



# Shire of Shark Bay

## Policies made by Council

Adopted by Council on:  
27 August 2014 Item 11.1

Amended 24 September 2014 Item 17.3 – Fees for Erection of Marquee for use by Community Groups

Amended 26 October 2016 Item 12.3 – Purchasing Policy

Amended 16 December 2015 Item 11.3 – Code of Conduct

Amended 16 December 2015 Item 12.4 – Risk Management Policy

Amended 30 November 2016 Item 13.3 – Purchasing Policy

Amended 22 February 2017 Item 11.6 – Governance – 1.17 internal Controls

Amended 22 February 2017 Item 11.7 – Occupational, Health and Safety admin policy changed to Council policy and adoption.

Amended 22 February 2017 Item 11.7 - Compliance Management Policy – 1.18

Amended 22 February 2017 Item 11.8 – Plant Replacement Reserve Policy

Amended 22 February 2017 Item 11.9 – Additional Superannuation Contribution by Employer Policy

Amended 26 April 2017 Item 11.1 – Credit Card Policy

Amended 26 April 2017 Item 11.2 – Governance – 1.12 Organisational Matters

Amended 29 November 2017 – 1.3 Councillors Information Bulletin – Contents

Amended 29 November 2017 – 1.4 Reimbursement of Councillors Expenses

Amended 29 November 2017 – addition of 1.6 Conference and Training Attendance

Amended 28 February 2018 Item 11.4 – Asset Management Policy

Amended 26 February 2020 Item 15.1 -2 Policy – Financial Assistance and Donations

Added 25 March 2020 Item 11.2 – Proposed New Council Policy Gifts attendance at Events and Functions Policy # 1.21

Amended 25 March 2020 Item 11.4 – Review of Allocation Criteria for Herald Denham Centre Units – Policy # 6.1

Amended 27 May 2020 Item 11.1 – Purchasing Policy – Policy number 2.7

Amended 29 July 2020 Item 13.1 – Policy – Shark Bay Community Bus

Amended 24 February 2021 Item 9.3 – Adoption of Council Policy – Appointment of Acting Chief Executive Officer Policy 1.22

Amendment of Local Government (Model Code of Conduct) Regulations 2021 - Item 9.4 OCM 24 February 2021. –

Added Policy – Acknowledgement of Country Item 11.2 OCM 28 April 2021.

Added Policy – Complaints Management – Item 12.2 OCM 25 August 2021

Added Policy – Financial Hardship Covid-19 Policy Item 12.6 OCM 29 September 2021

Added Policy – Shark Bay World Heritage Discovery and Visitor Centre Merchandise Policy – Item 11.3 OCM 24 November 2021

Amended/Deleted 28 September 2022 – Item 10.4 – Financial Hardship COVID – 19 Policy (was item listed as 2.10) Deleted

Added Policy – Shark Bay World Heritage Discovery and Visitor Centre – Art Exhibits in Rose de Freycinet Art Gallery – Item 13.1 OCM 29 June 2022

Amended 16 August 2023 Item 12.1 – Risk Management Policy

Amended Policy – 6.1 Allocation Criteria for Herald Denham Centre Units – Name Change to Tenancy Policy for the Herald Denham Centre Units and amendments to the content of the policy – Item 10.2 OCM 26 March 2025

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## 1. Governance

### 1.1 Frequency of Council Meetings

#### Purpose

To provide guidance as to when ordinary Council meetings are to be held.

#### Detail

Ordinary Council meetings will be held on the last Wednesday of each month except January, unless resolved by Council to allow for other circumstances.

#### Applicable legislation

Act	Sections 5.3 to 5.7 of the Local Government Act 1995 set out requirements in relation to frequency, calling, convening, presiding at and quorums for, meetings
Regulation	
Local Law	Standing Orders
Other	

Adopted by Council on:	27 August 2014

### 1.2 Policy Change and Review

#### Purpose

To ensure policies made by Council are updated on a regular basis.

#### Detail

Council Policies are to be reviewed annually.

#### Applicable legislation

Act	S2.7(2) Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014



### 1.3 Councillors Information Bulletin – Contents

#### Purpose

To ensure all elected members are kept informed of conferences, meetings events and functions concerning the Shire.

#### Detail

1. Notices inviting Council to nominate delegates to conferences, meetings and similar occasions are to be circulated by the CEO to all Councillors via the Information Bulletin.
2. All Councillors are to be advised of all local meetings *where* a general invitation to Councillors has been made.
3. Any Councillor who wishes to represent Council at such an event shall request nomination at a Council meeting.
4. Council shall decide by resolution to nominate such representatives as Council may consider is appropriate.
5. All Councillors be invited to be present onsite inspections with visiting dignitaries where Council has not formed a policy or a direction.

#### Applicable legislation

Act	S2.10 Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014
Amended by Council on:	29 November 2017 OCM Item 11.4

### 1.4 Reimbursement of Councillors' Expenses

#### Purpose

To set out what expenses the Shire will reimburse an elected member incurred while representing it.

#### Detail

1. All fees and allowances are to be paid quarterly in advance and expense reimbursement will be paid following receipt of the claim.

#### Applicable legislation

Act	Section 5.98(2)(a) and (3) Local Government Act 1995
Regulation	Regulation 31(4) Local Government (Administration) Regulations 1996
Local Law	
Other	

Adopted by Council on:	27 April 2016 OCM Item 12.5
Amended by Council on :	29 November 2017 OCM Item 11.4

## 1.5 Council Representatives on External Committees and Bodies

### Purpose

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

### Detail

1. All Council representatives wherever possible are to be serving members of the Council.
2. Upon ceasing to be a member of the Council, the representative is to cease as a member of the Committee.
3. Council representatives represent Council's position, not the individual Councillor's position.

### Applicable legislation

Act	Sections 52, 53 Interpretation Act 1984
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 1.6 Conference and Training Attendance

### INTRODUCTION

It is important that Councillor's, as part of their roles and responsibilities participate in professional development by attendance at conferences, seminars and development programs.

Such attendance assists them to be more informed and be better able to fulfil the duties of office.

The intention of this policy is to ensure that Councillors are given the opportunity to participate in professional development and are not financially disadvantaged.

### OBJECTIVE

To provide the opportunity for Councillor's to maintain skills and knowledge and participate in ongoing professional development relevant to their role as a representative of the Shire of Shark Bay.

### DEFINITIONS

*Conferences and training* means conferences, seminars, congresses, forums, workshops, courses, deputations, information and training sessions and events held in Australia and related to the industry of local government.

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POLICY STATEMENT

1. Budget allocation

The council will on an annual basis allocate funding that it considers adequate for each individual Councillor to undertake professional development in accordance with this policy, excluding approvals in accordance with section 2 (a)

Any requests for professional development in excess of the annual individual Councillor allowance must be presented to the council for consideration.

Councillors will submit a report to council on their training outcomes and expenditure of their allocated training allowance on annual basis.

2. Approval

Subject to the clause for overseas travel, Councillors may attend conferences and training following:

- (a) Approval by the Council through a resolution passed at a Council meeting for attendance at conferences, and all other events outside of Western Australia; and
- (b) Approval of the (president and CEO) for training, seminars, forums, workshops, courses, information and trainings sessions and events held within Western Australia.

Where the (president and CEO) cannot support a Councillor request, a report is to be prepared for the next Ordinary Council Meeting for a decision.

3. Conferences and training that may be attended

The conferences and training to which this policy applies shall generally be limited to:

- Events organised by the Western Australian Local Government Association (WALGA), Australian Local Government Association (ALGA) and Australian Local Government's Women's Association (ALGWA);
- Special 'one off' conferences called or sponsored by or for WALGA and/or Gascoyne zone of WALGA on important issues;
- Annual conferences of the major professions in Local Government;
- Conferences, seminars or training courses which advance the development of Councillor's in their roles; or
- Any meetings or conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to be a delegate or member by Council or WALGA.



#### 4. Payment of conference and training costs

Conference and training expenses will only be paid or reimbursed when:

- The attendance is authorised by the (president and/or CEO), or by Council through a resolution passed at a Council meeting; and
- The attendance and expenses incurred comply with the requirements of this Policy.
- Due to exceptional circumstances, Council approves a reimbursement (though a resolution passed at a Council meeting) of conference and training expenses incurred that have not been approved by Council prior to attendance.

The following shall apply for Councillor's authorised and/or appointed as delegates under this policy to attend conferences or training.

#### 5. Expenses

##### 5.1 Reimbursement

Costs of vehicle hire, taxi fares, parking and meal expenses which are reasonably required and incurred in attending conferences, will be reimbursed by the Council on provision of receipts and completion of a Shire claim form.

##### 5.2 Meals for others

Council will generally not meet the costs of meals or refreshments for other persons (other than partners). The main exception is where it is indicated on the claim form that the meal or refreshments provided is in response to a meal or refreshments previously received from that person or that person's local government.

##### 5.3 Booking Arrangements

Registration, travel and accommodation for Councillor's will be arranged by the CEO's Executive Assistant. In general all costs including airfares, registration fees and accommodation will be paid direct and in advance by the Shire.

##### 5.4 Registration

The Council will pay all normal registration costs for Councillor's charged by organisers, including those relating to official luncheons, dinners and tours or inspections which are relevant to the interests of Council.

##### 5.5 Accommodation

The Council will pay reasonable double room or twin share accommodation costs for Councillors including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

Where available, accommodation shall normally be booked at the venue of the conference.

5.6 Travel

All reasonable travel costs for Councillor's to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air and will normally be at economy rates but may be upgraded to business class in recognition of any physical disability of the attendee.

Councillor's using private vehicles in accordance with this Policy may claim 'kilometre' allowance at the date of travel as per The Local Government Industry Award 2010 rates.

5.7 Accompanying Persons

The partners of Councillors are entitled to attend authorised conferences (as outlined in Policy Statement 2 of this Policy) as an accompanying person with Council meeting conference program and meal expenses where the conference is within Western Australia. Expenses in relation to partners' tours, sporting activities and other such activities shall be the responsibility of the Councillor.

Where a Councillor is accompanied at a conference outside Western Australia, all costs for or incurred by the accompanying person, including travel, meals, registration and/or participation in any conference program, are to be borne by the Councillor and not by the Council. The accompanying person's registration and any program fees will be paid by the Shire at the time of registration with the Councillor reimbursing the Shire when requested.

5.8 Reimbursement of Expenses

Councillors attending conference and training events are entitled to be reimbursed for 'normally accepted' living costs while travelling. Such costs would include but are not limited to:

- (a) Taxi fares to and from the airport and to and from the venue if the accommodation used is a substantial distance from the venue;
- (b) Meals for the Councillor;
- (c) Refreshments for the Councillor (to a maximum of \$50 per day); and
- (d) Vehicle hire, petrol and parking.

Expenses will generally be reimbursed from the time a Councillor leaves home to attend a conference or training to the time the Councillor returns home.

Should the Councillor extend a visit by leaving prior to the time necessary to arrive at the conference/training or returning after the time at which the Councillor could have returned following the conference/training, reimbursements will be paid for the:

- (a) days of the conference and training;  
and
- (b) the cost of travel from the airport directly to the accommodation to be used for the conference and training and also vice versa, from accommodation to the airport.

Where a Councillor attending an approved conference or training program requiring overnight accommodation elects to stay at private accommodation, Council will pay an allowance of \$100 per night to offset meals and other expenses. Councillors wishing to claim this allowance shall complete an Expenses Reimbursement form.

Where a Councillor attending an approved conference, training or development program incurs child care expenses, Council will reimburse these expenses to a maximum of \$80 per day on provision of receipts and an appropriate claim form.

Where Councillors attend conferences, seminars, or training and development, they shall be entitled to a daily allowance of \$25 for sundry expenses in addition to other expenses allowed under this policy. The daily allowance can be paid either prior to, or at the conclusion of attending conferences etc. as part of a reimbursement claim.

#### 5.9 Attendance at Overseas Conferences

Attendance by a Councillor at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the Council and such resolution shall specify and detail the conditions of attendance.

### POLICY APPLICATION

The policy is applicable to all Councillors during their term of office at the Shire of Shark Bay.

#### Applicable legislation

Act	Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	29 November 2017
	Item 11.4

### 1.7 President's and Councillors' Reports

Reports of the President and Councillors for the past month are to be presented at each Council meeting in writing for inclusion in agenda and minutes of the meeting.

