



AGENDA

Shire of West Arthur
Ordinary Council Meeting
Thursday 23 November 2023

NOTICE OF MEETING

Dear Elected Member

The next Ordinary meeting of the Shire of West Arthur will be held on Thursday 23 November 2023 in the Council Chambers commencing at 7.00pm.

Vin Fordham Lamont
Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of West Arthur for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of West Arthur disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.



Shire of West Arthur

Notice of Ordinary Council Meeting

In accordance with the Local Government Act 1995 and *Local Government (Administration) Regulations 1996* Reg 12 (2) it, is hereby notified that as from January 2023 to December 2023, Ordinary Council meetings of the Shire of West Arthur will be held as follows:

DATE	LOCATION	TIME
23 February 2023	Council Chambers	7.00pm
23 March 2023	Council Chambers	7.00pm
27 April 2023	Council Chambers	7.00pm
25 May 2023	Council Chambers	7.00pm
22 June 2023	Council Chambers	7.00pm
27 July 2023	Council Chambers	7.00pm
24 August 2023	Council Chambers	7.00pm
28 September 2023	Council Chambers	7.00pm
26 October 2023	Council Chambers	7.00pm
23 November 2023	Council Chambers	7.00pm
21 December 2023	Council Chambers	7.00pm

DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Please Note:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

Meeting Procedures:

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of West Arthur.

Council Meeting Information:

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Agendas, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes 10 days prior to the Council Meeting.

Agendas for Ordinary Meetings are available at the Shire of West Arthur Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of West Arthur Office and the Shire of West Arthur website within ten (10) working days after the Meeting.

Questions From The Public

Shire of West Arthur
 PO Box 112
 31 Burrowes Street
 Darkan WA 6392
 T: (08) 9736 2400
 E: shire@westarthur.wa.gov.au



Name			
Name of Organisation Representing <i>(if applicable)</i>			
Email Address			
Residential Address			
Postal Address(if different)			
Home Telephone No		Mobile No	
Agenda Item Number <i>(if applicable see below)</i>		Meeting Date	

Signature _____ Date _____

QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. A total of 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Council, they are to relate to the Agenda Item tabled at that meeting.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence and the question / response will not appear in the Council Minutes.

Please see Notes on Public Question Time on Pages 4 and 5 above.
 * **Council Meetings:** Questions are to relate to a matter affecting the Shire of West Arthur.



Application For Leave of Absence

(Pursuant to Section 2.25 of the Local Government Act 1995 (as amended))

Shire of West Arthur
PO Box 112
31 Burrowes Street
Darkan WA 6392
T: (08) 9736 2400
E:
shire@westarthur.wa.gov.au



- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council –
 - (a) if no meeting of the Council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs while –
 - (i) the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iv) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
 - (c) If the non-attendance occurs during a period for which the member is entitled to parental leave under subsection (5B).

I, _____ hereby apply for Leave of Absence from the West Arthur Shire Council from _____ to _____ for the purpose of _____

Signature _____ Date _____



Request to Attend Meeting by Electronic Means

*(Local Government Act 1995 – Section 5.25
Local Government (Administration) Regulations 1996 –
14C*

Shire of West Arthur
PO Box 112
31 Burrowes Street
Darkan WA 6392
T: (08) 9736 2400
E: shire@westarthur.wa.gov.au



Surname _____ **Other Names** _____

Date of Meeting _____

- Type of Meeting**
(Please tick one)
- Ordinary Council Meeting
 - Committee Meeting
 - Special Council Meeting

Consideration of Location and Equipment Available	
Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means, the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.	
Location Proposed	_____
Equipment Available	_____

IMPORTANT NOTE
The Shire President or Council cannot authorise a member to attend a meeting if the member’s attendance at the proposed meeting would result in the member attending more than half of the meeting type in the 12 months prior to the requested meeting date by electronic means. <i>(Regulation 14C(3)).</i>

Signature _____ Date _____

Please send this form to the Chief Executive Officer who will complete the member’s attendance section and forward to the Shire President or the Council for consideration.

OFFICE USE ONLY

MEMBERS ATTENDANCE

Number of Meetings Attended by Electronic Means in the 12 Months Prior to the Meeting Date

Ordinary Council Meeting	
Special Council Meeting	
Committee Meeting	

Number of Meetings Scheduled in the 12 Months Prior to the Meeting Date

Ordinary Council Meeting	
Special Council Meeting	
Committee Meeting	

Would Attending the Proposed Meeting Electronically Result in the Member Exceeding The 50% Requirement?

Yes No

Council/Shire President’s Consideration

The Shire President or Council should consider the following factors in determining whether the location and equipment is deemed suitable.

LOCATION

The location must be quiet and private. If there are other people at the location at the time of the meeting, you may require the person to be in a room that has a door that can be closed during the meeting, and request that the person wear headphones if appropriate.

EQUIPMENT AND ELECTRONIC MEANS

The equipment must support Council’s preferred electronic means for remote attendance, being Microsoft Teams.

Is the Location and Equipment Deemed Suitable?

Yes No

Is the Request to Attend the Proposed Meeting by Electronic Means Approved?

Yes No

Signature _____ Date _____

Written Declaration of Interest in Matter Before Council

Shire of West Arthur
PO Box 112
31 Burrowes Street
Darkan WA 6392
T: (08) 9736 2400
E: shire@westarthur.wa.gov.au



NOTE: USE ONE FORM PER DECLARATION

(1) I, _____ wish to declare an interest in the following item to be considered by council at its meeting to be held on

(2) _____

(3) Agenda item _____

(4) The type of interest I wish to declare is;

- Financial pursuant to Sections 5.60A of the Local Government Act 1995.
- Proximity pursuant to Section 5.60B of the Local Government Act 1995.
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995.
- Impartiality pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021

(5) The nature of my interest is

(6) The extent of my interest is

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY

Signature _____ Date _____

RECEIVED BY

Signature _____ Date _____

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Financial pursuant to Sections 5.60A of the Local Government Act 1995

5.60A – Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

5.60B – Proximity Interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - 1) a proposed change to a planning scheme affecting land that adjoins the person’s land;
 - 2) a proposed change to zoning or use of land that adjoins that person’s land; or
 - 3) a proposed development (as defined in section 5.63 (5)) of land that adjoins the person’s land.
- (2) In this section, land (“the proposal land”) adjoins a person’s land if –
 - 1) the proposal land, not being a thoroughfare, has a common boundary with the person’s land;
 - 2) the proposal land, or any part of it, is directly across a thoroughfare from, the person’s land; or
 - 3) the proposal land is that part of a thoroughfare that has a common boundary with the person’s land.
- (3) In this section a reference to a person’s land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

5.61 – Indirect financial interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

22 – Disclosure of interest

- (1) In this clause –
Interest –
 - 1) means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest and
 - 2) 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 member must disclose 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 person 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 sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a) Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related 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 is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter –
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member to declare the meeting open.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS:	Cr Neil Morrell	(Shire President)
	Cr Karen Harrington	(Deputy Shire President)
	Cr Graeme Peirce	
	Cr Robyn Lubcke	
	Cr Duncan South	
	Cr Adam Squires	
	Cr Lucy Hall	
STAFF:	Vin Fordham Lamont	(Chief Executive Officer)
	Rajinder Sunner	(Manager Corporate Services)
	Gary Rasmussen	(Manager Works and Services)
	Sharon Bell	(Community Development Officer)
	Kerryn Chia	(Projects Officer)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

MEMBER OF THE PUBLIC:

3 ANNOUNCEMENTS OF THE PRESIDING MEMBER

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

6 PETITIONS, DEPUTATIONS, PRESENTATIONS, SUBMISSIONS

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 DISCLOSURES OF INTEREST

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD**9.1 ORDINARY MEETING OF COUNCIL 26 OCTOBER 2023****Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held in Council Chambers on 26 October 2023 be confirmed as true and correct.

10 REPORTS FROM COUNCILLORS

Cr Neil Morrell (Shire President)

Cr Graeme Peirce

Cr Karen Harrington (Deputy Shire President)

Cr Robyn Lubcke

Cr Duncan South

Cr Adam Squires

Cr Lucy Hall

11 OFFICE OF THE CHIEF EXECUTIVE OFFICER**11.1 BUDGET AMENDMENT - GRANT FUNDING**

File Reference:	ADM166
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	31/10/2023
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Thank a Volunteer Day Application ↓2. WA Seniors Week Grant Application ↓3. International Day of People with Disability Grant Application ↓4. Australia Day 2024 Grant Application ↓

SUMMARY:

Council is requested to consider approving a budget amendment as a result of successful grant applications being received:

1. Thank a Volunteer Day - \$1,000.00. Event to be incorporated into the 2024 Australia Day celebrations.
2. WA Seniors Week - \$1,000.00. Event held on 12 November 2023.
3. International Day of People with Disability - \$1,000.00. Event to be held on 3 December 2023.
4. Australia Day 2024 - \$10,000. Event to be held on 26 January 2024.

BACKGROUND:

Council adopted the budget for 2023-24 at the 24 August 2023 Ordinary Council Meeting. There was no allocation for the receipt of the grant funding.

COMMENT:

The Community Development Officer submitted a grant application for Thank a Volunteer Day to Department of Communities on 25 July 2023. As an agricultural community, the event is allowed to be held outside of the scheduled date of 5 December 2023. In the application, it was stated that the event would be held in conjunction with the Australia Day 2024 celebrations and would recognise volunteers within the Shire.

The Community Development Officer submitted a grant application for WA Seniors week to Council of the Aged on 19 September 2023. The event consisted of a bus trip to Bunbury for local seniors, and included an activity. The application stated that the activity was to be to the movies, but the cinema was only showing children's movies. Instead, the activity was a dolphin cruise.

The Community Development Officer submitted a grant application for International Day of People with Disability to Developmental Disabilities WA on 19 September 2023. The event is to consist of an exercise session under the supervision of a local physiotherapist at the Darkan Pool on Sunday 3 December 2023. If funding allows, aqua weights will be purchased for use at the event.

The Community Development Officer submitted a grant application for Australia Day 2024 to the National Australia Day Council on 5 October 2023. The funding will be used to make the event more accessible, including the purchase of a portable PA System, additional BBQs, eskies and drink coolers, as well as entertainment. Promotional Australia Day banners and other items will also be purchased.

CONSULTATION:

CEO
Projects Officer
Manager West Arthur CRC

STATUTORY ENVIRONMENT:

Local Government Act 1995
Section 6.8 Expenditure from municipal fund not included in annual budget.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There will be income of \$13,000 with corresponding expenditure of \$13,000.

STRATEGIC IMPLICATIONS:

West Arthur: Towards 2031
Theme: Community
Outcome: Support available for people of all ages and abilities
Strategy: Actively support and promote a range of activities for a range of ages and abilities.
Provide services and infrastructure to meet the needs of the community.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices

- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Event will not go ahead
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Ineffective facility or event management
Risk Action Plan (Controls or Treatment Proposed)	Accept the grant funding and hold the events

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council approve, by absolute majority, the following out of budget income and expenditure:

1. \$1,000 grant funding from Department of Communities;
2. Corresponding \$1,000 expenditure for ‘Thank a Volunteer Day’;
3. \$1,000 grant funding from Council of the Aged;
4. Corresponding \$1,000 expenditure for WA Seniors Week event;
5. \$1,000 grant funding from Developmental Disability WA;
6. Corresponding \$1,000 expenditure for International Day of People with Disability event;
7. \$10,000 grant funding from National Australia Day Council; and
8. Corresponding \$10,000 expenditure for Australia Day 2024.

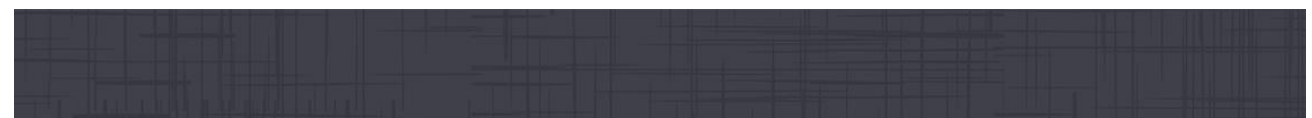


Government of Western Australia
Department of Communities



Thank a Volunteer Day Grants Program 2023

Guidelines and Application Form



Thank a Volunteer Day Grants Program 2023

Part A – Guidelines

All applications for the Thank a Volunteer Day Grants Program 2023 must be received by the Department of Communities (Communities) via email on or before the advertised closing time and date below to be eligible for assessment.

Applications received after the closing time/date will not be accepted.

Please allow up to 12 weeks from the closing date for your application to be processed.

Submitting an application

Closing Time: 2:30 pm

Closing Date: Thursday, 27 July 2023

Applications must be submitted by:

Email grants@communities.wa.gov.au

All applications will be acknowledged via email within five business days of receipt. Please contact Communities to confirm receipt if no acknowledgement is received by this time.

Thank a Volunteer Day Grants Program 2023

About the program

In 1985, the United Nations designated 5 December each year as International Volunteer Day, also known in Western Australia (WA) as Thank a Volunteer Day. Communities provides funding to support community events and activities throughout WA on Thank a Volunteer Day each year.

Grants of up to \$1,000 are available for eligible organisations to deliver a range of events and activities including:

- award ceremonies
- workshops, seminars and talks
- morning and afternoon tea
- excursions and day trips
- barbeques and dinners.

Events delivered through collaborative community partnerships that are actively involved in the planning and delivery of the project are encouraged. Applications that display successful partnerships between local volunteer organisations, community-based not for profits or respective local government to run and hold an event will be prioritised for funding.

Important note: Applicants that are successful in the application process must hold the Thank a Volunteer Day event or activity the week surrounding International Volunteer Day on **5 December 2023**.

Recommended dates are from Saturday 2 December to Friday 8 December.

An additional exemption applies for exceptional circumstances, as assessed by Department of Communities (e.g., for regional applicants if this date is not suitable due to a local focus such as harvest or bush fire season). In such instances, events can be held after 5 December 2023, though must be completed by 29 February 2024.

Program objectives

The aim of the Thank a Volunteer Day Grants Program is to support communities to acknowledge and celebrate the role of volunteers within the community.

This Grants Program implements Focus Area 4 of the WA Volunteering Strategy through the support of organisations that involve, recognise and value volunteers and volunteering. For further information please visit the [WA Volunteering Strategy](#).

To ensure a balance of events and activities across Western Australia, where possible at least one Thank a Volunteer Day Grant will be awarded per community. Community is defined as a local government authority area.

Thank a Volunteer Day Grants Program 2023

Applicants are encouraged to partner with other organisations within the community to collaboratively host an event. Consideration will be given to supporting more than one event in a local government authority area where physical distances between communities are significant.

Grant funding may be used for

A range of items associated with holding an event or activity, such as:

- equipment/venue hire
- transport hire
- publicity and promotion
- entertainment
- food and non-alcoholic beverages.

What is not covered by the grant

- prizes and gifts, including cash or vouchers
- the purchase of capital equipment
- ongoing operating costs
- administration costs, including staff wages
- interstate and overseas travel
- projects involving fundraising
- projects that duplicate an existing or similar project within the community, or projects that are traditionally funded through other sources (e.g., school activities, sporting or cultural events).

Assessment criteria

Each application will be assessed against the following criteria:

- The event or activity is focused on acknowledging and celebrating the role of volunteers within the community.
- The event or activity is an 'all of community' event with volunteers from a wide range of community groups represented, rather than an event for the volunteers of one or two organisations.
- A range of community organisations and the respective local government are involved in the event or activity planning and delivery.
- The name of the event or activity must include 'Thank a Volunteer Day.'
- For 2023, the event or activity is recommended to be held between Saturday 2 December and Friday 8 December 2023, except where a valid rationale for an alternate date has been approved by Communities (such as harvest or bush fire season in a regional community).
- Evidence of sound planning and a demonstrated ability to deliver the event or activity successfully.
- Value for money.

Thank a Volunteer Day Grants Program 2023

Who can apply

Eligible groups and organisations must be:

- incorporated not-for-profit community organisations;
- local government authorities; or
- unincorporated organisations or community groups, applying through the auspice of an incorporated body or a local government authority.

Who cannot apply

Entities not eligible to apply for funding through this program include:

- Commonwealth or State Government agencies;
- Individuals;
- commercial, for-profit organisations;
- unincorporated, community sector organisations (unless applying through an incorporated body or a local government authority);
- organisations located in the Indian Ocean Territories.

Organisations that have outstanding acquittal or evaluation requirements from a previous Communities' grant or program funding are ineligible to apply until the required documentation has been submitted. Please contact Communities if there are any queries about an organisation's acquittal status.

How to apply

1. Carefully read the Guidelines at Part A.
2. Complete Part B – Application Form.
3. Attach any supporting documents, if required.
4. Ensure the application is signed by the authorised delegate of the Organisation.
5. Check you have completed all requirements as per the Part C – Application Checklist.
6. Submit the signed application to Communities at grants@communities.wa.gov.au .

Late applications will not be accepted.

All applications will be acknowledged via email within five business days of receipt. Please contact Communities to confirm receipt if no acknowledgement is received by this time.

Thank a Volunteer Day Grants Program 2023

Assessment and notification

Please allow up to 12 weeks from the closing date for advice regarding the outcome of an application.

All applications will be reviewed against the assessment criteria outlined above. All organisations that apply for funding will be notified in writing of the outcome of the submission.

Successful applicants

Successful applicants will be required to report on the activities undertaken, participants and partners, lessons learned, evaluation of effectiveness, outcomes achieved, and a certified statement of income and expenditure for the funded project. Once the project is completed, the acquittal report must be submitted to meet the requirements, which will be specified once the grant is approved.

Any unspent grant funds, or grant funds not expended in accordance with the grant program, must be returned to Communities.

Technical Assistance

For technical assistance completing the application form, please contact:

Ancy Rodrigues

Grants Assistant

Mobile: 0435 046 351

Email: grants@communities.wa.gov.au

Thank a Volunteer Day Grants Program 2023

Part B – Application Form

Section One – Administering Organisation

Enter the organisation details (or auspice, where applicable) in this section.

If the organisation undertaking the project is **not incorporated**, the grant must be applied for through an auspice that is either a not-for-profit, incorporated organisation or a local government authority.

An auspice organisation will assume administrative responsibility and accept and adhere to all terms and conditions of the grant, maintain financial records, and provide reporting information for successful applications.

1.1 Organisation

Legal name of organisation	Shire of West Arthur		
Trading name if different to the legal name	Click here to enter text.		
ABN	96912320795		
Contact person	Sharon Bell		
Position	Community Development Officer		
Email address	cdo@westarthur.wa.gov.au		
Telephone	9736 2400	Mobile	Click here to enter text.
Postal address	PO Box 112		
Suburb	Darkan	Postcode	6392
Website	www.westarthur.wa.gov.au		

1.2 Entity type

Select the entity type of the organisation:

- | | | | |
|---|-------------------------------------|--|--------------------------|
| Aboriginal corporation | <input type="checkbox"/> | Unincorporated group | <input type="checkbox"/> |
| Incorporated association | <input type="checkbox"/> | (Must apply under auspice of an incorporated organisation or WA local government authority. See question 1.4.) | |
| Local government authority | <input checked="" type="checkbox"/> | | |
| Not-for-profit company | <input type="checkbox"/> | | |
| Not-for-profit trust | <input type="checkbox"/> | Other (please detail) | <input type="checkbox"/> |
| Organisation established under an Act of Parliament | <input type="checkbox"/> | Click here to enter text. | |

Thank a Volunteer Day Grants Program 2023

**1.3 Unincorporated organisation applying through an auspice
(complete where applicable)**

Enter the unincorporated organisation details in this section, where applicable.

Legal name of organisation	Click here to enter text.		
Trading name <i>if different to the legal name</i>	Click here to enter text.		
ABN	Click here to enter text.		
Name of Legal Signatory	Click here to enter text.		
Position of Legal Signatory	Click here to enter text.		
Contact person	Click here to enter text.		
Position	Click here to enter text.		
Email address	Click here to enter text.		
Telephone	Click here to enter text.	Mobile	Click here to enter text.
Postal address	Click here to enter text.		
Suburb	Click here to enter text.	Postcode	Click here to enter text.

Thank a Volunteer Day Grants Program 2023

Section Two – Project Details

2.1 Project Name: Thank You Volunteers

2.2 Please tick the box that best describes the type of event/activity you will hold.

- Award ceremony
- Workshop, seminar or speaker
- Expo
- Morning or afternoon tea
- Excursion or day trip
- Meal or barbecue
- Sundowner
- Community event, i.e., a movie
- Recreational activity
- Other, please describe

[Click here to enter text.](#)

2.3 Describe how your event or activity will acknowledge and celebrate the role of volunteers in the community. Maximum 100 words.

The Shire of West Arthur would like to acknowledge the work done by the volunteers within the Shire at the biggest event hosted by the Shire, Australia Day. It is planned to present awards to all volunteers and community groups, who are not recognised in any major awards. Volunteers will enjoy a bbq breakfast, followed by the awards ceremony. After the ceremony, a local musician will provide music to encourage people to linger at Lake Towerrinning, where they can swim, enjoy activities, and socialise. A bus will be provided to bring people to the lake from Darkan, approx. 32 km away.

2.4 Timeline of your project.

Event date: 26 January 2024

Event address/location(s): Lake Towerrinning, Shire of West Arthur

Please note: All events held in the metropolitan area are recommended to be held on from Saturday 2 December to Friday 8 December 2023.

Thank a Volunteer Day Grants Program 2023

If an event is unable to continue due to social distancing restrictions, please contact the Grants Officer to discuss extension of event to hold the event no later than 29 February 2024.

Thank a Volunteer Day Grants Program 2023

For regional applicants only

If your event cannot be held on Tuesday, 5 December 2023 please tick the appropriate box identifying the relevant cause.

Regional events not held on 5 December 2023 must be held by 29 February 2024.

- **Harvest**
- **Bushfire**
- **Other, please describe**

[Click here to enter text.](#)

2.5 What region will your project run in?

Gascoyne	<input type="checkbox"/>	South West	<input type="checkbox"/>
Goldfields/Esperance	<input type="checkbox"/>	Wheatbelt	<input checked="" type="checkbox"/>
Great Southern	<input type="checkbox"/>	Northwest Metropolitan	<input type="checkbox"/>
Kimberley	<input type="checkbox"/>	Northeast Metropolitan	<input type="checkbox"/>
Mid West	<input type="checkbox"/>	Southwest Metropolitan	<input type="checkbox"/>
Peel	<input type="checkbox"/>	Southeast Metropolitan	<input type="checkbox"/>
Pilbara	<input type="checkbox"/>		

Thank a Volunteer Day Grants Program 2023

2.6 Community partnerships

What other groups, organisations or local governments are involved in planning and implementing the event or activity. Please list ALL the organisations involved, including contact details and the contribution.

Remember, applicants are encouraged to partner with other organisations within their local community to collaboratively host an event.

Organisation Name	Contact Person/Phone	How is this organisation involved?
e.g., XYZ Council	John Smith, xxxx xxxx	On planning committee, free venue
Shire of West Arthur	Sharon Bell	Lead organisation
West Arthur Community Resource Centre	Karen Prowse	Promotion of event through local newsletter
Darkan CWA	Kerryn Chia	Catering
Darkan Primary School	Leigh Studsor	School Choir

2.7 Organisations and volunteers invited

Please enter the number of organisations (by type) that have volunteers who will be invited to attend the event or activity:

- Health 10
- Sporting 20
- Emergency services 20
- Community service 10
- School 10
- Service groups (e.g., Lions Club, Rotary) 0
- Other 0

2.8 Number of people expected

Please indicate the number of people expected to attend the event or activity.

150

Thank a Volunteer Day Grants Program 2023

Section Three – Project Budget

Requested grant amount (Excluding GST)	\$1000.00
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It is important to show how the grant would be expended and any cash and in-kind contributions, from the applicant or project partners, expected to support the project.

Use the table below to show where the project income is coming from and how it will be spent. The requested Thank a Volunteer Day Grant amount of up to \$1,000 should be detailed separately, at column 2. If funds will be obtained from other sources to support the project, it is important to show evidence of where the money is coming from, at column 5.

Do not include GST in the costings below.

Budget Item	This Grant (\$ excluding GST)	Other Cash or Grants (\$ excluding GST)	In-kind Support	Source of Other Cash or In-kind Support
What the funding is to be spent on	Proposed grant expenditure from the Thank a Volunteer Day Grant Program only	Any other cash income anticipated for this project from the applicant and/or project partners	An estimated dollar value of the in-kind support for the project from the applicant and/or project partners	Note the source of Other Cash or In-kind support and if this is confirmed or unconfirmed with the source
Catering	\$300	\$500	\$250	Shire of West Arthur/Darkan CWA
Award certificates	\$500	\$200	\$250	Shire of West Arthur
Promotional materials	\$0	\$100	\$0	West Arthur CRC
Program	\$0	\$0	\$200	Shire of West Arthur
Bus Hire	\$100	\$100	\$0	Shire of West Arthur
Musician	\$100	\$300	\$0	Shire of West Arthur
Lake activities	\$0	\$600	\$0	Shire of West Arthur
TOTAL	\$1000	\$1800	\$700	Click here to enter text.

Section Four – Taxation and banking details

This section is to be completed by the organisation managing the grant funds.

Taxation

Thank a Volunteer Day Grants Program 2023

Australian Business Number (ABN)	96912320795
Registered for Goods and Services Tax (GST)	Registered for GST <input checked="" type="checkbox"/> Not registered for GST <input type="checkbox"/>

Bank account

Bank name	NAB
Branch / suburb	Katanning
Account name	Shire of West Arthur
BSB number (must be six digits)	086724
Account number (up to nine digits only)	508314385

Affiliated body

If the requested grant amount, combined with any other grants or funding received from Communities comprises **more than 50%** of the applicant organisation’s total annual income for the current financial year, the organisation is an **Affiliated Body** of Communities.

Acknowledgement of affiliated bodies is a requirement of Communities in accordance with the *Financial Management Act 2016* and prescribed by the Treasurer’s instructions.

Yes, the organisation is an affiliated body	<input type="checkbox"/>
No, the organisation is not an affiliated body	<input type="checkbox"/>

Thank a Volunteer Day Grants Program 2023

Section Five – Grant conditions

Grants provided through the Thank a Volunteer Day Grants Program are subject to the following terms and conditions:

1. The grant is to be used solely for the specified purpose approved by Communities during the funding period.
2. Written approval must be sought from Communities for any request to vary the approved purpose of the grant or seek an extension to the funding period.
3. Any part of the grant that is not used in accordance with Condition 1 must be repaid to Communities unless prior written approval is obtained.
4. Should the activities for which the grant was approved cease or should the grant agreement be terminated due to a breach of the any of these Conditions, then:
 - (a) the balance of the grant, unspent in accordance with the approved purpose of the grant, must be repaid to Communities within ten business days; and
 - (b) any property acquired with the grant must be transferred to another not-for-profit organisation with similar objectives and purposes to the recipient organisation, upon approval by Communities.
5. Providing a grant does not entitle a recipient organisation to be provided any further funding than that specified in the grant agreement.
6. Communities will not be held responsible for the success of the approved purpose for which the grant is provided or for any losses or additional costs incurred that are associated with the approved purpose.
7. Any documents or information relating to the grant or the approved purpose must be provided to Communities within ten business days of the request.
8. All payment conditions and reporting requirements must be met, as specified by Communities.
9. The Auditor General for the State of Western Australia, or an authorised representative, must be granted access to, and be permitted to examine, records and information concerning this grant.
10. All Local, State and Commonwealth laws applicable to the approved purpose must be abided by and complied with at all times.
11. Any project that involves working with children must ensure that the recipient organisation and all employees and volunteers comply with the *Working with Children (Criminal Record Checking) Act 2004*. Please refer to the Working with Children Check website for further information www.workingwithchildren.wa.gov.au.
12. Communities is not liable for any accident or negligence resulting in any claim or damage arising from activities undertaken as part of the grant.
13. Recipient organisations are required to be appropriately incorporated and be responsible for ownership of the appropriate insurance policies. This includes, but is not limited to, Public Liability, Volunteer Insurance, Workers' Compensation, and Professional Indemnity.
14. An acknowledgement of funding assistance provided by Communities must be included in any advertising and on any material relating to the project by using the words 'Supported by the Department of Communities'.

