorporated into the next scheduled pruning for that suburb/locality. If the Shire determines that the pruning or removal requires an immediate response, then this will be attended to on an as-needs basis. The resident/occupant will be informed of the outcome of any request by an appropriate means.~~

~~The following are not considered to be sufficient or justifiable reasons for the pruning or removal of Shire trees:~~

~~The tree species is disliked;~~

~~The tree is too large in size;~~

Council Policy - ~~Street~~ Shire Trees

~~The tree attracts birdlife or other fauna;~~

~~The tree shape or structure is not liked;~~

~~The tree causes allergy and/or health problems;~~

~~The tree is an inconvenience during development/ works/ etc.;~~

~~The tree is in the way of a non-essential crossover or verge paving/treatment option;~~

~~The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);~~

~~The tree shades private gardens, lawns, solar panels, solar hot water installations etc.;~~

~~The tree species causes nuisance by natural debris production, which includes the dropping of leaf, flower, fruit, bark, etc.~~

~~Street and Reserve~~ Tree Protection ~~at~~ Adjacent to Development Sites

~~Shire trees are to be protected at development sites to preserve the amenity of streetscapes and neighbourhoods. All developments, where trees are affected, will include a suitable advice note and/or condition for approval.~~

~~The Shire will require developers to locate roads and infrastructure to retain remnant trees and other vegetation where possible, particularly significant trees, in accordance with other policies relating to conservation of remnant vegetation.~~

~~3.1 Street and reserve trees need to be protected at development sites in order to preserve the amenity of streetscapes and neighbourhoods. All developments, where trees are affected, will include a suitable advice note and/or condition of approval.~~

~~The Shire will require developers to locate roads and infrastructure to retain remnant trees and other vegetation where possible, particularly significant trees, in accordance with other policies relating to conservation of remnant vegetation.~~

~~The Shire will identify strategic roads to act as ecological linkages, with particular emphasis on planting locally native understorey species as well as trees where suitable.~~

Demolition and Construction Works

For all demolition and construction works the developer/-owner is responsible for the protection (in line with the Australian Standard for Protection of Trees on Development Sites) of all Shire trees that are to be retained on Shire managed land adjacent to the property by adhering to the following guidelines:

- ~~a~~ A fence must be installed to create a Tree Protection Zone (-TPZ) at the cost of the applicant.
- ~~t~~The type of fencing must be in line with the Australian Standard for Protection of Trees on Development Sites.
- ~~t~~The size of the TPZ will be determined by the Shire, dependent on the size of the tree and verge space available.
- ~~a~~At minimum, the TPZ will cover two (2) metres by two (2) metres around the tree trunk, with any lesser exceptions first approved by the Shire; and
- ~~t~~The TPZ should not obstruct roads or footpaths unless approved alternatives are in place.

Council Policy - Street Shire Trees

A minimum setback of a crossover/driveway from any street Shire tree ~~on the~~ within a verge is required. The setback distance will be in direct relation to the Diameter at Breast Height (DBH) of the ~~street~~ tree:

- DBH of up to 200mm requires a minimum setback of one (1) metre_;
- DBH of 201mm to 400mm requires a minimum setback of two (2) metres, and;
- DBH of 401mm or greater requires a minimum setback of three (3) metres.

Should the setback distances ~~required need to~~ be less than the above specifications, a site inspection will be conducted to determine if the distance can be reduced on a tree by tree ~~tree-by-tree~~ basis. Council inspection fees ~~and charges~~ may apply.

To keep retained trees in a sound condition and to reduce the impact on its root system, no setback requests less than 1.0 metre will be accepted. For further information, refer to consult the Shire's Council Policy - Crossovers. ~~the Crossover Po~~

3.2 Discrepancies

If any discrepancies are identified ~~after once~~ approval is granted, the applicant is required will ~~need~~ to resubmit plans for approval with the correct information. All costs and fees associated are to be met by the applicant.

Discrepancies ~~can include any of the following:~~ may include:

- ~~i~~Incorrect DBH measurement_;
- ~~f~~Failure to mark street Shire trees in the submitted plan_;
- ~~f~~Failure to mark ~~street~~ tree locations correctly in the submitted plans, and ~~or~~;
- ~~p~~Providing any other inaccurate site information.

The Shire recognises trees as an asset, forming part of the verge infrastructure, and as such actively seeks to protect the trees adjacent to development sites using the following guidelines:

- ~~A street tree is an asset forming part of the verge infrastructure. As such, the Shire actively seeks to protect street trees adjacent to development sites using the following guidelines:~~
- ~~i~~If any inaccurate information presented to the Shire as part of a development application results in a tree being pruned or removed, or the required verge setback ~~being is~~ impeded upon the Shire, ~~or unauthorised removal or pruning, the Shire~~ will recover the full costs associated with the works from the applicant_;
- ~~i~~f a street tree is damaged, in decline, or dies ~~each occurs because of the development, as a result of the development,~~ then costs may be recovered from the property owner ~~or~~ /developer for rectification pruning_; ~~or removal~~ and or replacement of the tree_; and
- ~~i~~f a tree requires removal ~~needs to be removed~~, or is removed without authorisation, the applicant will be required to reimburse the Shire for the ~~the~~ full costs associated with the tree removal/pruning.

3.3 Replacement Trees

Replacement trees that are required because of damages incurred during the development process will be in line with the following:

Council Policy - Street Shire Trees

- any replacement trees that are not able to be planted on the verge adjacent to the development site will be planted elsewhere within the Shire at the Shire's discretion,
- all replacement trees will be of a species and size that is acceptable to the Shire, and
- the replacement costs will be met by the developer/applicant.

~~4.0 All costs owed to the Shire due to any of the above circumstances will be in line with Section 5, Bonds and Payments of this guideline.~~

~~The Shire prioritises tree retention on Shire managed land adjacent to development sites, and will only consider removal when no other reasonable design alternative exists. In the event that an approval to commence development is granted by the Shire which requires the removal of one or more street trees, the applicant will be required to arrange removal of the tree(s) with the Shire's Operation and Parks business unit.~~

~~Where a tree is to be removed/pruned, the landowner/applicant will be required to meet the contributory costs associated with the removal and replacement of the tree and will be required to compensate the Shire for the costs associated with the loss of the tree asset, as outlined below in Bonds and Payments.~~

~~Replacement street trees that are required as a result of being removed through the development process will be in line with the following:~~

~~A minimum of one replacement tree will be planted on the verge adjacent to the development;~~

~~Where a number of frontages are created due to subdivision, then a minimum of one tree shall be planted on each frontage, space permitting;~~

~~Where there is room for more than one tree on each frontage/lot, then multiple trees will be planted in relation to the available space;~~

~~Any additional replacement trees that are not able to be planted on the verge adjacent to the development will be planted elsewhere in the Shire and at the Shire's discretion;~~

~~All replacement trees will be of a species and size that is acceptable to the Shire; and~~

~~The replacement cost will be met by the developer/applicant as outlined below in Bonds and Payments.~~

Bonds and Payments

Where development or other activities have the potential to impact on Shire trees, a bond for the protection of the tree will be held by the Shire prior to the commencement of development. ~~A~~The bond will be held by the Shire for the duration of the works. ~~The M~~minimum bond amounts will be determined by Council's the Shire's Fees and Charges.

~~Where a Shire tree removal is approved by the Shire in relation to a development, the associated contributory costs of the tree and its removal (or pruning) shall be paid by the property owner or representative prior to the removal and commencement of development.~~

The costs associated with removal, pruning and/or damage of a Shire tree include s the following three elements:

- ~~r~~Removal costs – amounting to the fees incurred by the Shire for physically removing the tree or part thereof;
- ~~a~~Amenity ~~v~~Value – calculated in accordance ~~t~~ewith the Shire's amenity tree calculation (currently the Helliwell method or other Shire approved valuation system); ~~and~~

Council Policy - ~~Street~~ Shire Trees

- ~~r~~Reinstatement ~~t~~Tree ~~c~~Costs – calculated in accordance with ~~to~~ the greening required to replace the loss incurred by the tree removal. The level of reinstatement required will be determined by Council the Shire and will take into consideration the location, significance, biodiversity provision, and amenity of the tree. Reinstatement tree costs will include water costs for watering costs for two subsequent Ssummers.

~~C~~The contributory costs for tree removal ~~shall be~~ will equate to 90% ~~per cent~~ of the three cost elements above.

5.0 Vandalism ~~to of~~ Shire Trees

Members of the community who witness vandalism of Shire trees are encouraged to report this information via phone, or submitting a Customer Request on the Shire website, so that they may be investigated and responded to appropriately by the Shire.

Where vandalism has been committed, the Shire will take further steps to gather information relating the incident which may include:

- sending letters to residents within the vicinity of the vandalism seeking information,
- talking to residents in the local area,
- posting notices in local newspapers, notice boards, the Shire's website and social media platforms seeking information, and
- erecting signage asking for any information pertaining to vandalism.

Once information is acquired an appropriate resolution will be carried out, which may involve:

- installation of signage at the site advising of the damage and/or seeking further information,
- retention of any dead tree in sound condition indefinitely,
- planting of other trees at the location of the vandalism to compensate for the damage,
- reclaiming costs associated with any works required to rectify the damage,
- issuing of fines or recouping the full costs of the asset and replacements, and
- further legal action.

~~6.0 Members of the community who witness vandalism of the Shire trees are encouraged to report this information. All reported incidents of vandalism will be investigated and responded to appropriately by the Shire.~~

~~Where vandalism has been committed, the Shire will take steps to gather information relating to the incident which may include:~~

~~Sending letters seeking information to residents in the vicinity of the vandalism;~~

~~Talking to residents in the local area;~~

~~Posting notices in local newspapers, notice boards and on the Shire's website seeking information; and~~

~~Erecting signage asking for any information pertaining to the vandalism.~~

~~Once information is acquired an appropriate resolution will be carried out, which may involve:~~

~~The installation of signage at the site advising of the damage and/or seeking further information;~~

~~Retaining any dead tree in sound condition indefinitely;~~

~~Planting of other trees at the location of the vandalism to compensate for the damage;~~
~~Reclaiming costs associated with any works required to rectify the damage;~~
~~Issuing of fines or recouping the full cost of the asset and replacement; and~~
~~Further legal action.~~

Community Consultation and Involvement

The Shire values ~~its~~ the community's opinion, and encourages consultation and communication in the improvement of its urban forest. As such, the Shire ~~will~~ endeavours to apply the following practices:

- prioritise community safety in conducting Shire tree maintenance works.
- increase resident involvement in the ongoing care of its urban forest by street tree planting programs, and
- raise community knowledge about the benefits of trees and the urban forest through tree information leaflets, the Shire's webpage, social media, and educational programs.

~~Increase resident involvement in the ongoing care of its urban forest by hosting community street tree planting programs;~~

~~Inform affected residents of street tree plantings and removals through various media;~~

~~Encourage community consultation in programmed street tree plantings and removals by providing opportunities to comment;~~

~~Prioritise community safety in conducting Shire tree maintenance works; and~~

~~Raise community knowledge about the benefits of trees and the urban forest through tree information leaflets, the Shire's web page and local media.~~

Definitions

Tree is any single or multi-stemmed perennial plant, generally more than 2 ~~meters~~metres in height at maturity.

Shire Tree is any tree which has a majority (more than 50%) of its trunk growing from Council managed land.

Diameter at Breast Height (DBH) is the recognised method for measuring the diameter of the trunk of a tree. The measurement is taken at 1.4 meters from the ground level. Refer to Australian Standard 4970-2009 Protection of Trees on Development Sites for more detailed information.

Helliwell Method is a recognised system that allows for a monetary value to be placed on the visual amenity provided by an individual tree asset.

Tree Protection Zone (TPZ) is an area above and below ground that is set aside for the protection of trees' roots, trunk, and crown to provide for the viability and stability of a tree that is to be retained at a development site.

Urban Forest is a population of trees and other plants growing within an urban setting for the purpose of improving the liveability of that urban setting whilst providing social, ~~economic~~economic, and environmental benefits to the community.

