



Shire of Northam
Heritage, Commerce and Lifestyle

POLICY MANUAL

Section I

Excludes Local Planning Policies, See Section II

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Contents

FOREWORD	6
Section II – Shire of Northam Planning Policies	7
Shire of Northam Local Planning Scheme No. 6	7
INTRODUCTION	8
POLICY ..	11
GOVERNANCE	14
G 1.1 Council Members - Continuing Professional Development	14
G 1.2 Attendance at Events - Council Members and the Chief Executive Officer	17
G 1.3 Attendance by the Chief Executive Officer at Events	21
G 1.4 Code of Conduct for Councillors, Committee Members and Candidates	22
G 1.5 Legal Representation for Council Members and Employees	33
G 1.6 Approval of annual & long service leave for the CEO and appointment of an Acting CEO	39
G 1.7 Senior Employees	43
G 1.8 Risk Management	44
G 1.9 Council and Committee Member and Staff Interactions and Requests for Information	50
G 1.10 Communications and Social Media Policy	53
G 1.11 Corporate Uniform – Council Members	59
G 1.12 Smoking & Vaping Policy	60
G 1.13 Alcohol Consumption	62
G 1.14 Gratuity, Gifts and Service Milestones	63
G 1.15 Code of Conduct – Employees, Volunteers, Contractors and Agency Staff	66
G 1.16 Acceptable Use of Information Communication Technology (ICT) Resources – Council Members	76
G 1.17 Acceptable Use of the Shire’s Computing & Communication Resources – Council Staff	78
G 1.18 Credit Card Use	79
G 1.19 Public Interest Disclosure	81
G 1.20 Organisational Structure	83
G 1.21 Council Members Leave of Absence	85
G 1.22 Work Health & Safety Policy	87
G 1.23 Code of Conduct Behaviour Complaints Management	89
G 1.24 Authorising Documents and Affixing the Common Seal	99
G 1.25 Fraud and Corruption Control	104
G 1.26 Condolences and Bereavement	106

COMMUNITY SUPPORT	109
C 3.1 Community Grants Program.....	109
C 3.2 Shire of Northam Library Service.....	117
C 3.3 Art Policy.....	118
C 3.4 Write Off / Waive Fees or Debts.....	122
FINANCE / ACCOUNTING.....	125
F 4.1 Accounting Policy	125
F 4.2 Procurement Policy	126
F 4.3 Investment Policy	138
F 4.4 Local Price Preference	142
F4.5 End of Year Surplus	143
F4.6 Asset Disposal.....	144
F 4.7 Annual and Long Service Liability Policy	148
F 4.8 Rates Hardship Policy.....	150
F 4.9 Panels Of Pre-Qualified Suppliers.....	154
F 4.10 Vehicle & Plant Management	155
F 4.11 Budget Variation Reporting.....	160
WORKS.....	164
W 5.1 Engineering – Technical Specifications – For Construction of Subdivisions, Roads & Stormwater Drains.....	164
W 5.2 Crossovers.....	165
W 5.3 Road Building Materials - Gravel.....	171
W 5.4 Notice of Entry for Public Services & Utilities	172
W 5.5 Street Tree Policy	174
W 5.6 Verges Policy.....	178
W 5.7 Asset Management Policy.....	182
W 5.8 Heavy Haulage Cost Recovery Policy	185
PLANNING.....	189
HEALTH.....	190
H 6.1 ALFRESCO – Outdoor Eating in Public Place	190
H 6.2 Short Term Use of Shire Ovals and Reserves for Accommodation	192
H 6.3 Genetically Modified Crops.....	194
H 6.4 Temporary Accommodation during the Construction of a Dwelling	195
H 6.5 Disused Motor Vehicles	198
H 6.6 Conversion of Class 10 Buildings to Class 1 Habitable Buildings.....	200
H 6.7 Portable Signs on Thoroughfares	202
H 6.8 Political Issues Signs.....	206
H 6.9 Trading on Thoroughfares & Public Places.....	207

BUILDING	211
B 7.1 Amalgamation of Lot for Building Sites.....	211
B 7.2 Retaining Walls.....	213
B 7.3 Roof Drainage - Townsites.....	214
B 7.4 Signs – Building Permit Requirements	221
B 7.5 Water Tank Installations.....	222
B 7.6 Electric Fences Policy (Revoked).....	223
ADMINISTRATION.....	224
A 8.1 Policy on Harvest, Vehicle Movement and/or Hot Works Bans.....	224
A 8.2 Policy for Children on a Fire Ground	225
A 8.3 Records Management	226
A 8.4 Complaints Management	229
A 8.5 Property Management (Leases and Licences)	233
A 8.6 Consent to Consume Liquor in or on a Council Property (Public Place)	244
RANGER SERVICES	248
R 9.1 Multiple Dog Policy.....	248

FOREWORD

The 1995 Local Government Act envisaged the separation of the roles of the Council and the Chief Executive Officer.

In summary the Act envisaged that the roles would be as follows:

COUNCIL

Responsible for decision making and policy.

CHIEF EXECUTIVE OFFICER

Responsible for day to day management under those policies

The roles of the Council and the Chief Executive Officer are complimentary and focused at achieving the strategic objectives of the Local Government.

Effective role separation provides a number of benefits to the organisation and promotes effective local government. In particular it achieves:

- A focus by the Council on the strategic issues;
- A real need for Council to identify policy issues and address decision making on key issues.

Section II – Shire of Northam Planning Policies

- LPP 1 - Outbuildings (Revoked)
- LPP 2 - Site Construction, General Development and Subdivision Guidelines
- LPP 3 - New Transportable, Relocated and Second Hand Dwellings
- LPP 4 - Home Employment (Home Business, Home Occupation, Home Office, Home Store, Industry-Cottage and Rural Home Business) (Revoked)
- LPP 5 - Use and Control of Sea Containers and Similar Storage Containers
- LPP 6 - Construction of Additional Dwellings on Rural Zoned Land
- LPP 7 - Development and Subdivision Contribution
- LPP 8 - Retrospective Planning Applications and Fees
- LPP 9 - Northam Airport Development
- LPP 10 - Developments Abutting Rights Of Way
- LPP 11 - Tree Preservation - Grevillea Street Subdivision Area
- LPP 12 - Animal Establishment
- LPP 13 - Ancillary Accommodation
- LPP 14 - Farmstay Accommodation and Bed And Breakfast Establishments
- LPP 15 - Road and Subdivision Requirements in the Rural Residential Zone
- LPP 16 - Advertising Signs
- LPP 17 - Avon Industrial Park Guidelines
- LPP 18 - Heritage Precincts
- LPP 18 – Development Guidelines for the Fitzgerald Street Heritage Precinct (Appendix 1)
- LPP 18 – Development Guidelines for the Gordon Street Residential Heritage Precinct (Appendix 2)
- LPP 19 - Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones
- LPP 20 - Advertising of Planning Proposals
- LPP21 - Extractive Industry
- LPP22 – Unallocated
- LPP 23 - Outbuildings in the Residential & Mixed Use Zones
- LPP 24 - Outbuildings in the Rural Residential, Rural Smallholding & Rural Zones

Shire of Northam Local Planning Scheme No. 6

- PART 1 - Preliminary
- PART 2 - Local Planning Policy Framework
- PART 3 - Reserves
- PART 4 - Zones and the Use of Land
- PART 5 - General Development Requirements
- PART 6 - Special Control Areas
- PART 7 - Heritage Protection
- PART 8 - Development of Land
- PART 9 - Applications for Planning Approval
- PART 10 - Procedure for Dealing with Applications
- PART 11 - Enforcement and Administration

INTRODUCTION

This Policy Manual is intended as a guide to members, staff and the public on the normal practices and activities of the organisation. The policies do not require absolute adherence, but may be changed as circumstances dictate, in accordance with Council's directions and amended by Council from time to time.

Staff are expected to comply closely with the spirit and intention of the policies and to use care and discretion in implementing the policies to ensure the best possible outcome, whether or not a particular event complies totally with the stated policy. Implementation must be fair, consistent and effective, with the emphasis on guidance and assistance rather than compulsion and inspection.

Council, in its absolute discretion, reserves the right to amend, add, delete or apply wholly or in part or not at all, any or all of the policies without notice.

This document does not stand alone, but is part of a "hierarchy", which comprises (in order of priority) –

- Legislation – Acts of Parliament, Regulations etc.
- Common Law – legal precedent, interpretation and decisions made by courts
- Delegated legislation – local laws, town planning policy
- General policy – administrative policy

To aid in understanding the complexity of the administrative process, the following information is provided to address the subjects of policy, procedures and delegations.

Definitions

The Local Government Act has not defined the term "delegation" or "delegated power", however:

- S5.16 refers to "... the exercise of any of its powers and duties..."
- S5.42 refers to "... the exercise of any of its powers or the discharge of any of its duties..."

The term "policy" is not defined anywhere in the Act.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with enabling legislation.

"Authority" means the permission or requirement for a committee or the CEO to act in accordance with:

- the Local Government Act or other legislation or regulation;
- a delegation made by Council;
- a policy made by Council; or
- a specific decision of Council.

“*Delegation*” means the authority for a committee or the CEO to act on behalf of Council, where the power is either specifically or by implication, intended to be exercised by the elected member.

“*Policy*”, as the context requires, means either:

- a procedural direction to officers to implement Council’s wishes or instructions in a particular way; or
- the authority for officers to act, where that authority is not considered to be a delegation, but more procedural in nature.

“*Instruction*”, means the requirement for a staff member to act in accordance with a direction given by a senior officer of Council.

Head of Power

Unless stated otherwise, the Local Government Act 1995 constitutes the head power for Council to make policies.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to assign responsibilities and authority to various officers. In order to maintain consistency with the concepts of the Local Government Act 1995, all directions are made by the CEO, who is then responsible for the implementation of the function, either personally or through management of officers and staff.

It is Council’s expectation that the CEO will assign responsibilities relevant to a specialist or specific position to the appropriate person.

Process

It is a requirement of the Local Government Act, s5.18 and s5.46(1) that all delegations be reviewed at least once in each financial year.

In order to ensure that there is clear authority, and to ensure consistency and relevancy, Council and the appropriate officers will also formally review all policies at the same time, and their application confirmed.

In this way, the Policy Manual will be reviewed and a formal motion of application passed, prior to the commencement of the new financial year.

New Policies

Council may make new Policies at any time.

However, unless specifically stated that the authority is to be included in the Policy Manual, it will be assumed that the authority to act is for a specific matter and is not a general or on-going Policy.

As new policy is made, they will be appended to this Policy Manual for update at the next review.

Amended and Revoked Policies

Revoked and amended policies are to be retained as a Council record.

The full text of a policy will be retained as a Council record for future reference, to ensure that actions when reviewed in later years can be substantiated, and so that should queries be raised the application of policy and any amendments can be traced. New text pages will be replaced, amended and revoked text will be filed accordingly.

The history of the policy will be amended to show date and resolution number of the motion of the amendment.

Certification

Council formally reviewed this Policy Manual on and Resolution No Confirming its application to the Financial Year was made.

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President

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Chief Executive Officer

POLICY

DEFINITION

Policy development for the Shire of Northam is proposed within the following guidelines.

- **Intent**
 - Policy is a high level statement of how the Council will act.
- **Outcome**
 - Policy should be enabling and focus on outcome.
- **Certainty**
 - Policy should be non-negotiable.
- **Conceptual**
 - Policy does not detail procedures for implementation.

PROCEDURES – What are they?

(see Council's separate Procedures Manual)

These are the detailed tasks to be performed by staff in the completion of certain specified activities.

In the past, many procedures have had the consideration of the Council and act as a guide to staff as to how the Council wishes certain matters to be approached or resolved.

Procedures allow the staff to expedite action without the need to refer the matter to Council. Given the separation of roles under the Act, with Council relinquishing involvement with day-to-day management, procedures are now the responsibility of the CEO.

DELEGATION – What is it?

(see also Council's Delegation Register)

Section 5.42 of the Act provides for the delegation, by absolute majority, of some powers and duties to the CEO. Section 5.43 places limits on the extent of delegation where a local government **cannot delegate** to the CEO any of the following powers or duties:

- Any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph of section 5.43;
- Appointment of an auditor;
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government i.e. \$1,000.00; being one thousand dollars.
- Any of the local government's powers under sections 5.98, 5.99 and 5.100 (relating to the payment of sitting fees for elected members);
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5 of the Act;
- Any power or duty that requires the approval of the Minister or the Governor; or
- Such other powers or duties as may be prescribed.

For the purpose of further clarity, the following matters are identified as powers that cannot be delegated:

- Any matter relating to the payment of compensation in any form to either staff or members of the public;
- Any matters which substantially change the direction of Council's Strategic Plan;
- Any decision that is likely to involve unbudgeted expenditure;
- The changing or altering of any budget;
- The making or passing of Local Laws;
- Any decision which directly is intended to involve the Council in any litigation;
- The preparation of or adoption of a Town Planning Scheme amendment;
- The adoption of policy;

Under the accepted interpretation of the Local Government Act, the Health Act and the Local Government (Miscellaneous Provisions) Act, **the CEO is given a clear duty to carry out:**

- All of those administrative procedures that are not clearly specified under the Acts as a power of the elected Council;
- All administrative and management functions related to human resources (subject to s5.37 of the Act relating to Senior Employees);
- All functions that have been defined by the elected Council in Policy, Local Laws or are supported by previous accepted practices of the Council that comply with statutory and best practice standards;
- All those procedures that are contained within the Procedures Manual as endorsed by the elected Council.

This manual has been prepared to assist Council and staff members to administer the Shire of Northam by providing a copy of policies adopted by Council on a variety of matters.

The Manual should reduce the need to refer matters of a repetitive nature and/or of minor importance to Council for a decision as well as assisting Councillors and staff to readily answer queries raised by electors.

GOVERNANCE

G 1.1 Council Members - Continuing Professional Development

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4691
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995 s5.128

OBJECTIVE

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

SCOPE

This policy applies to Council Members of the Shire of Northam (Shire).

POLICY

The Policy consists of three parts which have distinct obligations.

‘Part 1: Mandatory Council Member Training’ sets out the legislative requirements that newly elected Council Members must undertake Compulsory Council Member Training. Newly elected Council Members who complete the Compulsory Council Member Training are deemed to have met their Continuing Professional Development (CPD) requirements under Part 2 for the first two years of their term.

‘Part 2: Continuing Professional Development’ requires Council Members to undertake CPD as determined by Council. This applies to all Council Members. However, newly elected Council Members who undertake the Compulsory Council Member Training under Part 1 are deemed to have met their Continuing Professional Development requirements for the first two years of their term.

'Part 3: Reporting' sets out the reporting requirements under the *Local Government Act 1995*.

Part 1 Mandatory Council Member Training

Council Members of the Shire of Northam have significant and complex roles that require a diverse skillset.

All Council Members elected to Council following the 2019 election are required under the *Local Government Act 1995* to complete the Council Member Essentials Course, unless they meet limited exemptions. The training is valid for five years so a Council Member is only required to undertake the training at every second election. The course must be completed within 12 months of appointment to Council.

1.1 Cost of Training

The Council Member Essentials Course will be sourced by the Shire of Northam at no cost to Council Members.

Part 2 Continuing Professional Development

Continuing Professional Development (CPD) opportunities will be provided to the Shire of Northam Council Members.

The opportunities will be in line with the strategic direction of the Shire of Northam:

- People;
- Planet;
- Place;
- Prosperity; and
- Performance.

Elected Members may attend professional development opportunities of their choice that supports their role as an Elected Member. Professional development can take several forms including formal qualifications, short-courses, seminars and conferences. Training paid for in accordance with this policy must have benefit to Council, the Shire and the community.

In accordance with Section 5.90A of the *Local Government Act 1995*, the definition of an event includes conferences. Council policy G 1.2 Attendance at Events – Council Members and the Chief Executive Officer governs attendance at conferences which may contribute to the professional development of an Elected Member.

2.1 CPD Hours

Each Council Member elected after 2019 must complete 10 CPD hours every two years from ordinary election to ordinary election.

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

All training will be funded by the Shire of Northam at no cost to Council Members.

Part 3 Reporting

The Shire of Northam is required to report annually on completed training. Completed training must be published on the Shire of Northam website for that financial year. This will include the Council Member Essentials Course and any continuing professional development undertaken by Council Members.

G 1.2 Attendance at Events - Council Members and the Chief Executive Officer

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4691
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995 s5.90A Local Government (Administration) Regulations 1996

OBJECTIVE

The Shire of Northam is required under the Local Government Act 1995 (the Act) to adopt a policy to govern the attendance at events for Elected Members and the Chief Executive Officer. The purpose of this policy is to outline the process associated with attendance at an event in accordance with section 5.90A of the Act.

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

SCOPE

This policy applies to Elected Members and the Chief Executive Officer of the Shire of Northam (the Shire).

POLICY

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

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

Elected Members and the Chief Executive Officer attend events to fulfil their leadership role in the community. Elected Members and/or the Chief Executive Officer may receive tickets or invitations to attend events to represent the Shire. The event may be a paid event or a ticket/invitation may be gifted in kind.

1. Pre-Approved Events

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

The Shire approves attendance at the events listed in Appendix A by Elected Members and the Chief Executive Officer.

All Elected Members and the Chief Executive Officer are entitled to attend pre-approved events. If there is a fee associated with a pre-approved event, the fee will be paid for by the Shire out of the Shire's budget (either beforehand or by way of reimbursement), unless the event is a conference which is dealt with under clause 4 of this policy.

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

2. Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval no later than three business days prior to the event for approval as follows:

- Events for the President will be approved by the Chief Executive Officer;
- Events for Councillors, the Deputy President and the Chief Executive Officer will be approved by the President.

Considerations for approval of the event include:

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

Where an Elected Member or Chief Executive Officer have an event approved through this process and there is a fee associated with the event, then the cost of the event will be paid out of the Shire's budget (either beforehand or by way of reimbursement), unless the event is a conference which is dealt with under clause 4 of this policy.

Where partners of an Elected Member or Chief Executive Officer attend an event, any ticket for that person, if paid by the local government, must be reimbursed by the Elected Member or Chief Executive Officer unless expressly authorised by Council.

3. Non-Approved Events

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

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

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

If the event is ticketed and the Elected Member or Chief Executive Officer pays a discounted rate or is provided with a free ticket then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days.

Any event where flights are associated with the attendance and are to be paid by the local government is a non-approved event.

4. Conferences

The Shire supports Elected Members and the Chief Executive Officer in attending conferences. Conferences encourage development and networking opportunities. Council policy Council Members - Continuing Professional Development governs conference entitlements.

5. Dispute Resolution

Any disputes under this policy are to be resolved by the President.

6. Reporting

Where attendance at an event is paid by the local government, the Council Member or Chief Executive Officer must report to Council on the benefit of attending the event.

APPENDIX A – Events Authorised in Advance (subject to available budgets)

- a. Advocacy lobbying or ministerial briefings
- b. Meetings of clubs or organisations within the Shire of Northam
- c. Any free event held within the Shire of Northam
- d. West Australian-based local government events (such as WA Local Government Week)
- e. Events hosted by clubs or not-for-profit organisations within the Shire of Northam to which the Council Member has been officially invited
- f. Shire of Northam hosted events, ceremonies and functions
- g. Local Community art exhibitions
- h. Shire of Northam local cultural events/festivals
- i. Events run by a local, state or federal government
- j. Events run by schools and universities within the Shire of Northam
- k. Opening or launch of an event or facility within the Shire of Northam
- l. Events where President or Chief Executive Officer representation has been formally requested
- m. Major professional bodies associated with local government at a local, state and federal level
- n. Events hosted by Local Government Professionals
- o. Events hosted by Regional Capitals Alliance Western Australia (subject to available budget)

The above events are excluded where flights are associated with the attendance and are to be paid by the local government.

APPENDIX B – Specific Event Approvals

Event	Date of Event if known	Approved attendee	Approved local government contribution	Date of Council resolution

G 1.3 Attendance by the Chief Executive Officer at Events

Revoked 15 March 2023. Resolution No: C.4691.

G 1.4 Code of Conduct for Councillors, Committee Members and Candidates

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4938
<i>Resolution Date</i>	24/01/2024
<i>Next Scheduled Review</i>	2026
<i>Related Shire Documents</i>	Nil
<i>Related Legislation</i>	<i>Local Government (Model Code of Conduct) Regulations 2021</i>

OBJECTIVE

To provide guidance on appropriate conduct and behaviour in roles of Council Members, Committee Members and Local Government Election Candidates.

SCOPE

Council Members, Committee Members and Candidates.

POLICY

Division 1 – Preliminary provisions

1. Citation

This is the Shire of Northam's Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

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

Division 2 – General principles

3. Overview of Division

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

4. Personal Integrity

- (1) A council member, committee member or candidate should —
- (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest. It is the individual responsibility of members and candidates to disclose any conflicts and ensure that they are managed appropriately to comply with the Model Code and serve their community as expected by the local electors.; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

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

6. Accountability

A council member or committee member should —

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

Division 3 – Behaviour

7. Overview of Division

This Division sets out —

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

8. Personal integrity

- (1) A council member, committee member or candidate —
- (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.

(2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

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

10. Council or committee meetings

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

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

- (e) must comply with any direction given by the person presiding at the meeting;
and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

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

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or

- (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

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

14. Withdrawal of complaint

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

15. Other provisions about complaints

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

Division 4 – Rules of conduct

Notes for this Division:

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

16. Overview of Division

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

17. Misuse of local government resources

- (1) In this clause —

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

resources of a local government includes —

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

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

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

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

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

- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

- (1) In this clause —

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

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

document includes a part of a document;

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

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

22. Disclosure of interests

- (1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

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

23. Compliance with plan requirement

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

24. Further Information

Further advice and information regarding this Code can be obtained from the Chief Executive Officer.

G 1.5 Legal Representation for Council Members and Employees

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4052
<i>Resolution Date</i>	21/10/2020
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995 Legal Representation for Council Members and Employees Guideline No. 14, April 2006 – Department of Local Government and Regional Development

OBJECTIVE

To provide a clear framework under which financial assistance will be provided to Council Members and employees for legal services in connection with their roles.

SCOPE

Applies to all Council Members and employees.

POLICY

1. Definitions

Approved lawyer is to be –

- (a) A 'certified practitioner' under the Legal Profession Act 2008;
- (b) from a law firm on the Shire panel of legal service providers, relevant, unless Council considers that this is not appropriate –for example where there is or may be a conflict of interest or insufficient expertise; and
- (c) Approved in writing by Council or the Chief Executive Officer under delegated authority.

Council Member or employee means a current or former Commissioner, elected member, non-elected member of a Council committee or employee of the Shire.

Legal proceedings may be civil, criminal or investigative.

Legal representation is the provision of legal services, to or on behalf of an Council Member or employee, by an approved lawyer that are in respect of –

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

Legal representation costs are the costs, including fees and disbursements, properly incurred in providing legal representation.

Legal services includes advice, representation or documentation that is provided by an approved lawyer.

Payment by the Shire of legal representation costs may be either by –

- (a) a direct payment to the approved lawyer (or the relevant firm); or
- (b) a reimbursement to the council member or employee.

2. Payment Criteria

The Shire of Northam may approve the legal representation costs of a Council Member or employee if the following criteria is satisfied:

- (a) The legal representation costs must relate to a matter that arises from the performance, by the Council Member or employee, of his or her functions;
- (b) The legal representation cost must be in respect of legal proceedings that have been, or may be commenced;
- (c) In performing his or her functions, to which the legal representation relates, the Council Member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- (d) The legal representation costs do not relate to a matter that is of a personal or private nature.

3. Examples of Legal Representation Costs that May be Approved

3.1 If the criteria in clause 2 of this policy are satisfied, the Shire may approve the payment of legal representation costs –

- (a) where proceedings are brought against a Council Member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Council Member or employee; or
- (b) to enable proceedings to be commenced and/or maintained by an Council Member or employee to permit him or her to carry out his or her functions - for example where a Council Member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Council Member or employee; or
- (c) where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Council Members or employees.

3.2 The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a Council Member or employee.

4. Application For Payment

4.1 A Council Member or employee who seeks assistance under this policy is to make an application(s), in writing to the Chief Executive Officer.

4.2 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 that matter relates to the functions of the Council Member or employee making the application;
- (c) The 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 a document);
- (e) An estimated cost of the legal representation; and
- (f) Why it is in the interests of the Shire for payment to be made.

- 4.3** The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- 4.4** As far as possible the application is to be made before commencement of the legal representation to which the application relates.
- 4.5** The application is to be accompanied by a signed written statement by the applicant that he or she –
- (a) has read, and understands, the terms of this Policy;
 - (b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of Clause 8 and any other conditions to which the approval is subject; and
 - (c) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of Clause 8.
- 4.6** In relation to clause 4.5(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 Shire and the terms of the Policy.
- 4.7** An application is also to be accompanied by a report prepared by the Chief Executive Officer or where the Chief Executive Officer is the applicant by an appropriate employee.

5. Legal Representation Costs – Limit

- 5.1** Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.
- 5.2** A Council Member or employee may make a further application to Council in respect of the same matter.

6. Council's Powers

- 6.1** Council may –
- (a) refuse;
 - (b) grant; or

(c) grant subject to conditions,

an application for payment of legal representation costs.

- 6.2** Conditions under clause 6.1 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.
- 6.3** 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.
- 6.4** Council may at any time revoke or vary an approval or any conditions of approval, for the payment of legal representation costs.
- 6.5** Council may, subject to clause 6.6, determine that a Council Member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –
- (a) not acted 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.
- 6.6** A determination under clause 6.5 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- 6.7** Where Council makes a determination under clause 6.5, the legal representation costs paid by the Shire are to be repaid by the Council Member or employee in accordance with section 8.

7. Delegation to Chief Executive Officer

- 7.1** In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant the Chief Executive Officer may exercise, on behalf of Council, any of the powers of Council under clause 6.1 and 6.2, to a maximum of \$10,000 in respect of each application.
- 7.2** An application approved by the Chief Executive Officer under clause 6.1, is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its powers under clause 6.4.

8. Repayment of Legal Representation Costs

- 8.1** A Council Member or employee whose legal representation costs have been paid by the Shire is to repay the Shire –
- (a) all or part of those costs – in accordance with a determination by Council under clause 6.7;
 - (b) as much of those costs as are available to be paid by way of set-off – where the Council Member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.
- 8.2** The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

G 1.6 Approval of annual & long service leave for the CEO and appointment of an Acting CEO

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4691
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	S5.36, 5.39C, 5.40 Local Government Act 1995

OBJECTIVE

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

SCOPE

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

POLICY

1. Definitions:

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

2. Approval of Annual & Long Service Leave

The Shire of Northam Council approves the taking of leave by the Chief Executive Officer and the appointment of an Acting Chief Executive Officer for a period not exceeding six (6) weeks, in accordance with the following parameters:

1. The Shire President, or in his/her absence the Deputy Shire President, authorise all annual and long service leave to be taken by the Chief Executive Officer, so long as the period of leave does not exceed 6 weeks.

3. Acting and Temporary CEO Requirements and Qualification

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

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

- (1) The CEO is authorised to appoint the Executive Manager/s in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Executive Manager/s performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (2) The CEO must appoint an Acting CEO for any leave periods greater than 5 days and less than 6 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the Executive Manager/s is appointed as Acting CEO.
- (5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

5. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

- (1) This clause applies to the following periods of extended leave:
 - a. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - b. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:

- a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 6(1)(c).
- (3) The President (or in their absence the Deputy President) will liaise with the CEO, or in their unplanned absence the People and Culture Coordinator to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to Council's resolution, the President (or in their absence the Deputy President) will execute in writing the Acting CEO appointment with administrative assistance from the People and Culture Coordinator.

6. Appoint Temporary CEO – Substantive Vacancy

- (1) In the event that the substantive CEO's employment with the Shire of Northam is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint an Executive Manager/s as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b. by resolution, appoint an Executive Manager/s as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- (2) The President (or in their absence the Deputy President) will liaise with the People and Culture Coordinator to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The President (or in their absence the Deputy President) is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the People and Culture Coordinator.

7. Remuneration and conditions of Acting or Temporary CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at no less than 85% of the cash component only of the substantive CEO's total reward package.

- (2) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

G 1.7 Senior Employees

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4052
<i>Resolution Date</i>	21/10/2020
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	S5.37 Local Government Act 1995

OBJECTIVE

To comply with the provisions of the *Local Government Act 1995* towards designated Senior Officers.

SCOPE

Applies to the Chief Executive Officer.

POLICY

In accordance with Section 5.37 of the *Local Government Act 1995*, the Shire of Northam has no designated "Senior Employees", other than the Chief Executive Officer.

G 1.8 Risk Management

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4052
<i>Resolution Date</i>	21/10/2020
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	AS/NZS ISO 31000:2009

OBJECTIVE

As a local government, the Shire of Northam has exposure to a range of risks that, if unmanaged, may have an adverse impact on the achievement of organisational objectives.

The Shire will implement an enterprise-wide risk management framework and systems to identify and manage potential risks to minimise adverse outcomes. The policy intent is to build a risk-mature environment where Council, management and employees take responsibility for risk management through systemic practices to:

- Safeguard the Shire people, assets, property, environment, reputation, finances and information;
- Promote an environment where risk management principles and practices are the tools to the achievement of organisational goals; and
- Provide the resources required to minimise adverse reaction to risks.

SCOPE

Organisational wide.

POLICY

The Shire of Northam is committed to managing risk in accordance with the principles, framework and guidelines detailed in *AS/NZS ISO 31000:2009* and will:

- Implement an Enterprise Risk Management Framework and Plan;
- Identify strategic, operational and project risks using systematic tools and based on the level of risk ensure effective Risk Treatment Plans are in place to minimise such risks;

- Ensure any item with a risk ranking of greater than 10, categorised as either a high or extreme risk and is apparent to be ongoing, be listed on the Shire's Risk Register;
- Align risk management systems and processes with current strategic and operational planning processes;
- Implement a range of risk management key performance indicators to monitor responsibility and accountability

Report, Monitor and Review

In accordance with Local Government (Audit) Regulations 1996, regular reporting of systems and procedures in relation to risk management will be submitted to the Shire's Audit and Risk Management Committee, and that committee will have the Shire's Risk Register as a standing agenda item.

Performance of Shire of Northam risk management will be measured against:

- % of High or Extreme Risks without mitigation strategies in place
 - Reported quarterly to Audit and Risk Management Committee
- % of risk mitigation strategies overdue
 - Reported quarterly to Audit and Risk Management Committee

Risk Criteria and Evaluation

Risk criteria also needs to be defined to evaluate the significance of risk. Factors to be considered include the following:

- The nature and types of causes and consequences that can occur and how they will be measured;
- How likelihood will be defined;
- The timeframe (s) of the likelihood and/or consequence (s);
- How the level of risk is to be determined;
- The views of stakeholders; and
- The level at which risk becomes acceptable or tolerable

Risk evaluation always involves the assessment of the likelihood (chance of something happening) and consequence (outcome of an event affecting objectives) of an event.

Risk Assessment Tool

Measures of Consequence

Level Description	Financial Impacts	Health & Safety	Reputation	Service Interruption	Compliance	Property	Environment
Insignificant (1)	<\$10,000	Medical type injuries	Unsubstantiated, low impact, low profile, or no news item	No material service interruption	No noticeable regulatory or statutory impact	Inconsequential damage.	Contained, reversible impact managed by on site response
Minor (2)	\$10,001 - \$25,000	Lost Time Injury <30 days	Low impact, low news item	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Medium (3)	\$25,001 - \$250,000	Lost time Injury >30 Days	Substantiated, public embarrassment, moderate impact, moderate news profile	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
High (4)	\$250,001 - \$650,000	Long term disability / multiple injuries	Substantiated, public embarrassment, high impact news profile, third party actions	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Extreme (5)	> \$650,000	Death or permanent disablement	Substantiated, public embarrassment, very high multiple impacts, high, widespread multiple news profile, third party actions	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building	Uncontained, irreversible impact

As defined by the Australian Standard, consequence is the outcome of an event affecting corporate objectives. The above identifies outcomes in seven main categories: health and safety; financial impact; service interruption; compliance; reputation; property; and environment. A level of 1 - 5 is applied based on the severity of the outcome, ranging from insignificant to catastrophic. Combined with measures of likelihood, measures of consequence form the evaluation of risks in the risk matrix (see below).

Measures of Likelihood

Description	Examples	Frequency
Almost Certain (5)	The event is expected to occur	More than once per year
Likely (4)	The event will probably occur	At least once per year
Possible (3)	The event could occur	At least once in five years
Unlikely (2)	The event could occur but probably won't	At least once in ten years
Rare (1)	The event is not expected to occur	Less than once in 20 years

Measures of likelihood form part of the risk matrix to determine the 'risk rank' and the 'level of risk'.

A level of 1 – 5 is applied based on the likelihood of an event occurring, ranging from rare to almost certain. The likelihood can be determined objectively or subjectively, qualitatively or quantitatively, and described using general terms or mathematically such as probability or a frequency over a given time period.

Risk Appetite

Risk appetite is the amount of risk exposure, or potential adverse impact from an event, that the Shire of Northam is willing to accept in pursuit of its objectives. Once the risk appetite threshold has been breached, risk management controls and actions are required to bring the exposure level back within the accepted range.

The Shire of Northam has a level of risk appetite that it tolerates, consisting of low, medium, high and extreme risks, as detailed in the below table:

Risk rating	Minimum treatment required	Description
Extreme	Reject and avoid or mitigate	Immediate action required in consultation with Chief Executive Officer of Executive Manager to either avoid the risk entirely or to reduce the risk to a low, medium or high rating. Council decision, or at a minimum advice, required

High risk	Accept and mitigate	These risks need to be mitigated with actions as required and managers need to be assigned these risks
Medium risk	Accept	Manage by specific monitoring or response procedures
Low risk	Accept	Manage by routine procedures

Risk Matrix

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

The risk matrix will determine a risk ranking and level of risk based on the measurement of the likelihood and consequence of a particular event. Any event with a risk ranking of 'high' or 'extreme' will be recorded in the Shire's Risk Register and reported to the Audit and Risk Management Committee on a periodic basis. These events require regular monitoring and risk treatment actions which may involve the following:

- Avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;
- Accepting risk in order to pursue an opportunity;
- Removing the risk source;
- Changing the likelihood;
- Changing the consequences;
- Sharing the risk with another party or parties (including contracts and risk financing); and
- Retaining the risk by informed decision

Risk treatments that deal with negative consequences are sometimes referred to as risk mitigation, risk elimination, risk prevention and risk reduction. Risk treatments will be particularly important where existing controls are deemed to be inadequate.

