

# SHIRE OF BOYUP BROOK POLICY MANUAL



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## Introduction

This manual is an essential component of Council’s governance framework and guides Council, Management, and residents in the context of Council’s decision making.

The Policies in this Manual are designed to:

- Outline positions on matters.
- Provide consistency and equity in decision making.
- Provide promptness in responding to customer needs; and
- Support operational efficiency.

Policies arise in response to:

- Legislative requirements.
- Discretionary legislated powers; and / or
- Non-legislated functions / activities of Council, e.g. provision of Services and relates to powers under the *Local Government Act 1995*.

Reports to Council must detail relevant Policies as this provides general guidance to Elected Members to assist in their deliberations on the matter in hand, and information for residents.

The index to this Manual follows the Organisational Structure:



Complementing and to be read in conjunction with this Manual are the following corporate documents:

- Long Term Financial Plan; (under review)
- Asset Management Plan; (to be prepared)
- Corporate Business Plan; (under review)
- Local Planning Policies.
- Delegation of Authority Registers.
- Model Standards for the CEO Recruitment, Performance and Termination.
- Code of Conduct for Elected Members, Committee Members and Candidates; and
- Code of Conduct for Local Government Employees.

# Part 1

# Members



## Policy M1 – Elected Members Access To Information

### 1. Policy Intent

To establish clear guidelines for Elected Members' access to Council information, ensuring transparency, accountability, and compliance with the *Local Government Act 1995*.

### 2. Policy

#### 2.1. Access to Information

- Elected Members have access to specific documents beyond those available to the public to enable them to fulfil their duties effectively.
- Access to such information is governed by Section 5.92, Section 5.93 and Section 5.94 of the *Local Government Act 1995*. Elected Members must only access information necessary for Council-related business and must not use privileged information for personal or external purposes.

#### 2.2. Communication Channels

- All staff report to the Chief Executive Officer (CEO), who is responsible for managing operations and ensuring the Council receives accurate information.
- Elected Members must direct inquiries through the CEO.

2.3. At the CEO's discretion, Elected Members may liaise with Executive Managers for operational matters or specific projects.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		
Inclusion of reference to s5.93	26 March 2026	CM 26/03/073

End

## Policy M2 – Elected Members And Chief Executive Officer Public Statements

### 1. Policy Intent

The *Local Government Act 1995* (the Act) (as amended), Section 2.8(1)(d) provides that the Shire President speaks on behalf of the Local Government unless otherwise delegated under the Act. Section 5.41(f) provides for the Chief Executive Officer (CEO) to speak on behalf of the Council when the Shire President agrees.

Section 2.10 of the Local Government Act 1995 also outlines the role of Elected Members in representing the interests of the community and participating in the decision making process of Council.

Elected Members, outside their official capacity as members of Council, have the right to speak in public within the limits of the law. The performance of a role as an Elected Member overlaps with the role of a member of the public and imposes limitations on what would otherwise be a normal right to speak in public on local government affairs.

The principal limitation is that an Elected Member, who is not Shire President, cannot speak on behalf of the Council, as per the Act, Section 2.8.

### 2. Policy

#### 2.1. The Shire President

- a. When speaking to the media, or otherwise in public, the Shire President is the only Elected Member who may speak on behalf of Council, unless otherwise delegated under Section 5.34 or Section 5.41(f) of the Act.
- b. When the Shire President is speaking to the media or otherwise in public but not officially on behalf of the Council, they must make it clear that they are not speaking as the Shire President or in any other Council capacity.

#### 2.2. The Deputy Shire President

- a. The Deputy Shire President may only speak to the media, or otherwise in public, on behalf of the Council in the circumstances set out in Section 5.34 of the Act being:
  - If the role of Shire President is vacant.
  - The Shire President is not available or is unable or unwilling to perform the functions of the Shire President.
- b. The Deputy Shire President must otherwise comply with the limitations on the role of an Elected Members when speaking to the media.

#### 2.3. Elected Members

- a. An Elected Members must not speak to the media or otherwise in public on behalf of the Council or the operations of the Shire of Boyup Brook.

- b. When an Elected Members is speaking to the media or otherwise in public, they must make it clear that they are not speaking on behalf of the Council but rather in the role of an Elected Member. Elected Members speaking publicly must include a disclaimer such as: 'The views expressed are my own and do not necessarily reflect those of the Shire of Boyup Brook.'
- c. An Elected Members speaking on Council matters to the media, or otherwise in public, may identify themselves as an Elected Member, but must avoid any suggestion or appearance of speaking on behalf of the Council.
- d. Statements made by Elected Members on social media must adhere to the same principles outlined in this policy. Elected Members must not imply they are speaking on behalf of the Shire unless authorised to do so.

## **2.4. Chief Executive Officer**

- a. It is part of the function of the CEO to speak on behalf of the Council if the Shire President agrees, as per Section 5.41(f) of the Act.
- b. The Shire President may give agreement to the CEO speaking on behalf of the Council:
  - On a specific occasion,
  - On a specific subject matter, or
  - On a specified category of occasions or subjects when they arise.
- c. Further to the above, the CEO may speak to the media, or otherwise in public, as to the Shire's affairs in performance of the CEO's functions under Section 5.41(f) of the Act, including that of managing the day-to-day operations of the Shire. The CEO requires the agreement of the Shire President only when making statements that would ordinarily fall within the role of the Shire President as spokesperson for the Council.
  - Any delegation of authority to an officer to speak on behalf of the Shire must be documented in writing and approved by the CEO.

## **2.5 Written, oral and electronic statements**

This policy applies equally to statements made in public, whether communicated orally, in writing, electronically, or by any other means.

## **2.6 Media Releases**

- a. All written media releases must be approved by the CEO in consultation with the Shire President prior to release. If one or the other is unavailable, responsibility passes to the next in line (i.e., Acting CEO or Deputy Shire President).
- b. To ensure timely communication, media releases must be reviewed and approved within 48 hours of submission to the CEO and Shire President.

- c. If one or the other is unavailable, responsibility passes to the next in line (i.e., Acting CEO or Deputy Shire President).

## 2.7 Compliance

- a. Any breach of this policy may be addressed under *the Local Government Act 1995* or the Code of Conduct for Elected Members, including potential disciplinary action.

Document Control		
Previous Policy Reference	M.02	
Related Legislation	<i>Local Government Act 1995, Section 2.8, Section 2.10 and Section 5.41.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li>Corrected legal references.</li> </ul>	2.4a, 2.4c
	<ul style="list-style-type: none"> <li>Clarified that the Shire President speaks on Behalf of Council unless delegated under the Act.</li> </ul>	2.1a
	<ul style="list-style-type: none"> <li>Strengthened requirement for Elected Members to provide a disclaimer when speaking publicly.</li> </ul>	2.3b
	<ul style="list-style-type: none"> <li>Added section clarifying social media communication rules for Elected Members.</li> </ul>	2.3d
	<ul style="list-style-type: none"> <li>Ensured that the CEO delegations to officers must be in writing.</li> </ul>	2.4d
	<ul style="list-style-type: none"> <li>Set a 48-hour timeframe for media release approvals.</li> </ul>	2.6b
	<ul style="list-style-type: none"> <li>Introduced a compliance clause specifying consequences for breaches.</li> </ul>	2.7a
	<ul style="list-style-type: none"> <li>Inclusion of 2nd paragraph under 1. Policy Intent</li> </ul>	CM 26/03/073

End

## Policy M3 – Communications

### 1. Policy Intent

This policy provides clear guidelines on appropriate communication between Elected Members and staff in accordance with the *Local Government Act 1995*.

Under Section 5.41, the CEO is responsible for the day-to-day management of staff and operations. Section 5.41(g) further provides that the Chief Executive Officer is responsible for advising the Council in relation to the functions of the local government. Section 2.7(1) outlines the Council's role in governing, and Section 2.10 defines Elected Members' roles, including liaising with the community and participating in decision-making.

Elected Members must not direct staff in their work, nor should they interfere in operational matters.

### 2. Communication Protocols

#### 2.1. Communication between Elected Members and Staff

- a. All formal requests for information or action must be directed through the CEO or an Executive Manager.
- b. Elected Members may communicate informally with staff for general discussions but must not give directions or interfere with staff duties.
- c. The CEO must be informed of any concerns or complaints arising from communication between staff and Elected Members.

#### 2.2. Written Communication

- a. Emails and other official correspondence between Elected Members and staff must be professional and comply with Shire policies.
- b. The CEO must be copied on all formal requests for information.

#### 2.3. Confidentiality and Conduct

- a. Elected Members must not share confidential information obtained through staff interactions.
- b. All communication must comply with the Code of Conduct for Elected Members and Local Government Officers.

#### 2.4. Handling of Concerns and Disputes

- a. If a staff member has a concern about a communication from an Elected Member, they must report it to the CEO.

- b. If an Elected Member has a concern about a staff member, they must raise it with the CEO rather than approaching the staff member directly.
- c. If the concern is not resolved, it may be escalated to the Shire President or handled through formal dispute resolution procedures.

## 2.5. Social Media and Electronic Communication

- a. Elected Members must not use social media or private messaging to discuss operational matters with staff.
- b. Emails and text messages between Elected Members and staff must be professional and comply with official communication protocols.
- c. Any media inquiries must be directed to the Shire President or CEO, as outlined in the Media and Public Communication Policy.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	• Added reference to the Local Government Act 1995 – Policy Intent.	1.
	• Clarified that requests must go through the CEO.	2.1a
	• Defined acceptable informal communication.	2.1b
	• Introduced confidentiality obligations.	2.3a & 2.3b
	• Strengthened dispute resolution processes.	2.4
	• Added social media and electronic communication policy.	2.5
	• Inclusion of Section 5.41(g) further provides that the Chief Executive Officer is responsible for advising the Council in relation to the functions of the local government on 1. Policy Intent	CM 26/03/073

End

## Policy M4 – Elected Members Continuing Professional Development

### 1. Policy Intent

This policy ensures that all Elected Members meet and comply with the mandatory professional development requirements under the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* (WA).

### 2. Policy

#### 2.1. Mandatory Training

- a. Elected Members must complete the following prescribed training modules within 12 months of election:
  - Understanding Local Government.
  - Serving on Council.
  - Meeting Procedures.
  - Conflicts of Interest.
  - Understanding Financial Reports and Budgets.
- b. Elected Members are encouraged to nominate to attend other conferences or training opportunities, to enhance and broaden their knowledge of local government issues to support the community.
- c. Council may authorise, subject to the available funds in the adopted budget, attendance at other conferences or training opportunities, by more than the number of specified delegates, if a particular purpose or need arises provided that:
- d. The conference or training is organised by an identified industry recognised training provider.

#### 2.2. Travel Arrangements

- a. All travel arrangements for training must be coordinated through the CEO's Office.
- b. Pre-approval is required for all conference or training-related travel.
- c. Travel expenses, including flights and accommodation, will be booked at economy level. Upgrades may be permitted at the Elected Member's personal expense.
- d. Elected Members must not independently commit or incur expenditure on behalf of the Shire without prior approval.
- e. Reimbursement requests must be submitted with receipt.

#### 2.3. Accompanying Person

- a. Any costs associated with an accompanying person (e.g., travel, accommodation) must be borne by the Elected Member or the accompanying person.

- b. The Shire may cover the cost of official event dinners (e.g., WA Local Government Conference Gala dinner).
- c. Elected Members must seek prior approval for any other exceptions.