#### Applicable legislation

Act	
Regulation	



Local Law	
Other	

Adopted by Council on:	27 August 2014

### 1.8 Instrument of Delegation

- (1) When powers and duties are delegated by the Council to a Committee, an Instrument of Delegation is to be signed by the President or the person presiding, and the Chief Executive Officer.
- (2) When powers and duties are delegated by the Council to the Chief Executive Officer, an Instrument of Delegation is to be signed by the President or the person presiding.

#### Applicable legislation

Act	Sections 5.16 Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

### 1.9 Honorary Freeman of the Shire of Shark Bay

#### Purpose

To establish guidelines for Council when considering appointments of Honorary Freeman of the Shire of Shark Bay.

#### Detail

The Council may, by a resolution passed by an absolute majority of members, confer upon any resident of the Shire of Shark Bay the title 'Honorary Freeman of the Shire of Shark Bay' using the following criteria as the base -

- (1) The resident has been recommended as a candidate by Council or any resident, elector, ratepayer, community or sporting group of the Shire of Shark Bay.
- (2) The nomination is supported by such information as is necessary for Council to make an informed decision on the matter.
- (3) The matter is to be considered behind closed doors at a meeting of the Council.
- (4) The conferral of an Honorary Freeman of the Shire of Shark Bay will generally be for -
  - Long and/or distinguished service to the community of the Shire of Shark Bay.
  - An achievement in any sphere which brings the Shire of Shark Bay area wide recognition.

- As a mark of appreciation for a service or services rendered by the Council, community, sport, environment and/or business of the Shire of Shark Bay.

(5) That a suitable ceremony is arranged at which the honour is conferred upon the recipient.

Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 1.10 Legal Proceedings and Prosecutions

### Purpose

To establish the parameters around which court action may be taken in the event of a breach of an Act, Regulation or local law for which the Shire is responsible to administer, other than recovery of a debt due to the Shire

### Detail

1. No action shall be taken to institute legal proceedings or prosecutions unless by specific resolution of the Council or by delegation.
2. For the purpose of paragraph (1), the issue of a letter requesting compliance, a notice or modified penalty under a Local Law or Regulation shall not be deemed to be legal proceedings.
3. In accordance with s5.23(2) of the Local Government Act 1995, Council may decide to close a meeting to the public where it is discussing legal proceedings.
4. When providing advice to the Council with respect to legal proceedings, where in the opinion of the CEO Council may close the meeting to the public under s5.23(2) of the Act, reports shall be provided on a confidential basis and not made available to the public.
5. Nothing in this policy prevents the CEO from carrying out any obligations required of him under a written law or taking legal action under a delegation of authority from Council.

Applicable legislation

Act	Section 5.23(2)(b) or (d) Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 1.11 Legal Representation Costs Indemnification

### Purpose

To set out the circumstances under which the Shire will indemnify elected members and employees against legal costs.

### Detail

#### 1. Introduction

- a. This policy is designed to protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Shire may assist the individual in meeting reasonable expenses and any liabilities in relation to those proceedings.
- b. In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

#### 2. General Principles

- a. The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Shire or otherwise in bad faith.
- b. The Shire may provide such assistance in the following types of legal proceedings -
  - (i) proceedings brought by members and employees to enable them to carry out their Shire functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour),
  - (ii) proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (eg refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions)], and
  - (iii) statutory or other inquiries where representation of members or employees is justified.
- c. The Shire will not support any defamation actions seeking the payment of damages to individual elected members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the Shire may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d. The legal services the subject of assistance under this policy will usually be provided by the Shire's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the Shire.

#### 3. Applications for Financial Assistance



- a. Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b. A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council via the CEO providing full details of the circumstances of the matter and the legal services required.
- c. An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer.
- d. Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000 provided that :
  - (i) the power to make such an authorisation has been delegated to the Chief Executive Officer in writing under Section 5.42 of the *Local Government Act 1995*; and
  - (ii) Where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application.

#### 4. Repayment of Assistance

- a. Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Shire.
- b. Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- c. Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire may take action to recover any such moneys in a court of competent jurisdiction.

#### Applicable legislation

Act	Section 9.56 Local Government Act 1995
Regulation	
Local Law	
Other	Department of Local Government Guideline No 14 'Legal Representation of Council Members and Employees' April 2006

Adopted by Council on:	27 August 2014

## 1.12 Shire Logo and Colours

The “colours” of the Shire of Shark Bay are black on white. The Shire logo is:



### Applicable legislation

Act	
Regulation	
Local Law	
Other	Shire of Shark Bay register of delegations of authority – CEO may authorise use of Shire logo

Adopted by Council on:	27 August 2014

## 1.13 Organisational Matters

### Purpose

Other than those matters that the Council itself is required to deal with under the Local Government Act and any other relevant legislation, organisational issues are the responsibility of the CEO.

### Detail

This policy sets out guidelines for the CEO to take into consideration in relation to organisational matters.

#### 1. Organisational structure

The CEO is to determine organisational structure, hierarchy, reporting lines, levels, remuneration, conditions and employee roles and responsibilities within overall budget allocations set by Council.

#### 2. Annual budget

As part of its budget deliberations the CEO is to submit a report to Council to consider, dealing with allocation of funding for staff and organisational matters.

### Applicable legislation

Act	Section 2.7(2)(a) Local Government Act 1995 – Council to oversee allocation of finances and resources Section 5.41(g) – CEO is responsible for the employment, management supervision, direction and dismissal of other employees
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014
Amended	OCM 26 April 2017 Item 11.2



## 1.14 Designated senior staff

### Purpose

To list those employees of the Shire other than the CEO about whom a proposal to employ or dismiss must be referred to Council.

### Detail

The following are 'senior employees' for the purposes of Section 5.37 of the Act -

- a) Executive Manager, Finance and Administration
- b) Executive Manager, Tourism, Community and Economic Development
- c) Works Manager

### Applicable legislation

Act	Section 5.37 Local Government Act 1995; s5.36(3)
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 1.15 Gratuity Payments to Employees

### Purpose

To establish a policy as required by s5.50(1) of the Local Government Act 1995 for gratuities that may be paid to employees on cessation of service

### Detail

That for the purpose of Section 5.50(1) of the Act, at the discretion of the CEO the following maximum amounts may be spent on a presentation gift to employees who retire or resign after a period of a satisfactory service:

3 years	\$100
5 years	\$200
10 years	\$400
15 years	\$600
20 years	\$800

### Applicable legislation

Act	Section 5.50 Local Government Act 1995
Regulation	Regulation 19A Local Government (Administration) Regulations 1996
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 1.16 Additional superannuation contribution by employer

### Purpose

To set out the additional contribution the Shire is prepared to make to employees superannuation over and above any Commonwealth superannuation guarantee requirement.

#### Detail

1. On the condition that the employee pays a minimum contribution to superannuation of 5% of their salary the Shire will in addition to the superannuation guarantee requirement, contribute an additional 3.5% of the employees gross salary in superannuation payments.
2. Consideration of variation to this policy may be made during annual budget deliberations by Council.
3. Nothing in this policy prevents an employee entering into a salary sacrificing agreement with the Shire that may relate to superannuation contributions.
4. When negotiating new contracts the Chief Executive Officer is not to exceed the contribution level stated in this policy.

#### Applicable legislation

Act	Section 5.50 Local Government Act 1995
Regulation	Regulation 19A Local Government (Administration) Regulations 1996
Local Law	
Other	

Adopted by Council on:	27 August 2014
Amended by Council on	22 February 2017

### 1.17 Use of Council Corporate Flight Account by Shire Staff

#### Purpose

To reduce the cost of Shire staff and families to travel within the region.

#### Detail

1. Shire staff are able to access the Shire's Corporate Flight Account where there is no financial disadvantage or tax implication to the Shire.
2. Access to Council's Corporate Flight Account is limited to staff who have completed their probationary period and their immediate family including spouse, children, parents and siblings.
3. Bookings may only be made using Council's Corporate Flight Account by the Creditor Clerk after approval from the staff member's immediate supervisor.
4. Payment of accounts is to be made by the staff member through the Shire's debtors system within 7 days of booking.

#### Applicable legislation

Act	Section 5.50 Local Government Act 1995
Regulation	Regulation 19A Local Government (Administration) Regulations 1996
Local Law	
Other	

Adopted by Council on:	27 August 2014

### 1.18 Internal Control Policy

#### Purpose

This policy provides documented evidence of Council's commitment to appropriate and effective internal controls and their importance to the organisation.

This policy provides a framework for the establishment of documented internal controls that are implemented based on risk management policies and principles.

The purpose of this policy is to assist Council in carrying out its activities in an efficient and effective manner in order to achieve its strategic objectives, to ensure adherence to policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of Council financial records.

The policy will assist the organisation in addressing the risk of, material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets and ensure that Council meets its obligation under the *Local Government Act 1995*, associated Regulations and other legislation.

**Objective:**

1. To implement a risk-based approach to addressing and reducing the risk of loss caused by fraud, error or misstatement.
2. To protect the Shire of Shark Bay's assets – people, property, reputation, financial sustainability and information.
3. Continually audit, identify system gaps and improve internal controls maintained at the Shire of Shark Bay.

**Definitions:**

**Internal Control**

Systems of policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with laws and regulations and achieve effective and efficient operations. These systems not only relate to accounting and reporting but also include communication and organisational processes both internally and externally, staff management and error handling.

**Policy:**

An appropriate and effective internal control framework is the responsibility of all employees. All employees are accountable for implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework in differing degrees.

The Audit Committee and Council are responsible for mandating that a strong internal control framework be implemented in order to have assurance of the good governance of the organisation. The Chief Executive Officer will report regularly to the Audit Committee and Council on the review and improvement to Council's internal control framework.

**Monitoring, Reviewing and Reporting:**

A monitoring and reporting process/system will be implemented with will provide biannual reports to management, the Audit Committee and Council on the status of Risk Management, Internal Controls and Legislative Compliance within the Shire of Shark Bay and which will identify the need for specific areas for review.

In line with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of the above three areas biennially. This is

in addition to the four yearly review required by Regulation 5(2)( c ) of the Local Government (Financial Management) Regulations 1996 which also includes a review of Council's financial internal controls.

#### Applicable legislation

Act	Section 5.98(2)(a) and (3) Local Government Act 1995
Regulation	Regulation 31(4) Local Government (Administration) Regulations 1996 Regulation 5 Local Government (Financial Management) Regulations 1996 Western Australian Local Government Accounting Manual Edition 3 – September 2012
Local Law	
Other	Policy 12 Risk Management

Adopted by Council on:	22 February 2017

### 1.19 Compliance Management Policy

#### Purpose

The purpose of this policy is to provide a framework that supports the Shire in identifying, applying and monitoring compliance requirements across the Shire's activities and services.

#### Policy Statement

The Shire commits to developing and maintaining work processes that support the administration and Elected Members in meeting and maintaining a regime of compliance in accordance with legislation, codes and standards and policies.

#### Detail

Compliance is supported and managed through convergence with the following Shire of Shark Bay management plans.

The Chief Executive Officer, employees and Elected Members recognise their individual responsibilities to work cooperatively and proactively within this framework to achieve compliance with:

- Statutory Requirements;
- Industry Codes and Standards; and
- Organisational Standards (Policies and procedures)

All parties must monitor activities, seek out relevant information and report proposals for improvements where non-compliance occurs in order to achieve and maintain a positive culture of compliance.

Fair, consistent and effective approaches are used in the application of the Shire's compliance management. Non-compliance is managed in graduated measures in accordance with Council's Code of Conduct.

Compliance management is an agenda item on the executive management team meetings and managers will report on areas of non-compliance and improvements to be undertaken as part of this process.

Corporate compliance reporting to the executive management team is undertaken on a six monthly basis through the Executive Assistant position and reported to the Audit Committee and Council on an annual basis in accordance with the Local Government Act 1995.

The Shire will undertake the compliance audit in accordance Regulation 17 of the Local Government (Audit) Regulations 1996 every two years and the improvement plan from that report will be used to provide continuous improvement in compliance management.

#### Applicable legislation

Act	Section 7.13(1)(i) of the <i>Local Government Act 1995</i>
Regulation	Regulation 14 – Compliance audit return to be prepared – <i>Local Government (Audit) Regulations 1996</i> Regulation 15 – Completion of compliance audit return – <i>Local Government (Audit) Regulations 1996</i>
Local Law	
Other	

Adopted by Council on:	22 February 2017

## 1.20 Asset Management Policy

### Purpose

The purpose of this policy is to provide a framework that supports the Shire in identifying, applying asset management compliance requirements across the Shire's activities and services.