Sources of Risk Identification

- Identified organisational risks
- Various plans and strategies (refer to the Corporate Business Plan for a list of Council-endorsed plans)
- Major projects
- Council agenda items

G 1.9 Council and Committee Member and Staff Interactions and Requests for Information

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4690
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2024/25
<i>Related Shire Documents</i>	Policy G 1.4 Code of Conduct for Councillors, Committee Members & Candidates Corporate Business Plan Strategic Community Plan
<i>Related Legislation</i>	<i>Local Government Act 1995, Part 5, Division 7 and Freedom of Information Act 1992.</i>

OBJECTIVE

To provide guidance to Council Members or members of a committee of the Shire of Northam in relation to the process for seeking information from records and staff.

SCOPE

Elected Members have access to certain documents over and above the rights of the general public which are provided for in Section 5.94 of the *Local Government Act 1995*.

Specific additional rights to access of information by Council Members or members of a committee are provided in Section 5.92 of the *Local Government Act 1995* and granted in order to enable a Council Member and/or member of a committee to discharge adequately the functions of their elected office.

The *Local Government Act 1995* stipulates that Council Member or members of a committee may only seek such information from Shire records and files in the pursuit of Shire business. Council Members/members of a committee are not to use information for their own or another person's purpose, benefit or detriment, unconnected with Shire activities.

The policy also provides guidelines on meeting with Council staff.

Definitions

- Council Member:** means a serving elected member of Council of the Shire of Northam.
- Committee Member:** means a member of the public appointed by the local government to an endorsed committee of Council
- Local Government:** means the local government known as the Shire of Northam
- Staff:** means an employee of the Shire of Northam.

POLICY

Policy Statement

The Chief Executive Officer will ensure that Council Members/Committee Members are provided with access to documents, information and staff, which in the Chief Executive Officer's view are required to enable Council Members/Committee Members to fulfil their functions and/or duties.

Council Members/Committee Members must have the approval of the Chief Executive Officer, or relevant Executive Manager, to meet with staff in relation to Council business.

In the event a Council Member/Committee Member forms a view that they require access to additional documents, information or staff not already specifically provided, the following guidelines are to be adhered to;

- Council Members/Committee Members wishing to obtain information on a Council matter or wishing to arrange a meeting with Shire staff, relating to the business of the Shire, must seek the approval of the Chief Executive Officer.
- Where research may be required to satisfy the Council Member's enquiry, it is preferable that the Council Member/Committee Members give appropriate advance notice of their requirements. Council Members/Committee Members with such a request should put their request in writing and forward it to the Chief Executive Officer or the appropriate Executive Manager.
- The Chief Executive Officer or Executive Manager is to ascertain from the Council Members/Committee Members seeking access to such information the precise nature of the request, the information being sought, and the reason why the information is requested. If the request establishes motivation outside the general guidelines of assisting the Council Members/Committee Members in the proper discharge of their responsibilities, the Chief Executive Officer may refuse such a request, in accordance with division 7 of the *Local Government Act 1995* and part 7 of the *Local government (Administration) Regulations 1996*.
- If the request for information complies with the intent of this policy and the prevailing legislation, however it places an unreasonable demand on staff time and resources so as to render the research reasonably disruptive to the administration, the Chief Executive Officer may refuse to comply with the request.

- Following any such refusal by the Chief Executive Officer to provide information, if the Council Member/Committee Members still wishes to pursue access to the information, the Council Member/Committee Members is entitled to:
 - Lodge an application under the *Freedom of Information Act 1992*: and/or
 - Present a Notice of Motion to an ordinary meeting of Council, requesting that Council consider directing the Chief Executive Officer to provide the specifically requested information. Council will then make a determination as to whether to approve access to the specifically identified information based on:
 - An explanation provided by the Chief Executive Officer for not providing the requested information, and;
 - The appropriate provisions of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

Financial/Budget Implications

The examination of any such information requested is to be at the Shire Administration Centre, located at 395 Fitzgerald Street, Northam during reasonable times, such as normal office hours, and is to be free of charge, unless obtained under provisions of the *Freedom of Information Act 1992*.

The original form/source of the information cannot be removed for examination, however photocopies may be taken subject to the payment of appropriate fees and charges as set by Council.

Conformity with Strategic Community / Corporate Business Plan

Performance Area: Performance.

Objective 13.1: Provide strong, open and accountable leadership and be more visible and relevant for community members.

G 1.10 Communications and Social Media Policy

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4690
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2024/25
<i>Related Shire Documents</i>	Shire of Northam Standing Orders Local Law.
<i>Related Legislation</i>	State Records Act 2000 - SRC Standard 8 – Managing Digital Information.

OBJECTIVE

This policy establishes protocols for the Shire of Northam’s official communications with our community to ensure the Shire of Northam is professionally and accurately represented and to maximise a positive public perception of the Shire of Northam.

SCOPE

This policy applies to:

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

POLICY

1. Official Communications

The purposes of the Shire of Northam’s official communications include:

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the community.
- Promoting Shire of Northam events and services.
- Promoting public notices and community consultation / engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire of Northam
- Receiving and responding to community feedback, ideas, comments, compliments and complaints

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

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

- Website;
 - Advertising and promotional materials;
 - Media releases prepared for the Shire President and/or Chief Executive Officer, to promote specific Shire of Northam positions;
 - Social media; and
- Community newsletters, letter drops and other modes of communication undertaken by the Shire's administration at the discretion of the Chief Executive Officer.

2. Speaking on behalf of the Shire of Northam

The Shire President is the official spokesperson for the Shire of Northam and may represent the Shire in official communications, including: speeches, comment, print, electronic and social media. *[s.2.8(1)(d) of the Local Government Act 1995]*

Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson. *[s.2.9 and s.5.34 of the Local Government Act 1995]*

The Chief Executive Officer may speak on behalf of the Shire of Northam, where authorised to do so by the Shire President. *[s.5.41(f) of the Local Government Act 1995]*

The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the Chief Executive Officer if authorised, may speak on behalf of the local government. It is respectful and courteous to the office of the Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire of Northam. Council Members commenting publicly are able to do so in accordance with Section 7 of this policy and once the Shire President has had the opportunity to speak on behalf of the Shire (if applicable). Reference should be made to reports within Council agenda/minutes to ascertain whether an official media release will be issued for a particular matter prior to commenting publicly.

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

- bring the Shire of Northam into disrepute;
- compromise the person's effectiveness in their role with the Shire;
- imply the Shire's endorsement of personal views;

- imply the Council Member or employee is speaking on behalf of the Shire, unless authorised to do so; or
- disclose, without authorisation, confidential information.

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

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

3. Responding to Media Enquiries

All enquiries from the media for an official Shire of Northam comment, whether made to an individual Council Member or Employee, must be directed to the Chief Executive Officer or a person authorised by the Chief Executive Officer.

Information will be coordinated to support the Shire President or Chief Executive Officer (where authorised) to make an official response on behalf of the Shire of Northam.

Council Members may make comments to the media in a personal capacity – refer to clause 7.1 below.

4. Website

The Shire of Northam will maintain an official website, as our community's on-line resource to access to the Shire's official communications.

5. Social Media

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

The Shire of Northam maintains the following social media accounts:

- Shire of Northam Instagram: www.instagram.com/shireofnortham
- Shire of Northam Facebook: www.facebook.com/shireofnortham/
- Visit Northam Facebook: www.facebook.com/visitnortham
- Visit Northam Instagram: www.instagram.com/visitnortham
- Libraries Facebook: www.facebook.com/northamlibrary
- Rec Centre Facebook: www.facebook.com/northamrecreationcentre
- Pools Facebook:
www.facebook.com/search/top/?q=shire%20of%20northam%20aquatics
- Shire YouTube:
https://www.youtube.com/channel/UC39z1LW_yJoHgX27vOnKOow

- Bilya Koort Boodja – Centre for Nyoongar Culture and Environmental Knowledge: www.facebook.com/bkbcentre
- BKB Instagram: www.instagram.com/bilyakoortboodja
- Chief Executive Officer - Twitter

In addition to any other social media accounts approved by the Chief Executive Officer.

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

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

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content that promotes or opposes any person campaigning for election to Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire

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

5.1 Shire President Social Media Official Accounts

The Shire of Northam supports the Shire President in using official social media account/s to assist the Shire President in fulfilling their role under section 2.8 of the *Local Government Act 1995*, to speak on behalf of the local government. The content will be administered and moderated in accordance with this policy.

These official Shire of Northam accounts must not be used by the Shire President for personal communications.

5.2 Use of Social Media in Emergency Management and Response

The Shire of Northam will use the following channels to communicate and advise our community regarding Emergency Management:

- Shire website;
- Social media;
- Media releases or media statements;
- Community newsletter including email newsletters;
- SMS messaging; and
- Letter drops and other modes of communications at the discretion of the CEO.

6. Record Keeping and Freedom of Information

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

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

7. Personal Communications by Council Members

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

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

8. Elected Member Statements on Shire Matters

A Council Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Northam.

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

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire of Northam.
2. Be made with reasonable care and diligence;
3. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;

4. Be factually correct;
5. Avoid damage to the reputation of the local government;
6. Not reflect adversely on a decision of Council;
7. Not reflect adversely on the character or actions of another Council Member or employee;
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Council Member, employee or community member.

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

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

G 1.11 Corporate Uniform – Council Members

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4052
<i>Resolution Date</i>	21/10/2020
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	

OBJECTIVE

To encourage and provide assistance to Council Members to wear the corporate uniform.

SCOPE

Applies to all Council Members.

POLICY

The Shire will provide an allowance for Councillors, to the value of \$200 annually (not accumulative) for the purchase of corporate apparel.

G 1.12 Smoking & Vaping Policy

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4806
<i>Resolution Date</i>	19 July 2023
<i>Next Scheduled Review</i>	June 2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<p>WHS ACT 2006</p> <p>Tobacco Products Control Act 2006</p> <p>Work Health & Safety (General) Regulations 2022</p>

OBJECTIVE

This policy determines how the Shire of Northam will provide organisational support to reduce worker exposure to cigarette smoke and vaping by implementing appropriate controls and measures, in line with Australian Standards and Guidelines.

SCOPE

This applies to all Shire of Northam councillors, employees including contracted staff, volunteers and visitors. This policy applies to all Shire of Northam controlled premises and any other areas in which employees may be exposed.

POLICY

The Shire of Northam has a duty of care under the Work Health and Safety Act 2020 and safety legislation to provide a safe healthy working environment for all employees. This includes but not limited to, all owned or lease buildings, structures, outdoor areas, grounds, car parks and vehicles.

The purpose of the smoking policy is to:

- Protect and prevent tobacco related health risks for all the councillors, employees, consumers, contractors, visitors to the Shire of Northam. Eliminating potential exposure of second-hand smoke. Smoking will only be allowed in the marked designated areas provided by the Shire of Northam.

Smoking is also strictly prohibited:

- Areas or work sites which are signposted with prohibitive signs.
- Where there is a high fire risk.
- Within 10 metres from an entrance to any Shire of Northam building.
- In areas where smoke can drift into workplaces and into air-conditioning units.
- Any recreational facilities including playgrounds.

Any work vehicles owned by the Shire of Northam.

G 1.13 Alcohol Consumption

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4806
<i>Resolution Date</i>	19 July 2023
<i>Next Scheduled Review</i>	June 2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	

OBJECTIVE

To provide for control of alcohol on Shire premises and consumption of alcohol by Council Members, members of a committee, and employees.

SCOPE

All Council Members, members of a committee and employees.

POLICY

Alcohol may be consumed on premises under the control of the Shire provided prior approval has been given by the Chief Executive Officer.

Employees who consume alcohol are not permitted to return to the duties of their position with the Shire that day, and must comply with road traffic legislative requirements.

The Shire of Northam will ensure:

- Food is available when alcohol is being provided; and
- Low/mid alcohol or non-alcohol beverages being available,

to ensure the responsible service of alcohol.

G 1.14 Gratuity, Gifts and Service Milestones

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.4918
<i>Resolution Date</i>	20 December 2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Nil
<i>Related Legislation</i>	<i>Pursuant to s 5.50 of the Local Government Act 1995 Local Government Regulations – Reg 19A – Restrictions on Gratuity Payments to Employees</i>

OBJECTIVE

- To ensure the public is informed of any such gratuity payments to elected members and employees and informs the legislative requirements regarding gratuities, gifts and departing employees.
- To recognise and reward employee contribution, commitment, and long-term continuous service to the Shire of Northam.

SCOPE

This policy will apply to current elected members and permanent employees.

POLICY

1 Gifts & Gratuity Payments - Employees

When an employee's services are ceasing with the Shire of Northam for any of the reasons identified below, the employee may be entitled to a gratuity payment as outlined within this policy, based on completed years of service with the Shire of Northam Local Government.

- Resignation (not as a result of any performance management or investigation being conducted by the local government);
- Retirement; or
- Redundancy

The gratuity payment identified within this policy does not apply to an employee who has been dismissed by the local government for any reason other than redundancy.

Redundancy payments will be made in line with current legislation under the Local Government Industry Award (LGIA) 2020 award.

2 Gratuity Payments & Gifts – Value Limits – Departing Employees

The Shire of Northam may purchase a gift or provide a gratuity payment in recognition of the service provided by an employee whose employment with the Shire is finishing as follows:

- a. 3 - 10 years continuous service – a gift and/or payment of \$50 for each year of completed services
- b. > 10 years continuous service – a gift and/or payment of \$100 for each year of completed services to a maximum value of \$3,000

Employees whose employment is finishing and have served in excess of fifteen (15) years will be invited to attend a meeting of Full Council, where the Shire president and Chief Executive Officer shall make a presentation to the employee recognising their years of service to the Shire of Northam.

3 Gifts – Value Limits – Elected Members and Permanent Employees

The Shire of Northam values their elected members and employees and wishes to recognise key milestones in their lives. These may be, but not limited to:

- a. Birth of a child
- b. Hospitalisation
- c. Exceptional Circumstances

Flowers/donations and an acknowledgment will be sent up to the value of \$100.

4 Service Milestones

This component of the policy aims to:

- Foster a culture of recognition.
- Motivate high performance.
- Recognise long-term continuous service.
- Ensure that rewards and recognition are meaningful to recipients.

Continuous service will be recognised as follows:

- Recognition of service milestones applies to all full time and part time employees except any employee who is subject to performance management or disciplinary processes.
- Benefits to part time employees are on a pro-rata basis according to average standard hours worked.

- Where an employee who has reached a service milestone is ceasing employment with the Shire only one monetary benefit, i.e. service milestone award or departing gift will apply.

Service Milestone	Service Recognition
Five years	Presentation of a Certificate of Service, Shire pin and Gift Card (\$150.00)
Ten years	Presentation of a Certificate of Service, Shire pin and Gift Card (\$250.00)
Fifteen years	Presentation of a Certificate of Service, Shire pin and Gift Card (\$350.00)
Twenty years	Presentation of a Certificate of Service, Shire pin and Gift Card (\$500)
Twenty five years	Presentation of a Certificate of Service, Shire pin and Gift Card (Value \$1,000)
Subsequent increments of five years	Presentation of a Certificate of Service, Shire pin and Gift Card (\$250.00)

The Chief Executive Officer (CEO) will present the service award and gift (where applicable) to employees eligible for 5, 10 and 15 years' service awards.

For employees eligible for 20 years or longer service awards, the employee and their partner will be invited to join the Shire President and Elected Members at an Ordinary Council meeting dinner and presentation of the certificate and gift at the beginning of the Council meeting. The employee may elect not to attend.

5 Exercise of discretion

- (1) A payment and the amount of that payment under this policy is to be at the discretion of –
 - a. Shire President and/or Deputy President for elected members,
 - b. Council, if the employee is the Chief Executive Officer; or
 - c. the Chief Executive Officer, if the employee is not the Chief Executive Officer.

G 1.15 Code of Conduct – Employees, Volunteers, Contractors and Agency Staff

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	N/A
<i>Resolution Date</i>	Approved by CEO on 29/12/2021
<i>Next Scheduled Review</i>	2023
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995-s5.103 (codes of Conduct) Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021

OBJECTIVE

The Chief Executive Officer is required under the provisions of the *Local Government Act 1995 s5.51A* to prepare and implement a code of conduct.

SCOPE

All employees, Volunteers, Contractors and Agency Staff.

POLICY

1.1 Conflicts of Interest

Conflicts of interest may arise when your personal relationships, participation in external activities or an interest in another venture could influence or be seen to influence your business decisions while employed, volunteering or undertaking contract work at the Shire.

You must avoid all actual or perceived conflicts of interest where possible.

It is imperative that as an employee, volunteer or contractor you:

- Do not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first disclosing the conflict of interest. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be diligently avoided
- Disclose any actual or perceived conflicts of interest before dealing with relatives or friends when participating in recruitment or discretionary functions, as well as disqualifying yourself from dealing with those persons

- Conduct yourself in an apolitical manner and refrain from political activities which could cast doubt on your neutrality and impartiality in acting in your professional capacity.

1.2 Financial Responsibility

All employees, volunteers and contractors will apply the principles of disclosure of financial interest as contained within the Local Government Act 1995.

Employees who have been delegated a power or duty, have been nominated as 'senior designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Local Government Act 1995.

Employees who handle public monies or manage finances as part of their duties must act with diligence and integrity. Employees who spend money on behalf of the Shire must retain a record of all receipts and documents as proof of the expenditure. They must also comply with all Shire policies and audit directives regarding the Shire's finances.

1.3 Disclosure of Interest

To protect the integrity of the Shire all employees must be impartial and apolitical.

Employees should remain uninvolved in politics, and decisions must not be inappropriately influenced by political or other considerations. The use of Shire resources or property to support political activities is prohibited and current Shire employees must not campaign in a Shire of Northam election.

All decisions should be impartial and made in accordance with statutory obligations and policy considerations.

The process for declaring any interest at a Council or Committee meeting is set out as follows, and in accordance with the Local Government (Administration) Regulations 1996.

<p>(a) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:</p> <ul style="list-style-type: none"> i. in a written notice given to the CEO before the meeting; or ii. at the meeting immediately before the matter is discussed.
<p>(b) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:</p> <ul style="list-style-type: none"> i. in a written notice given to the CEO before the meeting; or ii. at the time the advice is given.
<p>(c) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.</p>

<p>(d) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know and could not reasonably be expected to know:</p> <ul style="list-style-type: none"> i. that they had an interest in the matter; or ii. that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
<p>(e) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:</p> <ul style="list-style-type: none"> i. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and ii. at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
<p>(f) If:</p> <ul style="list-style-type: none"> i. to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or ii. a disclosure is made as described in item (e)(ii) at a meeting; or iii. to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

2. Personal Benefit

2.1 Use of Confidential Information

Staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to intellectual property in all duties relating to contracts of employment will be assigned to the Shire of Northam upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

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

2.4 Gifts & Hospitality

The Shire discourages employees, volunteers and contractors from accepting gifts and hospitality. You should never allow gifts or hospitality (offered or

received) to influence business decisions or to be seen to be influencing decisions.

Employees, volunteers and contractors of the Shire must not receive prohibited gifts or hospitality from any persons associated with the Shire.

<p>ACCEPTABLE GIFTS AND HOSPITALITY</p> <p>\$49 and under</p>	<p>Can be accepted without reporting it.</p> <p>Carefully consider the appropriateness of accepting any gifts, regardless of the value.</p>	<p>Once the acceptance of a gift has been disclosed, it will be recorded in the Shire's Record Keeping System and will be used as required by law and for reporting purposes, and will be retained and disposed of in accordance with the Shire's Recordkeeping Plan.</p> <p>If you are ever unsure if it is appropriate to accept a gift, it's important you seek clarification prior to accepting the gift or hospitality.</p>
<p>NOTIFIABLE GIFTS AND HOSPITALITY</p> <p>\$50 - \$299</p> <p>Multiple gifts from the same person/body within a 12 month period which total between \$50 and \$299.</p>	<p>Employees are required to notify the CEO via the Executive Assistant-CEO within 10 days of accepting the gift, using the gift disclosure form.</p>	
<p>PROHIBITED GIFTS AND HOSPITALITY</p> <p>Over \$300</p> <p>Multiple gifts from the same person/ body within a 12 month period which total over and \$300.</p>	<p>Cannot be accepted.</p>	

3. Conduct of Staff

3.1 Personal Behaviour

Staff will:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (b) perform their duties impartially and in the best interests of the local government uninfluenced by fear or favour;

- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the local government and the community;
- (d) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- (e) always act in accordance with their obligation of fidelity to the local government; and
- (f) At all times observe the corporate values of the organisation around conducting themselves in a safe, open, accountable and respectful manner.
- (g) As an employee, volunteer or contractor you must not engage in commentary of any kind relating to the Shire, its Council Members or Employees on social media.
- (h) As an employee, volunteer or contractor you must not speak on behalf of the Shire of Northam unless this authority has been specifically delegated. Refer to Council Policy G 1.10 Communications and Social Media Policy.

3.2 Honesty and Integrity

Staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other staff member.
- (c) be open and honest in their official dealing with each other.
- (d)

3.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the local government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the local government.
- (b) Staff will at all times exercise reasonable care and diligence in the performance of their duties.

- (c) Staff will be as informed as possible about the functions of Council, and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- (a) Staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the supervisor of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Staff will give effect to the lawful policies of the local government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.6 Corporate Obligations

- (a) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

- (b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving local government's activities should reflect the status and objectives of that local government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, staff are to adequately communicate the attitudes and decisions of Council. In doing so staff should ensure:
- respect for the decision making processes of Council which are based on a decision of the majority of Council;
 - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
 - information relating to decisions of Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of Council;
 - information concerning adopted policies, procedures and decisions of Council is conveyed accurately.

3.7 Record-keeping and use of information

The Shire's procedures limit access to and the use of information held by the Shire, and require that each employee take measures to protect that information from unauthorised access or use.

Staff will:

- (i) Not access or use information that is not required for their role;
- (ii) Record actions and reasons for decisions to ensure transparency;
- (iii) Ensure the secure storage of sensitive or confidential information;
- (iv) Not destroy records without authorisation; and
- (v) Comply with the Shire's record keeping plan, associated processes and the State Records Act 2000.

3.8 Fraud, Corruption and Misconduct

The Shire considers fraud, corruption and misconduct to be serious matters. Such behaviours are unacceptable and the Shire adopts a zero tolerance approach towards such behaviour. All allegations of corrupt conduct will be investigated and may result in disciplinary action including possible dismissal.

Staff will:

- (i) Not engage in fraud, criminal or corrupt conduct;
- (ii) Report any unethical, fraudulent, dishonest, illegal or corrupt behaviour;
- (iii) Report any breaches of the Code; and
- (iv) Commit to supporting a strong culture and sound governance to prevent, detect and respond to fraud and misconduct.

3.9 Relationships between Council Members and Staff

Teamwork will only occur if staff have a mutual respect and cooperate with each other and with Councillors to achieve Council's corporate goals and implement Council strategies.

To achieve that position staff need to:

- accept that their role is a management or administrative one;
- acknowledge that unless in a management or supervisory position, they have no capacity to individually direct other members of staff to carry out particular functions;
- refrain from publicly criticising councillors or other staff in a way that casts aspersions on their professional competence and credibility.

3.10 Appointment to Committees

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

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

3.11 Work Health and Safety

The Shire has a duty of care to ensure a safe and healthy work environment for its employees, volunteers, contractors and visitors.

To ensure we have a healthy and safe work environment for all, you need to:

- Cooperate with all work health and safety policies and procedures of the Shire.
- Take all reasonable care to protect your own health and safety.
- Ensure your personal actions do not impact on the health and safety of others.
- Participate in all work health and safety training.

Be fit to perform the inherent requirements of your role at all times.

4. Dealing with Council Property

4.1 Use of Local Government Resources

Staff will:

- (a) be scrupulously honest in their use of the local government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the local government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the local government's resources (including the services of other Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).
- (d) All network equipment, email and internet accounts maintained in the Shire of Northam's computing systems are the sole property of the Shire of Northam. The Shire records all internet usage and has the right to monitor the email account or internet browser of any user for legitimate business reasons including compliance with this policy, compliance with any applicable laws and where there is reasonable suspicion of activities that may not conform to this policy.

Council staff are permitted minimal additional personal use of the Shire of Northam provided information technology equipment. This personal use shall not result in loss of employee productivity, interference with official duties or incur other than minimal additional expense to the Shire. Examples of minimal additional personal use include making a few photocopies, using a computer printer to print a few pages of material, making occasional brief personal phone calls, infrequently sending personal email messages or limited use of the internet for personal reasons.

Council staff who are provided with mobile phones, tablets or laptops are granted the same minimal additional personal use, unless they receive written approval from the Chief Executive Officer for the minimal use to be granted to full private use. In the case of the Chief Executive Officer written approval will be provided by the Shire President.

In all cases use must be reasonable as this use is a privilege, not a right.

The following uses of the Shire of Northam's computing or communication resources are prohibited:

- To store, transmit, publish, communicate, display, distribute or post material that is defamatory, offensive, abusive, indecent, menacing, unwanted or otherwise unlawful or unauthorised or that violates any law
- To visit websites containing objectionable or criminal material
- To use internet enabled activities such as gambling, conducting a business or conducting illegal activities
- To knowingly transmit a computer virus or other malicious computer program
- To disclose private or confidential information of another
- The uploading or downloading of commercial software, games, music videos, or other intellectual property in violation of its copyright

Non-compliance with this code may result in removal or legal action.

4.2 Travelling and Sustenance Expenses

Staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the local government in accordance with local government policy and the provision of the *Local Government Act 1995*.

4.3 Further Information

Further information regarding this Code of Conduct can be obtained from the Human Resources Department.

Employee Acceptance

Employee Name: _____

Signature: _____

Date: _____

G 1.16 Acceptable Use of Information Communication Technology (ICT) Resources – Council Members
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<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4690
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	

OBJECTIVE

The purpose of this policy is to explain the acceptable use of the Shire’s ICT resources and to inform about the consequences of misuse.

SCOPE

This policy applies to all Shire of Northam Council Members that have access to or use of Shire of Northam ICT resources. These persons are expected to comply with this policy.

POLICY

Introduction

All network equipment, email and internet accounts maintained in the Shire of Northam’s computing systems are the sole property of the Shire of Northam. The Shire records all internet usage and has the right to monitor the email account or internet browser of any user for legitimate business reasons including compliance with this policy, compliance with any applicable laws and where there is reasonable suspicion of activities that may not conform to this policy.

General Obligations

This policy sets out the minimum acceptable behaviour for the use of the Shire’s computing and communication facilities. There is a reasonable expectation that the parties included in the scope of this policy will act professionally and use these resources responsibly according to this policy.

Reasonable Personal Use

Council Members are permitted personal use of the Shire of Northam provided information technology equipment. This personal use shall not result in loss of Council Member productivity, interference with official duties or incur additional expense to the Shire.

In all cases use must be reasonable as this use is a privilege, not a right.

Conditions of Use

The following uses of the Shire of Northam's computing or communication resources are prohibited:

- To store, transmit, publish, communicate, display, distribute or post material that is defamatory, offensive, abusive, indecent, menacing, unwanted or otherwise unlawful or unauthorised or that violates any law.
- To visit websites containing objectionable or criminal material.
- To use internet enabled activities such as gambling, conducting a business or conducting illegal activities.
- To knowingly transmit a computer virus or other malicious computer program
- To disclose private or confidential information of another.
- The uploading or downloading of commercial software, games, music videos, or other intellectual property in violation of its copyright.
- Accessing Shire data, a server or an account for any purpose other than conducting Shire business, even if the Elected Member has authorised access.
- Revealing account passwords to others or allowing use of their account by others. This includes family and other household members.

Non-compliance with this policy may result in disciplinary action in accordance with G 1.4 Code of Conduct for Councillors, Committee Members and Candidates, removal of access or legal action.

G 1.17 Acceptable Use of the Shire's Computing & Communication Resources – Council Staff

Revoked 15 March 2023. Resolution No: C.4690.

G 1.18 Credit Card Use

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4052
<i>Resolution Date</i>	21/10/2020
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<p>Section 2.7(2) (a) and (b) of the Local Government Act 1995 requires the council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.</p> <p>Section 6.5(a) of the Local Government Act 1995 requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.</p> <p>Local Government (Financial Management) Regulations 11(1) (a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.</p>

OBJECTIVE

To control the use of credit card use and limit potential misuse.

SCOPE

All employees.

POLICY

Use of Card

- (a) The Shire of Northam issued credit card is for the sole use of transacting business on behalf of the Shire of Northam – strictly no private use is permitted under any circumstances. Use is permitted for the purchase of goods and services from suppliers not holding Shire of Northam accounts, including:
- Costs associated with meetings, conferences, seminars and the like including but not limited to transport, accommodation, meals and refreshments
 - Ongoing subscriptions and licencing agreements
 - Fuel purchase for Shire of Northam vehicles
 - Meals and refreshments expenses incurred directly relating to Shire of Northam business up to a maximum of \$200 for any one occasion unless otherwise authorised by the Chief Executive Officer or Shire President in the case of the Chief Executive Officer
- (b) No cash withdrawals are permitted
- (c) Tax receipts are to be provided to the accounts payable clerk or similar position, and are to include details of expenditure and account to be costed against
- (d) Authorisation of expenditure incurred on credit cards must be signed by both the credit card holder and one other Executive Manager or the Chief Executive Officer.
- (e) Any reward schemes are to become the property of Shire of Northam
- (f) If the card is lost or stolen the card holder is to immediately inform the bank and Chief Executive Officer
- (g) Cards are to be surrendered to the Chief Executive Officer (or Shire President in the case of Chief Executive Officer) when the card holder ceases employment or the card expires
- (h) Cards are not to be used during times of leave

Non-Compliance with Policy

- For minor breaches the card is to be surrendered
- For major breaches the matter is to become a disciplinary consideration.

Non-compliance with this policy may result in disciplinary action or legal action.

G 1.19 Public Interest Disclosure

<i>Responsible Department</i>	Governance
<i>Resolution Number</i>	C.3638
<i>Resolution Date</i>	17/04/2019
<i>Next Scheduled Review</i>	February 2021
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995 Public Interest Disclosure Act 2003 Corruption Crime and Misconduct Act 2003 Standing Orders Local Law 2018 Public Sector Commission Code of Conduct Australian Standard for Whistle blower Protection (AS8004:2003)

OBJECTIVE

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

SCOPE

This policy applies to:

1. all staff; and
2. elected members, who may need to lodge a Public Interest Disclosure (PID).

POLICY

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

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

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

- receiving disclosures;
- investigating disclosures;

- taking appropriate action; and
- reporting.

The Shire of Northam will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire of Northam does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the PID Code of conduct and integrity in performing their duties.

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

These internal procedures are accessible to all employees and contractors. Copies are available from the designated person appointed as Public Interest Disclosure (PID) Officer and will be kept on Promapp.

<https://au.promapp.com/shireofnortham/Process/Minimode/Permalink/E2JXaSCOV5POvhrJ7hAJfS>

G 1.20 Organisational Structure

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4236
<i>Resolution Date</i>	16/06/2021
<i>Next Scheduled Review</i>	2022/23
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995, section 5.2

OBJECTIVE

To provide guidance to the Council and the Chief Executive Officer concerning the Organisational Structure for the Shire's administration, including the management of functional responsibilities and the allocation and management resources within the structure

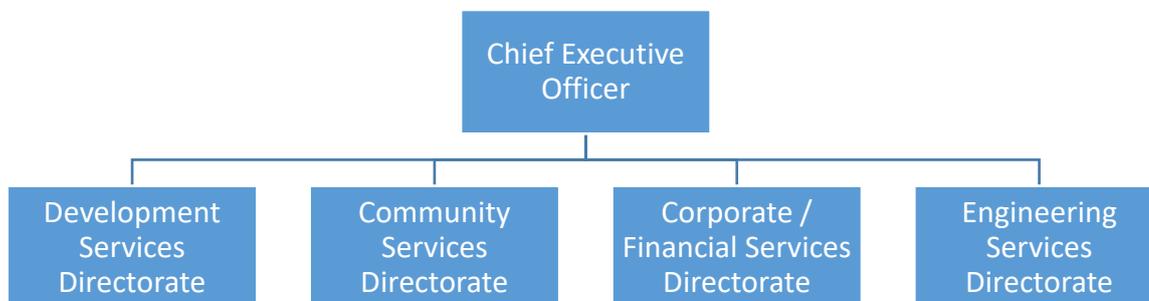
SCOPE

The Policy applies across the organisation.

POLICY

1. Determination of Organisational Structure

In accordance with the Local Government Act 1995 Section 5.2, Council determines that the organisational structure of the Shire of Northam shall be:



a) Determining Organisational Sub-Structure

To ensure the efficient, effective, and orderly administration of the Shire, the Chief Executive Officer shall, within established budget parameters, determine:

- i. the operational responsibilities of each of the Directorates and the subsequent substructure sections within the respective Directorates to fulfil these responsibilities; and
- ii. the sub-structure of each Section including the number of full-time equivalent positions required to ensure the efficient and effective delivery of operational outcomes.

b) Council's Satisfaction with Organisational Structure

If the Council is not satisfied that an appropriate structure exists, the Council may, by resolution, request the CEO to review the structure.

c) Corporate Plan Reporting

The Annual Corporate Business Plan of the Shire of Northam will provide a detailed organisational structure. The Corporate Business Plan will clearly indicate any changes in staff numbers over previous years, by Directorate.

G 1.21 Council Members Leave of Absence

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4690
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2024/25
<i>Related Shire Documents</i>	Nil
<i>Related Legislation</i>	<i>Local Government Act 1995, Section 2.25</i>

OBJECTIVE

To provide guidance and criteria for Council Members to include in applications for leave of absence from attending to Council related duties and responsibilities, pursuant to Section 2.25 of the *Local Government Act 1995*.

SCOPE

This policy applies to all Shire of Northam Council Members.

POLICY

1. Applications by Council Members for formal Leave of Absence from Council commitments are to be provided in writing to the CEO.
2. Applications are required to include the following information, as a minimum:
 - 2.1 Period of Leave sought (dates from beginning to end).
 - 2.2 Reason for Absence (e.g. Holiday, Health, Work Related).
 - 2.3 Expected number of Ordinary Council Meetings held during applicable period of leave.
 - 2.4 Any Meetings, Briefings or other functions conducted by the Shire during the requested period of leave which the member expressly wishes to attend.
3. Any application for a period of leave will be presented to a Council Meeting for consideration, as soon as practicable, to ensure the matter is dealt with in a timely manner.
4. All applications will be subject to an officer recommendation which addresses whether:
 - 4.1 The application conforms with the requirements of (1) and (2) above.
 - 4.2 The details and reasons provided in the application are considered valid.