## 2.4. Reporting and Compliance

- a. The CEO must prepare an annual report detailing Elected Member training completed in the financial year.
- b. This report must be published on the Shire’s website, in accordance with Section 5.127 of the Act.
- c. Non-compliance must be reported to the Council for consideration

<b>Document Control</b>		
Previous Policy Reference	M.13	
Related Legislation	Reg 35 of the <i>Local Government (Administration) Regulations 1996</i> , Sections 5.126, 5.127 5.128 and 5.129 of the <i>Local Government Act 1995</i> .	
Related Documents		
Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	• Clarified travel expenses approval.	2.2
	• Improved accompanying persons policy.	2.3
	• Established reporting obligations.	2.4

End

## Policy M5 – Elected Members Recognition Of Continuous Service

### 1. Policy Intent

To provide clear guidelines for the recognition and appreciation of long-serving Elected Members who achieve significant milestones of continuous service with the Shire of Boyup Brook (Shire).

This policy aligns with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* (WA) to ensure that all service recognition and gifts comply with legislative requirements and financial accountability.

### 2. Policy

#### 2.1. Recognition of Continuous Service

Elected Members who reach significant milestones in continuous service will be formally recognised by the Shire, in accordance with this policy.

Eligible service milestones are:

- 10 years – Certificate of recognition and engraved award.
- 20 years – WALGA Long Service Award and engraved award.
- 25+ years – State-level recognition at the discretion of Council.

The awards will be presented at an official Council Meeting or civic function, as determined by the Shire President.

#### 2.2. Recognition for Retiring Elected Members

An Elected Member who has served at least one full term of office (four years) and is retiring from Council may receive a gift in recognition of their service.

The value of the gift will be \$50 per year of service, up to a maximum of \$500, in line with Regulation 34AC of the *Local Government (Administration) Regulations 1996*.

The Shire President and CEO will determine eligibility and approve the gift. If the Shire President is the retiring member, the CEO and Deputy Shire President will make the decision.

Cash payments are not permitted as a form of recognition under this policy.

#### 2.3. Definition of Gifts and Entitlements

The following are not considered gifts under this policy:

##### a. Implicit Entitlements

Elected Members are entitled to certain benefits as part of their role, which are not considered gifts. These include:

- Meals provided at meetings or official functions.
- Office supplies and electronic equipment provided for Council duties.
- Travel and accommodation for Council-related activities.

b. Express Entitlements

Certain benefits arise from discretionary authority under the Local Government Act. These include:

- Council-funded travel & accommodation for official duties.
- Use of Council vehicles for official business.

Legislative Reference: These entitlements do not fall under the gift disclosure requirements of Sections 5.57, 5.87A & 5.87B of the *Local Government Act 1995* unless they exceed \$300 in value received from a person within a 12-month period in accordance with Sections 5.87A and 5.87B of the Local Government Act 1995.

## 2.4. Gift Disclosure and Transparency

To ensure public accountability, the Shire will maintain a public register of all gifts given under this policy.

- The CEO must keep a register of all service recognition awards and gifts provided to retiring Elected Members.
- In accordance with Section 5.127 of the *Local Government Act 1995*, this register must be published annually on the Shire’s website.
- If an Elected Member receives any gift exceeding \$300, they must disclose it as per Sections 5.87A & 5.87B of the Act.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Local Government (Administration) Regulations 1996, Local Government Act 1995.</i>	
Related Documents	Department of Local Government Circular 8 - 2011	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
• Added explicit legislative references from the Local Government Act 1995 and Local Government (Administration) Regulations 1996 (WA).		1.
• Changed milestones to 10, 20, and 25+ years, aligning with WALGA’s Long Service Awards.		2.1
• Ensures compliance with Local Government Regulations 1996.		2.2
• Retained the existing approval structure, but clarified the process for transparency.		2.2.
• Explicitly defined “Implicit” and “Express” entitlements and referenced Section 5.57 of the Local Government Act 1995.		2.3.
• Added a requirement for a public gift register, ensuring compliance with Sections 5.87A & 5.87B of the Local Government Act 1995.		2.4.

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<ul style="list-style-type: none"><li>• Include - unless they exceed \$300 in value received from a person within a 12-month period in accordance with Sections 5.87A and 5.87B of the Local Government Act 1995 under 2.39b).</li></ul>	CM 26/03/073
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End

## Policy M6 – Attendance At Events And Functions

### 1. Introduction

Section 5.90A of the *Local Government Act 1995* (the Act) provides that a local government must prepare and adopt an Attendance at Events policy. This policy is made in accordance with those provisions.

### 2. Policy Intent

This policy provides a framework for Elected Members and the Chief Executive Officer (CEO) to attend events, including concerts, conferences, functions or sporting events or other prescribed occasions, whether free of charge, part of a sponsorship agreement, or paid for by the local government.

An effective framework ensures transparency regarding the attendance at events by Elected Members and the CEO.

### 3. Policy

This policy applies to Elected Members and the CEO of the Shire of Boyup Brook (Shire).

### 4. Policy Statement

In accordance with Section 5.90A of the Act an event is defined as:

- a concert.
- a conference.
- a function.
- a sporting event; or
- an occasion prescribed by the *Local Government (Administration) Regulations 1996* (the Regulations).

#### 4.1. Pre-approved Events

To meet the policy requirements, tickets and / or invitations to events must still be received by the Shire as outlined in clause 4.2(a)(1) in the case of any external groups or organisations. However, attendance at the following events by Elected Members and the CEO is pre-approved:

- Any public free event held within the Shire district.
- Events hosted by clubs or not-for-profit organisations within the Shire district.
- Shire hosted or Shire-run ceremonies, functions, tournaments, or events.
- Shire sponsored ceremonies, functions, tournaments, or events.
- Any Business Awards or similar awards for local businesses held within or outside the Shire district.
- Community cultural events / festivals within the Shire district.
- Opening or launch of an event or facility within the Shire district.

- Other events where the Shire representation has been formally requested by invitation, including events from:
  - Western Australian Local Government Association (excluding LGIS).
  - Australian Local Government Association Limited (ABN 31 008 613 876).
  - Local Government Professionals Australia WA (ABN 91 208 607 072).
  - LG Professionals Australia (ABN 85 004 221 818).
  - Department of the Western Australian Public Service.
  - Government department of another State, a Territory, or the Commonwealth; or
  - A local government or regional local government.

All Elected Members and the CEO are entitled to attend pre-approved events. If demand exceeds ticket availability, the CEO, after consultation with the Shire President, shall determine attendance at their discretion.

Any costs relating to accompanying partners to any pre-approved event will be the responsibility of the relevant Elected Member or the CEO.

## 4.2. Non-Pre-Approved Events

### a. Provision of Tickets (Invitations)

- I. All invitations or offers of tickets for Elected Members or the CEO to attend an event must be in writing, no later than five business days prior to the event or the RSVP date (whichever occurs first), and addressed to the Shire, using formal position titles. These should be sent by mail to PO Box 2, Boyup Brook, WA 6244 or by e-mail to [shire@boyupbrook.wa.gov.au](mailto:shire@boyupbrook.wa.gov.au).
- II. Any invitation or offer of tickets not addressed to the Shire is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act and associated Regulations.

### b. Approval of Attendance

- I. Events addressed to Elected Members will be assessed and authorised by the CEO and Shire President.
- II. Events for the CEO will be assessed and authorised by the Shire President.
- III. Events for the Shire President will be assessed and authorised by the Deputy Shire President in consultation with the CEO.

## 5. Excluded Matters

The following matters are excluded from this policy:

- a. Where an Elected Member is appointed by Council to be directly involved with a local community / sporting group or not-for-profit organisation in an official capacity, this policy does not apply to the groups or organisations normal business activities.
- b. The attendance by Shire employees at pre-approved or non-approved events is determined by the CEO and is not subject to this policy. However, the gift and travel

reporting requirements under the Act and the associated Regulations remain applicable, as do any legislative provisions relating to conflict of interests.

- c. Elected Members' ongoing professional development and mandatory training funded by the Shire.
- d. CEO attendance at conferences or training funded by the Shire to achieve organisational goals and objectives.

## 6. Disclosure of Interests

Any gift received over \$300 is specifically excluded from the conflict-of-interest provisions if:

- the gift relates to attendance at an event where attendance has been approved under this policy; or
- the gift is from the pre-approved specified entities listed in Regulation 20B of the *Local Government (Administration) Regulations 1996*.

However, excluded gifts must still be disclosed and published on the Shire's gifts register if their value exceeds \$300 and they are received in the capacity of Elected Member or CEO.

## 7. Gifts and Event Invitations

The policy provides guidance to Elected Members and the CEO when an invitation to an event, function, or hospitality occasion - ticketed or otherwise - is offered.

Any contribution to travel or the provision of tickets must be disclosed in writing to the CEO within 10 days of receipt if the value exceeds \$300, in accordance with Sections 5.87A and 5.87B of the Act.

All disclosed gifts will be published in the publicly accessible gifts register, as required by the Act.

## 8. Ethical Considerations

Elected Members and the CEO should consider whether accepting attendance at an event may create a perception of bias or undue influence, even where the gift is allowable under this policy. Where uncertainty arises, guidance should be sought from the Shire President or CEO.

## 9. Legislative and Strategic Context

This policy operates within the framework of the *Local Government Act 1995* and the associated *Local Government (Administration) Regulations 1996*.

<b>Document Control</b>		
Previous Policy Reference	M.15	
Related Legislation	<i>Local Government Act 1995, Section 5.90A, 5.87A and 5.87B Local Government (Administration) Regulations 1996 Regulation 20B.</i>	
Related Documents	Code of Conduct for Elected Members, Committee Members and Candidates Council Policy M4 – Elected Members Continuing Professional Development.	
Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li>References to Section 5.83 (which was deleted) were replaced with Sections 5.87A and 5.87B.</li> </ul>	Various
	<ul style="list-style-type: none"> <li>Reference 5.87A and 5.87B in document control section</li> </ul>	CM 26/03/073

End

## Policy M7 – Elected Members Information, Communications And Technology

### 1. Policy Intent

To provide an annual allowance to Elected Members to adequately cover fixed and usage-related telecommunications and information technology fees, as well as the cost of consumables for printers. Additionally, this policy established guidelines for the provision and usage of Council-issued computer equipment.

### 2. Issues

The *Local Government Act 1995*, specifically Sections 5.98, 5.99 and 5.99A provides for an Information, Communications and Technology (ICT) allowance as an alternative to reimbursement of costs.

The annual allowance is more efficient to administer than the cost reimbursement option and does not rely on claims being lodged. It is designed to adequately meet Elected Members' costs related to communication with the community, each other, and administration.

To ensure Elected Members can effectively engage with the community and Council operations, it is critical they have access to suitable computer equipment and standard software programs.

### 3. Policy

#### 3.1. Information, Communications and Technology Allowance

- Elected Members will be paid an annual telecommunications and technology allowance in accordance with the latest determination by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*.
- This allowance will be reviewed annually as part of the budget process.
- Elected Members who incur costs exceeding the allowance due to extraordinary circumstances may apply for additional reimbursement, subject to CEO approval.
- This policy excludes the automatic issuing of a Shire laptop, which is covered separately under Section 3.2.

#### 3.2. Equipment

##### a. Provision of Equipment

- The Shire will provide each Elected Member with a Council-issued laptop or tablet for official use only.
- A replacement device will (subject to budget constraints) be issued every four years, coinciding with an Elected Member's term in office.
- If an Elected Member retires or is not re-elected, the laptop or tablet must be returned to the Chief Executive Officer (CEO) for refurbishment and reallocation.
- Departing Elected Members may apply to purchase their device at a depreciated cost, subject to Council approval.