Vandalism means the unlawful destruction, damage or injury to Shire owned tree assets which can include, but not limited to, poisoning, pruning, causing malicious damage, removal and/or ringbarking.

Verge refers to the parcel of land between a property boundary and the road kerb, bitumen edge, or edge of a maintained trafficable surface. It may accommodate public utilities, footpaths, stormwater flows, street lighting poles, street trees and other landscaping.

~~Diameter at breast height (DBH) is the recognised method for measuring the diameter of the trunk of a tree. The measurement is taken at 1.4 metres from the ground level. Refer to Australian Standard 4970-2009 Protection of Trees on Development Sites for more detailed information.~~

~~Helliwell method is a recognised system that allows for a monetary value to be placed on the visual amenity provided by an individual tree asset.~~

~~Remnant tree means any tree that has naturally grown in an area, usually prior to development.~~

~~Reserve tree means a tree that is located within a park, reserve or natural area.~~

~~Road reserve means any land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both.~~

~~Shire tree means any tree which has a majority (more than 50%) of its trunk growing from Council managed land.~~

~~Street tree means any tree, naturally occurring or planted on the street verge by the Shire or developers as a contribution to the streetscape, amenity and the urban forest.~~

~~Street verge means the portion of road between a property boundary and the road kerb, bitumen edge, or edge of maintained trafficable surface. It may accommodate public utilities, footpaths, stormwater flows, street lighting poles, street trees and other landscaping.~~

~~Tree means any single or multi-stemmed woody perennial plant, generally more than 2m in height at maturity.~~

~~Tree protection zone (TPZ) means an area above and below ground that is set aside for protection of trees' roots, trunk and crown in order to provide for the viability and stability of a tree that is to be retained at a development site.~~

~~Urban forest means a population of trees and other plants growing within an urban setting for the purpose of improving the liveability of that urban setting whilst providing social, economic and environmental benefits to the community as a whole.~~

~~Vandalism means the unlawful destruction, damage or injury to Shire owned tree assets which can include, but not limited to, poisoning, pruning, causing malicious damage to, removal and/or ringbarking.~~

Related Documents

- Climate Change Strategy and Local Action Plan
- Urban and Rural Forest Strategy 2018 – 2028
- Town Planning Scheme No. 2 – provisions of TPS2 relating to applications regarding or affecting street trees.

Council Policy - Street Shire Trees

- Local Planning Scheme No. 3 – provisions of LPS3 relating to applications regarding or affecting street trees.
- LPP4.16 – Tree Retention and Planting
- Council Policy - Request to Remove Dangerous Trees
- Council Policy - Urban and Rural Verge Policy
- Council Policy - Crossovers

Strategic Community Plan 2017—2027

Town Planning Scheme No. 2—provisions of TPS2 relating to applications regarding or affecting street trees

Local Planning Scheme No. 3—provisions of LPS3 relating to applications regarding or affecting street trees

Legislation / Local Law Requirements

- Local Government Act 1995

- Environmental Protection Act 1986

Local Government Act 1995—S9.1—cl. 2, 3, 6 and 8

Local Government Act 1995—S2.7—Role of Council

Local Government (Uniform Local Provisions) Regulations 1996—R5 and R17

References

- Department of Mines, Industry Regulation and Safety
Guidelines for the Management of Vegetation Near Power Lines
- Australian Arboriculture Standards:
 - AS 4970-2009
 - AS 4373-2007
- LGIS Tree Risk Mitigation Guide 2023

Amendment Record

		Date	Resolution Number
Council Adoption		18/12/2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2			New template and reformatting for clarity.

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DRAFT

TO BE RESCINDED

Council Policy – Significant Accounting Policies

Responsible Directorate	
Responsible Business Unit/s	
Responsible Officer	
Affected Business Units	

Objective

The summary of significant accounting policies is a section of the notes that accompany the Shire of Serpentine Jarrahdale's statutory budgets and financial statements, describing the key policies being followed by the finance department. This summary is usually placed at the beginning of the notes.

The Policy summary is mandated by the applicable accounting framework (such as GAAP or IFRS). These frameworks require an entity to disclose its most important policies, the appropriateness of those policies, and how they impact the reported financial position of the entity.

Scope

This Policy applies to ...

Policy

Introduction

(insert brief introduction)

Significant Accounting Policies (AASB 101.117, AASB 108.13)

a) Basis of preparation (AASB 101.117, AASB 1054.7, AASB 108.7, AASB 108.13)

The budget/financial report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the budget has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Critical accounting estimates (AASB 101.122, AASB 101.125)

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

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

The local government reporting entity

All funds through which the Shire of Serpentine Jarrahdale controls resources to carry on its functions have been included in the financial statements forming part of this budget/financial report. In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 17 to the budget.

b) Budget actual balances

Balances shown in the budget as Actual are as forecast at the time of budget preparation and are subject to final adjustments.

c) Rounding off figures (AASB 101.51(e), FM Reg 15(3))

All figures shown in this budget, other than a rate in the dollar, are rounded to the nearest dollar.

d) Comparative figures (AASB 101.38, AASB 101.10(f))

Where required, comparative figures have been adjusted to conform with changes in presentation for the current budget year.

e) Budget comparative figures (AASB 101.117(B), FM Regs 36 (2))

Unless otherwise stated, the budget comparative figures shown in the budget relate to the original budget estimate for the relevant item of disclosure.

f) Forecast fair value adjustments

All fair value adjustments relating to re-measurement of financial assets at fair value through profit or loss (if any) and changes on revaluation of non-current assets are impacted upon by external forces and not able to be reliably estimated at the time of budget adoption. Fair value adjustments relating to the re-measurement of financial assets at fair value through profit or loss will be assessed at the time they occur with compensating budget amendments made as necessary. It is anticipated, in all instances, any changes upon revaluation of non-current assets will relate to non-cash transactions and as such, have no impact on this budget document.

g) Rates, grants, donations and other contributions (AASB 1004.27, AASB 1004.30, AASB 1004.60)

Rates, grants, donations and other contributions are recognised as revenues when the Shire of Serpentine Jarrahdale obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

h) Goods and services tax (GST) (Interpretation 1031)

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

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

i) Superannuation

The Shire of Serpentine Jarrahdale contributes to a number of superannuation funds on behalf of employees. All funds to which the Shire of Serpentine Jarrahdale contributes are defined contribution plans.

j) Cash and cash equivalents (AASB 107.6, AASB 107.46)

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are shown as short term borrowings in current liabilities in Note 4 - Net Current Assets

k) Trade and other receivables (AASB 107.17(c))

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

l) Inventories (AASB 102)

General (AASB 102.9, AASB 102.36(a)) - Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land held for resale (AASB 102.9, AASB 102.10, AASB 102.36(a)) - Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed. Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point. Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

m) Fixed assets (AASB 116)

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

Mandatory requirement to revalue non-current assets (FM Reg 17A, FM Reg 17A(3)& (4))

Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory. During the year ended 30 June 2013, the Shire of Serpentine Jarrahdale commenced the process of adopting fair value in accordance with the Regulations. Whilst the amendments initially allowed for a phasing in of fair value in relation to fixed assets over three years, as at 30 June 2015 all non-current assets were carried at fair value in accordance with the requirements. Thereafter, each asset class must be revalued in accordance with the regulatory framework established and the Shire of Serpentine Jarrahdale re-values its asset classes in accordance with this mandatory timetable. Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the financial report as necessary.

Initial recognition and measurement between mandatory revaluation dates (AASB 116.15, AASB116.73(a))

All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above. In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire of Serpentine Jarrahdale includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework detailed above.

Revaluation (AASB 116.Aus39.1)

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

Land under roads (AASB 1051.8, FM Reg 16(a)(i), FM Reg 4(2))

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government. Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset. In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land

as an asset. Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail. Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Shire.

Depreciation (AASB 116.73(b) & (c), AASB 116.35, AASB 136.59)

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

Major depreciation periods used for each class of depreciable asset are:

Land	Not depreciated
Buildings	
Structural	40 - 100 years
Internal Fit-Out	15 - 25 years
Mechanical Services	25 – 35 years
Security	5 - 15 years
Fire systems	5 - 15 years
Other Building Structures	15 – 25 years
Plant and Equipment	5 – 15 years
Motor Vehicles	2 – 5 years
Furniture and Equipment	4 – 10 years
Computer Equipment	2 – 5 years
Roads	
Subgrade	Not depreciated
Pavement	
Unsealed	3 - 10 years
Urban and Regional	60 - 100 years
Surface	5 – 20 years
Surface Water Channel	

Kerbing	10 - 40 years
Drains	8 - 15 years
Drainage	
Culvert	40 - 80 years
Stormwater Drainage	40 - 100 years
Footpaths	40 – 80 years
Parks and Reserves	
Land	Not depreciated
Softscapes	20 - 50 years
Hardscapes	40 – 80 years
Reticulation	10 - 20 years
Parks Furniture	10 – 20 years
Lighting	15 – 25 years
Other Structures	10 – 40 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period during the process of revaluation. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount. Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

Capitalisation Threshold	
Land	\$1
Artworks	\$5,000
Buildings	\$10,000
Computer Equipment	\$10,000
Furniture	\$10,000
Plant & Equipment	\$10,000
Motor Vehicles	\$10,000

Roads	\$1
Drainage	\$1
Footpaths	\$1
Parks and Reserves	\$10,000
Capitalisation Threshold	
Land	\$1
Artworks	\$5,000
Buildings	\$10,000
Computer Equipment	\$10,000
Furniture	\$10,000
Plant & Equipment	\$10,000
Motor Vehicles	\$10,000
Roads	\$1
Drainage	\$1
Footpaths	\$1
Parks and Reserves	\$10,000
Capitalisation Threshold	
Land	\$1
Artworks	\$5,000
Buildings	\$10,000
Computer Equipment	\$10,000
Furniture	\$10,000
Plant & Equipment	\$10,000
Motor Vehicles	\$10,000
Roads	\$1

Drainage	\$1
Footpaths	\$1
Parks and Reserves	\$10,000

n) Fair value of assets and liabilities (AASB 116.73(a), AASB 13.91, AASB 13.2,11,61,67, AASB 13.16-21, AASB 13.27-33)

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

Fair value is the price that the Shire of Serpentine Jarrahdale would receive to sell the asset or would have to pay to transfer a liability, in an orderly (ie unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

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

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

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

Fair value hierarchy (AASB 13.91, AASB 13.93(d))

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

Level 1 - Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2 - Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

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

Valuation techniques

The Shire of Serpentine Jarrahdale selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured.

The valuation techniques selected by the Shire of Serpentine Jarrahdale are consistent with one or more of the following valuation approaches:

Market approach

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

Income approach

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost approach

Valuation techniques that reflect the current replacement cost of an asset at its current service capacity. Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Shire of Serpentine Jarrahdale gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable. The mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets to be revalued at least every 3 years. Relevant disclosures, in accordance with the requirements of Australian Accounting Standards have been made in the budget as necessary.

o) Financial instruments (AASB 7.21)

Initial recognition and measurement (AASB 139.14, AASB 139.38, AASB 7.B5(c), AASB 139.43)

Financial assets and financial liabilities are recognised when the Shire of Serpentine Jarrahdale becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Shire of Serpentine Jarrahdale commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted). Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and subsequent measurement (AASB 139.46, AASB 139.9, AASB 139AG8)

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost. Amortised cost is calculated as:

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

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

(i) Financial assets at fair value through profit and loss (AASB 139.9, AASB 7B5(a))

Financial assets are classified at “fair value through profit or loss” when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

(ii) Loans and receivables (AASB 139.9, AASB 101.66 & 69))

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss. Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

(iii) Held-to-maturity investments (AASB 139.9, AASB 101.66)

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Shire of Serpentine Jarrahdale management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss. Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

(iv) Available-for-sale financial assets (AASB 139.9, AASB 7.B5(b), AASB 139.46 & 55, AASB 7.B5(e), AASB 101.66)

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments. They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss. Available-for-sale financial assets are included in current assets, where they are expected

to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.