5. The Council Member is expected to be absent from all Shire related commitments during the applicable period, including Ordinary Council Meetings, except for those to which the Council Member has already notified their attendance in advance.
6. Where the Council Member does not have leave approved in advance for a Council or Committee meeting, the member is to be recorded as an apology for that meeting.

G 1.22 Work Health & Safety Policy

Responsible Department

CEO Office

Resolution Number

C.4806

Resolution Date

19 July 2023

Next Scheduled Review

June 2024

Related Shire Documents

Related Legislation

WHS Act 2020

WHS Regulations 2021

OBJECTIVE

To articulate the Shire of Northam's full commitment to work health and safety in ensuring a safe working environment.

SCOPE

The Work Health and Safety (WHS) Policy applies to all Shire of Northam employees including contracted staff and volunteers. This Policy applies to all Shire of Northam controlled premises and any other areas in which employees may work. Visitors to the Shire of Northam are also required to comply with this policy.

POLICY

This policy determines how the Shire of Northam will implement its commitment to Work Health and Safety

The Shire of Northam is committed to establishing and maintaining the highest standards of work health and safety possible for all employees, and will:

- Ensure that all Guidelines and procedures are compliant with the WHS Act 2020 and the WHS Regulations 2021.
- Identify, manage, and maintain any foreseeable risks associated with physical and psychosocial hazards as far as reasonably practicable.
- Maintain active and effective injury prevention programs aimed at protecting employees from work related injury and disease, as far as reasonably practicable. This will be achieved by ensuring that the appropriate resources will be available and effective. The resources will be applied through a consultative process involving employees, Work, Health, and Safety Representatives, including the Person Conduction Business Undertaking (PCBU).

- Ensure that WHS is both an individual and shared responsibility. Every employee has an important role in injury prevention and hazard identification, as part of their due diligence and duty of care. Employees are encouraged to participate in continuously improving the work, health, and safety standards in the workplace.
- Engage work, health, and safety representatives and recognise their legitimate role regarding safety and health in the workplace.

Review the Health and Safety Management System to ensure it remains effective and current for a safe and healthy work environment, The Shire of Northam WHS Policy and Guidelines will be reviewed periodically. This review will focus on the effectiveness of individual elements of the system and any relevant changes to Commonwealth and State WHS Legislation.

G 1.23 Code of Conduct Behaviour Complaints Management

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.4839
<i>Resolution Date</i>	16/08/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	G 1.4 Code of Conduct for Councillors, Committee Members and Candidates 4.2 Procurement Policy
<i>Related Legislation</i>	Local Government (Model Code of Conduct) Regulations Local Government (Administration) Regulations 1996 Standing Orders Amendment Local Law 2018

PURPOSE

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

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

SCOPE

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

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

Complaints that are deemed outside of the scope of this policy are:

- dissatisfaction with a Council or committee member's lawfully made decisions;
- dissatisfaction with a Council or Committee member's performance of his or her role;
- minor breaches under s. 5.105(1) of the Act;
- serious breaches under s. 5.114 of the Act;
- corruption allegations; or
- personal disagreements.

Complaints related to Division 4 - Rules of Conduct are dealt with by the Local Government Standards Panel. An overview of the complaint process and the complaint form can be found at the [Department of Local Government Sport and Cultural Industries](#). Any complaint for Division 4 should be on the appropriate form and sent to the Executive Manager Corporate Services as the Complaints Officer.

DEFINITIONS

Act means the Local Government Act 1995.

Authorised Person means the Shire President, or where the complainant is made by, or about the Shire President, the Deputy Shire President.

Breach means a breach of a behaviour requirement in Division 3 of the Code of Conduct.

Candidate an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under s4.49 of the Act. The Code of Conduct applies to the candidate from that point. Any alleged breach may only be dealt with if the candidate is elected as a Council Member.

Code of Conduct means the Code of Conduct for Council Members, Committee Members and Candidates adopted by the Shire of Northam.

Complainant means a person complaining of a breach by a Council or Committee Member of the Shire or a candidate.

Complaint means a complaint made under clause 11(1) of the Code of Conduct.

Complaint Form means the 'Alleged Breach Complaints Form – Councillors, Committee Members & Candidates'.

Council Member means a person currently serving a term of office as a Council Member of the Council in accordance with the Act.

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

Finding means a finding made in accordance with Code of Conduct as to whether a Breach has or has not occurred.

Investigator means an independent party appointed by the Authorised Person in accordance with this Policy for the purpose of dealing with a Complaint.

Plan means a Plan prepared and implemented under the Code of Conduct to address the behaviour of the person to whom the Complaint relates, if a Finding has been made that a Breach has occurred.

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

Respondent means the person to whom a complaint relates.

Shire means Shire of Northam.

POLICY

1. PRINCIPLES

1.1. Procedural Fairness

The principles of procedural fairness will apply when dealing with a Complaint. The Respondent will be afforded a reasonable opportunity to be heard prior to any findings being made; decisions are to be made in an objective and impartial manner with an absence of bias (or the perception of bias); and any findings made are to be based on proper and genuine consideration of the evidence.

1.2. Consistency

Each Complainant and Respondent will be dealt with according to their circumstances and each Complaint considered and determined on its merits. However, the Shire will ensure consistent decision making in relation to a Complaint, with similar circumstances resulting in similar decisions where appropriate.

1.3. Confidentiality

To protect both the Complainant and Respondent, the Shire will take all reasonable steps to maintain confidentiality when dealing with a Complaint. Information gained in the course of managing a Complaint is to be managed in a secure manner and must not be disclosed or used inappropriately.

1.4. Accessibility

Information on how to make a Complaint is available on the Shire's website, or alternatively from the Shire's Administration Building upon request.

2. MAKING A COMPLAINT

- 2.1. Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct.
- 2.2. A Complaint must be made within one month after the alleged Breach.
- 2.3. A Complaint must be made by completing the Complaint Form in full and providing the completed forms to the Authorised Person.
- 2.4. A Complaint must be made in accordance with the Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached. It must also include the name and contact details of the Complainant.
- 2.5. Where a Complaint Form omits required details, the Authorised Person will invite the Complainant to provide this information in order for the Complaint to be progressed.
- 2.6. The supporting information provided with the initial Complaint will be the only information considered during any assessment or investigation. The Authorised Person may seek clarification but will not seek or accept any additional supporting information.
- 2.7. A Complaint in relation to a Candidate must be made in accordance with the above process but cannot be dealt with unless the Candidate is subsequently elected as a Council Member.

3. WITHDRAWING A COMPLAINT

- 3.1. A Complainant may withdraw their Complaint, in writing, at any time before a Finding has been made in relation to the Complaint.
- 3.2. A Complainant may withdraw a Complaint by advising the Authorised Person, in writing, that they wish to do so.
- 3.3. After receiving a withdrawal of the Complaint, the Authorised Person will take all necessary steps to terminate the process commenced under this Policy.

4. RESPONDING TO A COMPLAINT

- 4.1. Within 14 days after receiving a Candidate Complaint, the Authorised Person will provide written notice:
 - 4.1.1. To the Complainant confirming receipt and advising of the procedure for complaints; and
 - 4.1.2. To the Respondent, including a summary of the complaint and advising of the procedure for complaints.

- 4.2. Within 14 days of receiving a Complaint, the Authorised Person will contact the:
- 4.2.1. Complainant:
 - 4.2.1.1. confirming receipt of the Complaint.
 - 4.2.1.2. outlining the process that will be followed and possible outcomes.
 - 4.2.1.3. explaining the application of confidentiality to the complaint.
 - 4.2.1.4. including a copy of this Policy; and
 - 4.2.1.5. if necessary, seeking clarification.
 - 4.2.2. Respondent:
 - 4.2.2.1. advising that a Complaint has been made and include a copy of the Complaint and supporting documents.
 - 4.2.2.2. outlining the process that will be followed and the possible outcomes.
 - 4.2.3. Complaints will normally be dealt with in the order in which they are received.
 - 4.2.3.1. If more than one Complaint is received that relates to the same alleged behaviour, the Complaints may be progressed concurrently where appropriate.

5. MEDIATION

- 5.1. It is recognised that mediation may support both parties to a Complaint to reach a mutually satisfactory outcome that resolves the issues giving rise to the complaint and the Authorised Person will, as the first course of action upon receiving a complaint, offer and encourage the Complainant and the respondent to participate in Mediation.
- 5.2. If both parties agree to participate in Mediation, the formal process will be paused.
- 5.3. The Authorised Person is to appoint a suitably qualified and experienced mediator, with administrative assistance provided by the Chief Executive Officer,
- 5.4. The objective of Mediation will be to reach a resolution. For example, an offer, by the person to whom the Complaint relates, to issue a voluntary apology in response to a Complaint, even in the absence of a request from the complainant, qualifies for consideration as mediation and resolution.
- 5.5. If Mediation is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of the Mediator.

5.6. Successful mediation outcomes will be reported to council through the Audit and Risk Management Committee via anonymous information report.

5.7. If Mediation is terminated or does not achieve a resolution that results in the withdrawal or agreed closure of the Complaint, the Authorised Person will resume the formal process required under this Policy.

6. ASSESSMENT OF THE COMPLAINT

6.1. The Respondent is to be provided with a reasonable opportunity to be heard before any opinions or recommendations are formed.

6.2. If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Authorised Person will determine whether or not to dismiss the Complaint.

6.3. If a Complaint is dismissed, the Complainant and the Respondent will be given written notice of the decision and the reasons for the decision in accordance with the Code of Conduct. This concludes the process in relation to the Complaint.

6.4. If the Complaint is not dismissed, the Authorised Person or Investigator (as appropriate) will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred.

6.5. If it is determined that the alleged Breach did not occur, the Complainant and the Respondent will be given written notice of the Finding and the reasons for the Finding. This concludes the process for the Complaint.

6.6. If it is determined that the alleged breach did occur, the Authorised Person or Investigator (as appropriate) will decide whether to recommend further action and / or to prepare a plan to address the behaviour.

6.7. If the Authorised Person or Investigator (as appropriate) decides to take no further action, the Complainant and the Respondent will be given written notice of this decision and the reasons for the Finding. This concludes the process for the Complaint.

6.8. If the Authorised Person or Investigator (as appropriate) decides to prepare a Plan, the Respondent is to be consulted and any submissions made by the Respondent are to be considered before preparing and implementing a plan.

7. COMPLYING WITH PLAN REQUIREMENTS

7.1. The Authorised Person will monitor the actions in timeframes set out in a Plan.

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

7.3. The Authorised Person must provide a report advising Council of any failure to comply with a requirement included in a Plan.

8. PUBLICATION OF FINDINGS

8.1. Within 14 days of a decision by the Investigator determining the outcome of a complaint, the Authorised Person must:

8.1.1. give the complainant and the respondent –

8.1.1.1. a copy of the finding; and

8.1.1.2. a copy of Authorised Person or Investigator (as appropriate) reports, minus any attachments

8.1.2. publish the Authorised Person or Investigator (as appropriate) report minus all attachments on the Shire's website.

8.1.3. complete any further action required by Council.

9. DECISION MAKING

9.1. Finding

9.1.1. A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

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

9.2. Action

9.2.1. In deciding whether to take no further action, or prepare and implement a Plan, the following is to be considered:

9.2.1.1. the nature and seriousness of the breach(es).

9.2.1.2. the Respondent's submission in relation to the contravention.

9.2.1.3. whether the Respondent has breached the Code of Conduct knowingly or carelessly.

9.2.1.4. whether the Respondent has breached the Code of Conduct on previous occasions.

9.2.1.5. likelihood or not of the Respondent committing further breaches of the Code of Conduct.

9.2.1.6. personal circumstances at the time of conduct.

9.2.1.7. need to protect the public through general deterrence and maintain public confidence in Local Government; and

9.2.1.8. any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

10. PLAN REQUIREMENTS

- 10.1. A proposed plan may include requirements for the Respondent to do one or more of the following:
- 10.1.1. engage in mediation.
 - 10.1.2. undertake counselling.
 - 10.1.3. undertake training; and/or
 - 10.1.4. take other action considered appropriate (e.g., an apology).
- 10.2. The Proposed Plan may also outline:
- 10.2.1. the actions to be taken to address the behaviour(s).
 - 10.2.2. who will be responsible for those actions.
 - 10.2.3. any assistance the Local Government will provide to achieve the intent of the Plan; and/or
 - 10.2.4. a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

11. ROLES

11.1. Authorised Persons

- 11.1.1. In accordance with clause 11(3) of the Code:
- 11.1.1.1. the Shire President is authorised to receive complaints and withdrawal of complaints under the Code; or
 - 11.1.1.2. where the complainant is made by, or about the Shire President, the Deputy Shire President is authorised to receive complaints and withdrawal of complaints under the Code.
- 11.1.2. The authority of the Authorised Person includes the power to:
- 11.1.2.1. Accept complaints and withdrawal of complaints.
 - 11.1.2.2. Dismiss a Complaint in accordance with the Code of Conduct,
 - 11.1.2.3. Make a Finding as to whether an alleged Complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur.
 - 11.1.2.4. Where a Finding is made that a breach has occurred, determine:
 - 11.1.2.4.1. To take no further action where appropriate; or

11.1.2.4.2. Prepare and implement a plan to address the behaviour of the person to whom the Complaint relates.

11.1.3. The Authorised Person must report to council:

11.1.3.1. Successfully mediated, resolved and withdrawn complaints – to be presented in an information report through the Audit and Risk Management Committee.

11.1.3.2. Complaint findings and actions prescribed – to be presented in an information report through the Audit and Risk Management Committee.

11.1.3.3. All complaint findings made by an Investigator for final determination.

11.1.4. Where the Authorised Person appoints a suitably qualified and experienced Investigator, with administrative assistance provided by the Chief Executive Officer, they will endeavour to do so within a reasonable period and in accordance with Council's Procurement Policy.

11.2. Investigator

11.2.1. The Investigator is an impartial third party, who may be appointed by the Authorised Person where:

11.2.1.1. the Complaint is sufficiently serious or complex in nature such that it warrants the appointment of an independent party to undertake an investigation; or

11.2.1.2. the Complaint is not considered serious or complex in nature, however a conflict of interest (or the perception of a conflict of interest) preclude the Authorised Person from making a determination in relation to the complaint; and

11.2.1.3. mediation is either not appropriate given the nature of the complaint, is not agreed to by both parties, is terminated or does not achieve an agreed outcome.

11.2.2. Where a Complaint is referred to an Investigator, the Authorised Person is to provide to the Investigator the Complaint, any supporting documents, and appropriate response documents.

11.2.3. In undertaking their functions, the Investigator will apply the Principles of this Policy.

11.2.4. The Investigator will:

11.2.4.1. Seek any clarification through the Authorised Person.

- 11.2.4.2. Make a finding as to whether an alleged Complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur.
- 11.2.4.3. Where a finding is made that a breach has occurred,
 - 11.2.4.3.1. recommend that no further action, taken; or
 - 11.2.4.3.2. recommend a plan to address the circumstances of or the behaviour of the person to whom the Complaint relates.
- 11.2.5. The details of all complaints dealt with by the Investigator will be reported direct to council for final determination.

G 1.24 Authorising Documents and Affixing the Common Seal

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.4839
<i>Resolution Date</i>	16/08/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Delegated Authority Register
<i>Related Legislation</i>	Local Government Act 1995, section 9.49 and 9.49A

OBJECTIVE

To establish protocols for authorisation of documents and the affixing of the Common Seal, according to the requirements of sections 9.49 and 9.49A of the *Local Government Act 1995*.

This policy provides guidance on the appropriate method of execution for the Shire's documents and ensures that the Shire's common seal is applied and documents executed in accordance with the provisions of the Local Government Act 1995 (the Act).

According to the Act, s9.49A, a document is duly executed by a local government if the common seal is affixed to it or it is signed by an officer authorised to do so.

Under section 9.49A(3) of the Act, the common seal is to be affixed to a document in the presence of the President and the CEO, each of whom is to sign the document to attest that the common seal was so affixed.

SCOPE

This policy applies to all Shire of Northam officers who have been authorised through the provisions of this policy to execute documents on behalf of Council.

Executing documents through the use of the common seal or by signing a document does not constitute the decision to undertake a particular course of action. A Council resolution or a decision under delegated authority is required prior to executing documents pertaining to those decisions.

In the case of:

1. Legislation;
2. The formal requirements of a Commonwealth or State department, authority or agency (as described in a policy or procedure, etc); or

3. A Council decision;

expressly specifying a particular way in which a document is to be executed, that course of action is to take precedence over this policy.

Should ambiguity arise over what category might apply to a document i.e. two categories may have relevance to a document, then the higher category is to take precedence unless the decision has been made under delegated authority in which case it is a Category 2 document and can be executed by the officer exercising the delegated authority.

POLICY

1. CATEGORY 1 DOCUMENTS

Category 1 documents require a specific resolution of Council to sell, lease or enter into an agreement etc. as well as an authority to affix the seal.

Council acknowledges that some documents 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, e.g. a decision made under delegated authority.

No.	Description	Specific resolution of Council required
1	Deeds, including but not limited to: Deeds of Agreement; <ul style="list-style-type: none"> • Deeds of Release; and • Memorandum of Understanding, in respect to sale, purchase or other commercial dealing relating to Shire's assets including equitable interests.	Yes
2	Local Planning Schemes and Amendments.	Yes
3	Lease documents. This category includes, but is not limited to:- <ul style="list-style-type: none"> • Extension of Lease under original lease and new term not previously provided; • Variation of Lease; • Assignment of Lease; and • Surrender of Lease. 	Yes except where granted under delegated authority.
4	Licence documents	Yes except where granted under delegated authority.
5	Local Laws	Yes

6	Documents prepared for registration at Landgate that are mortgage documents and transfer of land forms.	Yes where the value of the land exceeds the amount determined by the Shire of Northam for the purpose of section 5.43 (d) of the Act as determined by delegated authority.
7	Agreements relating to grant funding, when the funder requires that the agreement be signed under seal.	No
8	General Legal and Service Agreements not already listed in this policy.	No

2. CATEGORY 2 DOCUMENTS

Category 2 documents do not require the seal to be affixed.

Under section 9.49(A)(4) Council hereby authorises those officers listed in the table below to sign documents on behalf of the Shire of Northam.

Description	Authority to Execute
Documents required in the management of land as a landowner.	Chief Executive Officer The responsible Executive Manager
Documents required to enact a decision of Council (i.e. contractual documents resulting from a tender process, transfer of lands forms, notification on title as required by a condition of approval, memorandum of understanding, adoption of a new Structure Plan etc.)	Chief Executive Officer The responsible Executive Manager
Documents that enact a decision made under delegated authority or as a condition of approval given under delegated authority.	Chief Executive Officer The responsible Executive Manager The Officer exercising the delegated authority
Agreements relating to grant funding	Chief Executive Officer The responsible Executive Manager

3. CATEGORY 3 DOCUMENTS

Category 3 documents are those documents that are created in the normal course of business and are consistent with Shire's policies and procedures. Category 3 documents are to be executed by an Executive Manager or Manager, or a Shire officer where the authority and accountability has been extended through a policy or procedure.

These documents include but are not limited to the following:

No.	Description
1	Agreements in the normal course of business for the purchase of goods or services identified within the service unit's budget (other than for tenders awarded by Council) and conforming to the requirements of the Shire's Procurement Policy and other relevant policies
2	Debenture documents for loans which Council has resolved to raise.
3	General correspondence required to discharge the duties of the Officers position.
4	Contracts for grant funding conducted in accordance with the Shire's policies and procedures.
5	Regular hire arrangements.

For templates and procedures regarding authorisation by signature and by execution under Common Seal, see the following sections.

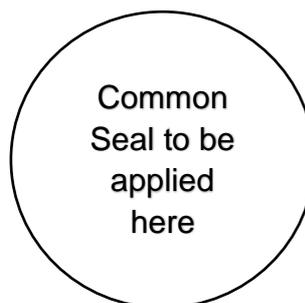
4. AFFIXING AND ADMINISTRATION OF THE COMMON SEAL

The Common Seal must be applied in the presence of the Chief Executive Officer and the Shire President. The execution clause must mirror the template as shown below.

The Chief Executive Officer must maintain a register recording occurrences where the common seal has been affixed.

THE COMMON SEAL OF
The Shire of Northam
was hereto affixed in the
presence of:

]]]]



Shire President (signature)

Name of Shire President (print name)

Chief Executive Officer (signature)

Name of Chief Executive Officer (print name)

5. SIGNING UNDER AUTHORISATION

If the document is to be signed via authorisation by the Chief Executive Officer, the execution clause must mirror the template as shown below:

SIGNED FOR AND ON BEHALF OF]
The Shire of Northam]
 by authority of a resolution of the Council]
 being resolution number (insert no...)]

 Chief Executive Officer (signature)

 Name of Chief Executive Officer (print name)

If the document is to be signed by an Executive Manager, the execution clause must mirror the template as shown below:

SIGNED FOR AND ON BEHALF OF]
The Shire of Northam]
 by authority of a resolution of the Council]
 being resolution number (insert no...)]

 Executive Manager (signature)

 Name of Executive Manager (print name)

G 1.25 Fraud and Corruption Control

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	16/08/2023
<i>Resolution Date</i>	C.4839
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Fraud and Corruption Control Plan
<i>Related Legislation</i>	Australian Standards AS8001-2021 Fraud and Corruption Control Local Government Act 1995

OBJECTIVE

The purpose of this Policy is to demonstrate the main principles for countering fraud and corruption.

SCOPE

This policy applies to internal and external fraud/corruption, including but not limited to: Council Members, Committee Members, staff, contractors, suppliers, volunteers, and members of the public.

POLICY

The Shire recognises that fraud and corruption prevention and control are integral components of good governance and risk management. Suspected fraud, corruption or misconduct will be reported, investigated and resolved in accordance with Shire policies, processes and the Corruption, Crime and Misconduct Act 2003.

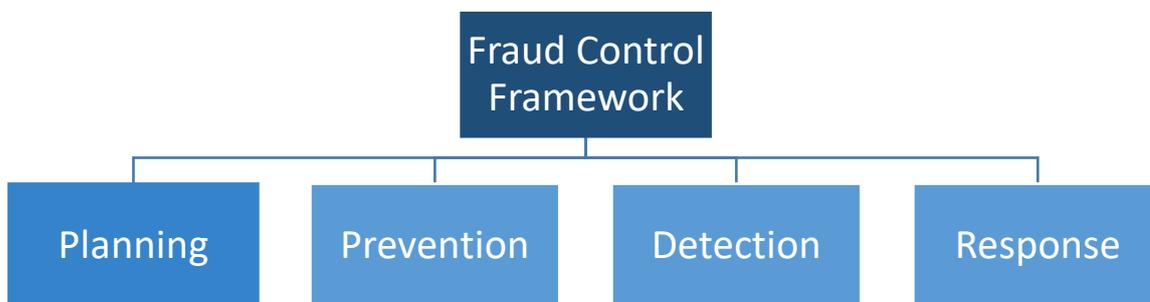
a) The Shire of Northam will:

- take a risk management approach to the prevention, identification and management of fraud and corruption;
- minimise the risk of potential for fraudulent or corrupt conduct on the part of its Council Members, Committee Members, staff, contractors, suppliers, volunteers, and members of the public;
- detect fraudulent or corrupt behaviour through a systematic process articulated in a Fraud and Corruption Control Plan. This plan details the practical steps the Shire will undertake to ensure fraud and corruption does not occur. This Plan aims to:
 - Reduce the potential for fraud and corruption within and against the Shire;
 - Build a culture which seeks to prevent fraud and corruption;

- Apply resources to the prevention of fraud and corruption; and
- Explain how suspected instances of fraud and corruption are dealt with.

This Plan comprises four stages: planning and resourcing; prevention; detection; and response.

- investigate or otherwise formally enquire into all instances of suspected fraudulent or corrupt conduct identified as a result of the detection processes, or as a result of receiving an allegation of fraudulent or corrupt activities;
- manage, discipline or facilitate the prosecution of those responsible for incidents of fraud and corruption as appropriate;
- ensure the continued organisational integrity and transparency of its operations.
- Adopt the following Fraud Control Framework;



G 1.26 Condolences and Bereavement

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.4839
<i>Resolution Date</i>	16/08/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Council Plan 2022 - 2023
<i>Related Legislation</i>	Local Government Act 1995, Section 2.7 – Role of Council

OBJECTIVE

To ensure proper and appropriate recognition of deceased persons who have been closely associated with the Shire and/or its history are acknowledged and recognised for their contribution to the Shire of Northam.

SCOPE

This policy will recognise (but is not limited to) the following groups of people:

- Freemen
- Elected Members (both past and present)
- Shire of Northam employees(current)

POLICY

Definitions

Death Notice means a public expression of sympathy about the death of a person.

Immediate relative for the purposes of this policy, means spouse or partner, children, parents and siblings of the deceased.

1. Death of a current employee or immediate relative of current employees

1.1 The Chief Executive Officer or relevant Executive Manager is responsible for passing on the sympathy/condolences of the Shire of Northam to the family/next of kin at the occasion of the death of:

- Employees; or
- An immediate relative of current employees (defined as spouse, parent or child).

All condolence correspondence should be dealt with in a timely manner.

Upon notification of the death of a person entitled to condolence/bereavement recognition the Chief Executive Officer or relevant Executive Manager is to ensure one or more of the following tasks are completed to reflect this policy:

- Elected members and employees are notified;
- A death notice is placed in the Northam Advertiser;
- A gift of flowers/donation to charity of the family's choice to the value of \$100.00 is forwarded to the family/next of kin.

One or more of the tasks listed are to be arranged by either the Human Resources Assistant or the –Governance Officer as soon as practicable.

Where elected members, or employees have a personal connection to the deceased, it is the individual's prerogative to attend the funeral on their own behalf.

2. Death of a past or current elected member, immediate relative of current elected members and identities of the Shire of Northam

2.1 The Shire President and Chief Executive Officer are responsible for passing on the sympathy/condolences of the Shire of Northam to the family/next of kin at the occasion of the death of:

- A past elected member;
- Current elected member
- Immediate relative of current elected members; or
- Identities of the Shire of Northam.

All condolence correspondence should be dealt with in a timely manner.

Upon notification of the death of a person entitled to condolence/bereavement recognition, the Chief Executive Officer or relevant Executive Manager is to ensure one or more of the following tasks are completed to reflect this policy:

- Elected members and employees are notified;
- A death notice is placed in the Northam Advertiser;
- Remembrance at an Ordinary Council meeting;
- A gift of flowers/donation to a charity of the family's choice to the value of \$100.00 is forwarded to the family/next of kin.
- Flags may be flown at half-mast on the day, or part of the day, of their funeral at the discretion of the Shire President and/or Chief Executive Officer
- When considered appropriate by the Shire President and the Chief Executive Officer, inviting Elected Members or senior staff to represent the Shire at the funeral service, dependent upon the type of service being sought.

One or more of the tasks listed are to be arranged by the –Governance Officer as soon as practicable.

When not invited as above, where elected members, or employees have a personal connection to the deceased, it is the individual's prerogative to attend the funeral on their own behalf.

3. Form of death notice

The recommended standard notice of sympathy could read:

SURNAME, (FIRST NAME)

Deepest sympathy is extended to the 'SURNAME' family on the sad loss of 'FIRST NAME', a respected 'EMPLOYEE/ELECTED MEMBER/PAST ELECTED MEMBER/COMMUNITY MEMBER'.

President 'NAME' on behalf of Council, elected members, employees and residents of the Shire of Northam.

COMMUNITY SUPPORT

C 3.1 Community Grants Program

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4445
<i>Resolution Date</i>	20/04/2022
<i>Next Scheduled Review</i>	2024
<i>Related Shire Documents</i>	Shire of Northam Council Plan
<i>Related Legislation</i>	Local Government Act –s5.3 Local Government (Administration) Regulations – Reg 12

OBJECTIVE

To provide the framework for consistent financial support administration and assessment processes to ensure they are transparent, equitable, inclusive, and understood by the community.

SCOPE

Each year the Shire of Northam receive multiple requests from community organisations and individuals for financial support and/or sponsorship for projects, events, and activities. This policy provides clear guidelines to the community for requesting funds and/or sponsorship from Council; and provides Council with a framework to ensure a consistent and equitable allocation of funds.

POLICY

The Community Grants Program aims to strengthen and enhance the social wellbeing, development, and sustainability of the Shire of Northam community. It aims to encourage the involvement of the community in achieving the Shire of Northam's strategic direction as identified in the Council Plan.

The Community Grants Program aims to support individuals and community organisations to undertake projects, events, and activities through a range of non-competitive and competitive grant and sponsorship categories.

SECTION 1 FUNDING ALLOCATIONS AND DONATIONS

1.1 Community/Progress Association Annual Budget Requests

AIM	To assist the Community/Progress Associations to undertake events, projects and programs to enhance their local community.
ELIGIBILITY	<p>Council recognised community / progress associations:</p> <ul style="list-style-type: none"> • Wundowie Progress Association • Bakers Hill Progress and Recreation Association • Clackline Progress Association • Spencers Brook Progress Association • Grass Valley Progress Association • Southern Brook Progress Association • Quellington Progress & Sporting Association • Irishtown Agricultural Hall Club Incorporated
FUNDING AMOUNT	<ul style="list-style-type: none"> • Requests to be received by 30 March with allocations to be determined by Council in the Annual Budget.
FUNDING CRITERIA	<ul style="list-style-type: none"> • No set requirement for matching funding, although the Shire of Northam may require the Association to apply for external funding to part fund the project if considered eligible • Budget requests are to be submitted by 30 March along with a detailed budget and project plan(s) to Shire of Northam for consideration by Council. • Allocation may be carried forward for up to 3 years for large scale projects. A statement of intention to carry funds forward must be submitted to Council by 30 March with a project progress report to secure the funds • Funds cannot be allocated to social functions unless accessible to the entire community • Funds cannot be allocated to third party community organisations for operational purposes (e.g. insurances) • Funds can only be allocated to third party community groups for infrastructure or equipment if it is of benefit to the wider community • Funds will be expended by 30 June of the relevant financial year. The recipient will notify the Shire in writing of any delays to the proposed timeframe • Acknowledgement of Shire of Northam support • Funding will not be issued if there are outstanding acquittals/progress reports
ACQUITTAL REQUIREMENTS	<ul style="list-style-type: none"> • Funding must be acquitted by 30 June unless alternative arrangements have been made. • The recipient will be required to provide the following:

	<ul style="list-style-type: none"> ○ Declaration by the Chairperson/President that funding was utilised in accordance with the grant agreement ○ Financial statement (income and expenditure) ○ Copies of invoices/evidence of expenditure ○ Evidence of project outcomes and acknowledgement of Shire of Northam support ○ Completed evaluation form ● Unspent funds to be returned to the Shire of Northam, or will be withheld from future funding allocations.
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1.2 Educational Prizes and Donations

AIM	To recognise young people who have made an outstanding achievement or contribution at their school/institute and/or shown strong leadership skills within the community
ELIGIBILITY	<p>Council recognised schools and educational institutes:</p> <ul style="list-style-type: none"> ● Wundowie Primary School ● Bakers Hill Primary School ● Avonvale Primary School ● Avonvale Education Support Centre ● Northam Primary School ● West Northam Primary School ● St Joseph's School ● Northam Senior High School ● Clontarf Program ● Wirrpanda Girls Academy ● Central Regional TAFE
FUNDING AMOUNT	<p>Council will support the following awards in the Annual Budget:</p> <ul style="list-style-type: none"> ● \$200 for each recognised primary school. ● \$500 for each recognised secondary school. ● \$500 St Joseph's School Indigenous Scholarship ● \$200 Clontarf Program ● \$200 Avonvale Education Support Centre ● \$200 Wirrpanda Girls Academy ● \$1,100 Central Regional TAFE ● \$100 for each recognised school community association, e.g. P&C or P&F Association.
FUNDING CRITERIA	<ul style="list-style-type: none"> ● Prize, award or scholarship to a nominated student in recognition of outstanding contribution or leadership ● Shire of Northam to be recognised as donor (e.g. on Certificate)

	<ul style="list-style-type: none"> • Council representative to be invited to make presentation
ACQUITTAL REQUIREMENTS	Photograph of presentation ceremony

1.3 Donations

AIM	To assist community and charitable organisations to undertake events, projects and programs to benefit the Shire of Northam community.
ELIGIBILITY	<ul style="list-style-type: none"> • Registered not for profit organisation. • Business or profit making entities may apply if they can clearly demonstrate the donation is for a charitable purpose. • Must be targeted at the Shire of Northam community as a whole or target groups. • Are for an activity, event or program with a charitable or community service oriented purpose. • May include fundraising activities where charitable benefit is demonstrated.
FUNDING AMOUNT	<ul style="list-style-type: none"> • Up to \$200 per organisation annually.
FUNDING CRITERIA	<ul style="list-style-type: none"> • Acknowledgement of Shire of Northam support
ACQUITTAL REQUIREMENTS	<ul style="list-style-type: none"> • Evidence of acknowledgement for the Shire of Northam's support.

SECTION 2 – COMMUNITY ASSISTANCE GRANTS

2.1 Community Development Grants

AIM	To support the strategic development and organisational capacity building of local community groups and sporting clubs.
ELIGIBILITY	<ul style="list-style-type: none"> • The applicant must be an incorporated community group or sporting club based within the Shire of Northam • Projects must relate to either: <ul style="list-style-type: none"> ○ Strategic planning ○ Organisational capacity building ○ Major community projects • Consideration will not be given for the following: <ul style="list-style-type: none"> ○ Retrospective funding ○ Recurrent salaries or operational costs not directly associated with the funded project.

	<ul style="list-style-type: none"> ○ Projects that have a fundraising outcome ○ Equipment not directly related to the project ○ Trophies, prizes or gifts ○ Costumes or uniforms ○ Activities targeted at students in a school setting ○ Projects considered to be better funded through other sources ○ Applicants that have outstanding acquittals
FUNDING AMOUNT	<ul style="list-style-type: none"> ● The funding pool will be determined by Council in the Annual Budget. ● Minimum \$5,000 up to \$20,000 (excluding GST) per applicant. ● Applications rounds will be open September/October and assessed by the Community Grants Assessment Committee in November of the relevant year.
ASSESSMENT CRITERIA	<ul style="list-style-type: none"> ● Alignment with the Shire of Northam Council Plan or other organisational or regional plan ● Management and financial capacity to deliver ● Anticipated outcomes in response to identified need ● Access, opportunity and participation ● Evidence that other support and funding has been obtained or is being sought ● Goods and services are being procured from Shire of Northam based businesses wherever possible ● Recognition of Shire of Northam support
APPLICATION REQUIREMENTS	<ul style="list-style-type: none"> ● Completed and signed correct application form ● Copy of Certificate of Incorporation ● Copy of Public Liability Insurance ● Copy of recent organisational financial statements ● Submitted by the advertised closing date
FUNDING AGREEMENT	<p>Prior to payment, successful applicants must sign a funding agreement stating that:</p> <ul style="list-style-type: none"> ● Funds will be expended only for the purposes specified in the agreement unless otherwise agreed in writing by the Shire of Northam ● 90% of the awarded funds will be claimed by 30 June of the relevant financial year. The remaining 10% of funds will be withheld until the applicant provides a financial acquittal and project evaluation that demonstrates that the funds have been spent in accordance with the approved project scope. ● The funds will be expended by 30 June the following financial year. The recipient will notify the Shire in writing of any delays to the proposed timeframe.