Thank a Volunteer Day Grants Program 2023

15. Any individuals involved with the project must not be exposed to significant promotions for alcohol or unhealthy food and drinks during the term of the project.

16. Goods and Services Tax (GST)

(a) For the purposes of Condition 16:

- i. "GST" means the goods and services tax applicable to any taxable supplies, as determined by the GST Act;
- ii. "GST Act" means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and includes all associated legislation and regulations; and
- iii. The terms "supply", "tax invoice", "taxable supply", and "value" have the same meanings as in the GST Act.

(b) If the supply of anything through this agreement is a taxable supply under the GST Act, the grant shall be inclusive of GST.

(c) If the parties agree that Communities will issue the recipient organisation with a recipient-created tax invoice (RCTI), then the parties hereby agree that:

- i. Communities will issue a RCTI in respect of GST payable on the supply of the project and the recipient organisation will not issue a tax invoice in respect of that supply;
- ii. The recipient organisation warrants that it is registered for the purposes of GST and Communities will notify the organisation in writing if it ceases to be registered for the purposes of GST, or if it ceases to satisfy the requirements of the GST Act during the term of the agreement; and
- iii. Communities will indemnify and keep indemnified the recipient organisation for GST and any related penalty that may arise from an understatement of the GST payable on the supply of the project for which Communities issues an RCTI under the grant agreement.

17. If any of the terms or conditions are breached by the recipient organisation, Communities may terminate the grant agreement at any time and without giving prior notice.


Thank a Volunteer Day Grants Program 2023

Section Six – Declaration

On behalf of the applicant organisation, I declare that:

- I am currently authorised to legally enter into contracts on behalf of the organisation, according to its constitution or as bound by law.
- All the information provided in this application, including any attachments, is true and correct.
- The taxation and banking details entered in this application are true and correct.
- The organisation is financially viable and able to meet all accountability requirements.
- I give permission to the Department of Communities, when applicable, to contact any persons or organisation in the processing of this application and I understand that information may be provided to other agencies, where appropriate.
- If a grant is provided:
 - I am aware the Grant Conditions outlined in this document will apply to ensure a project is appropriately completed and accountability requirements are met.
 - I agree to ensure that appropriate insurances are in place (including but not limited to worker’s compensation, volunteers, professional indemnity, public liability, motor vehicle, etc.).
 - I agree to undertake the project as stated and provide the required qualitative and financial reports to demonstrate that the grant was expended in accordance with the agreement.

Legally authorised officer signature	
Date	25/07/2023
Legally authorised officer name	Vin Fordham Lamont
Legally authorised officer position	CEO
Organisation	Shire of West Arthur
Legally authorised officer telephone	9736 2400
Legally authorised officer email address	ceo@westarthur.wa.gov.au

Witness signature	
Date	25/07/2023
Witness name	Sharon Bell

Thank a Volunteer Day Grants Program 2023

Part C: Application checklist

Before applying, ensure the following have been completed and checked:

Checklist item	Complete
The Guidelines and Grant Conditions have been read and understood by the authorised signatory or delegate of the administering organisation, and any other relevant parties.	<input checked="" type="checkbox"/>
All questions in Part B – Application Form are complete.	<input checked="" type="checkbox"/>
Operating rules, terms of reference, or other relevant documentation are attached.	<input type="checkbox"/>
A project plan is attached, if applicable.	<input type="checkbox"/>
Written support from the relevant local government is attached, if applicable.	<input type="checkbox"/>
The taxation and banking details of the administering organisation have been entered and are correct.	<input checked="" type="checkbox"/>
The declaration has been signed by the authorised signatory or delegate of the administering organisation.	<input checked="" type="checkbox"/>
All attachments have been included in the application (i.e., project plan, terms of reference, lease arrangements, etc.,) where applicable.	<input type="checkbox"/>



2023

WA SENIORS WEEK

12-19 November 2023

Community Grants Program



Supported by



Government of **Western Australia**
Department of **Communities**



Introduction

WA Seniors Week 2022 is a special time of celebration for Western Australian seniors. From **Sunday 12 to Sunday 19 November 2023**, events and activities are held across Western Australia to acknowledge seniors and show our appreciation for their valued contribution to the community.

COTA (WA), supported by the Department of Communities and Lotterywest, invites local governments, registered not for profit organisations and community groups in Western Australia to apply for funding to host an event or activity during Seniors Week in Western Australia. The grants provided are intended to celebrate the role of seniors in our communities and encourage participation in community life, particularly for isolated individuals.

Community Grants Available

Grants of up to \$1,000 are available to local governments, registered not for profit organisations and community groups (or up to \$3,000 for a consortium) throughout the metropolitan, and in particular, rural and remote regions of Western Australia to support seniors, particularly those who experience disadvantage or isolation, to attend events and activities during Seniors Week 2023. Each recipient organisation will be asked to provide a summary of the event and acquittal of funds.

Please email your event proposal to Dana Moore at COTA (WA) | Email: dana@cotawa.org.au

The Seniors Week 2023 Community Grants events proposals must be submitted and received by **COB Friday 29 September 2023**.

Objectives

The Seniors Week 2023 Community Grants Program provides financial assistance to organisations hosting local events in metropolitan and regional areas of Western Australia.

Events should meet at least one of the following aims of the week which are:

- To recognise and thank seniors for their contribution to the community.
- To promote intergenerational activities linking seniors to the community.
- To facilitate artistic, cultural and celebratory expression within the community.
- To engage seniors in a variety of activities and initiatives that encourage active ageing.

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Proposals are strongly encouraged for events aimed at seniors who:

- Would not normally participate in Seniors Week activities or events.
- Are at risk of becoming socially isolated.
- Are members of Indigenous and Culturally and Linguistically Diverse communities and LGBTQI communities.

What can be Funded

Funds received through this program may be used as a contribution towards program costs. Such expenses may include, but are not limited to:

- Administrative expenses
- Advertising and promotion
- Catering, food and drink
- Entrance and/or admittance fees
- Insurance
- Project materials
- Staff wages
- Transport costs
- Venue and equipment hire
- Other miscellaneous expenses

What cannot be Funded

The grant **cannot** be used for:

- Purchasing capital items or infrastructure, including equipment, furniture, machinery, etc.
- Purchasing alcohol

Retrospective funding will not be made available.



Special Conditions of Grant

- Funded activities and events to be held during Seniors Week 12-19 November 2023. This may vary due to COVID restrictions.
 - If the Project involves working with children, the Organisation must ensure that all employees and volunteers comply with the *Working with Children (Criminal Record Checking) Act 2004*. Please refer to this website for further information, at: <https://workingwithchildren.wa.gov.au> or contact the Grantor by email, at screeningunit@communities.wa.gov.au.
 - The Grantor is not liable for any accident or negligence resulting in any claim or damage arising from activities undertaken as part of the Grant. In this respect, the Organisation is required to be appropriately incorporated and be responsible for its own insurances. This includes but is not limited to, Public Liability, Volunteer Insurance and Professional Indemnity.
 - The Parties agree that the State will not, by virtue of the Grant, obtain ownership of any intellectual property in or in relation to any material developed by the Organisation (other than material created by the State or provided to the Organisation by the State).
 - The Organisation grants to the State a perpetual, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, adapt and publish the whole or any part or parts of all promotional materials, resources, data and reports brought into existence by or for the Organisation in connection with this Agreement or the Organisation's use of the Grant.
 - The Organisation must ensure that participants in the Project are not exposed to significant promotions of alcohol or unhealthy food and drinks during the Project.
 - The Organisation must adhere to State Government directions on [COVID-19 Safety Plans and Guidelines](#). Further information can be found online at:
 - State directions for COVID-19 Safety Plan and Guidelines:
<https://www.wa.gov.au/government/covid-19-coronavirus>
 - WA Recovery Plan:
<https://www.wa.gov.au/government/publications/wa-recovery-plan>

An acknowledgement of funding assistance provided by the Grantor must be included in any advertising and on any material relating to the Project by displaying the Grantor's logo and using the words 'Supported by the Department of Communities' and 'Supported by Lotterywest'. Copies of the logos and guidelines for its use are available by contacting the Grantor.

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Submitting your Application

Please email your event proposal to Dana Moore at COTA (WA) | email dana@cotawa.org.au

If you do not receive a receipt within seven (7) days, please contact us to ensure that we have received your submission.

Applications must be submitted and received by:

COB Friday 29 September 2023.

Submissions Process

Once submissions are received, representatives from the Department of Communities and COTA (WA) will meet to review submissions and all applicants will be advised of approval and funding allocation; it is anticipated that this process will be completed by **Monday 16 October 2023**.



Application Form

Seniors Week 2023 Community Grants Program

Section 1 - Details

Name of Organisation:	Shire of West Arthur		
Contact Person:	Title:	First name:	Surname:
	Ms	Sharon	Bell
Position Title:	Community Development Officer		
Postal Address:	PO 112 Darkan WA	Postcode:	6392
Phone:	9736 2400	Mobile:	
Email:	cdo@westarthur.wa.gov.au		
Email will be used for all correspondence relating to this submission.			
Type of organisation:	<input type="checkbox"/> Not-for-profit <input checked="" type="checkbox"/> Local Government <input type="checkbox"/> Religious / Charitable		
Do you have an ABN?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ABN:	96 912 320 795
Are you registered for GST?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is the organisation incorporated?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		



Section 2 - Event Details

Event title:	West Arthur Seniors Big Day Out		
Date of event:	12 November 2023		
Venue or location:	Bunbury		
Expected numbers:	20	Is the event open to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does your event support?	<input checked="" type="checkbox"/> ATSI <input checked="" type="checkbox"/> CaLD <input checked="" type="checkbox"/> LGBTIQ+ <input checked="" type="checkbox"/> Socially isolated <input checked="" type="checkbox"/> Disadvantaged <input checked="" type="checkbox"/> Regional		

Section 3 - Selection Criteria

Please complete the following questions in the space provided below to support your application.

In no more than 200 words, describe your event. What are you planning to do?
<p>The Shire of West Arthur plans to take local senior citizens to the movies in Bunbury. It is the closest movie theatre and is over 120km away. Due to the distance, many of our seniors do not go to the movies, as it normally requires a full day out. We will hire a local bus and driver, travel to Bunbury, have lunch and then go to the movie. Afterwards we will travel back to Darkan.</p> <p>Many of our seniors no longer drive, which limits their capacity to socialize. There are many of them on pensions, which also impacts their ability to go out for the day. The provision of the bus and the entry to the movie will reduce the impact on their budget. If funding allows, the Shire will also contribute an amount to their lunch.</p>

How much funding are you requesting?
<p>Total grant amount requested: \$1,000</p> <p>Bus & Driver Hire: \$660 Movie Entry Fee: \$380 Marketing: \$100 Catering: \$250 Staff time: \$360 Total: \$1,750</p>



Section 4 - Agreement

I confirm that the details contained in this application and its attachments are true and correct.

I understand that if this application is approved:

1. My signature below is an agreement to abide by the undertakings and conditions of the community grant as outlined in a confirmation letter that will be sent to my organisation in August-September 2023.
2. By **COB, Monday 11 December 2023**, I will provide acquittal of the funds received under this grant program, which have been spent in accordance with the guidelines.
3. I agree that any unexpended grant funds will be returned to COTA (WA) by **COB Monday 11 December 2023**.
4. I agree to have my funded event listed in the WA Seniors Week 2023 events calendar published in the media and online.
5. COTA (WA), The Department of Communities and Lotterywest as outlined in the confirmation letter will be acknowledged in all publicity and promotion of this event.

Signed:
Position: Chief Executive Officer
Date:

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Section 5 - Payment Details

In order to expedite payment if your application is successful, please provide your bank account details below.

Name of Organisation	Shire of West Arthur
Event Title	West Arthur’s Seniors Big Day Out
Contact Person	Sharon Bell
Contact Phone	9736 2400
EFT Details: COTA 2023	
Account Name	Shire of West Arthur
BSB	086 724
Account Number	508 314 385

Submit your Application

Applications to be submitted by **COB Friday 29 September 2023** via email to Dana Moore: dana@cotawa.org.au

The **2023 Community Grants Scheme** is supported by The Department of Communities WA and Lotterywest.

Supported by



Government of Western Australia
Department of Communities





2023 Application Form

International Day of People with Disability

Thank you for your interest in hosting an event to celebrate the **2023 International Day of People with Disability** (IDPwD).

Before completing and submitting this form please ensure you have read and understood the information in the Application Guidelines available at: <https://ddwa.org.au/wp-content/uploads/2023/08/2023-IDPwD-Grant-Guidelines-V3.pdf>

Who is eligible to Apply

Organisations based or operating **in Western Australia** that are:

- An incorporated, not-for-profit, non-government organisation
- A local government authority
- An un-incorporated organisation or community group, that is auspiced by an incorporated body or a local government authority. For example the Armadale Community Choir auspiced by the City of Armadale. Please ensure the 'Auspicing Organisation' completes this form eg City of Armadale.

For further information contact:

Beth Marchbank beth.marchbank@ddwa.org.au or (08) 9420 7203

* Required

APPLICANT DETAILS

1. Is the organisation based or operating in **Western Australia ?** *

Yes

No (If no, unfortunately you cannot submit an application)

2. Is the organisation: (please select) *

An incorporated, not-for-profit, non government organisation

A local government authority

An un-incorporated organisation or community group that is auspiced by an incorporated body or a local government authority. For example the Armadale Community Choir auspiced by the City of Armadale. Please ensure the 'Auspicing Organisation' completes this form eg City of Armadale.

If none of the above (unfortunately you cannot submit an application)

3. Name of Organisation *

Shire of West Arthur

4. Contact Person's Name *

Sharon Bell

5. Contact Person's Position *

Community Development Officer

6. Office Phone Number

9736 2400

7. Mobile Phone Number

Enter your answer

8. Email *

cdo@westarthur.wa.gov.au

9. Confirm Email *

cdo@westarthur.wa.gov.au

10. Postal Address *

PO Box 112

11. Suburb *

Darkan

12. Postcode *

6392

13. GST Registered

Note: GST will be added to the funding amount if your organisation is GST registered. *

Yes

No

14. Sponsorship Amount - please choose one *

\$250

\$500

\$750

\$1000

15. Bank Information

(If successful, where the money is to be deposited)

Name of Bank Account *

Shire of West Arthur

16. Bank BSB *

086 724

17. Bank Account Number *

508 314 385

18. **EVENT DETAILS**

Event Name *

Fun in the Sun in Darkan

19. Event Date

3 December 2023

20. Event Time

11am

21. Event Venue

Darkan Swimming Pool

22. Event Address

Burrowes St Darkan

23. Briefly describe your event

The event will be an aquafit class, followed by lunch

24. How will this event celebrate people with disability and raise awareness of the importance of welcoming, accessible and inclusive communities? (as outlined in the eligibility criteria)

The event will be open to the whole community, and will allow people of all abilities to socialise together, and share in the joy of exercising.

25. How will you use the money?

eg Venue and equipment hire, catering, guest speakers, resources, promotion etc

Funding will be used for entry fees, guest trainers, promotion, catering and purchasing of aquafit equipment that can be used at the pool.

26. **TERMS AND CONDITIONS**

The event venue is accessible to people of all abilities. *

Yes

No

27. We give permission for the event information to be published on the Developmental Disability WA's digital channels, including its websites, social media platforms and e-newsletters, and via Ministerial media releases. *

Yes

No

28. We will supply high-resolution photos of the event with signed consent forms of participants for use in Developmental Disability of WA's digital and print publications. *

Yes

No

29. Our organisation/group has appropriate insurances (public liability etc.). *

Yes

No

30. If required, we will provide Developmental Disability WA the information or evidence needed to prove how the criteria and terms and conditions were met. *

Yes

No

31. We will return the money in full to Developmental Disability WA if the event does not take place. *

Yes

No

32. **AUTHORISED PERSON**

Full Name *

Sharon Bell

33. Position *

Community Development Officer

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Background

About this grant opportunity

The National Australia Day Council (**NADC**) Community Grants Program makes grants available to support communities to hold Australia Day events designed to encourage their community to reflect, respect, celebrate.

The grants provided under the program are to support eligible event organisers to offer an inclusive event. Events can be a new or existing public event or activity, a community activity, or an online engagement.

The Australia Day 2024 Community Grants Program is being made available by the NADC, with the assistance of the Australian Government. The Program makes available grants of:

- \$10,000 (GST exclusive), to assist eligible event organisers to ensure inclusive Australia Day 2024 events proceed (**Base Grant**); and
- an additional \$5,000 (GST exclusive) for events that include strong recognition of Aboriginal and/or Torres Strait Islander peoples (**Additional Grant**).

Applicants are encouraged to ensure their event is inclusive of all Australians, including people with disability.

The NADC encourages applicants to work together with local Aboriginal and/or Torres Strait Islander communities to create Australia Day events that are meaningful, reflective, and respectful and change the focus of Australia Day from a celebration of nationalism alone to a demonstration of the things we share in common and our journey as Australians. As noted above, for events that include strong recognition of Aboriginal and/or Torres Strait Islander peoples, applicants may apply for an Additional Grant (\$5,000 (GST exclusive)).

Applicants are also encouraged to support local businesses and communities through the planning and execution of the event, including through fostering creation and enabling retention of local employment opportunities.

Australia Day is a time for all Australians to reflect, respect and celebrate. These grants are to support inclusive events that allow communities to come together and reflect, respect and celebrate the individual and collective efforts of Australians - because we're all part of the Story of Australia.

Applicants should read the full [program guidelines](#) before commencing this application. Applicants should also read the sample grant agreement found at the end of the program guidelines before submitting an application.

Before you begin

This application form requires information about:

- the applicant, including their ABN and their address
- the planned event, including with reference to the eligibility criteria
- disability inclusion
- where the applicant is also applying for the Additional Grant of \$5,000 (GST exclusive), a clear outline of the plan to acknowledge and celebrate Aboriginal and/or Torres Strait Islander peoples
- how the grant funds are proposed to be used
- a commitment to providing high quality photographs or video of their event

In addition, the NADC requires the following with an application:

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- a copy of the applicant's public liability insurance policy (certificate of currency)
- banking details, including evidence that the account is the applicant organisation's account
- for local, state or territory government applicants, written commitment that they will financially invest no less than the level of investment they made in the previously held event.

This form is an online form. The answers provided go directly into the NADC database and will be used to generate reports and other documents throughout the assessment process as well as any resulting grant agreement, if the applicant's application is successful.

Please take care to answer carefully and clearly.

Please note red warning boxes may appear where pages have compulsory questions. Where a response needs to be provided in a certain format, tips will also appear in these boxes, e.g. for address you may see "must have a postcode".

Use of Information

The information an applicant provides in their application form will be handled in accordance with the *Privacy Act 1988* (Cth). For more information see the [NADC's Privacy Policy](#).

In submitting an application, the applicant agrees to the NADC collecting their personal information, including name, contact details and role in order to assess the application and for the purpose of grants administration.

The NADC's online portal is powered by SmartyGrants, an enterprise of Our Community Pty Ltd. To use the portal, applicants will be asked to register and agree to Our Community's [Privacy Policy](#) and [Terms of Use](#).

For more information see the [NADC's Privacy Policy](#).

Complaints

Applicants should address any complaints regarding this grant opportunity in writing to the NADC through the Contact Officer.

Eligibility

*** indicates a required field**

Organisation Type

To be considered for this grant opportunity, the applicant must be one of the types of organisations below. If your organisation does not fall into one of these categories, you are not eligible to apply.

Are you applying on behalf of: *

- an Australian local government entity
- an Australian state or territory government entity
- an Australian not-for-profit organisation who received an Australia Day 2023 Community Grant from the NADC.

Select one only

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Have you received an Australia Day 2023 Community Grant from the National Australia Day Council? *

Yes No

Public Liability Insurance

To be eligible for funding your organisation must currently hold public liability insurance. **Level of coverage must be at least \$10,000,000**

Please attach a copy of the certificate of currency *

Filename: Public Liability - Certificate of Currency 2023-24.pdf
 File size: 31.0 kB

When is the public liability insurance valid until? *

30/06/2024
 Must be a date.

An Inclusive Australia Day

Applicants must demonstrate that the planned event intends to include an inclusivity element for people with disability.

Applicants are encouraged to consult the [Australian Human Rights Commission guidelines](#) on how to hold an accessible and inclusive event.

Please indicate the measures you plan to undertake at your event(s): *

- Ensure the venue/event is accessible (e.g. ramp hire)
- Ensure the event has accessible amenities (e.g. bathrooms, toilets)
- Arrange an accessible and inclusive venue layout
- Arrange Auslan interpretation
- Arrange live captioning
- Arrange accessible and inclusive media, presentations and technology
- Ensure promotion of the event is inclusive and accessible
- Ensuring activities and games are accessible and inclusive
- Arranging catering that is accessible and inclusive
- Other:

Please provide some additional detail about the inclusivity measures you plan to undertake *

The event is held outdoors at a venue the Shire of West Arthur has recently upgraded. We will be providing a bus for patrons to access the venue, along with a new PA system to ensure that patrons with hearing disabilities can enjoy the event. Catering will be accessible and inclusive for those who have dietary disabilities. Entertainment and activities will be provided that will be suitable for people with disabilities.

Applicant Details

*** indicates a required field**

Applicant Details

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Organisation Name *

Shire of West Arthur

ABN *

96 912 320 795

Information from the Australian Business Register	
ABN	96 912 320 795
Entity name	SHIRE OF WEST ARTHUR
ABN status	Active
Entity type	Local Government Entity
Goods & Services Tax (GST)	Yes
DGR Endorsed	No
ATO Charity Type	Not endorsed More information
ACNC Registration	No
Tax Concessions	No tax concessions
Main business location	6392 WA

Information retrieved at 6:14pm today

Must be an ABN.

Street Address *

31 Burrowes St W
Darkan WA 6392 Australia



Latitude: -33.33701 | Longitude: 116.74145

Please check the location of the pin is accurate and move it if needed.

LGA

Shire Of West Arthur

Postal Address *

31 Burrowes St W
Darkan WA 6392 Australia

Applicant Contact

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Name *

Ms Sharon Bell
Person completing this application

Position *

Community Development Officer

Email *

cdo@westarthur.wa.gov.au
Must be an email address.

Phone Number *

(08) 9736 2400
Must be an Australian phone number.

Mobile Phone Number *

0428 611 706
Must be an Australian phone number.

Bank Details**Please provide the bank account details for your organisation into which Funds will be paid, if the application is successful. ***

Account Name: Shire of West Arthur
Municipal Account
BSB Number: 086724
Account Number: 508314385
Must be a valid Australian bank account format.

Bank Name *

National Australia Bank

Please attach a bank statement, letter from the bank or other evidence that clearly shows that the nominated bank account is your organisation's bank account. *

Filename: 05102023161712-0001.pdf
File size: 185.9 kB

Event Details

*** indicates a required field**

Event Summary**Event title ***

Australia Day 2024
An overall title for your event or group of events.

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Short summary *

Join us for a community breakfast, followed by the presentation of the Community Citizen of the Year Awards at the spectacular Lake Towerrinning. Stay for some entertainment, enjoy some activities, and meet up with friends.

Please provide a short summary of your event(s). The description the applicant provides will be used on the NADC Australia Day Events Website.

Please indicate which of the available grant opportunities you are applying for: *

- \$10,000 (GST exclusive), to assist eligible event organisers to ensure inclusive Australia Day 2024 events proceed (Base Grant)
- An additional \$5,000 (GST exclusive) for events that include strong recognition of Aboriginal and/or Torres Strait Islander peoples (Additional Grant)

At least 1 choice must be selected.

Tick all that apply.

Please provide information on the type, name and location of the event(s) the applicant is seeking funding for.

Eligible activities include any public event that will take place on Australia Day 2024. The event can be an existing or new event. Events could include but are not limited to the following categories:

- fireworks
- live entertainment
- family friendly
- novelty and special interest
- flag raising ceremony
- community awards
- food & BBQ
- art & culture
- citizenship
- sporting
- ambassadors
- community event
- multi faith ceremony
- an online engagement

Name of the event/public place *

Lake Towerrinning

Type of event *

Community Awards

Description of event *

Join us for an Australia Day community BBQ breakfast at the beautiful Lake Towerinning from 8am, followed by the presentation of the Citizen of the Year Awards and volunteer recognition. A bus will be running from Darkan to the lake from 7.30am, returning at 11am. Stay after the event for some live music, fun activities for the children, and a catchup with friends.

Bring a picnic lunch to enjoy the stunning views of the lake as you watch the water skiers.

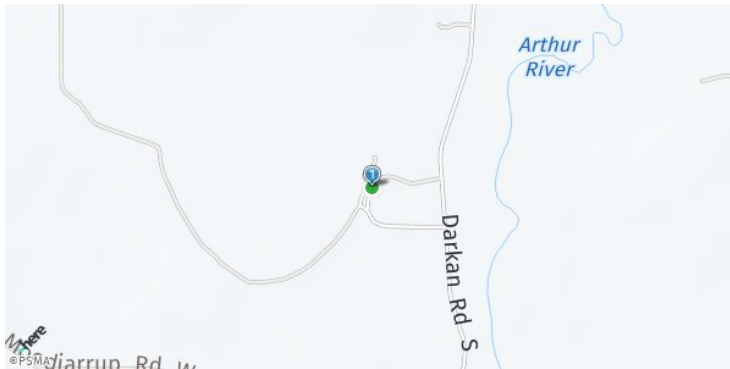
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We're all part of the story.

For inclusion on NADC website. Please describe it as if it were being advertised locally. Must be no more than 150 words.

Location of event *

Moodiarrup WA 6393 Australia



Please check the location of the pin on the map and move if needed. Must be an Australian address.

Event LGA

Shire Of West Arthur

This LGA has been automatically populated based on the address above.

Event Remoteness Area

Outer Regional Australia

This LGA has been automatically populated based on the address above.

Venue name *

Lake Towerrinning

Start date *

26/01/2024

Start date should not be before 25/01/2024

Start time *

8.00am

00:00 AM/PM

End date *

26/01/2024

End date should be before 28/01/2024

End time *

12.00pm

00:00 AM/PM

Estimated number of event attendees *

150

Must be a number.