(v) Financial liabilities (AASB 139.46, 47 & 56, AASB 7.b5(e))

Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

Impairment (AASB 139.58, AASB 139.55(b) & 67, AASB 7.5B(f))

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a “loss event”) having occurred, which has an impact on the estimated future cash flows of the financial asset(s). In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults. For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

Derecognition (AASB 139.17 to 20, AASB 139.39, 41 & 42)

Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Shire of Serpentine Jarrahdale no longer has any significant continual involvement in the risks and benefits associated with the asset. Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

p) Impairment of assets (AASB 7.21, AASB 136.9 & 12)

In accordance with Australian Accounting Standards the Shire of Serpentine Jarrahdale assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset’s fair value less costs to sell and value in use, to the asset’s carrying amount.

Any excess of the asset’s carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of adopting a budget, it is not possible to estimate the amount of impairment losses (if any) as at the end of a period.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on this budget document.

q) Trade and other payables (AASB 101.17(c))

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

r) Employee benefits (AASB 119)

Short-term employee benefits (AASB 119.8, AASB 119.11, AASB 101.70, AASB 101.78)

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

The Shire of Serpentine Jarrahdale's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial entitlements are recognised as provisions in the statement of financial position.

Other long-term employee benefits (AASB 119.8, AASB 119.155, AASB 119.156)

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any re-measurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire of Serpentine Jarrahdale's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire of Serpentine Jarrahdale does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

s) Borrowing costs (AASB 123, AASB 123.8, AASB 123.Aus8.1)

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

t) Provisions (AASB 137.14 & 36)

Provisions are recognised when the Shire of Serpentine Jarrahdale has a legal or constructive obligation. Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

u) Leases (AASB 117, AASB 117.8, 20, 25, 33, Interpretation 115.4)

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Shire of Serpentine Jarrahdale, are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred. Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

v) Investment in associates (AASB 128.3, AASB 128.5 to 10, AASB 128.32, AASB 128.28, 38 & 39)

An associate is an entity over which the Shire of Serpentine Jarrahdale has significant influence. Significant influence is the power to participate in the financial operating policy decisions of that entity but is not control or joint control of those policies. Investments in associates are accounted for in the financial statements by applying the equity method of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Shire of Serpentine Jarrahdale's share of net assets of the associate.

The carrying amount of the investment includes, where applicable, goodwill relating to the associate. Any discount on acquisition, whereby the Shire of Serpentine Jarrahdale's share of the net fair value of the associate exceeds the cost of investment, is recognised in profit or loss in the period in which the investment is acquired.

Profits and losses resulting from transactions between the Shire of Serpentine Jarrahdale and the associate are eliminated to the extent of the Shire of Serpentine Jarrahdale's interest in the associate.

When the Shire of Serpentine Jarrahdale's share of losses in an associate equals or exceeds its interest it has incurred legal or constructive obligations or made payments on behalf of the associate. When the associate subsequently makes profits, the Shire of Serpentine Jarrahdale will resume recognising its share of these profits once its share of the profits equals the share of the losses not recognised.

w) Interests in joint arrangements (AASB 11.4, AASB 11.15 & 16)

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required. Separate joint venture entities providing joint venturers with an interest to net assets are classified as a joint venture and accounted for using the equity method. Refer to note 1(o) for a description of the equity method of accounting.

Joint venture operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire of Serpentine Jarrahdale's interests, in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements. Information about the joint ventures is set out in a separate Note.

x) Current and non-current classification (AASB 101.66, AASB 101.69)

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire of Serpentine Jarrahdale's operational cycle. In the case of liabilities where the Shire of Serpentine Jarrahdale does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Shire of Serpentine Jarrahdale's intentions to release for sale.

Definitions

Generally Accepted Accounting Principles (GAAP) is a framework of accounting standards, rules and procedures defined by the professional accounting industry.

International Financial Reporting Standards (IFRS) are a set of international accounting standards stating how particular types of transactions and other events should be reported in financial statements.

Australian Accounting Standards Board (AASB) means the Australian Accounting Standards

Relevant Policies / Council Documents

- Nil.

Legislation / Local Law Requirements

- *Australian Accounting Standards*
- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

Amendment Record

Relevant Delegations		Nil. or Refer to Register of Delegations and Sub-delegations (as amended)	
		Date	Resolution Number
Council Adoption		18/12/2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2			Rescinded

DRAFT
RESOLVED

TO BE RESCINDED

Council Policy – Social Media

Responsible Directorate	<u>Community Engagement</u>
Responsible Business Unit/s	<u>Communications & Customer Engagement</u>
Responsible Officer	<u>Manager Communications and Customer Engagement</u>
Affected Business Units	<u>All</u>

Objective

This policy sets out ~~a basic Code of Conduct and~~ guidelines for the use of social media at the Shire of Serpentine Jarrahdale ~~(the Shire)~~ for Council staff. This policy is designed to provide a framework for all social media used at the Shire and promote the responsible use of social media.

Social media, ~~such as Facebook~~ is used to ensure the Shire is communicating effectively with those residents who are using social media.

Scope

This Policy applies to all Shire staff, contractors, and volunteers.

Policy

The Shire ~~of Serpentine Jarrahdale~~ is committed to engaging with its community and staff in relevant and meaningful ways, and is cognisant of the ever increasing and important role of social media for communication, engagement and interaction.

~~This policy and guidelines will promote responsible use of this technology.~~

~~If you are a Shire staff member, employee or contractor, volunteer and are creating, using or contributing to social media then these guidelines will assist you.~~

Purpose

This policy aims to:

- Provide guidance for the appropriate use of social media tools for the Shire;
- Highlight the effectiveness of social media when communicating with the community;
- Address perceived and real issues with social media;
- Minimise the likelihood of miscommunication or inappropriate communications;
- Suggest guidelines, limitations and parameters regarding use by social media users;
- Provide clarification concerning obligations under the Code of Conduct;
- Reflect the provisions of the Code of Conduct that hold employees accountable for the consequences of their private actions where they may have a bearing on their standing as a public official;

Council Policy – Social Media

- Make it clear that participating in social media is subject to the same standards of behaviour outlined in the Code of Conduct,
- Provide a reminder that ramifications of breaching the Code of Conduct when using social media may result in disciplinary action.

This policy applies to all employees and Elected Members.

It aims to define the responsibility of staff when using social media in public within the work environment and to differentiate this activity from private use.

Responsibilities

The Corporate Communications team is responsible for the Shire's social media output.

All social media posts are peer reviewed, with more contentious posts to be reviewed by the Communications Manager, or Director Community Engagement, where appropriate. This is to ensure the Shire is presented professionally.

The Code of Conduct sets out the standards of behaviour expected of Shire staff based around a framework of principles and obligations.

Spokespeople/Media Announcements

~~Employees are not authorised to speak to the media or issue statements on behalf of Council. Social media is considered a public forum, and staff should not post information or statements when they are not authorised to speak on behalf of Council.~~

Breaches

A breach of this policy may lead to performance management or disciplinary action, at the discretion of the Chief Executive Officer (CEO). The CEO reserves the right to remove, where possible, content which violates the policy or associated guidelines.

Social media users must also comply with all relevant laws and regulations (especially those relating to identity and representation), respect competitors and detractors and adhere to the Shire's confidentiality, legal and privacy guidelines.

Community Engagement

Social media is an integral component for any best practice communication/marketing campaign.

Use of social media within community engagement should be used to enhance communication between the Shire and its stakeholders. All engagements in social media must ensure the content of any interaction is:

- Accurate and truthful
- Meets quality requirements of the Shire
- Transparent.

Content must not be:

- Abusive, profane or sexual language, commercial solicitations or transactions.
- Discriminatory material aligned with age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential

pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation.

- Copyright or ownership protected materials.
- Illegal or materials designed to encourage law breaking.
- Materials that could compromise Council, employees or system safety.
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks.)
- Material that would offend contemporary standards of taste and decency.
- Material which would bring the Council or its stakeholders and/or their reputation into disrepute.
- Sexual content or links to it.
- Spam, meaning the distribution of unsolicited bulk electronic messages.

Confidential and Protected Information

Permission to use copyrighted material must be sought from the creator or copyright owner. A user may breach confidentiality if they disseminate information on social media sites by an employee, associate or other relevant stakeholder and this may be a breach of their confidentiality obligations to the Council or a third party.

Social Media and the Code of Conduct

The Code of Conduct applies when participating in social media in the same way as when participating in any other media, public forum or engagement with the community. The Code of Conduct applies to Shire staff when participating in social media for official and private use.

Official and Private Use

Whether using social media for official or private purposes, employees are reminded that comments will often be permanently available and able to be reproduced in other media. For the purposes of this guidance, the definition of official and private use is as follows:

Official use: Using social media tools when acting as an official representative of the Shire of Serpentine Jarrahdale.

Private use: Using social media tools in a personal, private capacity.

Remaining Apolitical

Where staff are authorised to use social media relating to the administration of policies and programs of the Shire they should avoid making statements or engaging in activities of a party political nature, on in favour of any Elected Member or the Shire President.

Making Public Comment

- Use of social media for making public comment in relation to duties must follow the appropriate internal communications process and authorisation.
- When using social media for official purposes it should not be used to express personal opinions.

Council Policy – Social Media

- When using social media for private purposes, staff must ensure that they make it clear that any comments relating to the Shire's activities are not official, and that they are speaking only on behalf of themselves.
- Staff must ensure that any personal comments don't compromise their capacity to perform their public role in an unbiased manner.

Public Trust

Whether using social media for official use, or in a private capacity, staff must not do anything that may adversely affect their standing as a public official or which could bring themselves or the Shire into disrepute.

The nature of social media increases the risk of reputational damage through private activities such as:

- posting images, information or links to images or information; • disclosing one's own and others' personal information;
- engaging in a heated debate or argument.

Social Media Strategic Plan Digital Strategy

A social media strategic plan is to be digital strategy has been developed to provide a framework for the relevant use of applications by the Shire. 's sections and units. The strategy The strategic plan is to provide a clear unambiguous provides a set of objectives for the use of social media and community engagement. The strategic plan will is be part of the wider communications activity of the Shire of Serpentine Jarrahdale and will be is owned by the Corporate Communications team. section of Council however all staff using social media will be expected to contribute to the plan and abide by its various provisions.

It is a requirement of this policy that the Shire website is the main hub for the Shire's online presence and social media sites used by staff should link back to the main website. No social media sites with Shire activity should be unlinked. or Your Say SJ as required.

Work Resources

Staff must comply with Shire policies regarding private use of work resources, including their use in engaging in social media. Those policies will have regard to not only the efficient and effective use of public resources, but also the risks associated with their use for private purposes (e.g. 'electronic footprints' which could identify the user as working for the Shire of Serpentine Jarrahdale).

Open to Scrutiny

Staff must maintain accurate and reliable records of their official use of social media as required by relevant legislation, policies and procedures.

Register and Passwords

A register of official social media sites and tools will be owned by the Communications Section. It is Shire policy that owners of social media presences from various Council programs must create and maintain their entry in the Social Media Register. The register will record the device/platform being used, the name of the principal Council staff member user and the access passwords.

~~Access to passwords will be limited to designated staff listed on the register and nominated by respective work sections/units. This is to ensure that there is one consistent and professional message given to the public.~~

Protocols and Rules

Where the Shire has a presence or web pages on social media sites, rules and protocols for participation and interaction with the Shire on the site are to be published and available to all participants.

Facilitators and Moderators

~~All social media sites where the Shire has a presence must have moderators and facilitators appointed to: enable oversight of activity within the online space; monitor and decide on content; ensure moderation rules are followed; encourage participation and enable an understanding of common objectives for participants used by the Shire are monitored during office hours.~~

Fair and Objective Treatment

All communication of an official nature should be objective and courteous in dealings with the government, other Councils and the wider community.

Privacy and Confidentiality

Staff must ensure the privacy and confidentiality of information acquired at work is protected at all times and treated in accordance with relevant laws and policies. The potential scope and ramifications of a breach of privacy or confidentiality when using social media are severe.

Complaints Management

The Shire maintains a separate Complaints Resolution Policy and Customer Request Management (CRM) System and the HPRM system. Complaints regarding social media are encompassed within that policy and any complaints received are to be entered into the CRM/HPRM system and a response determined.