	<ul style="list-style-type: none"> • The recipient will notify the Shire in writing of any change in scope of the project and the Shire retains the right to refuse/reduce level of financial assistance in that instance • Where the funding is granted for a public event, the Shire retains the right to withhold payment until Public Event Approval has been granted. Successful funding applications do not grant automatic event approval. • The recipient will acknowledge the support of the Shire in advertising and promotional materials in accordance with Shire requirements. Approval of the use of the Shire of Northam logo is required. • The recipient will provide an audited financial statement for the event expenditure if requested to do so • The recipient will provide a project acquittal, including evidentiary materials by the 30 June of the relevant financial year. The withheld 10% of funds will be paid to the applicant once all acquittal requirements have been met. • Funding will not be issued if the applicant has any outstanding acquittals • Any additional special terms and conditions as determined by the Community Grants Assessment Committee
ACQUITTAL REQUIREMENTS	<ul style="list-style-type: none"> • Grants must be acquitted by 30 June of the relevant year unless alternative arrangements have been made. • Grant recipients will be required to provide the following: <ul style="list-style-type: none"> ○ Declaration by the Chairperson/President that funding was utilised in accordance with the grant agreement ○ Financial statement (income and expenditure) ○ Copies of invoices/evidence of expenditure ○ Schedule of Volunteer Labour (if applicable) ○ Schedule of Donated Materials (if applicable) ○ Evidence of project outcomes and acknowledgement of Shire of Northam support ○ Completed evaluation form • Any unspent funds are to be returned to the Shire of Northam.

2.3 Quick Response Grant

AIM	To support innovative responses to community and individual needs, either as a whole or target groups (sports, children, youth, seniors, persons with a disability, culturally or linguistically diverse). These grants are intended for ad hoc
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	and smaller scale projects or to assist the delivery of projects/programs for which opportunity or need has arisen.
ELIGIBILITY	<ul style="list-style-type: none"> • Projects must take place within the Shire of Northam or significantly benefit the Shire of Northam community, with the exception of travel assistance for talented sports people and performing artists. • Projects must address a clearly identified community need • Funding can be utilised for venue hire, equipment hire and promotion • Funding can be applied for by sporting clubs seeking sponsorship for one off tournaments or competitions only (i.e. not for the regular season). • Funding can be applied for by individuals, 18 years or under, still at school who have qualified to participate in recognised State, National or International level competitions or events • Consideration will not be given for the following: <ul style="list-style-type: none"> ○ Retrospective funding ○ Recurrent salaries or operational costs not directly associated with the running of the project ○ Gifts ○ Equipment purchases or capital projects unless there is a demonstrated risk to safety or well being ○ Applicants that have outstanding acquittals
FUNDING AMOUNT	<ul style="list-style-type: none"> • Up to \$5,000 (excluding GST) per project. • The project should demonstrate other sources of funding (cash or in kind) • Council will make provision in the Annual Budget for allocation at the discretion of the Chief Executive Officer • Applications will be assessed within 25 working days of receipt by the Shire of Northam
ASSESSMENT CRITERIA	<ul style="list-style-type: none"> • Alignment with the Shire of Northam Council Plan or other organisational or regional plan • Demonstration of community need • Anticipated outcomes in response to identified need • Evidence of other support/funding • Goods and services are being procured from Shire of Northam based businesses wherever possible • Recognition of Shire of Northam support
APPLICATION REQUIREMENTS	<ul style="list-style-type: none"> • Completed and signed correct application form • Copy of Public Liability Insurance (where applicable) • Submitted at any time
FUNDING AGREEMENT	Prior to payment, successful applicants must sign a funding agreement stating that:

	<ul style="list-style-type: none"> • Funds will be expended only for the purposes specified in the agreement unless otherwise agreed in writing by the Shire of Northam • Funds will be expended by 30 June of the relevant financial year. The recipient will notify the Shire in writing of any delays to the proposed timeframe. • Where the funded amount is over \$1,000, 10% of the awarded funds will be withheld until all acquittal requirements have been met and Officers are satisfied that the funds were expended in accordance with the approved project scope. • The recipient will notify the Shire in writing of any change in scope of the project/event and the Shire retains the right to refuse/reduce level of financial assistance in that instance • Where the funding is granted for a public event, the Shire retains the right to withhold payment until Public Event Approval has been granted. Successful funding applications do not grant automatic event approval. • The recipient will acknowledge the support of the Shire in advertising and promotional materials in accordance with Shire requirements. Approval of the use of the Shire of Northam logo is required. • The recipient will provide an audited financial statement for the event expenditure if requested to do so • The recipient will provide a financial acquittal and project evaluation, including evidentiary materials by the 30 June of the relevant financial year. Any withheld funds will be paid to the applicant once all acquittal requirements have been met. • Funding will not be issued if there are outstanding acquittals • Any additional special terms and conditions
<p>ACQUITTAL REQUIREMENTS</p>	<ul style="list-style-type: none"> • Grant must be acquitted by 30 June unless alternative arrangements have been made. • Grant recipients will be required to provide the following: <ul style="list-style-type: none"> ○ Financial statement (income and expenditure) ○ Copies of invoices/evidence of expenditure ○ Statement of Volunteer Labour/Donated Materials (if applicable) ○ Evidence of project outcomes and acknowledgement of Shire of Northam support ○ Completed evaluation form • Unspent funds to be returned to the Shire of Northam, or will be withheld from future funding allocations.

C 3.2 Shire of Northam Library Service

<i>Responsible Department</i>	Executive Manager Community Services
<i>Resolution Number</i>	C.2789
<i>Resolution Date</i>	17/08/2016
<i>Next Scheduled Review</i>	2018
<i>Related Shire Documents</i>	Nil.
<i>Related Legislation</i>	State Library of WA Guidelines.

OBJECTIVE

To ensure access is available to educational, occupational, cultural, recreational and personal growth information being available regardless of geographical location, socio-economic status, age, level of physical or intellectual ability or cultural background.

SCOPE

POLICY

The Shire of Northam library services are to operate in accordance with the Western Australian public library operations provisions of the State Library of WA Guidelines.

C 3.3 Art Policy

<i>Responsible Department</i>	Community Services
<i>Resolution Number</i>	C.4444
<i>Resolution Date</i>	20/04/2022
<i>Next Scheduled Review</i>	2024
<i>Related Shire Documents</i>	Shire of Northam Policy Manual Shire of Northam Record Keeping Plan
<i>Related Legislation</i>	<i>Local Government Act 1995</i>

OBJECTIVE

To provide a clear direction for the development and management of art in the Shire of Northam's control.

SCOPE

This policy applies to all Shire of Northam artworks which includes public artworks, artworks, objects and memorabilia.

Definitions

Acquisition: the process of obtaining valid title to an artwork, object or memorabilia.

Artwork (also known as Work of Art or Art Piece): a physical two or three dimensional object that is professionally determined or popularly considered to fulfil a primarily independent aesthetic function.

Bequests: the process of when personal artwork, objects or memorabilia are left to the collection through the provision of a will or estate plan.

Conservation: any attempt to protect or repair artwork, objects or memorabilia. This can include preventative treatments or the repairing of damage caused by a range of circumstances.

Deaccession: the process by which an artwork, object or item of memorabilia is permanently removed from the collection.

Disposal: The means by which an artwork, object or item of memorabilia are physically removed from the collection.

Donations: when artwork, objects or memorabilia are given voluntarily to the collection.

Memorabilia (also known as memento or keepsake): an object esteemed for its memory in connection to a specific event.

Mural: a painting or other work of art executed directly on a wall.

Object (also known as Artefact): something that is made or given shape by man, such as tools or decorative objects and which has cultural interest.

Public artwork: works of art in any media that are planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

POLICY

Council holds the Art Collection for the community. Council is responsible for the proper stewardship of this valuable asset and will provide maximum exposure, utilisation and benefits for the community and Council.

This policy covers:

- Conservation and Management
 - Council will seek community and industry expertise to advise on the management of art. This expertise will be harnessed through recognised visual arts, museum, and educational organisations.
 - Shire of Northam Officers will provide a report to Council on the valuation, insurance, conservation and maintenance of the art. This report will make recommendations for budget allocation and conservation.
 - Council will ensure that the collection is revalued every five years.
 - Budget allocations for the care and maintenance of the art will be in line with general asset management strategies and will be developed in consultation with these directives.
 - All works on display, in storage, in transit and on loan will be appropriately insured.
 - Public artwork and art on display will be accompanied by appropriate signage that acknowledges the artist and the name of the work.
- Acquisition and Development
 - The Shire of Northam will not be bound to acquire any artwork or accept any donations.
 - All acquisition are to be made by the Chief Executive Officer, or his nominee, based on the advice and recommendation of a group of three elected members.

- New acquisitions will primarily be from artists living and working in the Shire of Northam and surrounding districts.
 - Consideration will be given to public safety, display, storage, conservation and transport issues of a potential acquisition.
 - Artwork acquisition and donation, including public art will be considered based on the following criteria:
 - Excellence – quality of design and execution based on conceptual rationale and innovation;
 - Diversity – range of media catering to a diverse audience;
 - Originality – will not accept reproductions;
 - Feasibility – affordability and long-term cultural value or investment potential;
 - Location – appropriateness of the work to the chosen site including integration with landscaping and architecture;
 - Conservation – durability, robustness and ongoing maintenance requirements;
 - Interpretation – works that reflect the Shire’s history, culture or sense of place;
 - Public safety – ensuring there is no unacceptable level of risk associated with any public art proposal;
 - Useful life – ephemeral or permanent;
 - Interaction – encourages audience participation.
 - An annual budget allocation will be assigned to acquire an artwork from the Northam Art Prize in accordance with this Policy.
- Donations and Bequests
 - Every effort should be made to encourage gifts of works to enhance the Council’s collection consistent with this policy.
 - At the time of acquisition the costs associated with conservation, restoration, preparation, presentation and storage will be estimated and considered as part of the cost of acquiring the work.
 - Deaccession and Disposal
 - The Shire of Northam retains the right to dispose of artworks if they are deemed unsuitable at any stage.
 - Recommendations for the disposal of any artwork will be the responsibility of Shire of Northam Officers.
 - Work will be deaccessioned in accordance with section 3.58 of the Local Government Act 1995 – Disposing of Property.
 - Loans
 - The Shire of Northam will not accept permanent or indefinite loans, inwards or outwards.
 - All loans will be for a fixed time and will be documented on a loans register.

- A Memorandum of Understanding will be drawn up between the Shire of Northam and the party wishing to loan the work to or from the Shire, outlining the terms and responsibilities of the loan.
- Public Access, Display and Exhibitions
 - The collection will be documented and information made available to the public, including via the Shire of Northam website.
 - The collection will be exposed to as wide an audience as possible, and this may encompass the use of temporary displays in appropriate public places, including Council buildings and facilities.
 - The possibility of work from the collection being included in travelling exhibitions will be considered subject to appropriate loan agreements being reached.
 - Display of artwork in Council buildings and facilities is at the discretion of Shire of Northam Officers.
- Public Art
 - a. Artwork commissioned or acquired for the outdoors, such as a sculpture or built form, will be included as part of the Shire of Northam Art Collection.
 - b. Public art sites should be significant or strategically important public places, with visibility and/or accessibility and the site must be in public ownership. Sites that may be selected should be:
 - Highly visible to the community
 - Places of high pedestrian activity
 - Places of high recreational activity
 - Places of civic importance and/or cultural significance.
 - c. Public art will be acquired either by acquisition, commission or bequest.
 - d. Public artworks are to be robust in nature, needing minimal maintenance over the first 10 year period, except where a temporary installation work is specifically commissioned.
- Objects and Memorabilia
 - The Shire of Northam Art Collection will encompass relevant heritage objects and memorabilia material, a repository for unique and significant resources relating to the natural and social environment within the Shire of Northam.
 - The function of the collection for objects and memorabilia is to allow interpretation of a regional resource to promote education, enjoyment and community participation.

C 3.4 Write Off / Waive Fees or Debts

<i>Responsible Department</i>	Executive Manager Community Services
<i>Resolution Number</i>	C.4446
<i>Resolution Date</i>	20/04/2022
<i>Next Scheduled Review</i>	2024
<i>Related Shire Documents</i>	Delegated Authority Register
<i>Related Legislation</i>	Local Government Act 1995 Section 6.12(1)(b) and (c) and (3)

OBJECTIVE

To provide clear guidelines for the equitable assessment of requests to write off or waive fees or debts within the parameters set by Council under delegated authority.

SCOPE

The Shire of Northam receives a number of requests to write off or waive fees and charges or debts. This policy ensures:

- Transparency and accountability to the community;
- An effective reporting mechanism to Council regarding the total value for write off / waiver of fees and charges or debts which are approved in any one financial year;
- An equitable assessment of each application or request received;
- A standard process for applicants to follow when requesting a write off / waiver of fees and charges or debts.

This policy applies to all requests to write off or waive fees or debts within the parameters set by Council under delegated authority (refer to the Shire of Northam Delegated Authority Register).

“Debt” a sum of money that is owed or due.

“Debtor” an individual, organisation or other party that transacts with the Shire where goods or services are provided, use of facilities are made available, fines and license fees are levied and any other transaction that results in an expected future payment to the Shire.

"Fee" means any fee or charge set out in the Shire of Northam’s Fees and Charges Schedule but does not include a bond.

"Not-for-profit organisation" means a non-commercial organisation, including a religious organisation or a sporting group, in which any profit made by the organisation goes back into the operation of that organisation and is not distributed to any of its members.

"Funded Bodies" means organisations that are externally funded or receive their core income from Federal or State Government (including LotteryWest) and significant commercial sponsorship to assist in their operations.

POLICY

1. Waiving Fees and Charges

Waiving of fees and charges must be undertaken in a consistent and transparent manner. The Chief Executive Officer may exercise their delegation to waive fees and charges that:

- Promote the Shire of Northam's mission and objectives;
- Provides a benefit to the Shire of Northam community;
- Are for an activity, event or program with a community service oriented purpose;
- Are for not-for-profit and non-government organisations; and
- Fall within the parameters set by Council under delegated authority, as detailed within the Delegated Authority Register.

Not-for-profit organisation

Where an organisation is a not for profit, and not a funded body a waiver of 100% of the total fees may be approved.

Funded Bodies

Where an organisation is a funded body, a waiver of 50% of the total fees may be approved.

The above items must be demonstrated prior to a fee waiver being approved.

2. Write Off Debts

Debts shall be considered for write off only when all reasonable attempts at recovery have been exhausted and are within the parameters set by Council under delegated authority, as detailed within the Delegated Authority Register. Recommendations for write off shall be made by the Executive Manager Corporate Services to the Chief Executive Officer following discussion with the business unit responsible for the raising of the debt.

In accordance with section 6.12(c) of the *Local Government Act 1995* all debts which require Council approval to be written off will be reported to Council.

3. Exclusions

The Chief Executive Officer will not consider a write off or waiver for fees or debts for:

- 3.1 Any activity, event or program that contravenes Council's existing policies;
- 3.2 The bond associated with the use of Council Facilities (only the waiver of fees for an activity, event or function will be considered);
- 3.3 Retrospective applications;
- 3.4 Requests from non-resident individuals or organisations which do not directly serve or represent the community of the Shire of Northam;
- 3.5 Requests from commercial organisations unless they clearly relate to community or not-for-profit projects and/or events occurring in, and directly serving the community of the Shire of Northam;
- 3.6 Requests that have the potential for income generation or profit or where an entry fee is being charged (excluding a gold coin donation);
- 3.7 Waiver requests from organisations or individuals who have monies owing to the Shire which relate to past booking and/or application fees;
- 3.8 Fund raising activities, for example, raffles, prizes for quiz nights, fetes and generic fundraising campaigns from individuals or National Charities.
- 3.9 State or Federal government organisations, including school community associations, such as P&C's and P&F's.
- 3.10 Sporting clubs and community organisation running regular fixtures, events and programs.

4. Reporting

Where the Chief Executive Officer has exercised delegated authority to write off or waive fees or debts the item is to be listed within the Delegated Authority Register accordingly.

FINANCE / ACCOUNTING

F 4.1 Accounting Policy

Revoked 17 April 2019. Resolution No: C.3638.

F 4.2 Procurement Policy

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4720
<i>Resolution Date</i>	19/04/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Delegated Authority Register Shire of Northam Code of Conduct Strategic Community Plan Local Government Act 1995 Part 4 of Local Government (Functions and General) Regulations 1996 Freedom of Information Act 1992 Occupational Safety and Health Act 1984 Construction Contracts Act 1984 State Records Act 2000
<i>Related Legislation</i>	

OBJECTIVE

The objectives of this policy are to:

- ensure best practice policies and procedures are followed in relation to procurement for the Shire of Northam (the Shire);
- undertake procurement processes that ensure value for money for the Shire by delivering the most advantageous outcome possible;
- ensure openness, transparency, fairness and equity through the procurement process to all potential suppliers; and
- ensure efficient and consistent procurement processes are implemented and maintained across the Shire.

SCOPE

This policy applies to all procurement activities undertaken by the Shire's officers, appointed representatives and, where applicable, contractors procuring on behalf of the Shire.

POLICY

1 Ethics & Integrity

1.1 Code of Conduct

All officers of the Shire undertaking procurement activities are expected to have regard for the Code of Conduct requirements and observe the highest standards of ethics and integrity. All officers of the Shire are expected to act in an honest and professional manner consistent with the Shire's values.

1.2 Procurement Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the procurement process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all procurement decisions and the efficient, effective and proper expenditure of public monies to achieve value for money;
- all procurement practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's applicable policies and Code of Conduct;
- procurement is to be undertaken on a competitive, in the context of this policy framework, basis where all potential suppliers are treated impartially, honestly and in a similar manner;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed;
- any information provided to the Shire by a supplier shall be treated as commercial-in confidence and should not be released unless authorised by the supplier or relevant legislation; and
- any canvassing of the Shire's Councillors or staff shall disqualify Suppliers / contractors seeking to do business with the Shire in relation to the applicable procurement.

2 Value for Money

Value for money is an overarching principle governing procurement that seeks the best possible outcome for the Shire. Compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, safety and quality standards, sustainable procurement objectives, timeliness of supply, whole of life cycle costing and other relevant service benchmarks.

However, when a higher priced offer(s) is recommended, there should be clear and demonstrable benefits over and above the lowest total priced offer(s).

3 Purchasing Requirements

3.1 Legislative / Regulatory Requirements

The requirements that must be complied with by the Shire are prescribed within the Regulations as noted in the Legislation/Local Law Requirements section of this Policy.

3.2 Tendering Exemptions

Refer to regulation 11 (2) of the Local Government Act (Functions & General) Regulations 1996,

3.3 Purchasing Thresholds

The Purchasing Threshold relate to the actual or expected value of a contract over the full contract period or the extent to which the Shire will continue to purchase a particular category of goods, services or work and the total value of that purchase.

The following thresholds apply where the total value (excluding GST) of the full contract period for the purchasing of goods and/or services is, or is expected to be:

Purchase Value Threshold (exclusive of GST)	Procurement Requirement where no existing agreement/contract exists with the Shire	Evaluators
Up to \$2,000	All market approach will comply with the table below, including Open Public Tenders and Tendering Exemptions (refer 3.2) Direct Procurement from suppliers requiring one verbal or written quotation . The preference is to procure from a Shire based Business if a suitable supplier can be sourced. The supplier must provide quality and value for money.	Sole internal evaluator
Over \$2,000 and up to \$10,000	A minimum of one written quotation from suppliers containing price, and details of the supply including basic specifications and warranty offerings. The preference is to procure from a Shire based Business if a suitable supplier can be sourced. The supplier must provide quality and value for money.	Sole internal evaluator
Over \$10,000 and up to \$50,000	A minimum of two written quotations from different suppliers containing price, and details of supply including basic specifications and warranty offerings. At least one written quote should be attained from a Local Business if a suitable	Minimum of one internal evaluator

Purchase Value Threshold (exclusive of GST)	Procurement Requirement where no existing agreement/contract exists with the Shire	Evaluators
	<p>All market approach will comply with the table below, including Open Public Tenders and Tendering Exemptions (refer 3.2) supplier can be sourced.</p> <p>When assessing quotes the Local Business would be preferred if it is providing comparable quality and quantity to other quoters, and the price is no more than 10% higher than the other preferred quotes, and in the case of construction (building) contracts up to 5%, in accordance section 24D of the Local Government (Functions and General) Regulations 1996.</p>	
Over \$50,000 and up to \$250,000	<p>Seek a minimum of three written quotations from different suppliers containing price, detailed specifications, timing, capacity and warranty offerings. At least one written quote should be attained from a Local Business if a suitable supplier can be sourced.</p> <p>When assessing the quotes the Local Business would be preferred if it is providing comparable quality and quantity to other quoters, and the price is no more than 10% higher than the other preferred quotes and in the case of construction (building) contracts up to 5%, in accordance section 24D of the Local Government (Functions and General) Regulations 1996.</p>	Minimum of two internal evaluators
Over \$250,000	<p>Tenders must be called Conduct a public Request for Tender process in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996, this policy and the Shire's tender processes.</p> <p>Local Content Weighting will be included, where appropriate, in accordance section 24D of the Local Government (Functions and General) Regulations 1996, in the tender assessment process. Local Businesses will receive preference when evaluating this criteria.</p>	<p>Minimum of three internal evaluators</p> <p>Over \$250,000 purchase value the Chief Executive Officer or Executive Manager must Chair the Evaluation Panel.</p>

Whenever it is not possible to meet the procurement requirements of the Shire, appropriate justification must be documented through records in accordance with the Shire's Recordkeeping Management Practice.

3.4 Waiver of Quotation

Where quotes are not practical, e.g. due to limited suppliers, the Chief Executive Officer or Executive Manager/Director may, at their discretion, waive the requirements to obtain quotes providing that written, justifiable reasons for such waiver are provided by the responsible Officer and documented through records.

3.5 Inviting Tenders under the Tender Threshold

Where considered appropriate and beneficial, or to manage procurement risk, the Shire may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold (\$250,000). This decision should be made after considering the benefits of this approach in comparison with the costs, timeliness and compliance requirements.

If a decision is made to undertake a public Tender for contracts expected to be \$250,000 or less in value, the Shire's tendering procedures must be followed in full.

3.6 Minor Variations to Tenders

- I. In accordance with regulation 20, *Local Government (Functions and General) Regulations 1996*, a minor variation may be made to a contract following a tender process, by the Shire, prior to the Shire and the preferred tenderer formalising the contract.
- II. A minor variation has been determined by the Shire to mean a variation which does not materially alter the specification or structure provided for by the initial tender.
- III. Where the initial procurement required Council approval, and the variation does not meet condition 2 above, then the variation must be presented to Council for consideration.
- IV. All decisions regarding minor variations must be documented and recorded.

3.7 Standing Offer Agreement

This is an Agreement where a supplier(s) agrees to provide specified goods (which are considered commodities/services off the shelf (COTS) which are readily available from multiple suppliers and frequently purchased), at an agreed price fixed for a set period of time (usually for one year). Standing Offers are a commitment by suppliers to provide agreed products at the fixed price on receipt of a Shire Purchase Order. Standing offers do not commit the Shire to any minimum volume. A standing offer once accepted by the Shire is deemed to have met the quotation process.

Standing Offer is established by seeking quotations as per the Procurement Requirements tabled in section 3.3 "Purchasing Thresholds" of this policy, within the range of \$10,000 to \$250,000 (Exclusive of GST).

3.8 Sole Source of Supply

Where the procurement requirement is of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can demonstrate that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring any alternative sources of supply.

From time to time, the Shire may publicly invite an expression of interest to effectively determine that one sole source of supply prevails in this situation.

3.9 Anti-Avoidance

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the purchase in consideration below a particular purchasing threshold. Refer to Regulations 12(1) and 12(2).

3.10 Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase, which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate the Shire's procurement requirement in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

3.11 Council Approvals

The Local Government (Functions and General) Regulations 1996 provide that Council is required to Accept tenders (subject to approved Delegations of Authority). For the avoidance of doubt, Council approval is not required for the provision of goods or services when public tenders are not required to be invited (and are not invited), providing the expenditure is authorised through the annual budget or approved in accordance with section 6.8(1) of the Local Government Act 1995.

Regulation 13 of the Local Government (Functions and General) Regulations 1996 specify that if:

“a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited to the requirements of this Division.”

4 State of Emergency Declaration

4.1 Sourcing

A formal tender process does not need to be undertaken when sourcing and securing essential goods and services when a state of emergency declaration is in force for local government and the goods or services must be required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates. Refer regulation 11(2) (aa) of the Local Government (Functions and General) 1996.

4.2 Contract Extension

When a state of emergency declaration is in force a contract that is due to expire within the next three months can be renewed or extended at the discretion of the Shire, even though this option is not included in the original contract.

Limits on this apply: the original contract must have less than three months to expiry. The renewal or extension cannot be for more than twelve months. Refer regulation 11(2) (ja) of the Local Government (Functions and General) 1996.

5. Records Management

Records relating to all procurement activities must be retained in compliance with the *State Records Act 2000 (WA)*, the Shire's Recordkeeping Management Practice and associated procurement procedures.

As a minimum a comprehensive register of all contracts is to be maintained, with all contract information, where the value required an Open Tender to be conducted in line with the Local Government Regulations threshold.

6. Sustainable Procurement and Corporate Social Responsibility

Sustainable Procurement and Corporate Social Responsibility (CSR) is defined as the procurement of goods and services that have less environmental and social impacts than competing goods and services.

The Shire is committed to sustainable procurement, and will ensure that sustainable and CSR considerations are balanced against value for money outcomes, in accordance with the Shire's sustainability objectives.

7. Buy Local Policy

7.1 Local Price Preference

A price preference will apply to suppliers who are based in, operate from or source goods or services from within the Shire in relation to all quotations/tenders invited by the Shire for the supply of goods, services and construction (building) services.

The Local price preference enables suppliers to be evaluated as if the proposed tender/quotation bid price were reduced in accordance with permitted price preferences as specified below in this policy.

This policy will operate in conjunction with the purchasing considerations and procedures as outlined within this Policy when evaluating and awarding tender contracts.

7.2 Qualifying Criteria

7.2.1 Local Supplier:

A supplier of goods or services who submits a tender/quotation is regarded as being a local tenderer if:

- i. the supplier has a physical business premises (in the form of an office, depot, shop, outlet, headquarters or other premises where goods or services are being supplied from), located within the Shire. This does not exclude

- suppliers whose registered business is located outside the Shire but undertake the business from premises located in the Shire;
- ii. a business having permanent staff that are based at the business premises located within the Shire;
 - iii. management or delivery of the majority of the outcomes will be carried out from the business premises located in the shire; and

In order for the policy to apply, the supplier is required to provide to the Shire sufficient evidence which demonstrates compliance with the above criteria.

7.3 Local Price Preference Value

7.3.1 Goods and Services:

The Shire of Northam will provide a local price preference to the maximum allowable amount specified in section 24D of the Local Government (Functions and General) Regulations 1996.

8. Contract Management

Refer to regulation 20 of the Local Government (Functions and General) Regulations 1996. The Shire may make minor variations, in accordance with regulation 20 of the Local Government (Functions and General) Regulations 1996 and Delegated Authority F04, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.

Contracts are to be proactively managed during their lifecycle by the Shire Officer responsible for the delivery of the contracted goods, services or works, to ensure the Shire receives value for money and to enforce performance against the contract. Requirements are outlined in the Shire's Contract Management Practice.

Where a contract extension or variation is required the details must be updated in the Shires Contract Management system or database. The agreement must be signed by a person with appropriate delegation and authorisation.

9. Panels of Pre-Qualified Suppliers

9.1 Establishing a Panel

- 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 one (1) year and for a maximum of three (3) years as 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 appoint at least three (3) suppliers to the Panel (or each category under the Panel), on the basis 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 and Shire official website), 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.

9.2 Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Local Government (Functions and General) Regulations 1996, 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; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances (e.g. emergence purchases, etc).

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.

9.3 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.

9.4 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

1.1 Shire Business

- Businesses registered in the Shire of Northam.
- Businesses that have premises in any of the Shire of Northam's localities.

1.2 Local Business

- Businesses registered in the Shire of Northam.
 - Businesses that have premises in any of the Shire of Northam's localities.
 - Businesses not registered in the Shire, but that have an economic impact on the Shire from using local sub-contractors, employing Shire residents or making significant material purchases from suppliers operating within the Shire of Northam.
-

F 4.3 Investment Policy

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4720
<i>Resolution Date</i>	19/04/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995, s6.14; The Trustees Act 1995, Pt III Investments; as amended Local Government (Financial Management) Regulations 1996, Regs 19, 19C, 28 & 49, Australian Accounting standards

OBJECTIVE

The purpose of this policy is to invest the local government'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, whilst minimizing the possibility of incurring capital loss.

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

SCOPE

The policy applies to any investment of surplus funds other than bank deposits for operational purposes.

POLICY

1. Policy Objectives

To invest the local government'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 requirement are being met, whilst minimizing the possibility of incurring capital loss.

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and

safeguarding the investment portfolio. This includes 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.
- 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.

The objectives of the Policy on Investment of Surplus Funds are:

- To provide maximum capital security of funds;
- To provide the best available rate of interest from an approved source; and,
- To ensure sufficient liquidity to meet Council's cash flow requirements.

2. Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;
- The Trustees Act 1962 – Part III Investments;
- Local Government (Financial Management) Regulations 1996 Regulation 19, Regulation 19C, Regulation 28 and Regulation 49

3. Policy Statement

Investments shall be restricted to term deposits or commercial bills offered by the following banks or government institutions:

- Commonwealth Bank of Australia
- BankWest
- Australia and New Zealand Bank
- National Australia Bank
- Westpac Banking Corporation
- WA Treasury Corporation.
- Bendigo Bank

Investments shall be spread to ensure that no single institution holds more than 50% of the Shire's invested funds.

4. Prohibited Investments

The investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative

cash flow; and

- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

Speculative financial instruments are specifically prohibited, together with the use of the portfolio for speculation. Leveraging of the portfolio (borrowing to invest) is prohibited.

Local Government (Financial Management) Regulations 1996 – Reg 19c (2) does not allow the following;

- Deposit with an institution except an authorised institution;
- Deposit for a fixed term of more than 12 months;
- 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;
- Invest in a foreign currency.

5. Term and Status Reports

The term of individual investments shall be consistent with the Shire's cash flow requirements and shall not exceed 12 months.

The status and performance of the investment portfolio is to be reported monthly to Council within the monthly financial report to Council.

6. Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

7. Ethics and Conflicts 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 officer's to disclose any conflict of interest to the CEO.

8. Approved Investments

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;

9. Investment Guidelines

(i) Quotations on Investments

Not less than three (3) quotations shall be obtained from authorised institutions when an investment is proposed.

(ii) Credit/Diversification Risk

The short term (0-365 days) credit guidelines will be based on Standard and Poors' Short Term Issue Credit Ratings which are:

- A1+ The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- A1 The obligor's capacity to meet its financial commitment on the obligation is strong.
- A2 The obligor is susceptible to adverse economic conditions however the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

The amount invested with any one financial institution or product should not exceed the following percentages of average annual funds invested within each risk rating. To Exclude operating accounts and is at the time of initial investment of funds.

Credit Rating	Maximum % in credit rating category	Maximum % in one authorised institution
Short term A1+	100	50
Short term A1	50	50
Bendigo Bank Short Term A2	50	50
Short term A2	25	50

(iii) Preference to community support

Where two or more quotes are equal in terms of risk and return then the institution that can demonstrate a greater community support will be preferred over the other.

(iv) Change in Credit Ratings

If any of Council's investments are downgraded such that they no longer fall within these investment policy guidelines, they will be divested as soon as is practicable.

F 4.4 Local Price Preference

Revoked 18 November 2020. Resolution No: C.4080.

F4.5 End of Year Surplus

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4720
<i>Resolution Date</i>	19/04/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Annual Budget & Annual Report
<i>Related Legislation</i>	

OBJECTIVE

This policy aims to establish parameters for the use of untied surplus funds at the end of each financial year as identified through the Annual Budget adoption process.

SCOPE

As part of the Annual Budget process the Shire of Northam must calculate its end of year financial position, or surplus/ deficit as a starting point for the following year's budget.

Included in this calculation are projects which have not been completed in the previous financial year and in most cases, these items are carried forward for expenditure in the following financial year. However, budget savings which have been achieved which cannot be readily identified at the end of the financial year are known as an "untied surplus".

POLICY

The Council recognises that the allocation of untied surpluses is an important aspect in discharging its financial management responsibilities. The Council recognises that untied surpluses will not be used to offset the future annual operating costs of the Council, except where Council, by an absolute majority vote, have declared that the community is in a state of emergency. In this instance this policy SHALL NOT APPLY.

The use of any identified untied surplus at the end of a financial year will be limited to one (or more) of the following transactions, at the discretion of Council:

1. Transferred to a Reserve Account to be nominated by the Council;
2. Allocated to a "one-off" capital project nominated by the Council;
3. Retirement of debt (where possible).

F4.6 Asset Disposal

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4720
<i>Resolution Date</i>	19/04/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Annual Budget & Annual Report W5.7 Asset Management Policy
<i>Related Legislation</i>	<i>Local government Act 1995, S3.58</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>Environmental Protection Act 1986</i>

OBJECTIVE

To establish protocols for the disposal of assets owned by the Shire of Northam in accordance with the requirements of section 3.58 of the *Local Government Act 1995* ensuring the best possible financial, environmental and community outcome is obtained in a process that has accountability and transparency.

SCOPE

The Shire of Northam is responsible for a vast number of public assets which includes infrastructure and non-infrastructure assets to a significant value. The whole life-cycle management of all assets includes exercising due diligence in the disposal of assets owned by the Shire. The policy provides staff, in particular Executive Officers and Asset Custodians, with the protocols for correct disposal of assets which no longer belong to, or are required by the Shire.