#### b. Maintenance and Security

- The Shire is responsible for all maintenance and technical support on the provided laptop or tablet.
- Elected Members must report any maintenance or technical issues to the CEO or the designated IT support provider within a reasonable timeframe.
- All devices must have security software, including remote wipe capability, to protect against data breaches.
- Multi-Factor Authentication (MFA) must be enabled for remote access to the Elected Members Portal.
- All software and applications installed on the laptop must be pre-approved by the CEO or IT provider to ensure compliance with security protocols.

#### c. Usage Restrictions

- The laptop or tablet is for official Shire purposes only.
- Elected Members must ensure their devices remain password-protected and must not share passwords with any individual.
- Elected Members must report any suspected unauthorised access or data breach immediately to the CEO.
- Forwarding, sharing, or allowing third-party access to confidential materials on Council-issued devices is strictly prohibited.
- Only Shire-issued devices are permitted to access the Elected Members Portal remotely

#### d. Data Ownership and Compliance

- All information and documents stored on Council-issued laptops remain the property of the Shire.
- Devices and data may be subject to review under Freedom of Information (FOI) requests, police investigations, or oversight by the Crime and Corruption Commission (CCC).
- Any breaches of confidentiality may be subject to disciplinary action

### 4. Lost or Stolen Laptops / Tablets

- If an Elected Member's laptop or tablet is lost or stolen, they must report the loss to the CEO immediately.
- The Elected Member will be responsible for covering the insurance excess, which will be set at a predetermined amount in accordance with the Shire's insurance policy.
- A replacement device will be issued as soon as practicable, subject to availability and security clearance procedures.
- If a device is recovered, it must be returned to IT support for inspection before reuse

<b>Document Control</b>		
Previous Policy Reference	M.10	
Related Legislation	<i>Local Government Act 1995, Section 5.98.</i>	
Related Documents		
Initial Adoption Resolution		17 June 2004
Amendment Record		9 August 2006
		20 May 2010
		15 Dec 2011
		July 2011
	Res	28 Sep 2023
	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>Legislative references improved.</li> </ul>		Various
<ul style="list-style-type: none"> <li>Added a provision for additional reimbursement if an Elected Member incurs costs exceeding the allowance due to extraordinary circumstances.</li> </ul>		3.1
<ul style="list-style-type: none"> <li>Allowed departing Elected Members to apply to purchase their device at depreciated cost.</li> </ul>		3.2(a)
<ul style="list-style-type: none"> <li>Mandated security measures including remote wipe capability, multi-factor authentication (MFA), and breach reporting.</li> </ul>		3.2(b)
<ul style="list-style-type: none"> <li>Expanded to include Freedom of Information (FOI) requests, Crime and Corruption Commission (CCC) inquiries, and potential disciplinary actions.</li> </ul>		3.2(d)

End

## Policy M8 – Elected Members Fees, Allowances And Reimbursement Of Expenses

### 1. Policy Intent

The purpose of this policy is to establish the parameters for the payment of Elected Members' fees, allowances, and reimbursement of expenses in accordance with the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, and determinations issued by the Salaries and Allowances Tribunal (SAT).

### 2. Policy

#### 2.1. Annual Attendance Fee

- Elected Members shall be paid an annual attendance fee in two equal payments made in the financial year: April (covering October - March) and October (covering April – September).
- The amount shall be determined in the annual budget and shall not exceed the maximum set by the Salaries and Allowances Tribunal (SAT).
- If an Elected Member is elected or vacates their position partway through a payment period, the applicable fees will be prorated accordingly.

#### 2.2. Shire President / Deputy Shire President Allowance

- The Shire President and Deputy Shire President shall be paid an allowance in two equal payments made in the financial year: April (covering October - March) and October (covering April – September).
- The amount shall be determined in the annual budget and shall not exceed the maximum set by the SAT.

#### 2.3. Information and Communications Technology Allowance

- Elected Members shall be paid an ICT Allowance in lieu of reimbursement of expenses, with the amount determined in the annual budget and subject to SAT determinations.
- The ICT Allowance shall be paid in two equal payments made in the financial year: April (covering October - March) and October (covering April – September).

#### 2.4. Travel Allowance

- Elected Members shall be paid a Travel Allowance for official duties, in accordance with Regulation 31 of the *Local Government (Administration) Regulations 1996*.
- The amount shall be determined in the annual budget and based on the applicable SAT determination.
- If an Elected Member incurs travel expenses beyond the set allowance, they may claim reimbursement in accordance with Regulation 31.
- Elected Members travel expenses shall be paid in two equal payments made in the financial year: April (covering October - March) and October (covering April – September)

## 2.5. Payment Process and Oversight

- All payments shall be processed by the Shire’s Finance Department, subject to approval by the Chief Executive Officer (CEO) or delegate.
- Payments will be made via electronic transfer to Elected Members’ nominated bank accounts

## 2.6. Review of Fees and Allowances

- Council shall review all fees and allowances at least once annually as part of the budget preparation process and in accordance with the latest SAT Determination.
- Any amendments shall be approved by an absolute majority resolution of the Council.

<b>Document Control</b>		
Previous Policy Reference	M.05	
Related Legislation	<i>Local Government Act 1995, Section 5.98, 5.96A and 5.98B Local Government (Administration) Regulation 1996 Salaries and Allowances Act 1975 (Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members).</i>	
Related Documents		
Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>• Added explicit references to Local Government Act 1995, Local Government (Administration) Regulations 1996, and Salaries and Allowances Tribunal (SAT) for clarity.</li> </ul>		1
<ul style="list-style-type: none"> <li>• Added provision for prorated payments if an Elected Member joins or leaves mid-term.</li> </ul>		2.1
<ul style="list-style-type: none"> <li>• Stated that the allowance is in accordance with Regulation 31 of the Local Government (Administration) Regulations 1996.</li> </ul>		2.4
<ul style="list-style-type: none"> <li>• Added a provision allowing reimbursement beyond the set allowance for eligible travel expenses.</li> </ul>		2.4
<ul style="list-style-type: none"> <li>• New section added to specify that all payments must be approved by the CEO or delegate and processed electronically.</li> </ul>		2.5
<ul style="list-style-type: none"> <li>• New payment dates - Elected Members shall be paid an annual attendance fee in two equal payments made in the financial year: April (covering October - March) and October (covering April – September).</li> </ul>		2.1
<ul style="list-style-type: none"> <li>• Update related legislation references in document control section</li> </ul>		CM 26/03/073

End

## Policy M9 – Electronic Attendance At Meetings By Elected Members / Committee Members

### 1. Policy Intent

The purpose of this policy is to establish the parameters for when Elected Members / Committee Members may attend meetings electronically.

### 2. Policy

Electronic Attendance at Council Meetings by Elected Members

#### 2.1. Request to attend a Council Meeting electronically

- a. Requests to attend a Council Meeting electronically are to be sent to the President with a copy to the CEO and Executive Officer at least 24 hours prior to the relevant meeting. In cases of emergencies or unforeseen circumstances, requests may be considered with a shorter notice period at the discretion of the President.
- b. In the request, the Elected Member is to outline the following:
  - i. Details of the location the Elected Member will be attending from.
  - ii. Details of the equipment to be used (if not Shire equipment) and electronic connection method.
  - iii. Confirmation that confidentiality can be maintained; and
  - iv. Any declarations of interest that are to be made for the relevant meeting.
- c. The Presidents authorisation will have regard to whether the location from which the member intends to attend the meeting, and the equipment to be used are suitable to enable the member to effectively engage in deliberations and communications during the meeting.
- d. Approval is to be provided in writing by the President with a copy to the CEO and Executive Officer to record the approval in the Shire's record keeping system.
- e. Should the request be denied or made later than midday of the relevant meeting, the request will be put to Council for consideration.
- f. Should the President wish to attend a Council meeting electronically, this request is to be forwarded to the Deputy President following the process outlined in Regulation 14C(2), (3), and 14CA(5) of the Local Government (Administration) Regulations 1996.

#### 2.2. Request to attend a Committee Meeting electronically

- a. Requests to attend a meeting electronically are to be sent to the President / Presiding Member with a copy to the CEO and Executive Officer at least 24 hours

prior to the relevant meeting. In cases of emergencies or unforeseen circumstances, requests may be considered with a shorter notice period at the discretion of the President / Presiding Member.

- b. In the request, the Elected Member is to outline the following:
  - i. Details of the location the Elected Member will be attending from.
  - ii. Details of the equipment to be used (if not Shire equipment) and electronic connection method.
  - iii. Confirmation that confidentiality can be maintained; and
  - iv. Any declarations of interest that are to be made for the relevant meeting.
- c. The President's / Presiding Members authorisation will have regard to whether the location from which the Elected Member intends to attend the meeting, and the equipment to be used are suitable to enable the Elected Member to effectively engage in deliberations and communications during the meeting.
- d. Approval is to be provided in writing by the President / Presiding Member with a copy to the CEO and Executive Officer to record the approval in the Shire's record keeping system.
- e. Should the President / Presiding Member wish to attend a committee meeting electronically, this request is to be forwarded to the Deputy President / Deputy Presiding Member with a copy to the CEO and Executive Officer following the process outlined in clauses 2.2(a) to (d).

### 3. Location

- a. The Elected Member is to ensure that the location is indoors, quiet, and private.
- b. The location must have suitable controls (such as closing a door to an enclosed room) to ensure that confidentiality (where required) is not breached.

### 4. Electronic Means

- a. The Shire will conduct electronic meetings preferably utilising the platform known as Microsoft Teams, with alternative platforms permitted in case of technical issues or Member preference.
- b. All meeting invitations will include a link to join the meeting electronically.
- c. Members attending electronically are to join the meeting preferably at least five minutes prior to allow for sufficient testing of equipment and to resolve any technical issues.
- d. Members must use a suitable network connection such as private home Wi-Fi or a mobile hotspot from a trusted personal device, which is defined as a device with up-to-date security software and controlled access.

- e. Due to increased cyber security risks, Members are not permitted to connect via public Wi-Fi (such as connections at cafes, airports, hotels, and restaurants).

## 5. Equipment

Where practical, Elected Members attending meetings electronically are to use equipment provided by the Shire.

## 6. 50% Cap

- a. Elected Members may only attend a Legislated Meeting by electronic means provided they have attended less than half of Legislated meetings in the previous (12) months by this method.
- b. Elected Members meeting attendance will be recorded by the Administration in the minutes of the relevant meeting.
- c. The Administration will advise the President and the relevant Elected Member when they have attended 40% (or the percentage closest to 40%) of meetings electronically.
- d. The 50% cap does not apply to an Elected Member who is a person with a disability as defined in Section 3 of the *Disability Services Act 1993 (WA)*.

## 7. Definition

**Electronic or electronically** means telephone, video conference or other instantaneous communication, as determined by —

- a. the president; or
- b. the council.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995, Section 5.25(1)(ba), Local Government (Administration) Regulations 1996 - Regulation.14C – .14E, Disability Services Act 1993 (WA).</i>	
Related Documents		
Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>• Updated legislative reference to Regulation 14C(2), (3) and 14CA(5) of LG (Administration) Reg 1996.</li> </ul>		2.1(f)

<ul style="list-style-type: none"> <li>Added flexibility for emergency or unforeseen circumstances for electronic attendance.</li> </ul>	2.1(a)
<ul style="list-style-type: none"> <li>Allowed alternative platforms in case of technical issues.</li> </ul>	4(a)
<ul style="list-style-type: none"> <li>Made it mandatory for elected members to join five minutes prior to meeting.</li> </ul>	4(c)
<ul style="list-style-type: none"> <li>Defined 'trusted personal device'.</li> </ul>	4(d)
<ul style="list-style-type: none"> <li>Clarified elected members seeking exemption due to disability may need to provide.</li> </ul>	6(d)

End

## Policy M10 – Code Of Conduct For Elected Members, Committee Members And Candidates

### Schedule 1 — Model code of conduct

#### Division 1 — Preliminary provisions

##### 1. Citation

This is the Shire of Boyup Brook Code of Conduct for Elected Members, Committee Members and Candidates.