Is the planned event a new or existing event that the applicant has run before? *

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New Existing

Is the event face-to-face? *

Yes No

Is it a paid event? *

Yes No

Event website

<http://www.westarthur.wa.gov.au>

Must be a URL.

To add another event click **Add More**.

Event Planning

*** indicates a required field**

Intended outcomes

The intended outcomes of this grant opportunity are to provide funding to enable inclusive Australia Day 2024 events/activities to proceed that encourage community participation and promote the messaging of 'Reflect. Respect. Celebrate. We're all part of the story'.

Your Investment

You indicated that the event you're running is an existing event. You're required to show that you will financially invest no less than the level of investment made previously.

Please detail the investment the applicant made in the previously held event(s) (**not including grant funding**), as well as the amount that will be invested in 2024.

This amount should not include contract and sponsorship arrangements.

Past amount invested *	Amount the applicant will invest in the 2024 event *	Difference *
\$2,000.00 Not including grant funding.	\$2,000.00 Not including grant funding.	\$0.00 This number/amount is calculated.

Photography/Videography

Successful applicants will be required to provide good quality promotional images of their events.

Successful applicants that do not have the appropriate skills or equipment to take quality photos or videos themselves may spend up to \$1,000 of their grant funding on a professional photographer or videographer.

The NADC encourage applicants to support local service providers.

Is the applicant equipped to take good quality photographs? *

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- Yes, we have an inhouse photographer or other ability to take these photos
- No, we need to hire a photographer

Australia Day Messaging

It is a condition of receiving a grant under the Program that the message of *Reflect. Respect. Celebrate. We're all part of the story* is promoted through NADC available collateral.

The NADC has created branding and design assets for Australia Day 2024 (Australia Day Designs). The cost of collateral can be included in the grant budget above. Successful applicants must:

- clearly use the Australia Day Designs in equal proportion to other branding and marketing used on the day;
- display the Australia Day Designs at an event or in a public space; and
- use the Australia Day Designs in the lead up to, and on, Australia Day 2024.

Applicants are strongly encouraged to support local businesses in the manufacturing and printing of promotional items displaying the Australia Day Designs.

For applicants who do not have access to local printing or production facilities, assets will be able to be purchased online from the [Australia Day Council Aussie Merchandise program](#).

Collateral

Please indicate the types of collateral you intend to produce with the Australia Day Designs

Types of Collateral

- Pull up banner, 850w x 2050h
- Feather banner, 750w x 3500h
- Road banner, 10m wide x 1m high, with eyelets
- Lectern signage, front face and top
- Outdoor/Indoor posters, AO (scaleable to all A sizes)
- Vinyl banner, 3000w x 1000h, with eyelets
- Custom bunting
- Media wall, 2250w X 2250h or 1500w x 2200h
- Fitted tablecloth, 1800mm or 1200mm
- Social media selfie frame, 600mm x 900mm
- Napkins
- Other:

Declaration of intent *

- I confirm that the items with the Australia Day Designs will be on display in a public place and/or at an Australia Day event in the lead up to and on Australia Day

Event Budget

*** indicates a required field**

Grant amount you are requesting

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You may apply for \$10,000 (GST exclusive), to assist eligible event organisers to ensure inclusive Australia Day 2024 events proceed (**Base Grant**);

Base Grant Amount Requested \$10,000.00
 Must be a dollar amount and equal to 10000.

Total Grant Amount Requested (ex. GST) \$10,000.00

How you will spend the grant

Please outline how the grant (ex. GST) will be expended.

Choose an **Expenditure Type** from the drop down list or select **Other**. You can apply for any eligible costs related to your event(s), not just the examples provided in this list.

You can only add one Expenditure Type per line, but can add as many lines as needed by clicking **Add More**.

The budget below will automatically calculate the total and you will not be able to submit the application until the budget balances.

Note: items in this budget should only include those spent using the grant funding.

Expenditure Type	Expenditure (ex. GST)
	Must be a whole dollar amount (no cents).
Artist/Talent fees *	\$2,000.00
Increased food and water distribution areas *	\$480.00
Increased food and water distribution areas *	\$160.00
Increased food and water distribution areas *	\$700.00
Other: PA System *	\$2,600.00
Increased transport options *	\$660.00
Australia Day Designs *	\$1,500.00
Accessibility costs (i.e. hire of ramps or other accessible equipment, Auslan interpretation, live captioning services) *	\$1,900.00

Balance

This section of the form will calculate the balance for your budget (how much grant funding you have asked for, less the amount you plan to spend). Your balance must be zero.

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If your balance is not zero, check your expenditure items to make sure you have only listed the amounts you will spend the grant money on, and not your full event budget.

Total Planned Grant Expenditure

\$10,000.00

This number/amount is calculated.

Balance (Total Grant Requested minus Total Planned Grants Expenditure)

\$0.00

This number/amount is calculated.

Grant Agreement

* indicates a required field

Please note that a sample Grant Agreement can be found attached to the [program guidelines](#)

The general terms and conditions of the Grant Agreement cannot be changed.

Summary of the Grant Agreement

Successful applicants will be required to enter into a short-form agreement with the NADC. This will be sent to successful applicants electronically via email at the time that an applicant is notified that their application for a grant has been successful. There is no binding agreement between NADC and a successful applicant unless and until a grant agreement, if any, is entered into by the parties.

Some aspects of the sample grant agreement include:

- a requirement that the Australia Day event utilise the message of *'Reflect, Respect, Celebrate. We're all part of the story'*
- a requirement that the applicant acknowledges the NADC's support through use of the NADC's logo or signage (subject to approval by the NADC)
- acknowledgement that the NADC may list the successful applicant's Australia Day event(s) on the NADC event register website
- acknowledgement that any grants funds that are not used in accordance with the agreement will be returned to NADC
- a requirement that the applicant provide the following by 30 April 2024:
 - a final report verifying the grant funds have been spent in accordance with the grant agreement
 - photographs of the applicant's materials, showing the Australia Day Designs in a public place or at the Australia Day event or activity
 - high quality promotional photographs or video of the event depicting attendees and participants.

Funds

Successful applicants will receive 80% of their grant as an upfront payment to ensure they have funds available to cover the costs of planning for their event.

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The final 20% of funding will be paid following receipt of a final report, after the event has been held, confirming final costs incurred. Final reports are due by 30 April 2024.
 The NADC will pay the final instalment within 20 days of approving (not receiving) the final report and receiving a correctly rendered invoice.

Reporting

By no later than 30 April 2024, the Grantee must complete and submit the online reporting form available on the applicant portal which will include:

- a final report verifying the grant funds have been spent in accordance with the grant agreement
- photographs of the applicant's materials, showing the Australia Day Designs in a public place or at the Australia Day event or activity
- high quality promotional photographs or video of the event depicting attendees and participants.

Agreement

On behalf of my organisation I confirm the following: *

- I agree to the terms and conditions as stated above
- If the application is successful, I agree to enter into the Grant Agreement
- I agree that the NADC can list the event(s) on the NADC Australia Day Events Register website
- I am authorised on behalf of my organisation to enter this arrangement

At least 4 choices must be selected.

Conflict of Interest

Please declare any perceived or existing conflicts of interests.

There may be a conflict of interest, or perceived conflict of interest, if the applicant or any of their personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer
- has a relationship with, or interest in, an organisation which is likely to interfere with or restrict the applicant from carrying out the proposed activities fairly and independently
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the Program.

To the best of your knowledge are you aware of any Conflict of Interest in relation to this application: *

- Yes - I am aware of a conflict
- No - I am not aware of a conflict

12 CORPORATE SERVICES**12.1 SUPPLY OF WATER TANKS TO DURANILLIN RESIDENTS**

File Reference:	ADM123
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to consider supplying water tanks to existing Duranillin residents to the value of \$3,000 per resident.

BACKGROUND:

At Council's ordinary meeting of 22 June this year, it resolved to:

1. Approve the cessation of the Shire-provided supply of non-potable water to the Duranillin town site at the end of October 2024; and
2. Authorise the CEO to advise affected residents of the decision as soon as possible.

The Deputy Shire President was subsequently approached by one of the affected residents and a letter (see attached) was then provided by the resident.

The matter was discussed at length at the Council briefing session on 26 October 2023. It was decided to prepare an agenda item for the ordinary council meeting in November 2023 to the council to formally decided to assist the residents of Duranillin.

COMMENT:

The Shire will provide each existing Duranillin resident with a water tank to the value of \$3,000. This will be paid back to the Shire over 24 months, in monthly payments of \$125 per month. The ownership of the water tank remains with the Shire until it is fully paid back.

The resident will be responsible for their own connection and installation, and to arrange for the delivery of potable water or rely on rainwater. They will be responsible for getting the site ready for the installation of the water tank, which will not be delivered until the site works are complete.

The Shire will develop an agreement/application, which will need to be completed by the resident, to formally request a water tank be supplied. These applications will close by the end of March 2024. The Shire will supply each applicant with a water tank by July- August 2024 if all conditions are met.

CONSULTATION:

Councillors
Chief Executive Officer
Project Officer
Manager of Works and Services

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Budget 2024-25

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Complaints from the affected residents.
Risk Likelihood (based on history and with existing controls)	(4) Likely
Risk Consequence	(2) Minor
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(8) Medium
Principal Risk Theme	Community Disruption
Risk Action Plan (Controls or Treatment Proposed)	Provide water tank to affected resident to assist.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

Council consider supplying water tanks to existing Duranillin residents to the value of \$3,000 per resident.

12.2 WHEATBELT DEVELOPMENT COMMISSION BOARD NOMINATION

File Reference:	ADM497
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. WDC Letter West Arthur LGA Baord 2023 ↓ 2. 20231023 Email CR Harrington WDC Nomiation ↓

SUMMARY:

Council is requested to consider nominating Cr Karen Harrington to the Board of the Wheatbelt Development Commission to represent the region and the Shire of West Arthur.

BACKGROUND:

A letter was received on 23 October 2023 from Susan Hall, Acting Chief Executive Officer of the Wheatbelt Development Commission, requesting the Shire to nominate a Local Government Representative to fill the vacancies on its Board. In accordance with the *Regional Development Commission's Act 1993*, nominees for the vacancies must be members of the Council of a Local Government in the region and are to be nominated by Local Governments in the region.

All Local Governments in the Wheatbelt region are invited to nominate up to two Councillors, who are willing and able to be candidates, for appointment. The Commission is seeking nominee's nominations from highly motivated and enthusiastic people, with the following experience:

- Understanding of key issues impacting the development of the region;
- Demonstrated involvement in the economic and/or social development of the Region; and
- The ability to work cooperatively to achieve agreed goals across a wide range of issues and stakeholders.

COMMENT:

An email was sent to all the Councillors by Vin Fordham Lamont on 23 October 2023 to seek an expression of interest to nominate for the Wheatbelt Development Commission Board. The Shire received an email from Cr Karen Harrington on 23 October 2023 expressing her interest.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Regional Development Commission's Act 1993

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan

Theme: Leadership and Management

Outcome: Actively engage with community, business and other stakeholders to grow and develop the community

Strategy: Continued improvement in communication with the community through various platforms that ensure all members of the community have access to information.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Represent the Shire and the region at WDC
Risk Likelihood (based on history and with existing controls)	(4) Likely
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(6) Medium
Principal Risk Theme	Inadequate engagement practices
Risk Action Plan (Controls or Treatment Proposed)	Endorse nomination for the Board of WDC.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

Council consider nominating Cr Karen Harrington to the Board of Wheatbelt Development Commission to represent the region and the Shire of West Arthur.



Vin Fordham Lamont
 Chief Executive Officer
 Shire of West Arthur
 31 Burrowes St
 Darkan WA 6392



Dear Vin

WHEATBELT DEVELOPMENT COMMISSION BOARD NOMINATIONS

The Wheatbelt Development Commission is seeking nominations for two Local Government representative vacancies on its Board. In accordance with the *Regional Development Commission’s Act 1993*, nominees for the vacancies must be members of the Council of a Local Government in the region and are to be nominated by Local Governments in the region.

All Local Governments in the Wheatbelt region are invited to nominate up to two Councillors, who are willing and able to be candidates, for appointment. The Commission is seeking nominee’s nominations from highly motivated and enthusiastic people, with the following experience:

- Understanding of key issues impacting the development of the Region;
- Demonstrated involvement in the economic and/or social development of the Region; and
- The ability to work cooperatively to achieve agreed goals across a wide range of issues and stakeholders.

Nominations are to be submitted either by post or e-mail to Teresa.drew@wheatbelt.wa.gov.au at this office, no later than 4pm on 4 December 2023. Application forms are attached, and further information can be obtained by contacting Executive Officer Teresa Drew at the Commission on 96227222 or on the email above.

We look forward to receiving your nominations.

Yours sincerely

Susan Hall
 Acting Chief Executive Officer

23 October 2023

Avon
 DPIRD Offices
 75 York Road
 (PO Box 250)
 NORTHAM WA 6401
 T: (08) 9622 7222

Central East
 DPIRD Offices
 28752 Great Eastern Highway
 MERREDIN WA 6415
 T: (08) 9622 7222

Central Midlands
 DPIRD Offices
 20 Roberts Street
 MOORA WA 6510
 T: (08) 9622 7222

Wheatbelt South
 DPIRD Offices
 10 Doney Street
 NARROGIN WA 6312
 T: (08) 9622 7222

www.wheatbelt.wa.gov.au

From: Karen Harrington
To: Vin Fordham Lamont; Councillors: lucyhall10@hotmail.com
Cc: Rajinder Sunner
Subject: RE: Wheatbelt Development Commission Local Government Board nominations open 24 October 2023
Date: Monday, 23 October 2023 3:09:44 PM
Attachments: [image004.png](#)
[image006.png](#)

Hi all,

I would be interested in putting a nomination forward.

Many thanks
 Karen

From: Vin Fordham Lamont <ceo@westarthur.wa.gov.au>
Sent: Monday, October 23, 2023 1:43 PM
To: Councillors <Councillors@westarthur.wa.gov.au>; lucyhall10@hotmail.com
Cc: Rajinder Sunner <mcs@westarthur.wa.gov.au>
Subject: FW: Wheatbelt Development Commission Local Government Board nominations open 24 October 2023

Good afternoon all. If you would like to nominate for the WDC Board, please let Raj know in time for him to prepare an agenda item for the November Council meeting. Any nominee is required to be nominated by Council.

Kind Regards

Vincent (Vin) FORDHAM LAMONT
CHIEF EXECUTIVE OFFICER

Enquiries (08) 9736 2400
 31 Burrowes Street, Darkan WA 6392
All correspondence to:
P.O.Box 112, Darkan WA 6392 or
ceo@westarthur.wa.gov.au
www.westarthur.wa.gov.au



Disclaimer: The information contained in this email communication may be confidential. You should only read, disclose, re-transmit, copy, distribute, act in reliance on or commercialise the information if you are authorised by the Shire of West Arthur to do so. If you are not the intended recipient of this email communication, please notify us immediately by email to shire@westarthur.wa.gov.au or reply by email direct to the sender and then destroy any electronic or paper copy of this message. Any views expressed in this email communication are those of the individual sender, except where the sender specifically states them to be the views of the Shire of West Arthur. While every effort has been made to ensure the integrity of this email the Shire of West Arthur does not represent, warrant or guarantee that the integrity of this communication has been maintained nor that the communication is free of errors, virus or interference.

From: Teresa Drew <teresa.drew@wheatbelt.wa.gov.au>
Sent: Monday, October 23, 2023 8:45 AM
To: Vin Fordham Lamont <ceo@westarthur.wa.gov.au>
Cc: Shire of West Arthur <Shire@westarthur.wa.gov.au>
Subject: Wheatbelt Development Commission Local Government Board nominations open 24 October 2023

Good morning Vin

Please find attached correspondence from the Acting CEO Susan Hall regarding the opening of the Wheatbelt Development Commission Board nominations for two Local Government representatives.

Nominations are to be submitted either by post or email to myself no later than 4pm on the 4 December 2023.

If you require further information, please do not hesitate to call myself or Susan Hall on 0459 892 449.

With Regards

Teresa Drew Executive Officer
 Wheatbelt Development Commission | Avon
 75 York Road | P.O. Box 250 | Northam WA 6401
 Ph: (08) 9622 7222 direct line: (08) 9690 2284
 Mobile: 0483 156 973
 w dpird.wa.gov.au | wheatbelt.wa.gov.au
 e: teresa.drew@wheatbelt.wa.gov.au

Supported by the Department of Primary Industries and Regional Development





DPIRD acknowledges the Traditional Custodians of Country, the Aboriginal people of the many lands that we work on and their language groups throughout Western Australia and recognise their continuing connection to the land and waters.

We respect their continuing culture and the contribution they make to the life of our regions and we pay our respects to their Elders past, present and emerging.

Artwork: "Kangaroos going to the Waterhole" by Willarra Barker.

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12.3 EH2 - ACTIVE WEST ARTHUR POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	10/11/2023
Disclosure of Interest:	Nil
Attachments:	1. EH2 - Active West Arthur Policy ↓

SUMMARY:

Council is requested to consider the adoption of EH2 – Active West Arthur Policy

BACKGROUND:

As part of the Local Health Plan 2023-2028, it was stated that Council will provide leadership to improve public health outcomes by developing appropriate policies, including;

- Healthy Eating Policy
- Active West Arthur Policy
- Alcohol and Drug Policy
- Environmental Health Policy
- Health and Wellbeing Policy
- Mental Health Policy

COMMENT:

While public health is the responsibility of everyone within the community, the Local Health Plan 2023-2028 is focused on addressing the present shortcomings to improve the health of the community.

The Policy will guide the Shire of West Arthur in advocating and/or providing opportunities for the local community to access opportunities for physical activity.

CONSULTATION:

Local Health Plan 2023-2028
Community engagement
Stakeholder engagement
Staff

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7 Role of Council

1. The council –
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies

Public Health Act 2016

Division 2 – Functions of local governments

16. Functions of local governments

A local government has the following functions in relation to the administration of this Act –

- a. to initiate, support and manage public health planning for its local government district;
- b. to develop and implement policies and programs to achieve the objects of this Act within its local government district;
- c. to perform the functions that are conferred on local governments by or under this Act.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Community

Outcome: A safe place to work, live and visit

Strategy: Communication of risks and hazards to the community and assistance with management of these.

Outcome: Support available for people of all ages and abilities

Strategy: Maintain and support the growth of medical facilities, childcare and aged services in the district.

Strategy: Provide services and infrastructure to meet the needs of the community.

Theme: Leadership And Management – Inspirational, Dynamic, Transparent

Outcome: Actively engage with community, business and other stakeholders to grow and develop the community.

Strategy: Council will advocate on behalf of the community on issues that the community identifies as important.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure

- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Non-compliance with Local Health Plan
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Adopt EH2 – Active West Arthur Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt EH2 – Active West Arthur Policy, as presented and approve its inclusion in the Policy Manual.

Policy Title	EH2 – Active West Arthur Policy
Policy Type	Environmental Health
Responsible Officer	Environmental Health Officer



Purpose

The Shire of West Arthur will encourage and promote physical activity through:

- Identifying and monitoring the current and future physical activity needs of the community in partnership with relevant stakeholders.
- Ensuring a safe environment, facilities and services to encourage physical activity.
- Providing unstructured recreation facilities and associated facilities.
- Providing reserves and facilities for structured community sport and recreation and supporting sporting clubs and club development.
- Promoting shared and multi-use of community facilities.
- Increasing the community’s knowledge and understanding of the health and social benefits of physical activity.
- Encouraging increased physical activity through active forms of transport, such as bicycle riding.
- Building partnerships with internal/external agencies to promote the use of existing and future community assets.

Scope

The Active West Arthur Policy will guide the Shire’s provisions for the community to be active, improve and maintain their health, and participate in structured and unstructured recreation and community sports activities, consistent with Council’s vision.

Definitions

Nil

Policy Statement

The Shire of West Arthur recognises the impact physical activity can have on residents’ lives and the community in that it contributes positively to physical and mental health. In addition, a focus on physical activity in a wider context can strengthen the local community and foster social connection.

This Policy will inform the provision of recreation and sporting facilities, delivery of programmes and events and the maintenance and upgrading of public open spaces within the Shire, enabling community engagement in an active and healthy lifestyle.

Principles

The following guiding principles underpin this Policy. They are statements that articulate Council’s shared values and serve as a basis for integrated decision making with partner agencies, for delivering physical activity opportunities and promoting an active lifestyle in the community.

Health and Wellbeing for All

Opportunities to be engaged in physical activity in the Shire are available to all people, regardless of gender, age, cultural background, socioeconomic status or ability. In some instances, this results in programs and initiatives being targeted at specific population groups, to ensure that all members of the community can reach their potential for good health and wellbeing.

Diverse recreation and sport opportunities are provided to meet the community’s needs and interests. The Shire understands that not all residents wish to participate in organised sports and will continue to promote recreational opportunities appealing to a wide range of residents.

Working with Partners

Council and the Shire forges workable and negotiable partnerships with other levels of government, agencies and local community groups to ensure a range of opportunities are available for people to increase their fitness levels and improve their health and wellbeing.

An Informed and Educated Community

Council and the Shire communicates via a range of mediums to reach a broad cross section of the community and to ensure that people are fully aware of available recreation and sporting opportunities in the Shire.

The Shire acknowledges that pursuing an active and healthy lifestyle starts with having an understanding of the short- and long-term health and wellbeing benefits of being physically active.

History	23/11/2023
Delegation	Nil
Relevant Legislation	<i>Public Health Act 2016, Section 16</i>
Related Documentation	Shire of West Arthur Local Health Plan 2023-2028

12.4 F28 - REVENUE COLLECTION POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. F28 - Revenue Collection Policy ↓

SUMMARY:

Council is requested to consider the adoption of F28 – Revenue Collection Policy and rescind previously adopted policy F13 Debt Collection.

BACKGROUND:

The purpose of this Policy is to:

- Provide guidance in the collection of all outstanding revenues owed;
- To ensure timely cash flow; and
- To minimise bad debts.

The objective of this Policy is to:

1. Optimise the Shire’s Cash Flow;
2. Minimise bad debts; and
3. Ensure timely collection of all revenue owing to the Shire.

COMMENT:

This Policy applies to the collection of revenue owing to the Shire of West Arthur.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager of Financial Reporting

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7 Role of Council

1. The Council –
 - a. governs the local government’s affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government’s finances and resources; and
 - b. determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
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- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Lack of transparency and accountability in decision making process
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Business disruption
Risk Action Plan (Controls or Treatment Proposed)	Adopt F28 – Revenue Collection Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council;

1. Rescind the previously adopted policy, F13 – Debt Collection;
and
2. Adopt F28 – Revenue Collection Policy as presented, and approve its inclusion in the Policy Manual

Policy Title	F28 – Revenue Collection
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To provide guidance in the collection of all outstanding revenues owed to the Shire to ensure timely cash flow and to minimise bad debts.

Scope

Nil

Definitions

Nil

Policy Statement

This policy covers the recovery of all revenues owed to the Shire, including outstanding rates, service charges and all other general debts. It also covers a rate incentive scheme to encourage the early payments of rates in full.

Introduction

The Shire requires reliable revenue streams to meet the service provisions of the organisation. A significant proportion of revenue generated by the Shire is from property rates and charges and general fees and charges. To enable the Shire to meet its service obligations, it must ensure that revenues are received in a timely manner. It must also ensure that where revenue is not received in a timely manner, that appropriate measures are undertaken to recover outstanding amounts.

Principles

- (a) The Shire's cash flow is optimised, and bad debts minimised by ensuring timely collection of all revenue owing to the Shire.
- (b) The recovery of the Shire's revenue is clear, equitable, consistent, and transparent.
- (c) That account is taking of the circumstances of people with debt owing to the Shire.
- (d) All reasonable action be undertaken to recover revenue before the debt is written off.
- (e) Debt collection activities are in accordance with relevant legislation and standards and credit controls are monitored to minimise potential financial loss.

Provisions

Recovery of Rates and Service Charges

In accordance with Delegation 2.2.2 the Chief Executive Officer is given delegated authority to determine the date on which rates or service charges become due and payable to the Shire. The following payment options and due dates it preferred.

Rates and other charges are due and payable within 35 days of the issue of a notice. Payment may be made either in full by the due date or in four instalments, the first of which is payable by the initial due date.

The Shire provides the following rates and charges payment options.

Option 1(Full Payment, less any entitled discount)

- Full amount, less any entitled discount, of rates and charges including arrears to be paid on or before 21 days after the date of notice appearing on the rate Notice.

Option 2(Full Payment)

- Full amount, of rates and charges including arrears to be paid on or before 35 days after the date of notice appearing on the rate Notice.

Option 3 (4 instalments)

- The first instalment can be received on or before 35 days after the date of notice appearing on the rate notice. This option is only allowed if all arrears (including accrued interest) are included in the first instalment.
- The Second instalment to be made on or before 95 days after the date of notice appearing on the rate notice.
- The Third instalment to be made on or before 155 days after the date of notice appearing on the rate notice.
- The Fourth instalment to be made on or before 217 days after the date of notice appearing on the rate notice.

Where required, the number of days for the instalments, other than the first instalment maybe amended slightly to avoid due dates falling due on weekend or public holidays.

Amounts that remain outstanding after the due date will be followed up within 30 days of a final notice requiring the ratepayer to pay their balance in full within fourteen days or contact the Shire to arrange to pay.

The Shire will take the following steps when attempting to recover outstanding rates and service charges.



Payment Agreements

- 1.1. A ratepayer is eligible to make application for a payment arrangement for the current year's rates only, provided all arrears are paid in full prior to the arrangements taking effect.
- 1.2. Requests for payment agreements must be lodged in writing and contain the following.
 - a) Brief explanation on the circumstancing on why a payment agreement is being requested.
 - b) Detailed payment plan, outlining date of payment/s and amount/s.
- 1.3. The Chief Executive Officer has Delegated Authority to accept agreements for outstanding rates and services charges (DELEGATION NO. 2.2.1), if is preferable that debts are cleared prior to 30 June of the relevant financial year.

2. Unpaid Rates and Charges in Excess of \$500

- 2.1. The Chief Executive Officer be authorised to recover rates and charges by engaging the service of a debt collection firm.
- 2.2. If no response or payment is received, a letter of demand will be issued on behalf of the Shire of West Arthur by its appointed debt collection agent.
- 2.3. As part of the debt collection process, once referred, telephone calls and/or emails will be made to contact the ratepayer to seek payment or enter a payment arrangement.
- 2.4. If a property is leased, under the provisions of Section 6.60 of the *Local Government Act 1995* the Shire may recover outstanding rates and charges by collecting rent payments from the lessee. Notices must be given to the lessee and lessor. Under Delegation (DELEGATION NO.2.2.4) the Chief Executive Officer is authorised to give notice to a lessee in accordance with Section 6.60(2) of the *Local Government Act 1995*, requiring the lessee to pay any rent when due to the Shire to satisfy the outstanding rates and charges.
- 2.5. If all action is unsuccessful, and in accordance with Section 5.56 of the *Local Government Act 1995*, the Chief Executive Officer is authorised to recover rates and service charges in a court of competent jurisdiction.
- 2.6. Under the provisions of Section 6.64(3) of the *Local Government Act 1995*, the Chief Executive Officer is authorised to lodge caveats on land where Rates and Service charges are in arrears, and it is considered appropriate that the interest of the Council should be protected.
- 2.7. The Chief Executive Officer be authorised to withdraw caveats lodged on land where the owner has met his/her obligation in full in relation to the rates and charges outstanding.