### Policy Statement

The Shire of Shark Bay is committed to maximising the Shire's return on investment in physical assets, while complying with all legislative and regulatory requirements, and ensuring that all activities are performed in a safe and environmentally sustainable manner.

### Detail

To meet this commitment, the Shire will:

Ensure compliance with all statutory requirements applying to physical assets and asset management.

Ensure that all Asset Management decisions and activities comply with Shire policies relating to Occupational, Health, Safety and Environment.

Ensure that Asset Management decisions and activities consider and balance the needs of all relevant stakeholders, both within and external to the organisation.

Ensure alignment between all organisational functions that impact on Asset Management, including Projects/Engineering, Production, Maintenance and Supply.

Ensure that Shire's assets are managed in accordance with recognised asset management techniques that consider the achievement of both short term and longer term council objectives.

Formally assess both risk and economic outcomes when making decisions relating to the management of physical assets.

Ensure that asset purchase, replacement, refurbishment and disposal decisions are made based on an assessment of expected future community demand, life cycle costs and risks.

Operate assets in a disciplined manner, and with precision.

#### Applicable legislation

Act	Local Government Act 1995
Regulation	<i>Local Government (Financial Management) Regulations 1996 Part 2 17A.</i>
Local Law	
Other	

Adopted by Council on:	28 February 2018

### 1.21 Gifts – Attendance at Events and Functions

#### **Background**

This policy is required under the Local Government Legislation Amendment Act 2019, which has introduced a number of changes to the gift framework and improve transparency within local governments.

This policy provides guidance to Elected Members and employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. It does not provide guidance on the acceptance of a tangible gift or travel contribution.

#### **Objectives**

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

#### **Legislative and Strategic Context**

The legislative framework within which this Policy operates and needs to comply is as follows: Local Government Act 1995 (the Act).

#### **Receipt of Gifts**

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

are valued over \$300; or

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

Local Government (Rules of Conduct) Regulations 2007 (the Regulations)

Department Of Local Government Circular No 11-2019 – New Gifts Framework (See Appendix)

#### **Area of Application**

This Policy applies to all Councillors and employees of the Shire of Shark Bay.

#### **Exemptions**

This policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the Local Government Act

1995, must be disclosed in writing to the CEO within 10 days of receipt of the contribution. Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of gift.

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

- WALGA (but not LGIS);
- Local Government Professionals Australia (WA);
- Australian Local Government Association;
- A department of the public service;
- A government department of another State, a Territory or the Commonwealth; or
- A local government or regional local government.

The gift is still required to be recorded on the local governments' gift register.

## **Policy Measures**

### **1. Key Issues/Considerations**

In considering whether a benefit such as an invitation to an event or hospitality given to an Elected Member or an employee is a gift for the purposes of the Act and Regulations, the key issues include: Who is a donor, the person who is offering or giving the benefit?

What is the value of the benefit?

Does the Elected Member or employee of the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?

If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.

### **2. Perceived or actual conflict of interest**

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

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

If the amount gift is above \$1,000 the council or Chief Executive Officer must apply to the Minister for Local Government for permission to allow the member or employee to participate.

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

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

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

### **4. Commercial entertainment events**

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

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

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

## 5. Non-entertainment commercial events

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

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

## 6. Gifts received through event sponsorship

Any tickets received through the local government's sponsorship of an event by Elected Members or employees, are to be considered by Council as to how and who they are to be disbursed to prior to the event.

### Applicable legislation

Act	Local Government Act 1995
Regulation	Local Government Legislation Amendment Act 2019 Local Government (Rules of Conduct) Regulation 2007
Local Law	
Other	

Adopted by Council on:	25 March 2020
	Item 11.2 OCM

## 1.22 Appointment of Acting Chief Executive Officer

### Policy Objective

To outline the process for the appointment of an Acting Chief Executive Officer to cover periods of leave up to 8 weeks in duration.

### Policy Scope

This policy applies in respect of periods of leave and during periods of unforeseen prolonged absence of the Chief Executive Officer for periods of leave up to 8 weeks in duration.

### Policy Statement

The *Local Government Act 1995*, section 5.36 requires that a Local Government is to employ a person to be the Chief Executive Officer of the local government.



Section 5.39C requires that the Local Government must prepare and adopt a policy that sets out the process to be followed in relation to the employment of a person in the position of Chief Executive Officer for a term not exceeding 1 year and the appointment of an employee to act in the position of Chief Executive Officer for a term not exceeding 1 year.

### 1. Application for Leave by Chief Executive Officer

An application for annual leave, long service leave, personal leave or an extended absence made by the Chief Executive Officer is to be approved by the President.

### 2. Appointment of an Acting Chief Executive Officer

Where there are periods of annual leave, long service leave or other periods of extended absence of the Chief Executive Officer, it is appropriate for a person to perform the duties of the Chief Executive Officer to enable the efficient functioning of the local government's administration.

Designated Senior Employees will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to officer performance and dependent on availability and operational requirements.

Appointment to the role of Acting Chief Executive Officer must be made in writing by the Chief Executive Officer.

Appointment to the role of Acting Chief Executive Officer may only be made by the Chief Executive Officer for periods of leave up to 8 weeks.

A Council resolution is required for periods exceeding 8 weeks.

Where the Chief Executive Officer appoints a Designated Senior Staff member to the position of Acting Chief Executive Officer, the Chief Executive Officer is to advise all Elected Members in writing of the appointment and the period to which the appointment covers.

### 3. Unexpected leave or vacancy

In the event that the Chief Executive Officer is otherwise incapacitated, or the position falls unexpectedly vacant, and no appointment of an Acting Chief Executive Officer has been made, the Council shall appoint an Acting Chief Executive Officer.

Act	Local Government Act 1995 Section 5.39C
Regulation	
Local Law	
Other	

Adopted by Council on:	24 February 2021
	Item 9.3 OCM

### 1.23 Acknowledgment of Country Policy

#### Policy Objectives

The Shire of Shark Bay values our Aboriginal history, culture and community. We acknowledge the Traditional Owners of the land and sea upon which the Shire of Shark Bay is situated. The Shire of Shark Bay wishes to recognise, respect and share in Aboriginal culture and heritage by fostering cultural practices and facilitating relationships that lead to better community understanding.

This policy provides direction and guidance to Councillors and Officers of the Shire of Shark Bay when delivering an Acknowledgment of Country.

#### **Definition:**

An **Acknowledgement of Country** is an opportunity for anyone to show respect for Traditional Owners and the continuing connection of Aboriginal peoples to country. It can be given by both non-Indigenous people and Aboriginal and Torres Strait Islander people. An Acknowledgement of Country is performed at the beginning of a meeting, speech or formal occasion and as there is no set protocol or wording, the Shire of Shark Bay will use wording provided by the Malgana Aboriginal Corporation.

*I would like to acknowledge the Malgana Peoples as the traditional custodians of the land and sea in and around the Shire of Shark Bay. I pay my respects to their Elders past, present and emerging.*

#### Shire of Shark Bay's Commitment

1. To acknowledge the Malgana peoples as the traditional custodians of the land and sea in and around the Shire of Shark Bay, and pay respect to their Elders past, present and emerging.
2. To value local Elders and Traditional Owners and their intellectual cultural property.
3. To provide Councillors and Officers with an understanding of the importance of Acknowledgement of Country.
4. To ensure that an Acknowledgement of Country is included on the Shire website, email signatures and in significant corporate publications.

#### Scope

This policy applies to Shire of Shark Bay Councillors and Officers responsible for organising events, public functions, and ceremonies within the Shire.

**Acknowledgment of Country** to be provided at minor Shire and Civic events and in publications that may include:

- Ordinary Council Meetings
- Committee meetings
- Civic events managed by the Shire of Shark Bay
- Shire website and staff autosignatures
- Significant corporate publications

#### Implications

This policy applies to all Shire of Shark Bay staff and Councillors who are involved in planning or running public functions or events for the Shire of Shark Bay. The Shire's Community Development Unit is responsible to provide support in implementing this policy.

Policy information	
Strategic Outcome	Social: A safe, welcoming and inclusive community
Responsible Directorate	Community Development
Authority of approval	Shire of Shark Bay Councillors
Date of approval	Ordinary Council Meeting 28 April 2021
Document reference number	###
Reference:	Reconciliation Australia

Act	
Regulation	
Local Law	
Other	As above policy Information

Adopted by Council on:	28 April 2021
	Item 11.2 OCM

## 1.24 Complaints Management

### Policy Objectives

The purpose of this policy is to establish the Shire of Shark Bay's (the Shire) position about the approach to be taken in resolving customer complaints.

The Shire will endeavour to ensure that it is simple and convenient for any person who feels aggrieved to make a complaint. All complaints received will be treated with courtesy and respect, appropriately investigated and responded to in a timely manner.

### Definitions:

#### A complaint is:

"expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required" (*as defined by the AS/NZS 10002-2014 Guidelines for Complaint Management in Organisations*).

#### A complaint is not:

- a) a first request for action or a service;
- b) a request for information or explanation of Shire policies, practices or processes;
- c) compliance enforcement action;
- d) the lodging of an appeal in accordance with procedures prescribed by statute or regulation or Shire policy;
- e) a petition; or
- f) a civil dispute between private parties.

## **Scope**

This policy applies to all Elected Members, staff and contractors engaged to provide services to the Shire or on behalf of the Shire.

## **Policy Statement**

### **Making a complaint**

Complaints can be lodged via the complainant's preferred channel, such as phone, email, in person, or the online Feedback form on the Shire's website.

Relevant information needs to be provided to the Shire in order for the complaint to be investigated and responded to properly. At a minimum the complainant needs to provide their name, contact details, what the complaint is about and when and where the issue has occurred.

### **Complaint management principles**

- a) Anyone who is dissatisfied about a Shire service or product can easily and simply make a complaint.
- b) Complaints can be made without fear of retribution.
- c) Complaints will be responded to in a timely manner.
- d) Complaints will be managed in a fair, objective, equitable and consistent manner.
- e) The confidentiality and privacy of complainants will be protected.
- f) Ensure the application of natural justice.
- g) Regularly analyse complaints data to improve the Shire's service delivery where possible.

### **Timeliness**

All complaints received will be processed within a timely manner.

- a) Complaints will be responded to within 10 working days.
- b) Complainants will be notified if their complaint cannot be resolved within 10 working days, with the reasons why and the expected time frames.

### **Risk**

Risk factors of each complaint will be considered when managing complaints and priority will be given to complaints with high risks. The risk factors may include but are not limited to:

- a) public safety implications;
- b) seriousness and severity of the matter;
- c) frequency of occurrence; or
- d) the need for immediate attention.

### **Confidentiality**

The Shire respects the privacy of its customers and key stakeholders. Personal identifiable information related to a complaint will be kept confidential and only used for the purposes of addressing the complaint and any follow up actions within the organisation.

The Shire will only disclose customer and stakeholder information to third parties in the following circumstances:

- a) with the consent of the customer or stakeholder, expressed or implied;
- b) as required by law; or
- c) in order to complete the purpose or function for which the information was provided.

## Recording of complaints

The Shire will collect and register all relevant information in relation to customer complaints within the Shire's business systems.

### Particular cases

#### a) Anonymous Complaints

Anonymous complaints shall only be considered and to the extent that they involve safety or security issues. Otherwise anonymous complaints shall be disregarded.

#### b) Complaints made on behalf of others

The customer is able to nominate another person to make a complaint on their behalf. The Shire may require the person affected to provide written confirmation for another person to act on their behalf.

#### c) Complaints about Councillors

If a complaint concerns an Elected Member it should be referred in the first instance to the Chief Executive Officer for appropriate directions and/or action.

#### d) Allegations of Serious Misconduct

Allegations concerning criminal, corrupt or serious improper conduct will be dealt with independently of the Complaint Handling process.

In the first instance they will be referred directly to the Chief Executive Officer for determination including whether there are reasonable grounds for notification to the Anti-Corruption Commission or referral to the Police.

#### e) Unreasonable complainant conduct (UCC)

According to Ombudsman Western Australia, UCC tends to fall into the following three broad groupings.