##### 2. Terms used

(1) In this code —

**Act** means the *Local Government Act 1995*.

**candidate** means a candidate for election as an Elected Member.

**complaint** means a complaint made under clause 11(1).

**publish** includes to publish on a social media platform.

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

#### Division 2 — General principles

##### 3. Overview of Division

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

##### 4. Personal integrity

(1) An Elected Member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest.

and

(e) avoid damage to the reputation of the local government.

(2) An Elected Member or committee member should —

- (a) act in accordance with the trust placed in Elected Members and committee members; and
- (b) participate in decision making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

## 5. Relationship with others

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

## 6. Accountability

An Elected Member or committee member should —

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

## Division 3 — Behaviour

### 7. Overview of Division

This Division sets out —

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

## 8. Personal integrity

- (1) An Elected Member, committee member or candidate —
  - (a) must ensure that their use of social media and other forms of communication complies with this code; and
  - (b) must only publish material that is factually correct.
- (2) An Elected Member or committee member —
  - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
  - (b) must comply with all policies, procedures and resolutions of the local government.

## 9. Relationship with others

An Elected Member, committee member or candidate —

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

## 10. Council or committee meetings

When attending a council or committee meeting, an Elected Member, committee member or candidate —

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

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

## 11. Complaint about alleged breach

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

## 12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —

- (a) engage in mediation.
  - (b) undertake counselling.
  - (c) undertake training.
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

### 13. Dismissal of complaint

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

### 14. Withdrawal of complaint

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

### 15. Other provisions about complaints

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

#### **Division 4 — Rules of conduct**

Notes for this Division:

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

#### **16. Overview of Division**

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

#### **17. Misuse of local government resources**

- (1) In this clause —  
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918.

resources of a local government include —

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

#### **18. Securing personal advantage or disadvantaging others**

- (1) An Elected Member must not make improper use of their office —
  - (a) to gain, directly or indirectly, an advantage for the Elected Member or any other person; or
  - (b) to cause detriment to the local government or any other person.

- (2) Subclause (1) does not apply to conduct that contravenes Section 5.93 of the Act or The Criminal Code Section 83.

## 19. Prohibition against involvement in administration

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

## 20. Relationship with local government employees

- (1) In this clause —

**local government employee** means a person —

- (a) employed by a local government under Section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) An Elected Member or candidate must not —
    - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
    - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
    - (c) act in an abusive or threatening manner towards a local government employee.
  - (3) Subclause (2)(a) does not apply to anything that an Elected Member does as part of the deliberations at a council or committee meeting.
  - (4) If an Elected Member or candidate, in their capacity as an Elected Member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the Elected Member or candidate must not orally, in writing or by any other means —
    - (a) make a statement that a local government employee is incompetent or dishonest; or
    - (b) use an offensive or objectionable expression when referring to a local government employee.
  - (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

## 21. Disclosure of information

(1) In this clause —

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

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

**document** includes a part of a document.

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

(2) An Elected Member must not disclose information that the Elected Member —

- (a) derived from a confidential document; or
- (b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent an Elected Member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

(1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

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

### 23. Compliance with plan requirement

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

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995, Sections 5.104, 5.105(1), 5.110, 5.93, 5.36(1), 5.23(2) and 5.60.</i>	
Related Documents		
Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

# Part 2

# Governance



## Policy G1 – Execution Of Documents

### 1. Policy Intent

This policy establishes the framework for the execution of documents by the Shire of Boyup Brook, including the correct use of the common seal and authorisations for signing documents without the common seal, in accordance with the *Local Government Act 1995 (Act)*.

### 2. Definitions

- Execution of a document: Signing a document to give it legal effect, either with or without the common seal.
- Authentication: The process of verifying the legitimacy of a document's execution.
- Category 1 Documents: Documents requiring the common seal and specific Council resolution.
- Category 2 Documents: Documents requiring authorisation by the CEO or designated officers without the common seal.
- Category 3 Documents: Routine operational documents executed in the normal course of business by authorised officers

### 3. Application

This policy applies to all Shire of Boyup Brook officers who have been authorised through the provisions of this policy to execute documents on behalf of Council and the Chief Executive Officer.

The following take precedence over this policy:

- a. Legislation
- b. The formal requirements of a Commonwealth or State department, authority, or agency (as described in a policy or procedure)
- c. A Council decision that expressly specifies a particular way in which a document is to be executed.
- d. In cases where external legislative or regulatory requirements conflict with this policy, the requirements of the higher authority shall prevail. If uncertainty arises, legal or governance advice should be sought.

### 4. Policy

Council is required to comply with Sections 9.49A (Execution of Documents) and 9.49 (Documents, how authenticated) of the Act. These sections detail the requirements for documents to be duly executed by a local government.

Under the Act, for a document to be considered duly executed, the document must be executed in one of the following ways:

- a. By affixing the Common Seal of the Shire in the presence of the Shire President and Chief Executive Officer [s9.49A(3) of the Act
- b. Without affixing the Common Seal, signed by the Chief Executive Officer, another employee or agent of the Shire who has been authorised by resolution of Council to sign documents on behalf of the Shire. [s9.49A(4) of the Act.

Three document categories have been established to assist in determining the appropriate signing authority.

#### **4.1. Category 1 Documents – Common Seal**

The affixing of the Common Seal is authorised for documents that are ceremonial in nature, where there is a statutory requirement or where the other party requires the use of the Common Seal.

Category 1 documents require a specific resolution of Council to execute the document with the Common Seal. Category 1 documents are as follows:

- a. Local Laws – new or amendments
- b. Local Planning Schemes – new or amendments
- c. Mortgages and loan documents (Outside of the WA Treasury Corporation (WATC) Master Lending Agreement)
- d. Landgate Transfer of Landforms
- e. Documents required by other party to be duly executed by Common Seal; and
- f. Documents of a Ceremonial Nature (e.g. Sister City Agreements)

#### **4.2. Category 2 Documents – No Common Seal**

Under Section 9.49A(4) Council authorises the officers listed in the Table below to sign documents on behalf of the Shire. Only Executive Managers and other officers with delegated authority from the Chief Executive Officer may sign (execute) documents relevant to matters within the scope of their department.

#### **4.3. Category 3 Documents**

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

These documents include, but are not limited to the following:

- a. General letters and other correspondence, documents that reflect operational or procedural actions required in the ordinary course of business.
- b. Agreements for the purchase of goods and services identified within the department’s budget (other than tenders) and conforming to the requirements of the Shire’s Purchasing Policy and other relevant policies.
- c. Contracts for grant funding with private agencies (incoming and outgoing).
- d. Regular hire agreements for Shire facilities.
- e. Notices under Section 3.25 of the Act.
- f. Prosecution and Court Hearing Notices.
- g. Standard employee contracts.
- h. Operational Memorandums of Understanding (MOUs).
- i. Minor Licences and permits.

#### 4.4. Roles and Responsibilities

The common seal is in the custody of the Office of the Chief Executive Officer which is responsible for arranging the affixing of the common seal on documents.

The responsible officer is to ensure that they fully understand what is being executed on behalf of Council. If it is unclear what category a document is, then the higher category is to take precedence.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995 - Section.9.49 and 9.49A</i> Execution of documents.	
Related Documents	Shire of Boyup Brook Delegation and Sub-Delegation Register.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li>• Expanded to include both the use of the Common Seal and general document execution procedures.</li> </ul>	1
	<ul style="list-style-type: none"> <li>• Introduced definitions for key terms such as "Execution of a document," "Authentication," and different document categories.</li> </ul>	2
	<ul style="list-style-type: none"> <li>• Added explicit process for handling conflicts with external legislative requirements, including seeking legal or governance advice.</li> </ul>	3
	<ul style="list-style-type: none"> <li>• Expanded the list to include employment contracts, operational Memorandums of Understanding (MOUs), and minor licences.</li> </ul>	4
	<ul style="list-style-type: none"> <li>• Update reference in related legislation document control</li> </ul>	CM 26/03/073

End

## Policy G2 – Senior Employees

### 1. Policy Intent

To designate Senior Employees in accordance with Section 5.37 of the *Local Government Act 1995* (the Act).

### 2. Policy Statement

- In accordance with Section 5.37 of the Act, the Shire of Boyup Brook designates the Chief Executive Officer as the sole Senior Employee.
- Any proposed changes to the designation of Senior Employees shall be reported to the Council in compliance with Section 5.37(2) of the Act.
- This policy shall be reviewed periodically to ensure alignment with legislative requirements and organisational needs.

Document Control		
Previous Policy Reference	A.01	
Related Legislation	<i>Local Government Act 1995 Section 5.37.</i>	
Related Documents		
Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G3 – Honorary Freeman Of The Shire Of Boyup Brook

### 1. Policy Intent

The policy seeks to recognise and honour individuals who have rendered distinguished services to the community.

The Shire will recognise the distinguished services of an individual by awarding them the title of “Honorary Freeman of the Shire of Boyup Brook.” This is a rare and exceptional award, and recipients will be selected according to the criteria outlined in this policy.

### 2. Policy Statement

The process for nomination and selection of a person for the award shall be as follows:

#### (i) Eligibility

1. A nominee must have been a resident of the Shire of Boyup Brook for a minimum of 20 years and must have provided sustained and exceptional service to the community in a recognised capacity, including but not limited to:
  - Local government service,
  - Business leadership,
  - Volunteer or community leadership, or
  - Contributions to the cultural, social, or economic well-being of the Shire.
2. A nominee must have served as an Elected Member for a minimum of 20 years to be considered under this category.
3. A current serving Elected Member or employee of the Shire is not eligible for nomination

#### (ii) Selection Criteria

The following selection criteria will be used in evaluating nominations:

- Demonstrated impact: Measurable benefits to the community within the Shire of Boyup Brook and, where applicable, broader contributions to Western Australia.
- Length of service and commitment: The extent and duration of the nominee’s contributions.
- Leadership and influence: The nominee's ability to inspire and lead within their field.
- Recognised achievements: Awards, recognitions, and other notable accomplishments.

### 3. Nomination Procedure

- a. A nomination for the award may be made in writing to the Chief Executive Officer (CEO) by:
  - An Elected Member (with the support of another Elected Member),

- An individual community member (with sponsorship from an Elected Member), or
  - An organisation (with sponsorship from an Elected Member).
- b. Nominations must be kept strictly confidential without the knowledge of the nominee.
- c. On receipt of a nomination, the CEO will circulate it, along with supporting information, to Elected Members for consideration.
- d. Elected Members must respond within five (5) working days. A nomination will only proceed if a quorum of responses is received within the timeframe.
- e. Elected Members opposing a nomination must submit a written objection to the CEO, outlining their reasons. The CEO will provide a copy of objections to all Elected Members.
- (i) A nomination for the award may be made by the following and must be submitted in writing to the Chief Executive Officer:
- An Elected Member and must be supported by another Elected Member.
  - An individual member of the community and must be sponsored by an Elected Member.
  - An organisation and must be sponsored by an Elected Member.
- (ii) Nominations must be kept in the strictest of confidence without the knowledge of the nominee.
- (iii) On receipt of a nomination the Chief Executive Officer will circulate a copy of the nomination and any supporting information to Elected Members.
- (iv) Elected Members are provided with a maximum of five working days to provide a response to the Chief Executive Officer.
- (v) Elected Members who do not respond within the timeframe stipulated in (d.) above shall be presumed to not have any objection to the nomination.
- (vi) If an Elected Member is not in favour of the proposal the Elected Member must lodge a written submission to the Chief Executive Officer, outlining the reasons why the nomination should not be supported. The Chief Executive Officer will provide a copy of the submission to all Elected Members.