Staff Comment on Local Issues

Shire staff who are local residents and have a specific interest in a specific Shire issue should be mindful of clearly differentiating between their employment commitment to the Shire ~~of Serpentine Jarrahdale~~ and personal/private interests. Accordingly, any comments on Shire matters may only be made in a strictly private and personal capacity and not by virtue of employment at the Shire.

Equity and Diversity

Obligations on Shire staff to support an environment free of discrimination, harassment and bullying also apply to their use of social media.

Basic Principles

These apply to both personal and professional use.

Separate your personal life from your professional life. Use different accounts or different services for each.

Official/Professional Use

~~1. Seek the permission of your Supervisor and/or Manager before establishing a social media site for your project or event. This should also be discussed with the Shire's Communications~~

~~Team to ensure appropriateness, relevance and administration arrangements for the site. The decision as to whether to use a social media site will need to be in compliance with the Shire's Strategic Plan for the use of social media. Social media accounts set up on behalf of the Shire, should in the first instance be discussed with the Manager Communications and Customer Engagement, who will advise accordingly.~~

~~1.~~

~~2. Nominate an officer as the administrator of the site. Nominate an alternative administrator in the event the primary administrator is not available. A moderator and/or facilitator will also need to be appointed for the site and these may also perform the function of administrator.~~

~~3. Establish a project plan for the installation and implementation of a social media site. This should include a communication plan and a records management strategy.~~

~~4. Rules and protocols will also need to be publicly available for participation and interaction on the site.~~

~~5. Check the site daily for any inappropriate or offensive material and take action as required.~~

~~6. Contribute to the site regularly through posts, discussions, links, or photos. The success use of this policy relies on interaction, discussion and two-way conversations and dialogue, not just broadcasting.~~

~~7.2.~~ Do not conduct Shire business transactions, such as customer requests, over social media. Refer the user to the Shire's Customer Service Centre, by phone or email to: info@sjshire.wa.gov.au, or to the Shire's website at www.sjshire.wa.gov.au.

~~8.3.~~ Consider Records Management and the requirement to retain records particularly if there is a particularly sensitive issue or campaign to consider.

~~9.4.~~ Be You are responsible for what you write.

~~10.5.~~ Your words will be archived and available for many years into the future. Readers in the future may be potential employers, clients or friends and family.

~~11.6.~~ Do not share the Shire's Intellectual Property.

~~12.7.~~ Use a different password for each site. Make the passwords unguessable. Don't assume that your access is private just because you have to login.

~~13.8.~~ Do not click unsolicited links. These often conceal malware, spyware, phishing or other malevolent software used by scammers.

~~14.9.~~ Do not reveal sensitive personal information, such as birthdays, children's or partner's names etc.

~~15.10.~~ Do not reveal other people's sensitive information.

~~16.11.~~ If an entry is made on a personal basis, it is not appropriate to use the name of the Shire of Serpentine Jarrahdale on your entries.

~~17.12.~~ Personal use of social media during work hours for private matters is generally not ~~permissible~~ permissible by the Shire. If you are using social media this should be limited to your lunch break ~~and/or before or after working hours or during your own time.~~

~~Council~~ The Shire accepts that social media is a reciprocal medium and content on specific issues may not always be complimentary. To the extent that criticism is established as having valid grounds, a response will be provided by the Shire.

Private Use

Personal or private use at home of social media is a matter of a staff member's private interests however many of the points above provide some helpful hints on [usageuse.](#)

Definitions

Social media is the term used for internet based tools for sharing and discussing information among people and communities. It refers to user-generated information, opinion and other content shared and discussed over open digital networks. Social media may include (although it is not limited to):

- Social networking sites (e.g. Facebook, LinkedIn, [Myspace](#))
- Video and photo sharing websites (e.g. Flickr, Youtube, [Instagram](#), [TikTok](#))
- Blogs, including corporate blogs and personal blogs (eg Blogspot, Blogger, Wordpress)
- Micro-blogging (e.g. [TwitterX](#))
- Forums, discussion boards and groups (e.g. Google groups, [Whirlpool](#))
- Wikis (e.g. Wikipedia)
- Podcasting
- Email and instant messaging.

Social media also includes all other emerging electronic/digital communication applications.

~~At the Shire of Serpentine Jarrahdale, social media is used as follows:~~

~~Administration Building (Executive Services Corporate Communications team): The Shire Facebook, LinkedIn, Instagram. Shire's Facebook page~~

~~Mundijong Byford Public Library: The Shire's Library Facebook page~~

~~Youth: Instagram~~

Related Documents

- ~~Strategic Community Plan 2017–2027 Council Plan 2023-2033~~
- Business Operating Policy (BOP) ~~2.2.1~~— Social Media
- Business Operating Policy (BOP) ~~2.2.2~~— Media
- Business Operating Policy (BOP) ~~2.3.1~~— Email and Internet Usage
- Shire of Serpentine Jarrahdale Code of Conduct for Councillors and Employees

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		18 December 2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2			<u>Updates to processes and references to social media platforms.</u>

Council Policy – Subdivision: Engineering Guidelines

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Engineering Services
Responsible Officer	Manager Engineering Services
Affected Business Units	Engineering Services

Objective

When new infrastructure is created due to subdivision it will become the responsibility of the Shire [of Serpentine Jarrahdale \(the Shire\)](#). It is in the community interest that the standard of infrastructure that is provided meets the Shire's standards. This policy requires development to be in accordance with the Shire's standards.

Scope

Policy

All subdivision works undertaken and which is to become the responsibility of the Shire must be undertaken to the standards contained in the Subdivisional Guidelines approved by Council from time to time.

Any works for which a standard has not been established within the guidelines, must comply with standards approved by the Director Engineering.

Where applicable, all works that are not exempt from requiring a building approval under the *Building Act 2011* and *Building Regulations 2012*, will have a building permit issues for the works. All works on land owned by the Shire or associated with the Shire will need to have Certificates of Design compliance provided by independent building surveyors.

Definitions

Not applicable.

Related Documents

- [Strategic Community Plan 2017–2027 Council Plan 2023-2033](#)
- Shire of Serpentine Jarrahdale Subdivision [al](#) Guidelines [and Standards](#)
- [LPP22-Department of Water and Environmental Regulation](#) - Water Sensitive Urban Design

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		24 March 2003	
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	25 January 2010	OCM023.1/01/10	
4	29 September 2015	OCM187/09/15	
5	18 December 2017	OCM179/12/17	
6			New template

DRAFT

Council Policy – Temporary Accommodation

Responsible Directorate	Development Services
Responsible Business Unit/s	Health, Building and Community Safety
Responsible Officer	Manager Health Building and Community Safety
Affected Business Units	<u>Statutory Planning and Compliance</u>

Objective

The objective of this Policy is to provide direction in relation to the conditions for the establishment of temporary accommodation during the construction of a permanent residence.

Scope

This Policy applies to

- All land within the Shire of Serpentine Jarrahdale (the Shire).
- Any development which has received approval for a single dwelling on a lot zoned Rural Residential, Rural Small Holdings, Rural and Environmental Conservation under the Local Planning Scheme.
- Any other lot over 4000m² in size.

Policy

Temporary accommodation may be approved by officers authorised to do so under the Shire's of Serpentine Jarrahdale's Delegation of Authority.

Conditions:

Temporary accommodation applications will only be considered:

1. The only form of temporary accommodation to be approved will be within a caravan.
2. On land over 4000m² in size.
3. Accompanied by a building application for a permanent dwelling.
4. With a statutory declaration acknowledging that approval will not exceed 24 months with the temporary accommodation to be vacated at the time or sooner, on completion of the dwelling, or if the Shire's permission to occupy the temporary accommodation is withdrawn.
5. With a schedule of work for the erection of the permanent dwelling.
6. With a letter from the lending institution confirming that finance is available for the construction of the dwelling.
7. Toilet, shower and laundry must be provided with an adequate effluent disposal system arrangement to the satisfaction of the Shire's Environmental Health Officer. Use of the temporary accommodation will not be commenced until facilities are inspected by an Environmental Health Officer.
8. Temporary accommodation will be approved for a period of up to 24months.:

9. Payment of the application fee as set by Council each year.

Applications are to be made on the application form and be submitted together with the Statutory Declaration.

Temporary accommodation may be approved by officers authorised to do so under the Shire of Serpentine Jarrahdale's Delegation of Authority.

Conditions:

Temporary accommodation applications will only be considered:

1. The only form of temporary accommodation to be approved will be within a caravan.
2. On land one hectare and over.
3. Accompanied by an application for a permanent dwelling.
4. With a statutory declaration acknowledging that approval will not exceed 12 months with the temporary accommodation to be vacated at the time or sooner, on completion of the dwelling, or if the Shire's permission to occupy the temporary accommodation is withdrawn.
5. With a schedule of work for the erection of the permanent dwelling.
6. With a letter from the lending institution confirming that finance is available for the construction of the dwelling.
7. Toilet, shower and laundry must be provided and connected to an approved effluent disposal system and use of the temporary accommodation will not be commenced until facilities are inspected by an Environmental Health Officer.
8. Temporary accommodation will be approved for a period of six months and an extension of up to six months may be granted subject to reasonable progress in building the permanent residence
9. Payment of the application fee as set by Council each year.

Applications are to be made on the application form and be submitted together with the Statutory Declaration.

Definitions

Nil

Related Documents

- [Strategic Community Plan 2017 – 2027](#) [Council Plan 2023-2033](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Caravan Parks and Camping Grounds Act 1995*

Amendment Record

Relevant Delegations	<u>Delegation 2.1 Appoint Authorised Persons for the purposes of carrying out the powers and duties of an Authorised Person under Caravan Parks and Camping</u>
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		<u>Grounds Act 1995 Regulations 1997 and Amendment Regulations 2024. Delegation: P003A — 2.1 Appointment of Authorised Persons for the purposes of carrying out the powers and duties of an Authorised Person under Caravan Parks and Camping Grounds Act 1995 and Act Regulations 1997</u>	
		Date	Resolution Number
Council Adoption			
Version	Date	Resolution Number	Amendment Details
2	24 May 2004	SM047/05/04	
3	29 September 2015	OCM187/09/15	
4	18 December 2017	OCM179/12/17	
5	2025		Formatted to new policy template. <u>Updated to aligned with the Caravan Parks and Camping Grounds Amendment Regulations 2024.</u>

Council Policy – Temporary Employment or Appointment of Acting Chief Executive Officer

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance
Responsible Officer	Manager Corporate Services
Affected Business Units	Executive

Objective

The objective of this Policy is to give effect to the requirement in section 5.39C of the *Local Government Act 1995* that a local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following:

- the employment of a person in the position of CEO for a term not exceeding 1 year;
- the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

Scope

This Policy applies to all Executive employees the temporary employment or appointing of acting the Chief Executive Officer only.

Policy

Council authorises the CEO to appoint a Director to the position of Acting Chief Executive Officer for periods of absence by the Chief Executive Officer of no longer than thirty (30) days. The CEO will inform Council of each instance this authority is exercised. In other circumstances, Council is to determine:

- the employment of a person in the position of CEO for a term not exceeding one (1) year;
- the appointment of an employee to act in the position of CEO for a term exceeding thirty (30) days but not exceeding one (1) year; or
- the appointment of an employee to act in the position of CEO for a term less than thirty (30) days where the CEO is unable to make the appointment.

The employment of a person in the position of CEO for a term exceeding one (1) year must be in accordance with legislation and the model standards for CEO recruitment, performance and termination specified in section 5.39A of the *Local Government Act 1995*.

Adoption

Council may amend this policy by Absolute Majority in accordance with section 5.39C(2) of the Act.

Definitions

Nil.

Related Documents

Nil.