3. Rates and Charges that Remain Unpaid for three years or more.

- 3.1. If all reasonable attempts outlined in Section 2 results in no successful recovery and the rates and charges remain unpaid for three years or more the Chief Executive Officer is authorised to take possession of the land in accordance with Section 6.64(1) of the *Local Government Act 1995*.
- 3.2. A report is to be presented to Council detailing the amount of rates and charges outstanding, the attempts to recover the debt and the recommended action.
- 3.3. The Chief Executive Officer be authorised to engage a debt collection agency to assist in the administering the process and the Council approved action.

Recovery of Firebreaks Contractor Costs

Under the *Bush Fire Act 1954*, the Shire of West Arthur required the owner or occupier of land to install a firebreak. If they fail to comply, Section 33(4) of the *Bush Fire Act 1954* provides for the Shire of West Arthur to enter the property and employ a contractor to install a firebreak. The costs of which are payable by the owner or occupier of the land (Section 33(5)).

Section 33(8) of the *Bush Fires Act 1954* specifies that any charge made under Section 33 is a charge against the land with the same consequence as if it were a charge under the *Local Government Act 1995* for unpaid rates and is a debt due from the owner or occupier of the land.

On this basis, the costs incurred by the Shire of West Arthur to install a fire break on a noncompliant property are to be levies against the property and if unpaid, are recoverable through the rates debt recovery process.

Recovery of Non-Rates Charges

Sundry debtor charges include all other services not specifically identified elsewhere in this policy. Invoices are payable within 14 days of the issue date of the invoice.

4. Debt Management

If the invoice is not paid by the due date, then the following procedure will take place:

- 4.1. A reminder notice will be issued in the first instance.
- 4.2. If no payment has been received within 14 days of the issue of the reminder notice, a final notice will be issued advising the debtor that payment is expected within seven (7) days of the issue date of the notice or legal action may be taken.
- 4.3. If no response is received from the debtor, then following a review of the circumstances with the relevant staff members involved, a demand letter may be sent to the debtor advising them of what action is to be taken if payment is not made or an agreement to pay is not entered. The debtor will be advised that any fees incurred in recovering the debt will be passed on to the debtor.
- 4.4. The Chief Executive Officer be authorised to recover fees and charges obtained by engaging the services of a debt collection agency firm.
- 4.5. The debt collection agent will advise the Shire regarding the best course of action to ensure efficient and realistic collection of the amount owing.
- 4.6. Once all reasonable attempts to either locate the debtor or to obtain payment have failed. The Finance & Administration officer, responsible for debt collection, will submit a written request for the invoice to be considered for write off.
- 4.7. Depending on the value of the Debt, approval will be sought from the Chief Executive Officer, under Delegated Authority 2.2 or presented to Council for the debt to be written off. Once approval has been received, the appropriate entries will be made in the Accounts Receivable and written off debt ledger.

5. Debts Raised in Error or Debt Adjustment

If a debt has been raised in error or requires an adjustment, then an explanation will be sought from relevant staff members. Once this has been received a credit note request will be raised which is to be authorised by both the staff member who raised the initial invoice and the Corporate Services Manager or Chief Executive Officer.

6. Interest on Overdue Accounts

The council may elect to impose interest on outstanding debts. The rate of interest imposed is to be determined by the Council in accordance with Section 6.13 of the *Local Government Act 1995*.

8. Debt Management

- 8.1. Where a payment is not received within twenty-eight (28) days from the date of the infringement, a Final Demand Notice will be issued, with an applicable fee. The final Demand Notice gives the customer a further twenty-eight (28) days to pay the infringement.
- 8.2. Where the customer fails to pay the infringement by the expiry of the period defined above, the infringement may be referred for further action to Fines Enforcement Registry (FER).

History	F13 Debt Collection adopted OCM 25 May 2023
Delegation	2.2 Defer, Grant Discounts, Waive or Write off Debts. 2.13 Property & Rates - Recovery of Rates or Service Charges
Relevant Legislation	<i>Local Government Act 1995 s6.56</i> <i>Bush Fire Act 1954</i>
Related Documentation	Nil

12.5 F29 - PURCHASING POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. F29 - Purchasing Policy ↓

SUMMARY:

Council is requested to consider the adoption of F29 – Purchasing Policy and rescind previously adopted policy F20 Purchasing and Tenders.

BACKGROUND:

The purpose of this Policy is to provide guidance in the purchasing of goods, services and/or works.

The objective of this Policy is to:

1. Deliver best value for money outcomes;
2. Ensure sustainable benefits;
3. Ensure the use of equitable competitive processes; and
4. Ensure that risks are identified and managed as per the Shire’s Risk Management Policy and related documents.

COMMENT:

This Policy applies to the purchasing of goods, services and/or works by the Shire of West Arthur.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Works and Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7 Role of Council

1. The Council –
 - a. governs the local government’s affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government’s finances and resources; and
 - b. determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Lack of transparency and accountability in decision making process
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Business disruption
Risk Action Plan (Controls or Treatment Proposed)	Adopt F28 – Purchasing Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council

1. Rescind the previously adopted policy, F20 – Purchasing and Tenders;
and
2. Adopt F29 – Purchasing Policy as presented, and approve its inclusion in the Policy Manual

Policy Title	F29 – Purchasing Policy
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

The Shire of West Arthur (the “Shire”) is committed to purchasing Goods and/or Services, and/or Works in compliance with this Policy.

Scope

In carrying out its purchasing activities, the Shire will:

- i. ensure compliance with the [Local Government Act 1995](#) (the “Act”);
 - ii. deliver best Value for Money outcomes;
 - iii. ensure sustainable benefits, such as environmental, social and local economic factors (including maximising participation of local businesses) are considered in the overall Value for Money assessment;
 - iv. ensure the use of equitable competitive processes and the engagement of potential suppliers impartially, honestly and consistently;
 - v. ensure probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
 - vi. ensure that risks are identified and managed as outlined in the Shire’s Risk Management Policy and related documents;
 - vii. ensure that records are created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire’s internal Record Keeping Policy; and
 - viii. ensure that confidentiality protocols are established and adhered to so as to protect commercial-in-confidence information with the release of information where appropriately approved.
-

Definitions

Nil

Policy Statement

The Shire is committed to establishing efficient, effective, economical, and sustainable procedures in all purchasing activities. This Policy must be read/adopted in accordance with the requirements of the Procurement Procedures Manual, which will cover further and

comprehensive details, practices, and the operational requirements for the relevant Policy item.

4. Ethics and Integrity

The Shire’s Code of Conduct applies when undertaking purchasing activities and decision making.

5. Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the Act & Regulations and non-compliance therefore represents a breach of the Act & Regulations.

6. Threshold Levels and Requirements

The adoption of these threshold levels shall be carried out in conjunction with the supply order of priority requirements outlined in the Procurement Procedures Manual.

Where the value of procurement (excluding GST) for the Contract over the full contract period* (including options to extend) is, or is expected to be:

Threshold Level (ex GST)	Requirements
Up to \$5,000 (Works/Corporate Services Manager, Manager Financial Reporting, Community Development Officer, Project Officer, or CEO approval) <i>Coordinator Town and Public Facilities – up to \$500</i>	Goods and services of a low risk, consumable item and occasional nature may be purchased without the need for a quotation. These goods or services must be ad hoc and not of a repetitive nature.
\$5,001 to \$10,000 (Works/Corporate Services Manager or CEO approval)	Seek at least one verbal or written quotations from a suitable supplier.
\$10,001 to \$50,000 (Works/Corporate Services Manager or CEO approval)	Seek at least two written quotations from a suitable supplier.
\$50,001 to \$249,999 (CEO approval)	Seek at least three written quotations from suitable suppliers.
\$250,000 and Above (CEO approval)	Conduct a public tender or other public procurement process. or Seek at least three (3) quotations from an appropriate exempt arrangement.

* The “contract period” can mean “a one-off purchase” or “a pre-defined period”.

A similar process must be followed for other public procurement processes such as Expressions of Interests or Request for Proposal.

6.1 Exempt Provisions

The most common exempt provision from a public procurement process are:

1. WALGA Preferred Supply Arrangements;
2. Goods and services or works obtained through State, Commonwealth or other Local Government arrangement;
3. Goods and services or works as a result of an emergency provision;
4. Where there is a genuine sole source of supply;
5. Where the goods to be supplied are petrol or oil (lubricant); or any other liquid, or gas,

- used for internal combustion engines;
6. Goods, services or works supplied through an Australian Disability Enterprise;
 7. The contract is for a renewal or extension of an existing contract; or
 8. For LGIS services.

6.2 Sole Source Supply

The procurement of Goods and/or Services, and/or works available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply.

6.3 Emergency Provision

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

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

6.4 Obtaining Quotations

Written quotations will be obtained in accordance with the steps outlined in the Procurement Procedures Manual.

6.5 Selection Criteria and Weightings

Sustainability (as defined in Section 9.0 of this policy) will be included as a qualitative assessment element for all purchases above \$25,000 (ex GST).

Price consideration will not be weighed as part of the evaluation process. Price will be considered separate to non-price selection criteria and a Value for Money assessment will take a balanced view between price and non-price considerations.

6.6 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, avoiding a particular purchasing threshold or the need to call a public tender.

6.7 Probity Experts

Probity experts ensure a transparent and fair procurement process and to achieve the best Value for Money. An independent person may be appointed to act as a probity expert as outlined in the Procurement Procedures Manual.

The decision to appoint a probity expert will be at the complete discretion of the Chief Executive Officer.

6.8 Contract Management

All Shire Contracts will be managed during their lifecycle by the responsible officer in accordance with good contract management practices and consistent with the procedures outlined in the Procurement Procedures Manual.

6.9 Notification of Outcome

Each tenderer or respondent to a public procurement process shall be notified in accordance with the procedures outlined in the Procurement Procedures Manual.

Each unsuccessful respondent shall be offered a debrief on their response to the procurement process.

6.10 Engaging Contracted Suppliers

A properly completed "Purchase Order" must be issued to the contracted supplier as part of the engagement process.

6.11 Sponsorship and Trials

Sponsorship for events and trials by current and prospective suppliers must undergo a similar process to that required for sourcing of goods and services, and/or works. Threshold levels as outlined in Section 6.0 would apply as would other elements of this Policy.

7.0 Other Procurement Processes

Other procurement processes include Expressions of Interest and Request for Proposal. In both cases, similar rules to a Request for Tender and quotation apply, and they should be conducted in accordance with the requirements outlined in the Procurement Procedures Manual.

8.0 Value for Money Consideration

The Shire will apply Value for Money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous. The Value for Money consideration will be applied to all threshold levels of purchase.

9 Sustainable Procurement

Sustainable procurement is defined as the procurement of goods and services, and/or works that has the most positive environmental, social, and local economic impacts possible over the entire life cycle of a product or services.

The Shire is committed to implementing sustainable procurement where appropriate, by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection, local economic benefits, and good governance).

9.1 Regional Price Preference

The Shire encourages the development of competitive local businesses within its boundary first and second within its broader region i.e. adjoining Shires.

The Shire has adopted the following Regional Price Preference Policy, which will be applied when undertaking all purchasing activities.

A price preference will apply to suppliers who are based in, operate from or source goods or services from within the Shire/region.

A supplier of goods or services who submits a quotation/tender 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 / region;
- II. A business having permanent staff that are based at the business premises located within the Shire / region;
- III. Management or delivery of the majority of the outcomes will be carried out from the business premises located in the shire / region; 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.

Regional Price Preference Value – Local Supplier – West Arthur Shire

The following levels of preference will be applied under this policy:

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

Regional Price Preference Value – Local Supplier – Region

- a) 5% - where the contract is for goods or services, up to a maximum price reduction of \$50,000 excluding GST;
- b) 2.5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000 excluding GST; or
- c) 5% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000 excluding GST, if the local government is seeking tenders/Quotes for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.

For the purpose of this policy the Region is specified as the entire geographical area of a shire which shares a boundary with the Shire of West Arthur.

Only those goods and services identified in the tender as being supplied locally will be included in the discounted calculation that forms a part of the assessment of a tender/Quote.

A regional price preference applies whenever tenders/Quotes are called, unless the local government, or the Chief Executive Officer by delegated authority, resolves otherwise in reference to a particular tender/Quote.

It should be noted that price is only one criteria when considering tenders/Quotes. Value for money principals will be used to achieve the best possible outcome for the tender/Quote.

9.2 Purchasing from Aboriginal Businesses

The Shire will support the purchasing of requirements from Aboriginal businesses. This will be in accordance with the requirements outlined in the Procurement Procedures Manual.

9.3 Purchasing from Australian Disability Enterprises

The Shire will support the purchasing of requirements from Australian Disability Enterprises. This will be in accordance with the requirements outlined in the Procurement Procedures Manual.

9.4 Environmental Sustainability

The Shire will adopt an approach to procurement that supports sound environmental considerations in its purchasing activities.

10.0 Panels of Pre-Qualified Suppliers

The Shire will consider creating a Panel of Pre-qualified Suppliers (“Panel”) when a range of similar goods and services are required to be purchased on a continuing and regular basis. The Panel will be established in accordance with the Regulations and requirements outlined in the Procurement Procedures Manual.

11.0 Records Management

All purchasing activity including for competitive procurement and direct purchase processes, communications and transactions must be evidenced and retained as Shire records in accordance with the State Records Act 2000 and the Shire’s internal Records Management Policy.

12.0 Review

This policy is to be reviewed every year, next review date December 2025.

History	F20 Purchasing and Tenders OCM 25 May 2023
Delegation	2.2 Defer, Grant Discounts, Waive or Write off Debts. 2.13 Property & Rates - Recovery of Rates or Service Charges
Relevant Legislation	<i>Local Government Act 1995 s6.56</i> <i>Bush Fire Act 1954</i>
Related Documentation	Nil

12.6 F30 - DARKAN PRIMARY SCHOOL SUPPORT POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	10/11/2023
Disclosure of Interest:	Nil
Attachments:	1. F30 - Darkan Primary School Support Policy

SUMMARY:

Council is requested to consider the adoption of F30 – Darkan Primary School Support Policy.

BACKGROUND:

In December 2013, Council adopted a policy outlining the commitment to support the Darkan Primary School, identifying the works the Shire would provide to the school and the commitment to maintaining a positive relationship with the Darkan Primary School.

In May 2023, this policy was rescinded with the adoption of the new Policy Manual.

COMMENT:

The Shire is committed to providing support to Darkan Primary School, through the provision of use of machinery and shire staff for non-routine activities, as well as provision of plant and staff at cost for larger projects.

Shire is also committed to maintaining a positive relationship with Darkan Primary School through the provision of a Shire Councillor representative on the School Board.

CONSULTATION:

CEO
MCS
MWS
Staff

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7. Role of Council

1. The council –
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Yes, there would be a minimum financial cost of \$3,272.72

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Community

Outcome: A safe place to work, live and visit

Strategy: Communication of risks and hazards to the community and assistance with management of these.

Outcome: Support available for people of all ages and abilities

Strategy: Maintain and support the growth of medical facilities, childcare and aged services in the district.

Strategy: Provide services and infrastructure to meet the needs of the community.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Loss of positive relationship with Darkan Primary School
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Inadequate engagement practices
Risk Action Plan (Controls or Treatment Proposed)	Adopt F30 – Darkan Primary School Support Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt F30 – Darkan Primary School Support Policy as presented, and approve its inclusion in the Policy Manual.

Policy Title	F30 – Darkan Primary School Support
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To give effect to the Shire’s commitment to support the Darkan Primary School.

This Policy is intended to clearly identify the works the Shire will provide to the school and outline a commitment to maintaining a positive relationship and regular communication with the Darkan Primary School.

Scope

This Policy applies to the provision of services to the Darkan Primary School and the relationship with DPS staff.

Definitions

DPS – *Darkan Primary School*

Policy Statement

The Shire of West Arthur acknowledges that DPS is an integral part of the community and thus plays an important role in the social, economic and cultural life and composition of the West Arthur community.

The Shire of West Arthur is committed to providing support to DPS in the form of:

- Use of machinery at no charge, where shire plant operators volunteer their time to operate the machinery.
- The provision of limited time use of shire staff and machinery of up to 15 hours per annum to assist with minor non-routine activities where the school does not have the in-house resources to complete the task. Examples may include spraying the oval for weeds, spreading sand etc.
- Provision of plant and staff at Shire cost rates for larger projects or regular routine activities such as mowing of oval.

Provision of staff and machinery is subject to the availability of resources.

Requests for financial assistance that fall outside of the CEO’s delegation for Community Financial Assistance will require a resolution of Council.

All requests for assistance to be authorised by the Principal of the DPS.

The Shire of West Arthur will maintain a positive relationship with the DPS by:

- Providing a Shire councillor representative for School Council
- Maintaining regular communication with the DPS Principal or representative to enable the Shire to stay abreast of current issues.
- Inviting the Principal and a parent representative to meet with the Shire Council at least once per year (May or June Council meeting where suitable).

History	December 2013 Rescinded May 2023 23/11/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Shire of West Arthur Corporate Business Plan

12.7 PC7 - DISCRIMINATION, HARASSMENT AND BULLYING POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. PC7 - Discrimination, Harassment and Bullying Policy

SUMMARY:

Council is requested to consider the adoption of PC 7 – Discrimination, Harassment and Bullying Policy.

BACKGROUND:

The purpose of this Policy is to ensure the provision of a safe and respectable working environment for all employees, elected members, contractors, and visitors.

The objective of this Policy is to:

1. Ensure a workplace free from unlawful discrimination, harassment, sexual harassment, bullying and other unacceptable and/or unlawful behaviour;
2. Ensure understanding of what is regarded as discrimination, bullying, harassment and violence;
3. Clarify how complaints of discrimination, bullying, harassment and violence can be made; and
4. Understanding of how claims will be treated by the Shire.

COMMENT:

This Policy applies to all Shire employees, elected members, contractors and visitors whilst at the workplace, on Shire business, and at Shire sponsored or funded functions or activities during and outside of work hours.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Works and Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7 Role of Council

1. The Council –
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Lack of transparency and accountability in decision making process
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	PC 7 – Discrimination, Harassment and Bullying

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt PC7 – Discrimination, Harassment and Bullying as presented, and approve its inclusion in the Policy Manual.

Policy Title	PC7 – Discrimination, Harassment and Prevention of Bullying Policy
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

The Shire of West Arthur (Shire) is committed to ensuring the provision of a safe and respectable working environment for all its employees (workers), free from unlawful discrimination, harassment, sexual harassment, bullying and other unacceptable and/or unlawful behaviour.

This policy is designed to ensure that all employees understand what will be regarded as discrimination, bullying, harassment and violence, how complaints of discrimination, bullying, harassment and violence can be made and how claims will be treated by the Shire

Scope

This policy applies to all Shire employees, elected members, contractors and visitors whilst at the workplace, on Shire business, and at Shire sponsored or funded functions or activities during and outside of work hours.

This policy also relates to, but is not limited by, the following types of communication:

- Verbal communication either over the telephone or in person in and outside the workplace
- Written communication including letters, notes, minutes of meetings and all other physical communication.
- Internal and external electronic communication including:
 - Email
 - Instant messaging services
 - Internal intranet
 - Communication via MS Teams, Zoom, Face-Time and other platforms
 - Social media and networking forums including Facebook, LinkedIn, Twitter and other forms of social media

This policy is applicable to the employment of employees but operates independently of their contract of employment and does not form part of it.

Definitions

Discrimination	Occurs when a person is treated less favourably in the workplace because of their age, breastfeeding, family responsibility, family status, gender history, impairment, marital status, political conviction, pregnancy, race, religious conviction, sex, sexual orientation or spent convictions
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Harassment	<p>Any conduct which is unwanted by the recipient, is considered objectionable, and causes humiliation, offence, distress or other detriment. It may be an isolated incident or repeated behaviour against one or more individuals. Harassment may be, but is not limited to:</p> <ul style="list-style-type: none">- physical contact (ranging from touching to serious assault, gestures, intimidation, aggressive behaviour),- verbal (unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language), or- non-verbal (offensive literature or pictures, graffiti and computer imagery, isolation or non- co-operation and exclusion or isolation from social activities)
Sexual Harassment	<p>Unwelcome behaviour of a sexual nature which can reasonably be regarded as offensive, or which may cause the recipient to feel as if they will be disadvantaged if they object to it.</p>
Bullying	<p>Usually, but not exclusively, repeated and persistent unreasonable behaviour, which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:</p> <ul style="list-style-type: none">- conduct which is intimidating, physically abusive or threatening,- conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues,- picking on one person where there is a common problem,- consistently undermining someone and their ability to do their job,- setting unrealistic targets or excessive workloads, or- bullying via email (cyber-bullying).
Worker	<p>Any person who carries out work for the Shire, including work as an employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.</p>
Workplace Violence	<p>Workplace Violence is a physical attack or threat to a worker or group of workers that creates a risk to health and safety. It includes aggression and challenging behaviours and can be categorized as client-initiated and external or intrusive workplace violence. Examples of workplace violence include:</p> <ul style="list-style-type: none">• Striking, kicking, scratching, spitting and tripping;• Grabbing, shoving, pushing or any direct contact;• Throwing objects or attacking with any form of weapon; and• Any form of indecent physical contact.

Policy Statement

In line with the Shire's commitment to creating a workplace which is free from workplace health and safety risks and one which strives to create positive working relationships, all those covered by this policy and procedure are expected to observe the following minimum standards of behaviour:

- Being polite and courteous to others;
- Being respectful of the differences between people and their circumstances;
- Ensuring they do not engage in any harassing, discriminatory or bullying behaviour(s) towards others in, or connected with, the workplace;
- Ensuring they do not assist, or encourage, others in the workplace, or in connection with the workplace to engage in harassing, discriminatory or bullying behaviour(s) of any type;
- Adhering to the complaint procedure in this policy if they experience any harassing, discriminatory or bullying behaviour(s) personally;
- Reporting any harassing, discriminatory or bullying behaviour(s) they see happening to others in the workplace, or connected with the workplace, in line with the complaint procedure outlined in this policy;
- Keeping information confidential if involved in any investigation of discrimination, bullying or harassment.

These standards of conduct are intended to operate in addition to, and in conjunction with, the Shire's code of conduct.

Unacceptable Behaviour

Unlawful Discrimination

A worker is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined below. Indirect discrimination can occur where a practice or requirement is imposed upon all employees; however, a high proportion of employees with an attribute cannot comply with, or are affected by, that practice or requirement. The Shire acknowledges its responsibilities and obligations pursuant to State and Federal equal opportunity and anti-discrimination laws.

The Shire and its workers acknowledge they are subject to State and Federal equal opportunity and anti-discrimination legislation. The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

- Age;
- Family responsibility or status;
- Race or colour;
- Sex including gender identity, sexual orientation and intersex status;
- Physical or mental disability;
- Marital status;
- Political or religious conviction;
- Pregnancy;

- Criminal record;
- Breastfeeding;
- Gender history;
- Impairment;
- National extraction or social origin; and
- Trade union activity

Sexual Harassment

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

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

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring;
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;
- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress; and
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

Bullying

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

Bullying is also unlawful under the *Work Health and Safety Act 2020 (WA)* and the *Work Health and Safety (General) Regulations 2022 (WA)*.

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

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

Reasonable Management Action

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

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

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

Other Behaviours not considered to be Bullying.

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

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

What are the Ways in which Bullying can Occur?

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

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

Report it to a Supervisor, Manager or the CEO . You are also encourage to refer to the Grievance Policy and Grievance Procedure for steps to take if you think you are being discriminated against, sexually harassed or bullied, or if you suspect another employee is experiencing any of those things.

Support

The Shire engages the services of an external Employee Assistance Provider who can provide employees with confidential counselling. Please Manager Corporate Services for details of the Employee Assistance Provider.

Consequences of Breaching This Policy

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

Variation to This Policy

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

History	
Delegation	Nil
Relevant Legislation	<ul style="list-style-type: none"> • <i>Equal Opportunity Act 1984 (WA)</i> • <i>Sex Discrimination Act 1984</i> • <i>Fair Work Act 2009 Cth</i> • <i>Work Health and Safety Act 2020</i> • <i>Work Health and Safety Regulations 2022</i> • <i>WorkSafe WA How to manage work health and safety risks 2022</i> • <i>Work Health and Safety: Consultation, Cooperation and Coordination WA Code of Practice</i> • <i>Workplace behaviour Code of Practice</i> • <i>Psychosocial hazards in the workplace Code of Practice</i> • <i>Preventing workplace sexual harassment national guide Safe Work Australia</i>
Related Documentation	<i>Policy PC8 – Grievance, Investigations and Resolution Policy.</i>

12.8 PC8 - GRIEVANCE, INVESTIGATION AND RESOLUTION POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. PC8 - Grievance, Investigations and Resolution Policy ↓

SUMMARY:

Council is requested to consider the adoption of PC8 – Grievance, Investigation and Resolution Policy.

BACKGROUND:

The purpose of this Policy is to ensure employees have support to raise and seek resolution of genuine grievances.

The objective of this Policy is to provide all employees with a right to express any genuine grievances or complaints via an impartial internal process.

COMMENT:

This Policy applies to all Shire employees, including contractors, volunteers and any person performing work for or with the Shire in any capacity.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Works and Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7 Role of Council

1. The Council –
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Lack of transparency and accountability in decision making process
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	PC8 – Grievance, Investigation and Resolution Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt PC8 – Grievance, Investigation and Resolution Policy as presented, and approve its inclusion in the Policy Manual

Policy Title	PC8 – Grievance, Investigation and Resolution Policy
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

The Shire of West Arthur (the Shire) aims to provide a working environment that reflects our values, behaviors and specifically promotes safety, teamwork, and respectful treatment. From time to time, issues or conflict will arise causing an individual/s to feel aggrieved.

The purpose of this procedure is to ensure employees have support to raise and seek resolution of genuine grievances via an impartial internal process which is transparent and capable of review.

Scope

This procedure applies to all employees at the Shire. For the purposes of this policy, the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire in any capacity.

Note where there is an inconsistency between this procedure and an industrial instrument or agreement the instrument or agreement will take precedent.

Definitions

Bullying

Usually, but not exclusively, repeated and persistent unreasonable behaviour, which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- conduct which is intimidating, physically abusive or threatening,
- conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues,
- picking on one person where there is a common problem,
- consistently undermining someone and their ability to do their job,
- setting unrealistic targets or excessive workloads, or
- bullying via email (cyber-bullying).

Complainant:

A person who has a grievance regarding an employment related matter/incident/issue for which they feel aggrieved.

Defamation:

To slur or damage an individual’s good name or character as a result of making allegations concerning their conduct/behaviour.

Discrimination

Occurs when a person is treated less favourably in the workplace because of their age, breastfeeding, family responsibility, family status, gender history, impairment, marital status, political conviction, pregnancy, race, religious conviction, sex, sexual orientation or spent convictions

Employee Assistance Program (EAP):

An independent, confidential counselling service. Counsellors can provide advice and support on any personal matter and on any work related matters.