POLICY

Policy Statement

The following principles apply to the disposal of property (assets) activity.

- (a) Asset disposal decisions, including reasons for such action are to be recorded in the Shire's asset registers and associated accounting records.
- (b) The financial treatment of the disposal of fixed assets such as land, property, plant, equipment, furniture and fittings is to be determined by market demand.
- (c) Disposal of assets by private treaty must demonstrate that the most advantageous price was achieved.

- (d) Assets that are approved to be written off will be disposed of from the asset register at their written down value as of the date of write off.
- (e) Environmental considerations are paramount when considering disposal of assets to landfill sites, therefore the *Environmental Protection Act 1986* and the Department of Environment Guidelines for “*Landfill Waste Classification and Waste Definitions 1996 (as amended 2018)*” are to be complied with.

Content

Section 3.58 of the *Local Government (Functions and General) Regulations 1996* establish the methodologies by which local governments may dispose of property (assets) and are applicable to any asset disposal contemplated by the Shire. The following disposal approaches are to be followed by Executive Managers in accordance this policy.

- (a) Vehicles shall be either traded in against the replacement vehicle as part of a public tender/quote process or disposed of by public auction. Executive Manager Corporate Services is responsible for vehicle disposals in accordance with this policy.
- (b) Heavy Plant shall be either traded in against the replacement piece of plant through a public tender process or sold by public auction. The Executive Manager Engineering Services is responsible for heavy plant disposals in accordance with this policy.
- (c) Minor Plant items are the responsibility of the Executive Manager Engineering Services for disposal in accordance with this policy.
- (d) Land is the responsibility of the Chief Executive Officer.
- (e) Buildings are to be disposed of in accordance with this policy and are the responsibility of the Executive Manager Engineering Services.
- (f) Furniture and Equipment located in buildings are to be disposed of in accordance with this policy and are the responsibility of the departments Executive Manager.
- (g) Infrastructure assets are to be disposed of in accordance with this policy and are the responsibility of the Executive Manager Engineering Services
- (h) Information technology assets are to be disposed of in accordance with this policy and are the responsibility of the Executive Manager Corporate Services.
- (i) Artwork assets within the Shire of Northam are the responsibility of Council.

Authority to Dispose of Property

Assets to be disposed of shall be included in the annual budget, adopted by Council or be a value of less than \$5,000 and recorded in the delegated authority register.

Reasons for disposal

- (a) Has reached its pre-determined economic life in order to maximise the realisable market value;
- (b) Is no longer required due to a change in functionality or usage patterns;
- (c) Has reached the end of its expected useful life and has been confirmed by an appropriate condition assessment as to be disposed and/or replaced;
- (d) No longer complies with workplace health and safety standards or is determined as environmentally unviable, subject to risk assessment;
- (e) Is beyond repair and no longer in operable condition;
- (f) Is no longer able to provide an acceptable level of service to the community;
- (g) Is stolen, lost or damaged (to be written off, asset register).

Methods of Disposal

The disposal method chosen must comply with the requirements of section 3.58 of the *Local Government Act 1995* and be appropriate to the value, nature, quantity and location of the goods, and where applicable promote fair and effective competition to the greatest extent possible. The disposal methods available are:

- (a) Trade-in – as part of a public tender process and only where it is part of the asset replacement program.
- (b) Public Tender – advertising in the local newspapers circulated in Western Australia
- (c) Auction – advertisement in the local newspapers circulated in Western Australia and be a licenced auctioneer.
- (d) Destruction or landfill – this applies where items are of no commercial value and no longer required by Shire.
- (e) Contribution or donation as approved by Council
- (f) Other means as resolved by Council.

Roles and Responsibilities

Chief Executive Officer

- (a) The CEO is the chief custodian of assets and has limited delegated authority to authorise dispose of property as detailed in the Shire's Delegated Authority Register
- (b) The CEO is responsible for ensuring that Executive Managers comply with legislation and implement this policy when undertaking the disposal of assets.

Executive Managers

- (c) Executive Managers have limited delegated authority from the CEO to authorise the disposal of property as detailed in the Shire's Delegated Authority Register.

- (d) Executive Mangers are responsible for ensuring that Managers and Officers of the Shire comply with the legislation and this policy when undertaking the disposal of assets.

F 4.7 Annual and Long Service Liability Policy

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4720
<i>Resolution Date</i>	19/04/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	N/A
<i>Related Legislation</i>	Local Government (Long Service Leave) Regulations 8 (2)

OBJECTIVE

The purpose of this policy is to establish employee maximum annual and long service leave liabilities for the Shire of Northam.

SCOPE

Applies to all employees.

POLICY

Each year the accrued liability for annual and long service leave for that year is calculated on the presumption that all employees remain in service.

1. Annual Leave

Employees are to accrue no more than 40 days annual leave.

Effective as of the date this policy is adopted by Council.

Employees affected with a balance over 40 days will be given a twelve month period to effect an arrangement to reduce their annual leave to below the 40 days.

2. Long Service Leave

Employees are to take long service leave capped at 11 years, any future increases in pay beyond that date will not apply to the rate of pay when long service is taken.

Effective as of the date this policy is adopted by Council.

Current employees affected with a balance over the 11 years cap will be given a twelve month period to effect an arrangement to take their long service leave.

3. The CEO has the discretion to vary the conditions at clauses 1 and 2 if one of the following conditions are met;
 - a. A suitable leave plan is presented to the CEO
 - b. Due to the orderly carrying out of Shire business leave cannot be taken in accordance to clauses 1 & 2 and agreed by the CEO
 - c. Extenuating circumstances (e.g. pending retirement, major operation expected to be carried out, date pending).

F 4.8 Rates Hardship Policy

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4720
<i>Resolution Date</i>	19/04/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Shire of Northam Policies
<i>Related Legislation</i>	Local Government Act 1995 section 2.7

OBJECTIVE

To give effect to our commitment to support rates debtors experiencing financial hardship.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding.

SCOPE

This policy applies to:

1. Outstanding rates debtors who are unable to pay outstanding rates and service charges due to financial hardship.

POLICY

1. Payment difficulties, hardship and vulnerability¹

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

2. Financial Hardship Criteria

¹ Adapted from the Ombudsman Western Australia publication, **Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:**
<http://www.ombudsman.wa.gov.au/>

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family
- Emergency event from natural disasters
- Domestic or family violence
- A serious accident

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

3. Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Northam of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

5. Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

6. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the death of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;

- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

7. Assessment

The Shire will carefully consider all relevant information and supporting documentation provided and will exercise due care in assessing financial hardship taking into account the rates debtor's individual circumstances.

Factors the Shire may consider in assessing an application for financial hardship support include:

- The size of debt.
- The length of time the debt has remained outstanding.
- Whether the debt has accumulated over time.
- Any prior payment arrangements entered into with the Shire.
- Any prior applications for financial hardship support or payment agreements.
- The nature of the property, including whether it is leased to a third party.
- Any mortgage or other debt secured by the property; or
- The personal and financial circumstances of the applicant.

The Chief Executive Officer may enter into payment agreements with rates debtors for the Shire where the payment agreement will result in payment of the outstanding debt within three (3) years. Payment agreements outside of these terms will be presented to Council.

8. Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding after the third due payment, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by as per the agreed payment arrangement.

Rates and service charge debts that remain outstanding at the end of the agreed payment arrangement /, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

9. Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

F 4.9 Panels Of Pre-Qualified Suppliers

Revoked 18 November 2020. Resolution No: C.4080.

F 4.10 Vehicle & Plant Management

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4194 and C.4195
<i>Resolution Date</i>	21/04/2021
<i>Next Scheduled Review</i>	2023
<i>Related Shire Documents</i>	Asset Management Policy Employee Code of Conduct Workplace Health & Safety Policy
<i>Related Legislation</i>	Local Government Act 1995

OBJECTIVE

- To clearly define the appropriate use of Shire owned vehicles for operational purposes;
- To ensure Shire owned plant and vehicles are purchased and replaced with cost effectiveness;
- To provide clear guidelines to employees for private usage of Shire owned vehicles;
- Maximise vehicle availability for business use;
- Minimise Fringe Benefit Tax (FBT) liabilities;
- Provide an attractive employment package for staff.

SCOPE

This Policy applies to all Shire of Northam employees which use Shire owned plant and vehicles for operational purposes and/ or agreed private use. The Policy is also extended to persons which have agreed operational use that are not direct employees of the Shire.

POLICY

Executive Managers shall be responsible to ensure this Policy is complied with within their department. The Fleet Manager will be responsible for coordinating the Policy in collaboration with the Chief Executive Officer (CEO).

Category 1	Vehicle	Conditions of Use
Community / Pool Vehicle	Type: Bus or vehicle specific to operational need.	Training / Conference Attendance: <ul style="list-style-type: none"> • Request for use to be made to Departmental Executive Manager following approval of training request.

		<p>Operational Purposes:</p> <ul style="list-style-type: none"> Request for use to be made to any Officer with an assigned vehicle.
<p>Category 2</p> <p>Officers</p>	<p>Vehicle</p> <p>Type: Base model Small Sedan, SUV or vehicle to meet operational needs</p>	<p>Conditions of Use</p> <ul style="list-style-type: none"> Commuter Use; Approved travel to and from the employee's place of employment and home. Travel other than commuter use requires Executive Manager approval and operating costs to be inherited by employee. Commuter Use excludes the following: <ul style="list-style-type: none"> Transportation of members of the public other than for official purposes; Visits to private or other non-work related locations, unless on the direct route.
<p>Category 3</p> <p>Officers & Supervisors</p>	<p>Vehicle</p> <p>Type: Base model Small Sedan, SUV or vehicle to meet operational needs</p>	<p>Conditions of Use</p> <ul style="list-style-type: none"> Restricted Private Use Approved travel within the Shire of Northam. Travel outside of the Shire of Northam requires Executive Manager approval and operating costs to be inherited by employee.
<p>Category 4</p> <p>Snr Officers & Managers</p>	<p>Vehicle</p> <p>Type: Base model Medium Sedan, SUV or vehicle to meet operational needs</p>	<p>Conditions of Use</p> <ul style="list-style-type: none"> Restricted Private Use; Approved travel within 200km of home address; Travel outside of 200km radius of home address requires Executive Manager approval and operating costs to be inherited by employee.
<p>Category 5</p> <p>CEO Executive Managers</p>	<p>Vehicle</p> <p>Type: Large Sedan, 4x4, SUV or Station Wagon.</p>	<p>Conditions of Use</p> <ul style="list-style-type: none"> Unrestricted Private Use; Approved travel within Western Australia; Travel outside of Western Australia subject CEO Approval;

GENERAL VEHICLE USAGE

With the exception of vehicles allocated to designated special purpose positions, all Shire vehicles are to be made available for usage as pool vehicles during core business hours. Vehicles to be made available outside of these hours (excluding private use categories) shall be at the discretion of the Departmental Executive Manager.

PERIODS OF LEAVE

Category 1 to 4 employees whom are absent from the workplace for a period of more than two (2) consecutive weeks (paid or unpaid leave), will require approval to retain use of the vehicle from the Departmental Executive Manager. Fuel cards are required to be returned to the Executive Manager for periods of leave in excess of one (1) week. Category 5 employees shall retain their vehicles during periods of leave, with the use of fuel cards to be in accordance with contract agreements.

FRINGE BENEFIT TAX REPORTIING

All Fringe Benefits Tax (FBT) reporting requirements are to be completed and submitted to the Accountant by the due date. These include:

- Log books of vehicle use are to be completed when requested;
- Annual returns giving details of any employee using the vehicle;
- The start and finish dates of each period of use, and;
- Details of the vehicle use when allocated to another person.

Employee's allocated vehicles for commuting or limited private use are required to notify the Fleet Manager of any changes to the allocation of the vehicle (eg. during leave or staff rotation etc). Failure to do so will result in the assumption the vehicle is still under the employees control and associated fringe benefits will be attributed to the employee.

CARE OF VEHICLE

Employees who have been assigned a vehicle shall be responsible for the proper care of the vehicle including safe keeping, regular cleaning – both inside and out and ensuring that normal running items such as fuel, oil, battery, radiator and tyre pressure are checked at regular intervals.

Employees shall be responsible for ensuring an allocated vehicle is used appropriately at all times. Employees shall be responsible for paying for any damage that occurs when a vehicle has been deemed to have been used inappropriately.

Reconditioning costs at change over may be recovered from staff if the vehicle is excessively damaged through negligence. The Fleet Manager shall report excessive reconditioning costs to the relevant Executive Manager. The CEO shall decide if excessive reconditioning costs are required to be paid by the Officer.

SELECTION OF VEHICLE TYPE

Category 1 to 4 employees will be allocated a base model vehicle or a vehicle that is specific to operational needs.

Category 5 employees will be allocated a vehicle appropriate to the position and in accordance with their contract conditions.

All vehicles are to be purchased from local dealerships in accordance with the purchasing policy unless otherwise agreed by the CEO.

SAFETY RATINGS

Where practicable, vehicles purchased will have a 5 Star ANCAP (Australasian New Car Assessment Program) rating. Operational vehicles with a lower ANCAP rating may be purchased subject to operational needs and at the discretion of the Fleet Manager.

LEGAL REQUIREMENTS

It is the employee's responsibility to maintain the relevant class driver's license to operate a Shire vehicle. Employees who are holders of probationary, or extraordinary licenses must display the appropriate plates in a prominent position.

The driver will be responsible for any fine incurred in the operation of vehicles whether on Council business (when under the control of the employee) or using it for private purposes.

In the event of an accident or damage to a vehicle it is the responsibility of the employee to:

- Report as soon as practicable to their Executive Manager, any involvement in a motor vehicle accident or upon sustaining general damage to the vehicle;
- Report any accident in a motor vehicle to the Police where required by law;
- Not accept or acknowledge any liability on behalf of Council arising from an accident;
- Complete as soon as practical after the accident, the appropriate claim form and incident report form, returning them to the relevant Officers.

Vehicle rights usage may be revoked if the employee's motor vehicle license has lapsed or is suspended for any reason, until such time a driver's license has been reinstated.

Where the employee, or person authorised by the employee, is involved in an accident whilst on private use and subsequently convicted of an offence, Council reserves the right to recover any expenses incurred as a direct result of that accident.

OTHER DRIVERS

Category 1 to 3 employees shall not allow any non-direct employees' drive the vehicle. Category 4 employees are permitted to have spouse / partner drive the vehicle in accordance with conditions of that category and state legislation if prior approval has been obtained from the Departmental Executive Manager.

Category 5 employees are permitted to have their spouse or partner drive the vehicle in accordance with conditions of that category and state legislation.

VEHICLE ROTATION & REPLACEMENT

The following replacement frequency will apply to the Shires fleet of plant and vehicles:

Passenger Vehicles:	every 4 years, or 90,000 km
Operational Vehicles:	every 5 years, or 90,000 km, or end of warranty periods
Heavy Plant:	7 years or 8000-15000 hours, to be assessed annually for condition.

Vehicles may be reallocated amongst staff to prolong utilization or preserve market value to maximize financial gain when replacing vehicles.

Fleet life cycle costs vary regularly due to a variety of factors including fuel costs, maintenance costs, used fleet prices and market and industry trends. The Shire of Northam will review replacement periods on a regular basis to ensure vehicles are replaced at the optimum time ensuring the most cost effective outcome for the Shire of Northam.

VEHICLE USAGE BY NON-EMPLOYEE'S

Non-employees who have a vehicle assigned for operation purposes are required to enter into a written agreement clearly defining the terms and conditions of the usage.

DEFINITIONS

Fleet Manager: The Executive Manager which has the fleet management service area assigned to them under the Corporate Plan.

Non- Employee: Is a person (excluding spouse or family member) which has an operational need to drive the vehicle, Such as Bush fire brigade member.

Pool Vehicle: Is a vehicle which is to be made available for use during business hours for other employees to use

F 4.11 Budget Variation Reporting

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4720
<i>Resolution Date</i>	19/04/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995, section 5.2

OBJECTIVE

To provide guidance to the Council and the Chief Executive Officer (CEO) concerning the treatment of budget variations.

SCOPE

The Policy applies across the organisation.

POLICY

1. Definitions

Annual Budget - Adopted each year in the form and manner prescribed, a budget for all revenue, expenditure, capital works and other income for the municipal fund, for the financial year ending on the 30 June. (section 6.2 Local Government Act 1995)

Budget Review - A review of the Annual Financial Year Budget, endorsed by Council and incorporating all known adjustments since adoption or prior budget reviews. For the purposes of reporting 'variations' in accordance with this policy a budget review will occur once in each financial year quarter.

Emergency Expenditure - Expenditure required to mitigate any risk related to:

- 1.1. Injury to a person
- 1.2. A natural disaster
- 1.3. Restoring or maintaining normal services to the Community

LGA s6.8 (1)(c) is authorised in advance by the mayor in an emergency.
LGA s6.8(2)(b) is to be reported to the next ordinary meeting of council.

COA – Chart of Account number, for example.

- 12382102 Streets, Carparks & Paths

Management Budget - The schedules that support the adopted annual budget forecasts.

Material Variance – for the purposes of Local Government (Financial Management) Regulations 1996 Section 34 (1) (d), are defined as being 10% or \$20,000 whichever is greater

Responsible Officer - Staff members responsible for budgetary control of any specific line item in the budget.

Service Area - A defined service delivery area in the Shire's organisational structure, for example.

1.4. Engineering Services Directorate

Statement of Financial Activity – as defined by Local Government (Financial Management) Regulations 1996 Section 34 (1).

Sub Program - A group of service areas within Shire's organisational structure, for example.

1.5. Construction of Streets, Roads, Bridges, Depots

1.6. Maintenance of Road, Bridges, Depots

1.7. Road Plant Purchases

Variation – any expenditure change of greater than \$10,000 per chart of account item, excluding internal allocation accounts (such as administration allocation, depreciation, public works overheads and plant operating costs)

2. Budget Variations

It is recognised the Annual Budget is an informed financial forecast and variations are to be expected as actual circumstances experienced may differ to initial estimates provided.

The intent of this Policy is to provide guidance towards amending the Shire's Annual Budget to accommodate variations which may arise in meeting administrative operations and the delivery of annual objectives. This includes the requirements for reporting budget amendments to Council.

Council recognises that the contents of this policy provides no limitation with reference to Section 6.8 of the Local Government Act 1995 – Expenditure from municipal fund not included in annual budget.

2.1. Variations in Expenditure (Operational) – Existing Line Item:

2.1.1. Accommodated within Sub Program

Where variations in expenditure may be accommodated within the overall budget for a sub program area, the responsible Executive Manager may authorise the re-direction of budget funds within that sub program area.

For example: The total operating expenditure budget for Maintenance of Roads, Bridges, Depots is \$4.3 million for a given financial year and there are multiple management budget line items (COA) to deliver the service. If maintaining gravel roads, in line with service standards, exceeds initial forecasts and operational savings exist or are identified within the overall road maintenance are, provided that the overall budget for the Maintenance of Roads, Bridges, Depots remains consistent with the adopted annual budget, the Executive Manager may approve a management budget amendment.

It is the relevant Executive Managers responsibility to ensure that the change in expenditure has a nil effect on the budget operating position and the administrative amendment is reflected in the next Budget Review for Council.

2.1.2. Not accommodated within a Sub Program Area

Where increases in expenditure are not accommodated within the sub-program area or the overall budget for a sub-program, and funds are required for that expenditure, those funds must be identified from other budget line either within the service area or from another service area. Any such re-direction of funds must maintain the budgeted operating position and requires the formal written approval of the Chief Executive Officer. It is the requesting Executive Managers responsibility to ensure that the change in expenditure is detailed within the next Budget Review for Council approval.

2.2. Variations in Expenditure (Capital) – Existing Line Item:

2.2.1. Accommodated within Program Area

Where variations in expenditure may be accommodated within the overall budget for a sub-program area, the responsible Executive Manager may authorise the re-direction of budget funds within the program area.

For example: The total capital expenditure budget for construction of Streets, Roads, Bridges, Depots (sub program) is \$7.7 million for a given financial year and there are multiple management budget line items (COA) to deliver the service. If construction of an individual road, in line with budget parameters of length, width and treatment type, exceeds initial forecasts and savings exist or are identified within the overall program area, provided that the overall budget for the construction of Streets, Roads, Bridges, Depots (sub program) remains consistent with the adopted annual budget, the Executive Manager may approve a management budget amendment.

It is the relevant Executive Managers responsibility to ensure that the change in expenditure has a nil effect on the budget financial position and the management amendment is reflected in the next Budget Review for Council.

2.2.2. Not Accommodated within Program Area

No capital variations can be approved if they are not able to be accommodated within the program area. Any such proposed variations must gain the prior approval of the Council, by formal resolution.

2.3. Variations in Revenue Budget Lines

Variations in budget line items resulting from increases or decreases in budgeted revenue should be included in the following Budget Review for formal amendment as well as being reported in the monthly financial report presented to Full Council. The materiality of the amount is to be considered. Shortfalls in actual revenue amounts against budget forecasts are to be met by reductions in operating expenditure. Additional revenues are to offset unexpected expenses defined in this Policy, to be addressed as part of a Budget Review or treated as surplus at year end.

2.4. Material variances

In accordance with section 34 (1) of the Local Government (Financial Management) Regulations 1996. Material variances will be reported monthly against the statement of financial activity.

WORKS

W 5.1 Engineering – Technical Specifications – For Construction of Subdivisions, Roads & Stormwater Drains

<i>Responsible Department</i>	Engineering Services
<i>Resolution Number</i>	C.4191
<i>Resolution Date</i>	21/04/2021
<i>Next Scheduled Review</i>	2023
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995, Institute of Public Works Engineering Australasia

OBJECTIVE

To ensure properly constructed roads and stormwater drains within newly developed subdivisions.

SCOPE

This Policy applies to the construction of all new Subdivisions, Roads & Stormwater Drains

POLICY

That all subdivisions, roads and stormwater drainage within the Shire of Northam are to be constructed in accordance with the Shire's Technical Specifications – Engineering Requirements for Subdivisions, being an Annexure to IPWEA – Local Government Guidelines for Subdivision Development.

W 5.2 Crossovers

Responsible Department
Resolution Number
Resolution Date
Next Scheduled Review
Related Shire Documents

Engineering Services
C.4192
21/04/2021
2023
Street Tree Policy
Verge Management Policy
Local Government Act 1995

Related Legislation

OBJECTIVE

- To provide design criteria that is uniform and practical;
- To provide safe access for vehicle and pedestrian traffic with minimal impact to road infrastructure assets and streetscape aesthetics;
- To ensure best practice for storm water management;
- To outline compliance requirements for subsidy eligibility.

SCOPE

This Policy applies to the construction of all new crossovers, and the upgrade of an existing crossover which pre-dates this Policy for the purpose of accessing a property within the Shire of Northam.

POLICY

Introduction

Approval must be sought and obtained from the Shire of Northam for crossovers prior to the commencement of any construction. The design and construction requirements outlined in this Policy have been developed in reference to the “WALGA Guidelines and Specifications for Residential Crossovers”, with minor variations made to suit local conditions.

Crossover Subsidy

The property owner shall be eligible for a 50% subsidy (*to a maximum value of \$1000 for a new crossover without a culvert or to a maximum value of \$2000 for a new crossover with culvert & headwall*) for the construction cost of a **Standard Crossover (*)** provided the following compliance criteria has been met:

- The crossover has been constructed in accordance with Shire of Northam requirements and has received approval prior to construction.
- Where vehicle crossover prevents stormwater flow within the table drains, a culvert including headwalls must be provided.

This payment is subject to the construction of the crossover being completed within six (6) months of the approved application, also following inspection and confirmation of compliance.

() Shire defines a standard crossover as that detailed on Standard Drawing No. ES-SD-CR-003.*

Crossover subsidy will not be available for gravel crossovers without a culvert.

Retrospective approvals will be considered on a case by case basis, and only if sufficient evidence can be provided to demonstrate compliance, and substantiated costs incurred.

Number of Crossovers

One crossover per single title property is permitted with the following exceptions subject to Executive approval;

- Properties located on street corners;
- Rural properties, such as farms,
- Group dwellings and non -residential areas where additional crossovers have been approved as part of a planning application.
- Properties which require a second access for off street parking on private property.

In these cases, assessment of a second crossover request will give consideration to the following:

- A second crossover does not obstruct sight distance of the primary crossover.
- A second crossover does not have obstructed sight distance by verge vegetation, structures or road geometry;
- Footpath pedestrian users are not at any additional safety risk;
- The property is not group rated where single titles apply.

In the case where a second crossover is approved, the normal crossover subsidy will be provided.

Vehicle crossovers that are no longer required, or no longer connect with an internal driveway or parking area may be required to be removed at the discretion of the Executive and at the cost of the property owner.

Footpaths

All crossovers proposed to be built on a verge which is identified to have a footpath constructed by Council must be constructed in a material that is approved by Shire of Northam.

When the Shire constructs new footpaths that intersect existing crossovers the footpath will not be constructed through the crossover unless:

- The crossover is not built to the Shire's specification;
- The crossover will inhibit the footpath being constructed to relevant standards and guidelines;
- In the opinion of the Shire the Crossover is unsafe or does not provide a fit for purpose use.
- The footpath to be constructed is a designated shared path which requires continuity of identification such as path colour and line marking.

Street Trees

Crossovers should not be constructed closer than 1.5 metres from the base of the tree when fully mature.

Any damage caused to crossovers by street trees shall be rectified by the Shire of Northam at their own cost unless:

- The crossover has been built closer than 1.5 metres to the tree;
- The tree has been planted without permission from the Shire of Northam;

In these cases the cost to rectify will be borne by the property owner.

Crossover Maintenance

The property owner is responsible for the maintenance of their crossover(s) including culverts and headwalls if applicable.

Any stormwater runoff from private property that causes scour or damage to the crossover is the responsibility of that landowner to repair at their own cost.

Any stormwater runoff from private property that causes scour or damage to Shire owned roadside drainage or verges is the responsibility of that (Private) landowner to repair at their own cost.

Any stormwater runoff originating from Shire owned property that causes scour or damage to the privately owned crossover, is the responsibility of the Shire to repair at its own cost.

Any footpath that intersects the crossover will be maintained by the Shire of Northam.

Conflict with Asset Infrastructure

Any relocation or amendment cost to Shire owned assets and underground services resulting from the construction of the proposed crossover will be borne by the property owner.

SPECIFICATIONS

Rural Access

Acceptable Material:

- **Compacted Gravel - min150mm**
Gravel material is expected to achieve a compaction to 98% of maximum dry density, making a total minimum consolidated thickness of not less than 150mm. Gravel must be free from stones retained on a 25mm sieve, clay lumps, building rubbish and other vegetative matter.
- **Two coat bituminous seal – 14/7mm or 10/5mm**
 - Width: 3.0 meters (minimum)
11 meters (maximum)
 - Drainage: A culvert including headwalls must be provided if the vehicle crossover prevents stormwater flow within the table drains. Reinforced concrete drainage pipes shall be Class “2” with a minimum diameter of 450mm. Unless otherwise approved by the Shire of Northam.
 - Taper: 2m at 45 degrees both sides from road edge (optional)

Urban Access

Acceptable Material:

- Concrete - 150mm (Residential) 25Mpa Min Concrete Strength, Steel reinforcing may be used to reduce cracking or increase strength for crossovers that will have heavy vehicles on them.
- Concrete - 150mm reinforced (Industrial & Commercial) 25Mpa Min Concrete Strength.
- Brick Paved - Trafficable 50mm (Residential)
- Asphalt – 30mm
- Two coat bituminous seal – 14/7mm or 10/5mm

- Width: 3 meters minimum, 6 meters maximum (residential)
3 meters minimum, 10 meters maximum – (Industrial & Commercial)
- Drainage: 450mmdia (min) Concrete reinforced pipe with (if applicable) Precast concrete headwalls. Unless otherwise approved by the Executive
- Kerbing: Mountable kerb type (if applicable)
- Taper: 2m at 45 degrees both sides from road edge (optional)
Taper is not to extend beyond the property side boundary alignment.

General Conditions

- Crossovers are to be constructed perpendicular to the property boundary with a minimum clearance of 1.0 metre from a side boundary.
- Any alteration to the verge, path or crossover that encroaches onto the land of a neighbouring property will be carried out at the proponents cost. The applicant must notify the neighbour of the proposed works prior to applying to Council for approval. The Shire must be provided with a copy of the written agreement from the neighbour with the application for the crossover;
- Approved multiple access to be separated by a minimum of 10 metres at the roadside.
- On corner locations, no crossover, or any portion of the crossover including splays is to be constructed closer than 6.0m from the line of the intersection of the road reserve boundary alignments, excluding truncation.
- Crossovers shall be located at a minimum distance to assets as follows:
 - Side-entry pits: 1.0m
 - Street trees: 1.5m
 - Utility boxes: 1.0m (or as required by current services provider standards)
 - Street Lights: 1.0m (or as required by Western Power's current Guidelines for Placement of Power Poles within Road Reserves in Built-Up Areas)
- If crossovers must be constructed within this distance, the obstruction shall be relocated wherever possible. Where an existing tree is within 1.5 metres of a proposed crossover, advice shall be obtained from Parks and Gardens Administration on the future size of the tree and the advisability of it being retained. The written approval from the Shire is required for all street tree removals;
- Sufficient storage length must be provided (crossover length) for a vehicle to stand clear of the road. Where the entrance has a gate, the set back from the edge of the road to the gate shall be a minimum of 6m to allow for this.
- Path construction guidelines dictate a maximum crossfall of 2.5% to cater for people who have a disability (Austroads Guide to Road Design 6A, Clause 7.6). To allow the path to shed water and to avoid ponding, a crossfall of 2.0-2.5% is recommended.
- In rural environments, the cross fall and formation of the crossover is to direct any storm water originating from sources within the private property, such as cleared open space, hardstand areas, dwellings and structures stormwater downpipes, into road side table drains, down stream side.
- No storm water originating within the private property is to flow via the crossover directly onto the road surface, which results in stormwater entering private property on the opposite side of the road.
- Narrow lots shall be constructed with paired crossovers to minimise conflict and retain verge space for street trees, lighting, overhead power and on-street parking.

- Where the combined width of residential crossover exceeds 6.0 metres, the two (2) crossovers shall be separated by a minimum 2.0 metres in width, unless specifically approved by the Executive.
- The applicant is responsible for the cost of any traffic management that may be required to ensure the safety of road users, contractors and pedestrians during the construction of the crossover. Only qualified traffic management personnel shall be used and all traffic management shall be in accordance with Main Roads Western Australia's code of Practice "Traffic Management for Roadworks" and Australian Standard AS 1742.3 – 2002.
- All variations to be approved by the Executive in writing and paid in full by owner/applicant.

Specifications & Guidelines

For further information, the Shire of Northam have developed information packages and guidance criteria which outline allowable design and construction standards for crossovers, as well as information on how to apply for the crossover subsidy.

DEFINITIONS

Road

The surface that has been prepared for vehicular traffic. In this policy Road refers to the sealed (bituminised) surface but not the shoulder, or in the case of a gravel road it refers to the graded surface between the guide posts.

Road Reserve

The portion of land between the boundaries of private allotments. The road reserve typically contains both road and verge areas, however the road reserve may also be undeveloped.

W 5.3 Road Building Materials - Gravel

Responsible Department
Resolution Number
Resolution Date
Next Scheduled Review
Related Shire Documents
Related Legislation

Engineering Services
C.4191
21/04/2021
2023
Local Government Act 1995

OBJECTIVE

To provide clear guidelines to staff and landowners regarding the acquisition of gravel for road making and maintenance purposes.

SCOPE

This policy applies to the purchase of road building materials throughout the Shire of Northam and surrounds.

POLICY

That wherever appropriate the Shire will obtain gravel and other road building materials for road making purposes from private property by consultation with the landowner, in accordance with Schedule 3.2 of the Local Government Act 1995, with the Shire responsible for:

1. Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.
2. Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.
3. Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.'

W 5.4 Notice of Entry for Public Services & Utilities

<i>Responsible Department</i>	Engineering Services
<i>Resolution Number</i>	C.4191
<i>Resolution Date</i>	21/04/2021
<i>Next Scheduled Review</i>	2023
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Local Government Act 1995, Utility Providers Code of Practice for Western Australia,</i>

OBJECTIVE

To provide clear guidelines to the Council, its officers, public utility companies and their contractors and private property owners regarding undertaking of public service and utility work within the Shire of Northam.

SCOPE

This Policy applies to the Entry of Properties within the Shire of Northam.

POLICY

1. The Shire will provide a letter of approval for public services and utilities works to occur within the Shire of Northam provided that the Executive Manager, is satisfied with the proposed works and provided that the following conditions are adhered to by the utility company:
 - (a) Should it be necessary to install cabling across any thoroughfare, the cabling shall be under bored to minimize destruction of the road pavement and connecting infrastructure. Open trenching across bitumen sealed road infrastructure is not permitted except where rock is found and cannot be under bored. Permission shall be sought from the Executive where an open trench is required.
 - (b) All trenches located within the footpath shall be backfilled with quality material and suitably compacted following installation of the plant/cables. The finished footpath surface placed over the compacted backfill material shall match the existing footpath surface material type and level of the footpath.
 - (c) All disturbed areas shall be reinstated to pre-existing conditions following completion of the works or in the event of an extended period of works, at the completion of each section as agreed with the Shire of Northam. As a minimum, turfed areas denuded by installation of the plant/cables shall be top soiled and returfed following completion of the works.

- (d) All manholes, inspection points and/or other permanent above ground features, which are to be located within the road reserve, shall be flush with the adjacent surface to avoid potential trip hazards.
- (e) Fixed plant (pits, manholes, inspection points etc) or cabling shall be constructed within two metres of the out Road Reserve boundary. This will ensure that, should the Shire ever widen the road formation, the fixed plant/cable is sufficiently clear of the works.
- (f) All cabling and structures shall be laid to the minimum specified depths identified in the most current *“Utility Providers Code of Practice for Western Australia”*
- (g) The Contractor shall regularly remove rubbish and/or surplus materials as the work proceeds and keep the site clean and tidy. The Contractor shall leave tidy the whole of the works upon completion of the Contract, and make good any damage caused during the works to the satisfaction of the Shire.
- (h) Where work is likely to affect vehicular access to private properties, every attempt shall be made to accommodate the needs of landowners/residents regarding entry and/or exit from the property.
- (i) A minimum of one (1) trafficable lane shall remain open to the public at all times and traffic control shall be employed during the course of the works. A copy of the Traffic Control Plan shall be forwarded to the Shire for consideration.
- (j) The finished condition of the road and/or verge shall be to the satisfaction of the Shire of Northam.
- (k) Where work is to be carried out within privately or publicly owned land, the affected property owners shall be provided fourteen (14) days notice in writing of the utilities intent to undertake works. All areas denuded or affected by the works within privately owned land or public open space shall be made good upon completion of the works. In addition, vegetation within public open space shall not be removed without prior consent from the Shire.