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government Administration Regulations 1996*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		19/05/2021	OCM102/04/21
Version	Date	Resolution Number	Amendment Details
2	16/05/2022	OCM114/05/22	
3	2025		Formatted to new template and added adoption by Absolute Majority

Council Policy – The Keeping of Three to Six Dogs

Responsible Directorate	Development Services
Responsible Business Unit/s	Health, Building and Community Safety
Responsible Officer	Manager Health, Building and Community Safety
Affected Business Units	<u>Community Safety</u> <u>Statutory Planning</u>

Objective

The objective of this Policy is to:

- Provide guidance to Council, staff and the public on the circumstances under which between three (3) and six (6) dogs may be kept on a property.
- Promote animal welfare and the responsible ownership of dogs.
- Ensure the amenity and safety of the neighbourhood is protected.

Scope

This Policy applies to an owner or occupier of land within the Shire wishing to keep between three to six dogs.

Policy

An owner or occupier of land within the Shire shall not be allowed to keep more than two (2) dogs over the age of three (3) months on a property, without the prior written approval of the Council.

The keeping of more than 6 dogs, or the keeping of dogs for commercial purposes requires development approval as a Kennel Establishment ~~by the Council~~.

Considerations

The following criteria applies for residents seeking approval to keep more than two (2) registered dogs and six (6) dogs or less in the Shire:

- (a) Application for an approval to keep between three (3) and six (6) shall be submitted in writing on the prescribed forms.
- (b) The applicant shall submit plans showing the specifications and location of fencing and yards in relation to the boundaries and dwellings and proximity to the adjoining properties.
- (c) All dogs are to be registered with the Shire.
- (d) The existence of a dwelling on the premises, and requires the applicant to be the occupier of the premises.
- (e) Applications to keep more than 2 dogs on cottage lots are unlikely to be considered

- (f) The area where the dogs are confined must have sufficient area for the dogs to use, play and have adequate shelter and must conform with the relevant provisions of Animal Welfare statutes and standards.
- (g) The fencing must be of sufficient strength, configuration and height to confine the dogs within the property boundaries and not allow dogs to dig under or climb/jump over.
- (h) Gates must meet the same criteria as the fencing when secured and should also be lockable.
- (i) Sterilisation is recommended on all dogs and will improve likelihood of application being approved.
- (j) All dogs subject of an application are required to be microchipped.
- (k) No substantiated written objections or complaints from occupiers of adjoining premises.
- (l) That the owners and dogs subject of the application have had no previous convictions relating to serious *Dog Act 1976* or *Animal Welfare Act 2002*~~as amended~~ convictions.
- (m) Written consent from the landowner or managing agent.
- (n) The reasons for which the approval is required.
- (o) Applications relating to ~~the introduction of Restricted Breed, or Declared Dangerous Dogs~~dangerous dog will not be considered.

Standard Conditions

In approving the application to keep 3-6 dogs the following standard conditions will detail:

- (a) the person or persons to whom the permit has been issued;
- (b) the address to which the permit applies;
- (c) maximum number of dogs to be kept on the property;
- (d) that all dogs subject to the permit are required to be microchipped;
- (e) applicants should be encouraged to desex all dogs subject of the application;
- (f) that the Shire is advised in writing within 14 days if a dog dies or is relocated;
- (g) that noise from barking or howling does not create a nuisance to neighbours;
- (h) that faecal waste is not permitted to accumulate or create offensive odours;
- (i) that all faecal waste be disposed of in a sanitary manner;
- (j) that all dogs be confined to the property unless under controlled supervision;
- (k) that a new permit be applied for if the owners relocate with the dogs to a new address;
- (l) the permit applies to the permit holder(s) and not the property. New residents/tenants must obtain a permit should they move onto the property with more than two dogs;
- (m) no dogs subject to an approval can be replaced without the written consent of the Council;
- (n) that it is the permit holder's responsibility to ensure they hold a valid permit;
- (o) that Shire Officers reserve the right to inspect the property at any time;
- (p) a date by which all conditions on the permit must be complied with;

- (q) compliance with the provisions of the *Dog Act 1976*, *Dog Regulations 2013* and the *Animal Welfare Act 2002*~~5 as amended~~;
- (r) that the approval can be reviewed or cancelled by the Council for any significant breach of the *Dog Act 1976*, *Dog Regulations 2013* or the *Animal Welfare Act 2002*~~5 as amended~~

Supplementary Conditions or Considerations;

Council may also apply extra conditions which may include:

- (a) the types and breeds of dogs to be kept in relation to the available space for dogs within the premises;
- (b) restrictions on access to certain areas within the premises subject of the application; ie, areas adjoining walkways, access ways, footpaths, bridle paths or other high usage areas likely to effect the general community or welfare of the dogs;
- (c) the use of electrified fences or containment systems;
- (d) any other conditions of matters considered relevant by Council or officers

Definitions

~~Nil~~[Dangerous Dog](#) has the same meaning as the *Dog Act 1976*.

Related Documents

- ~~[Strategic Community Plan 2017 – 2027](#)~~[Council Plan 2023 – 2033](#)
- ~~[Shire's Keeping of Dogs Local Law](#)~~

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Dog Act 1976*
- ~~*Dog Regulations 2013*~~
- ~~[Shire of Serpentine Jarrahdale Dogs Local Law 2023](#)~~
- *Animal Welfare Act 2002*~~5 as amended~~

Amendment Record

Relevant Delegations		5.1.3 – Authorise Registration Officers P007S-2.5 – Appointment of Authorise_d Persons and Registration Officers under the Dog Act and Local Law	
		Date	Resolution Number
Council Adoption		29 September 2015	OCM187/09/15
Version	Date	Resolution Number	Amendment Details
2	18 December 2017	OCM179/12/17	
3	2025		Formatted to new policy template. Updated references to legislation.

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TO BE RESCINDED

Council Policy –Trails

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Sport and Recreation
Responsible Officer	Paula Vaughan (Equine Officer)
Affected Business Units	

Objective

Place

Scope

This Policy applies to...

Policy

Introduction

The Council is committed to the establishment of a comprehensive network of trails throughout the Shire of Serpentine Jarrahdale (the Shire). The Council's policy to achieve this goal is:

1. To nurture and utilise volunteer organisations as an integral part of its trails implementation program.
2. Consider an annual budget based on recommendations from recognised community based volunteer organisations.
3. Where Council approves a budget allocation and funds are not expended within that financial year the funds will be transferred for expenditure in a future year.
4. All trails must be constructed in accordance with approved standards.
5. Standards must be developed and approved by the Council prior to any works being implemented.
6. It is recognised that there will be different standards for different circumstances and Council will consider the standards on the basis of being "fit for purpose", public safety (including measures to mitigate risk) and maintenance requirements.
7. All public funds allocated to community organisations must be properly accounted for and acquitted in accordance with the Trails Administration Procedure.

Definitions

Nil.

Relevant Policies / Council Documents

- Local Planning Policy 9 – Multiple Use Trails within the Shire of Serpentine Jarrahdale

- Western Australian Strategic Trails Blueprint 2017-2021 Trails WA
- Strategic Community Plan 2017 – 2027
- Shire of Serpentine Jarrahdale Trails Master Plan
- PCWP6 – Trails Administration
- Trails Administration Procedure – Schedule of Approved Standards (E08/770)
- Trails Administration Procedure – Trails (E08/771)

Legislation / Local Law Requirements

- *Local Government Act 1995*

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RESOLVED

Amendment Record

		Date	Resolution Number
Council Adoption		25/03/2008	CGAM067/03/08
Version	Date	Resolution Number	Amendment Details
2	29/09/2015	OCM187/09/15	Modified
3	18/12/2017	OCM179/12/17	Modified
4			Rescinded

Council Policy - Travel and Accommodation

Responsible Directorate	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Executive Services
Affected Business Units	Executive Services

Objective

The objective of this Policy is to establish guidelines for travel and accommodation arrangements for Elected Members and the Chief Executive Officer (CEO) authorised to travel for Shire business outside of Western Australia.

Scope

This Policy applies to Elected Members and CEO of the Shire of Serpentine Jarrahdale (the Shire) for interstate travel outside of the following situations:

- Travel Reimbursements to Elected Members pursuant to s5.98 of the *Local Government Act 1995* (this is provided for by Council Policy - Councillor Fees and Entitlements)
- Travel Reimbursements to Employees for approved training and development (this is provided for under Business Operating Procedure – Staff Training and Development).

Policy

1. Introduction

Elected Members and the Chief Executive Officer may, from time to time, need to conduct Shire business that requires them to travel outside of Western Australia. This Policy establishes what constitutes authorised travel on behalf of the Shire and determines entitlements regarding travel, accommodation and incidentals.

2. Travel outside Western Australia

Elected Members and the Chief Executive Officer may attend Shire Representation events held outside Western Australia and overseas upon the following conditions:

- 2.1 The travel falls within the definition for Shire Representation.
- 2.2 An item has been presented to Council specifying:
 - the benefit to the Shire of the attendance at the event,
 - the number of Shire representatives recommended to attend, and
 - whether the information to be discussed at the event can be sourced from within Western Australia.
- 2.3 Approval has been granted by Council resolution.

3. General Conditions of Travel

Bookings

- 3.1 Approved travel and accommodation for Elected Members and the Chief Executive Officer will be booked by the Office of the Chief Executive Officer upon completion of the "Request for travel booking" form.
- 3.2 Travel requests should where possible be provided at least one month before travel to allow adequate time for the most economic bookings to be made.
- 3.3 Government rates are to be utilised where available and appropriate.

Air Travel

- 3.4 Air travel shall be based on "economy" class of a commercial air carrier. Any upgrade in travel class shall be at the expense of the Elected Member or Chief Executive Officer.
- 3.5 Air travel costs will include passenger bookings, departure and arrival taxes where applicable.
- 3.6 Accompanying persons travelling with the Elected Member or Chief Executive Officer will not be covered by the Shire.
- 3.7 Air Miles / Frequent Flyer Points are considered a gift and ~~are therefore, in accordance with the Shire's Employee Code of Conduct, is prohibited to be claimed.~~ Elected Members and the Chief Executive Officer must comply with s 5.87C of the *Local Government Act 1995* in this regard.

Road Transport

- 3.8 A hire car can be arranged subject to the provisions of the travel approval.

Accommodation

- 3.9 Accommodation is to be met by the Shire when travel necessitates an overnight stay.
- 3.10 Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue.
- 3.11 Accommodation bookings will include accommodation the night before and/or after the event where necessary because of travel, airline flights and/or event timetables.
- 3.12 A partner or spouse may accompany an Elected Member or Chief Executive Officer to an official event. All expenses incurred by the accompanying person are to be paid by the accompanying person, Elected Member or Chief Executive Officer.

Reimbursements

- 3.13 The Shire will reimburse Elected Members and the Chief Executive Officer, Reasonable Out of Pocket Expenses in accordance with the rates specified under the *Public Sector Award 1992*, upon production of receipts to verify the expenses.
- 3.14 The Shire will not pay for or reimburse:
 - Meals supplied as part of an official event or program.
 - Mini bar expenses.
 - Alcohol expenses.

- Entertainment costs not associated with those scheduled as part of the event.
 - Any expenses associated with matters other than those attended as part of the travel approval.
- 3.15 Claims for reimbursement must be made within 14 days of completion of the travel by submitting a Reimbursement Form and receipts.
- 3.16 The Shire may refuse reimbursement if an expense is not considered reasonable.
- 3.17 Reimbursements will be made by direct debit to a specified bank account within 14 days of the claim request being approved.
- 3.18 A daily incidental expense allowance as specified under the *Public Sector Award 1992*, may be claimed for each full day of travel.

Definitions

Shire Representation means any formal visit to an external organisation where the Elected Member or Chief Executive Officer is representing the Shire of Serpentine Jarrahdale.

Reasonable Out of Pocket Expenses means:

- meals (breakfast, lunch and dinner) that fall within the period of travel,
- train, bus, taxi or ridesharing fares, and
- other expenses as provided for under the *Public Sector Award 1992*.