Formal Complaint/Grievance

Is defined whereby the Complainant submits a grievance in writing and a formal investigation is undertaken by a Grievance Officer

Harassment

Any conduct which is unwanted by the recipient, is considered objectionable, and causes humiliation, offence, distress or other detriment. It may be an isolated incident or repeated behaviour against one or more individuals. Harassment may be, but is not limited to:

- physical contact (ranging from touching to serious assault, gestures, intimidation, aggressive behaviour),
- verbal (unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language), or
- non-verbal (offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusion or isolation from social activities).

Informal Complaint/Grievance

Is defined as being where no formal complaint is made, and no formal investigation is undertaken.

Conciliation

A process where an impartial third party assists the Complainant and Respondent settle a complaint by mutual agreement.

Mediator

Is an individual who from a position of neutrality assists the Complainant and Respondent reach an agreed outcome that will resolve a grievance.

Mediation

Is defined as the process whereby the Complainant and Respondent with the assistance of a mediator systematically isolate disputed issues to develop options, consider alternatives and reach consensual formal agreement that will accommodate their needs.

Procedural Fairness:

The minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

Reasonable Management Action

Reasonable management action is an action carried out in a reasonable way which means:

- the behaviour must be management action;
- it must be reasonable for the management action to be taken, and
- the management action must be carried out in a manner that is reasonable.

Respondent

- A person or the Shire (itself) against whom a grievance is made regarding an employment related matter/incident/issue.

Support Person

- An individual (maybe a friend, family member, another employee (who does not have a conflict of interest) an external organisation representative) who can attend a meeting with an employee to provide emotional support and act as a witness. A support person cannot however advocate or speak on behalf of an employee.

Sexual Harassment

Unwelcome behaviour of a sexual nature which can reasonably be regarded as offensive, or which may cause the recipient to feel as if they will be disadvantaged if they object to it.

Victimisation

Subjecting a person to any detriment or threat of detriment because they have made or propose to make a complaint, made or propose to make a witness statement, assert a workplace right or are the subject of an allegation whether formal or informal which is the basis for a grievance under this policy.

Policy Statement

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

Who can lodge a grievance:

Any employee or volunteer of the Shire is able to raise a grievance under this policy however employees whose conditions of employment are covered by a common law contract should refer to the dispute resolution clause contained within their contract in the first instance.

What grievances/complaints can be raised under this procedure:

Under this procedure a grievance can be raised on a range of employment related matters such as;

- Workplace Bullying;
- Workplace Health and Safety;
- The interpretation and implementation of an employment contract;
- Access to learning and development opportunities;
- Code of conduct breaches;
- Work environment concerns;
- Other forms of unfair treatment that can adversely affect an individual;
- Allegations of fraud;
- Workplace Discrimination and harassment * (refer below)

Discrimination or harassment on any of the following grounds is unlawful under the Equal Opportunity Act of WA (1984):

- Age
- Pregnancy
- Breast feeding
- Impairment
- Sex
- Race
- Gender History
- Sexual Harassment
- Racial Harassment
- Marital Status
- Religious or Political Convictions

- Family Responsibility or Family Status
- Sexual Orientation
- Spent Convictions
- Criminal Convictions
- Impairment

Allegations of Criminal or Unlawful Conduct

It is important to be aware that in the event that a grievance relates to an unlawful action or activity in accordance with the Criminal Code, the Manager Corporate Services or if unavailable the Chief Executive Officer must be contacted immediately. Such matters will then be raised with the Police and/or other relevant agency along with the Shire Public Interest Disclosure Officer.

Excluded Matters

The following matters are deemed excluded from being investigated and resolved as a grievance under this policy:

Reasonable Management Action

The Chief Executive Officer may, upon written application from a party to a grievance; exclude a matter being progressed under this procedure if it is evident upon review that reasonable management action has been taken by a Manager and or Supervisor.

In reviewing whether a matter is to be excluded the Chief Executive Officer (CEO) acknowledges that Managers and Supervisors have rights and obligations to take appropriate management action and make appropriate management decisions. They need to be able to effectively direct and control the way work is carried out, respond to poor performance and, if necessary, take disciplinary action. In doing so, Managers and Supervisors are not 'bullying', but undertaking their roles through reasonable 'lawful' direction of an employees' performance.

The following are examples of what may constitute management action:

- Performance appraisals.
- Ongoing meetings to address underperformance.
- Counselling or disciplining an employee for misconduct.
- Modifying an employee's duties including transferring or redeploying the employee.
- Investigating alleged misconduct.
- Denying an employee, a benefit in relation to their employment
- Refusing an employee permission to return to work due to a medical condition

At the very least, to be considered reasonable, the action must be lawful and must not be 'irrational, absurd or ridiculous'.

Roles

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

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

Support Person – A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support but not advocate on a person's behalf. The exception to this is where an employee has a union delegate acting as a representative in a meeting.

Witness – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

Who can provide information in respect to process and options

An individual who believes they have grounds for a grievance can obtain information and support from the following sources

- **Chief Executive Officer;**
- **Manager/ Supervisor**
 - Managers/Supervisors are empowered to conciliate and mediate all grievances that are within the scope of their expertise and responsibilities. However, in the case of bullying, harassment and discrimination issues a Manager/Supervisor may only conciliate and are not able to formally investigate allegations unless experienced in workplace investigations and appointed either by the Manager Corporate Services or the CEO.
- **Public Information Disclosure Officer**
- **Health and Safety Representatives where established**

As a minimum the following information is to be provided to an individual by any of the above sources;

- A copy of this policy and an explanation of its content;
- An outline of the roles involved in a grievance;
- The options that an individual has in terms of resolving the issue either informally or formally
- Assurance of confidentiality and that Complainant is in control of the process at all times (the exception being if the issue is of a criminal nature or concerns the safety of others)
- Availability and access to the Employee Assistance Program (EAP), which provides a confidential counseling service for any personal or work-related issue.

Timeframe for lodging grievances

Individuals can raise a grievance within a reasonable time of the events against an employee (regardless of level or status), a group of employees, a volunteer, or a contractor unless it is an excluded matter. Where there is a delay in lodging a grievance, the Manager Corporate Services and or the CEO may ultimately determine, in consultation with the parties to the grievance, whether the time frame is reasonable. Where the time frame is deemed unreasonable a written response will be provided to the individual.

Confidentiality

It is important that all parties involved in a complaint maintain strict confidentiality and that the grievance is not discussed outside the authorised parameters. It is important to note a breach of confidentiality could lead to defamation of character, which is potentially unlawful. The Shire will take any victimisation or breach of confidentiality extremely seriously, which may include disciplinary action. Note the requirement for confidentiality within authorised parameters is to be maintained throughout the process, to the point of resolution and beyond.

Principles for resolution of grievances:

Reflecting the principles of procedural fairness whereby each party has the opportunity to have their say and be heard the primary emphasis in resolving grievances under this policy is on Conciliation and, if necessary, involving a third party to assist conciliate or mediate the grievance.

By having the primary emphasis on conciliation, it is intended that a grievance may be able to be resolved promptly, confidentially and at the lowest whilst achieving an outcome that all parties can accept. It will further ensure that after review if applicable the work area remains free from discrimination, bullying, harassment, and victimisation.

Other key principles that act as a guide to resolution of grievances under this policy are;

- Grievance issues shall be resolved as a matter of priority
- Grievances shall be taken seriously, and all efforts shall be made to resolve the grievance with sensitively, confidentially, preferably at the local level and using the existing management structure if possible.
- Grievances should be addressed and resolved in a feasible timeframe.
- Although a complaint may be lodged against an individual (the Respondent), there shall be no assumption of guilt. If a complaint is dealt with via a formal procedure, a decision shall only be made after thorough investigation produces evidence to either substantiate or dismiss the complaint.
- In investigating a grievance no action shall be taken without the consent of the Complainant (this does not apply to the application of outcomes determined from an investigation) unless the severity of the case deems it necessary (such as the safety of individual/others or if a criminal offence). If this is the case the Manager Corporate Services or if unavailable the CEO is to be informed immediately.
- The grievance processes shall operate within a general framework of cooperation and adherence to the principles of procedural fairness and equity with an emphasis on preventing further grievances and/or disputes.
- Individuals involved in a grievance are responsible and accountable for ensuring that the grievance is dealt with professionally and to uphold strict confidentiality.
- All employees have the right to raise legitimate grievances without the threat of adverse repercussion, including victimisation.
- All investigations and decisions will be made by person(s) who are impartial.
- The number of people involved in a complaint is to be kept to a minimum level necessary to effectively resolve an issue.
- As part of the focus on resolving grievances and to ensure procedural fairness the Complainant and Respondent will be afforded the opportunity to comment on the possible bias of any other person involved in the grievance resolution process.
- Decision makers must act fairly and without actual or perceived bias. Where an allegation of bias is raised against a decision maker the matter must be referred to the Manager Corporate Services or if against the Manager Corporate Services to the CEO to determine whether the decision maker can continue to act in relation to the matter.
- Those involved shall be informed about decisions and judgments that affect them however investigation reports will not be provided to Complainant, Respondent, or any witnesses.

What to do if you have a Grievance? - Grievance Resolution Options

Noting the rights of individuals to raise matters with external agencies Individual/s who wish to have a complaint/grievance addressed by this policy are provided with two options *:

- Informal Grievance Resolution and
- Formal Grievance Resolution

** Note however there is no diminution of the rights of any employee to seek a formal investigation of his/her claim in the event that a satisfactory resolution cannot be achieved through the informal conciliation process or diminution of the rights of any employee to raise the matter with an appropriate external agency at any stage.*

Informal grievance resolution mechanism

The grievance may or may not be in writing.

Efforts to try and resolve a grievance informally are encouraged as there are issues that do occur in the workplace that may be unintentional or misguided. It allows for positive action to be taken to correct or alter behaviour and focuses effort on putting working relationships onto a proper basis by clarifying what is regarded as acceptable behaviour and what is not.

This process allows management to develop and implement preventative measures throughout a work area without attributing blame to one person or another. This can be important when the grievance has been raised as a result of group behaviour or when what has been regarded as 'normal' behaviour is perceived as harassment or discrimination by someone new to the area.

A Complainant(s) who is aggrieved shall, where safe to do so, make it clear to the Respondent that it is their perception that Respondent's behaviour, or their decisions or actions are unfair or unacceptable and/or they are making the Complainant/s feel uncomfortable.

The Complainant may do this alone or may obtain assistance through conciliation facilitated by a supervisor, manager to resolve their grievance.

The purpose of the conciliation is to firstly explain fully the nature of the grievance to the Respondent. Throughout the discussions, the Respondent and the Complainant shall be supported and assisted to reach a mutually satisfactory solution to the issue.

If the attempts for resolution of the grievance through the informal process are not successful, or the Complainant feel unsafe to continue with an informal process the Complainant may elect to progress their grievance through the formal grievance mechanism.

Documentation for informal process of grievance resolution

- All parties involved in the informal resolution process may take notes about the grievance raised and what outcomes are sought by the Complainant(s) raising the grievance. Under no circumstances shall any documentation relating to an informal grievance be placed on a personal file.

Formal grievance resolution mechanism (grievance must be in writing)

The formal grievance resolution process is available when it is evident to parties involved that the informal grievance resolution process has not or will not resolve the grievance; or that resolution will be unreasonably complex and/or lengthy.

All formal grievances must be in writing. Harassment, discrimination, or workplace bullying issues able to be submitted to the CEO, Manager and or Supervisor.

The Complainant must clearly state in writing the nature of the grievance, providing where possible all facts and evidence that support the decision for lodging the grievance. If efforts have been made to try and resolve the grievance informally, these details should also be provided.

In managing a formal grievance, strategies in seeking to resolve the grievance may include conciliation, mediation, inquiry, or an investigation to assess substantive evidence.

If a grievance requires a workplace investigation, the Manager Corporate Services or CEO may appoint an Investigating Officer. The Investigating Officer may be an independent internal officer or an external consultant (experienced in human resource management and or work health and safety).

The Independent Investigating Officer report shall provide a report to the Manager Corporate Services or Chief Executive Officer if it relates to the Manager Corporate Services. As a guide only the report should include the following:

- Date formal grievance received;
- Details of the grievance;
- Action taken in investigating the grievance;
- Records of any interviews, including (where appropriate) witness statements;
- Facts established;
- Recommendations for action.

The report recommendations shall outline the proposed course of action to resolve the grievance and to prevent such a grievance from occurring again (where appropriate). The Manager Corporate Services or as appropriate the CEO shall make the final decision on the most appropriate course of action. Should a grievance be raised against the Manager Corporate Services o, the report with recommendations on the most appropriate course of action to resolve the grievance will be provided to the CEO.

Once the Manager Corporate Services/or CEO have made a decision, the Complainant and the Respondent are advised of the outcome personally and in writing. If, following an investigation, it is concluded that the grievance is unsubstantiated or unable to be concluded on the balance of probability, the Manager Corporate Services or CEO will explain this to the Complainant and the Respondent.

Note substantiated cases based upon the balance of probability following a grievance investigation may result in action being taken by the Shire. This action which may include disciplinary action and ultimately a review of an employee/employee's employment or in the case of a volunteer termination of their agreement with the Shire.

Documentation for formal process of grievance resolution

At the completion of the formal process, all documentation relating to the grievance is to be kept on a secured, confidential file specifically for grievance resolution. Note whilst the outcome of an investigation will be communicated to the Complainant/s and Respondent the investigation report is and will not be provided to either the Complainant or Respondent.

Appeals/other alternatives for grievance resolution

An individual may choose to contact an external agency to resolve a grievance at any stage or if the internal grievance resolution process does not resolve the issue from the perspective of the Complainant.

Depending on the issue, external agencies that an individual may wish to contact include:

- Corruption and Crime Commission
- Equal Opportunity Commission
- The Western Australian Industrial Relation Commission
- Police - 131 444
- Union Assistance
- WorkSafe Western Australia
- Human Rights Commission

Vexatious claims

It is expected that any grievance raised is done so in good faith and reflects the genuine concerns of an employee(s). If during a grievance investigation it is found that:

- The grievance is malicious;
- The grievance has been raised to upset or annoy a Respondent;
- The grievance is designed to get retribution against others; or
- The grievance has no basis in fact whatsoever.

then the grievance will be considered to be 'vexatious' and the Complainant advised as such. That in considering a grievance to be vexatious disciplinary action may be taken against a Complainant, including but not limited to, termination of employment.

Variation to This Policy

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

APPENDIX A

Informal versus Formal grievance procedures

INFORMAL	FORMAL
<ul style="list-style-type: none"> • Emphasis is on resolution not on substantiating the grievance. • Addresses individual grievance. • Does not follow prescribed step of guidelines. • Limited written records kept if any. • Resolution involves change in behaviour and work practice at individual level. 	<ul style="list-style-type: none"> • In addition to achieving a resolution, a judgment is required about whether the grievance is substantiated or not. • Follows prescribed steps and guidelines. • Strict guidelines about record keeping. • Usually involves senior management. • Specifies roles and responsibilities. • Resolution can involve change in behaviour and work practice at individual level as well as systematic and cultural change.

Informal Grievance Procedures

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> • Less intimidating because less punitive. • Because parties are more involved in resolution, there may be more committed to the resolution. • Grievances may be dealt with more speedily. • More likely to encourage open communication. • Flexible 	<ul style="list-style-type: none"> • Resolution not necessarily enforceable because the people involved may not have sufficient power to enforce an agreement. • Lack of guidelines means that procedures can be ad hoc and inconsistent. • May actually escalate problem if it is not with effectively. • No written records kept. If any legal action is taken the Shire has no record of the steps it has taken to try to remedy the situation.

Formal Grievance Procedure

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> • Greater consistency likely because steps of grievance procedure are specified in detail. Some formal grievance procedures contain guidelines for managers and investigators when dealing with grievances. • Formal record keeping usually means that documentation is relatively detailed and can be produced if required by outside agencies. • Outcomes are normally clear and enforceable even if a clear finding is not possible. • It makes the person who has been accused aware of the seriousness of the matter and of the potential consequences. • Resolution can be monitored. • Can deal with general problems in the workplace as well as specific grievance. • Greater chance that confidentiality will be maintained because formal grievance procedures often specify serious consequences for breaching confidentiality 	<ul style="list-style-type: none"> • The formality and potential punitive outcome may prevent people from using it. • Formality of procedure can inadvertently take choice and control away from the Complainant. • Can take longer than informal methods. • Less flexible because they usually follow prescribed steps.

History	
Delegation	Manager Corporate Services
Relevant Legislation	<ul style="list-style-type: none"> • <i>Industrial Relations Act 1979</i> • <i>Equal Opportunity Act 1984 (WA)</i> • <i>Sex Discrimination Act 1984</i> • <i>Work Health and Safety Act 2020</i> • <i>Work Health and Safety Regulations 2022</i>
Related Documentation	<i>Policy PC7– Discrimination, Harassment and Bullying Policy.</i>

12.9 PC9 - DISCIPLINARY POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. PC9 - Disciplinary Policy ↓

SUMMARY:

Council is requested to consider the adoption of PC9 - Disciplinary Policy.

BACKGROUND:

The purpose of this Policy is to ensure the maintenance of professional and appropriate behaviour in the workplace.

The objective of this Policy is to provide an equitable and consistent approach for dealing with unacceptable behaviour which does not meet the expected and communicated standards required from employees.

COMMENT:

This Policy applies to all Shire employees whilst at the workplace, on Shire business, and at Shire sponsored or funded functions or activities during and outside of work hours.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Works and Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7 Role of Council

1. The Council –
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Lack of transparency and accountability in decision making process
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	PC9 – Disciplinary Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt PC9 – Disciplinary Policy as presented, and approve its inclusion in the Policy Manual.

Policy Title	PC9 – Disciplinary Policy
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

The Shire of West Arthur (the Shire) aims to ensure the maintenance of professional and appropriate behaviour within the workplace.

The Disciplinary Policy provides an equitable and consistent approach for dealing with unacceptable behaviour (such as unsatisfactory work performance, misconduct) which does not meet the expected and communicated standards required from employees.

Scope

This policy applies to all employees whilst at the workplace, on Shire business, and at sponsored or funded functions, or activities, during and outside of work hours.

Other actions by employees outside of working hours may also fall within the scope of this policy if there is an impact on the employee’s ability or suitability to do their job, or the actions bring the Shire or its employees into disrepute.

If a discipline matter involves a criminal offence, it must not be dealt with under this process and will be referred to the appropriate authorities such as the Corruption and Crime Commission, Police.

This policy is applicable to the employment of employees but operates independently of their contract of employment and does not form part of it.

Definitions

Misconduct means conduct that includes, but is not limited to:

- Negligence in the performance of an Employee’s duties e.g., poor timekeeping (evidenced / documented over time or lateness or absenteeism without reasonable cause or approval);
- Misbehaviour (e.g., uncooperative attitude or being rude to internal/external employees and stakeholders);
- Refusal to carry out a lawful and / or reasonable instruction;
- Serious incompetence;
- Failure to properly discharge responsibilities; or
- A breach of the Shire’s Employee Code of Conduct Policy.

Serious misconduct means conduct that includes, but is not limited to:

- Conduct that causes imminent and serious risk to:
 - The health or safety of a person, animal or environments; or
 - The reputation, viability or profitability of the Shire;

- Failure to meet required standards or expectations as part of a formal performance improvement process;
- Theft or fraud;
- Physical/verbal threats or assault;
- Wilful or deliberate behaviour that is inconsistent with the continuation of the employee's employment;
- Malicious damage to company property; or
- Possession, or under the influence, of illegal drugs or alcohol;

Policy Statement

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

Commitment

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

Authority to take Disciplinary Action

Disciplinary action may only be taken when authorised by the Chief Executive Officer, Manager and or Supervisor.

When the Disciplinary Policy Applies

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

- breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or
- poor performance such as frequently attending for work late or producing a poor quality or work; or
- inappropriate personal behaviour such as theft, violating the Discrimination, Harassment and Bullying Policy, or wilfully disobeying a lawful instruction.
- fraud;
- dishonesty including theft;
- fighting;
- releasing confidential information without authorisation;
- conduct that includes imminent and serious risk to the reputation, viability, or profitability of the organisation
- serious neglect of duty
- gross insubordination and abuse
- serious and wilful disobedience.

General Disciplinary Principles

The following principles will apply to any disciplinary action taken.

- Nature of allegation and investigation: Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may ensue, in accordance with the Grievances, Investigations & Resolution Policy and Procedure.

- Right to a support person: Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of a support person is not to advocate on behalf of anyone, but to simply provide emotional or other support and should not have a conflict of interest in the disciplinary matter.
- Confidential: All parties must keep matters related to a disciplinary process confidential.
- Fair and impartial: The Shire strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

Other Disciplinary Action

Except for serious misconduct, where an employee has engaged in an act or omission which is inconsistent with any of the Shire of West Arthur’s Policies, the employee could be disciplined as follows:

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

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

Principles to be Applied.

Where disciplinary action is taken, the principles of procedural fairness must prevail.

Investigation Procedures for Alleged Misconduct

The Shire may conduct an investigation itself or appoint an independent workplace investigator to undertake an investigation into alleged misconduct. Where an allegation of misconduct is to be investigated an employee shall be notified and may be suspended with pay pending the outcome of an investigation process.

Reporting Obligations

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

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

Variation to this Policy

This policy may be cancelled or varied from time to time. Employees will be notified of any variation to this policy by the normal correspondence method.

History	
Delegation	Nil

<p>Relevant Legislation</p>	<p><i>Industrial Relations Act 1979</i> <i>Corruption and Crime Commission Act 2003 (WA)</i> <i>Public Interest Disclosure Act 2003 (WA)</i></p>
<p>Related Documentation</p>	<p><i>Employee Code of Conduct</i> <i>Policy PC7– Discrimination, Harassment and Bullying Policy.</i> <i>Policy PC8– Grievance, Investigation and Resolution Policy.</i></p>

12.10 PC10 - FITNESS FOR WORK POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. PC10 - Fitness for Work Policy ↓

SUMMARY:

Council is requested to consider the adoption of PC10 – Fitness for Work Policy.

BACKGROUND:

The purpose of this Policy is to protect all workers and other persons in areas that are work related.

The objective of this Policy is to confirm Shire's expectations regarding workers' fitness for work in relation to drugs, alcohol, and fatigue.

COMMENT:

This Policy applies to all Shire employees whilst at the workplace, on Shire business, and at Shire sponsored or funded functions or activities during and outside of work hours.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Works and Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7 Role of Council

1. The Council –
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Lack of transparency and accountability in decision making process
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	PC10 – Fitness for Work Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt PC10 – Fitness for Work Policy as presented, and approve its inclusion in the Policy Manual.

Policy Title	PC10 – Fitness For Work
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

The Shire of West Arthur (the Shire) aims to provide and maintain a workplace environment that not only protects the health and safety of all individuals in all work locations, while facilitating a productive workplace. A safe and productive work environment includes the respectful treatment of others in the workplace. The use of drugs and/or alcohol in the workplace may impair an individual’s ability to perform their work safely, efficiently and with respect for colleagues, and members of the public.

Under the Work Health and Safety Act 2020 the Shire has a duty of care to protect workers and other persons (e.g Councillor’s, Members of the Public) from known hazards and risks by its acts or omissions. This includes any impairment that may impact an individual’s fitness for work.

It is the Shire’s view that the consumption of drugs and/or alcohol, illness, fatigue and stress can impair an individual’s ability to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

The purpose of this fit for work policy is to protect all workers and other persons in areas that are work related.

This policy confirms the Shire’s expectations regarding workers’ fitness for work in relation to drugs, alcohol and fatigue and applies to all employees, volunteers, contractors, and councillors.

Scope

As a condition of working, volunteering for, or contracting to the Shire, all personnel agree to be bound by the requirements of this policy.

The obligations contained within this Policy further extend to all functions and places that are work-related. For example, conferences, work lunches or meetings, Social Club/Christmas parties, Contractor functions or workplaces etc

This policy is applicable to the employment of employees but operates independently of their contract of employment and does not form part of it.

Definitions

Alcohol – means ethyl alcohol or ethanol.

BAC – means Blood Alcohol Concentration as measured in milligrams of alcohol per 100ml of blood.

Candidate – For the purposes of this procedure, any worker who is participating in a fitness for duty test.

Chain-of-custody – A series of procedures to account for the integrity of each urine or oral fluid specimen by tracking its handling and storage from point of collection to final disposal of the specimen.

Confirmatory test – An analytical procedure that uses mass spectrometry to identify and quantify unequivocally a specific drug or metabolite.

Confirmed negative – A result at or below the target concentration following confirmatory testing.

Confirmed positive – A result above the target concentration following testing. This equates to; BAC (alcohol) - greater than 0.000 at test – Please note a drug test can only be confirmed positive following laboratory testing.

Drugs - includes illegal drugs and prescription or pharmacy medications.

Drug and Alcohol Tester – A Shire employee tasked with coordinating the Drug and Alcohol program on all Shire workplaces.

Employees – Persons employed by the Shire of West Arthur.

Fitness for Work – is when a person is able to undertake their duties, tasks and responsibilities of their role to the normal level of functioning and without suffering from fatigue, the influence of alcohol above the BAC limit, any drug and or any physical or mental health conditions that diminish their level of functioning below the level at which work is normally performed. For individuals with identified and recognised disabilities, the level of functioning required is to the standard normally expected on a regular and ongoing basis.

Fatigue - means weariness from bodily or mental exertion. Physical fatigue is the inability to continue functioning at the level of one's normal abilities. Mental fatigue includes decreased wakefulness or a general decrease in attention.

Incident – An 'incident' is an unplanned event that causes, or has the potential to cause, injury, damage to property, harm to the environment, financial loss or impact on the reputation of the organisation.

Laboratory – A laboratory to carry out chemical analysis in conformity to the requirements of AS/NZS 4308:2008 Procedures for the collection, detection and quantitation of drugs of abuse in urine and AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

NATA – National Association of Testing Authorities.

Non-negative result – This is an initial indicator from the swab (drugs) test that will require further laboratory testing.

Non-prescription Drugs - means any drug legally obtained but not prescribed by a medical practitioner including but not limited to "over the counter" medication.

Prescribed Drug – Any substance prescribed by a medical practitioner that has restriction or specific instructions associated with its use.

Worker – Includes Employees, Contractors, Visitors and other persons undertaking work or accessing areas under the Shire's control.

Policy Statement

This policy addresses drug and alcohol use in the workplace and management of fatigue and other fitness for work issues. The policy supports and is to be read in conjunction with the Disciplinary Policy.

The Shire has adopted a zero tolerance to impairment caused by alcohol and other drugs to ensure the obligation to provide a safe and healthy workplace is met.

A medical assessment will form part of the pre-employment checks on all persons who reach preferred applicant status for positions with the Shire. This assessment will include a drug and / or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

Responsibilities

CEO.

- Coordinating the random drug and alcohol testing program.
- Authorising Drug and Alcohol Testers.
- Ensuring the Policy is regularly reviewed, maintained and communicated.
- Ensuring sufficient budget for implementing Policy requirements.
- Implement disciplinary actions and a return to work program.

Manager Corporate Services

- Coordinate training on fitness for work
- Coordinating a random drug and alcohol testing program.
- Act as a Drug and Alcohol Tester.