##### i. Habitual or obsessive conduct.

This includes behaviour by a person who:

- ☐ cannot 'let go' of their complaint;
- ☐ Cannot be satisfied despite the best efforts of the agency; and
- ☐ makes unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers);

##### ii. Rude, angry and harassing conduct.

##### iii. Aggressive conduct.

The Shire may manage the UCC by placing a reasonable and proportionate limitation on one or more of the following:

- ☐ the subject matter of communications, such as where the Shire believes that a specific issue has been adequately addressed;
- ☐ the timing of communications, including time of day, and frequency and/or duration of contact with the Shire;
- ☐ access, such as restricting or prohibiting entry to Shire premises;
- ☐ the forms in which the complainant may contact the Shire, such as for contact may only be in writing, and all emails to be via the Feedback team email; and
- ☐ any other limitation which is reasonable and appropriate and satisfies legislative requirements.

The decision to manage a customer's communication as UCC will be made by the Chief Executive Officer (or their delegate) and the customer will be informed.

#### f) Freedom of Information

The Shire will assist the public to obtain access to documents held by the Shire in accordance with the Western Australian Freedom of Information Act 1992 (FOI Act).

For more information please refer to the Freedom of Information section on the Shire's website.

### Resolving the complaint

The Shire will investigate and resolve a complaint in an efficient manner. The decision made or action taken regarding the complaint will be communicated to the customer as soon as the investigation is completed.

### Reviewing the complaint

a) Internal independent review of the complaint

i. When the customer is not satisfied with how the complaint is resolved in the first instance, they can apply for an internal review of the complaint. The review will be undertaken by the Chief Executive Officer.

The Chief Executive Officer will examine how the decision was reached, taking into account all relevant information, and provide to the customer a reviewed outcome.

b) External review

Not all complaints can be resolved to the satisfaction of the customer. If the customer is not satisfied with how the Shire deals with the complaint, they can escalate the matter to the Western Australia Ombudsman's Office, Public Sector Commission or Department of Local Government and Communities.

The Shire shall work cooperatively with these external agencies as appropriate to assist in the resolution of external review.

Policy information	
Strategic Outcome	
Responsible Directorate	Chief Executive Officer
Authority of approval	
Date of approval	25 August 2021
Document reference number	
Reference:	

Act	
Regulation	
Local Law	
Other	As above policy Information

Adopted by Council on:	25 August 2021
	Item # 12.2 OCM

## 2 General Purpose Funding

### 2.1 Budget Consideration Processes

#### Purpose

To set out the processes that will allow Council to adopt an annual budget from an informed position and considered approach. Matters that may arise during the year that have a significant resource or financial impact are to be recorded and considered as part of this process and not in isolation.

#### Detail

When formulating a budget for a coming financial year, at the times indicated below, a report to Council is to be submitted by the CEO dealing with:

#### **March/April**

Prioritisation of items from the forward capital works program and integrated strategic plan:

- Buildings
- Parks and recreation facilities
- Roads and drains
- Footpaths
- Other new initiatives

#### **April/May**

Consideration and examination of funding sources other than rates:

- Fees and charges (including
- Refuse collection fees
- Government grants
- Reserve funds
- Loans
- Other sources of funding

#### **May/June**

Consideration of likely operating budgets

- Staff establishment and proposed new positions, other matters relating to staff
- Maintenance budgets

#### **June/July**

Draft budget incorporating feedback from earlier decisions to be considered.

#### **July**

Budget to be adopted.

#### Applicable legislation

Act	Part 6, Division 2 Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 2.2 Financial Assistance/Donations

### Purpose

To provide an equitable means by which community groups and organisations can access Council funds under the Community Assistance Grants for their future development.

### Detail

#### 1. Scope

The Community Assistance Grants allocation of funds are approved by Council as part of the Annual Budget. This funding is dedicated to ensuring local community-based organisations are supported to reach their full potential.

#### 2. Grant Rounds

In April and September of each year, Council will invite applications for the Community Assistance Grants by public advertisement. All applications must be submitted on the approved application form, prior to the advertised closing date and time. Valid applications will be presented to the following month's Ordinary Council Meeting for consideration and approval.

Significant Event Sponsorship Funding is available all year round with funding allocated at Council's discretion. The funding assists community groups and organisations to host large scale events and festivals that attract additional funds into Shark Bay.

The annual funding pool is approved by Council when adopting the annual budget and allocated under three categories:

- Round 1 – Equipment and minor projects
- Round 2 – Community Projects
- Significant Event Sponsorship Funding

#### 3. Selection Criteria for Community Assistance Grants

In assessing the Community Assistance Grant applications, the following criteria applies:

- Applicants must be a not-for-profit organisation, hold a current Association Constitution and operate within the Shire of Shark Bay
- Applicants must demonstrate how the local community will benefit from the grant. This includes spending the grant funds with Shark Bay businesses
- Reoccurring or ongoing projects that have been previously funded will be given a lower priority
- Applicants must demonstrate how they have tried to source other relevant funding
- Organisations that can demonstrate their own fundraising attempts will be favourably considered
- Incomplete applications or applications received after the closing date will not be considered
- All successful applications require to complete an acquittal.

#### Applicable legislation

Act	Part 6, Division 2 Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	26 February 2020





## 2.3 Plant Replacement Reserve

### Purpose

To ensure the Shire has on hand sufficient cash backed reserve funds to pay for significant items of plant and equipment

### Detail

2. The Shire shall maintain a Plant Replacement Reserve.
3. Depreciation is to be charged to all works where plant is used at the rate set in the annual budget. The depreciation amount is to be transferred annually to the Plant Replacement Reserve determined at budget adoption.
4. The Plant Replacement Reserve is to be expended by purchase or replacement of plant, or by special resolution of Council, in the major overhaul of existing plant.

### Applicable legislation

Act	Section 6.11 Local Government Act 1995
Regulation	R17 Local Government (Financial Management) Regulations 1996
Local Law	
Other	

Adopted by Council on:	27 August 2014
Amended by Council on	22 February 2017

## 2.4 Investment of Surplus Funds

### Purpose

To provide guidance to the CEO as to Council's requirements when investing funds on behalf of the Shire not required for immediate operational purposes.

### Detail

1. Funds can only be invested in accordance with Regulation 19C of the Local Government (Financial Management) Regulations 1996.
2. All investment transactions are to be reported to each ordinary Council meeting, including
  - a) amount invested,
  - b) interest rate applicable,
  - c) security provided,
  - d) transactions during the period.

### Applicable legislation

Act	Section 6.14(1) Local Government Act 1995, Trustees Act 1968
Regulation	Regulation 19C Local Government (Financial Management) Regulations 1996
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 2.5 Debt Collection

### Purpose

To provide the CEO with guidance to collect outstanding monies owed to the Shire, including rates and service charges.

### Detail

1. Payment of rates and service charges is dealt with by the Local Government Act and Regulations. Where rates and service charges are more than 30 days overdue:
  - a. The CEO is to issue a final notice giving a further 21 days for payment.
  - b. If payment is still not forthcoming, the CEO is to take appropriate action in accordance with sections 6.54 – 6.75 of the Local Government Act 1995 to recover the amounts due.
  - c. Final notices are not to be issued to eligible persons registered to receive the a rebate under the *Rates and Charges (Rebates and Deferments) Act 1992* as such persons have until 30 June in the year of rating to make payment, without incurring any late payment penalties.
2. Payment of all other monies owed to the Shire is to be within 30 days of the date of an invoice.
3. The CEO is to take all measures considered necessary to recover miscellaneous debts owed to the Shire including:
  - a. Issuing of a reminder statement if payment of a debt has not been made after falling due;
  - b. Referral to a debt collection agency if payment remains outstanding after 90 days (or earlier if considered appropriate by the CEO);
  - c. Agreement with a debtor as to a time period to settle a debt;
  - d. Initiation of legal action where the outstanding sum involved is significant; and
  - e. Where full recovery appears unlikely (eg where a creditor is in liquidation), agree to terms such as partial payment.
4. As part of a monthly financial report to Council, the CEO is to submit a report detailing debts owed to the Shire, and which may include action taken or recommended to be taken in relation to recalcitrant debtors or where recovery action to date has been unsuccessful and requires escalation.

### Applicable legislation

Act	Sections 6.12, 6.54-6.75 Local Government Act 1995
Regulation	Regulation 5 Local Government (Financial Management) Regulations 1996
Local Law	
Other	Register of delegations of authority

Adopted by Council on:	27 August 2014

## 2.6 Self-Supporting Loans

### Purpose

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

### Detail

1. Each request for a self-supporting loan will be considered by Council on its merits. Matters to be taken into consideration include:

- a. Assessment of the ability of a sporting or not for profit group to make repayments, the state of financial records, stability of membership, growth in membership, and any other relevant factor;
  - b. Assessment of the ability of the group to adequately administer the proceeds of any loan, including matters such as:
    - i. Proper administration and supervision of the proposed project;
    - ii. Proposed procurement processes to engage any contractors to be engaged; and
    - iii. Maintenance of records to be able to acquit funds
  - c. Any cash contribution proposed to be made by the group;
  - d. The amount proposed to be borrowed, loan term (duration) and possible effect on the Shire in the event of default;
  - e. Procedures in the event of default, which are to provide that ownership of all property covered by any loan is to revert to the Shire; and
  - f. If deemed necessary, provision of guarantors or other acceptable security.
2. A written agreement detailing the above matters will be entered into between the Shire and the group involved.

## Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 2.7 Purchasing Policy – Amounts Under \$250,000

The Shire of Shark Bay is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire of Shark Bay's strategic and operational objectives.

### 1.1 OBJECTIVES

The Shire of Shark Bay's purchasing activities will:

- (a) Achieve best value for money that considers sustainable benefits, such as; environmental, social and local economic factors;
- (b) Foster economic development by maximising participation of local businesses in the delivery of goods and services;
- (c) Use consistent, efficient and accountable purchasing processes and decision-making, including; competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements;
- (d) Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;
- (e) Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;

- (f) Comply with the *Local Government Act 1995*, *Local Government (Functions and General Regulations 1996)*, other relevant legislation, Codes of Practice, Standards and the Shire of Shark Bay's Policies and procedures;
- (g) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Shark Bay of Shark Bay.
- (h) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire of Shark Bay's Risk Management framework;
- (i) Ensure records evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire of Shark Bay's Record Keeping Plan;
- (j) Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

## 1.2 ETHICS & INTEGRITY

The Shire of Shark Bay's Code of Conduct applies when undertaking purchasing activities and decision making, requiring Council Members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

## 1.3 VALUE FOR MONEY

The Shire of Shark Bay will apply value for money principles in critically assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

### 1.3.1 Assessing Value for Money

Value for money assessment will consider:

- (a) All relevant Total Costs of Ownership (TCO) and benefits including; transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to; holding costs, consumables, deployment, training, maintenance and disposal;
- (b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc.
- (c) The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;
- (d) A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;
- (e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- (f) The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire of Shark Bay Policy including Local Economic Benefit; and

- (g) Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

#### 1.4 PURCHASING THRESHOLDS AND PRACTICES

##### 1.4.1 Defining the Purchasing Value

The Shire of Shark Bay will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- (a) The appropriate purchasing threshold and practice is applied in all purchasing activities; and
- (b) Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities where the requirements are able to be provided by a single supplier.

A **category of supply** can be defined as groupings of similar goods or services with common: supply and demand drivers; market characteristics; or suppliers.

#### 1. Strategic Purchasing Value Assessments

The Shire of Shark Bay will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire of Shark Bay will have continuing need and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

#### 2. Individual Purchasing Value Assessments

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

- (a) Exclusive of Goods and Services Tax (GST); and
- (b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.
- (c) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.
- (d) Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg. 12].