Reimbursement Form means:

- CEO – Online form through OneComm
- Elected Members – Reimbursement Form (pdf)

Related Documents

- ~~Business Operating Procedure – Staff Training and Development~~
- Council Policy - Councillor Fees and Entitlements
- Council Policy - Councillor and CEO Attendance at Events
- ~~Employee Code of Conduct~~
- Code of Conduct for Councillors, Committee Members and candidates

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Public Sector Award 1992*
- Salaries and Allowances Tribunal Determination

Amendment Record

		Date	Resolution Number
Council Adoption		16/09/2024	OCM261/09/24
Version	Date	Resolution Number	Amendment Details
2	Xx	Xx	New policy template, minor updates to clause 3.7 and Related Documents

DRAFT

Council Policy – Urban and Rural Verge

Responsible Directorate	Operations
Responsible Business Unit/s	Operations
Responsible Officer	Manager Operations
Affected Business Units	Engineering Services Strategic Planning

Objective

The objective of this Policy is to provide direction in the maintenance and development of road verges within urban and rural areas of the Shire of Serpentine Jarrahdale (the Shire). The principles and priorities of this Policy are set out in accordance with the *Public Places and Local Government Property Local Law 2019*, and ensure that public health and safety, social and environmental benefits, amenity, and aesthetics are considered in all verge developments.

A verge is classified as the area between the edge of a road (kerb) and an adjacent property boundary. Verges are owned by the Crown but vested in by the Shire. The purpose of a road verge is to provide a buffer between the road and private property, or where public facilities such as footpaths, bus stops and parking bays may be placed. Road verges can also accommodate for essential services such as power, water, and communications.

Scope

Using industry standards and best practice, the Shire has developed the Urban and Rural Verge Policy Guidelines (Verge Guidelines) to assist property owners and occupiers to ascertain what is permitted on urban and rural verges, and the processes to follow if Shire approval is required.

This Policy only applies to a new verge treatment, or changes to an existing verge. The policy is not retrospective and existing, compliant verge treatments can remain. Commercial or industrial verge areas are covered within the Development Application and are excluded from this Policy.

Policy

Introduction

This Policy outlines the requirements for verge treatments and maintenance by property owners, and the Shire's responsibilities to ensure public safety and mitigate fire risk.

Permissible Verge Treatments

Property owners wishing to develop their verge with landscaping are supported and encouraged to do so. All proposed verge treatments should complement the Shire's Urban and Rural Forest Strategy and Council Policy – ~~Street Shire~~ Trees and are required to take into consideration the retention and protection of existing trees and remnant vegetation.

Subject to the conditions as outlined in the Verge Guidelines, the following treatments can be installed within a road verge:

- Waterwise gardens.
- Lawn treatments.
- Edible gardens.
- Organic mulch.
- Reticulation.
- Acceptable hardstand materials (refer to Verge Guidelines)

Non-Permissible Verge Treatments

- Retaining walls or other obstructions such as rocks, posts or raised garden beds.
- Artificial turf.
- In-situ concrete or any asphalt material (crossovers and footpaths are excluded).
- Compacted materials, such as limestone, gravel, or blue metal fines (acceptable on rural verges as per Verge Guidelines).
- Loose materials such as gravel, blue metal (acceptable on rural verges as per Verge Guidelines).
- Loose materials such as sawdust, crumbled rubber, or crushed bricks.
- Private infrastructure such as letter boxes, water meters, and electrical wiring.

Design Considerations

- Sight lines and truncations.
- Plant height and plant selection.
- Existing street trees and native vegetation.
- Public access and safety.
- Existing streetscape design.
- Potential hazards.
- Existing utilities and infrastructure.

Property Owner Responsibilities

The property owner or occupier is responsible for maintaining all verges abutting their property in a neat and tidy condition, in accordance with *Public Places and Local Government Property Local Law 2019*. Maintenance tasks may include, but are not limited to:

- Mowing/slashing.
- Weed control.
- Fire mitigation.
- Plant watering.
- Rubbish removal.

Shire Responsibilities

The Shire retains the right to undertake works on the road verge including construction, maintenance, mowing, pruning, pest and weed control and any other action as determined. The Shire is responsible for all street trees, remnant vegetation and drainage infrastructure. The Shire will undertake the mowing or slashing of some road verges in areas including community facilities and open space areas like parks and reserves, in addition to maintenance requirements associated with road hierarchy. The Shire will not mow or slash road verges fronting private or commercial property unless it is deemed necessary for the maintenance of essential infrastructure or sight lines.

The Shire maintains an extensive drainage network designed to prevent the flooding of roads and properties. Maintenance tasks include the replacement of damaged pit lids, grates and other infrastructure when required, in addition to mowing/slashing and rubbish removal to ensure drain functionality. Refer to the Verge Guidelines for more information.

Re-Instatement of Verge Treatments

It is important to note that both the Shire and utility services such as water, gas, electricity, sewage, fire services and telecommunications have access rights to the road reserve and may be required to excavate the verge periodically.

The Shire generally endeavours to contact landowners prior to undertaking works that could damage landscaping. In general, property owners who have modified the verge area will not be compensated for any loss of vegetation or landscaping items because of these works.

Protection of Verge Trees and Remnant Vegetation

Any proposed clearing of native vegetation or street trees within the verge will require a clearing permit from the Department of Water and Environmental Regulation (DWER), as well as permission from the Shire.

In addition, rural verges may be home to threatened ecological communities and protected native vegetation, meaning that further permission may be required by the Department of Biodiversity, Conservation and Attractions (DBCA). Any unauthorised clearing is classed as unlawful.

Street trees, even in rural settings, are considered property of the Shire of Serpentine Jarrahdale and the Shire's approval is required to remove or alter trees.

For this reason, any proposed works on verges containing remnant vegetation requires the submission of a Verge Treatment Variation Application Form found on the Shire's website, and approval in writing from the Shire.

In most cases, any activities that will disturb remnant vegetation will not be approved, unless there are serious mitigating circumstances as determined by the Shire.

Fire Mitigation and Hazard Reduction

Rural verges can require careful management of fuel loads to minimise the threat from fire. Property owners are encouraged to consider the verge adjoining their properties as a part of their land's overall fuel management plan.

Activities such as slashing, the reduction of leaf litter and removal of fallen branches are acceptable methods to address the fuel load. Although it is not encouraged, Verge Burning Permits can be found and applied for through the Shire's website. Written approval must be received from the Shire and the permit authorised by the local Fire Control Officer.

In most cases, the burning of verges that contain any remnant vegetation will not be approved, unless there are serious mitigating circumstances as determined by the Shire. Any verge burning must be accompanied by post-fire weed control by an appropriate professional, as fire often encourages the growth of highly flammable weeds and can increase fire hazard.

Exemption and Variations to Policy

Works relating to an authorised and compliant crossover are exempt from this Policy.

Emergency works and urgent safety works carried out by the Shire, utility or emergency services officers are not subject to the provisions of this Policy.

The local government should be consulted to determine whether Policy exemptions apply.

A variation to this policy will be assessed against the objectives of this policy where adequate justification is provided, and the intent of the policy is deemed to have been met.

Non-Compliance

Non-compliance with the verge policy could result in enforcement action in accordance with the provisions of the Public Places and Local Government Property Local Law 2019.

Initially, a request will be made in writing to remove the non-compliant treatment. If this does not occur, the Shire may take action to remove the treatment and recover the costs from the resident responsible. In extreme cases the Shire may commence prosecution or court action.

If a verge treatment is a type that may be considered under the provisions for variations of the policy, then a retrospective application may be made for a variation to the verge policy.

Definitions

Boundary means the dimensions of the property shown on the survey plan.

Crossover means the connecting driveway between the kerb line and the boundary of the property.

Edible Garden refers to edible landscaping that uses fruit, vegetables, herbs, and edible flowers.

Hardstand is a paved or hard-surfaced area on which vehicles, such as cars, may be parked.

Impermeable means a material that prevents water and oxygen from passing through. Kerb is a stone edging to a pavement or raised path.

Impermissible means it is not accepted as it goes against law or rules.

Infrastructure is the basic systems and services, such as transport or power supplies, that the Shire uses in order to work effectively.

Modification means an improvement, addition, or alteration from its natural state.

Mulch is a material such as decaying leaves, bark, or compost that is spread around or over a plant to enrich or insulate the soil.

Path means a bicycle path, footpath, separated footpath, and shared path as defined in the Road Traffic Code 2000.

Paver is a landscaping material designed to be used outdoors. Typically made of concrete, stone, or brick they are set on a prepared stone, sand, or mixed base.

Permeable means a material that allows full infiltration of water and oxygen through it.

Permissible means that it is acceptable as it does not break any law or rules.

Property Owner is a holder or proprietor of land who has a legal interest and owner rights to the property, such as a block of land or a building.

Reticulation is a network of pipes used in irrigation and water supply.

Road Reserve means any land dedicated at common law or reserved, declared, or otherwise dedicated under an Act as an alley, bridge, court, land, road, street, thoroughfare, or yard for the passage of pedestrians, vehicles, or both.

Semi-permeable means a material that allows some infiltration of water and oxygen through it.

Street-Shire Trees are trees identified by the Shire as an asset, planted within the road reserve.

Truncation Area is a visual truncation that is required near a driveway or intersection, allowing for clear line of sight onto a street, right-of-way, or footpath. This contributes to the safe movement of vehicles and pedestrians in public spaces.

Variation means a modification or addition to the proposed verge treatment that meets the objectives of the policy.

Verge means the portion of land between a property boundary and the road kerb, bitumen edge, or edge of a maintained trafficable surface. It may accommodate public utilities, footpaths, stormwater flows, street lighting poles, street trees and other landscaping.

Waterwise is a term used to describe a water and plant management practice that emphasizes the use of plants that have lower supplemental water needs and grouping plants by water needs to encourage efficient water use.

Related Documents

- Council Policy ~~2.1.12~~ – **Street-Shire Trees**
- Urban and Rural Verge Policy Guidelines
- Council Policy ~~2.3.1~~ – Control of Weeds
- Urban and Rural Forest Strategy
- Local Planning Scheme No 3

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Public Places and Local Government Property Local Law 2019*
- *Town Planning and Development Regulations 2009*
- *Road Traffic Code 2000*

Amendment Record

Relevant Delegations			
		Date	Resolution Number
Council Adoption		18/11/2024	OCM333/11/24
Version	Date	Resolution Number	Amendment Details
2			New template. <u>Updated reference from street trees to Shire trees.</u>

DRAFT

TO BE RESCINDED**Council Policy – Use of the Shire Logo and Branding**

Responsible Directorate	Community Engagement
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Manager Communications and Customer Engagement
Affected Business Units	All

Objective

The objective of this policy is to ensure consistent management and appropriate use of the Shire's corporate logo and other related branding elements by external organisations and groups.

Scope

This policy applies to organisations which are external to the Shire of Serpentine Jarrahdale (the Shire) and which seek to utilise the Shire ~~of Serpentine Jarrahdale~~ corporate logo or branding for any purpose.

Policy**Introduction**

From time to time organisations external to the Shire ~~of Serpentine Jarrahdale~~ may wish to use the Shire's logo and or corporate branding on its publications. This policy will provide guidance where these situations arise.

Shire of Serpentine Jarrahdale Logo

The Shire ~~of Serpentine Jarrahdale~~ logo is the organisation's primary corporate brand mark. The consistent and professional application of this logo ensures appropriate recognition for the Shire while also protecting brand and reputation.

Corporate branding and logos

The Shire develops and uses, from time to time, a range of corporate branding and logos in its official marketing and promotional publications and materials. Such corporate branding and logos remain the property of the Shire.

Use of corporate branding and logos

Any Shire ~~of Serpentine Jarrahdale~~ corporate branding or logos are not to be used by any person or entity without the express authorisation of the Shire.

The use of the Shire's corporate branding or logo by any organisation is free of charge and is to be authorised under the following circumstances:

- Used by an entity that is in partnership with the Shire, however ~~the usage~~ may only be used in activities and functions in relation to the partnership.
- Used by a person or entity in acknowledgement of the Shire's provision of sponsorship or in-kind support, however may only be used in activities directly related to the sponsorship.
- Used by a person or entity in the promotion of a not for profit undertaking that is aligned with the strategic objectives of the Shire and where the use is considered to have the effect of promoting the Shire.