Supervisor / Manager

- Taking prompt and appropriate action where they have reasonable cause to suspect an individual may not be fit for duty.
- Ensuring that adequate rest breaks are allowed between work periods to ensure that fatigue is managed.
- Contacting the CEO and or Manager Corporate Services for advice on the application of this policy, if needed.
- Identifying the possibility that a decline in work performance could be the result of illness, disability or other personal factors and may not be directly related to fatigue, alcohol or other drug use.
- Confidentially entering any breaches into the Shire's incident reporting system.

Employees

Except as set out in this policy, employees are not permitted to do the following:

- Possess, solicit, sell, distribute, or consume alcohol and or illicit drugs while at work
- Commence work when under the influence of illegal drugs
- Commence work if the legal BAC for their class of driver's licence, which may range from 0.00%, 0.02% or 0.05% BAC.
- Commence work if they are under the influence of drugs that affect their capacity
- Not commence work if in any doubt about their fitness for work.

An employee must:

- Advise their Supervisor/Manager? if they consider another person may be affected by drugs and/or alcohol, and is likely to compromise the safety of themselves or others
- Report to their Manger/Supervisor the loss or suspension of their driver's licence for any period due to blood alcohol readings and/or drugs as where a driver's licence is deemed an essential an inherent requirement of an employee's position
- Understand that they may be required to participate in a drug or alcohol test by an accredited external provider nominated by the Shire based on reasonable suspicion, or as a result of an accident, injury, or incident.
- Discuss with their doctor or pharmacist the requirements of their role and whether any prescribed or over the counter medication could impact on working safely, if taking prescription or pharmaceutical medication.
- Obtain a letter from the Doctor indicating what impacts could arise, where impacts are expected – all persons should also carefully read any information sheets provided with medication.
- Speak with their leading hand or manager if unsure as to fitness for work.

All Contractors are responsible for:

- Their employees whilst on or about Shire work locations at all times regarding fitness for work.
- Always Complying with this procedure whilst on Shire work locations.
- Maintaining their own fitness for duty policy and / or procedures which are, at a minimum, in line with this procedure whilst on or about Shire work locations.
- Implementing appropriate disciplinary actions for any worker who breaches this policy whilst on or about Shire work locations.

Drug & Alcohol Tester

- Responsible for ensuring adherence to testing procedures outlined in this Policy.
- Checking and testing equipment and kit prior to conducting testing.
- Maintaining relevant documentation.
- Coordinating training for testers.
- Maintaining and calibrating the monitoring equipment.
- Liaising with the CEO when a non-negative result is received.
- Liaising with a Medical Centre in relation to testing requirements and results.
- Ensuring adequate stocks of test kits and mouth pieces are available.

Information and Training

Workers will be made aware of Shire's fitness for work policy and their responsibilities through toolbox meetings and the Shire's induction process. The policy is available on the Shire's intranet.

The Shire will provide practical guidelines and training to relevant personnel on fitness for work issues.

Prescription and Non Prescription (Over The Count Drugs) and Non-Prescription Drugs

Where a worker is taking prescription or non-prescription drugs for a legitimate medical purpose, the worker will not be in breach of this policy by attending work, if:

- The worker takes the prescription and pharmacy drugs in accordance with the instructions of his/her medical practitioner and normal directions applying to the use of those drugs;
- The worker does not misuse or abuse prescription or pharmacy drugs;
- The employee informs himself/herself of the impact of alcohol on prescription and pharmacy drugs and limits their consumption accordingly and in compliance with this policy; and

- The employee checks with their medical practitioner or pharmacist about the effect of the drug on his/her ability to drive vehicles and generally perform their work duties in a safe manner.
- If upon request the Shire seeks the employee to provide written reasonable evidence that they are fit for their required duties and include any impacts of prescribed or non-prescribed drugs.

Consumption / Possession of Illicit Drugs/Alcohol at Work

In circumstances where the Shire suspects an employee is in possession of illicit drugs or alcohol (except as detailed within this policy), or is impaired by drugs or alcohol, the Shire may take any or all of the following actions:

- The Employee may be directed to go home;
- An investigation may be conducted to confirm possession / use of illicit drugs / alcohol within the workplace;
- The Employee may be directed to attend to a medical practitioner and submit to a medical examination to determine their fitness for work.

Exceptions to This Policy Regarding Consumption of Alcohol

In certain circumstances, the CEO may approve sensible and responsible consumption of alcohol such as for special functions, (e.g., Christmas parties, Social Club Events, End of Financial Year).

In these circumstances, any change or variation to this policy will be communicated accordingly in advance; however, the following principles will continue to apply at all work-related functions:

- Workers who consume alcohol should behave in an appropriate, legal, and responsible manner
- Workers must not operate any machinery if they have consumed any alcohol
- Workers must not drive any vehicle if they have or they believe they have an above BAC for their class of driver's licence, which may range from 0.00%, 0.02% or 0.05% BAC.
- Workers should ensure that alcohol is consumed in a responsible manner to ensure their compliance with "fit for work" requirements the following workday.
- Workers are to be mindful that work relationships and the reputation of the Shire can be adversely affected by poor behaviour;

Where alcohol is provided and or to be consumed as part of a Shire CEO approved 'special function', the Shire will ensure

- Non-alcoholic beverages, water and food will be provided;
- Staff functions have a start and end time, at which point the alcohol provided by the Shire will cease;
- Alcohol will not be served to intoxicated people;
- Alcohol will not be supplied to workers or guests below the legal drinking age; and
- Adequate notice will be provided to workers of the date and venue for staff functions, so that staff can ensure they have safe transportation to and from the venue.

Fatigue Management

All workers have a responsibility to present themselves fit for work on all occasions.

Workers also have an obligation to advise their Supervisor/Manager if they are feeling fatigued so that their fitness for work can be assessed and managed and appropriate remedies put into place to ensure their health, safety and wellbeing.

To assist workers to be fit for work they are also encouraged to:

- Adopt a healthier lifestyle, including maintaining an appropriate level of physical fitness relative to the requirements of their position description.
- Manage their activities and schedules outside of work time to ensure the required amount of sleep is maintained to ensure fitness for work.

Impairment Indicators

Impairment refers to an inability of an individual to safely undertake tasks at their normal level of concentration and performance. Impairment can be associated with a range of factors including fatigue, stress or anxiety, environmental factors (heat, dust, noise, chemicals), drug or alcohol use. Regardless of the reason, workers who are impaired must not be involved in tasks that could jeopardise their safety or that of others.

Managers and supervisors are responsible for approaching an individual to determine their fitness for work where they suspect a person may be impaired.

The potential impact on work performance and / or safety of the person or other workers is to be discussed.

Drug or alcohol indicators: Sign may include:

- Smell of alcohol on the breath or person.
- Slurred or incoherent speech.
- Unsteadiness.
- Red, bloodshot or watery eyes.
- Flushed or ruddy face.
- Noticeably smaller or larger pupils.
- Lack of or poor muscle coordination.
- Over-excitement or agitation.
- Difficulty with simple instructions.
- Drowsiness or falling asleep.
- Difficulty in concentrating.
- Poor balance and coordination.
- Loss of inhibitions.
- Aggressive or argumentative behaviour.
- habitual lateness for work.

Fatigue Indicators include:

- Not feeling refreshed after sleep.
- A greater tendency to fall asleep while at work.

- More frequent naps during leisure hours.
- Feelings of sleepiness.
- Extended sleep during days off.
- Increased errors and loss of concentration at work.

Sleep Indicators include.

- A drowsy feeling.
- Blurred vision.
- Difficulty keeping eyes open.
- Head nodding.
- Excessive yawning.
- Repeatedly drifting out of lane if driving.

Alcohol and Drug Testing

Taking part in random alcohol and other drug testing is a condition of entry to any Shire work location.

A worker may also be requested to provide a test sample to a representative of the Shire or a Shire appointed testing agency where:

- There is reasonable suspicion or cause that the worker may be under the influence of alcohol or other drugs.
- A worker has been directly or significantly involved in any incident.
- The worker is returning to work after an alcohol or other drug rehabilitation program.
- The worker's behaviour indicates impairment.
- The worker commits any act of neglect or carelessness or breach of safety requirements.
- A material decline in work performance or work attendance or any other irrational behaviour is apparent.
- The worker has contravened the Shire's fitness for duty requirements in terms of alcohol or other drug use.

Refusing a Test

Where an individual refuses to participate in testing, the disciplinary consequences shall be explained to the individual and the request repeated.

Further, refusal to participate or failing to attend for testing shall be deemed as a failed screening result and the individual concerned shall have the disciplinary process applied.

Cause and Suspicion Testing

a) Cause Testing

Cause testing may be conducted on any Shire employee or contractor directly involved in an incident.

b) Suspicion Testing

Where a supervisor or manager has reasonable suspicion, a worker may be under the influence of drugs or alcohol, the leading hand or manager has reasonable cause to test the identified person.

Cause and Suspicion Testing may be conducted by one authorised tester who will conduct the required tests in compliance with this Policy and relevant guidelines.

Workplace Assistance for Substance Abuse Problem

Shire employees who have a substance abuse problem are encouraged to speak with any of the following people for confidential advice and assistance:

- Chief Executive Officer
- Manager Corporate Services
- Their Manager
- A Safety and Health Representative (SHR) where appointed.

The Shire employee shall be referred to the Employee Assistance Program (EAP) in the first instance. Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Shire will provide assistance to the employee.

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

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the manager will review the full circumstances and agree on a course of action to be taken.

This may include redeployment to suitable alternative employment, or possible termination of employment if the employee is unable to safely carry out the requirements of their role.

Alcohol**Alcohol Test Results**

In the event an employee or other person tests positive to alcohol, the following shall apply;

- a) The individual will not be allowed to return to the Shire workplace until the Shire is satisfied that actions taken are appropriate & acceptable and include the provision of a negative test result prior to restarting.
- b) Test results are captured using the Drug and Alcohol Positive / Negative Test Record. For a Shire employee, the results will be placed on the employee's personnel file and disciplinary action taken. For any other worker, the employing organisation will be notified immediately, and an incident logged (confidentially) in Shire's incident system.
- c) The worker is to relocate to an amenities room to wait for a - Confirmatory Breath Test. During
- d) this wait period the candidate must not undertake work tasks, nor will they be able to smoke or consume any fluid or food until after the second test has been completed.
- e) After the worker relocates to an amenities room, they will be retested after 20 minutes. If the BAC content reading has fallen to 0.000 the candidate may resume their normal duties, otherwise they must be escorted from the workplace and not allowed to resume duties for the duration of that working day.
- f) If required to leave the workplace and the BAC is below the legal driving limit, it is acceptable to for the person to drive. Otherwise, the Shire will make alternative arrangements for them to be transported to their accommodation / home.
- g) Where disciplinary action is to be taken, full consideration will be given to relevant circumstances and any mitigating information/matters.

Calibration of Test Equipment

Equipment used for alcohol breath testing must be calibrated in accordance with Australian Standard AS/ANZ 3547 Breath Alcohol Testing Device for Personnel Use.

A calibration certificate is issued when the Shire Breath Analyser unit is recalibrated.

Calibration certificates are to be recorded in Shire's safety management system and a hard copy kept with Governance Executive Officer's files where it can be readily produced.

Drugs**Initial Drug Screen**

The Shire reserves the right to conduct screening tests for the presence of drugs in any manner allowable under the Australian Standards.

If a candidate returns a non-negative screening test result, the urine sample collected as per AS/NZ 4308:2008 requirements shall be sent to an accredited laboratory for confirmation testing.

If at any time the Shire's Drug and Alcohol Testers experience aggressive or potentially threatening behaviour the police will be called to attend.

Actions Post Drug Screen Test – Including Non-Negative Result

Action for negative initial screening test – all workers & councillors

- Thank the person for their participation.
- Complete required documentation and move on to the next person.

Action for non-negative initial screening test – all workers and councillors;

- Inform the worker of the result and relocate them to an appropriate and discrete room or area.
- Contact the worker's manager or CEO and advise them of the situation and the requirements identified below.
- The manager will contact the Shire's preferred Medical Centre to advise that a non-negative drug screening test has occurred.
- The sample is to be immediately delivered by the Tester or relevant manager/CEO to the Medical Centre for dispatch to an accredited laboratory for confirmation testing.
- The manager will relocate the worker to their place of residence, in an appropriate manner.
- Period during wait for test results.
 - All workers will be stood down from their duties until the test results have cleared them to return to work.
 - Test results will be provided confidentially and directly to the relevant manager, nominated at the point the sample is delivered to the Medical Centre. The results will be confidentially discussed upon receipt with the relevant manager and/or the CEO or if a contractor, to the nominated Supervisor / Manager. The worker must also receive a duplicate copy of the test results.
 - If the test is returned negative in line with prescription or over the counter drugs nominated by the candidate, the worker will be permitted to return to work.
 - If the test is confirmed positive or not in line with prescribed or over the counter medication, appropriate actions will be taken depending upon the worker either being a Shire employee or a contractor.

Laboratory Testing of Urine

The only recognised standard that currently exists for the collection and analysis of human fluid samples for toxicological purposes in a laboratory setting is AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The Shire will use NATA laboratories that are accredited to Class 10.61.16 Drugs for Toxicological Purposes. This standard is important as it guarantees the technical quality and integrity of the tests.

Testing must follow a rigorous set of procedures and shall be consistent with the requirements of AS/NZS 4308:2008. This standard requires the time, place and details of each person handling the sample to be documented (chain of custody) and for confidentiality of the process to be respected.

Drug Screen Cut-Off Levels

Confirmatory test cut-off levels for positive test results are to be in accordance with AS/NZS 4308 Procedures for specimen collection and the detection and quantification of drugs of abuse in urine. These levels may vary as Australian Standards are amended.

The categories of drugs and substances prohibited by the Shire as per AS/NZS 4308 are:

- Alcohol - An employee with a - BAC of more than 0.000%.
- Opiates - Morphine, codeine and monoacetylmorphine.
- Sympathomimetic amines - Amphetamines, methylamphetamine, methylenedioxymethamphetamine (MDMA), phentermine, including ephedrine and pseudoephedrine.
- Cannabis metabolites - Tetrahydrocannabinol-9-carboxylic acid (THC).
- Cocaine metabolites - Benzoylecgonine and ecgonine methyl ester.
- Benzodiazepines – Oxazepam, temazepam, flunitrazepam, diazepam, nitrazepam, clonazepam or their metabolites.

The Shire reserves the right to have tests carried out for all substances that may cause impairment.

Return To Work Following a Positive (Failed) Test - Shire Employee

If the confirmation is positive for a drug of abuse, the Shire employee will be required to attend counselling for drug and dependency issues.

A final warning will be issued and the employee will be subject to a structured return to work program that will include at least two (2) unannounced drug screening tests, in addition to the Shire's normal random testing program, over the following twelve months.

If the employee refuses dependency counselling, the employee's employment will be terminated.

If a further positive test is taken for a drug of abuse the employee's employment will be terminated.

A return-to-work plan will be arranged through the Corporate Services Manager and agreed to along the lines of existing return to work programs and can be gradual or total (depending on the advice of the provider, the employee's doctors and the criticality of the work performed by the employee).

Return To Work Following a Positive (Failed) Test – Contractors and Other Personnel

In the event a contractor or volunteer returns a positive result, the worker's Supervisor will be advised immediately and their contractor, volunteer's Fit for Work and Disciplinary procedures will be followed.

Contractors, labour-hire and other personnel working for the Shire are required to participate in this fitness for work procedure as well as the procedures which apply in the event of a confirmed positive test for alcohol or other drugs.

All contractor organisations are required to have made their own arrangements for suitable testing, breach and support regimes for the personnel they are managing and / or providing.

In the event a worker tests positive to alcohol or drugs their employer, volunteer coordinator will be notified so that appropriate action can be taken.

The worker will have their duties for the Shire suspended and will not be allowed to return to a Shire workplace until they provide a negative test result.

Any actions taken by the employing company to prevent reoccurrence must be to the satisfaction of the Shire and be appropriate and acceptable.

The CShire may also request a return to work plan that would place controls to prevent further breaches of this policy. Failure to meet the requirements or follow an agreed plan would mean further suspension of the worker's ability to perform work in any Shire workplace.

Privacy and Confidentiality

Confidentiality is fundamental in order to protect the privacy of individuals. To ensure the highest level of confidentiality is maintained:

- Conversations relating to work performance, or the misuse of alcohol or other drugs will be confidential and conducted in private.
- Documentation relating to the implementation of this procedure must be kept confidential.

Record Keeping

The privacy of any records relating to work performance and counselling, treatment or rehabilitation must be securely protected. Records should only focus on the drug and/or alcohol issues as they relate to work readiness and performance. All records are to be retained on the employee's personnel file and archived and disposed of in accordance with organisational disposal schedules for personnel records.

Breach of This Policy

Employees are expected to always comply with this Policy. If an Employee is found to have breached this Policy, they may be subjected to disciplinary action which may include termination of employment.

Contractors and sub-contractors (including temporary contractors) of the company who are found to have breached this policy may have their contracts with the Shire terminated or subsequently not renewed.

In circumstances where a worker's behaviour or conduct may involve a breach of any Australian laws or any other laws to which the Shire is subject or which apply to the work performed by the worker for the Shire, the Shire will notify the police, and the Corruption and Crime Commission or other relevant authority where required to do so.

Variations and Reviews

The Shire reserves the right to vary, replace or terminate this policy from time to time. This policy will be reviewed annually by the Executive Team with final approval by the CEO.

History	
Delegation	Nil
Relevant Legislation	<p><i>Work Health and Safety Act 2020</i> <i>Work Health and Safety (General) Regulations 2022</i> <i>AS/NZS 4801-2001</i></p> <p><i>Codes of Practice:</i></p> <ul style="list-style-type: none"> • <i>Psychosocial Hazards in the workplace</i> • <i>Violence and aggression in the workplace</i> • <i>Work health and safety consultation, cooperation and coordination</i> • <i>Workplace behaviour</i>
Related Documentation	<p><i>Employee Code of Conduct</i> <i>Policy PC1– Work Health & Safety Policy.</i> <i>Policy PC9– Disciplinary Policy.</i></p>

12.11 ACCOUNTS FOR PAYMENT LISTING - OCTOBER 2023

File Reference:	ADM338
Location:	N/A
Applicant:	N/A
Author:	Kylie Whitaker, Finance Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. Accounts for Payment Listing - October 2023 ↓ 2. Corporate Card Summary - 30 August to 28 September 2023 ↓

SUMMARY:

Council is requested to endorse payments of accounts for October 2023 as listed and note the attached credit card transactions.

BACKGROUND:

The schedule of accounts for payment is included as an attachment for Council information.

COMMENT:

If you have any questions regarding payments in the listing please contact the office prior to the Council meeting.

CONSULTATION:

No consultation required.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making
 - (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
 - (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
 - (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;
and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS:

Policy F20 – Purchasing and Tenders Policy
Policy F2 – Corporate Transaction Cards Policy

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported expenditure is assessed by management as being consistent with the adopted Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management

- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Unauthorised (or incorrectly authorised) payments being made
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Major (4)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	Payments listing provided to Council each month

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council;

1. in accordance with section 13 of the Financial Management Regulations of the Local Government Act 1995 and in accordance with delegation, note Municipal Fund vouchers 09102023.1-09102023.48, 10102023.1, 20102023.1-20102023.33, Licensing, Salaries and Wages, EFT Transfers and Direct Debits totalling \$366,035.01 listed (attached) as approved for payment; and
2. note the attached transaction summary of the Corporate Credit Card facility from 30 August to 28 September 2023.

**Shire of West Arthur
Cheque Detail
October 2023**

Date	Num	Name	Original Amount
4/10/2023	DIRECTDEBIT	SYNERGY USAGE AND SERVICE CHARGE ON MOODIARRUP HALL	128.73
4/10/2023	DIRECTDEBIT	SYNERGY USAGE AND SERVICE CHARGE ON LAKE TOWERINNING	124.55
9/10/2023	DIRECTDEBIT	SYNERGY USAGE AND SERVICE CHARGE ON CRC, DURANILLIN HALL, DURANILLIN SCHOOL AND TOWN DAM	1,348.28
9/10/2023	DIRECTDEBIT	WATER CORPORATION USAGE AND SERVICE CHARGE ON VARIOUS SHIRE PROPERTIES	3,424.09
9/10/2023	09102023.1	AIR LIQUIDE FACILITY FEE ON CYLINDERS	49.28
9/10/2023	09102023.2	ALBANY RECORDS MANAGEMENT COLLECTION OF RECORDS FOR SHREDDING	165.00
9/10/2023	09102023.3	AUSTRALIA POST TRANSFER OF PLATES	10.60
9/10/2023	09102023.4	BELL, SHARON LEIGH REIMBURSEMENT FOR BIKE MONTH EVENT AND SENIORS MEALS GROCERIES	516.90
9/10/2023	09102023.5	BUNCE, GEOFF REIMBURSEMENT FOR PAVING PAINT FOR NEW POOL ABLUTIONS	337.33
9/10/2023	09102023.6	BURGESS RAWSON WATER CONSUMPTION FOR ROSE GARDEN FOR THE PERIOD 1/8/23 2/10/23	126.15
9/10/2023	09102023.7	CEMETERIES AND CREMATORIA ASSOCIATION WA ORDINARY MEMBERSHIP 23/24	130.00
9/10/2023	09102023.8	CLOUD PAYMENT GROUP RATE RECOVERY FOR A921 AND A950	1,501.50
9/10/2023	09102023.9	COUNTRY ROAD CONTRACTING PTY LTD GRAVEL PUSHING AT CLARKE RD AND BOKAL SOUTH RD	18,489.60
9/10/2023	09102023.10	CR (PRES) NEIL MORRELL COUNCILLOR FEES FOR 1ST QUARTER 23/24	3,306.87
9/10/2023	09102023.11	DEPARTMENT OF MINES, IND REG AND SAFETY BSL REMITTANCE TELFER ROAD, DARKAN (KEYBROOK HOLDINGS) PERMIT GRANTED 09/10/23	61.65
9/10/2023	09102023.12	DEPARTMENT OF TRANSPORT TRELIS ONLY REJECTED PAYMENT FOR 13 SEPT	74.20
9/10/2023	09102023.13	DKM WORKPLACE SOLUTIONS 2023/2024 WORKPLACE ANNUAL SUBSCRIPTION AND DRAFT CCC RESPONSE REPORT WITH RECOMMENDED ATTACHMENTS	2,530.00
9/10/2023	09102023.14	EASIFLEET MANAGEMENT MOUNTSVILLE PTY LTD SALARY SACRIFICE PAYMENTS BUNCE MONTH TO 1/10/23	1,318.99
9/10/2023	09102023.15	EXURBAN RURAL AND REGIONAL PLANNING GENERAL TOWN PLANNING CONSULTANCY SERVICES PROVIDED IN SEPT 2023	1,699.50
9/10/2023	09102023.16	FAY, GLEN CARAVAN PARK BOOKING CANCELLED 12/13 SEPT 23	25.00
9/10/2023	09102023.17	FLEAYS STORE OFFICE REFRESHMENTS SEPT 23	32.25
9/10/2023	09102023.18	FORDHAM LAMONT, V TELSTRA MOBILE DATA SERVICE 15/9 14/10/23	90.00
9/10/2023	09102023.19	FUEL DISTRIBUTORS OF WA SURCHARGE FOR NON PUMA SERVICE STATIONS	2.20
9/10/2023	09102023.20	GREAT AUSSIE STOCK AIDS 1 x FAST FILL TRAILER FOR ARTHUR RIVER BFB, DARKAN BFB AND DURANILLIN BFB (INC 12 MONTHS REGISTRATION)	30,607.50
9/10/2023	09102023.21	GREAT SOUTHERN FUEL SUPPLIES AWH68 HYDRAULIC OIL 205L	2,259.92
9/10/2023	09102023.22	HARRINGTON, GARY REIMBURSE CANCELLED CHALET BOOKINGS 2 CHALETS 13/10 14/10	340.00
9/10/2023	09102023.23	HERSEY'S SAFETY PTY LTD SAFETY GLASSES, SUNSCREEN, GLOVES, BAGS OF RAGS, POST HOLE SHOVEL, BROOM AND SHOVEL HANDLES TAPE MEASURE, EARPLUGS, GUIDE POSTS, RED AND WHITE DELINIATOR, JERRY CANS, RAKES.	4,043.85
9/10/2023	09102023.24	LUSH FIRE & PLANNING GENERAL PLANNING MATTERS	572.00
9/10/2023	09102023.25	MCLEODS BARRISTERS AND SOLICITORS ADVICE PROPERTY SALE	179.85
9/10/2023	09102023.26	MERRETT, GLENN. DRIVERS LICENCE APPLICATION AND RENEWAL	76.00
9/10/2023	09102023.27	MR WETWALL HOMEBASE PTY LTD CARRARA MARBLE MATT SHEETING	659.85
9/10/2023	09102023.28	NARROGIN FREIGHTLINES SIGMA AND MR WETWALL FREIGHT	330.82
9/10/2023	09102023.29	OFFICEWORKS A4 POSTER FRAME SILVER	39.00
9/10/2023	09102023.30	PETROLTEC PTY LTD DEPOT SMART FILL & FUEL PUMPS	2,555.85
9/10/2023	09102023.31	PFD FOOD SERVICES PTY LTD CONTAINERS AND LIDS FOR SENIORS MEALS	82.75
9/10/2023	09102023.32	QHSE INTEGRATED SOLUTIONS PTY LTD T/AS SK SKYTRUST MONTHLY SUBSCRIPTION OCTOBER 2023	218.90
9/10/2023	09102023.33	R MUNNS ENGINEERING CONSULTING SERVICES ROMAN DATABASE UPDATE OF 22/23 YEAR RAMM DATA	522.50
9/10/2023	09102023.34	RJ SMITH ENGINEERING GLENORCHY BRIDGE EMERGENCY REPAIRS ADDED BANDING REQUESTED BY MAIN ROADS	7,000.00
9/10/2023	09102023.35	SHIRE OF DUMBLEYUNG WHEATBELT DEVELOPMENT COMMISSION FWDL KEY WORKER ACCOMMODATION LOCAL HOUSING PLANS AND PRELIMINARY REPORT	7,150.00
9/10/2023	09102023.36	SOS OFFICE EQUIPMENT PHOTOCOPIER BILLING SEPT 2023 XEROX APEOSPORT C4570	430.63
9/10/2023	09102023.37	SPRYS MEAT MARKET MEAT FOR SENIORS MEALS	441.51