The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

##### 1.4.2 Table of Purchasing Thresholds and Practices

#### (1) Supplier Order of Priority

The Shire of Shark Bay will consider and apply, where applicable, the following Supplier Order of Priority:

<b>Priority 1:</b>	<p><b>Existing Prequalified Supplier Panel or other Contract</b> Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire of Shark Bay's supply requirements can be met through the existing contract.</p> <p>If the Shire of Shark Bay does not have a current contract relevant to the required supply, then a relevant WALGA PSA is to be used.</p>
<b>Priority 2:</b>	<p><b>Local Suppliers</b> Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire of Shark Bay will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority.</p> <p>If no relevant local supplier is available, then a relevant WALGA PSA may be used.</p>
<b>Priority 3:</b>	<p><b>Tender Exempt - WALGA Preferred Supplier Arrangement (PSA)</b> Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include:</p> <ol style="list-style-type: none"> <li>Local supplier availability (that are not within the PSA); or,</li> <li>Social procurement – preference to use Aboriginal business or Disability Enterprise.</li> </ol> <p>If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.</p>
<b>Priority 4:</b>	<p><b>Tender Exempt - WA State Government Common Use Arrangement (CUA)</b> Use a relevant CUA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO.</p> <p>If no relevant CUA is available, then a Tender Exempt [F&amp;G Reg.11(2)] arrangement may be used.</p>
<b>Priority 5:</b>	<p><b>Other Tender Exempt arrangement [F&amp;G Reg. 11(2)]</b> Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire of Shark Bay will investigate and seek quotations from tender exempt suppliers, and will specifically ensure that wherever possible quotations are obtained from a WA Disability Enterprise and / or an Aboriginal Owned Business that is capable of providing the required supply.</p>
<b>Priority 6:</b>	<p><b>Other Suppliers</b> Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance</p>

	with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below.
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## (2) Purchasing Practice Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with clause 1.4.1, determines the Purchasing Practice to be applied to the Shire of Shark Bay's purchasing activities.

<b>Purchase Value Threshold</b> (ex GST)	<b>Purchasing Practice</b>
Up to \$5,000 (ex GST)	No quotes required but responsible officer to ensure that goods or services represent reasonable value for money.
From \$5,001 and up to \$20,000 (ex GST)	One verbal quote to be sought.
From \$20,001 and up to \$50,000 (ex GST)	Two verbal quotations be sought with copies of emails or file notes to be attached to the requisition or reference made to the relevant record number. OR Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the responsible officer source multiple competitive quotations (at least two Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.
From \$50,000 and up to \$100,000 (ex GST)	Two written quotations be sought with copies of emails or file notes to be attached to the requisition or reference made to the relevant record number. Or Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the responsible officer source multiple competitive quotations (at least two Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.
From \$100,001 and up to \$150,000 (ex GST)	Written specification required and three written quotes sought (with procurement decision based on all value for money considerations). Prior to any documentation being issued a Request for Quote (RFQ) number must be obtained and utilised on all correspondence. RFQ file to be developed and stored electronically. Or Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the responsible officer source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

Purchase Value Threshold (ex GST)	Purchasing Practice
From \$150,001 and up to \$250,000 (ex GST)	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> <li>• a detailed written specification for the goods, services or works required; and</li> <li>• pre-determined selection criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The procurement decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire of Shark Bay's Record Keeping Plan.</p>
Over \$250,000 (ex GST)	<p><b>Tender Exempt</b> arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&amp;G Reg.11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p><u>OR</u></p> <p><b>Public Tender</b> undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire of Shark Bay Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to:</p> <ul style="list-style-type: none"> <li>• A detailed specification; and</li> <li>• Pre-determined selection criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The purchasing decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire of Shark Bay's Record Keeping Plan.</p>
Emergency Purchases (Within Budget) Refer to Clause 1.4.3	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p> <p>If there is no existing Panel or contract, then clause 1.4.2(1) Supplier Order of Priority will apply wherever practicable.</p> <p>However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.</p>



Purchase Value Threshold (ex GST)	Purchasing Practice
	The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire of Shark Bay's Record Keeping Plan.
Emergency Purchases (No budget allocation available)  Refer for Clause 1.4.3	Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i> , the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.  The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.  The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.
LGIS Services  Section 9.58(6)(b)  Local Government Act	The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy.  Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.

### 1.4.3 Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

- (a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- (b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the *Local Government Act 1995* and Functions and General Regulation 11(2)(a); OR
- (c) A State of Emergency declared under the *Emergency Management Act 2005* and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

### 1.4.4 Inviting Tenders Though not Required to do so

The Shire of Shark Bay may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 prescribed tender threshold, but only where an assessment determines that the purchasing requirement cannot be met through a tender

exempt arrangement and the use of a public tender process will enhance; value for money, efficiency, risk mitigation and sustainable procurement benefits.

In such cases, the tender process must comply with the legislative requirements and the Shire of Shark Bay's tendering procedures [*F&G Reg.13*].

#### 1.4.5 Expressions of Interest

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process [*F&G Reg.21*] where the required supply evidences one or more of the following criteria:

- (a) Unable to sufficiently scope or specify the requirement;
- (b) There is significant variability for how the requirement may be met;
- (c) There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- (d) Subject to a creative element; or
- (e) Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes will be based upon qualitative and other non-price information only.

#### 1.4.6 Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

- (a) purchasing value is estimated to be over \$5,000; and
- (b) purchasing requirement has been documented in a detailed specification; and
- (c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- (d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature will only be approved for a period not exceeding one (1) year. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

#### 1.4.7 Anti-Avoidance

The Shire of Shark Bay will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

#### 1.4.8 Contract Renewals, Extensions and Variations

Where a contract has been entered into as the result of a publicly invited tender process, then *Functions and General Regulation 21A* applies.

For any other contract, the contract must not be varied unless

- (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire of Shark Bay is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

## 2. Sustainable Procurement

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

The Shire of Shark Bay will apply Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes.

Sustainable Procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

Requests for Quotation and Tenders will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

### 2.1 LOCAL ECONOMIC BENEFIT

The Shire of Shark Bay promotes economic development through the encouragement of competitive participation in the delivery of goods and services by local suppliers permanently located within its District first, and secondly, those permanently located within its broader region. As much as practicable, the Shire of Shark Bay will:

- (a) consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
- (b) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- (c) ensure that procurement plans, and analysis is undertaken prior to develop Requests to understand local business capability and local content availability where components of goods or services may be sourced from within the District for inclusion in selection criteria;
- (d) explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;

- (e) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
- (f) consider the adoption of Key Performance Indicators (KPIs) within contractual documentation that require successful Contractors to increase the number of employees from the District first; and
- (g) provide adequate and consistent information to local suppliers.

To this extent, a weighted qualitative criterion will be included in the selection criteria for Requests for Quotation and Tenders where suppliers are located within the boundaries of the Shire of Shark Bay, or substantially demonstrate a benefit or contribution to the local economy.

The Shire of Shark Bay has adopted a Local Preference Policy, which will be applied when undertaking all purchasing activities.

## 2.2 SOCIALLY SUSTAINABLE PROCUREMENT

The Shire of Shark Bay will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire of Shark Bay's strategic and operational objectives.

A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

### (1) Aboriginal Businesses

*Functions and General Regulation 11(2)(h)* provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where the consideration under contract is \$250,000 or less, or worth \$250,000 or less.

The Shire of Shark Bay will first consider undertaking a quotation process with other suppliers (which may include other registered Aboriginal Businesses as noted in *F&G Reg. 11(2)(h)*) to determine overall value for money for the Shire of Shark Bay.

Where the Shire of Shark Bay makes a determination to contract directly with an Aboriginal Business for any amount up to and including \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire of Shark Bay's Record Keeping Plan.

### (2) Australian Disability Enterprises

*Functions and General Regulation 11(2)(i)* provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.

The Shire of Shark Bay will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the Shire of Shark Bay.

Where the Shire of Shark Bay makes a determination to contract directly with an Australian Disability Enterprise for any amount, including an amount over the Tender threshold of \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire of Shark Bay's Record Keeping Plan.

## 2.3 ENVIRONMENTALLY SUSTAINABLE PROCUREMENT

The Shire of Shark Bay will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Shire of Shark Bay's strategic and operational objectives.

Qualitative weighted selection criteria will be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:

- (a) demonstrate policies and practices that have been implemented by the business as part of its operations;
- (b) generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- (c) encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

## 2. Record Keeping

All Local Government purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire of Shark Bay's Record Keeping Plan.

In addition, the Shire of Shark Bay must consider and will include in each contract for the provision of works or services, the contractor's obligations for creating, maintaining and where necessary the transferral of records to the Shire of Shark Bay relevant to the performance of the contract.

## 4. Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the *Local Government Act 1995* and Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire of Shark Bay's policies and procedures.

If non-compliance with; legislation, this Purchasing Policy or the Code of Conduct, is identified it must be reported to the Chief Executive officer or the Executive Manager of Finance and Administration.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- (a) an opportunity for additional training to be provided;
- (b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
- (c) where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

## Applicable legislation

Act	
Regulation	R11A Local Government (Functions and General) Regulations 1996
Local Law	
Other	The 'Local Government Purchasing and Tender Guide' issued by the WA Local Government Association.

Adopted by Council on:	27 August 2014
Updated by Council on:	28 October 2015
Updated by Council on:	30 November 2016
Updated by Council on:	27 May 2020

## 2.8 Local Price Purchasing Preference

### Purpose

To support the Shire's economic development by ensuring the Shire of Shark Bay seeks to source a high level and range of goods and services from local suppliers.

### Detail

A supplier of goods or services who submits a tender is regarded as being a 'local tenderer' for the purposes of this policy if:

- that supplier has been operating a business continuously out of premises in the Shire for at least 6 months before the time after which further tenders cannot be submitted; or
- some or all of the goods or services are to be supplied from local sources.

The Shire will give a preference to a local tenderer by assessing the tender from that tenderer as if the price bids were reduced by:

- up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or
- up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000.

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

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

only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender.

Notwithstanding the above, price is only one of the factors to be assessed when the Shire decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4) of the Local Government (Functions and General) Regulations 1996.

## Applicable legislation

Act	
Regulation	Part 4A Local Government (Functions and General) Regulations 1996
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 2.9 Credit Cards

### Purpose

To set out the conditions under which goods and services may be procured on behalf of the Shire using credit cards.

### Detail

1. A credit card will be issued to the Chief Executive Officer (CEO).
2. Two supplementary credit cards will be issued in the names of the Executive Manager Finance and Administration and Executive Manager Community Development and used in accordance with Council Purchasing Policy.
3. Credit cards will not be issued to elected members.
4. An agreement will be signed by the cardholder and the Shire which:
  - a. Lists the conditions of use of the card under this policy;
  - b. That the card holder agrees to those conditions; and
  - c. Provides that the card holder will reimburse the Shire for any expenditure that is incurred contrary to this Policy and authorises the Shire to deduct any amounts owed from any payment that the Shire may make to the card holder.
5. The CEO will cause a register to be kept which includes:
  - a. The card number;
  - b. The expiry date of the credit card;
  - c. The credit limit; and
  - d. Details of goods and services the cardholder has authority to purchase.
6. Where it is unavoidable that purchases must be completed by using a credit card by facsimile, telephone or over the internet:
  - a. A copy of the receipt or invoice for the expenditure; and
  - b. Then entering the details into the Shire's purchasing system in order to generate a purchase order.

### Conditions of use:

1. Credit cards must be used in accordance with the Shire's Purchasing Policy where possible.
2. Credit cards must only be used for purchasing goods and services on behalf of the Shire; personal expenditure is prohibited.
3. Credit cards are not to be used for cash withdrawals, except in emergencies and if the card is used to withdraw cash then all cash purchases must be supported by receipts and reconciled with the amount withdrawn.
4. The maximum single expenditure is only restricted by the maximum allowed on the credit card.
5. If the card is used for entertainment of guests of the Shire, expenditure is limited to meals and dinner drinks (cost of drinks well after dinner are not acceptable) for the cardholder, cardholder and guests and their spouses, and are limited to \$100 per person per meal (including GST). The card holder must also provide a statement detailing:
  - a. The date of the entertainment; and
  - b. The reason for the expenditure (i.e. meeting with Dignitaries, Politicians, with other councils), title of conference, councillors, staff, staff farewells, Council functions, etc.
6. If a cardholder feels that expenditure is necessary and falls outside their expenditure limits then they must seek approval from the CEO before the expenditure is incurred or as soon as practicable after the expenditure is incurred.
7. Cards must be returned to the CEO (or if the card holder is the CEO, the Shire President or an employee appointed as Acting CEO):

- a. Before a period of leave of four weeks or more is taken by the card holder;
  - b. If the card holder is moved to a position which does not require the use of a credit card;
  - c. If the card holder fails to comply with a condition of use of the card; or
  - d. Immediately on ceasing employment.
- The President, CEO or Acting CEO as the case may be shall ensure unused or returned cards are kept in a secure place.
8. If the cardholder loses a credit card they must immediately contact the bank to cancel it, and advise their supervisor:
    - a. In the case of the CEO card, the Shire President; and
    - b. In the case of the supplementary card, the CEO.
  9. All reward and loyalty program or points earned by the use of the card must be used directly for Shire business only.