Applications to use

Applications are to be made prior to any use occurring and are to be made in writing, specifying the planned use of the corporate branding or logos, including but not limited to:

- (a) The full text of the materials to which the corporate branding or logos are proposed to be applied.
- (b) A visual representation of how the corporate branding or logos will look once published.
- (c) The manner and format by which the materials are to be distributed or published.
- (d) Contact details of the person(s) who will be responsible for the correct usage of the corporate branding or logos as approved by the Shire.

Conditions of use

The following criteria is conditional on any authorisation for the use of the Shire's corporate branding or logos and is to be communicated to the applicant on issue of an authorisation:

- (a) Use of the corporate branding or logos is to be in accordance with the Shire's Corporate Style Guide. The Shire is to determine a period for which the approval remains valid.
- (b) The Shire retains the right to withdraw its approval, with the applicant subsequently being obligated to remove the Shire's corporate branding or logos from their materials and circulation.
- (c) Any other conditions deemed appropriate to the circumstances of the application. Limitations of commercial use

Approval to use Shire of Serpentine Jarrahdale corporate branding or logos will not generally be given for suppliers of commercial products or services if such a use could be inferred, directly or indirectly, as a testimonial or endorsement for said product or service.

Definitions

Corporate Branding refers to a wide range of tangible and non-tangible, visual and non-visual elements which contribute to the identity of the organisation.

Logo means a graphic representation or symbol which acts to identify an organisation. 'Logo', 'Council logo', 'Shire logo' and 'Shire of Serpentine Jarrahdale logo' refers to both the primary logo used by the Shire of Serpentine Jarrahdale on its printed materials, websites and general correspondence and any other logos, brand marks and/or visual devices which the Shire has developed at any given time.

~~**Corporate Branding** refers to a wide range of tangible and non-tangible, visual and non-visual elements which contribute to the identity of the organisation.~~

Related Documents

- Corporate Style Guide

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		29 September 2015	OCM187/09/15
Version	Date	Resolution Number	Amendment Details
2	18 December 2017	OCM179/12/17	
3	18 February 2019	OCM031/02/19	
4	2025		Formatted to new policy template

Council Policy – Waiving and Refunding of Development Application Fees

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning and Compliance
Responsible Officer	Director Development Services
Affected Business Units	Statutory Planning and Compliance <u>Building Services</u>

Objective

The objective of this Policy is to:

- To ensure there is a clear policy position within the Development Services directorate in relation to the waiving or refunding of fees for approvals and services provided by the directorate.
- Ensure the waiving or refunding of fees is applied in a consistent and justifiable manner.
- Guide officers in waiving or refunding fees under delegation from Council.

Scope

This policy applies to all applications submitted to the Shire of Serpentine Jarrahdale (the Shire) seeking approval under a relevant Act or Regulation for applications relating to Planning, Building and Health Matters.

Policy

1. Introduction

This Policy applies to circumstances where the Shire of Serpentine Jarrahdale (the Shire) may consider a request for the waiver or refund of fees for an approval or service provided by the Development Services directorate.

2. Exclusions

- 2.1. Financial hardship, personal circumstances or family circumstances are not grounds for the waiver or refunding of fees.
- 2.2. Fees relating to regulatory matters arising under the *Dog Act 1976* and the *Cat Act 2011* and the keeping and control of dogs and cats generally are excluded from the provisions

of this policy. Requests to waive or refund fees in relation to these matters will not be considered.

2.3. For building applications, fees will not be waived or refunded in the following circumstances:

- a. For uncertified domestic building work – where the value of the works is less than \$100,000.
- b. For certified domestic building work – where the value of the works is less than \$200,000.
- c. For certified commercial building work – where the value of the works is less than \$400,000 in value.

3. Waiving of Fees

3.1. The Director Development Services may consider and decide a request to waive fees in accordance with this policy.

3.2. A reduction in fees by 50% may be approved where the applicant is endorsed by the Australian Taxation Office as a not-for-profit organisation.

3.3. The request to waive fees must be:

- a. made prior to the submission of the application for the approval or services to which the fees relate;
- b. in writing setting out reasons for the request; and
- c. include proof that the applicant has been endorsed by the Australian Tax Office as a not-for-profit organisation.

3.4. A 100% reduction in fees may be granted:

- a. For an application to change or vary an existing approval, where the need to change or vary the approval arises from an administrative error made by the Shire.
- b. For a development application made for approval to reconstruct (like-for-like) a building accidentally destroyed through a natural disaster or event.
- c. For a food business registration and food safety assessment fees, where the food business:
 1. is registered and operated by a school; or
 2. is registered and operated by a sporting group; or
 3. is registered and operated by a non-for-profit or charitable organisation; and
 4. the Director Development Services is satisfied that the amount to be exempted is reflective of the benefit of the food business to the community.

4. Refund of Fees

4.1. The Director Development Services may consider and decide a request to refund fees in accordance with this policy.

4.2. Fees may be refunded to an applicant in the following circumstances:

- a. If the application is submitted but subsequently found by the Shire to not have been required – 100% of the fees will be refunded.

- b. If the Shire has not undertaken any assessment work and the application is subsequently withdrawn in writing within 7 days of the date of the application – 75% of the fees will be refunded.
- c. For applications for development and building approval, if the Shire has commenced the assessment of the application – 50% of the fees will be refunded where:
 - i. the application has not been advertised; and
 - ii. the application is withdrawn in writing by the applicant within 21 days of lodgement of the application or is withdrawn as a result of a request for further information.

4.3. A fee will not be refunded in the following circumstances:

- a. For development applications and building applications, clause 4.2(c) does not apply if more than 21 days have passed since the lodgement date of the application.
- b. For all other applications, assessment of the application by the Shire has commenced.

5. Costs and Expenses

5.1. The Shire will not waive or reduce any part of a fee that comprises:

- a. Costs or expenses that may be charged to an applicant where these are incurred through the provision of a service under Regulation 49 of the *Planning and Development Regulations 2009*.
- b. Outlays or expenses charged to the Shire by a third party that relate to the application.

6. Activities Undertaken Without Approval

6.1. Fees will not be waived or refunded if the application is made for the approval of an activity that has been or is already being undertaken without the necessary approvals in place, except where such reflects Council's adopted fees and charges.

Definitions

Applicant means the person or organisation who makes an application or formal request for an approval or service provided by the Health, Ranger, Building and Planning Departments at the Shire of Serpentine Jarrahdale.

Application means an application or formal request for an approval or service provided by the Health, Ranger, Building and Planning Departments at the Shire of Serpentine Jarrahdale.

Building application means an application for approval submitted in accordance with the *Building Act 2011*.

Development application means an application for approval submitted in accordance with the *Planning and Development Act 2005*.

Fees means fees levied in accordance with the Shire's Schedule of Fees and Charges for approvals and services provided by the Health, Ranger, Building and Planning Departments at the Shire of Serpentine Jarrahdale.

Food business means a business, enterprise or activity as defined in Section 10 of the *Food Act 2008*.

Food business registration means the registration of a food business in accordance with Section 110 of the *Food Act 2008*.

Refund means the repayment of fees paid by a person or organisation to that person or organisation either in part or in full.

Waive means to reduce the fees payable by a person or organisation either in part or the full amount.

Related Documents

[Nil.](#)

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Food Act 2008*
- *Planning and Development Act 2005*
- *Public Health Act 2016*

Amendment Record

Relevant Delegations		Refer to register of Delegations and Sub-delegations (as amended)	
		Date	Resolution Number
Council Adoption		18 December 2017	OCM179/12/17
Version	Date	Resolution Number	Amendment Details
2	16 September 2019	OCM195/09/19	
3			New template and updated scope

Council Policy – Water Supply - Domestic

Responsible Directorate	Development Services
Responsible Business Unit/s	Environmental Health Building Services Community Safety
Responsible Officer	Manager Health, Building and Community Safety
Affected Business Units	<u>Environmental Health</u> <u>Building Services</u>

Objective

The Council recognises that due to the diversity of the Shire of Serpentine Jarrahdale (the Shire), different solutions may be required to ensure the supply of a safe water supply for domestic use. This policy establishes the acceptable alternatives.

Scope

This Policy applies to all residential properties that do not have access to a mains water supply and aims to ensure a reliable, safe, and sustainable water supply for household needs.

Policy

Water supply – One 92,120,000 litre (20,000-gallon) rainwater tank (which includes a 10,000-litre reserve for firefighting purposes) to be provided for domestic purposes unless an alternative adequate water supply can be proven (i.e. permanent, plus both chemically and bacteriologically sound). Supply to be established before a health test.

An alternative adequate water supply

- Bore water from a properly encased bore greater than 8 metres in depth with the bore protected from contamination and the supply meeting government standards on water quality.
- Combination of surface water, reticulation to the dwelling with a minimum 4,500 litre rainwater tank reticulated to a third tap in the kitchen.
- Surface waters which have been chlorinated.

This Policy is to be read in conjunction with any provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme as they apply to the property in question. This Policy is designed to provide clarification to the interpretation of the Town Planning Scheme and not to supersede it.

Definitions

Nil

Related Documents

- [Strategic Community Plan 2017 – 2027](#) [Council Plan 2023-2033](#)

- ~~Shire of Serpentine Jarrahdale Town Planning Scheme~~ State Planning Policy 3.7 – Planning in bushfire prone area's

Legislation / Local Law Requirements

- Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Health Local Laws 1999
- ~~Nil~~

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		15 December 2008	CGAM050/12/08
Version	Date	Resolution Number	Amendment Details
2	29 September 2015	OCM187/09/15	
3	18 December 2017	OCM179/12/17	
4	2025		Formatted to new policy template. <u>Updated capacity of tank from 92,000L to 120,000L.</u>

TO BE RESCINDED

Council Policy – Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections

Responsible Directorate	
Responsible Business Unit/s	
Responsible Officer	
Affected Business Units	

Objective

The objective of this policy is to deal with matters associated with the collection of vergeside bulk waste, in accordance with the Shire of Serpentine Jarrahdale *Waste Management Strategy 2020-2024*.

Scope

This policy applies to Shire residents who may be eligible for a free, on demand collection service for their bulk waste items. In addition, to provide on demand collection options for large bulk waste items, for residents who are not eligible for the free service and the provision of free rental trailers.

Policy

A free on demand collection service, fee payable on demand collection service and free trailer hire will be administered in accordance with the following.

Key Considerations

Eligibility for the free / fee payable on demand collection services:

- which groups are eligible for the free on demand collection service;
- the cost to provide the services;
- the number of services to be provided;
- the criteria for eligibility;
- the benefit to the Shire / residents to provide the services;
- what items can be collected;
- the charge to be applied for fee payable service;
- the bond required to hire a trailer.

Eligible Groups

The following groups / residents are eligible to receive the free on demand collection service:

- National Disability Insurance Scheme (NDIS);
- Pensioners (physically impaired);

Council Policy – Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections



- Long-term injury / illness (six plus months).

The following residents are eligible to access the fee payable on demand collection service:

- Shire of Serpentine Jarrahdale residents.

The following residents are eligible to access the free trailer hire service:

- Shire of Serpentine Jarrahdale residents.

Criteria for Free On Demand Collection Service

To be eligible for a free on demand collection service, residents must meet one of the following criteria:

- evidence of NDIS registration / plan;
- evidence of Pensioner status, plus self-certification for eligibility of services;
- evidence of medical status for long-term injury / illness and self-certification for eligibility of services.

Approval Process

Free On Demand Collections

Eligible residents are requested to complete the application form online or in person at the Shire Administration Office.

Shire officers will review the applications and contact the residents to confirm eligibility or request additional information.

Shire officers will schedule the on demand collection(s) with the contractor for the next available on demand collection date and provide the on demand collection instructions to the resident.

Fee Payable On Demand Collections

Eligible residents are requested to complete the application form online or in person at the Shire Administration Office including making payment by one of the payment methods as per the Shire's Schedule of Fees and Charges.

Shire officers will review the applications and contact the residents to confirm eligibility or request additional information.

Shire officers will schedule the on demand collection(s) with the contractor for the next available on demand collection date and provide the on demand collection instructions to the resident.

Trailer Hire Service

Eligible residents are requested to complete the application form online or in person at the Shire Administration Office.

Shire officers will process the application, bond payment (as per the Shire's Schedule of Fees and Charges) and make the booking with the Transfer Station staff.