**Shire of West Arthur
Cheque Detail
October 2023**

Date	Num	Name	Original Amount
9/10/2023	09102023.38	ST JOHN AMBULANCE AUSTRALIA BUSH BRIGADES (OUTDOOR FIRST AID KIT AND BURNS KIT)	242.28
9/10/2023	09102023.39	STARTRACK EXPRESS FREIGHT FOR DAVID NOWLAND HYDRAULICS	70.08
9/10/2023	09102023.40	WA CONTRACT RANGER SERVICES PTY LTD RANGER SERVICES 11 AND 19 SEPT 2023	654.50
9/10/2023	09102023.41	WALGA BUSINESS SOLUTIONS PREPARATION PROGRAM TO INDUCT NEWLY ELECTED MEMBERS VIRTUAL 13 SEPT	324.50
9/10/2023	09102023.46	WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIAT COUNCILLOR TRAINING - 8 JULY 2023 - STRATEGIC POLICY DEVELOPMENT - CR KAREN HARRINGTON	583.00
9/10/2023	09102023.47	WESTCOAST SEAFOOD 3KG PACIFIC DORY FOR SENIORS MEALS	69.00
9/10/2023	09102023.48	WESTRAC BUNBURY PARTS AND REPAIRS - R10, G11	1,273.42
0/10/2023	10102023.1	FORDHAM LAMONT, V REIMBURSEMENT FOR COMPANY DIRECTORS COURSE (AS PER CEO ANNUAL REVIEW) 1/12/23	5,300.00
12/10/2023	EFT	SALARIES AND WAGES PAYROLL	64,586.81
2/10/2023	DIRECTDEBIT	ASGARD SUPER FORTNIGHTLY SUPERANNUATION PAYMENT	200.87
2/10/2023	DIRECTDEBIT	AUSTRALIAN ETHICAL SUPER FUND FORTNIGHTLY SUPERANNUATION PAYMENT	125.85
2/10/2023	DIRECTDEBIT	AUSTRALIAN RETIREMENT TRUST FORTNIGHTLY SUPERANNUATION PAYMENT	284.68
2/10/2023	DIRECTDEBIT	AUSTRALIAN SUPER FORTNIGHTLY SUPERANNUATION PAYMENT	2,351.41
2/10/2023	DIRECTDEBIT	AWARE SUPER FORTNIGHTLY SUPERANNUATION PAYMENT	7,454.20
2/10/2023	DIRECTDEBIT	COLONIAL FIRST STATE FORTNIGHTLY SUPERANNUATION PAYMENT	865.97
2/10/2023	DIRECTDEBIT	D AND K MELBOURNE SUPERANNUATION FUND FORTNIGHTLY SUPERANNUATION PAYMENT	303.32
2/10/2023	DIRECTDEBIT	HESTA SUPER FUND FORTNIGHTLY SUPERANNUATION PAYMENT	14.91
2/10/2023	DIRECTDEBIT	PRIME SUPER FORTNIGHTLY SUPERANNUATION PAYMENT	268.98
7/10/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK NAB CONNECT FEES	47.74
0/10/2023	DIRECTDEBIT	RENTFIND TECHNOLOGIES PTY LTD STAFF HOUSING AND JOINT VENTURE HOUSING SOFTWARE	22.00
0/10/2023	DIRECTDEBIT	TELSTRA USAGE AND SUPPLY FOR MOBILES FOR WORKS MANAGER, MCS, MECHANIC, LEADING HAND, BUILDER, CPARK, OFFICE ; DEPOT WIFI; OFFICE AND CRC DATA AND INTERNET; SWIMMING POOL DATA; ADMIN, CRC, DEPOT AND POOL PHONE LINE; DEPOT WIFI; OFFICE DONGLE; DATA FOR HOUSING AND C PARK IPAD; MCS AND WORKS MANAGER NETGEAR.	2,844.13
0/10/2023	DIRECTDEBIT	WATER CORPORATION SERVICE CHARGE FOR GROWDEN PLACE STANDPIPE REAR 1/9/23 31/10/23	312.82
0/10/2023	BPAY	CR ADAM SQUIRES AUSTRALIANSUPER COUNCILLOR NOMINATION REFUND	100.00
0/10/2023	BPAY	NAB CREDIT CARD SHIRE DEPOT DATA, ACCOMM AT KOOMBANA BAY HOTEL W'CARE CONFERENCE, LG FREESTANDING DWASHER, WALGA CONFERENCE	460.00
0/10/2023	20102023.1	ADROIT INFORMATION MANAGEMENT SUPPORT HOURS FOR RECORD KEEPING	5,610.00
0/10/2023	20102023.2	ARCHAE AUS PTY LTD PROJECT MANAGEMENT HILLMAN NATURE RESERVE WALK TRAIL	2,588.58
0/10/2023	20102023.3	BELL, SHARON LEIGH REIMBURSEMENT FOR GROCERIES FOR SENIORS MEALS AND TRAVEL FOR HIKING FORUM	197.05
0/10/2023	20102023.4	BODDINGTON MEDICAL CENTRE FUEL REIMBURSEMENT FOR DOCTOR FOR PERIOD: 6/7 28/9/23	665.00
0/10/2023	20102023.5	BUNBURY MACHINERY PARTS AND REPAIRS - L16	896.50
0/10/2023	20102023.6	COLLIE MOWERS & MORE OREGON CHAIN GRINDER	1,100.00
0/10/2023	20102023.7	CR (PRES) NEIL MORRELL COUNCILLOR NOMINATION REFUND	100.00
0/10/2023	20102023.8	CR GRAEME PEIRCE LAKESIDE CAMPING COUNCILLORS FEES FOR 1ST QUARTER 23/24	1,452.22
0/10/2023	20102023.9	CR ROBYN LUBCKE COUNCILLORS FEES FOR 1ST QUARTER 23/24	1,377.22
0/10/2023	20102023.10	DAVID NOWLAND HYDRAULICS GANI GEAR PUMP 40 SERIES 63CC UNI MOUNT LEFT ROTATION T4 TRUCK	1,155.00
0/10/2023	20102023.11	DEPARTMENT OF FIRE AND EMERGENCY SERVICES ESL FOR SHIRE PROPERTIES	2,254.00
0/10/2023	20102023.12	FLEAYS STORE GROCERIES FOR SENIORS MEALS SEPT23	760.10
0/10/2023	20102023.13	FORDHAM LAMONT, V TELSTRA DATA PLAN REIMBURSEMENT	90.00
0/10/2023	20102023.14	INFINITUM TECHNOLOGIES PTY LTD MANAGED SERVICE AGREEMENT GOLD 1/10/23 31/10/23	3,538.48
0/10/2023	20102023.15	LANDGATE GEOSPATIAL DATA AND RURAL UV INTERIM VALUATION SHARED	212.10
0/10/2023	20102023.16	MARKET CREATIONS WEBSITE REFRESH	6,402.00

**Shire of West Arthur
Cheque Detail
October 2023**

Date	Num	Name	Original Amount
0/10/2023	20102023.17	MORRELL, NICKI	614.61
		REIMBURSEMENT FOR TRAVEL AND MEALS FOR DEBT COLLECTION COURSE AND NARROGIN PROFESSIONAL DEVELOPMENT COURSE	
0/10/2023	20102023.18	NARROGIN FREIGHTLINES	94.70
		MR WETWALL FREIGHT FOR POOL	
0/10/2023	20102023.19	NARROGIN SMASH REPAIRS	300.00
		MECHANIC UTE 2021 MITSUBISHI TRITON 1HLN209	
0/10/2023	20102023.20	PEDERICK ENGINEERING	191.95
		L9 BACKHOE BLOWN 1/2" HOSE. NEW 1200MM SECTION HOSE AND CRIMPED JOINERS.	
0/10/2023	20102023.21	RESONLINE PTY LTD	220.00
		CARAVAN PARK ROOM MANAGER SUPPORT SERVICES 23/24	
0/10/2023	20102023.22	SHIRE OF NARROGIN	440.00
		PROFESSIONAL DEVELOPMENT TRAINING TAHNEE AND NICKI 10/10/23	
0/10/2023	20102023.23	SOUTH WEST FIRE COLLIE	32,352.12
		BUSH BRIGADES ESL (B SERVICE & REPAIRS DARKAN FIRE TRUCK)	
0/10/2023	20102023.24	STATEWIDE BEARINGS	45.10
		ROLLER LOCK WSHER BEARING TIMKEN TW118	
0/10/2023	20102023.25	TEAM GLOBAL EXPRESS	167.56
		HERSEYS, STATE LIBRARY AND WESTRAC FREIGHT	
0/10/2023	20102023.26	THOMSON'S AUTO PARTS	168.00
		GREASE CARTRIDGES X2 BOXES	
0/10/2023	20102023.27	TRUCKLINE	1,573.00
		PARTS AND REPAIRS - T1	
0/10/2023	20102023.28	WA CONTRACT RANGER SERVICES PTY LTD	467.50
		RANGER SERVICES 26/9 AND 5/10/23	
0/10/2023	20102023.29	WALGA BUSINESS SOLUTIONS	2,836.70
		TRAINING & DEVELOPMENT (CERTI III IN LOCAL GOVT TAHNEE) & WALGA DEBT RECOVERY COURSE NICKI MORRELL AND KYLIE WHITAKER	
0/10/2023	20102023.30	WARREN BLACKWOOD WASTE	2,905.30
		DOMESTIC AND COMMERCIAL WASTE AND RECYCLING - SEPTEMBER 2023	
0/10/2023	20102023.31	WESTRAC BUNBURY	670.04
		PART AND REPAIRS - G11 AND R10	
0/10/2023	20102023.32	WHITAKER, G & K	525.39
		REIMBURSEMENT FOR TRAVEL, MEALS AND PARKING FOR WALGA DEBT COLLECTORS WORKSHOP	
0/10/2023	20102023.33	WURTH AUSTRALIA PTY LTD	379.39
		UNIVERSAL BRAKE CLEANER 20L AND FREIGHT	
5/10/2023	BPAY	ATO	25,773.00
		GST SEPT 23 AND PAYG SEPT 23	
26/10/2023	EFT	SALARIES AND WAGES	66,719.35
		PAYROLL	
6/10/2023	DIRECTDEBIT	ASGARD SUPER	374.36
		FORTNIGHTLY SUPERANNUATION PAYMENT	
6/10/2023	DIRECTDEBIT	AUSTRALIAN ETHICAL SUPER FUND	130.54
		FORTNIGHTLY SUPERANNUATION PAYMENT	
6/10/2023	DIRECTDEBIT	AUSTRALIAN RETIREMENT TRUST	284.32
		FORTNIGHTLY SUPERANNUATION PAYMENT	
6/10/2023	DIRECTDEBIT	AUSTRALIAN SUPER	2,565.76
		FORTNIGHTLY SUPERANNUATION PAYMENT	
6/10/2023	DIRECTDEBIT	AWARE SUPER	7,579.02
		FORTNIGHTLY SUPERANNUATION PAYMENT	
6/10/2023	DIRECTDEBIT	COLONIAL FIRST STATE	960.75
		FORTNIGHTLY SUPERANNUATION PAYMENT	
6/10/2023	DIRECTDEBIT	D AND K MELBOURNE SUPERANNUATION FUND	307.81
		FORTNIGHTLY SUPERANNUATION PAYMENT	
6/10/2023	DIRECTDEBIT	PRIME SUPER	269.19
		FORTNIGHTLY SUPERANNUATION PAYMENT	
1/10/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	10.00
		ACCOUNT 086852 508314385 FEES	
1/10/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	82.70
		ACCOUNT 086724 508314385 FEES	
1/10/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	573.80
		MERCHANT FEE 009185958	
MUNICIPAL FUND		VOUCHERS	AMOUNT
		09102023.1-09102023.48	93,330.51
		10102023.1	5,300.00
		20102023.1-20102023.33	72,349.61
		EFT	0.00
		DIRECT DEBIT	33,260.78
		BPAY	26,333.00
		SALARIES & WAGES	131,306.16
		LICENSING OCTOBER 2023 TRANSFERS	4154.95
		TOTAL	366,035.01

SHIRE OF WEST ARTHUR PAYMENTS OF ACCOUNTS BY NAB VISA CARD FOR THE STATEMENT PERIOD: 30 August -28 September 2023				
DATE	PAYEE	DESCRIPTION	EXPENSE DESCRIPTION	AMOUNT
13-Sep-23	Starlink	Shire depot internet	Land and Buildings:AT Cost:L & B Expenditure 2022-23:Office- Shire de	\$139.00
CARD 1 PAYMENTS				
RAJINDER SUNNER Cardholder Name		<i>R Sunner</i>	VINCENT FORDHAM LAMONT Authorised By Name	
VINCENT FORDHAM LAMONT Cardholder Name		<i>V Fordham Lamont</i>		
CARD 2 PAYMENTS				
25-Sep-23	Narrogin Betta Home Living	Freestanding Dishwasher	HOUSING-Community Housing:Housing Other	\$999.00
GARY RASMUSSEN Cardholder Name		<i>G Rasmussen</i>	VINCENT FORDHAM LAMONT Authorised By Name	
VINCENT FORDHAM LAMONT Cardholder Name		<i>V Fordham Lamont</i>		
CARD 3 PAYMENTS				
31-Aug-23	Bunbury Hotel Koombana	Accommodation for Workcare Conference	#N/A	\$181.24
18-Sep-23	Crown Promenade	Accommodation for WALGA Conference for Karen Harrington	GOVERNANCE:Members:Members Conference Expenses	\$859.24
18-Sep-23	Crown Promenade	Cancellation and refund of Vin's and Karens accommodation	GOVERNANCE:Members:Members Conference Expenses	-\$1,718.48
TOTAL NAB VISA CARD PAYMENTS 4336-XXXX-XXXX-7507 \$460.00				
Date Due for Payment				23-Oct-23

Kylie Whitaker, Finance Officer have reviewed the NAB visa card payments and confirm that from the descriptions on the documentation provided that:

- all transactions are expenses incurred by the Shire of West Arthur;
- all purchases have been made in accordance with the Shire of West Arthur policies and procedures;
- all purchases are in accordance with the Local Government Act 1995 and associated regulations;
- no misuse of the corporate card is evident.

DATE: 20/10/2023

Kylie Whitaker *[Signature]*



Forest to Wheatbelt

12.12 FINANCIAL REPORTS - OCTOBER 2023

File Reference:	ADM339
Location:	N/A
Applicant:	N/A
Author:	Melinda King, Manager Financial Reporting
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. Financial Reports - October 2023 (under separate cover)

SUMMARY:

Council is requested to consider the financial reports for the period ending 31 October 2023.

BACKGROUND:

The financial reports for the period ending 31 October 2023 are included as attachments.

COMMENT:

If you have any questions regarding details in the financial reports, please contact the office prior to Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

CONSULTATION:

Not required.

STATUTORY ENVIRONMENT:

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the relevant month) in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the relevant month; and
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported income and expenditure will be assessed by management as being consistent with the 2023/24 Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Ensure that the local community is provided with value for money through the prudent expenditure of rates

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Not preparing monthly financial statement which affects Council’s ability to oversee the Shire’s financial management.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Prepare monthly financial statement for Council

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the financial reports for the period ending 31 October 2023 as presented.

12.13 NEW DELEGATION - 2.2.1 AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

File Reference:	ADM058
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. 2.2.1 Agreement as to Payment of Rates and Service Charges

SUMMARY:

Council is requested to consider approving a new Delegation – 2.2.1 Agreement as to Payment of Rates and Service Charges.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* provides for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- a) this Act other than those referred to in section 5.43; or
- b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

COMMENT:

The Delegation Register was accepted at the April 2023 Ordinary Meeting of Council.

The Shire has developed a new Policy, F28 – Revenue Collection, replacing the existing Policy F13 – Debt Collection. The new Policy is more in detail and fits with our current practice of Revenue Collection. As part of the new Policy there is a need for a new Delegation to satisfy the new Revenue Collection Policy.

The delegation of certain decision-making powers will expedite the processing of transactions.

Council should accept the new delegation in the attachment.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Financial Reporting

STATUTORY ENVIRONMENT:*Local Government Act 1995*

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

s.5.44 CEO may delegate some powers and duties to other employees

POLICY IMPLICATIONS:

F28 – Revenue Collection

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management..
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Managing Debts through lack of delegation and sub-delegations from the CEO.
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(9) Medium
Principal Risk Theme	Business Disruption
Risk Action Plan (Controls or Treatment Proposed)	Endorse updated Delegations Register and apply appropriate delegations.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council note and accept Delegation – 2.2.1 Agreement as to Payment of Rates and Service Charges as presented, and approve its inclusion in the Delegation Register.

Delegation Title:	2.2.1 Agreement as to Payment of Rates and Service Charges
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s6.49]
Council Conditions on this Delegation:	a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by the council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services LGA s6.47 - concessions on rates for an individual or group can only be agreed by an absolute majority of council. Under LGA s6.49 a LG may enter into a payment arrangement with a person. This delegation allows the MCS to enter into such a payment agreement.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49], on the provision that the payment agreement clears all outstanding debt owing to the shire within the current financial year. 2. Approval of making an agreement must be made in writing.
<i>Compliance Links:</i>	<i>Council Policy F28 – Revenue Collection</i> <i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire’s Record Keeping Plan

Version Control:

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12.14 NEW DELEGATION - 2.2.2 DETERMINE DUE DATE FOR RATES OR SERVICE CHARGES

File Reference:	ADM058
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. 2.2.2 Determine Due Date for Rates and Services Charges

SUMMARY:

Council is requested to consider approving a new Delegation – 2.2.2 Determine Due Date for Rates or Service Charges.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* provides for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- a) this Act other than those referred to in section 5.43; or
- b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

COMMENT:

The Delegation Register was accepted at the April 2023 Ordinary Meeting of Council.

The Shire has developed a new Policy, F28 – Revenue Collection, replacing the existing Policy F13 – Debt Collection. The new Policy is more in detail and fits with our current practice of Revenue Collection. As part of the new Policy there is a need for a new Delegation to satisfy the new Revenue Collection Policy.

The delegation of certain decision-making powers will expedite the processing of transactions.

Council should accept the new delegation in the attachment.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Financial Reporting

STATUTORY ENVIRONMENT:*Local Government Act 1995*

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

s.5.44 CEO may delegate some powers and duties to other employees

POLICY IMPLICATIONS:

F28 – Revenue Collection

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Managing Debts through lack of delegation and sub-delegations from the CEO.
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(9) Medium
Principal Risk Theme	Business Disruption
Risk Action Plan (Controls or Treatment Proposed)	Endorse updated Delegations Register and apply appropriate delegations.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council note and accept Delegation – 2.2.2 Determine Due Date for Rates or Service Charges as presented, and approve its inclusion in the Delegation Register.

Delegation Title:	2.2.2 Determine Due Date for Rates or Service Charges
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable..
Delegate:	Chief Executive Officer
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.50]
Council Conditions on this Delegation:	a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by the council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services LGA s6.50 LG to determine when the rate or service fee is payable. This delegation gives the MCS the authority to determine the due date for payment.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
<i>Compliance Links:</i>	<i>Council Policy F28 – Revenue Collection</i> <i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire’s Record Keeping Plan

Version Control:

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12.15 NEW DELEGATION - 2.2.3 RECOVERY OF RATES OR SERVICE CHARGES

File Reference:	ADM058
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. 2.2.3 Recovery of Rates or Service Charges ↓

SUMMARY:

Council is requested to consider approving a new Delegation – 2.2.3 Recovery of Rates or Service Charges.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* provides for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- a) this Act other than those referred to in section 5.43; or
- b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

COMMENT:

The Delegation Register was accepted at the April 2023 Ordinary Meeting of Council.

The Shire has developed a new Policy, F28 – Revenue Collection, replacing the existing Policy F13 – Debt Collection. The new Policy is more in detail and fits with our current practice of Revenue Collection. As part of the new Policy there is a need for a new Delegation to satisfy the new Revenue Collection Policy.

The delegation of certain decision-making powers will expedite the processing of transactions.

Council should accept the new delegation in the attachment.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Financial Reporting

STATUTORY ENVIRONMENT:

Local Government Act 1995

- s.5.42 Delegation of some powers or duties to the CEO
- s.5.43 Limitations on delegations to the CEO

s.5.44 CEO may delegate some powers and duties to other employees

POLICY IMPLICATIONS:

F28 – Revenue Collection

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Managing Debts through lack of delegation and sub-delegations from the CEO.
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(9) Medium
Principal Risk Theme	Business Disruption
Risk Action Plan (Controls or Treatment Proposed)	Endorse updated Delegations Register and apply appropriate delegations.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council note and accept Delegation – 2.2.3 Recovery of Rates or Service Charges as presented, and approve its inclusion in the Delegation Register.

Delegation Title:	2.2.3 Recovery of Rates or Service Charges
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court..
Delegate:	Chief Executive Officer
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].
Council Conditions on this Delegation:	a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by the council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services LGA s 6.56 unpaid rates may be recovered by a LG through the courts. This delegation gives the MCS the right to initiate court proceedings to recover unpaid rates or service fees.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
<i>Compliance Links:</i>	<i>Council Policy F28 – Revenue Collection</i> <i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire’s Record Keeping Plan

Version Control:

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12.16 NEW DELEGATION - 2.2.4 RECOVERY OF RATE DEBTS - REQUIRE LESSEE TO PAY RENT

File Reference:	ADM058
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. 2.2.4 Recovery of Rate Debts - Require Lessee to Pay Rent

SUMMARY:

Council is requested to consider approving a new Delegation – 2.2.4 Recovery of Rate Debts – Require Lessee to Pay Rent.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* provides for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- a) this Act other than those referred to in section 5.43; or
- b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

COMMENT:

The Delegation Register was accepted at the April 2023 Ordinary Meeting of Council.

The Shire has developed a new Policy, F28 – Revenue Collection, replacing the existing Policy F13 – Debt Collection. The new Policy is more in detail and fits with our current practice of Revenue Collection. As part of the new Policy there is a need for a new Delegation to satisfy the new Revenue Collection Policy.

The delegation of certain decision-making powers will expedite the processing of transactions.

Council should accept the new delegation in the attachment.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Financial Reporting

STATUTORY ENVIRONMENT:*Local Government Act 1995*

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

s.5.44 CEO may delegate some powers and duties to other employees

POLICY IMPLICATIONS:

F28 – Revenue Collection

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Managing Debts through lack of delegation and sub-delegations from the CEO.
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(9) Medium
Principal Risk Theme	Business Disruption
Risk Action Plan (Controls or Treatment Proposed)	Endorse updated Delegations Register and apply appropriate delegations.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council note and accept Delegation – 2.2.4 Recovery of Rate Debts – Require Lessee to Pay Rent as presented, and approve its inclusion in the Delegation Register.

Delegation Title:	2.2.4 Recovery of Rate Debts – Require Lessee to Pay Rent
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)]. 2. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]
Council Conditions on this Delegation:	a. Exercising of delegation to be in accordance with any policies or strategies formally adopted by the council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services LGA s6.60 - allows the LG to recover unpaid rates from the lessee and outlines the process. This delegation gives the MCS the authority to initiate rates recover action against a lessee (of any property).
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
<i>Compliance Links:</i>	<i>Council Policy F28 – Revenue Collection</i> <i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire’s Record Keeping Plan

Version Control:

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12.17 NEW DELEGATION - 2.2.5 RECOVERY OF RATE DEBTS - ACTION TO TAKE POSSESSION OF THE LAND

File Reference:	ADM058
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. 2.2.5 Recovery of Rate Debts - Actions to Take Possession of the Land ↓

SUMMARY:

Council is requested to consider approving a new Delegation – 2.2.5 Recovery of Rate Debts – Action to Take Possession of the Land.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* provides for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- a) this Act other than those referred to in section 5.43; or
- b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

COMMENT:

The Delegation Register was accepted at the April 2023 Ordinary Meeting of Council.

The Shire has developed a new Policy, F28 – Revenue Collection, replacing the existing Policy F13 – Debt Collection. The new Policy is more in detail and fits with our current practice of Revenue Collection. As part of the new Policy there is a need for a new Delegation to satisfy the new Revenue Collection Policy.

The delegation of certain decision-making powers will expedite the processing of transactions.

Council should accept the new delegation in the attachment.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services
Manager Financial Reporting

STATUTORY ENVIRONMENT:

Local Government Act 1995

- s.5.42 Delegation of some powers or duties to the CEO
- s.5.43 Limitations on delegations to the CEO
- s.5.44 CEO may delegate some powers and duties to other employees

POLICY IMPLICATIONS:

F28 – Revenue Collection

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Managing Debts through lack of delegation and sub-delegations from the CEO.
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(9) Medium
Principal Risk Theme	Business Disruption.
Risk Action Plan (Controls or Treatment Proposed)	Endorse updated Delegations Register and apply appropriate delegations.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council note and accept Delegation – 2.2.5 Recovery of Rates Debts – Action to Take Possession of the Land as presented, and approve its inclusion in the Delegation Register.

Delegation Title:	2.2.5 Recovery of Rate Debts – Actions to Take Possession of the Land
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i></p> <p>s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings. s.6.71 Power to transfer land to Crown or local government. s.6.74 Power to have land revested in Crown if rates in arrears 3 years.</p>
Delegate:	COUNCIL Only
<p>Function:</p> <p><i>This is a precis only.</i></p> <p><i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. II. cause the land to be transferred to the Shire [s.6.71]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. 3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes b. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
<i>Compliance Links:</i>	<i>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</i> <i>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</i> <i>Council Policy F28 – Revenue Collection</i>
<i>Record Keeping:</i>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire’s Record Keeping Plan

Version Control:

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12.18 DELEGATION AMENDMENT - 2.2 DEFER, GRANT DISCOUNTS, WAIVE OR WRITE OFF DEBTS

File Reference:	ADM058
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Attachments:	1. 2.2 Defer, Grant Discounts, Waive Or Write Off Debts ↓

SUMMARY:

Council is requested to consider approving the proposed amendments to the existing delegation – 2.2 Defer, Grant Discounts, Waive or Write Off Debts.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* provides for a local government to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- a) this Act other than those referred to in section 5.43; or
- b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

COMMENT:

The Delegation Register was accepted at the April 2023 Ordinary Meeting of Council.

The Shire has developed a new Policy, F28 – Revenue Collection, replacing the existing Policy F13 – Debt Collection. The new Policy is more in detail and fits with our current practice of Revenue Collection. As part of the new Policy there is a need for a new Delegation to satisfy the new Revenue Collection Policy.

The delegation of certain decision-making powers will expedite the processing of transactions.

Council should accept the new delegation in the attachment.

CONSULTATION:

Chief Executive Officer
Manager Corporate Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

- s.5.42 Delegation of some powers or duties to the CEO
- s.5.43 Limitations on delegations to the CEO

s.5.44 CEO may delegate some powers and duties to other employees

POLICY IMPLICATIONS:

F28 – Revenue Collection

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Managing Debts through lack of delegation and sub-delegations from the CEO.
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(9) Medium
Principal Risk Theme	Business Disruption
Risk Action Plan (Controls or Treatment Proposed)	Endorse updated Delegations Register and apply appropriate delegations.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council note and accept the amendments to the existing Delegation – 2.2 Defer, Grant Discounts, Waive or Write Off Debts.