#### Verification of expenditure:

1. When credit card statements are received all transactions must be reconciled within 30 days or sooner, with the cardholder completing a reconciliation form attaching any receipts or paperwork showing exactly what purchases were for.
2. In the event of expenditure being incurred on a personal credit or debit card, authorisation of the expenditure or reimbursement must be authorised by the CEO, and where the card holder is the CEO, by the Shire President.

#### Applicable legislation

Act	
Regulation	Regulation 11(1)(a) of the Local Government (Financial Management) Regulations 1996 requires a local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.
Local Law	
Other	

Adopted by Council on:	27 August 2014
Amended by Council on:	OCM 26 April 2017 Item 11.1

## 2.10 Shark Bay World Heritage Discovery and Visitor Centre – Merchandise Policy

### Purpose

To provide direction and guidance to Shark Bay World Heritage Discovery & Visitor Centre staff relating to the retail merchandise.

### Detail

#### 1. Introduction

The Shark Bay World Heritage Discovery & Visitor Centre, operated by the Shire of Shark Bay is a visitor's hub for area promotion. The Centre includes tour and accommodation bookings, Museum, Rose de Freycinet Art Gallery, 'Fire on the Water' HMAS Sydney II 3D film and gift store merchandise.

The Shire of Shark Bay is committed to maximising the Shire's return on investment, while complying with all legislative and regulatory requirements. This policy provides direction and guidance to Shark Bay World Heritage Discovery & Visitors Centre staff (*casual, part-time and full-time*) on:



- New merchandise
- Merchandise mark-up
- Faulty goods
- Discounts
- Exchanges
- Refunds
- Returns

## 2. New Merchandise

The Centre operates a gift store in the main foyer area, selling merchandise items that have significance to Shark Bay region including items that are specifically branded and/or reflect the region's environment. Staff are encouraged to purchase Australian made items and/or items from local regional suppliers. Items can be purchased in bulk, directly from the supplier and/or large items on consignment.

If approached by merchandise sale agents and/or when the Centre is seeking to purchase new merchandise, the staff should consider:

- Quality
- Demographic of customers
- Seasonal saleability (i.e. high/low tourist season, wildflower season, special occasions, history anniversary)
- Significance to the Shark Bay region
- Long shelf life
- Not duplicating stock sold in other local Denham/Monkey Mia stores
- Good return on investment

The Centre Coordinator is responsible for approving merchandise within Council's adopted budget.

## 3. Merchandise mark-up

Good return on investment must be considered. The Centre Coordinator is responsible for setting prices which include (where possible) a markup on wholesale price plus freight of at least 50%.

## 4. Faulty Goods

Staff are required to inspect all items when stock is received from the supplier. If any items are faulty on delivery, staff are to contact the supplier immediately.

If a customer is returning a faulty item, a replacement product should be offered. If no replacement product is available a full refund can be offered.

Staff are required to take a photo of the faulty item, complete the stock adjustment form and update the inventory count in the point-of-sale system. The Centre Coordinator and Executive Manager Community Development are both required to approve the stock adjustment form. Photographs of the faulty item must be attached to the form.

## 5. Discounts

If an item has been returned faulty or has been damaged in store, but the item is still essentially functional, the item can be discounted and resold in store (eg batteries missing, or damaged packaging). The product must be advertised as a sale item with a clear description of why the

item is at a sale price (i.e. what is wrong with the item), and must be clearly marked as “as is – no returns or refunds”

- Customer Service Officers have authority to discount the items up to 10% of retail price
- Centre Coordinator has authority to discount items up to 20% of retail price
- Executive Manager Community Development has authority to discount items over 20% of retail price.

#### 6. Eligibility for Exchanges

Customers can request an exchange if their item is faulty within 30 days of purchase. To be eligible for an exchange, the item must be unused and in the same condition as sold, including the original packaging. Proof of purchase is required in a receipt format.

Exchanges can be in store or via mail, using the process in this policy.

The following cannot be exchanged:

- Perishable goods such as food cannot be exchanged
- Sale items cannot be exchanged
- The museum entry fee cannot be exchanged
- 24-hour camping permits at Eagle Bluff, Fowlers Camp, Goulet Bluff, Whalebone Bay cannot be exchanged.

#### 7. Eligibility for Refunds

Customers can request a refund for their item if faulty within 30 days of purchase. To be eligible for a return, the item must be unused and in the same condition as sold, including the original packaging. Proof of purchase is required in a receipt format.

Refunds can be in store or via mail, using the process in this policy.

The following cannot be refunded:

- Perishable goods such as food cannot be refunded
- The museum entry fee is non-refundable
- Sale items are non-refundable
- 24-hour camping permit at Eagle Bluff, Fowlers Camp, Goulet Bluff, Whalebone Bay Cannot be refunded

If the refund is approved, it will be issued using the original method of payment. Returns and refunds can be completed in-store or via mail.

#### 8. Process for Refunds and Returns

##### a) In Store:

Customers can request a refund for their eligible item (see above for ineligible items) within 30 days of purchase.

To be eligible for a return or refund, the item must be unused and in the same condition as sold, including the original packaging.

Proof of purchase is required in a receipt format.

If seeking a refund, customers are required to complete and sign the Shire's refund request document.

If the refund is approved, it will be issued using the original method of payment.

b) Via Mail:

Customers can return a product via mail to:  
*Shark Bay World Heritage Discovery & Visitor Centre*  
*PO Box 126, Denham, WA, 6537, Australia*

Customers can request a refund for their eligible item (see above for ineligible items) within 30 days of purchase.

To be eligible for a return or refund, the item must be unused and in the same condition as sold, including the original packaging.

Proof of purchase is required in a receipt format.

Customers are encouraged to take and send photographs of their item(s) showing any damage prior to posting the item to ensure any damage in transit can be identified separately. Customers are also encouraged to use a trackable shipping service and/or to purchase insurance.

If seeking a refund, customers are required to complete, sign and return the Shire's refund request document. This should be requested from the Centre prior to returning the item.

If the refund is approved, it will be issued using the original method of payment.

For faulty items, the Shark Bay World Heritage Discovery & Visitors Centre will reimburse the postage cost directly to the customer using electronic funds transfer.

The customer is required to provide proof of the postage fee.

Applicable legislation

Act	Part 2, Division 5 Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	24 November 2021
	Item 11.3

### 3 Law, Order and Public Safety

#### 3.1 Election Signs

##### Purpose

Permits will not be issued for signs to be erected for or on behalf of persons seeking election to public office to be erected or placed on property under the Shire's care, control and management.

##### Detail

The Shire will not allow erection of any election sign on any local government property, road, reserve or public place.

This policy applies to all political parties and individuals and is applicable for Federal, State and Local Government elections.

##### Applicable legislation

Act	
Regulation	
Local Law	Clause 3.13(1)(b) Shire of Shark Bay Local Government Property Local Law Part 3 Activities on Thoroughfares Local Law
Other	Register of Delegations of Authority

Adopted by Council on:	27 August 2014

### 4 Health

### 5 Education and Welfare

## 6 Housing

### 6.1 Tenancy Policy for Herald Denham Centre Units

#### Purpose

The Herald Denham Centre Units are located at 23 Hughes Street, Denham. They consist of twenty-five (25), one (1) bedroom independent living homes. The units provide Social Housing accommodation (ie subject to asset and income limits) and are administered by the Shire of Shark Bay in line with the Housing Authority Rental Policy, the Residential Tenancies Act 1987 (WA) and the Shire of Shark Bay Council Policy 6.1 – Tenancy Policy for Herald Denham Centre Units.

This Policy aims to provide an equitable and transparent process for the allocation of available units.

#### Detail

- The Herald Denham Centre provides social housing accommodation for those that do not have the financial resources to access similar accommodation in the private market.
- The Herald Denham Centre is for long term accommodation only and not for Crisis Accommodation.
- The Eligibility Criteria for accommodation is as adopted by Council and operates under the governing Acts, Policies and Guidelines.
- Eligible applications will be assessed according to the Eligibility Criteria and ranked in order of priority (*one point is given to each criterion met*). Therefore, the applicant with the highest total ranking will be placed in the highest position on the waiting list.
- Where applicants are of equal standing, preference will be given to people who have an existing or long-standing connection to the Shark Bay region.

#### Governing Acts, Policies and Guidelines

The eligibility criteria for accommodation is as adopted by Council and operates under the governing Acts, Policies and Guidelines being:

- Residential Tenancies Act 1987 (WA) and the Residential Tenancies Regulations 1989 (WA)
- Housing Authority Rental Policy Manual under the National Affordable Housing Agreement (NAHA)
- Community Housing Income and Asset Limits (CHIAL) Policy
- Community Housing Regulatory Framework
- Shire of Shark Bay Council Policy 6 – Housing
- Shire of Shark Bay Council Policy 1.1 – Policy Change and Review

#### Eligibility Criteria

Each applicant must fit the following Eligibility Criteria

- Be aged 60 years or more; and

- Have an income of not more than the limit set out in the Community Housing Income and Asset Limits (CHIAL) Policy; and
- Be capable of caring for themselves under independent living standards and supply the relevant Medical Report Form completed by a doctor; and
- The applicant grants the Shire of Shark Bay permission to conduct additional eligibility checks; and
- If the applicant is a part of a couple, both parties must be eligible independently of each other and complete individual applications.

Where applicants are of equal standing, a preferential criterion has been added in the following category;

- Have a connection to the Shark Bay Region.

#### Application Process

- Applicants are required to complete and return the application form in person, by email or by post.
- Applications will be immediately added to the waitlist based on the information given to us. Once there is an available tenancy, we will request all supporting documentation and evidence to be current to within three (3) months. The applicant will be given a deadline to supply this information and if that deadline is missed, the applicant will be put back on the waitlist and the next eligible person assessed.
- Each eligible application will be submitted to Council at the next earliest Ordinary Council Meeting for consideration.
- The Shire of Shark Bay Council has absolute discretion to decline any application without explanation.
- Community Development Officer is responsible for the management of the waiting list and applicants will be contacted on an annual basis, to confirm their continued need for housing and/or discuss any changes to their selection criteria.
- The Shire of Shark Bay reserves the right to conduct additional eligibility checks. These checks may include, but are not limited to, police checks, background checks, reference checks, and verification of income and assets. All such checks will be conducted in strict accordance with the Equal Opportunity Act 1984 (WA) and the Privacy Act 1988 (Cth). The applicant acknowledges that these checks are for the purpose of assessing eligibility and suitability for a lease agreement.

#### Review Process

- The Shire of Shark Bay may at any time request proof of income or an independent living medical clearance from a doctor as evidence of continuing eligibility of existing tenants.
- The Shire of Shark Bay reserves the right to conduct additional eligibility checks. These checks may include, but are not limited to, police checks, background checks, reference checks, and verification of income and assets. All such checks will be conducted in strict accordance with the Equal Opportunity Act 1984 (WA) and the Privacy Act 1988 (Cth). The Lessee acknowledges that these checks are for the purpose of assessing ongoing eligibility of this lease agreement.

- Existing tenants who no longer satisfy the eligibility criteria will be reviewed on a case-by-case basis and any resolution will be as per governing Acts, Policies and Guidelines.
- Any breach of the Residential Tenancies Act 1987 (WA) may result in eviction proceedings.

#### Pet Policy

- All dogs and cats must be registered with the Shire of Shark Bay and adhere to local laws and acts.
- In addition to local laws and acts, tenants keeping pets must abide by the following Herald Denham tenancy rules:
  - Written Approval – residents are required to complete a DPIRD Pet Request Form and submit this to the Shire for approval. Registered Service Animals are exempt.
  - No unreasonable interference – Pets cannot cause disturbance to other residents. This includes noise, damage, or other behaviours that impact the comfort or safety of other residents and neighbours.
  - Control – all pets must be kept on a leash in common areas.
  - Cleanliness – You are responsible for cleaning up any messes your pets make. This includes inside and outside of your property boundary.
  - Health & Safety – all pets require relevant vaccinations and health checks (and the Shire may request evidence of this) to ensure they do not pose a health risk to other residents and the wider community.
  - The Shire of Shark Bay reserves the right to apply to the Commissioner to decline an application if the pet or number of pets is deemed unsuitable to be kept at the premises.