#### 4. Confidentiality

- a. Following compliance with Section 3, the CEO shall present the nomination as a confidential item at the next Ordinary Council Meeting or a Special Council Meeting if requested by the Shire President. The confidentiality provisions operate alongside the Freedom of Information Act 1992 (WA), which provides exemptions for documents affecting the deliberative processes of government.
- b. Council will consider the recommendation behind closed doors, requiring an Absolute Majority decision.

- c. No record of the nominee’s name shall be included in public Council minutes whether or not the nomination is successful.
- d. The nomination report and minutes shall be deemed confidential under Section 5.95(3) of the *Local Government Act 1995* and applicable provisions of the *Freedom of Information Act 1992 (WA)*.

## 5. Awarding the Title

- a. If the nomination is approved by an Absolute Majority of Council, the CEO shall contact the nominee confidentially to confirm acceptance.
- b. If the nominee declines, the matter will be closed, and no further action will be taken.

## 6. Conferral of the Title

- a. Conferral of the title shall take place at a formal Council event.
- b. The CEO, Shire President, and Deputy Shire President shall determine the occasion and format of the conferral ceremony.

## 7. Entitlements

A person granted the title of Honorary Freeman of the Shire of Boyup Brook shall:

- a. Receive a badge and certificate commemorating the award.
- b. Be invited as a special guest to all civic events and functions of the Council.
- c. Conduct themselves in a manner befitting the honour, including:
  - Maintaining respectful behaviour at all times when representing the title.

## 8. Rescission / Revocation of the Award

- a. The Shire reserves the right to rescind the award if the recipient’s actions bring the Shire into disrepute. Examples of grounds for revocation include:
  - Conviction of a serious criminal offence,
  - Gross misconduct,
  - Conduct inconsistent with the values of the Shire.
- b. Process for revocation:
  - A written complaint must be submitted to the CEO.
  - The CEO, Shire President, and Deputy Shire President shall assess the complaint.
  - If deemed valid, a confidential report will be prepared for Council consideration.
  - Council may revoke the award by Absolute Majority.

<b>Document Control</b>		
Previous Policy Reference	O.14	
Related Legislation		
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>"Clarified 'distinguished service' and explicitly stated that a nominee must have served as an Elected Member for 20 years to be considered under that category."</li> </ul>		2(i)
<ul style="list-style-type: none"> <li>Added 'Demonstrated impact', 'Recognised achievements', and measurable benefits to the community as criteria for nomination.</li> </ul>		2(ii)
<ul style="list-style-type: none"> <li>Introduced quorum requirement for Elected Member responses and specified that nominations must proceed only if a quorum of responses is received.</li> </ul>		3
<ul style="list-style-type: none"> <li>Specified that no record of the nominee's name will be included in public Council minutes and referenced the Freedom of Information Act 1992 (WA).</li> </ul>		4
<ul style="list-style-type: none"> <li>Clarified that if a nominee declines the award, the matter will be closed with no further action.</li> </ul>		5
<ul style="list-style-type: none"> <li>Specified that the event format will be determined by the CEO, Shire President, and Deputy Shire President.</li> </ul>		6
<ul style="list-style-type: none"> <li>Added a requirement that the recipient must maintain respectful behaviour when representing the title.</li> </ul>		7
<ul style="list-style-type: none"> <li>Outlined specific reasons for revocation, including criminal offences and misconduct, and detailed the complaint process.</li> </ul>		8
<ul style="list-style-type: none"> <li>Include - The confidentiality provisions operate alongside the Freedom of Information Act 1992 (WA), which provides exemptions for documents affecting the deliberative processes of government. Under section 4(a)</li> </ul>		CM 26/03/073

End

## Policy G4 – Complaints

### 1. Policy Intent

The intent of this policy is to establish the position of the Shire of Boyup Brook (Shire) regarding complaints received and the approach to be taken in their resolution. This policy ensures fairness, transparency, and accountability in the handling of complaints.

### 2. Definition

**‘Complaint’** means for the purpose of this policy, an expression of dissatisfaction about:

- A decision of the Council or Shire staff:
  - the standard or quality of a Shire service, action, or lack of action; or
  - the behaviour of Shire representatives.
- A complaint is not:
  - a first request for action or a service
  - a request for information or explanation of Shire policies, practices, or procedures; or
  - the lodging of an appeal in accordance with procedures prescribed by statute or regulation or Shire policy.

### 3. Policy Statement

The Shire is committed to ensuring that complaints are handled fairly, efficiently, and effectively. The Shire will:

- Ensure complaints can be easily lodged through multiple channels (in person, online, by phone, or in writing).
- Treat all complaints with equal importance, regardless of how they are submitted.
- Acknowledge complaints within five (5) working days.
- Provide an initial response within ten (10) working days and aim to resolve complaints within thirty (30) working days.
- Respond to complaints in a courteous, helpful, and transparent manner.
- Provide reasonable assistance to complainants, including those requiring help due to language barriers or disabilities.
- Monitor complaints and learn from them to:
  - Prevent recurring issues.
  - Improve policies, practices, and procedures, and
  - Enhance service delivery.

### 4. Particular Cases

#### 4.1. Anonymous Complaints

Anonymous complaints will be assessed on their merits. Complaints concerning safety, security, or serious misconduct will be investigated. If insufficient information is provided, the Shire may be unable to take further action.

## 4.2. Vexatious or Abusive Complaints

If a complainant's behaviour is deemed vexatious or abusive, the Chief Executive Officer (CEO) may determine that further complaints from the individual or concerning the same matter will not be entertained.

### 4.2.1. Criteria for Vexatious Complaints

- Repeated complaints with no new evidence.
- Unreasonable demands or harassment of staff.
- Use of aggressive, abusive, or offensive language

Where a determination is made by the CEO, staff may be directed not to engage with the complainant regarding the matter.

## 4.3. Allegations of Serious Misconduct

Allegations concerning criminal, corrupt, or serious improper conduct will be handled independently of the Complaint Handling process. These allegations will be referred directly to the CEO for determination, including referral to:

- The Corruption and Crime Commission (CCC) under the *Corruption, Crime and Misconduct Act 2003 (WA)*.
- The Western Australia Police Force, if criminal activity is suspected.
- The Ombudsman Western Australia, if related to administrative action.

Reference is made to Policy G5 (Public Interest Disclosure), which aligns with the *Public Interest Disclosure Act 2003 (WA)*.

## 4.4. Repetitive Complaints

The CEO may determine a complaint to be repetitive in nature and direct staff not to process it further. However, complainants will be informed of their right to escalate the matter to the Ombudsman Western Australia or the Department of Local Government, Sport, and Cultural Industries.

## 5. Complaint Resolution Process

Complainants are encouraged to follow these steps to seek resolution:

### 5.1 Internal Resolution

- **First Contact:** Complainants should attempt to resolve concerns with the relevant Shire officer or their direct manager.
- **Escalation:** If unresolved, the complaint should be referred to the relevant Executive Manager.

- CEO Review: If dissatisfaction persists, a formal written complaint may be submitted to the CEO for review.

## 5.2 External Review

If a complainant is not satisfied with the CEO’s response, they may escalate the matter to:

- Ombudsman Western Australia (for matters of administrative fairness).
- Department of Local Government, Sport, and Cultural Industries (for local government governance concerns).
- Corruption and Crime Commission (CCC) (for serious misconduct or corruption allegations)

## 5.3 Complaints Concerning Elected Members

If the complaint relates to an Elected Member, it shall be referred to the CEO for determination. If the complaint concerns a breach of conduct, it may be escalated under the *Local Government Act 1995*.

## 5.4 Alternative Dispute Resolution (ADS)

Where appropriate, the CEO may authorise referral of a complaint to an external arbitrator or mediator before further escalation

Document Control		
Previous Policy Reference	New	
Related Legislation		
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
• Expanded to highlight fairness, transparency, and accountability.		1
• Clarified definition and separated what is and is not a complaint.		2
• Specific timeframes added for acknowledgment and resolution.		3
• Risk-based approach to consider all anonymous complaints on merit.		4.1
• Defined criteria for vexatious complaints and included review rights.		4.2
• Updated references to Corruption and Crime Commission and relevant laws.		4.3
• Allows complainants to escalate if a complaint is deemed repetitive.		4.4
• Structured steps added: First contact, escalation, CEO review, external options.		5
• Clarified process under Local Government Act 1995.		5.3
• Introduced ADR as an option before external.		5.4

End

## Policy G5 – Public Interest Disclosure

### 1. Policy Intent

This policy outlines the internal procedures for ensuring compliance with the *Public Interest Disclosure Act 2003* (the Act) and describes how the Shire of Boyup Brook (Shire) manages public interest disclosures (PIDs) effectively and in accordance with legislative requirements.

### 2. Policy Statement

The Shire is committed to upholding the highest standards of integrity and accountability. It recognises the importance of public interest disclosures in identifying and addressing corrupt or improper conduct, mismanagement of public resources, and other forms of misconduct within the organisation.

- To support this commitment, the Shire will:
- Encourage and support disclosures from employees, contractors, and other stakeholders about corrupt or improper conduct.
- Ensure confidentiality of the informant and all parties involved in a public interest disclosure, as far as reasonably practicable.
- Protect informants from detrimental action in reprisal for making a disclosure.
- Ensure fair, independent, and thorough investigations of all disclosures.
- Comply with all reporting obligations under the Act

### 3. Key Definitions

- Public Interest Disclosure (PID): A disclosure made under the Act about suspected improper or corrupt conduct by public officers or agencies.
- Improper Conduct: Includes corruption, fraud, misconduct, mismanagement of public resources, or any action that is unlawful or unethical.
- Detrimental Action: Any action that causes harm, intimidation, harassment, or discrimination against a person making a PID.
- Victimisation: Any act of retribution or retaliation against a person who has made a PID

### 4. Reporting a Public Interest Disclosure

#### 4.1 Who Can Make a Disclosure?

Any person, including employees, contractors, and members of the public, may make a public interest disclosure if they reasonably believe improper conduct has occurred.

#### 4.2 How to Make a Disclosure

A disclosure can be made to the Public Interest Disclosure Officer (PID Officer) in one of the following ways:

- In person – By scheduling a confidential meeting with the PID Officer.
- In writing – Via email or a sealed letter marked “Confidential – Public Interest Disclosure” and addressed to the PID Officer.

- By phone – Providing relevant information to the PID Officer and following up with written confirmation.
- Anonymously – Anonymous disclosures will be accepted and treated in accordance with the Act, but communication may be limited

### 4.3 Designated Public Interest Disclosure Officer

The Executive Manager Corporate and Community Services is designated as the PID Officer. If this person is the subject of the disclosure, the complaint should be directed to an alternate senior officer or the Public Sector Commission.

## 5. Investigation Process

- The PID Officer will assess all disclosures to determine if they fall within the scope of the Act.
- If an investigation is warranted, it will be conducted fairly and impartially, with appropriate action taken based on findings.
- The informant will be kept updated on the progress and outcome of the investigation unless they have chosen to remain anonymous.