All works are to comply with the current Utility Providers Code of Practice for Western Australia.

W 5.5 Street Tree Policy

Responsible Department
Resolution Number
Resolution Date
Next Scheduled Review
Related Shire Documents
Related Legislation

Engineering Services

C.4193

21/04/2021

2023

Local Government Act 1995, Utility Providers Code of Practice for Western Australia,

OBJECTIVE

To ensure appropriate management of Trees within the Shire of Northam with regard to the planting and removal, where necessary, of verge trees with those needs to be undertaken in the long term interest of the community as a whole and in conjunction with the Shire Street Tree Management Plan & Guidelines.

SCOPE

To define the circumstances under which the Shires trees can be removed.
To define guidelines for appropriate species to be planted forming entry statements to specific town sites within the Shire of Northam.

POLICY

1. INTRODUCTION

The Shire of Northam recognises the significant contribution that street trees make in providing a high quality public realm where people are encouraged to partake in a wide range of activities, meet others and to linger in comfortable surroundings. This policy is intended to cover the provision of street trees in the Shire of Northam including major parks and gardens.

2. POLICY OBJECTIVES

- 2.1 To “green” the towns within the Shire of Northam by the extensive provision of street trees that are pleasing in appearance and provide extensive shade for the comfort of citizens and provide a range of habitat for fauna.
- 2.2 To add value to the public and private realms by reinforcing the character of the Shire as a desirable place to live or visit.
- 2.3 To provide guidance for the care, control, management, protection and preservation of the Shires Trees.

3. POLICY STATEMENTS

- 3.1** The Shire of Northam values the contribution of trees to achieving a high quality urban environment and will seek to plant streets with trees whenever there is an opportunity to do so within the urban design outcomes for the area. Such plantings will complement any heritage building façade.
- 3.2** Trees may be selected for individual streets that support the urban design role of each street in the Shire's activities.
- 3.3** A diverse range of tree species will be used to reinforce street identity, attract a variety of fauna life to the towns, create visual interest and enhance the amenity of the public realm.
- 3.4** Trees will be planted to form green corridors linking the park lands and major public and civic places.
- 3.5** Historic trees and avenues will be preserved and replaced in recognition of their cultural significance to each town. Adjacent future plantings will be placed to preserve the integrity of these trees and avenues.
- 3.6** All street trees will be managed to maintain them in a healthy state and minimize any adverse impacts of the trees on the public realm.
- 3.7** While exotic deciduous trees will be used in some locations, every attempt will be made to use native trees to reflect and support the growing diverse nature of the Shire's community.
- 3.8** While trees will always be selected that have minimal impact on services such as electricity and water, the Shire of Northam strongly encourages service utilities to minimize the impact of their operations on the street trees of the Shire.

4. PLANTING OF STREET TREES

Trees are an integral part of the fabric of the urban and country environment. Their contribution is both physical and psychological. The Shire of Northam is committed to promoting and maintaining its tree planting/streetscape program.

4.1 Responsibility

The Shire of Northam is responsible for the planting of all trees within reserves under its control, care and management, including road reserve tree plantings, revegetation of denuded sites and various community tree planting projects.

4.2 Type

In the interests of vehicular and pedestrian safety, as well as keeping services clear, street trees on verges shall be of a specific species, planted with a particular alignment.

Trees shall be of a particular variety/species as outlined in the Shire of Northam's "Street Tree Management Plan" and designated tree list.

5. REMOVAL OF STREET TREES

5.1 Natural grown, or Shire planted trees can be removed with the approval of the Executive in cases where:

- they are likely to cause damage to public or private property;
- they constitute a threat to personal safety, trees that are diseased, the tree is decaying, infested or dead, or is a traffic hazard; or
- when in appropriate instances, they need to be removed for road widening or because they interfere with sewerage or underground services or Western Power supply lines.

Responsibility for cost of removal in such instances to rest with the Council.

The following are not considered sufficient reasons for the removal of street trees:

- The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
- The tree variety is disliked;
- The tree variety causes nuisance by way of leaf, fruit and/or bark shedding or the like;
- The tree causes allergies;
- The tree attracts unwanted fauna activity such as birds and bees.
- The tree is in the way of a non-essential crossover or verge paving option;
- The tree limits sunlight reaching solar panels;
- The tree shades private gardens; or
- The unsubstantiated 'potential' damage if the tree fails or from growth damage.

However, consideration will be given to heavy pruning options in these circumstances.

5.2 Private planting, without Council approval, to be removed:

- for reasons described in 5.1 above, or where they are obstructing a proposal entranceway, and no other means of access is available; or
- the tree/s do not conform to the list of approved street trees.

In such circumstances, the responsibility for cost of removal to be that of present owner of property if it can be established that the person was responsible for planting the tree. Where proof of planting cannot be established, Council meet the cost if the criteria for removal is satisfied.

Private planting, with Council approval

- Any verge treatment with approved plantings shall be the responsibility of the landowner to maintain.
Any damage caused to Shire or privately owned property caused by the tree shall be rectified at the cost of the landowner responsible for the maintenance of the approved verge treatment and plantings

5.3 Trees on common boundaries of roads and private properties:

- Cost of removal to be borne by Council where the tree/s are within the definition and satisfy the criteria set out in 5.1 above.
- Cost of removal, or agreed proportion thereof, to be met by applicant in all other circumstances.

5.4 The Shire (or its contractor) shall undertake the pruning of all street trees affected by powerlines on a programmed basis. Programmed street tree pruning shall include trees on the side of the street affected by overhead powerlines as well as trees affected by electrical feeder lines to individual properties on the opposite side of the street. Programmed pruning shall not normally include trees on the opposite side of the street to powerlines. Programmed pruning is to be planned each year, on an as needs basis.

W 5.6 Verges Policy

<i>Responsible Department</i>	Engineering Services
<i>Resolution Number</i>	C.4843
<i>Resolution Date</i>	16/08/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Activities on Thoroughfares Public Places and Local Trading Law 2018; Street Tree Policy
<i>Related Legislation</i>	<i>Local Government (Uniform Local Provisions) Regulations 1996: 6. Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)</i>

OBJECTIVES

To assist residents and the community generally to achieve aesthetically pleasing, water sensitive outcomes for verge treatments within the Shire of Northam, in conjunction with the Shire's Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018.

- To value the verge as an important component of the streetscape
- To promote the principles of environmental sustainability and biodiversity
- To provide direction and guidance to the Shire of Northam staff and community on appropriate verge treatments
- To encourage adjacent property owners to improve and maintain verge presentation
- To provide advice and regulatory control to property owners
- To improve verges to an appropriate and consistent standard.
- To encourage a waterwise and sustainable future

SCOPE

Any person who wishes to carry out prescribed works on the verge within the Shire shall do so in accordance with this policy.

This policy has been developed in accordance with the Water Corporation's Waterwise Verge Best Practice Guidelines and provides further guidance for permissible verge treatments as stated in Shire's Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018.

POLICY

1.1 INTRODUCTION

The street verge has been traditionally described as the area between the road and boundary of an abutting property. The verge provides a safe pedestrian space and vehicular access to properties. The verge generally accommodates public service and local government utilities above and below ground; street lighting, power, water, stormwater pipes, sewerage and telecommunication cables. The service providers need to access their assets in the verge to install, maintain and/or repair.

1.2 VERGE MAINTENANCE

The Shire encourages all residents and commercial property owners to endeavour to maintain the verge adjacent to their property, for their own benefit, the benefit of their neighbours and the wider Northam community.

1.3 PERMISSIBLE TREATMENTS

The Shire permits certain landscape treatments to be undertaken without obtaining permission from the Shire of Northam.

These permissible verge treatments are:

1. Shrubs and ground covers
2. Grass
3. Organic Mulch

Please refer to Activities on Thoroughfares Public Places and Local Trading Law 2018, for further information.

1.4 OTHER PERMISSIBLE VERGE TREATMENTS

1. Pavement
2. Permeable paving materials such as compacted aggregate subject to the size of the individual material pieces
3. Artificial turf

For these types of treatments to be considered on any portion of a verge, and “Application to alter the Verge” must be submitted to the Shire of Northam.

Irrigation will be considered upon application to the Shire in the “Application to Alter the Verge”.

1.5 STORMWATER WATER INFILTRATION

Stormwater runoff from large sections of hard surfacing must be effectively managed by the landowner, as the runoff can cause localised flooding on roads and adversely impact on the Shire’s storm water disposal system and its maintenance.

1.6 NON PERMISSIBLE TREATMENTS/USE

Where essential services may be located, some hardstand treatments will not be permissible by the Shire of Northam.

The following cannot be installed on a verge:

1. Asphalt
2. Bitumen
3. Concrete
4. Structures (including walls, planter boxes, letter boxes and seating)
5. Loose aggregate (including pea gravel, blue metal, crushed brick or stone)

1.7 ACCESS BY UTILITY PROVIDERS

Under Section 2.13 of the Activities on Thoroughfares Public Places and Local Trading Law 2018; Service providers, including the Shire, retain the right to access the verge for service maintenance works that may disrupt or damage any verge treatment.

1.8 NO SPRAY REGISTER

The resident is to inform the Shire in writing if they wish for their verge not to be sprayed by having it placed on the “No Spray Register”.

As a condition of being admitted to the “No Spray Register” is the resident agrees to maintain their own verge.

1.9 VERGE DEVELOPMENT APPROVAL PROCESS

All proposals for landscape treatment of the verge require approval from the Shire of Northam.

In order for applications to install landscape treatments on the verge to be assessed, property owners are required to submit an Application to Alter Verge which includes a diagram to illustrate the proposed work including plant species and the layout of any proposed reticulation system(s).

The Shire will then:

- Inspect the location;
- Notify the owner in writing whether the application is approved
- Maintain a register of the site and the approved verge treatment; and,
- On completion of any approved works the Shire will inspect the works; and,
 - Works not carried out in accordance with the relevant approvals will require any noncompliance issues to be rectified

1.10 VERGE MAINTENANCE

Occupants are encouraged to maintain and/or improve the verge directly abutting their property, in a manner that ensures the safety of themselves and/or pedestrians and road users.

The Shire of Northam aims to create a visually pleasing community, inclusive of tidy and attractive verges and roadsides.

The Shire will perform an annual verge maintenance program consisting of the following where practicable:

- Town site verges may be sprayed up to once per year;
- Town site verges may be slashed up to once per year in the following instances:
 - Community facilities
 - open space recreational areas, parks and reserves
 - corner lots.
- Rural verges will be assessed annually for spraying and slashing throughout the year within budget constraints.
- Spray and slash a minimum 1.5m clearance around registered bus stops on request.

W 5.7 Asset Management Policy

Responsible Department
Resolution Number
Resolution Date
Next Scheduled Review
Related Shire Documents
Related Legislation

Engineering Services
C.2898
21/12/2016
2023
Local Government Act 1995

OBJECTIVE

The Policy provides clear direction in the provision and management of all Council's assets. It seeks to ensure that assets support Council's strategic vision and objectives, deliver sustainable service outcomes and are provided at appropriate levels of service for present and future stakeholders.

SCOPE

The Shire considers assets (such as infrastructure, land, plant and equipment) to be any that support the delivery of one or more of the following services:

- Property
- Recreation
- Transport
- Plant, Vehicles and Equipment
- Information Technology
- Waste

This Policy applies to all assets which are required to be managed by the Shire, where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

POLICY

The Shire will provide and manage assets that support the delivery of services in line with its Strategic Community Plan and Corporate Business Plan.

The Shire will manage its assets in a manner that provides best practice for economic, environmental, cultural and social sustainable outcomes.

Asset management decisions will consider other key Shire policies and priority will be given to existing assets and services over new ones. Long term resource needs

(Asset Management Plans) will be balanced against financial capacity (Long Term Financial Plan).

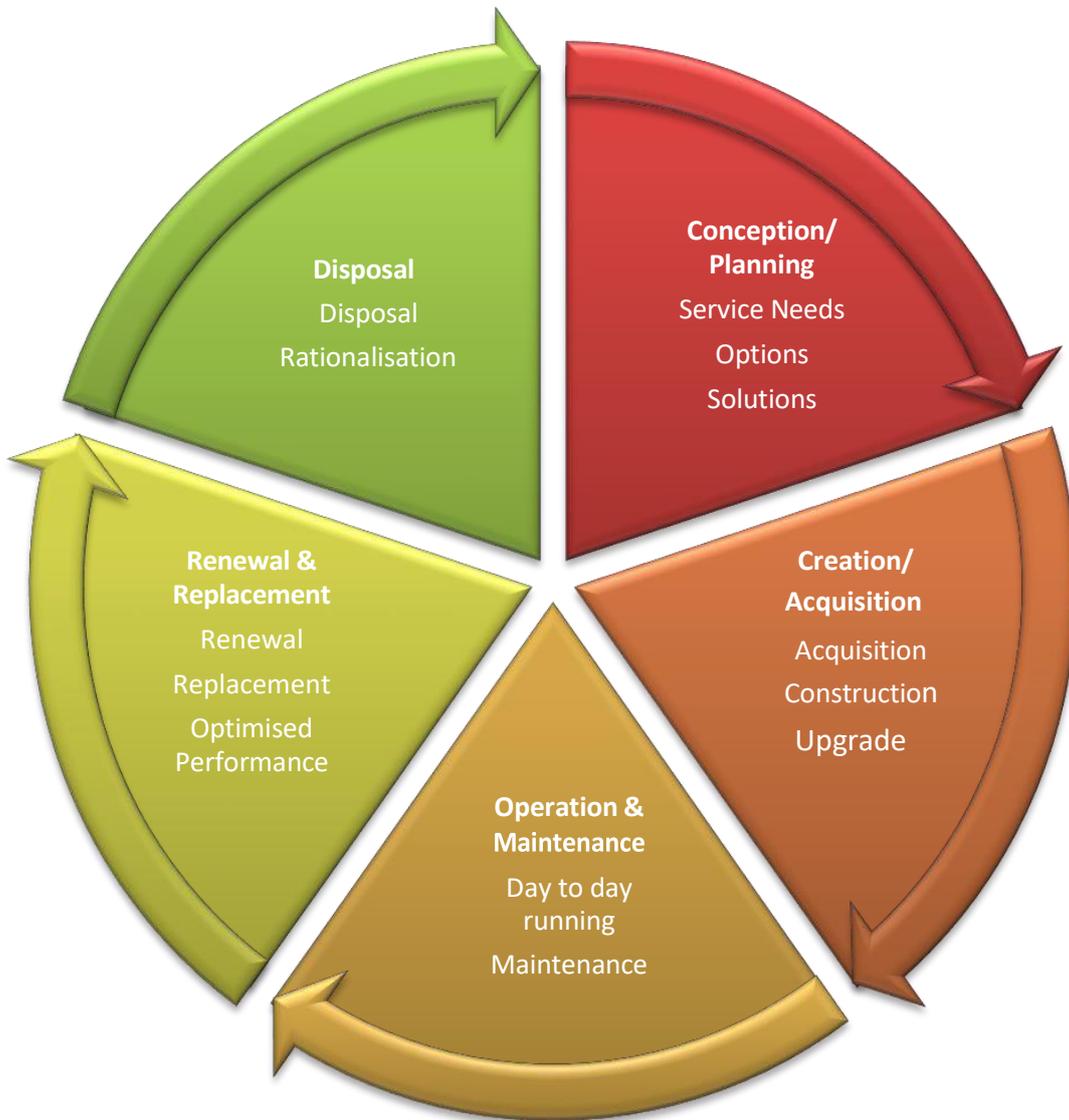
The Shire's Asset Management vision shall be achieved through the implementation of an integrated planning and reporting framework. As a minimum:

- An Asset Management Strategy will be developed to define the Shire's asset management Vision, Objectives, Outcomes, Enablers (e.g. Roles and Responsibilities, Training etc.), Performance Monitoring and Implementation Plan.
- The Asset Management Plans shall be driven by community informed service levels, future demand, long term sustainability and risk management.

The Asset Life Cycle (Whole of Life)

For clarity, the following describes the Shire's definition of its Assets' Lifecycles.

Lifecycle asset management involves the decisions made at each stage of an asset's life, from conception to disposal. The decisions made at one stage may affect the asset's performance and cost in others.



Levels of Service

The Shire of Northam will establish Levels of Service to define outputs of objectives the organisation intends to deliver in meeting the expectations of the community. These will be incorporated into the Shire’s Asset Management Plans

W 5.8 Heavy Haulage Cost Recovery Policy

<i>Responsible Department</i>	Engineering Services
<i>Resolution Number</i>	C.4191
<i>Resolution Date</i>	21/04/2021
<i>Next Scheduled Review</i>	2023
<i>Related Shire Documents</i>	<ul style="list-style-type: none"> <i>Long Term Financial Plan</i> <i>Transport Asset Management Plan</i>
<i>Related Legislation</i>	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> <i>Road Traffic (Administration) Act 2008</i> <i>Revised State Planning Policy 3.6</i>

OBJECTIVE

To provide a methodology and framework for recovering extraordinary maintenance costs on Shire Roads caused by the heavy vehicle operator.

SCOPE

This Policy applies to any party operating a Restricted Access Vehicle (RAV) permit to run a defined vehicle freight task on Shire of Northam roads. This will include all new applications, as well as movements which have been illegally or historically operating without approval having been given by the Shire.

The operation must be deemed to involve such a volume (extraordinary load) that it is likely to cause damage resulting in “extraordinary expenses”, which is damage that is well beyond what would normally be anticipated for the category of road(s) concerned.

If the Shire of Northam considers that the defined freight task is likely to also effect roads in adjacent Shire(s) it will notify the impacted Shires’ accordingly.

POLICY

Extraordinary Load

An Extraordinary Load is defined as a task that will result in a significant increase in the Annual Design Equivalent Standard Axle (ADESA) and will result in damage to the pavement and reduction in the structural design life of the road leading to extraordinary expenses.

Cost Calculation

The relevant charge shall be calculated using the User Guide – Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks (WALGA & ARRB 2015). The Proponent shall provide the following information to the Local Government:

1. The type and axle configuration of the vehicles to be used for the task.
2. The annual freight tonnage for the task and the vehicle payload.
3. The number daily vehicle passes.
4. The duration of the task.
5. The task routing and distance.

This method of calculation will be applied to all road surface types.

Negotiation

The following conditions may necessitate negotiation with the Proponent to adjust the calculated charge or to use an alternative methodology:

1. If the Category of road has been purposely constructed to a level that is suitable for the proposed heavy vehicles movements.
2. If the road is in a very poor or failed condition then the Shire of Northam shall negotiate with the proponent on a strategy and cost to bring the road to a serviceable condition before calculating an annual charge.
3. If the magnitude of the freight task is of such a volume that the road is likely to experience structural failure in a short period, then the Shire of Northam shall negotiate an appropriate strategy and charge to upgrade the structural capacity of the road in advance. This will result in an increased ADESA which will then be used to calculate the ongoing charges.
4. If the proposed ESA are excessively above the limits in the WALGA User Guide or if for any other reason this method is deemed inappropriate then the Shire of Northam may elect to calculate the charge using an alternative method.

Funding and Service

Funds collected from the Proponent shall be placed into a dedicated fund and shall only be used for routine maintenance, preservation and structural strengthening activities on the section of road concerned. The Shire shall keep records of all works and costs. Council will contribute a portion of the cost of works out of its own funds according to what they would have reasonably allocated to the road if the proponents activities were not present.

After termination or expiry of an agreement, any remaining funds shall be kept for a period of 12 months (or other agreed time period) after which the road will be inspected and the remaining funds shall be used to repair any defects so that the road is in a similar condition to when the agreement began. Any remaining funds shall then be returned to the Proponent.

Agreement

The Shire and the proponent shall enter into an Agreement that includes the following:

1. The type and axle configuration of the vehicles to be used for the task.
2. The annual quantity of vehicle passes and the payload tonnage. If seasonal then this must be described
3. The routing including return journeys
4. The duration of the task
5. The annual and unit rate charge and method of calculation
6. Payment terms and conditions
7. The obligations of the parties including works records, expenditure, evidence and audit requirements in relation to the determination of actual payload tonnages and notifications of changes to vehicles, payload or routing
8. Conditions on expiry of the agreement
9. Hours and conditions of operation
10. Breaches and terms of remedy for the Local Government and Proponent
11. Duties of Local Government and the Proponent

Duties of Local Government

The Shire will take all reasonable steps to keep the road in a serviceable condition for the duration of the agreement. Appropriate records will be maintained to ensure transparency of expenditure of all collected charges.

Duties of the proponent

The proponent will provide timely (to be determined by the Shire in Agreement) notification to the Local Government if there are any changes to the type of vehicles and axle configurations, annual payload and routing.

Authority

The authority to enter into an agreement with a Proponent under this policy shall be approved by the Chief Executive Officer.

DEFINITIONS

Agreement: An agreement between the Local Government and a proponent defining the conditions of access including charges for a defined transport task

Proponent: The party that is requesting to use a Local Government road for a defined freight task

Equivalent Standard Axle (ESA): The number of standard axle loads which are equivalent in damaging effect on a pavement to a given vehicle or axle loading. Every vehicle combination can be expressed as a number of ESA.

Annual Design ESA (ADESA): The predicted annual ESA that was used to design a road pavement structure. If this is unknown it may be estimated based on the average

annual ESA from historic traffic counts or the annual ESA that would reasonably be expected for a particular Category of road under normal circumstances.

Extraordinary Load: An Extraordinary Load is defined as a freight task that will result in a significant increase in the ADESA resulting in damage to the road pavement and reduction in the structural design life of the road giving rise to extraordinary expenses as a result of increased routine and planned maintenance and premature failure necessitating rehabilitation or reconstruction of the road.

Routine Maintenance: Unplanned activities that maintain the serviceability of the road e.g. repairing potholes, cleaning drainage structures, repairing edge breaks and sweeping pavements.

Preservation: Planned maintenance and rehabilitation that are designed to preserve or extend the serviceable design life of the road e.g. crack sealing, resealing with a bituminous sprayed seal, rehabilitation of gravel shoulders and replacing culverts and kerbs.

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PLANNING

See Section II (separate document) for all local planning policies.

See also Town Planning Scheme No. 6

HEALTH

H 6.1 ALFRESCO – Outdoor Eating in Public Place

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.2966
<i>Resolution Date</i>	15 March 2017
<i>Next Scheduled Review</i>	
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995 Activities on Thoroughfares & Public Places & Trading Local Law 2008

OBJECTIVE

To provide safety guidelines for (outdoor eating facilities) alfresco dining areas within business districts.

SCOPE

Following Development Approval an Alfresco Dining Permit is required. An Alfresco Dining Permit will be permitted where the alfresco facility is conducted as an extension of an adjacent food business. Permits will expire 30 June each year but may be renewed upon payment of an annual fee. Any furniture or activities must not impede pedestrian or vehicular movement or cause conflicts with other activities.

POLICY

- 1.1 An Alfresco Dining Permit is required to be obtained from the Shire prior to conducting an alfresco facility on a public place.
- 1.2 In consideration of a permit application the Shire will take into consideration the following:
 - Alfresco dining areas is appropriate to the character and functions of the area. They will not be approved where, in the opinion of the Shire, the gathering of customers or the elements of design will unreasonably impede pedestrian or vehicular movements, or cause conflicts with other activities.
 - The alfresco facility is conducted as an extension of an adjacent food business. A Liquor licence or an extension to a current liquor licence will

be required from the Department of Racing Gaming and Liquor prior to any alcohol being consumed in an alfresco facility.

- the alfresco dining facilities must not conflict with or inconvenience other adjacent activities or the passing public.
- Structures associated may only be fixed to the footpath or to any other structures with the approval of the Shire.. Structures and furniture must be stable under windy conditions and provision made for out of sight storage when not in use.
- The area is to be kept clean and free from rubbish to the satisfaction of the Shire.
- The area is to be designed to accommodate disabled access.
- Exits from the adjoining building must not be impeded by the operation of the alfresco area.
- Street furniture, trees or services shall not be moved or modified without the prior approval of the Council. All costs associated with any such works will be totally at the applicant(s) expense.

1.10 Failure to comply with this policy will result, upon resolution of Council, in the revocation of the planning consent for an alfresco dining area.

1.11 The Alfresco Dining Permit holder is to provide public liability insurance indemnifying the Shire against all actions, suit, claims, damages, losses and expenses made against or incurred by the Shire arising from any activity, action or thing performed or erected in accordance with the permit. In particular the permit holder shall:

- 1.11.1 take out a public liability insurance policy in the name of the permit holder for a minimum of \$10 million dollars;
- 1.11.2 Ensure the Shire of Northam is expressly listed on such policy as an “interested party”;
- 1.11.3 Advise the Shire if the policy lapses, is cancelled or is no longer in operation; and
- 1.11.4 Produce a certificate of currency for inspection upon request of an authorised person from the Shire.

1.12 An Alfresco Dining Permit will expire 30 June each year but may be renewed upon payment of an annual fee.

An application fee, plus annual fee based on the number of chairs and tables applies to each premises with an alfresco dining area.

H 6.2 Short Term Use of Shire Ovals and Reserves for Accommodation

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.3328
<i>Resolution Date</i>	18/04/2018
<i>Next Scheduled Review</i>	2020
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Caravan Parks and Camping Grounds Act 1995</i> <i>Caravan Parks & Camping Ground Regulations 1997</i> <i>Bush Fires Act 1954</i> <i>Local Government Property Local Law 2008</i>

OBJECTIVE

To allow the use of approved Shire ovals and reserves for short term camping by organised caravan and camper trailer clubs or for community events attracting a large number of people from outside the Shire.

SCOPE

Where major events that attract large numbers of people from outside of the Shire are held, Council is supportive of short term camping taking place on ovals and reserves specifically approved for that event. The short term camping is likely to be for a limited number of days only and will involve caravans, campervans or tents.

This is likely to take the form of large-scale camping or touring groups; or sporting or cultural events that attract large numbers of people.

Council also recognises the economic benefits that would flow from overnight stay visitors where this is able to be approved within the constraints of relevant legislation.

POLICY

Where a request for short term camping within the Shire managed land is made, then the Shire may approve the short term use of designated ovals and reserves for camping by caravan, campervan or tent subject to the following:

- Each oval or reserve on which the camping is to occur must firstly be assessed and approved by the Manager Health and Environment or the Environmental Health Officer in relation to its general suitability for that purpose.
- Toilet numbers either already available onsite or together with portable toilets must comply with the requirements of Schedule 7, Division 6, Clause 20 of the Caravan Parks & Camping Ground Regulations 1997 relative to the number of persons to be accommodated.
- The duration of any camping approved shall not exceed a maximum of seven days.
- Where showers are not available then camping shall only be permitted on an overnight basis.
- Lighting of fires/barbecues shall only occur by the use of provided facilities and in all instances in accordance with the Bush Fires Act 1954.
- Appropriate refuse disposal arrangements are in place.
- The type of camping to be approved (i.e. tents, campervans or caravans) shall be determined by the location on which the camping is to occur.
- The maximum number of sites able to be established at each approved location being determined by the Manager Health and Environment or the Environmental Health Officer.
- The availability of power to the approved location.
- Emergency contact telephone numbers for shire personnel to be made available.
- Determination of the schedule of fees (if any) that are to apply to the camping.
- No liquid waste or effluent is to be disposed of at any Shire facility.
- Compliance with the Environmental Protection (Noise) Regulations 1997.
- No live bands or amplified music, unless specifically approved.

H 6.3 Genetically Modified Crops

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.2967
<i>Resolution Date</i>	15 March 2017
<i>Next Scheduled Review</i>	
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	

OBJECTIVE

To identify Council's position on Genetically Modified Products to be reviewed whenever further information is forthcoming which may result in Council reviewing and modifying this policy.

SCOPE

Policy gives direction for staff to respond to requests for comment on risk assessment and risk management plans for supply or trials of GM Crops from the Office of Gene Technology Regulator.

POLICY

The Shire of Northam does support the use and development of Genetically Modified Crops in the Shire.

H 6.4 Temporary Accommodation during the Construction of a Dwelling

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.4890
<i>Resolution Date</i>	15 November 2023
<i>Next Scheduled Review</i>	
<i>Related Shire Documents</i>	Temporary Accommodation Application Form
<i>Related Legislation</i>	Health (Miscellaneous Provisions) Act 1911 National Construction Code of Australia Caravan Parks and Camping Ground Act 1995 Caravan Parks and Camping Grounds Regulations 1997

OBJECTIVE

The aim of this policy is to permit the use of temporary accommodation on site to assist Owner Builders to construct a dwelling on their land in line with relevant legislation.

SCOPE

Approval from the Shire is required to occupy Temporary Accommodation in the Shire of

Northam. Approval will only be granted in the following circumstances:

- The application form for Temporary Accommodation is completed and submitted together with applicable fees;
- Approval to construct a permanent dwelling on the site has been approved, and a building permit issued,
- An approved permit for the installation and use of a septic system has been issued,
- Approval will only be granted for a period of up to 12 months.

POLICY

The only form of Temporary Accommodation to be approved shall be:

- A fully self-contained caravan in accordance with the Caravan Parks and Camping Grounds Regulations 1997 for a period up to 12 months for the purpose of constructing a dwelling; with
- Evidence of functional ablution, kitchen, and laundry facilities in the self-contained caravan.

CONDITIONS FOR APPROVAL

Conditions:

- Applicants must own or have a legal right to occupy and build on the land.
- Applicants must have an approved permit as defined in the Caravan Parks and Camping Ground Regulations 1997.
- Applicants must be registered as an Owner Builder with the Department of Mines Industry Regulation and Safety.
- Approval will **NOT** be considered where an Owner has contracted a Registered Builder to construct the Owners residence.
- In exceptional circumstances the Executive Manager is delegated the authority to vary conditions of approval.
- Approval will be given for a period of up to 12 months.
- Approval will only be considered in the following zones:
 - Residential R2.5;
 - Rural Residential;
 - Rural smallholding; and
 - Rural.

MINIMUM FACILITIES

The following minimum facilities are to be completed before occupation and they are conditional upon any approval:

- An effluent disposal system to be installed and “Permit to Use” issued.
- Provision of suitable ablutions including flushable toilet or approved chemical toilet, hand basin, shower, and laundry facilities.
- Toilet and ablution facilities must be connected to an adequate supply of potable water and all waste water disposed to an approved effluent disposal system.
- Adequate power supply of minimum 240V (or approved alternative).
- Setbacks for temporary accommodation are the same as prescribed for buildings within that zoning, as determined by the Local Planning Scheme.

COMPLIANCE REQUIREMENTS

- Expiration or cancellation of the building permit for the dwelling will void the Temporary Accommodation approval.
- The Shire may revoke any Temporary Accommodation approval should it be determined that the approval is not being carried out within the provisions of this policy or any other relevant legislation that falls within the jurisdiction of the Local Government.
- The Shire reserves the right to revoke the approval based on any complaints received that in the option of the Shire, unduly affects the amenity of the area,

or on any other grounds that the Shire deems necessary to protect health, safety, and wellbeing.

H 6.5 Disused Motor Vehicles

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.2968
<i>Resolution Date</i>	15 March 2017
<i>Next Scheduled Review</i>	
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995

OBJECTIVE

To provide guidance on the management of disused motor vehicles on private property in the Shire of Northam.

SCOPE

The Council generally requires the removal of disused materials, including disused motor vehicles in accordance with the requirements of the *Local Government Act 1995* which defines 'disused materials' as including disused motor vehicles, old motor vehicles bodies and old machinery.

Council acknowledges that there is discretion within this section of the Act to make determinations about the storage of materials that could be termed disused. This includes disused motor vehicles which residents may wish to retain for their inherent value, hobby or other reasons.

This policy will be applied to all Residential, Rural Residential and Rural Small Holding areas throughout the Shire of Northam.

POLICY

Disused motor vehicles shall wherever possible be properly garaged rather than being stored in open yard areas;

Storage of disused motor vehicles is to be in accordance with the following:

- (a) No more than two (2) un-garaged disused motor vehicles are permitted on a residential or rural residential lot;
- (b) Disused motor vehicles must be stored such that they are not visible from a public roadway. (NB: Any screen fencing must comply with the Shire of

- Northam *Fencing Local Law 2008* and Council Policy which generally requires that fencing does not exceed 1.8m in height);
- (c) Disused motor vehicle are to be stored on a suitable hardstand capable of preventing the growth of weeds and grasses around or under a vehicle;
 - (d) Storage of loose parts, panels, engines or related materials are to be kept in enclosed storage areas.
 - (e) The storage of disused large motor vehicles (e.g. buses) will generally not be approved in residential areas under this policy;

The storage of disused large vehicles (e.g. buses) may be approved in rural small holding areas under this policy, but not for the purpose of temporary accommodation.

H 6.6 Conversion of Class 10 Buildings to Class 1 Habitable Buildings

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.2966
<i>Resolution Date</i>	15 March 2017
<i>Next Scheduled Review</i>	
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Health (Miscellaneous Provisions) Act 1911;</i> <i>Building Regulations 2012;</i> <i>Building Code of Australia;</i> <i>Planning Scheme 6</i>

OBJECTIVE

- Protect the visual amenity of an area;
- Protect occupants from a health & safety perspective;
- Protect future purchasers of the property; and
- Minimise potential liability issues.

SCOPE

The reclassification of Class 10 buildings to Class 1 habitable buildings, is permitted by regulation 47 of the *Building Regulations 2012* under certain conditions as permitted under the *Building Act 2011* and section 144 of the *Health (Miscellaneous Provisions) Act 1911*.

This policy identifies the minimum requirements for consideration of a reclassification request.

POLICY

Definitions

“**Class 10**” as defined in the Building Code of Australia – (eg: a shed - non-habitable)

“**Class 1**” as defined in the Building Code of Australia – (eg: a dwelling - habitable)

Background

Sheds and the like are approved and defined under the Building Code of Australia (BCA) as “non-habitable” or Class 10 buildings. As such, the standards required for these structures are significantly less than those for habitable buildings (Class 1 structures). By living in a shed or the like, owners place at risk the health & safety of themselves and all those they let occupy these structures.

Both the Health (Miscellaneous) Act 1911 and the Building Act 2011 prohibit the use of a Class 10 building as a habitable building. For occupation to occur, it must be upgraded to meet the Class 1 building requirements for a dwelling. Whilst the Shire does not want to encourage this practice, it is prepared to permit such a conversion where it can be demonstrated that the building in question can be improved and meet the necessary requirements of the BCA and the Shires Planning Scheme.