#### Code of Conduct

The tenant must:

- use the premises as a place of residence; and
- not use or allow the premises to be used for any illegal purpose; and
- not cause or permit a nuisance; and
- not cause, or permit to be caused, an interference with the reasonable peace, comfort or privacy of a person residing in the immediate vicinity of the premises; and
- not intentionally or negligently cause or permit damage to the residential premises; and
- advise the lessor or property manager as soon as practicable if any damage occurs; and
- keep the premises in a reasonable state of cleanliness; and
- not cause or allow to be caused injury to the lessor, property manager or any person lawfully on adjacent premises; and
- not allow anyone who is lawfully at the premises to breach the terms of this agreement.
- The tenant is responsible for the conduct or omission of any person lawfully on the premises that results in a breach of the agreement.

- The tenant may not have visitors without the tenant being present.
- The tenant may not have any overnight visitors unless written permission has been sought by the Shire of Shark Bay. Permission will only be granted in extenuating circumstances.
- The Denham Herald Centre is a Smoke-Free area. Smoking is limited to the confines of your property, with the following stipulations:
  - No smoking inside
  - No smoking within 1 metre of an open entry way
  - No smoking within 1 metre of air conditioning intakes
  - No smoking in common areas
- Keep the premises free of clutter and gardens neat and tidy.
- Any unlicensed cars, boats or trailers should not be kept at the premises unless written permission has been granted by the Shire of Shark Bay and a suitable location is agreed.

#### Administrative Process

- Rent is payable on a fortnightly basis. It is preferred this is paid via Direct Debit to the Shire, but other options can be considered if necessary.
- Property Inspections will be carried out bi-annually.
- The Shire of Shark Bay reserves the right to outsource management of the Denham Herald Centre to a licensed property manager.
- Undertake an annual review of this policy under Council Policy 1.1 Policy Change and Review.
- Annual Reporting to Department of Communities:
  - *Electrical Certificates for Smoke Alarms and RCD's*
  - *Current Insurance Certificates*
  - *Audited Financial Statements*
  - *Termite Inspections*

#### Applicable legislation

Act	Residential Tenancies Act 1987 (WA) Privacy Act 1988 (Cth) Equal Opportunity Act 1984 (WA)		
Regulation	Residential Tenancies Regulations 1989 (WA) Community Housing Regulatory Framework Housing Authority Rental Policy Manual under the National Affordable Housing Agreement (NAHA) Community Housing Income and Asset Limits (CHIAL) Policy Department of Communities		
Local Law	Shire of Shark Bay Council Policy – 6 Housing Shire of Shark Bay Council Policy 1.1 Policy Change and Review Shire of Shark Bay Local Laws – Dogs Shire of Shark Bay Local Laws – Cats		
Other	Department of Housing Guidelines		
		Adopted by Council on:	27 August 2014
		Amended by Council on:	25 March 2020
		Amended by Council Item 10.2 OCM	26 March 2025





## 7 Waste and Community Amenities

(Note – Policies that relate to land use planning and development are made under the Shire's Local Planning Scheme).

## 8 Recreation and Culture

### 8.1 Standard Conditions for Hire of Halls and Equipment

#### Purpose

To set out the standard conditions applicable for hire of halls and equipment under the Shire's care, control and management.

#### Detail

##### *General*

1. Use of the hall for fund raising activities is to be made available to as many local organisations as practicable and monopolising of prime hall booking times by any organisation is to be avoided when there are other organisations seeking to use the hall.
2. Bookings for cabarets, dances or similar functions are to be made no earlier than eight weeks before the date of the function. Where a second application is received within one week, the Chief Executive Officer shall decide the successful applicant after having regard to paragraph (1).
3. Bookings accepted on a regular basis may be cancelled to allow special events at the discretion of the Chief Executive Officer.
4. The CEO may develop standard application forms, approve applications for use and may impose additional conditions or vary those set out below depending upon circumstances relevant to the particular facility or event to be held.

##### *Denham Town Hall*

Standard conditions applicable for hire of the Denham Town Hall are set out below.

#### 1. Special Equipment

Within the Hall there is technical equipment for which a potential user requires certain expertise/training to effectively utilise this equipment:

- Film projection equipment
- Musical equipment, eg amplifiers, mixers, microphones, etc

This equipment will not be available for use unless the hirer is authorised by the Shire or the regular users groups responsible for that equipment.

#### 2. Conditions Pertaining to the Hire of the Hall

- a. The hirer shall pay the Shire of Shark Bay the hire fee in accordance with the Schedule of Fees and Charges which includes a bond which will be returned only if the premises is cleaned to the satisfaction of the Shire or its nominee. Default in any respect will mean forfeiture of all or part of the bond. The Shire is be the arbiter in case of a dispute.
- b. The cleaning of the Hall shall include not only the venue, but all amenities associated with the building hired, including the immediate surroundings, together with the removal from the premises of all surface refuse.
- c. The hirer agrees to abide by the following conditions and pay all expenses caused by any default hereunder -

- i. Not to alter any fixtures or design of the premises being hired, including its immediate surroundings, without first obtaining the written consent of the Shire.
  - ii. At the expiration of the hiring to take all things which may have been brought into the hired premises and to replace all previously placed equipment in its correct position.
  - iii. Not to leave on any electric lights, power appliances or taps running on the premises, including its immediate surroundings, once hiring has ceased.
  - iv. Not to damage any part of the hired premises or its immediate surroundings, as well as agreeing to repair and be responsible for the repair of all damage which may be caused to the hired premises or its immediate surroundings.
  - v. Not to use the hired premises for any illegal or immoral purposes or for any purpose other than the said purpose in addition to not allowing to be done, or to do, any act or thing which may prejudice any insurance over the premises or become a nuisance, damage, annoyance or an inconvenience to occupiers of any adjoining building.
  - vi. To ensure that the appropriate licence is obtained for the sale of alcohol and the rules and regulations, as provided by the *Liquor Licensing Act (1988)*, are adhered to.
  - vii. Music utilised in association with the hire of the said premises may be in breach of the Australian Copyright Act (1968) unless the hirer acquires the appropriate licence as specified by the Australian Performing Right Association.
  - viii. To comply with all statutes, Bylaws, Local Laws or Regulations relating to hired premises or the use thereof, and any order or requisition made there under.
- d. The hirer shall comply with any lawful directions which may be given by the Shire and that the Shire reserves the right to grant, or refuse hire applications, or cancel a hiring and return the deposit as it thinks fit and shall be the final authority in this respect.
- e. The hirer shall indemnify the Shire of Shark Bay against any claim, loss or expense which may be made or arise as a result of the use of the hired premises.

#### *Marquee hire*

1. The hirer will pay in advance the hire charge and deposit set in the Shire of Shark Bay's Fees and Charges current for that year.
2. The hirer is responsible for public liability for the event being held and will provide the Shire with a proof of Public Liability Insurance.
3. Emergency Exit signs provided with marquee hire are to be placed over the two exit doors.
4. Fire extinguishers supplied with the marquee to be placed within 4 metres of exit doors. Empty extinguishers are to be replaced by hirer.

5. No barbeques or any other cooking device to be placed within the marquee.
6. At an estimated wind velocity of over 50 km per hour the marquee should be monitored for structural stability and dismantled if deemed necessary.
7. The marquee is to be inspected by Shire Officers for damage and cleanliness prior to dismantling by the community group or individual hirer.
8. Community Groups may, on application to the Shire, have the erection and dismantling fees reduced to 25% for one event per financial year.
9. Community Groups may, on application to the Shire, have the erection and dismantling fees reduced to 50% for second and subsequent events per financial year and;
10. The Marquee be erected and dismantled by Council Staff only.

## Applicable legislation

Act	
Regulation	
Local Law	Shire of Shark Bay Local Government Property Local Law
Other	

Adopted by Council on:	24 September 2014

## 8.2 Standpipe and Bore

### Purpose

To set out the conditions under which water drawn from standpipes and bores maintained by the Shire may be used.

### Detail

1. The uses of standpipe and bore water are dust suppression, building construction, firefighting, Shire uses, Shark Bay Bowling Club Inc, Boolbardi Country Club Inc, Shark Bay Speedway Club Inc, Shark Bay Pistol Club Inc, Nose Bag Pony Club, Yadgalah Aboriginal Corporation and Shark Bay Airport Pty Ltd.
2. The organisations listed receive water free of charge on the condition that:
  - a. They supply and maintain their own infrastructure;
  - b. They are an active club, group or organisation that contributes to the community of Shark Bay;
  - c. The water is for use for the organisation in its normal activities not individuals, and
  - d. If a community group, they are operating in accordance with the constitution.
3. The Shire will not be held responsible for any costs incurred due to a reduction of supply beyond its control, including but not limited to breakdown and maintenance of equipment.
4. The Shire has priority over all other users.



5. The Shark Bay Speedway Club Inc has a priority over all other users, other than the Shire, on their race meeting days.

#### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

### 8.3 Use of Community Bus

#### Purpose

To set out the terms and conditions of use for the Shire's Shark Bay Community Bus.

#### Detail

1. Bookings must be made at the Shire Administration Office during normal office hours. Keys to be collected from the Shire Office during normal office hours and must be returned immediately after use within normal office hours.
2. The Shire will set a rate/km for use of the bus when setting the annual Schedule of Fees and Charges.
3. Shark Bay domiciled community groups bus hire is capped per group, per financial year at Council's discretion.
4. Request for private use of the Shark Bay Community Bus to be endorsed by Council, with hire fee determined at that time.
5. Fuel is part of the bus hire and a fuel card will be supplied to the hirer for refuelling. The card must be returned with the fuel receipts immediately after use.
6. The bus hire form is to be completed for applications to hire the Shark Bay Community Bus. The original form is to be retained at the Shire Office and a copy given to the person responsible for the period of hire.
7. A bus checklist is to be completed by the person responsible for the period of hire, prior to departure and upon return of the Shark Bay Community Bus. The bus checklist document remains in the bus at all times.
8. The vehicle logbook is to be completed by the person responsible for the period of hire. The vehicle logbook remains in the bus at all times.
9. Cleaning materials are located in the bus and users must ensure the bus is cleaned before returning the keys.

10. In the event of an accident, during the period of hire, the hirer will be liable for the insurance excess as set in the Shire's annual schedule of fees and charges in the budget.
11. The Shark Bay Community Bus holds a maximum of twenty passengers, plus one driver. The bus only has four seat belts for the passengers located in the seats at the front of the bus. The bus is not wheelchair accessible.
12. Terms and conditions of use for the Shark Bay Community Bus:
  - i. Bus to remain on sealed roads at all times, unless prior written consent has been given by the Shire of Shark Bay CEO
  - ii. No smoking on the bus.
  - iii. All maintenance to be carried out by authorised Shire Officer only.
  - iv. Only persons who hold an appropriate license (eg Light Rigid, Heavy Rigid) are permitted to drive the bus. Proof of license must be given when applying to hire the bus
  - v. Bus drivers who intend to drive for hire or reward are required to hold appropriate licenses and permits (eg a current Passenger Transport Driver Authorisation).
  - vi. Passengers are always required to remain seated whilst the bus is in motion.
  - vii. Interior of the bus to be cleaned by the hirer at conclusion of journey.
  - viii. Any damage to the bus, either internally or externally is to be reported to the Shire Office immediately, or as soon as reasonably practicable if the damage occurs out of usual working hours.
  - ix. Upon return of the bus, any minor repairs required, or interior cleaning not completed will be charged to the person responsible for hiring the bus. Cleaning will be charged as per the Council's Adopted Schedule of Fees and Charges for community facilities and repairs at cost plus 10%.
  - x. A bus checklist is to be completed by the person responsible for hiring the bus prior to departure and upon return.
  - xi. The logbook to be completed by the person responsible for hiring the bus, each time the bus is used during period of hire. The odometer reading prior to departure and upon return is to be verified by a Shire Officer.
  - xii. The bus will be fully fuelled when collected and is to be fully refuelled prior to its return to the Shire Depot.

Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014
Reconfirmed	OCM 26 April 2017 Item 11.3
Amended	OCM 29 July 2020 Item 13.1

#### 8.4 Shark Bay World Heritage Discovery and Visitor Centre – Art Exhibits in Rose de Freycinet Art Gallery

##### Purpose

To provide principles and procedures governing the selection and management of exhibits and their professional display in the Rose de Freycinet Art Gallery.