Delegation Title:	2.2 Defer, Grant Discounts, Waive or Write Off Debts
Express Power to Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i></p> <p>s.6.12 Power to defer, grant discounts, waive or write off debts</p> <p>LGA s6.12(1)(a) requires an absolute majority of councillors approving a discount when adopting budget. However, 6.12(3) allows the LG to apply any conditions to the waiving or granting of concessions in relation to any amount owing other than amounts owing in respect to rates or services charges. LGA s6.12(3) allows a LG to write of any amount of money.</p>
Delegate:	<p>Chief Executive Officer</p> <ol style="list-style-type: none"> 1. Write of any debt (Including Rates and Charges) to council valued below \$300 or cumulative debts of a debtor valued below \$500. Write off of debts greater than these values must be referred to Council. 2. Write-off a rates or service charge debt up to \$200 in accordance with the Financial Hardship Policy (2.7) [s.6.12(1)(c) & (2)].
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>The Chief Executive Officer is delegated authority to exercise the powers and duties of the local government in respect to:</p> <p>Waive a debt which is owed to the Shire [s.6.12(1)(b)].</p> <p>Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)].</p> <p>Write off an amount of money which is owed to the Shire [s.6.12(1)(c)].</p>
Council Conditions on this Delegation:	<p>Write-off a rates or service charge debt up to \$200 in accordance with the Financial Hardship Policy [s.6.12(1)(c) & (2)].</p> <ol style="list-style-type: none"> a. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$300 or cumulative debts of a debtor valued below \$500. Write off of debts greater than these values must be referred for Council decision. b. Exercising of delegation to be in accordance with any policies or strategies formally adopted by Council. c. Despite other indications in this delegation, where the proposed donation is considered by the Chief Executive Officer to be of a contentious nature, a decision on a proposed donation is to be determined by the Council.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$300. Write off of debts greater than these values must be referred for CEO decision.
<i>Compliance Links:</i>	<i>Council Policy F28 – Revenue Collection</i> <i>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</i>
<i>Record Keeping:</i>	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19 Maintain records of decisions that are in accordance with the Shire’s Record Keeping Plan

Version Control:

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13 WORKS AND SERVICES

Nil

14 REGULATORY SERVICES**14.1 WELLINGTON SPECIAL CONTROL AREA**

File Reference:	ADM206
Author:	Geoffrey Lush, Planning Consultant
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Location:	Shire of West Arthur
Applicant:	N/A
Owner:	N/A
Proposal:	N/A
Attachments:	1. Local Planning Policy No 4 with DWER Submission

SUMMARY:

Council is requested to consider final adoption of the Local Planning Policy No 4 to streamline the processing of development applications within the Wellington Reservoir Catchment Special Control Area of the Scheme.

BACKGROUND:

Council at its Meeting on the 28 September 2023 Council resolved to advertise draft Local Planning Policy No 4 for a period of 21 days. This was done publishing the draft Policy in the Community Newspaper and on the Shire website.

The Policy was also referred to the Department of Water and Environmental Regulation.

The Wellington Reservoir catchment is gazetted under the Country Areas Water Source Supply (CAWS) Act 1947. The catchment is no longer a Public Drinking Water Source Area (PDWSA) and the constraints relating to land uses and activities to protect drinking water no longer apply. However, the clearing of native vegetation in the catchment is still restricted in order to prevent further salinisation of water resources.

Clause 6.2. of the Scheme contains provisions relating to the Wellington Reservoir Catchment Special Control Area. It stipulates that:

- Planning approval is required for all development including a single house; and

All applications are to be referred to the Department of Water and Environmental Regulation (DWER) and the local government is to have due regard to recommendations/advice received from the Department when determining applications.

COMMENT:

The purpose of the Special Control Areas is to prevent the pollution of water within the special control area by:

- Avoiding development of land that could cause surface water pollution; and
- Maintain or restore water quality to potable levels.

In addition to seeking general comments on the draft Policy DWER was specifically requested to provide advice on:

1. The appropriate default setback for development from any defined water course,
2. What is considered to be defined water course.

The advice from the Department is summarised as follows:

Development Setbacks

Development shall be setback a minimum 30 metres from waterways, and subject to a risk assessment if less than 100 metres in accordance with State Planning Policy 2.9, Planning for Water.

For on-site wastewater systems, setbacks shall be subject to the principals of the Government Sewerage Policy being 100 metres of a waterway or wetland and not within a waterway foreshore area or wetland buffer.

Defined Water Course

The State Government Shared Location Information Platform (SLIP) website contains a Hydrography Linear Hierarchy for water courses being:

- Mainstream;
- Major River;
- Minor River;
- Significant Stream;
- Major Tributary; and
- Minor Tributary.

The Department submitted that given the status of the Wellington catchment, and the community values attached to the receiving bodies of the Collie River East and South Branches, it is considered that other stream lines should be considered in LPP4.

To administer this, it will be necessary that in responding to any planning query that the officer will need to access the SLIP portal and check the location of the development in relation to the defined water courses.

This is a more general issue which is relevant to the Local Planning Strategy. The applications which Local Planning Policy No 4 will apply too is primarily single dwellings and sheds. Any other application, where setback distances from a Water Course are likely to have been referred to DWER anyway.

The Department also reiterates its previous advice on this matter:

1. There is no general objection to residential development in the Wellington Catchment,
2. Referral is a matter of judgement and the legalities of the Local Planning Scheme,
3. Clearing of native vegetation and/or interference with waterways are flags for referral; and
4. The referral of applications for single dwellings and farm sheds would appear unnecessary, where:
 - there is no clearing of native vegetation; and
 - the development is appropriately setback from any defined water course.

Delegation

In addition to the Local Planning Policy, it is also proposed to amend the delegation powers to the CEO to provide for the approval of applications, which if the site was not located in the Special Control Area that:

- No development application would be required; and/or
- Such an application is already delegated.

This would specifically apply to:

- a) Single dwellings, including any extension, ancillary outbuildings and swimming pools which elsewhere are a (P) permitted use in the Residential, Rural Residential or Rural zones; and

Farm sheds which elsewhere do not need an approval when they comply with LPP No 2 Rural Sheds.

CONSULTATION:

A draft Local Planning Policy is required to be advertised for a minimum period of 21 days by:

- A notice in the local community newspaper;
- Notification to all the affected landowners; and
- Publication on the Shire web site.

STATUTORY ENVIRONMENT:Planning and Development (Local Planning Schemes) Regulations 2015

The provisions for the preparation and adoption of a Local Planning Policy are contained in Clause 3 – 6 of Division 2, Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.

POLICY IMPLICATIONS:

The development of Local Planning Policies is a recognised planning tool to assist in the administration of the Local Planning Scheme.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC IMPLICATIONS:

Shire of West Arthur's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025 Outcome 4.4 – Appropriate planning and development

- Review and develop town planning policies including a policy with regards to sea containers.
- Review and update the Shire Policy Register to reflect current policies and develop new policies relevant to recent regulatory changes.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management

- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Loss of reputation, hindering development
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (6)
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure the Council and community are aware of the benefits of establishing a policy to balance the need to streamline development applications while also recognising the environmental importance of the catchment area.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

- 1 That pursuant to Schedule 2 Clause 4(3) of the Planning and Development (Local Planning Scheme) Regulations 2015, Council adopt Local Planning Policy No 4 Wellington Catchment (as contained in Attachment 1) which incorporates the advice from DWER.
- 2 That Notice of the adoption be published in the Local Newspaper pursuant to Clause 4(4).
- 3 That subject to the provisions of Local Planning Policies 1 Permitted Development, 2 Rural Sheds and 3 Heritage Policy; Council delegate to the CEO the determination of development applications within the Wellington Catchment Special Control Area for:
 - a) Permitted (P) uses;
 - b) Single dwellings, including any extension, ancillary outbuildings and swimming pools; and
 - c) Farm sheds

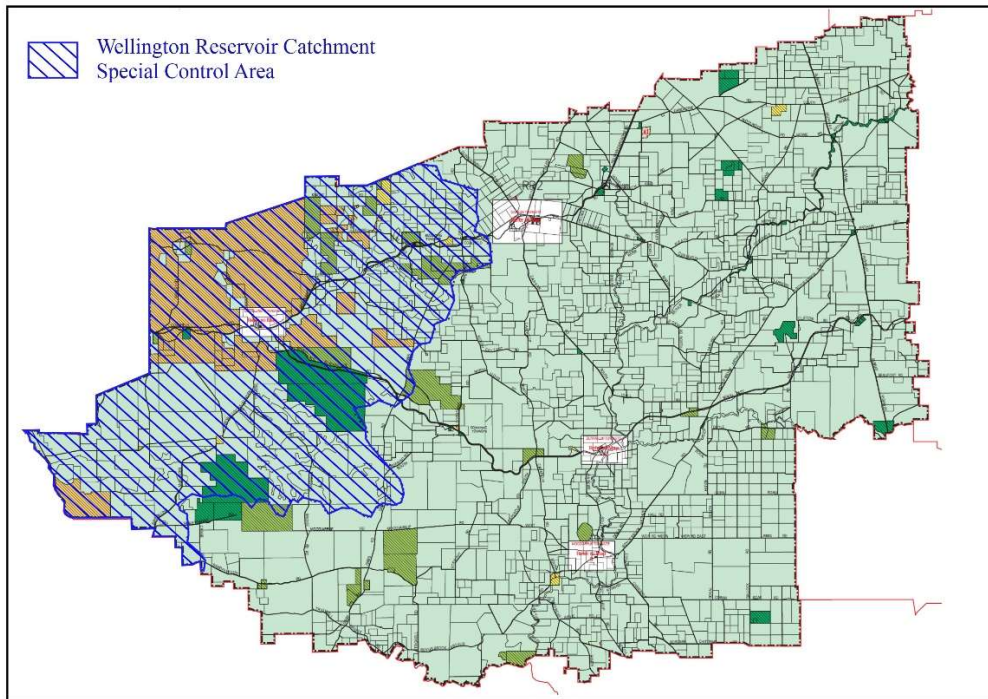
Shire of West Arthur

LOCAL PLANNING POLICY NO 4

WELLINGTON CATCHMENT

Policy Area

This Policy applies to land within the Wellington Reservoir Catchment Special Control Area as designated in Local Planning Scheme No 2 and shown below.



Background

The Wellington Reservoir catchment is gazetted under the Country Areas Water Source Supply (CAWS) Act 1947. The clearing of native vegetation in this area is restricted to prevent further salinisation of water resources. However, it is no longer a Public Drinking Water Source Area (PDWSA) and the constraints relating to land uses and activities to protect drinking water no longer apply.

Clause 6.2. of the Local Planning Scheme No 2 contains provisions relating to the Wellington Reservoir Catchment Special Control Area. It stipulates that:

- Planning approval is required for all development including a single house; and
- All applications are to be referred to the Department of Water and Environmental Regulation (DWER) and the local government is to have due regard to recommendations/advice received from the Department when determining applications.

DWER has advised Council that:

1. There is no general objection to residential development in the Wellington Catchment,

2. Referral is a matter of judgement and the legalities of the Local Planning Scheme,
3. Clearing of native vegetation and/or interference with waterways are flags for referral; and
4. That the referral of applications for single dwellings and farm sheds would appear unnecessary, where:
 - There is no clearing of native vegetation; and
 - The development is appropriately setback from any defined water course.

Objective

- ❖ To clarify the processing and referral of development applications; and
- ❖ To prevent the pollution of water within the special control area.

Policy Statement

- A) For the purpose of administrating the provisions of Clause 6.2. of the Scheme:
- The previous advice from the Department of Water and Environmental Regulation is deemed to satisfy the need refer an application pursuant to Clause 6.2.4 of the Scheme where the application is consistent with that advice being that there is no objection to development in the Wellington Catchment where there is no clearing of native vegetation and the development is setback appropriately from any defined water course*.
 - That approval of an application consistent with that advice satisfies the requirement of Clause 6.2.4 for the local government to have due regard to recommendations/advice received from the Department when determining applications.
- B) That any development approval shall include conditions and / or advice notes reinforcing that any clearing of native vegetation within the catchment requires the approval of the DWER.

Notes

- * Watercourses are shown on the Hydrography Linear Hierarchy (DWER – 031) layer on the State Government Shared Location Information Platform (SLIP) website <https://maps.slip.wa.gov.au/landgate/locate/>

The minimum development setback is 30 metres from a defined water course and 100m for on-site wastewater systems.

14.2 OUTBUILDINGS LOCAL PLANNING POLICY

File Reference:	ADM206
Author:	Geoffrey Lush, Planning Consultant
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/11/2023
Disclosure of Interest:	Nil
Location:	Shire of West Arthur
Applicant:	N/A
Owner:	N/A
Proposal:	N/A
Attachments:	1. Shire LPP Comparison Table ↓ 2. Draft Local Planning Policy No.6 Outbuildings ↓

SUMMARY:

Council is requested to consider the adoption and advertising of draft Local Planning Policy No 6 Outbuildings for the residential and rural residential zones.

BACKGROUND:

Council at its Meeting of the 27 April 2023 considered the review of Local Planning Scheme No 2 and identified a number of issues for which a local planning policy should be prepared for. This included sheds on residential properties and sea containers.

The purpose of this report is to consider the potential town planning issues associated with the domestic sheds / outbuildings. This primarily relates to residential lots and then secondly to rural residential lots.

Domestic sheds / outbuildings in the residential zone are subject to the provisions of the R-Codes. This defines an "outbuilding" as an enclosed non-habitable structure that is detached from any dwelling. The design objective is that outbuildings do not detract from the streetscape or the visual amenity of residents or neighbouring properties. The R-Codes distinguish between:

- a) Small outbuilding which do not exceed 10m² in area; and
- b) Large / multiple outbuildings.

Under clause 61 of the deemed provisions of the Regulations, the erection or extension of an outbuilding is exempt from development approval where:

- the R-Codes apply, and the outbuilding satisfies the deemed-to-comply requirements.
- the outbuilding is on the same lot as a single house or a grouped dwelling; and
- the outbuilding is not located on a heritage site.

The deemed-to-comply requirements for large / multiple outbuildings are:

- (i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- (ii) set back in accordance with Table 2a. This is a 1m setback for a wall height of less than 3.5m and length of 14m.
- (iii) does not exceed a wall height of 2.4m;
- (iv) does not exceed a ridge height of 4.2m;

- (v) is not located within the primary or secondary street setback area. This 7.5m for the Residential R12.5 and R10 codes.
- (vi) does not reduce the open space and outdoor living area requirements in Table 1 being a minimum of 55% of the site area.

The existing residential zones are all located within gazetted townsites as referenced in the following table. In the Darkan townsite a R12.5 coding applies while at Duranillin, Bowelling and Moodiarrup a R10 coding applies. The only difference for the R-Code provisions relating to outbuildings is that the minimum setback to a secondary street (side street) frontage drops from 3m in R10 to 2m in R12.5.

Townsite	Zoning	Predominant lot size
Darkan	Residential R12.5	1,012sqm
Duranillin	Residential R10	1,012sqm
Bowelling	Residential R10	2,021sqm
Moodiarrup	Residential R10	1,346sqm
Boolading	Rural	1,346sqm
Hillman	Rural	1,346sqm
Cordering	Rural	N/A
NOTE: Arthur River is not a gazetted townsite		

Two other issues to note are that:

- Clause 5.10 of the Scheme which requires transported buildings to have Planning Approval only applies in the gazetted townsites and this potentially includes sea containers.
- Schedule 4 of the Building Regulations 2012 identifies that a building permit is not required for a Class 10 building or incidental structure for land not located within a townsite.

There are four rural residential zones in the Shire located as follows:

1. Western portion of Darkan townsite;
2. Darkan – Quindanning Road;
3. Varis Road, Bowelling; and
4. Horley and Thompson Streets, Duranillin.

Clause 5.17.3 of the Scheme stipulates that a Planning Approval is required for all development in a rural residential including a single house and any outbuildings.

COMMENT:

Where an outbuilding does not comply with the deemed-to-comply provisions of the R-Codes, then it requires a planning approval from Council. Outbuildings which do not comply with the height or area provisions are often referred to as ‘oversized outbuildings.’

The proposed local planning policy is to provide guidance in the exercise of discretion when considering a planning application. Non-compliance with the proposed local planning policy does not in itself justify an application being refused as each proposal must be considered on its merits.

A comparison of the development provisions of the local planning policies for outbuildings in other municipalities is contained in Attachment 1. The draft local planning policy is contained in Attachment 2 and this has been prepared having regard to the following issues. The policy does not seek to alter any of the deemed-to-comply requirements in the R-Codes.

Building Size

The most common issue with outbuildings relates to the proposed size being either the aggregate of multiple sheds or an individual one. The larger the shed, the more imposing that it is likely to be and the greater the likelihood that it will have a negative impact on adjoining properties.

There is then the associated concern that the larger that the shed is; then the more potential that there is for it to be used for industrial or commercial purposes or for hobbies that can be disruptive especially due to noise.

The R-Codes require that 55% of a lot be available as open space area. Given that the predominant lot size of 1,012m² in Darkan, this means that the combined area of the dwelling and any outbuildings could technically be up to 455m².

It also noted that in many country towns, that there is an acceptance of the need for larger sheds given the tendency to have extra vehicles, caravans, boats etc.

As shown in Attachment 1 the maximum floor area can be arbitrary and is generally a guide. However, outbuildings are to be ancillary to the residential dwelling including in terms of their size and characteristics and not be the predominant use of the property. In a situation where the outbuilding is significantly larger than the dwelling it could be argued that this does not meet the design principal or the objectives of the residential zone.

This become relevant given the trend towards smaller dwellings as has been evident in Darkan with applications for one bedroom dwellings being 47.5m² in size. The potential development of “tiny houses” may result in even smaller dwellings. The absolute minimum size for a dwelling is 21.73m² which the minimum primary living space (3.8m x 3.8m) and bedroom (2.7 x 2.7) requirement contained in the R-Codes.

Building Setbacks

Th R-Codes distinguish between an outbuilding and a carport or garage which are attached to the dwelling. Outbuildings larger than 10m² are not permitted to be located within the primary or secondary street setback area. The primary street setback for the R10 and R12.5 Coding is 7.5m.

Oversized outbuildings should be setback behind the existing building line to minimise any impact on the streetscape, even where this is greater than 7.5m.

Non Reflective Material

There is no specific provision in the R-Codes that requires the use of non reflecting material or cladding for outbuildings. This can be imposed as a condition of development approval on the basis of seeking to reduce any visual impact or sun glare. This can apply to both the walls and the roof.

Rural residential zones 1 and 2 require that dwellings and all ancillary buildings are to be constructed of non-reflective material. This provision should apply to all oversize outbuildings in all the rural residential zones.

Vacant Residential Land

There is an argument that as an outbuilding by definition is ancillary to a dwelling then it cannot be constructed on a vacant lot i.e. before the dwelling. It would then be classified as a separate use under the Planning Scheme such as “storage.” This is not uniformly accepted by Councils and the counter argument is that the shed is needed to keep tools and equipment to manage the property.

A further component of this issue is the concern to ensure that the outbuilding is not used for habitation. While this tends to be a more significant issue on rural lots, it has also been known to occur in rural residential and residential areas.

Many Council policies stipulate that an outbuilding can only be constructed on a vacant lot once a building permit application has been approved for a dwelling. In some instances, this can also be combined with an application for temporary accommodation while the dwelling is being built.

Vacant Rural Residential Land

The situation is potentially different in the rural residential zone given the larger lots and the minimum lot size for subdivision is 2.0 hectares.

Large portions of the existing rural residential zones have not been subdivided or developed as individual lots for rural living. They are still being used for broad acre farming purposes which means that owners may seek to have larger rural sheds associated with farming. While this is generally supported the issue is then that

once the land is sold or subdivided and developed separately for rural living, then a large farm shed can also potentially be used for industrial or commercial purposes.

This would be a change of the land use which would require development approval.

The second issue is that single rural residential properties are often used for rural pursuits which include the keeping of livestock i.e. horses. The development of animal shelters or even an open hayshed on a vacant lot may also be acceptable. In May 2023, Council approved a sea container on a vacant rural residential lot (1.5615 ha) to be used for storage associated with horse keeping.

CONSULTATION:

A draft Local Planning Policy is required to be advertised for a minimum period of 21 days by:

- A notice in the local community newspaper;
- Notification to all the affected landowners; and
- Publication on the Shire web site.

STATUTORY ENVIRONMENT:

Planning and Development (Local Planning Schemes) Regulations 2015

The provisions for the preparation and adoption of a Local Planning Policy are contained in Clause 3 – 6 of Division 2, Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Local Planning Scheme No 2

The objectives of the Residential zone are:

- to provide for the predominant form of residential development to be single houses.
- to provide for diversity of lifestyle choice with a range of dwelling types.
- to achieve a high standard of residential development.
- to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

Clause 5.2 of the Scheme requires that residential development shall comply with the R-Codes.

POLICY IMPLICATIONS:

The development of Local Planning Policies is a recognised planning tool to assist in the administration of the Local Planning Scheme.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC IMPLICATIONS:

Shire of West Arthur's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025 Outcome 4.4 – Appropriate planning and development

- Review and develop town planning policies including a policy with regards to sea containers.
- Review and update the Shire Policy Register to reflect current policies and develop new policies relevant to recent regulatory changes.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the

need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Loss of reputation, hindering development
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (6)
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure the Council and community are aware of the benefits of establishing a policy to balance the need to streamline development applications while also recognising the environmental importance of the catchment area.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

1. That pursuant to Schedule 2 Clause 4(3) of the Planning and Development (Local Planning Scheme) Regulations 2015 Council adopt for advertising Local Planning Policy No 6 Outbuildings (as contained in Attachment 2).
2. That the draft Local Planning Policy be advertised for a minimum period of 21 days in the Community Newspaper and on the Shire website.
3. That following advertising of the Draft LPP, a report be prepared to Council to:
 - Consider any submissions which might have been received; and
 - Modify and / adopt the LPP for final approval.

Council LPP Comparison

Shire	Density Lot Size	Wall height	Ridge Height	Total Area
Deemed Provisions	R Coded Lots	2.4m	4.2m	Does not exceed 60sqm in area or 10 per cent of the site area whichever is the lesser.
Busselton	< 2000sqm	3.1m	4.5m	90m ² or 10% of the lot (whichever is lesser)
	>2000sqm	3.1m	4.5m	120m ²
	rural residential	3.1m	4.5m	200m ²
Kalamunda	<1000sqm	3.0m	4.2m	75m ²
	>1000sqm			90m ²
	rural residential			150m ²
Collie	< 1000sqm	3.5m	4.5m	100m ² or 12% of site area whichever is less
	> 1000 sqm	3.5m	4.5m	150m ² or 12% of site area whichever is less
	rural residential	6m	9m	250m ²
Augusta Margaret River	< 1000sqm			100m ²
	rural residential			150m ²
	<2ha			180m ²
Serpentine Jarrahdale	< 1000sqm	3.2m	4.5m	As per R Codes
	> 1000 sqm			100m ²
	rural residential			200m ²
Nannup	Residential	3.0m	5.0m	120m ²
	rural residential	5.0m	7.0m	300m ²
Boddington	Residential	2.4m	4.2m	100m ²
	Special Residential	2.4m	4.2m	200m ²
	rural residential	5.0	7.0	300m ²
Beverley	< 1000sqm	3.0m	4.0m	75m ²
	rural residential	3.0m	4.0m	200m ²

Draft LPP No 6.**Shire of West Arthur****LOCAL PLANNING POLICY NO 6****OUTBUILDINGS****1.0 Background**

Outbuildings are recognised as an important component of residential development. Domestic outbuildings in the residential zone are subject to the provisions of the R-Codes. Residential lots within the Darkan and Duranillin townsites are generally 1,012sqm in size with an R12.5 or R10 Coding.

The design objective in the R-Codes is that outbuildings do not detract from the streetscape or the visual amenity of residents or neighbouring properties. The R-Codes also distinguish between:

- a) Small outbuilding which does not exceed 10m² in area; and
- b) Large / multiple outbuildings.

The deemed-to-comply requirements for large / multiple outbuildings are:

- (i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- (ii) set back in accordance with Table 2a. This is a 1m setback for a wall height of less than 3.5m and length of 14m.
- (iii) does not exceed a wall height of 2.4m;
- (iv) does not exceed a ridge height of 4.2m;
- (v) is not located within the primary or secondary street setback area. This 7.5m for the Residential R12.5 and R10 codes.
- (vi) does not reduce the open space and outdoor living area requirements in Table 1 being a minimum of 55% of the site area.

2.0 Objectives

- ❖ To ensure that oversized outbuildings do not detract from the streetscape or the visual amenity of residents or neighbouring properties;
- ❖ To accommodate outbuildings that meet the needs of the residents whilst being appropriate for the zone and land use; and
- ❖ To provide guidance for the consideration of Development Applications.

3.0 Definitions

An "outbuilding" is an enclosed non-habitable structure that is detached from any dwelling.

An "oversized outbuilding" is an outbuilding that does not comply with the area or height components of the deemed-to-comply requirements of the R-Codes.

4.0 Policy Application

This Policy applies to:

- 1) Land within the Residential and Rural Residential zones in Local Planning Scheme No 2.
- 2) Outbuildings which are not exempt developments including sea containers.

This Policy applies does not apply to Rural Sheds as provided for in Local Planning Policy No 2.

5.0 Exempt Developments

Clause 61 of the deemed provisions of the Regulations, provide that an outbuilding is exempt from development approval where:

- the R-Codes apply, and the outbuilding satisfies the deemed-to-comply requirements;
- the outbuilding is on the same lot as a single house or a grouped dwelling; and
- the outbuilding is not located in a place that is the subject of an order, a heritage agreement, or in the Register of Heritage Places under the *Heritage Act 2018*, or in a heritage area or on a heritage list under a local planning scheme.

The above exemption does not apply to:

- Bowelling townsite being located within Special Control Area 6 Wellington Catchment noting that this is subject to Local Planning Policy No 4.
- Land abutting an unconstructed road or a lot which does not have frontage to a constructed road (Clause 5.7 of the Scheme).
- Relocated structures including sea containers.
- Outbuildings situated less than 6m from a dwelling on bushfire prone land with a BAL-40 or BAL-FZ rating.

6.0 Policy Statement

- 6.1 All outbuildings require a development approval unless they are exempt developments as provided for in Section 5.0.
- 6.2 Applications are expected to comply with the development provisions in Table 1.
- 6.3 Outbuildings are to be ancillary to the residential dwelling including in terms of their size and characteristics and shall not be the predominant use or development of the property.
- 6.4 Outbuildings are not permitted on vacant lots unless a Building Application for a Class 1a dwelling has been granted and it is not proposed that the outbuilding will be used for habitable purposes unless approved for temporary accommodation under the Health Act.
- 6.5 Outbuildings for rural pursuit purposes such as animal shelters or three sided hay sheds may be approved on vacant lots in the rural residential zone.
- 6.6 Applications for oversized outbuildings in the residential zone will be advertised to neighbours.
- 6.7 In considering an application, Council will have regard to the size of an outbuilding in relation to the dwelling. Oversized outbuildings are to be setback behind the existing building line so as to minimise any impact on the streetscape.
- 6.8 Oversized outbuildings shall be required to be constructed of non-reflective material.
- 6.9 Outbuildings may not be used for industrial or commercial purposes. They may be used for home occupation, home business etc with Council approval.
- 6.10 Sea containers are required to have:
 - A personal access door using a mechanical device (door handle/lock mechanism) whereby persons can exit the sea container from inside; and
 - Adequate ventilation.

Table 1 Development Standards

Development Provisions	Residential < 1,200m²	Residential > 1,200m²	Rural Residential
Max Aggregate Floor Area	100m ²	150m ²	300m ²
Max Wall Height	3.2m	3.2m	5.0m
Max Ridge Height	4.5m	4.5m	7.0m
Setbacks	As per Scheme and/or R-Codes		
Non reflective material including roof	Yes	Yes	Yes

Adoption

Adopted by Council at its meeting of the _____

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

17 MATTERS BEHIND CLOSED DOORS

Nil

18 CLOSURE OF MEETING

The Presiding Member to declare the meeting closed.