Policy

In order to reclassify a structure the following approvals are required from the Shire:-

- Development Approval;
- Building Approval;
- Approval to install an effluent disposal system, if required.

Once approved a Class 10 structure cannot lawfully be used for human habitation until all building work has been completed in accordance with the approved Building Permit and a Notice of Completion (Form BA7) has been submitted to the Shire.

H 6.7 Portable Signs on Thoroughfares

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.2966
<i>Resolution Date</i>	15 March 2017
<i>Next Scheduled Review</i>	
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Activities on Thoroughfares and Public Places and Trading Local Law 2008</i>

OBJECTIVE

To minimise potential negative effects in relation to safety and amenity with the placement of Portable Directional Signs and Advertising Signs whilst recognising the positive outcomes on occasion from the use of such signs.

SCOPE

- Details type and conditions for the temporary display of directional signs permitted on thoroughfares with or without a permit.
- Details type and conditions for the use of portable advertising signs on thoroughfares with a permit.

POLICY

PORTABLE DIRECTIONAL SIGNS ON THOROUGHFARES

Definitions

“Directional Sign” means a sign which indicates the direction of another place, activity or event.

“Thoroughfare” means a road or other thoroughfare but does not include a private thoroughfare not under the control of the local government.

“Real Estate Signs” means portable directional signs indicating the location of a premises open for inspection.

“Event Signs” means portable directional signs indicating the location of a particular event.

“Sign” includes a notice, flag, mark, structure or device on which may be shown numbers, words, symbols or expressions.

“Portable Directional Sign” means a portable free standing direction sign.

Policy

Directional Signs not requiring a permit include:-

Type	Size & Nos.	Conditions	Location
REAL ESTATE Signs	Max size 60cm x 30cm Max. No. 4 signs	Removed within 24hrs of home being open Restricted to weekends and public holidays only To direct people to an “Open for Inspection” premises. Public liability insurance required	Made of non-metallic pliable material, which will not cause injury on impact. Anchored so as not to be moveable by wind or other natural forces. Not obstruct or impede reasonable use of any thoroughfare. Not to be placed on roads or roundabouts or centre islands.
EVENTS Signs	Max height 50cm Max area 0.5m2 Max. No. 4 signs	Used infrequently and occasionally Used only to direct attention to an event or place of event or activity Removed at conclusion of event or activity. Public liability insurance required	Made of non-metallic pliable material, which will not cause injury on impact. Anchored so as not to be moveable by wind or other natural forces. Not obstruct or impede reasonable use of any thoroughfare. Not to be placed on roads or roundabouts or centre islands.

The Applicant for portable direction signs requiring a permit shall ensure that:

- a) The sign neither exceeds 500mm in height or 0.5m2 in area;
- b) Signs are made of non-metallic pliable material, which will not cause injury on impact;
- c) Signs relate only to the business activity described on the permit;
- d) Signs contain letters not less than 200mm in height;
- e) Signs are to be anchored in such a way as not to be movable by wind or other natural forces;
- f) Signs are to be limited to no more than 1 sign per business on weekdays, but up to 2 signs per business on weekends;
- g) Signs are to be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
- h) A minimum business public liability insurance of \$10 million is in place;
- i) Signs be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person;
- j) Signs be maintained in good condition; and

- k) Signs not be placed within 50m of a business selling the same or similar product

PORTABLE ADVERTISING SIGNS ON THOROUGHFARES

Definitions

“Advertising Sign” means a sign used for the purposes of advertisements and includes an “Election Sign”

“Election Sign” means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election.

“Portable Advertising Sign” means a portable free standing advertising sign.

Policy

A “portable advertising sign” means a sign that:

- (a) is not fixed to a building, wall or fence;
- (b) only advertises a product or service available on the land adjacent to which it is erected;
- (c) is a sandwich board sign consisting of two sign boards attached to each other at the top by hinges or other means.

All “portable advertising signs” are required to comply with the following:

- (a) A business may erect and maintain one portable sign only on a street or way provided that sign:
 - does not project more than 600mm into the (footpath) adjacent to the business to which it is related;
 - does not exceed a height of 900mm measured from the ground;
 - does not obstruct pedestrians;
 - is displayed only during normal business hours of the business to which the sign relates; and
 - does not have any mechanical or wind driven rotating component part.
- (b) All portable signs displayed on any Shire footpath or road reserve shall be included in the businesses’ public liability insurance policy, with a minimum cover of \$5 million. The business proprietor shall submit a copy of the Certificate of Currency from the Insurer to the Shire to clearly set out where the policy:

- extends the public liability cover for the business over the areas where the sign is displayed;
- provides for minimum cover of \$5 million; and
- protects the Shire against claims resulting from the display of the sign or merchandise. Ideally the Shire should be named under the policy as a Joint Named Insurer (e.g. “ABC Sales and the Shire of Northam”), but at the very least the policy should note the Shire’s interest.

H 6.8 Political Issues Signs

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.2966
<i>Resolution Date</i>	15 March 2017
<i>Next Scheduled Review</i>	
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Activities on Thoroughfares and Public Places and Trading Local Law 2008</i>

OBJECTIVE

To provide guidance on the erection of election signs or political issues signs.

SCOPE

This policy applies to election or political issues signs erected on private land, thoroughfares and Shire land.

POLICY

1. Election signs erected on private land with the consent of the landowner or occupier will not be removed other than for health and safety reasons.
2. Election signs will be allowed in thoroughfares controlled by the Shire of Northam provided they meet the criteria in the policy. Signs that do not meet the criteria in the policy may be removed.
3. Election signs on land owned or controlled by the Shire of Northam will not be allowed and they will be removed when brought to the attention of the Chief Executive Officer, except for signs at a polling place on Election Day or pre-polling days.
4. Elections signs containing the Shire of Northam logo and / or crests breach the policy and will be removed.

Criteria for permitting signs on thoroughfares:

1. Must be made of non-metallic pliable material which will not cause injury on impact
2. Be anchored in such a way as not to be movable by wind or other natural forces;
3. Be removed within 48 hours following election day;

The owner of the sign must ensure adequate public liability insurance.

H 6.9 Trading on Thoroughfares & Public Places

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.2877
<i>Resolution Date</i>	16/11/2016
<i>Next Scheduled Review</i>	2018
<i>Related Shire Documents</i>	N/A
<i>Related Legislation</i>	Thoroughfares and Public Places and Trading Local Law 2008

OBJECTIVE

To provide guidance to Shire Officers and the Community in interpretation of the local law for determining applications for a permit to conduct a stall or trade in thoroughfares and public places.

SCOPE

This policy applies to all stallholders and traders in a public place within the Shire of Northam. This policy does not include delivery of pre-ordered goods and services.

The Shire supports stalls and trading as an enterprising activity that contributes to the wellbeing and benefit of residents and experience of visitors to the region. The Shire encourages a high standard of service delivery whilst also supporting local economic development and commercial viability.

POLICY

STALLHOLDERS

Definitions

Stall: As defined by the Local Law

Stallholder: As defined by the Local Law

- Community:** As defined as “charitable organisation” by the local law –
Footnote :For the purposes of this policy a Community Organisation is required to be based primarily or have local representation within the Shire of Northam.
- Commercial:** As defined as a “commercial participant” by the local law –
- Public Place:** As defined by the Local Law
- Local Government Property:** As defined by the Local Law
- General Stall:** Is any stall other than a Food Stall.

Types of Stalls

A stall is operated either for COMMUNITY or COMMERCIAL purposes.
A stall is defined as either a FOOD or GENERAL STALL.

Location of Stalls

A COMMERCIAL FOOD OR GENERAL STALL permit will be issued only if the stall is part of a registered event, approved markets or at a sporting event that the organisers have agreed upon the applicant’s inclusion.

Areas where a commercial stall is not permitted:-

- on or adjoining (50m of) the following roads: Great Eastern Highway, Great Southern Highway;
- within the view of road users from any Highway or Freeway;
- no closer than 300 metres of any shop or permanent place of business that has for sale the same kind of goods or merchandise being offered for sale;
- within 300 metres of schools between the hours of 8:00am to 9:00am and 3:00pm to 4.00pm when schools are operating;
- in road reserves unless the site has a formal parking area (such as rest areas);

A COMMUNITY FOOD OR GENERAL STALL permit will be issued if the stall is part of a registered event, approved community markets or a sporting event. Consideration will also be given to flexible locations outside of the permitted events if raising funds for the community organisation through a sausage sizzle, sale of pre-packaged drinks or a wood raffle or the like. Location considerations include access, authorisation of land owner and public safety.

STREET TRADING

Definitions

Street Trading: Includes a trader going from place to place, conducting a sale or offering for sale or hire or the soliciting of goods or services, whether or not in a public place.

Street trading does not include the delivery of pre-ordered goods or services to the purchaser.

Public Place: As defined by the Local Law

Street Trader: Is a person who carries on street trading from a vehicle whether itinerant or regular.

Itinerant Trader: An itinerant trader is a street trader who trades from a vehicle on public roads, stopping in various locations only long enough to conduct a sale. An itinerant trader may be a food or non-food trader. (An example is a mobile ice cream van)

Regular Trader: A regular trader is a street trader who trades from a vehicle which accesses various private commercial or industrial properties on a regular basis in an attempt to obtain a sale. A regular trader may be a food or non-food trader. Food on the Move, which is a mobile food business selling food for morning tea & lunch in the Industrial Areas in Northam is an example as well as Snap-on-Tools selling tools from a mobile showroom in Commercial and Industrial areas.

Types of Street Traders

A street trader is either an ITINERANT or REGULAR trader.
A street trader may be a FOOD or NON FOOD trader.

Location of Traders

Itinerant Food Trader

Areas where an itinerant food trader is not permitted:-

- on or adjoining (50m of) the following roads: Great Eastern Highway, Great Southern Highway;
- within the view of road users from any Highway or Freeway;

- no closer than 300 metres of any shop or permanent place of business that has for sale the same kind of goods or merchandise being offered for sale;
- within 300 metres of schools between the hours of 8:00am to 9:00am and 3:00pm to 4.00pm when schools are operating;
- in road reserves unless the site has a formal parking area (such as rest areas);

Itinerant Non-Food Trader

Only permitted if the stall is part of a registered event, approved markets or at a sporting event that the organisers have agreed upon the applicant's inclusion

Regular Food Trader

Only permitted if operating out of an approved commercial kitchen within the Shire of Northam

Regular Non-Food Trader

No restriction

Consideration of Application

Generally street trading is not supported by the Shire where there are potential conflicts with existing businesses. However if you believe there are extenuating or compelling circumstances that the Council should be made aware of the Council will consider an application and make a determination by resolution at a Council Meeting. In determining an application the Shire will take into consideration, the following:

- Compliance with this policy;
- The desirability of the proposed activity;
- The location of the proposed activity;
- Such other matters as considered relevant.

It is therefore important that your application addresses all these matters.

BUILDING

B 7.1 Amalgamation of Lot for Building Sites

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.3392
<i>Resolution Date</i>	20/06/2018
<i>Next Scheduled Review</i>	2020
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	National Construction Code Series, Building Act 2011

OBJECTIVE

To prevent building over boundaries unless amalgamation has occurred or is imminent.

SCOPE

Applies to all proposed buildings/structures to be built over a lot boundary.

POLICY

1. A Building Permit will only be issued for a proposed building/structure that extends over more than one surveyed allotment (i.e. a building/structure crossing over a boundary) if:
 - a) The Building Surveyor is satisfied that an approved Diagram of Survey has been lodged at the Titles Office and an application for a Certificate of Title for the amalgamated allotments has been registered and accepted; or
 - b) A legal agreement has been entered into and signed by all parties to allow the owners twelve (12) months to amalgamate the allotments & provide a registered Certificate of Title to the Shire & evidence that the amalgamation process has commenced is provided to the Shire.
2. An Occupancy Permit will not be issued until a registered Certificate of Title is provided to the Shire.

Part 1

Exemptions for the requirement to amalgamate shall be applied to:

1. Attached additions under the same ownership that “straddle the internal boundary” and meet the requirements of the National Construction Code;
2. Detached additions/new buildings on the second lot that meet the requirements of the National Construction Code. Note- Formal subdivision of the two lots would be required should the owner sell the property.

Part 2

Occupancy Permits are only required for Class 2-9 Buildings (Commercial) A Registered Certificate of Title demonstrating amalgamation has occurred, will only be required if the Fire Separation requirements of the National Construction Code have not been satisfied

B 7.2 Retaining Walls

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.2948
<i>Resolution Date</i>	15 February 2017
<i>Next Scheduled Review</i>	2018
<i>Related Shire Documents</i>	Nil
<i>Related Legislation</i>	<i>Building Act 2011</i>

OBJECTIVE

To use a risk management process to describe when approval is required for retaining walls.

SCOPE

Applies to all proposed retaining walls.

POLICY

1. Retaining walls require a building permit if the retaining wall
 - a) Retains ground more than 500mm in height; or
 - b) If it is any height and is associated with other building work or with the protection of land adjoining the land on which the retaining wall is located; or
 - c) If it is any height and is work of a kind to which section 76, 77, 78 or 79 of the *Building Act 2011* relates (Work affecting other land that requires consent, court order or other authority).
2. A Retaining wall which requires a building permit, will also require an accompanying engineer's certification as part of the building application.

B 7.3 **Roof Drainage - Townsites**

POLICY	For the purpose of drainage of stormwater from roofs under the provisions of the Building Code of Australia, the Shire road network, within Shire of Northam townsites, is an approved stormwater disposal system.
OBJECTIVES	To prevent nuisance and damage to property caused by roof stormwater drainage.
GUIDELINES	See Procedures Roof Drainage /G: /Procedures /Building /Roof Drainage_Townsites
HISTORY	Adopted: 16/09/2009 Last Review: 16/10/2013
REVIEW	Executive Manager, Development Services

ATTACHMENT 7.3 ROOF DRAINAGE - TOWNSITES

1. BACKGROUND

Stormwater from roofs in Shire townsites shall be channelled into a suitable pipe to be laid under the footpath of the adjoining street and discharged into street drains, in accordance with the Shire's specifications available from the Shire office.

The owner of such dwellings will bear the full cost of this work, which will be inspected by a Council employee before any kerb bonds are returned.

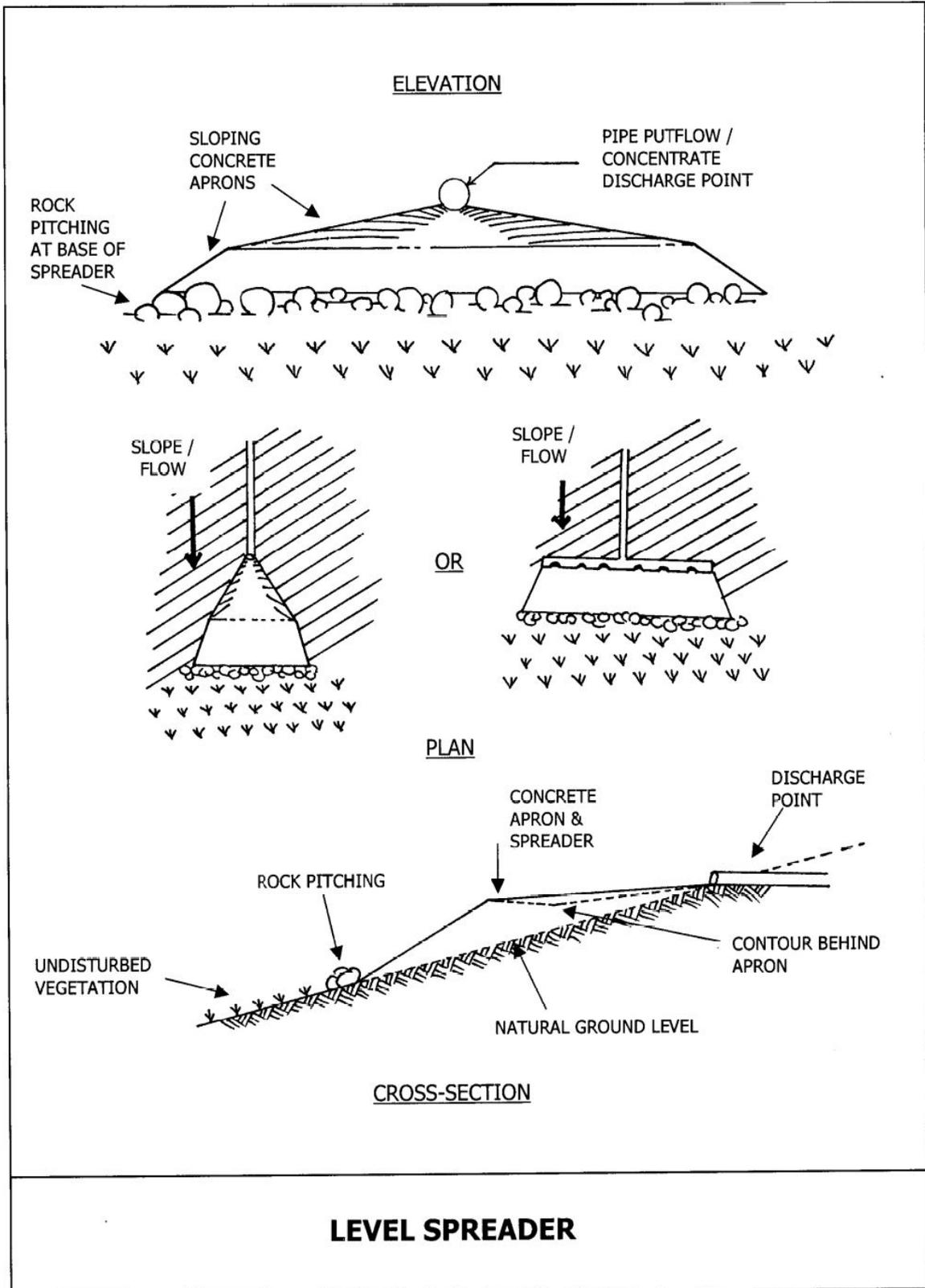
1.1 Outside of townsites where a stormwater system is not available, stormwater is to be managed in one of the following ways:

- (a) installation of soak-wells;
- (b) construction of a stormwater detention basin(s);
- (c) construction of a diversion or catch drain(s) across a slope to convey runoff at a non-erosive velocity and to divert runoff from upslope areas around the site of a disturbance or an area at risk of erosion;
- (d) construction of a level water spreader, which slowly discharges water from the outlet of a drain or pipe onto an undisturbed area stabilised by vegetation cover. The purpose of the spreader is to convert a concentrated potentially erosive outflow from a discharge point into non erosive sheet flow". A construction note illustrating this method is included as Appendix – I;
- (e) installation of a weed-free hay bale barrier(s) positioned so as to intercept runoff and sediment. The primary purpose of the hay bale barrier is to reduce runoff velocities and filter runoff. A construction note illustrating this method is included as Appendix –2;
- (f) installation of a sediment fence(s) to reduce runoff velocities and cause the deposition of silt. These fences are usually used to intercept sheet flow from disturbed areas. A construction note illustrating this method is included as Appendix – 3;
- (g) planting of continuous vegetated buffers to intercept sediment laden sheet flow. The buffers remove the silt from runoff by trapping soil and sediment particles and are most effective where the flow is shallow and spread over a large area;
- (h) any other method identified as being acceptable for controlling stormwater runoff from developments in Council's Stormwater Drainage Strategy or accompanying Application Guidelines.

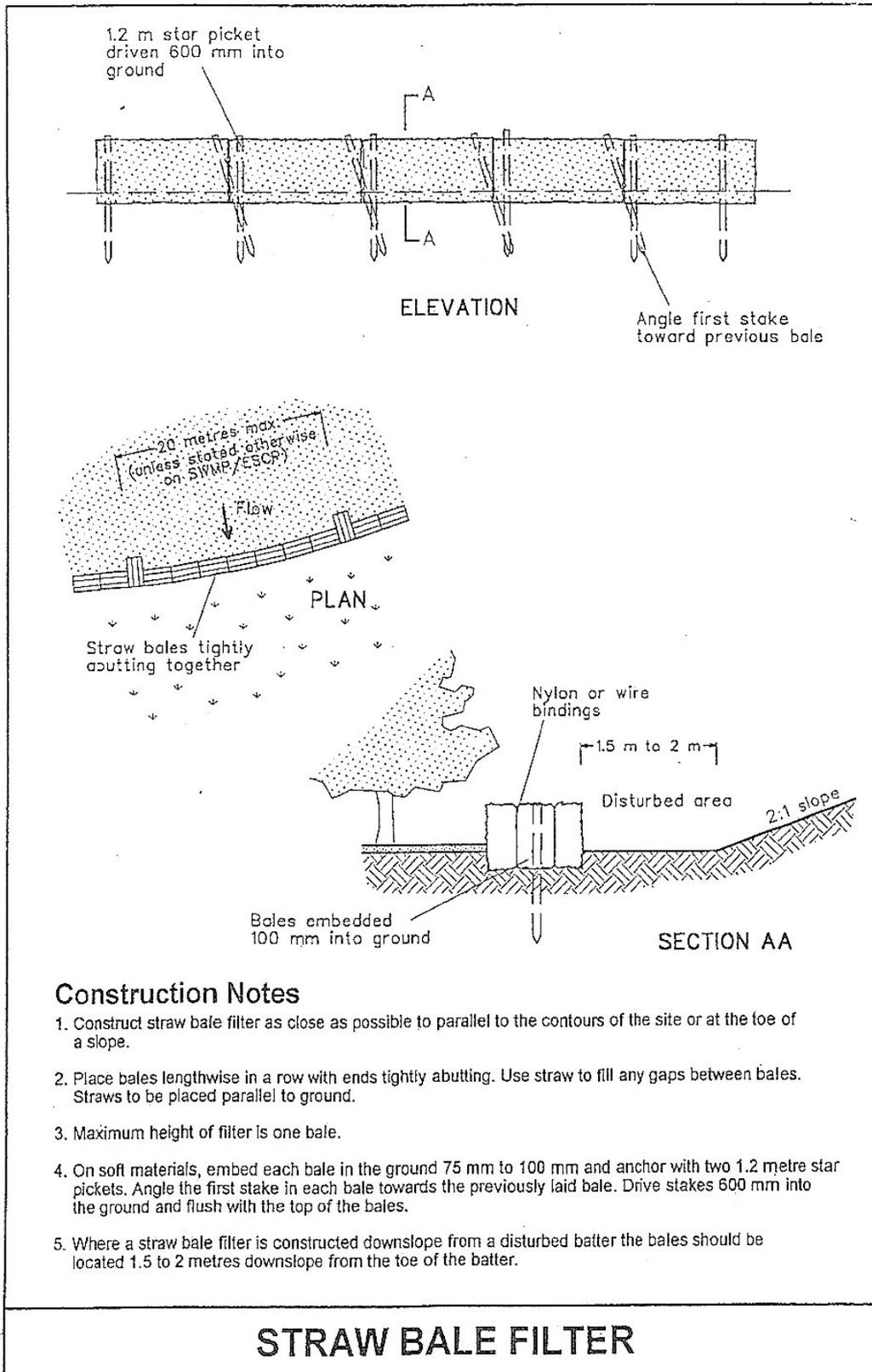
1.2 Stormwater runoff during the construction phase of a development shall be managed in accordance with the following principles:

- (a) topsoil is to be retained on site and redistributed to disturbed areas post-construction;
 - (b) soil must be prevented from being washed off site and must be kept out of any existing or proposed drainage system(s);
 - (c) mulching, revegetation or other stabilisation of disturbed sloping areas;
 - (d) construction of a level water spreader, which slowly discharges water from the outlet of a drain or pipe onto an undisturbed area stabilised by vegetation cover. The purpose of the spreader is to convert a concentrated potentially erosive outflow from a discharge point into non-erosive sheet flow;
 - (e) provision of stabilised site access. A construction note illustrating this method is included as **Appendix – 4**.
- 1.3 Council may at its discretion require the applicant of a development proposal to submit a detailed stormwater management plan for Council's consideration before determining their application, or as a condition of any Planning Approval granted for the development. Where required, such plan shall demonstrate to Council's satisfaction how stormwater runoff from the development will be managed to comply with the objectives of this Policy.
- 1.4 The information contained within and the requirements of this Policy do not remove or replace the need for any professional engineering or hydrological advice in the preparation of stormwater management solutions for new developments.

Appendix 1: Item 15

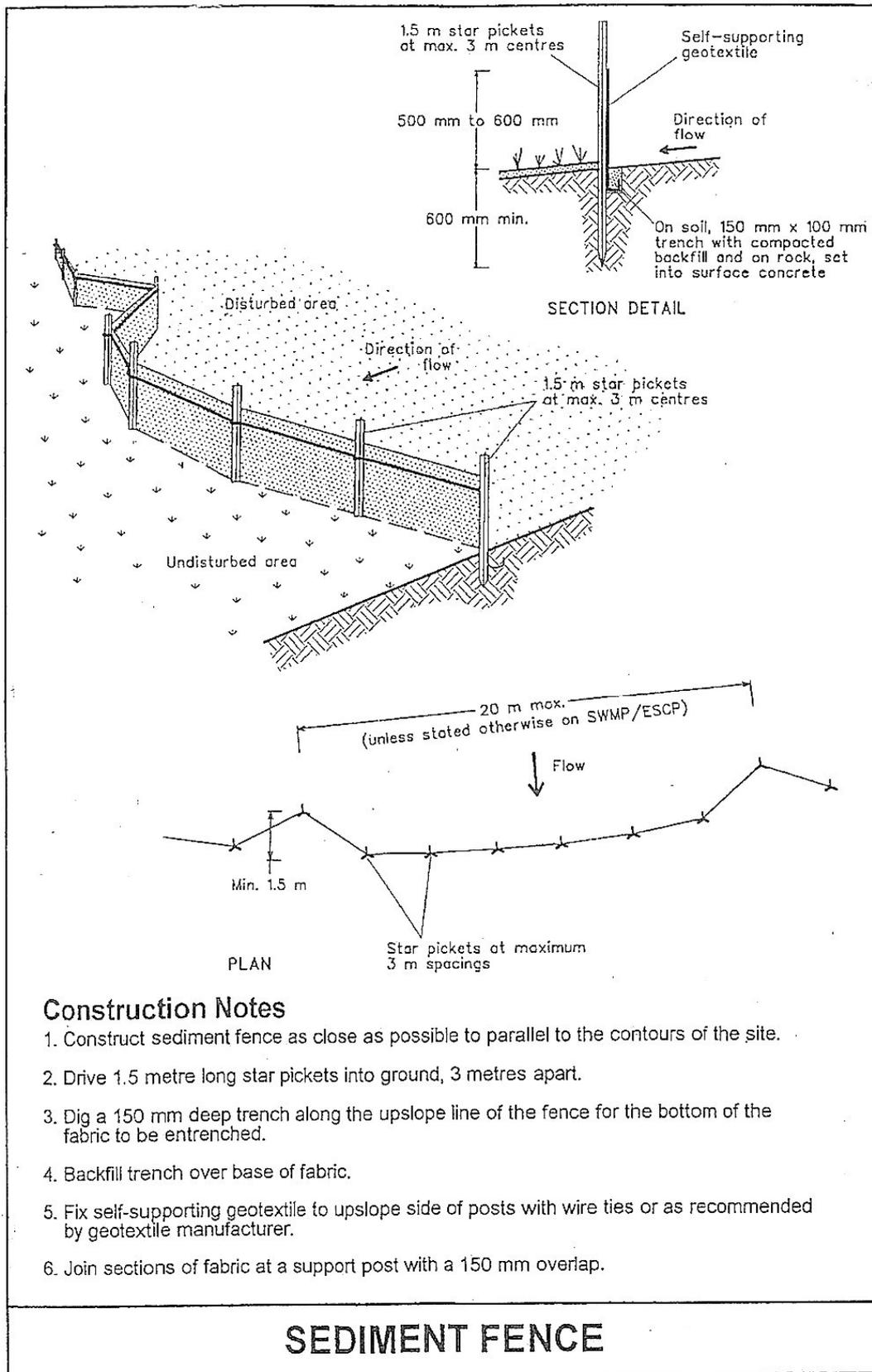


Appendix 2: Item 15



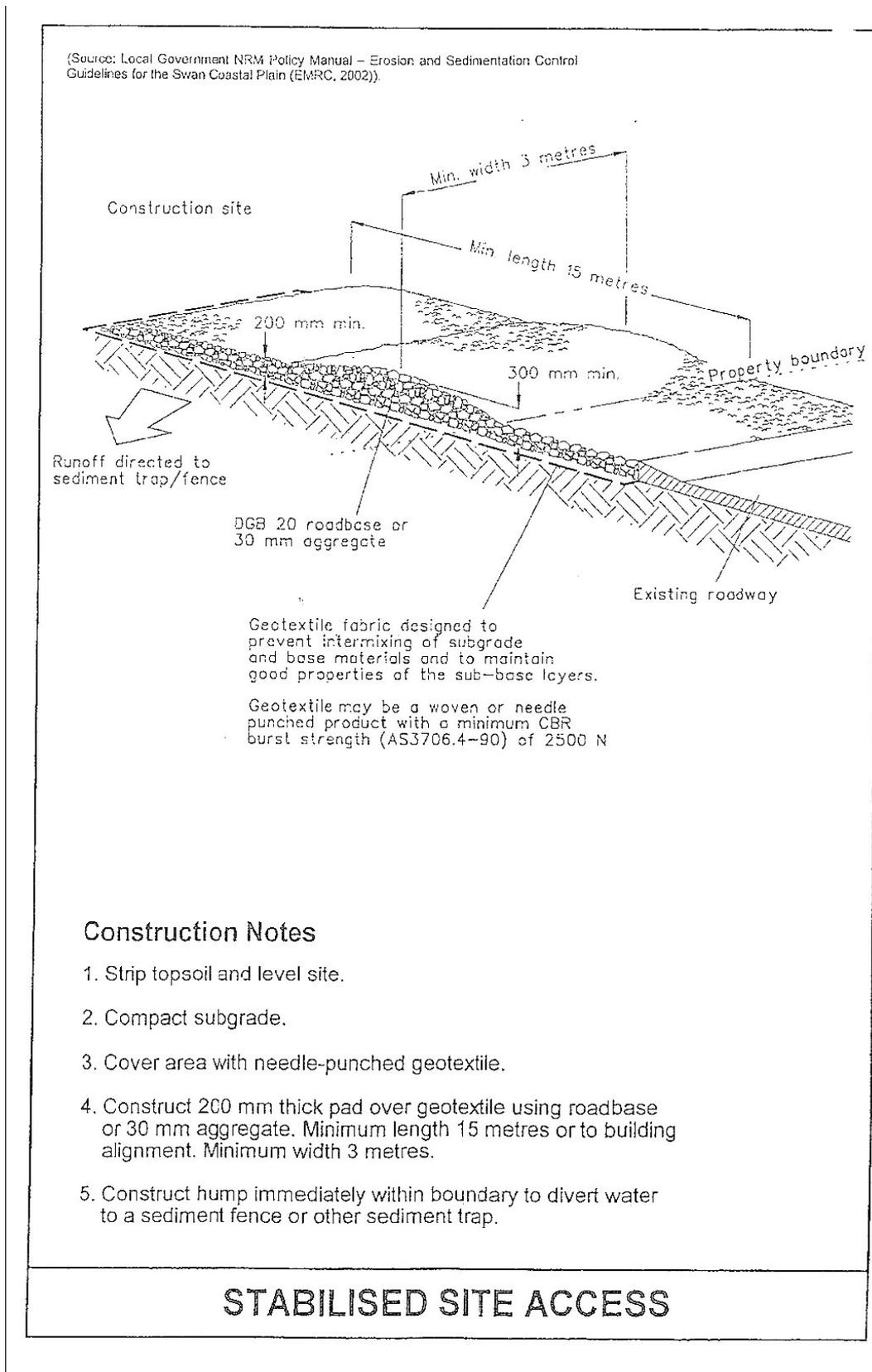
(Source: Local Government NRM Policy Manual – Erosion and Sedimentation Control Guidelines for the Swan Coastal Plain (EMRC, 2002)).

Appendix 3: Item 15



(Source: Local Government NRM Policy Manual – Erosion and Sedimentation Control Guidelines for the Swan Coastal Plain (EMFRC, 2002).)

Appendix 4: Item 15



B 7.4 Signs – Building Permit Requirements

<i>Responsible Department</i>	Executive Manager, Development Services
<i>Resolution Number</i>	C.3392
<i>Resolution Date</i>	20/06/2018
<i>Next Scheduled Review</i>	2020
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	

OBJECTIVE

To require that signs meet safety standards and have the necessary approvals.

SCOPE

Applies to all building applications relating to signs.

POLICY

All signs requiring planning approval, with the exception of Window Signs, Portable Signs, or Fascia/Wall Signs, less than 2m² fixed directly to the face/ wall of the building, shall require a building permit.

All applications shall be in the form of a building permit application and show:

1. Position of sign
2. Size of sign
3. Method of construction, attachment and support

Note: In some cases, depending on the size and nature of the sign, Structural Engineers Certification may be required.

B 7.5 Water Tank Installations

<i>Responsible Department</i>	Executive Manager Development Services
<i>Resolution Number</i>	C.3392
<i>Resolution Date</i>	20/06/2018
<i>Next Scheduled Review</i>	2020
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Building Act 2011& Building Regulations 2012</i>

OBJECTIVE

To allow for the installation of water tanks.

SCOPE

Applies to all proposed Water Tank Installations.

POLICY

Schedule 4 (Item 8) of the Building Regulations 2012 states that “a building permit is not required for the construction, erection, assembly or placement of a water storage tank with a capacity of 5000 litres or less”.

Any water tank exceeding that capacity will require a Building Permit.

B 7.6 Electric Fences Policy (Revoked)

Revoked 20th June 2018. Resolution No: C.3392.

ADMINISTRATION

A 8.1 Policy on Harvest, Vehicle Movement and/or Hot Works Bans

Revoked 20 November 2019. Resolution No: C.3820.