Approval Process Considerations

The following are the pertinent factors that should be considered in determining approval of the on demand collection services and trailer hire:

Free On Demand Collections

- the residents are located in the Shire of Serpentine Jarrahdale;

Council Policy – Watkins Road Transfer Station and Recycling Centre – On Demand Waste Collections

- the residents can provide the appropriate evidence of their eligible category;
- the items that require on demand collection are on the accepted item list;
- the residents self-certify their eligibility for a free on demand collection.

Fee Payable On Demand Collections / Trailer Hire Service

- the residents are located in the Shire of Serpentine Jarrahdale;
- the residents have a suitable vehicle to tow the rental trailer.
- Shire rental trailers are not to be used to pick up mulch from the Watkins Road Transfer Station.
- Shire rental trailers are not to be taken outside the Shire boundary which if breached will incur forfeiture of the trailer bond.

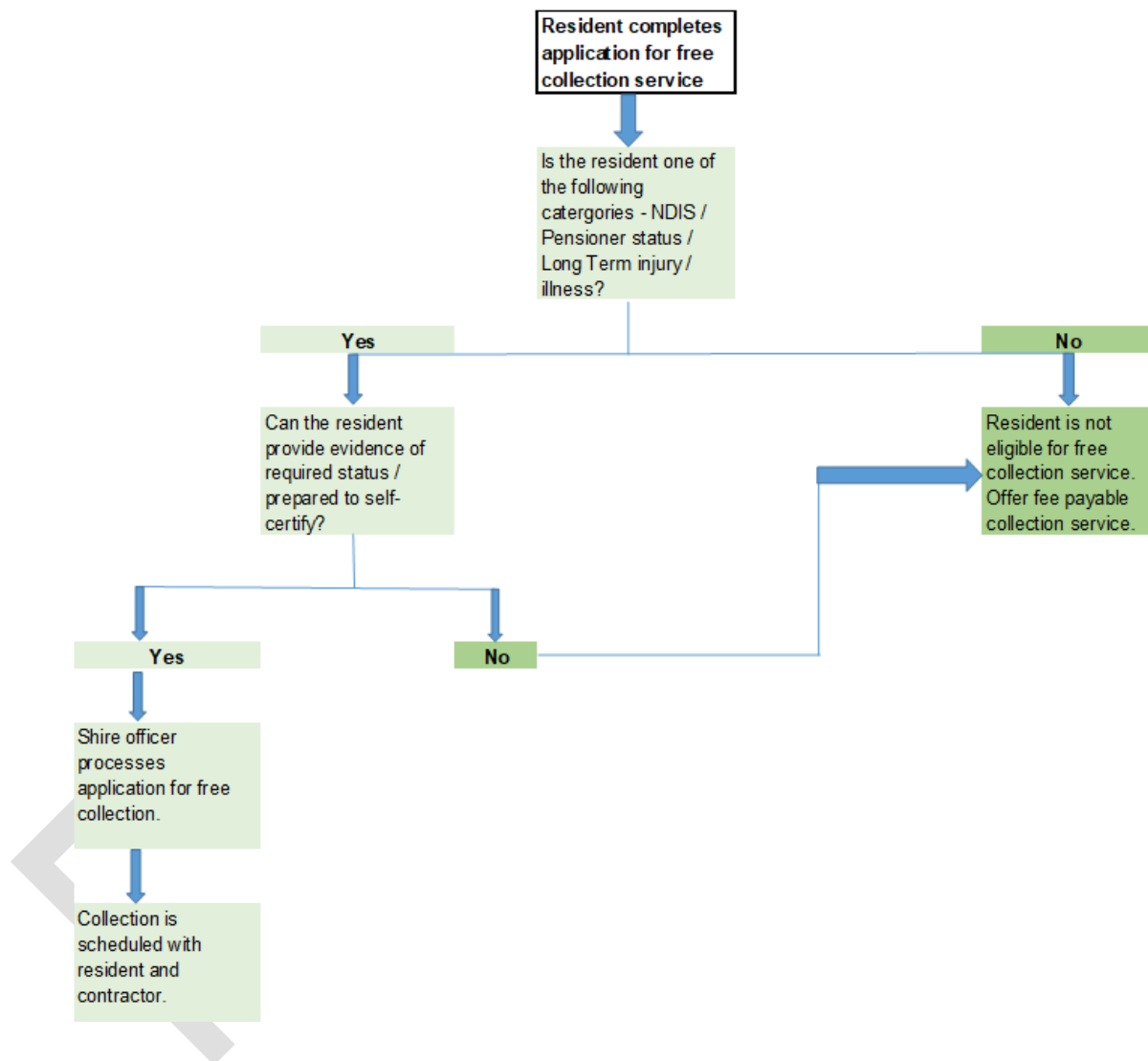
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On Demand Collection Services Framework

To illustrate, the Shire has prepared the following flow-chart to provide guidance on the decision making process for eligibility of services.

Eligibility for Free On Demand Collection



Related Documents

- Waste Management Strategy 2020-2024
- Application for a Free On Demand Waste Collections
- Application for a Fee Payable On Demand Waste Collections
- Application for Trailer Hire Service
- Terms and Conditions of Trailer Hire Service

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Waste Avoidance and Resource Recovery Act 2007*

Amendment Record

Relevant Delegations		Nil. or Refer to Register of Delegations and Sub-delegations (as amended)	
		Date	Resolution Number
Council Adoption		14 December 2020	OCM395/12/20
Version	Date	Resolution Number	Amendment Details



DRAFT
RESOLVED

Council Policy – Weed and Pest Management

Responsible Directorate	Infrastructure Services <u>Operations</u>
Responsible Business Unit/s	Operations
Responsible Officer	Manager Operations
Affected Business Units	Operations, Engineering

Objective

The objective of this Policy is to provide direction in the management of pest and weed species, including the use of pesticides. The Shire of Serpentine Jarrahdale (the Shire) takes an integrated weed and pest management approach towards controlling invasive weeds and other pests on land that is owned or managed by the Shire, including parks and sport fields, streetscapes, verges, pathways, and conservation areas. The Shire uses industry best practice, in addition to the adherence of all relevant legislation and guidelines to ensure responsibilities for environmental, legal, economic, public health and safety, and community are fulfilled.

Scope

This Policy applies to all Shire employees, as well as contractors and volunteers, who undertake work on behalf of the Shire, for the control of weeds and pests within property owned or managed by the Shire.

Policy

Integrated weed and pest management is important to ensure compliance with State legislation, community safety and environmental health. Under the *Biosecurity and Agriculture Management Act 2007* (BAM Act), Local Governments are responsible for weed control within their boundaries.

The Shire will ensure responsible management of weed and pest control and endeavour to reduce the use of pesticides by taking a proactive approach to trial sustainable alternatives to control weeds and pests, where feasible and within resource limitations and budgets.

The Shire uses a diverse range of techniques to control and prevent the spread of weeds and pests, including:

- mechanical – mowing, slashing, forestry mulcher and whipper snipping,
- physical /manual – hand weeding, weed matting, ~~and~~ mulching, pruning
- biological control – using beneficial insects or pathogens to control pests, livestock (goats/sheep) grazing,
- fire – controlled burning to limit or eradicate weed species,
- appropriate plant selection to smother weeds (e.g., ground covers),
- turf management practices,
- cleaning of machinery and equipment between sites to reduce spread,

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- travel on designated pathways and tracks, to reduce spread,
- herbicide application in parks, garden beds, natural areas, road verges, kerb lines, pathways, drainage areas, fence lines, roundabouts, and median strips,
- pesticide application for pest animals, insects, nematodes, and plant pathogens,
- use of chemical free herbicides, and
- alternative methods – solarisation, steam, electric wand.

Other processes used to manage weeds and pests include:

- ~~P~~Ensuring pesticide use near schools, daycare centres or the like, scheduled to occurs, where possible, outside of school hours, or during times where the number of people present is reduced. Signage is used at all locations where spraying occurs, to make the community aware of the works and that they can temporarily avoid the area if they wish.
- ~~Consulting~~ ~~Ensuring~~ ~~SS~~afety Data Sheets (SDS) ~~are consulted~~ before using chemicals. The purpose of a SDS is to provide specific information related to the chemical or product, such as its identity, hazards, composition, safe handling, storage, disposal, and emergency procedures. SDSs are intended to inform and protect workers and the environment from any associated risks. The appropriate Personal Protection Equipment (PPE) can then be sourced and used as necessary.
- ~~Using~~ ~~p~~Ensuring ~~that~~ pesticide ~~that are~~ are fit for purpose and applied in accordance with label directions and/or any provisions of a minor use permit issued by the Australian Pesticides and Veterinary Medicines Authority (APVMA). In addition to safeguarding that pesticides are applied in accordance with the Health (Pesticides) Regulations 2011.
- Staying up to date with industry best practice, and networking with other stakeholders such as Western Australian Local Government Association (WALGA)'s Integrated Weed Management Working Group, Natural Resource Management (NRM) groups, Landscape Industry organisations, Greenlife Industry Australia, State Government Departments, Peel Harvey Biosecurity Group, and Regulatory Authorities.
- Ensure the Shire meets its legal responsibilities (including BAM Act, Local By-Laws, *Bush Fires Act 1954*, and *WA Public Health Act 2016*) to control unwanted weeds and pests within the Shire.
- Provide ongoing risk assessments and management while undertaking weed and pest control, to protect the health and environmental values of the community.
- ~~S~~Ensure Shire employees and contractors involved in the Shire's weed and pest management will have the appropriate training (including registered licences where required) to deliver effective, safe, and appropriate pest control.
- Provide weed and pest control awareness and education to residents. Liaise where necessary with volunteers, community groups and government agencies engaged in the control of invasive weeds and pests (such as Serpentine Jarrahdale Landcare Group and Peel Harvey Biosecurity Group).
- Weed Identification and Management Guidelines to be available to residents via the Shire's website. This document outlines common weeds of the area, including Declared Pest Plants and Weeds of National Significance, and what property owners can do to manage them on their properties.

Urban Properties – No Spray List

Residents can register their property to have their verge placed on the Shire's No-Spray List. By doing so, the property owner must commit to the management of weeds on and in front of their properties. The Shire's No-Spray list is renewed yearly as of 30 June. Property owners are required to re-register their interest annually via the Shire's website.

Rural Properties – Resident Managed Verge

Rural property owners can also apply to become solely responsible for the verge adjoining their property, undertaking all maintenance activities including weed removal and control. If the application is approved, the Shire will register the verge as a Resident Managed Verge. The Shire will erect yellow posts, with Managed Verge sticker, on either side of the property boundary allowing for identification by Shire officers and contractors.

Definitions

APVMA is the Australian Pesticides and Veterinary Medicines Authority.

Integrated Weed and Pest Management is the coordinated use of a variety of methods for the prevention, control, and monitoring of pests.

NRM is the Natural Resource Management.

Pest is ~~an unwanted insect or animal, insect,~~ pathogen, or disease that has an adverse impact on the surrounding natural environment and or human health.

Pesticide is an ingredient used to destroy unwanted plants, insects, or other organisms. Includes herbicide, fungicide, insecticides, algacides, nematicides.

WALGA is the Western Australia Local Government Association.

Weed is a plant growing where it did not previously exist where it is not wanted, and has an adverse impact on the surrounding environment, human health or amenity.

Related Documents

- ~~Strategic Community Plan 2017–2027~~ Council Plan 2023-2033

Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Agricultural and Related Resources Protection Act 1976*
- *Biosecurity and Agriculture Management Act 2007*
- *Pest Plants Local Law 1986*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		25/10/1999	E09
Version	Date	Resolution Number	Amendment Details
1	24/06/2002	SM077/06/02	
2	23/06/2003	SM057.2/06/03	
3	24/05/2004	SM047/05/04	
4	25/01/2010	OCM023.1/01/10	
5	26/03/2012	OCM101/03/12	
6	29/09/2015	OCM187/09/15	
7	18/12/2017	OCM179/12/17	
8			New template and formatting changes. Updated definitions and inclusion of Weed Identification and Management Guidelines information