## 6. Protections and Confidentiality

- The Shire will take all reasonable steps to prevent and respond to victimisation or retaliation against informants.
- The identity of the informant and any subject of the disclosure will be kept strictly confidential, except as required by law.
- If detrimental action is taken against an informant, the Shire will take appropriate action against the offending party

Document Control		
Previous Policy Reference	A.12	
Related Legislation	<i>Public Interest Disclosure Act 2003,</i> <i>Public Disclosure Regulations 2003.</i>	
Related Documents	Public Interest Disclosure Management Practice – GOV002 - D12/45969.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
• Expanded to clarify the purpose of the policy and reinforce the Shire's commitment to integrity.		1
• Clearly outlines the Shire's commitment to public interest disclosures, including confidentiality, protection, and fair investigations.		2
• Added definitions for "Public Interest Disclosure," "Improper Conduct," "Detrimental Action," and "Victimisation."		3
• Clearly defines who can make a disclosure, how disclosures can be made (e.g., in writing, in person, anonymously), and alternative reporting routes if the PID Officer is the subject of the complaint.		4
• Confirmed this designation but added an alternative reporting mechanism if the PID Officer is implicated.		4.3

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<ul style="list-style-type: none"><li>• Outlined step-by-step assessment and investigation procedures, including informing the discloser of progress.</li></ul>	5
<ul style="list-style-type: none"><li>• Clearly defines measures to prevent victimisation, protect confidentiality, and respond to reprisals.</li></ul>	6

End

## Policy G6 – Risk Management

### 1. Policy Intent

The Shire of Boyup Brook (Shire) is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision-making, and operational processes. The key objective of this policy is to ensure that sound risk management practices and procedures are fully integrated into the Council's strategic and operational planning processes.

This policy will be supported by a Risk Management Strategy and is developed in accordance with the *Local Government Act 1995*, the *Work Health and Safety Act 2020 (WA)*, the *Work Health and Safety Regulations 2022 (WA)*, and the *Local Government (Financial Management) Regulations 1996 (WA)*.

### 2. Policy

The Shire recognises that risk is the possibility of unplanned or unanticipated events having an adverse effect on the achievement of the organisation's objectives and recognises its moral and legal responsibility to provide a safe and healthy work environment for employees, contractors, customers, and visitors in accordance with the *Work Health and Safety Act 2020 (WA)* and associated regulations.

The Shire considers risk management to be an essential management function in its operation as a progressive local government and recognises that risk management responsibility lies with the person who has the responsibility for the function, service, or activity that gives rise to the risk.

The risk management framework aligns with the principles outlined in AS ISO 31000:2018 Risk Management – Guidelines.

The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring, and review of risks, as required under the *Work Health and Safety Act 2020 (WA)* and the *Local Government (Financial Management) Regulations 1996 (WA)*.

Risk management will be applied to decision-making at all levels of Council and the Shire in relation to planning or executing any function, service, or activity. It will be applied to:

- Expenditure of large amounts of money.
- New strategies and procedures.
- Managing a project.
- Introducing significant change; and
- The management of sensitive issues.

#### 2.1. Risk Management Objective

- The achievement of organisational goals and objectives.
- To ensure community and employee health and safety within the Shire's jurisdiction is not compromised, in line with the *Work Health and Safety Act 2020 (WA)*.

- Limited loss or damage to property and other assets.
- Limited interruption to business continuity.
- To define the Shire’s tolerance to risk and communicate it throughout the organisation.
- To communicate with the community about the Shire’s approach to risk; and
- To protect the reputation of Council.

## 2.2. Responsibilities

- Elected Members are responsible for:
  - Ensuring a Risk Management Policy has been developed, adopted, and communicated throughout the Shire.
  - Reviewing the Risk Management Policy annually.
  - Providing a vision on which sound risk management practices and procedures can be based; and
  - Providing adequate budgetary provision for the maintenance of risk management plans and procedures.
- Chief Executive Officer and Executive Management Team are responsible for:
  - Establishing the risk tolerance level of the Shire for adoption by Council; and
  - Ensuring the development and management of the risk management plan for the Shire.
- Management is responsible for:
  - Identifying and assessing all potential risks in their area of responsibility.
  - Encouraging openness and honesty in the reporting and escalation of risks; and
  - Ensuring all staff manage risks within their own work area in accordance with the *Work Health and Safety Act 2020* (WA).
- Employees are responsible for:
  - Actively participating in the risk management program and organisational performance review and evaluation program.
  - Complying with all policies, procedures, and practices relating to risk management.
  - Attending risk management training.
  - Conducting risk assessments during the performance of their daily duties, as required; and
  - Alerting management to the risks that exist within their area.

## 2.3. Monitor and Review

The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure the closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance, will be developed, implemented, and monitored in line with legislative requirements under the *Local Government Act 1995*, the *Work Health and*

*Safety Act 2020 (WA), and the Local Government (Financial Management) Regulations 1996 (WA).*

<b>Document Control</b>		
Previous Policy Reference	F.08	
Related Legislation	International Standard (AS/NZS/ISO 31000:2009).	
Related Documents	Risk Management Strategy.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>Now explicitly references Local Government Act 1995, Work Health and Safety Act 2020 (WA), Work Health and Safety Regulations 2022 (WA), and Local Government (Financial Management) Regulations 1996 (WA).</li> </ul>		1
<ul style="list-style-type: none"> <li>Now includes legal responsibility references under Work Health and Safety Act 2020 (WA).</li> </ul>		2
<ul style="list-style-type: none"> <li>Updated to align with AS ISO 31000:2018 Risk Management – Guidelines.</li> </ul>		2.1
<ul style="list-style-type: none"> <li>Now explicitly aligns with Work Health and Safety Act 2020 (WA).</li> </ul>		2.1
<ul style="list-style-type: none"> <li>Responsibilities section updated to include legal obligations under WA legislation.</li> </ul>		2.2
<ul style="list-style-type: none"> <li>Clarifies alignment with Local Government (Financial Management) Regulations 1996 (WA).</li> </ul>		2.3

End

## Policy G7 – Legal Representation – Cost Indemnification

### 1. Policy Intent

This policy is designed to protect the interests of Elected Members and employees (including past members and former employees) where they become involved in legal proceedings because of performing their normal duties.

In most situations the Shire of Boyup Brook (Shire) may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to these proceedings.

### 2. Definitions

**‘Approved lawyer’** means a ‘certified practitioner’ (as defined in the *Legal Profession Act 2008*) who is from a law firm on the Shire’s panel of legal service providers, unless the Council or Chief Executive Officer (CEO) considers that this is not appropriate – for example, where there is or may be a conflict of interest.

**‘Shire’** means the Shire of Boyup Brook.

**‘Elected Member’** means the current Shire President, Deputy Shire President, and Elected Members.

**‘Employee’** means a current employee of the Shire.

**‘Improper conduct’** means a breach of the standards of conduct that a reasonable person would expect of a person knowing their duties, powers, and authority.

**‘Legal proceedings’** may be civil or criminal.

**‘Legal representation’** means the provision of legal services, to or on behalf of an Elected Member or employee, by an approved lawyer that is in respect of:

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

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

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

### 3. Policy

It is policy to facilitate Elected Members and employee’s access to legal advice in such cases were enabled in legislation and where the matter falls within the scope and application of this policy as stated below.

The objective of this policy is to ensure Elected Members and employees of the Shire are represented in legal action relating to their roles and functions subject to considerations set out below.

Elected Members and employees of the Shire performing their statutory roles and functions, may occasionally in the course of their duties, be exposed to legal action initiated by third parties. In these circumstances Elected Members and employees may require legal advice and/or representation and should be able to expect their local government will provide financial assistance to meet the cost of the advice or representation. Accordingly, it is appropriate and prudent for the Shire to be able to assist members and employees by adopting a policy to fund or partly fund the cost of providing legal services in appropriate circumstances.

### 3.1. Legislative Framework

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything an Elected Member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

However, the legislation does not preclude people taking action against individual Elected Members or employees if they believe that the Elected Member or employee has not acted in good faith.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) of the Act provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions a local government can expend funds to provide legal representation for Elected Members and employees if it believes the expenditure falls within the scope of the local government's function.

### 3.2. Scope

This policy is applicable to all current Elected Members and employees where the following may apply:

#### 3.2.1. Criteria for determining application for legal representation.

There are four criteria for determining whether an application for the payment of the legal representation costs of an Elected Member or employee will be approved:

1. The legal representation costs must relate to a matter that arises from the performance, by the Elected Member or employee, of his or her functions.
2. The legal representation costs must be in respect of legal proceedings that have been, or may be, commenced.

3. In performing his or her functions, to which the legal representation relates, the Elected Member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
4. The legal representation costs do not relate to a matter that is of a personal or private nature.

### 3.2.2. Examples of legal representation costs that may be approved.

If the criteria in clause 3.2.1 are satisfied, approval may be given for the payment of legal representation costs:

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

## 3.3. Application

- 3.3.1. An application by an Elected Member, or the (CEO), must be made in writing to the Council which may approve or decline the application.
- 3.3.2. An application by an employee must be made in writing to the CEO who may approve or decline the application.
- 3.3.3. The application must give details of:
  - a. The matter for which legal representation is sought.
  - b. How that matter relates to the functions of the Elected Member or employee making the application.
  - c. The nature of the legal representation being sought (such as advice, representation in court, preparation of documents etc).
  - d. The lawyer (or law firm) who is to be requested to provide the legal representation.
  - e. An estimate of the cost of the legal representation; and

f. Why it is in the interests of the Shire for payment to be made.

- 3.3.4. The application must contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- 3.3.5. As far as possible the application is to be made before commencement of the legal proceedings to which the application relates.
- 3.3.6. The application must be accompanied by a statement signed by the applicant that he or she:
- a. Has read and understands the terms of this policy.
  - b. Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 3 and any other conditions to which the approval is subject; and
  - c. Undertakes to repay to the Shire any legal representation costs in accordance with clause 3.
- 3.3.7. In relation to clause 3.3.6(c), a person who receives payment of legal representation costs shall sign a document acknowledging that repayment may be required by the Shire under the terms of this policy.
- 3.3.8. An application must be accompanied by a report prepared by the CEO or where the CEO is the applicant by an appropriate employee nominated by the Shire President.

### **3.4. Limit on Legal Representation Costs**

- 3.4.1. When approving an application, the Council or CEO shall set a limit on the amount of costs to be paid, based on the nature of the matter and on the estimate of costs in the application.
- 3.4.2. An Elected Member or employee may make a further application to the Council or CEO in respect of the same matter.

### **3.5. Assessing the Application**

- 3.5.1. The Council or CEO may:
- a. Refuse.
  - b. Grant; or
  - c. Grant subject to conditions, an application for payment of legal representation costs.

- 3.5.2. Conditions under clause 3.2.1 may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment and repayment of legal representation costs.
- 3.5.3. In assessing an application, the Council or CEO may have regard to any insurance benefits that may be available to the applicant under the Shire's Elected Members or employee's insurance policy or its equivalent.
- 3.5.4. The Council or CEO may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 3.5.5. The Council or CEO may determine, after an application has been approved, that an Elected Member or employee:
  - a. Has not acted in good faith, has acted unlawfully, or has acted in a way that constitutes improper conduct; or
  - b. Has given false or misleading information in respect of the application.
- 3.5.6. A determination under clause 3.2.2 may be made by the Council or CEO on the basis of and consistent with the findings of any court of competent jurisdiction, the State Administrative Tribunal or of an inquiry conducted pursuant to Part 8 of the Act.
- 3.5.7. Where a determination is made under clause 3.2.2, the legal representation costs paid by the Shire are to be repaid by the Elected Member or employee in accordance with clause 3.3.