A 8.2 Policy for Children on a Fire Ground

POLICY	<p>Volunteer Fire fighters under 16 years of age should not be on the fire ground unless accompanied by and under the direction of their parent or their employer.</p> <p>Volunteer Fire fighters aged 16 or 17 years of age should be accompanied by and under the direction of a parent or guardian when on the fire ground.</p>
OBJECTIVES	To minimise risk.
GUIDELINES	Bush Fires Act 1954
HISTORY	Adopted: 19/11/2008 Last Review: 15/09/2010
REVIEW	Shire of Northam Bush Fire Advisory Committee

A 8.3 Records Management

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.4690
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2024
<i>Related Shire Documents</i>	Record Keeping Plan Policy G 1.9 Council Member and Staff Interactions and Requests for Information
<i>Related Legislation</i>	State Records Act 2000 Criminal Code Act 1913 Corruption and Crime Commission Act 2003 Electronic Transactions Act 2011 Evidence Act 1906 Financial Management Act 2006 Freedom of Information Act 1992 Interpretation Act 1984 Limitations Act 2005 Local Government Act 1995 State Records Commission: Principles and Standards Australian Standard on Records Management: AS ISO 15489

OBJECTIVE

To define the principles that underpin the Shire's record keeping function and the roles and responsibilities of those individuals who manage or perform record keeping processes on behalf of the Shire.

The Policy and its associated Plans and Procedures establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

SCOPE

This policy applies to all government records created or received by a Shire of Northam employee, contractor or Council Member, or an organisation performing outsourced services on behalf of the Shire of Northam, regardless of their physical format, storage location or date of creation.

POLICY

Custodianship of Records

The Shire of Northam recognises its records as a government owned asset and will ensure that they are managed as such. Ownership and proprietary interest of records created or collected during the course of business (including those from outsourced bodies or contractors) is vested in the Shire of Northam.

Roles and Responsibilities

- (a) **Council Members:** All Council Members are to create, collect and retain records relating to their role as a Council Member for the Shire of Northam in a manner commensurate with legislation and the Shire's policies and procedures for record keeping. Originals or copies thereof shall be delivered to the Chief Executive Officer for recording and safe keeping by the Shire of Northam. Party political and personal records of Council Members are exempt.
- (b) **Chief Executive Officer:** The Chief Executive Officer is to ensure that an organisational system for the capture and management of records is maintained that is compliant with legislative requirements and best practice standards.
- (c) **Managers:** All Managers are to ensure record keeping policy and procedures are known and adhered to in their area of responsibility.
- (d) **All Staff:** All staff (including contractors) are to create, collect and retain records relating to Shire of Northam business activities they perform. They are to identify significant and ephemeral records, ensure significant records are captured into the Record Keeping System and that all records are handled in a manner commensurate with legislation and the Shire's policies and procedures for record keeping.

Creation of Records

All Council Members, staff and contractors will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

Capture and Control of Records

All records created and received in the course of Shire of Northam business are to be captured at the point of creation, regardless of format, with required metadata (naming conventions as per the Document Control in Promapp), into appropriate record keeping and business systems that are managed in accordance with sound record keeping principles.

Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

Access to Records

Access to the Shire's records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire's records by the

general public will be in accordance with the *Freedom of Information Act 1992* and Shire policy. Access to the Shire's records by Council Members will be via the Chief Executive Officer in accordance with the *Local Government Act 1995* and Policy G 1.9 Council Member and Staff Interactions and Requests for Information.

Appraisal, Retention & Disposal of Records

All records kept by the Shire will be disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office of Western Australia in 1999.

A 8.4 Complaints Management

<i>Responsible Department</i>	Executive Manager Corporate Services
<i>Resolution Number</i>	C.4690
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2024/25
<i>Related Shire Documents</i>	Customer Service Charter Record Keeping Plan Policy G 1.4 Code of Conduct for Councillors, Committee Members and Candidates Policy G 1.15 Code of Conduct – Employees, Volunteers, Contractors and Agency Staff Policy G 1.19 Public Interest Disclosure Policy A 8.3 Records Management
<i>Related Legislation</i>	<i>Local Government Act 1995</i> <i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i> Australian Standard Guidelines for complaints management in organisations (ISO:10002:2022)

OBJECTIVE

The objectives of the Complaints Management Policy (policy) are to:

1. Ensure complaints are managed in accordance with best practice as outlined by the Australian Standard for Complaints Management ISO 10002:2022 – Guidelines for complaint management in organisations, and the Western Australian (WA) Ombudsman Guidelines on Complaint Handling;
2. Ensure that the complaints received by the Shire of Northam (the Shire) are managed effectively and fairly from the time of receipt through to a satisfactory resolution or final determination of the matter; and
3. Support a culture of continuous improvement, by valuing the opportunity to identify business improvements and increase the levels of satisfaction with the delivery of services.

This policy is underpinned by a Complaints Management Framework.

SCOPE

This policy applies to all complaints received from customers relating to:

- A Shire service, process, product, policy, event or facility.

- The services provided by the Chief Executive Officer (CEO), a Shire employee, volunteer, contractor, Council Member or committee member.
- A third party under the jurisdiction of the Shire.

This policy does not apply to:

- Employment or behavioural/conduct of Shire employees or CEO – refer to Policy G 1.15 Code of Conduct – Employees, Volunteers, Contractors and Agency Staff.
- Behavioural/conduct related complaints regarding volunteers or contractors– refer to Policy G 1.15 Code of Conduct – Employees, Volunteers, Contractors and Agency Staff.
- Behavioural/conduct of Council Members, Committee Members or Candidates – refer to Policy G 1.4 Code of Conduct for Councillors, Committee Members and Candidates.
- Public Interest Disclosure – Refer to Policy G 1.19 Public Interest Disclosure.

POLICY

1. Definitions

Shire means Shire of Northam.

Complaint means any “Expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required” (ISO 10002:2022).

A complaint is not:

- The initial requests for a service or action by the Shire (unless there was inaction or an unsatisfactory response to the initial request for service).
- Feedback on a service where there is not an issue to be resolved or does not necessitate action by the Shire.
- Feedback obtained during stakeholder and community engagement processes
- Requests for information or explanations of policies, procedures or decisions of Council
- Reports of damaged, faulty infrastructure or a hazard
- Reports concerning neighbours or neighbouring property
- The lodging of an appeal or an objection in accordance with policy or procedure
- A petition
- A civil dispute between private individuals
- Made on social media or letters to the editor
- Matters regarding State or Federal Government or matters not within the Shire’s jurisdiction.

Complaints Management Framework refers to the policies, procedures, processes, practices, staff and systems involved in the managing of complaints across the Shire.

Customer refers to a person who is accessing the Shire's services, facilities, policies, products, programs or events.

2. Principles of complaint management

The following complaints management principles apply:

- a. Complaints are people focused, transparent and accessible to all:
 - i. **People Focus:** the Shire will be proactive in listening and responding to complaints, treating all people with respect, and actively involving them in the complaints process as far as practicable and appropriate.
 - ii. **Visible & Transparent:** the Shire will actively publicise information about how and where to complain and make it easy to understand what to expect.
 - iii. **Accessible:** the Shire will ensure that our complaint handling process is accessible and easy to use for all our customers.
- b. Complaints are managed in an efficient, fair and equitable manner:
 - i. **Responsive:** the Shire will respond to all complaints as quickly as possible and endeavour to regularly communicate and inform parties involved.
 - ii. **Objective and Fair:** the Shire will review all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and officers.
 - iii. **Equality and Privacy:** the Shire will be consistent and ethical in our treatment of complaints and customers involved.
- c. Complaints are managed in a supported manner:
 - i. **Conduct:** the Shire will work together to resolve problems respectfully and cooperatively and as far as practical maintain the confidentiality of all parties.
 - ii. **Empowerment:** the Shire will continually work to improve the complaint management process to meet operational needs and the expectations of customers, including providing support to vulnerable people, people with disability, indigenous people, young people and culturally and linguistically diverse people.
 - iii. **Facilitate:** the Shire will work together to reach a solution that provides the best outcome for all parties wherever practical and actively communicate with all involved
- d. Complaints are used as an opportunity to improve services:
 - i. **Accountability:** the Shire will ensure that our staff are aware of and accountable for complaints.
 - ii. **Learning:** the Shire will respond to and learn from complaints with the intention to continually improve our services
 - iii. **Prevention:** the Shire will effectively report on and analyse complaints to identify trends and endeavour to minimise the escalation of complaints.

The Shire will maintain a complaints management process as part of its Complaints Management Framework to ensure that the above principles are applied for the management of all complaints.

A 8.5 Property Management (Leases and Licences)

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4917
<i>Resolution Date</i>	20 December 2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	Nil.
<i>Related Legislation</i>	Local Government Act 1995 s3.58 Local Government Act 1995 s9.49A(2)&(4) Local Government (Functions and General) Regulations 1996 Reg 30(2)(b)

OBJECTIVE

To provide principles to ensure that all requests to lease or licence Shire of Northam owned, managed or controlled property, including Crown land, are dealt with in a fair, equitable, and where possible, a consistent manner.

To minimise the risk to the Shire of Northam and to maximise the overall return to the community for Shire of Northam assets.

To ensure compliance with the *Local Government Act 1995* and any other relevant laws, and consistency with Shire of Northam policies.

SCOPE

The Policy applies to the leasing and licensing of all property owned, managed or controlled by the Shire of Northam, including Crown land.

POLICY

The Shire of Northam as legal owner of Property may from time to time choose to enter into a Lease or Licence agreement with a third party. The disposal of land is covered under the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

The Shire of Northam also manages some Reserves which are available for leasing and licensing purposes for specific periods and purposes as set by the Crown.

This Policy recognises the variety and diversity of leases and licences and seeks to ensure that all lessees/licensees and prospective lessees/licensees have an understanding of the underlying elements of this Policy.

All requests for a lease or licence will be determined:

- in a fair, transparent, and where possible, consistent way; and
- in a manner that complies with statutory principles and policy.

The Shire of Northam will always seek to comply with the following principles in dealing with property, bearing in mind that variation may be required given the varying nature of each property and lessee/licensee and the current state of the leasing and licencing market.

The Shire of Northam reserves its right to exercise its discretion in all circumstances and remains bound by all applicable Laws and Regulations.

1. Type of Agreement

- 1.1 A Lease will be entered into where the intention is to grant exclusive possession of the property or part of the property.
- 1.2 A Licence will be entered into where the intention is to grant non- exclusive possession of the property or part of the property.

2. Term

- 2.1 As a general principle, a new lease will be limited to a maximum of a five (5) year term and any option to renew will be limited to no more than a five (5) year term. Council may consider longer terms where Council is of the opinion that there is benefit or merit for providing a longer lease term.
- 2.2 The maximum tenure of a Lease or Licence granted by the Shire on Crown land will be consistent with the term of the management order including any further term option/s.
- 2.3 The term will depend on many factors, including but not limited to:
 - 2.3.1 The needs of Council and Council Plan objectives.
 - 2.3.2 The needs of the community.
 - 2.3.3 The Lessee.
 - 2.3.4 The Business.
 - 2.3.5 The ongoing need for the property or the provided use.
 - 2.3.6 Substantial contributions to capital or structural works by the lessee.
 - 2.3.7 The sustainability of the lessee.
 - 2.3.8 The sustainability of the property.
 - 2.3.9 The Management Order for the Property (if Crown land) and the requirements of the Minister for Lands.
 - 2.3.10 The current state of the leasing and licencing market.

3. Planning, Consent & Approvals

- 3.1 Development Approval must be obtained from the Shire as the local planning authority prior to a lease or licence being entered into.
- 3.2 Where the Shire manages Crown land, grant of the lease or licence and each renewal, if any, will be conditional on Minister for Lands approval.
- 3.3 The lessee or licensee is solely responsible for obtaining all approvals, licenses and authorities, such as building permits, septic approvals and clearing permits, necessary to conduct the proposed activities on any premises. The Shire makes no representation that a premises or property is suitable for any activity, whether permitted or otherwise.

4. Sub-letting

- 4.1 A Lessee or Licensee must not sub-Lease, sub-Licence or part with possession of Property that is the subject of a Lease or Licence without the Shire's prior written consent. The Lessee will be required to prove the suitability of a sub-Lessee/sub-Licensee.
- 4.2 Sub-Leases and sub-Licences must be consistent with the head Lease or Licence purpose. If the purpose is inconsistent, a variation to the head Lease or Licence will be required to accommodate the sub-Lease or sub-Licence purpose.
- 4.3 If sub-Leasing or sub-Licensing Shire managed buildings, the Lessee or Licensee cannot charge a rent for the sublet area that is pro-rata higher than the rent payable under the head Lease or Licence.
- 4.4 If sub-Leasing or sub-Licensing buildings constructed by the Lessee on Shire owned and or Shire managed land, the Lessee can determine the sub-Lease or sub-Licence rental provided that the Shire is satisfied that such rental is reasonable and in line with the capital investment in the property.

5. Assignment

- 5.1 A Lessee or Licensee must not assign a Lease or Licence without the Shire's prior written consent, which may be withheld in the Shire's absolute discretion. Assignors continue to be liable for the remainder term of the Lease and will be required to prove suitability of an assignee.

6. Variations

- 6.1 The Shire will consider variation requests on a case-by-case basis. All requests must be receiving in writing with appropriate justification.

7. Vacant Property

- 7.1 Unless extenuating circumstances are deemed by the Shire to apply, the Shire will conduct an Expression of Interest (EOI) process to determine a suitable Lessee for vacant Shire Property.
- 7.2 The decision to conduct an EOI process will be based on factors including but not limited to:
- a. The size of the Property
 - b. The location of Property
 - c. The value of Property
 - d. The expected rental return
 - e. The likelihood of multiple interested users
 - f. Ensure the Lessee delivers specific services
 - g. Allow for innovative or flexible solutions for the property

8. Essential Terms

8.1 Community Lease or Licence to manage community halls (excluding Northam Memorial Hall)	
Initial Term	Five (5) years
Option	Five (5) years (at the Shire's discretion)
Responsibilities of Tenant	<ol style="list-style-type: none"> a. Lessees or Licensees must agree with Council to manage the Property on behalf of the community and to offer a service to the community that provides a net benefit. b. Lessees or Licensees will be responsible for minor maintenance obligations. <ol style="list-style-type: none"> a. The Lessee or Licensee will be responsible for the cost of repair of any internal damage, vandalism, corrective maintenance or damage to external doors, glass windows, security lighting and any other external facility through misuse by a club representative or member. The Shire may carry out any corrective works and recoup the full cost from the Lessee or Licensee. b. The Lessee or Licensee will be responsible for keeping the building clean and tidy at levels predetermined within the agreement. c. The Lessee or Licensee will not incur any costs for property damage excluding contents occasioned by fire, fusion, explosion, lightning, civil commotion, storm, tempest, or earthquake. d. The Lessee or Licensee agree to meet with the Shire representatives on an annual basis to carry out a property inspection to determine the extent to which the Lessee or Licensee have met their lease/licence obligation and to consider any

	specified building maintenance schedules for the following twelve month period within the Shire's budget parameters.
Responsibilities of the Shire	<ul style="list-style-type: none"> a. The Shire will assist in maintaining the facility for the benefit of the community, with the Community Group as manager; b. The Shire will cover the cost of building insurance and the lease preparation fee. c. The Shire through the Council's annual budget process will provide a maximum amount of \$1,000 per annum, towards the maintenance of the special floor surface in the sports arena section of the Bakers Hill Recreation Centre.
Outgoings payable by tenant	The Lessee or Licensee will not be responsible for Shire land rates but will be responsible for all other charges and taxes levied against the Property, including but not limited to water, sewerage, waste disposal, telephone, gas and electricity.
Tenancy Fee	\$1.00 per annum to reflect the community contribution of the group.

8.2 Community Lease or Licence	
Initial Term	Five (5) years
Option	Five (5) years (at the Shire's discretion)
Responsibilities of Tenant	<ul style="list-style-type: none"> a. Lessees or Licensees must agree with Council to manage the Property on behalf of the community and to offer a service to the community that provides a net benefit. b. Lessees or Licensees will be responsible for minor maintenance obligations. c. The Lessee or Licensee will be responsible for the cost of repair of any internal damage, vandalism, corrective maintenance or damage to external doors, glass windows, security lighting and any other external facility through misuse by a club representative, member or guest. The Shire may carry out any corrective works and recoup the full cost from the Lessee or Licensee. d. The Lessee or Licensee will be responsible for keeping the building clean and tidy at levels predetermined within the agreement. e. The Lessee or Licensee will not incur any costs for property damage excluding contents occasioned by fire, fusion, explosion, lightning, civil commotion, storm, tempest, or earthquake.

	f. The Lessee or Licensee agree to meet with the Shire representatives on an annual basis to carry out a property inspection to determine the extent to which the Lessee or Licensee have met their lease/licence obligation and to consider any specified building maintenance schedules for the following twelve month period within the Shire's budget parameters.
Responsibilities of the Shire	<p>a. The Shire will insure the Property at replacement value and pass on the cost to the Lessee or Licensee as the Tenancy Fee.</p> <p>b. The Shire will be responsible for any electrical wiring or structural repairs/improvements in accordance with levels determined within its budget forecast. In the case of the Lessee or Licensee who leases a Council building and obtains approval to carry out extensions, alterations and/or additions, Council will insure the improvements as part of its insurance portfolio at replacement value.</p>
Outgoings payable by tenant	<p>a. The Lessee or Licensee will not be responsible for Shire land rates but will be responsible for all other charges and taxes levied against the Property, including but not limited to water, sewerage, waste disposal, telephone, gas and electricity.</p> <p>b. Lessees or Licensees will be responsible for the full cost of the lease document preparation, registration and other costs associated with the execution of the agreement.</p> <p>c. The Lessee or Licensee will be responsible for contents insurance for their contents, and also hold public liability for their activities and workers compensation insurance for their employees (if applicable).</p>
Tenancy Fee	An amount equivalent to the cost of building insurance to be reviewed annually.

8.3 Commercial Lease or Licence / Subsidised Community Lease or Licence	
Initial Term	Five (5) years
Option	Five (5) years (at the Shire's discretion)
Responsibilities of Tenant	a. Cost of repair for any internal damage, vandalism, corrective maintenance or damage to external doors, glass windows, security lighting and any other external facility through misuse by a member of staff, representative or guest. The Shire may

	<p>carry out any corrective works and recoup the full cost from the Lessee or Licensee.</p> <p>b. In the case of Lessee or Licensee obtaining approval to carry out extensions, alterations and/or additions, Council will insure the improvements as part of its insurance portfolio at replacement value.</p>
Responsibilities of the Shire	<p>a. The Shire will insure the Property at replacement value and perform any structural repairs, improvements and maintenance in accordance with the level stipulated in the agreement.</p>
Outgoings payable by tenant	<p>a. All outgoings including rates, charges and taxes levied against the Property, including but not limited to water, sewerage, waste disposal, telephone, gas and electricity.</p> <p>b. Insurance premiums for the Property as recovered by the Shire. The Lessee will reimburse the Shire for any excess in respect of any claim.</p> <p>c. The Lessee or Licensee will be responsible to meet the full cost of the document preparation, registration and other costs associated with the execution of the agreement.</p> <p>d. Clause (c) is excluded if the lease is created under the <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i> 14B (and is not an assignment or sub-lease).</p> <p>e. The Lessee or Licensee will be responsible for contents insurance for their contents, and also hold public liability for their activities and workers compensation insurance for their employees (if applicable).</p>
Tenancy Fee	<p>a. The tenancy fee will be consistent with market valuation and be subject to rent reviews on the anniversary date. The costs of obtaining a Market Valuation (provided by a licensed Property Valuer appointed by the Shire) for the initial Lease or Licence rental assessment and during the term of the Lease or Licence will be paid by the Lessee.</p> <p>b. The Shire recognises that partnerships can be entered into for the benefit of the local community and acknowledges the adopted lease or licence rent will be determined on a case by case basis taking into consideration: <ul style="list-style-type: none"> i. Land contribution; ii. Building cost contribution; iii. State or Federal legislation; and iv. Level of benefit to local community. </p>

8.4 Airport Hangar Lease or Licence	
Initial Term	All agreements will have a common expiry and the term will be determined based upon the current common expiry.
Option	Five (5) years unless otherwise determined to ensure common expiry is achieved.
Responsibilities of Tenant	<ul style="list-style-type: none"> a. All improvements, repairs and maintenance to the Property are the sole responsibility of the Lessee or Licensee. b. The Lessee or Licensee will be responsible for lodging a development application for new hangars. A Lease or Licence will not be entered into until approval has been granted. c. To comply with all lawful requirements of the Civil Aviation, Safety Authority or other body or department regulating and relating to the flying of aircrafts and to comply with all Acts of Parliament and regulations relating thereto.
Responsibilities of the Shire	<ul style="list-style-type: none"> a. The Shire of Northam will appoint a manager who will be responsible for the day-to-day operations of the Northam Airport.
Outgoings payable by tenant	<ul style="list-style-type: none"> a. All outgoings including rates, charges and taxes levied against the Property, including but not limited to water, sewerage, waste disposal, telephone, gas and electricity. b. The Lessee or Licensee will be responsible to meet the full cost of the document preparation, registration and other costs associated with the execution of the agreement. c. The Lessee or Licensee will be responsible to contribute to the full cost of any previous improvements to the Airport by way of a levy proportioned to the cost of the work by a once-off lease establishment fee or transfer fee as set in the Shire of Northam Fees and Charges. d. Building and contents insurance and also hold current public liability insurance and worker compensation (if applicable).
Tenancy Fee	\$5.50 per square metre for recreational hangar sites and \$6.00 per square metre for commercial hangar site.

8.5 Pop Up Shop Lease or Licence	
Initial Term	Three (3) months

Option	A further option of three (3) months may be granted should a subsequent tenant not be identified.
Responsibilities of Tenant	<ul style="list-style-type: none"> a. Not to do anything or permit anything to be done to or in the Premises which is a nuisance or annoyance to the Licensor or the occupier of any adjoining or neighbouring premises; b. The Lessee or Licensee will be responsible for keeping the building clean and tidy at levels predetermined within the agreement. c. Not make or permit to be made any alterations or additions whatsoever in or to the Premises or any part thereof without first obtaining the written consent of the Shire. d. Maintain opening hours of not less than five (5) days each week which days must include weekends and such other days where there are events to be held in Northam.
Responsibilities of the Shire	<ul style="list-style-type: none"> a. The Shire will be responsible for any minor maintenance and structural repairs/improvements in accordance with levels determined within its budget forecast.
Outgoings payable by tenant	<ul style="list-style-type: none"> a. Contents insurance, public liability insurance and worker compensation insurance (if applicable).
Tenancy Fee	As determined by the Shire of Northam based on the average cost of outgoings.

DEFINITIONS

In this policy, the following definitions apply:

Act	The <i>Local Government Act 1995</i> as amended.
Shire	Shire of Northam
Commercial Lease or Licence	In this Policy, a legally binding agreement, relating to all Leases other than a Community Lease or a Subsidised Community Lease.
Community Based not-for-profit Lease or Licence	A legally binding agreement granted to a community, sporting or recreation associations or other non-government organisations that provides a service or activity for the benefit of the community and does not operate for the profit, personal gain or other benefit of its members or third parties and which applies all proceeds from its activities to the organisation's purposes.
Consumer Price Index	The weighted average cost of a standard basket of retail goods expressed in relation to a base period for Perth (All groups).
Crown Land	Land owned by the Crown and vested in the Shire of Northam through the granting of a Management Order.

Delegated Authority	In accordance with the provisions of Section 5.42 of the <i>Local Government Act 1995</i> , Council may delegate authority to the Chief Executive Officer to exercise certain powers or duties to enable the continued working of Council without the necessity for reporting to an Ordinary Council Meeting. Delegated Authority Reference F06 relates to the authority granted by Council for disposing of property by lease or licence.
Incorporated	A group of people who are recognised as a legal entity, separate from individual members as defined under the Associations Incorporation Act (1987).
Lease	A legally binding agreement by which one party (Lessor) in consideration of rent, grants exclusive use and possession of real Property to a third party (Lessee) for a specified purpose and term. A Lease creates an interest in the Property.
Lease or Licence Variation	The addition, removal or change of one or more of the Lease or Licence provisions.
Lessee	An authorised third party that has entered into a Lease or Licence with the Shire of Northam for the use of Shire of Northam owned or managed real Property and pays rent to occupy the Property (and where the context permits includes a Licensee).
Lessor	The Shire of Northam being the owner or management body of Property with power to Lease or Licence to a third party (Lessee).
Licence	Permits a person to occupy Property, or part thereof on particular conditions. The main feature that distinguishes a Licence from a Lease is that a Licence does not permit exclusive use of the Property, and may be used by others. A Licence does not create an interest in the Property.
Licensee	A person that holds an approved Licence. For the purpose of this document (where context permits) a Licensee will also be referred to as "Lessee".
Management Order	An authorisation provided by the Crown giving the Shire of Northam both the power and authority to manage a parcel of land on behalf of the Crown.
Market Valuation	A valuation determined by a licensed Valuer registered with the Australian Property Institute taking into consideration a range of factors to determine the current market rental value of a Property.
Minimum Rate	The rate set annually by Council in its absolute discretion as the minimum rate chargeable for rateable Property.
Development Approval	Means an approval under the local planning scheme for development as defined by the <i>Planning & Development Act 2005</i> .
Property	The Property that is subject to or intended to be subject to a Lease or Licence.

Regulations	<i>Local Government (Functions and General) Regulations 1996.</i>
Reserve	A defined area of land belonging to the Crown which has been vested in the Shire of Northam by way of a Management Order.
Subsidised Community Lease or Licence	A legally binding agreement granted to a not-for-profit entity delivering a community social service with the assistance of a Commonwealth or State Government operating grant and/or qualify for charitable status under the <i>Charities Act 2013</i> (Cth).

A 8.6 Consent to Consume Liquor in or on a Council Property (Public Place)

<i>Responsible Department</i>	CEO Office
<i>Resolution Number</i>	C.3742
<i>Resolution Date</i>	21/08/2019
<i>Next Scheduled Review</i>	2021
<i>Related Shire Documents</i>	Nil.
<i>Related Legislation</i>	Liquor Control Act (1988)

OBJECTIVE

To provide guidance with respect to considering applications to consume alcohol on Council premises.

SCOPE

It is illegal for:

- Any person to consume alcohol on unlicensed premises (e.g. a council facility) without the consent of the owner or authority in control of those premises; and
- It is illegal to sell alcohol from a Council premises without first obtaining a licence from the Department of Racing, Gaming and Liquor or the Northam Court House to licence the premise (e.g. at a function or party).

The applicant is responsible for:

- Obtaining any required approvals associated with the selling of alcohol under the Liquor Licensing Act (1988) and complying with any associated conditions;
- Ensuring that any person/s selling or providing alcohol must hold a valid Responsible Service of Alcohol (RSA) certificate (if applicable);
- The care of property and the wellbeing of people using the area within the specified time;
- Controlling any antisocial behaviour by people attending the function;
- Ensuring that non-alcoholic drinks are available to all persons at the event or function;
- Ensuring that food is available to patrons as required under this policy; and
- Producing the approval from the Shire of Northam and appropriate licence from Department of Racing, Gaming and Liquor (if applicable) on request to a Shire of Northam Employee or Police Officer.

Note: Consent given by the Shire of Northam is just that and does not replace the requirement to apply for the necessary Liquor Licence from the Department of Racing, Gaming and Liquor or the Northam Court House.

Definitions

Function means a gathering, occasion or event (including a sporting contest, show, exhibition, trade or other fair, or reception) at which it is proposed that liquor be sold or supplied to those present.

POLICY

1. The timeframe required for the licensing authority to process the application before the commencement of the event depends on the number of people anticipated to attend. Please refer to the table below:

Number of Persons	Lodge no later than:
Up to 250 people	7 days
Between 251 and 1,000	14 days
Over 5,000	60 days

Exemptions for Late Applications

The Chief Executive Officer may only issue an exemption should Officers have the capacity to process the application and/or be due to extenuating circumstances (e.g. wake etc.).

2. Where alcohol is being sold or provided as part of a ticket, an Occasional Liquor Licence is required to be obtained. The applicant must apply directly to the Department of Racing Gaming and Liquor (not the Northam Court House) when the number of patrons attending the event or function exceeds 200 persons.
3. The Chief Executive Officer may provide consent for the consumption of alcohol for a maximum time limit of:
 - 3.1. Two (2) hours with no food being required;
 - 3.2. Two (2) to five (5) hours subject to sufficient food being made available for free or for purchase or being made available through purchase of a ticket;
 - 3.3. Five (5) to eight (8) hours subject to:
 - 3.3.1. Sufficient food being available for purchase throughout the duration of the alcohol consumption or sale period; and/or
 - 3.3.2. Free finger food is to be provided; or
 - 3.3.3. A main meal is provided at no cost to the guest and/or as part of a ticket sale.

Note: Sufficient food is determined to be canteen snacks foods, takeaway foods, sausage sizzles, finger foods, grazing plates or similar.

4. Free potable drinking water is to be provided at all times during the event or function. One (1) station must be provided per two hundred (200) patrons and a station within each restricted area.
5. Once consent to consume alcohol on a Council premises has been approved, the Shire of Northam is to provide notification to the WA Police with the details of the consent (who consent been issued to, the event/function and associated date, time and location).
6. Consumption of alcohol must cease by 11:30pm for any given event or function. The event or function must cease by midnight and the premises must be cleaned and vacated by 1:00am.
7. Prior to gaining the Shire's consent for the sale or service of alcohol at an event or function, the organiser must agree with the following provisions:
 - 7.1. Certification
 - 7.1.1. Any person/s selling or providing alcohol must hold a valid Responsible Service of Alcohol (RSA) certificate (if applicable).
 - 7.1.2. All security/crowd control personnel are required to be licenced operators (if applicable).

These persons must be in attendance at all times during the event.
 - 7.2. Security / Crowd Control
 - 7.2.1 Provide information in relation to how the crowd will be managed and controlled at the event or function (e.g. the practices to be used).
 - 7.3. Enclosures
 - 7.3.1 The designated area for the sale and associated consumption of alcohol at an event must be fully enclosed by a fence or other barrier approved by the local government. All emergency exits must be signed and the exits and entrances must be manned by at least one Crowd Controller (if applicable). It is illegal to consume alcohol outside of a designated area.
8. An application will not be considered if the proposal is likely to have a significant potential impact upon the amenity of an area or affect neighbouring properties. A significant potential impact includes circumstances in which if the application were granted:
 - Undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or
 - The amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.

9. The Shire reserves the right to close the venue, property or public place at any time an officer of the Shire (or at the direction of police), deems that the safety or security of the facility or persons within or in the precinct of the facility may be compromised. In such case there will be no refund of hire fees unless the hirer can show that such action causing closure did not come about as an act of the hirer or any patron of the hirer. Bond provisions or fees may also apply for any littering or damage to the Shire's property.

RANGER SERVICES

R 9.1 Multiple Dog Policy

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.4892
<i>Resolution Date</i>	15 November 2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	<i>Shire of Northam Dogs Amendment Local Law 2018;cl 3.2(1)(b)</i>
<i>Related Legislation</i>	<i>Dog Act 1976 s26(3)</i>

OBJECTIVE

To maintain a balance between preservation of lifestyle and a sense of community and population growth and accompanying development by providing quality regulatory services.

SCOPE

To ensure alignment with the Shire of Northam Dogs Amendment Local Law 2018, section 3.2(2) which grants an exemption under section 26(4) of the Dog Act 1976.

As stated in the Shire of Northam Dogs Amendment Local Law 2018 3.2(2), the limit of the number of dogs which may be kept on the premises are:

- Within a townsite – 2 dogs over the age of 3 months and the young of those dogs under that age.
- Outside of a townsite on a property less than 40 hectares – 2 dogs over the age of 3 months and the young of those dogs under that age or;
- Outside of a townsite on a property greater than 40 hectares – 4 dogs over the age of 3 months and the young of those dogs under that age.

The terms ‘additional dogs’ and ‘multiple dogs’ refers to the number of dogs that exceeds the prescribed limits as determined by the Shire of Northam Dogs Amendment Local Law 2018.

Townsite is an area identified by Landgate under the Land Administration Act 1997.

POLICY

1. Application Procedure

Residents wishing to obtain approval to keep more than 2 dogs are to follow this procedure prior to obtaining the additional dog(s):

1. Complete and submit to the Shire of Northam an “Application for a 3-6 Dog Permit (Not a Kennel)” form;
2. Write an explanation for the purpose of the request of an additional dog(s) that aligns to the “‘Exceptional Circumstances’ of this Policy;
3. Enclose the additional dog application fee (with is nonrefundable) and is prescribed in the Shire of Northam’s Fees and Charges; and
4. Ensure that all existing dogs that are ordinarily kept at the subject property are registered.

Only once a resident has received approval for the Shire of Northam (either by Council or under delegated authority), may they then obtain the additional dog(s) in line with the conditions outlined on their approval. A resident wishing to obtain retrospective approval may incur additional fees as per the Shire of Northam’s Fees and Charges. Non-compliance of the application, Authorised Officers have the power to seize and detain the additional dogs as per the Dog Act 1976 S29(4A).

2. Assessment Procedure

In assessing an application for additional dogs the following procedures will be undertaken by an Authorised Officer (Ranger):

1. Notify all adjoining and adjacent neighbouring landowners of the boundary of the subject property in writing for the opportunity to make comment to support or object to the application within a period of 14 days from the date of the letter.
2. Arrange and conduct a site inspection of the property and undertake an animal welfare assessment of any existing dogs and a fencing assessment as per the criteria set out in the Shire of Northam Dogs Amendment Local Law 2018 3.1 (1).
3. Review dog owner’s history and complete a report upon closure of the 14 days period for part (1) and completion of part (2) and (3). The Authorised Officer will refer their report and recommendation for review of the Executive Manager Development Services.

3. Exceptional Circumstances

The following circumstances are considered sufficient reason for the Shire of Northam to consider approval of additional dogs:

1. To replace an elderly dog or sick dog not expected to live, that is already registered to the subject property;
2. A family emergency resulting in the dog being inherited.
3. Merging of two households to the maximum amount of dogs allowed;

4. Where the applicants have approval to keep the subject additional dog or dogs in another local government area; or
5. In premises over the 40 hectare requirement, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.

The above are the only circumstances which Council will consider multiple dog applications, with each application to be assessed on its merits.

4. Conditions of Approval

Should an application for additional dogs be approved, the following conditions will be imposed on an approval granted:

1. The approval is valid only for the nominated dogs listed within the application form and should any of the dogs die, be sold, go missing or be given away, it cannot be replaced prior to obtaining another Shire approval.
2. All dogs approved to be kept on the subject premises, must hold and maintain valid registrations and be micro-chipped.
3. If at any time these requirements have been breached, an Authorised Officer may terminate the application, and may direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven (7) days. At any time following approval, authorised Council officers can inspect the subject property to check fencing, number of dogs and registration details.
4. Compliance with the requirements of the *Dog Act 1976*, Regulations and any Local Law of the Shire of Northam.
5. The fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

Additional conditions can be imposed on any approval granted, as the Shire deems necessary.