##### 1. Introduction

The Shark Bay World Heritage Discovery & Visitor Centre is operated by the Shire of Shark Bay. The Centre includes the Rose de Freycinet Art Gallery, a space to host a range of visual art exhibitions.

The Shire of Shark Bay is committed to providing the opportunity for our community to be creative by encouraging, stimulating and promoting a variety of traditional and contemporary art media. The Rose de Freycinet Art Gallery provides artists, art groups, organisations, museums and other exhibitors with access to public exhibition space to professionally display artwork.

Definitions:

*Exhibitions* – events where works-of-art, ceramics, crafts, models, photographs, jewellery etc. are on display to the public on walls, in display cases or other suitable means.

*Exhibitor* – the person involved in putting their work on public display.

##### 2. Selection

The Shark Bay World Heritage Discovery & Visitor Centre reserves the right to present exhibitions in the Rose de Freycinet Art Gallery. These exhibits may include in-house curated, educational or touring exhibitions, as determined by the Centre Coordinator.

Exhibitions will include individual and group exhibitions and exhibitions from organisations and institutions. Whenever viable, precedence will be given to exhibitors from the Shire of Shark Bay and Gascoyne region.

Proposed exhibitions shall be of a quality which meets the gallery's expectations, according to the type of exhibition. The Shire of Shark Bay reserves the right to refuse an exhibition where it believes these standards are not met; this decision will be final.

The exhibitors must contact the Centre Coordinator (minimum of six weeks prior to the proposed exhibition dates) to discuss the proposal. A Venue Hire Form is required to be completed and applications will be selected as outlined in the Shire's Terms and Conditions of Venue Hire.

Any exhibition containing artworks which could reasonably be considered offensive by the wider general public, may be declined, however, if approved, will carry appropriate warning signage.

All artworks exhibited at the Shire of Shark Bay's facilities must be works created by the artist/s and must not breach defamation, privacy or intellectual property and copyright laws.

### 3. Art Exhibits Display Period

Exhibitions will be on display for public viewing, as per the Centre's operating hours which are subject to seasonal demand.

The Centre staff will be responsible for the management and installation of the exhibition in consultation with the exhibitor.

For any such exhibition, the minimum advertised exhibition period is 2 weeks and maximum period of 8 weeks. The venue hire can include an additional 3-days prior for the installation of artwork and an additional 3-days following the exhibition period, to remove the artwork.

The exhibit items are unable to be stored at the premise outside of the requested venue hire dates. It is the responsibility of the exhibitor to assess the gallery space prior to hiring the venue, to ensure appropriate access and that sizing limitations meet their exhibition measurements.

Venue hire charge will apply as per the Shire of Shark Bay Schedule of Fees and Charges. These charges are subject to annual review.

An Opening Night and/or other related one-off events for the exhibitions are subject to the Centre Coordinators approval. All events being held outside the Centre's operating hours are subject to the Centre staff availability and additional staff charges will apply.

The Shire of Shark Bay has public liability, products liability and worker's compensation insurance policies in place which covers Gallery, staff and public visiting the Gallery. It is the responsibility of the exhibitor to arrange insurance cover for exhibition artworks.

### 4. Art Sale

A pricing list may accompany the exhibition and all sale enquiries will be referred directly to the exhibitor. The Shark Bay World Heritage Discovery & Visitor Centre does not take responsibility for payment of any sale between buyer and exhibitor. As per the Shire of Shark Bay Schedule of Fees and Charges, a commission of 10% applies for all sales.

#### Applicable legislation

Act	Part 2, Division 5 Local Government Act 1995
Regulation	
Local Law	
Other	

Adopted by Council on:	29 June 2022
	Item 13.1



## 9 Transport

### 9.1 Crossovers

#### Purpose

To set out what constitutes a 'standard crossing' from the paved portion of a road to a property boundary for use by vehicles.

#### Detail

1. A standard crossing comprises either -
  - a. A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate; or
  - b. A minimum of 100 mm reinforced concrete over a compacted sub-base; or
  - c. A minimum of 50 mm thick brick pavers; or
  - d. As approved by Council
2. A crossing must be built from the paved portion of a road or kerb to the front boundary line and tied in or made contiguous with abutting structures (kerbs, footpaths and driveways).
3. The minimum width of the standard crossing shall be 3.0 metres for residences, 4.0 metres for commercial, 6.0 metres for light industrial, 6.0 metres for heavy industrial and 7.5 metres for service stations each with a 1.5 metre radius "fishtail" onto the kerb line.
4. The gradient shall be positive 2% for the first 1.5 metres from the kerb line.
5. The Shire of Shark Bay will contribute to one crossing per property only.
6. Where the ratepayer elects to construct a crossover, the Shire's contribution shall not exceed 50% of the cost of the crossover as defined in this policy and as listed in the Shire's Fees and Charges Schedule of its annual budget. The square metres calculated shall be the length (from the road kerb to the property line) multiplied by the nominal width. The applicant must produce documents stating the full cost of the crossing.

#### Applicable legislation

Act	
Regulation	Regulation 15 of the Local Government (Uniform Local Provisions) Regulations 1996
Local Law	Clauses 2.4 and 2.5 of the Shire of Shark Bay Activities on Thoroughfares Local Law relate to temporary crossovers, and removal of redundant crossovers
Other	

Adopted by Council on:	27 August 2014



## 9.2 Standards of Road Construction

### Purpose

To establish a minimum standard of paved road construction within the Shire.

### Detail

All new road construction is to be carried out to Main Roads Western Australia standards, except where otherwise resolved by Council.

### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 9.3 Access Roads and Airstrips - Pastoral Ward

### Purpose

To establish a minimum standard of unpaved road maintenance within the Pastoral Ward

### Detail

Subject to and within the limits of annual budget provision, when Shire road works staff are in the area, at least once per financial year -

- Essential station access roads will be graded if required; and
- Station airstrips will be graded if used for emergency purposes and maintained by the station owner.

### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014



## 9.4 Street Names

### Purpose

To provide guidance to the CEO when requested for possible street names for new subdivisions.

### Detail

A list of reserved names be established made from past Councillors or local pioneers and the Chief Executive Officer be delegated authority to allocate names for new streets as required from time to time, using the list of reserved names whenever suitable

#### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 9.5 Road Train Approvals

### Purpose

To set out those roads which may be used by road trains.

### Detail

1. That use of road trains be permitted on Shark Bay Road (to the intersection of Monkey Mia Road), Dampier Road, Monkey Mia Road and Useless Loop Road.
2. That the use of road trains and B-Double truck configurations not be permitted in the built up area of Denham.

#### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 10 Building and Economic Services

### 10.1 Building Sites – Dust Suppression and Sand Drift Control, Litter Control

#### Purpose

Given the windy conditions prevalent in the area, the Shire requires holders of building permits and development approvals to take measures to assist in dealing with dust and litter blowing off building sites and sand drift.

#### Detail

The CEO or an authorised person may add to any building permit or planning approval conditions to the effect that the permit holder is required to take measures to:

1. Prevent wind erosion or sand drift as a result of any works; failure to do so will result in the Shire undertaking any necessary stabilisation works, recovery of the cost from the owner/permit holder, and/or prosecution; and
2. Prevent rubbish from blowing around and from the site.

The CEO or authorised officer may specify particular measures depending on individual site circumstances, and may take action required to deal with the matter if a sand drift, dust or litter problem exists if immediate action is not taken by an owner, permit holder, builder or occupier to abate the problem.

#### Applicable legislation

Act	Section 3.25 LG Act and Schedule 3.1, Litter Act 1985
Regulation	Regulation 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Local Law	
Other	

Adopted by Council on:	27 August 2014

### 10.2 Protection of kerbs, roads and footpaths during construction work

#### Purpose

To establish the amount the Shire requires as a bond to provide it with sufficient funds to repair damage to kerbs, roads, drains or footpaths as a result of construction activity or works on adjoining property.

#### Detail

Building applicants are required to lodge a bond under Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* that is in the opinion of the CEO sufficient to cover the cost of repairing any damage to a kerb, road, or footpath or other Shire owned infrastructure in the vicinity of a construction site.

In accordance with the Regulations, the amount of the bond is to be determined by the CEO, and may be varied depending upon the site and scale of construction but as a guide should be a minimum of \$1,000.

#### Applicable legislation

Act	
Regulation	Regulation 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 11 Other Property and Services

### 11.1 Light Vehicles

#### Purpose

To set out the optimal point at which the balance between maintenance, depreciation and replacement cost light vehicles owned by the Shire are to be replaced.

#### Detail

Motor Cars and utilities will be scheduled for replacement in accordance with the vehicle replacement schedule set in the Shire's annual budget.

All vehicles will be replaced in accordance with the Shires purchasing policy.

#### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

### 11.2 Private Works

#### Purpose

To ensure that the cost of works undertaken by the Shire on privately owned property is fully recovered

#### Detail

1. Private works rate charges are to be:
  - a. Set each year in the Shire's annual budget; and
  - b. At a level sufficient to recover all costs associated with such work including supervision and administration.
2. All agreements for private works are to be made in writing setting out the scope of work, estimated cost, and any other relevant matter and is to be signed by the person requesting the works. If deemed necessary by the CEO, a deposit or prepayment may be required before the commencement of work.

#### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	27 August 2014

## 12 Risk Management

### 12.1 Risk Management Policy

#### Purpose

The Shire of Shark Bay ("the Shire") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals, or objectives.

#### Policy

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Executive Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice, and performance.

Every Councillor, employee, volunteer, and contractor within the Shire is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

#### Definitions (from AS/NZS ISO 31000:2018)

**Risk:** Effect of uncertainty on objectives.

**Note 1:** An effect is a deviation from the expected – positive or negative.

**Note 2:** Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product, or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures, and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring, and reviewing risk.

### Risk Management Objectives

Optimise the achievement of the Shire's vision, experiences, strategies, goals, and objectives.

Provide transparent and formal oversight of the risk and control environment to enable effective decision making.

Enhance risk versus return within the Shire's risk appetite.

Embed appropriate and effective controls to mitigate risk.

Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.

Enhance organisational resilience.

Identify and provide for the continuity of critical operations

### Risk Appetite

The Shire defined its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Plan and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by a member of the Executive Management Team.

### Roles, Responsibilities & Accountabilities

The CEO is responsible for the allocation of roles, responsibilities, and accountabilities. These are documented in the Risk Management Plan.

### Monitor & Review

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be reviewed by the Shire's Executive Management Team. It will be formally reviewed by Council biennially.

#### Applicable legislation

Act	
Regulation	
Local Law	
Other	

Adopted by Council on:	29 April 2015
Updated	22 February 2017

## 13 Occupation, Health and Safety

### 13.1 Occupational, Health and Safety Policy

#### Purpose

This policy outline the Shire of Shark Bay's commitment to continuously improve the occupational safety and health standards within the workplace, to continuously improve the occupations safety and health management systems and to reduce hazards and subsequent incidents in the workplace.

The Shire of Shark Bay is committed to managing occupational safety and health including the development and implementation of an Occupational Safety and Health Management System that complies with or exceeds legislative requirements including the Act, Regulations, Codes of Practice, Guidance Notes and Australian Standards.

The Shire of Shark Bay will ensure that all levels of employees, including senior management, employees, contractors and volunteers understand their roles and responsibilities in accordance with legislative requirements.

The employer aims to meeting their objectives by:

- i. Providing and maintaining workplaces, plant and systems of work such that so far as is practicable, the employees are not exposed to hazards;
- ii. Providing such information, instruction and training to, and supervision of, the employees, to enable them to perform their work so they are not exposed to hazards;
- iii. Consulting and cooperating with employees at the workplace regarding occupational safety and health issues;
- iv. Providing employees with personal protective clothing and equipment to assist protect them against those hazards.

Employees, including contractors, volunteers and work experience students are obligated to meet their duty of care by:

- i. Taking care for his or her own safety and health and avoid adversely affecting the safety or health of any other person;
- ii. Complying with safety and health instructions given by the employer, including the direction to wear personal protective clothing or equipment'
- iii. Timely reporting of hazards, accidents (injuries) and incidents (near misses) in the workplace.

A safe and efficient place or work is our goal, and we must all be committed to reach this outcome.

#### Applicable legislation

Act	Occupational Health and Safety
Regulation	Occupational Health and Safety
Local Law	
Other	

Adopted by Council on:	22 February 2017