### **3.6. Repayment of Legal Representation Costs**

- 3.6.1. An Elected Member or employee whose legal representation costs have been paid by the Shire is to repay the Shire:
  - a. All or part of those costs – in accordance with a determination by the Council or CEO under clause 3.2.1; or
  - b. As much of those costs as are available to be paid by way of set-off:
    - where the Elected Member or employee receives monies paid for costs: and/or
    - damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.
- 3.6.2. The Shire may take action in any court of competent jurisdiction to recover any monies due to it under this policy.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Legal Profession Act 2008, Local Government Act 1995 Sections 9.56, 3.1, 6.7(2), State Administrative Tribunal or of an inquiry conducted pursuant to Part 8 of the Act.</i>	
Related Documents	Department of Local Government Operational Guidelines No. 14 – Legal Representation for Elected Members and Employees.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li><i>Legal Practice Act 2003</i>: This Act has been repealed and replaced by the Legal Profession Act 2008.</li> </ul>	2

End

## Policy G8 – Temporary Employment Or Appointment Of Acting Chief Executive Officer

### 1. Policy Intent

The objective is to establish the processes for appointing an Acting CEO or Temporary CEO for periods of less than twelve months and to ensure effective management of the administration and Council is always maintained.

### 2. Scope

This policy applies to the statutory position of Chief Executive Officer at the Shire of Boyup Brook and has been prepared to comply with the provisions of Section 5.39C of the *Local Government Act 1995* regarding the appointment of an Acting CEO or Temporary CEO.

### 3. Definitions

**Act** means the *Local Government Act 1995*.

**Acting CEO** means a person appointed to fulfil the statutory position of CEO during a period where the CEO remains employed but is on planned or unplanned leave.

**CEO** means the Chief Executive Officer of the Shire.

**Shire** means the Shire of Boyup Brook.

**Temporary CEO** means a person appointed to fulfil the statutory position of CEO for the period between the end of the CEO's employment and the appointment and commencement of the newly appointed CEO.

### 4. Policy

The role of the CEO is crucial to achieving good governance and for fulfilling the functions prescribed in Section.5.41 of the Act.

The opportunity to act, from time to time, in that position is useful in the development of executive leadership.

The Council recognise that the Executive Managers employed by the Shire of Boyup Brook (Shire) under contract are suitably qualified and skilled to act in the position of CEO under this policy.

#### 4.1. Details

##### 4.1.1. Acting CEO and Temporary CEO Requirements and Qualifications

- a. When the CEO is on planned or unplanned leave, or the CEO's employment with the Shire has ended, an Acting CEO or Temporary CEO, is to be appointed in accordance with this policy to fulfil the functions and perform the duties of CEO under the Act or any other written law.

- b. Any employee holding the substantive role of:
  - i. Executive Manager Corporate Services.
  - ii. Executive Manager Operational Services.
- c. An employee appointed to temporarily act in an Executive Manager's position referred to in clause 4.1.1(b) is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

#### **4.1.2. Appointment of Acting CEO – periods of up to 30 working days**

- a. The CEO is authorised to appoint in writing one of the employees identified in clause 4.1.1(b) as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 30 working days, subject to the CEO's consideration of that employee's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- b. The CEO must appoint an Acting CEO for any planned or unplanned leave periods between 5 working days and 30 working days.
- c. Nothing in clause 4.1.2(a) prevents the CEO from appointing more than one employee detailed in clause 4.1.1(b) to share the duties of Acting CEO for the planned or unplanned leave period.
- d. Following an appointment under clause 4.1.2(a), the CEO is to advise Elected Members which employee (or employees) has been appointed as Acting CEO and for what duration, as soon as possible.
- e. If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with clause 4.1.2(a), then the following line of succession shall apply:
  - i. The Executive Manager Corporate Services will be appointed as Acting CEO; or
  - ii. If the Executive Manager Corporate Services is unable or unwilling to act, the Executive Manager Operational Services will be appointed as Acting CEO.

Council may, by resolution, extend an Acting CEO period under clause 4.1.3 beyond thirty working days if the substantive CEO remains unavailable or unable to perform their functions and duties.

#### **4.1.3. Appointment of Acting CEO – periods greater than thirty working days but less than 12 months.**

- a. Where the CEO's extended period of leave is greater than thirty working days but less than 12 months, Council is to appoint an Acting CEO in accordance with one of the following options:
  - i. Extend any Acting CEO appointment made by the CEO under clause 4.1.2(a).
  - ii. Appoint another employee, or multiple employees listed in clause 4.1.1(b) for a defined period to ensure the CEO position is filled continuously for the extended period of leave; or
  - iii. Commence an external recruitment process in accordance with clause 4.1.4(b)(iii).
- b. For the purposes of clause 4.1.3(a) extended leave may arise by way of:
  - i. The CEO clearing extended planned leave which may include accumulated or combined annual leave, long service leave, or personal leave; or
  - ii. The CEO taking unplanned leave or is absent from duty which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- c. The Shire President will liaise with the CEO, or in their unplanned absence, the Executive Manager Corporate Services to coordinate the necessary Council reports to facilitate an Acting CEO appointment.
- d. Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Services.

#### **4.1.4. Appointment of Temporary CEO – Substantive Vacancy**

- a. In the event the CEO's employment with the Shire is ending, Council may appoint a Temporary CEO.
- b. Council when determining to appoint a Temporary CEO, may either:
  - i. appoint an employee identified in clause 4.1.1(b) to be Temporary CEO until such time a new substantive CEO has commenced their employment with the Shire.
  - ii. appoint multiple employees listed in clause 4.1.1(b) as the Temporary CEO for a defined period, and until such time that a new substantive CEO has commenced their employment with the Shire.
  - iii. appoint a Temporary CEO following an external recruitment process for a Temporary CEO in accordance with principles of merit and equity prescribed in Section 5.40 of the Act; or

- iv. appoint an employee identified in clause 4.1.1(b) to be an interim Temporary CEO until an external recruitment process for a Temporary CEO can be completed under clause 4.1.4(b)(iii) and their employment with the Shire as Temporary CEO has commenced.
- c. The Shire President will liaise with the Executive Manager Corporate Services to coordinate the necessary Council reports to facilitate a Temporary CEO appointment.
- d. The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council’s resolution with administrative assistance from the Executive Manager Corporate Services.

#### 4.1.5. Remuneration of Acting CEO

An Executive Manager’s employment conditions are not varied when acting in the role of CEO, other than the appointed Executive Manager is entitled, at the CEO’s discretion, to no greater than the salary equivalent to that of the CEO, during the acting period.

#### 4.1.6. Remuneration and conditions of Acting CEO or Temporary CEO

- a. Unless Council otherwise resolves, an employee Acting as CEO shall be remunerated (if the role is be undertaken for five (5) working days or more) at 75% of the substantive CEO cash remuneration only, with other benefits already provided to the Acting CEO in their substantive role remaining in effect.
- b. Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO that is not a current Shire employee when entering a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- c. Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Temporary CEO appointment.

#### 4.1.7. Emergency Provisions

In the case of the unavailability of the CEO due to an emergency, the Executive Manager Corporate Services is automatically appointed as the Acting CEO for a period of not more than thirty consecutive working days from commencement, and continuation is then subject to determination by the Council, under requirements of the Act.

<b>Document Control</b>	
Previous Policy Reference	A.02
Related Legislation	<i>Local Government Act 1995 Sections 5.39C, 5.39 and 5.41, Local Government (Administration Regulations) 1996.</i>
Related Documents	Model Standards for CEO Recruitment, Performance and Termination.

Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>Update position description of Executive Manager Corporate Services.</li> </ul>		Various
<ul style="list-style-type: none"> <li>Amended minimum time from 7 days to 5 days to align with rest of the policy.</li> </ul>		4.1.2b
<ul style="list-style-type: none"> <li>Amended (if the role is be undertaken for thirty working days or more) to reflect 5 days to align with the policy.</li> </ul>		4.1.6a
<ul style="list-style-type: none"> <li>Amend 4.1.2(b) by removing:             <ol style="list-style-type: none"> <li>on annual, sick, or long services leave for a period exceeding 5 working days:</li> <li>not within the State of Western Australia for a period of more than 5 working days; or</li> <li>during other absences, as determined necessary by the CEO, but in any case, not for a period exceeding 30 consecutive working days in any one occasion.</li> </ol> </li> </ul>		4.1.2(b)

End

## Policy G9 – Purchasing

### 1. Policy Objective

The objectives of this policy are to ensure that all Shire of Boyup Brook (Shire) purchasing activities:

- demonstrate that best value for money is attained.
- demonstrate support for purchasing local at every opportunity within the guidelines of this policy.
- are compliant with relevant legislations, including the Act and Regulations.
- are recorded in compliance with the *State Records Act 2000* (WA) and associated records management practices and procedures.
- mitigate probity risk by establishing consistent and demonstrated processes that promote openness, transparency, fairness, and equity to all potential suppliers.
- ensure that the sustainable benefits, such as environmental, social, and local economic factors are considered in the overall value for money assessment.
- are conducted in a consistent and efficient manner; and
- that ethical decision making is demonstrated.

### 2. Policy

The Shire is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity, and good governance and that comply with the *Local Government Act 1995* (the Act) and Part 4 of the *Local Government (Functions and General) Regulations 1996* (the Regulations).

Procurement processes and practices to be complied with are defined within this policy.

### 3. Ethics & Integrity

#### 3.1. Code of Conduct

All purchasing officers and employees undertaking purchasing activities must have regard for the Shire of Boyup Brook Code of Conduct Local Government Employees requirements and shall always observe the highest standards of ethics and integrity. All officers and employees must always act in an honest and professional manner which supports the community standing of the Shire.

#### 3.2. Purchasing Principles

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

- full accountability shall be taken for all purchasing decisions and the efficient, effective, and proper expenditure of public monies based on achieving value for money.

- all purchasing practices shall comply with relevant Acts, Regulations, and requirements consistent with the Shire of Boyup Brook policies and the Code of Conduct Local Government Employees.
- purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly, and consistently.
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and procedures, audit requirements and relevant legislation.
- any actual or perceived conflicts of interest are to be identified, disclosed, and appropriately managed; and
- any information provided by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

## 4. Value for Money

### 4.1. Overview

Value for money is determined when the consideration of price, risk and qualitative factors that are assessed to determine the most advantageous outcome to be achieved.

As such, purchasing decisions must be made with greater consideration than obtaining the lowest price, but also to incorporate qualitative and risk factors into the decision-making process.

### 4.2. Application

An assessment of the best value for money outcome for any purchasing process should consider:

- all relevant total costs of ownership and benefits including transaction costs associated with acquisition, delivery, and distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications, etc.
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers.
- purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and

- providing opportunities for businesses within the Shire’s boundaries to be given the opportunity to quote for providing goods and services wherever possible.

## 5. Purchasing Requirements

### 5.1. Legislative / Regulatory Requirements

The requirements that must be complied with, including purchasing thresholds and processes, are prescribed within the Acts, Regulations, this policy and associated purchasing procedures in effect.

### 5.2. Purchasing Generally

Purchasing that is \$250,000 or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under Section 5.5 of this policy.

Purchasing that exceeds \$250,000 in total value (excluding GST) must be put to public Tender unless it is determined that a regulatory Tender exemption in the Act or Regulations is provided, or as stated in this policy.

### 5.3. Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

- Exclusive of Goods and Services Tax (GST).
- The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply; and
- Must incorporate any variation to the scope of the purchase and be limited to a 10% tolerance of the original purchasing value.

### 5.4. Purchasing from Existing Contracts

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Shire must consult its Record Management System in the first instance before seeking to obtain quotes and tenders on its own accord.

### 5.5. Purchasing Thresholds

The following table prescribes the purchasing process that approved purchasing officers must follow, based on the purchase value:

Purchase Value Threshold Excl GST	Purchasing Requirement
Up to \$10,000	Quotations are not required for purchases in this category. Officers are required to adhere to the overarching principles of policy objectives
Over \$10,000 and up to \$100,000	<p>Seek at <b>least two written quotations</b> from suppliers following specified written requirements, from:</p> <ol style="list-style-type: none"> <li>1. the open market, supporting buy local, where possible and practicable.</li> <li>2. an existing panel of pre-qualified suppliers administered by the Shire; or</li> <li>3. pre-qualified suppliers on the WALGA Preferred Supply Program or State Government CUA.</li> </ol>
Over \$100,000 and up to \$250,000	<p>Seek at <b>least three written quotations</b> (with adequate consideration supporting buy local) from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this policy.</p> <p>Quotations within this threshold are to be sourced as follows, with the order of preference being from:</p> <ol style="list-style-type: none"> <li>1. the open market generally.</li> <li>2. the open market using the Shire’s online procurement portal.</li> <li>3. an existing panel of pre-qualified suppliers administered by the Shire; or</li> <li>4. a pre-qualified supplier on the WALGA Preferred Supply Program, or State Government CUA; or</li> <li>5. Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government (CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.</li> </ol>
Over \$250,000	Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangements as listed in this policy, conduct a public Request for Tender process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i> , this policy and the Shire’s tender procedures. The procurement decision is to be based on pre-determined evaluation criteria (as determined by the Chief Executive Officer under Delegated Authority or by Council where a Delegation does not apply) that assesses all value for money considerations in accordance with the definition stated within this policy

## 5.6. Determination of Approved Purchasing Officers / Process and Procedures

The Chief Executive Officer (CEO) is responsible for determining the employees permitted to procure goods and services under this policy and for determining associated expenditure approval levels and the associated processes and procedures.

### **5.7. Tendering Exemptions**

An exemption to publicly invite tenders may apply in the following instances:

- the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA).
- the purchase is from a Regional Local Government or another Local Government.
- the purchase is from a pre-qualified supplier under a Panel established; in accordance with the Act and Regulations; and
- any of the other exclusions under Regulation 11 of the Regulations apply.

### **5.8. Inviting Tenders under the Tender Threshold (\$250,000 or less)**

Where considered appropriate and beneficial, the CEO may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness, and compliance requirements and whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

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

### **5.9. Sole Source of Supply**

Where the purchasing requirement is over the value of \$10,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can show evidence that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the relevant Executive Manager, prior to a contract being entered into.

From time to time, expression of interest may be publicly invited to effectively determine that one sole source of supply still genuinely exists.

### **5.10. Anti-Avoidance**

The Shire shall not enter two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

### **5.11. Emergency Purchases**

**“Emergency Purchase”** is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency as provided for in the Act.

In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken and purchases in these circumstances are to be facilitated by the CEO or the appointed Local Recovery Coordinator.

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

## 6. Records Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000* (WA), the Shire of Boyup Brook Records Management Policy and associated procedures and procurement practices.

For each procurement activity, such documents may include:

- The procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable).
- Procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract.
- Request for Quotation/Tender documentation.
- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable).
- Copies of quotes/tenders received.
- Evaluation documentation, including individual evaluators note and clarifications sought.
- Negotiation documents such as negotiation plans and negotiation logs.
- Approval of award documentation.
- All correspondence to respondents notifying of the outcome to award a contract.
- Contract Management Plans which describe how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

## 7. Buy Local Policy (Excluding Tenders)

As much as practicable, the Shire must:

- Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses.
- Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support).
- Ensure that procurement planning addresses local business capability and local content.
- 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.
- Avoid bias in the design and specifications for Requests for Quotation and Tenders. All Requests must be structured to encourage local businesses to bid; and

- Provide adequate and consistent information to potential suppliers.

To this extent and for the purposes of supporting buying local, as a demonstrated benefit or contribution to the local economy, suppliers based within the boundaries of the Shire, for at least six (6) months prior to a Request for Quotation being sought are afforded the following buy local price preference, for the purposes of assessment:

- 15% for purchases up to \$100,000 (ex GST).
- A flat \$15,000 for all purchases between \$100,000 and \$150,000 (ex GST) during a State of Emergency declaration as defined in the *Emergency Management Act 2005*, Section 3.
- A flat \$20,000 for all purchases between \$150,001 and \$250,000, (ex GST) during a State of Emergency declaration as defined in the *Emergency Management Act 2005*, Section 3.

A regional price preference in accordance with Policy F1 is afforded for procurement by way of Tender.

## 8. Pre-Qualified Suppliers

To further support effective procurement in accordance with this policy, Council or the CEO may under Delegated Authority approve the creation of a Panel of Pre-qualified Suppliers (Panel) under Regulation 24AC of the Regulations.

The following factors are to apply if a Panel is to be created:

- A determination is to be made that a range of similar goods and services are required to be purchased on a continuing and regular basis.
- There are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money'.
- The purchasing activity under the intended Panel is assessed as being of a low to medium risk.
- The Panel will streamline and will improve procurement processes; and
- A capability and capacity exist to establish, manage the risks, and achieve the benefits expected of the proposed Panel.
- 

## 9. Establishing a Panel

Should it be determined that a Panel would be beneficial to be created, it must be created in accordance with Part 4, Division 3 of the Regulations.

- a. Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.
- b. Panels may be established for a minimum of two (2) years and for a maximum length of time formally determined.
- c. Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

- d. Where a Panel is to be established at least three (3) suppliers to each category will be endeavoured to be appointed, on the basis that best value for money is demonstrated. Where less than three (3) suppliers are appointed to each category within the Panel, a category is not to be established.
- e. In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), a clear statement is to be provided to indicate the expected number of suppliers to put on the panel.
- f. Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) of the Regulations when establishing the Panel.

## 10. Distributing Work amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of prequalified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether it is intended to:

- Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 12 of this policy; or
- Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- Develop a ranking system for selection to the Panel.

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

- Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded based on value for money in every instance; or
- Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) of the Regulations when establishing the Panel.

An invitation is to be sent to the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, an invitation to suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in Section 5.5 of this policy.

When a ranking system is established, the Panel must not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

## 11. Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be recorded in the Shires Record Keeping System.

## 12. Recordkeeping

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept. For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created.
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel.
- Request for Applications documentation.
- Copy of public advertisement inviting applications.
- Copies of applications received.
- Evaluation documentation, including clarifications sought.
- Negotiation documents such as negotiation plans and negotiation logs
- Approval of award documentation.
- All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters.
- Contract Management Plans which describe how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

Itemised records of all requests for quotation, including quotations received from prequalified suppliers and contracts awarded to Panel members must be kept. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under any subsequent contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees.

<b>Document Control</b>	
Previous Policy Reference	F.03
Related Legislation	<i>Local Government Act 1995, Local Government (Functions and General) Regulations 1996, State Records Act 2000 (WA), Emergency Management Act 2005.</i>

Related Documents	State Government Common Use Arrangements.	
Initial Adoption Resolution Absolute Majority Required	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G10 – Disposal Of Property

### 1. Policy Intent

To improve the process and time frame involved to:

- a. Dispose of Shire of Boyup Brook (Shire) property (excluding land) with a market value of less than \$20,000, or as part of an acquisition where the total value is not greater than \$75,000.
- b. Dispose of abandoned vehicles.

### 2. Policy

#### 2.1. Shire Property

The disposal of Council-owned property with a market value of less than \$20,000 or as part of an acquisition where the total value is not greater than \$75,000 shall be carried out in accordance with the following schedule:

Current Market Value of Property	Method of Disposal
\$501 - \$75,000 or less, per item	<ul style="list-style-type: none"> <li>• To the highest bidder at public auction; or</li> <li>• To the most acceptable tender, whether or not it is the highest tender through the public tender process; or</li> <li>• To an external party at market value.</li> </ul>
\$1 - \$500 per item	<ul style="list-style-type: none"> <li>• To the highest bidder through an internal bidding process for staff and Elected Members whereby bids are sealed and placed in the Shire tender box, or</li> <li>• Property may be donated to community groups through Expressions of Interest.</li> </ul>
Nil Value	<ul style="list-style-type: none"> <li>• At the direction of the CEO</li> </ul>

- 2.1.1. Part 2.1 of this policy prescribes the method of disposal of Shire property with a market value of less than \$20,000 or where the property that is disposed of as part of the consideration for other property that the local government is acquiring for a consideration where the total value of which is not more, or worth more, than \$75,000 and the disposition of which shall be an exempt disposition pursuant to Regulation 30(3).
- 2.1.2. A written register is to be kept of all bids received and purchases made including a register of any property that is donated to local service organisations.
- 2.1.3. The disposal of property exceeding the value prescribed shall be in accordance with requirements of the *Local Government Act 1995* (the Act).

#### 2.2. Abandoned Vehicles

Value of Abandoned Vehicle	Method of Disposal
Greater than \$501	At the expiry of sixty days from impounding, if not claimed – <ul style="list-style-type: none"> <li>to the highest bidder via formal offer and acceptance advertised locally.</li> <li>by public auction by a licenced auctioneer.</li> <li>by tender in accordance with the Act; or</li> <li>if unsold, by the most cost-effective means.</li> </ul>
\$1 - \$500 per item	After seven days from impounding, if the owner is unknown or after seven days from the giving a notice of impounding – <ul style="list-style-type: none"> <li>by offering the vehicle to local emergency service groups for training; or</li> <li>by offering the vehicle to local vehicle dismantlers at best value; or</li> <li>if unwanted, by the most cost-effective means.</li> </ul>

### 2.3 Disposal of IT Equipment including phones and tablets.

- a) Prior to disposing of any computer equipment:
  - i. Ensure all hard drives have been removed and destroyed by a specialist. (a certificate of destruction is required).
  - ii. Ensure all memory cards have been removed and either repurposed or destroyed.
- b) At the CEO's discretion any redundant or broken IT equipment (subject to (a) above) may be donated to a community group for recycling.

## 1. Reference

Monetary amounts referenced in this policy are Goods and Services Tax (GST) exclusive.

Document Control		
Previous Policy Reference	F.15	
Related Legislation	<i>Local Government Act 1995 – Sections 3.58, 3.39, 340A, 3.45 and 3.47, Local Government (Functions and General) Regulations 1996 Regulation 30(3).</i>	
Related Documents	Shire of Boyup Brook Delegation of Authority Register.	
Initial Adoption Resolution Absolute Majority Required	28 March 2024	Res 24/03/041
Amendment Record	Inclusion of Section 2.3 IT Disposal	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G11 – Citizenship Event Dress Standards

### 1. Policy Intent

To encourage and outline the reasonable dress standards for persons attending Citizenship Events conducted by the Shire of Boyup Brook (Shire).

### 2. Policy

It is policy that the dress standard for persons attending Citizenship Events conducted by the Shire is:

- smart casual attire that is appropriate to the significance and importance of the occasion, and this includes:
  - attire that celebrates the history and cultural identity that participants bring to Australia.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation		
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G12 – Fraud And Corruption Control

### 1. Policy Intent

The Shire of Boyup Brook (Shire) is committed to the prevention, detection, investigation, response and monitoring of fraud and corruption related activities. The objective of this policy is to ensure that the Shire actively seeks to identify and limit its exposure to fraud and corruption and provide an avenue for the reporting of fraud and corruption related activities.

This policy is consistent with, and supported by Council’s legislative and policy obligations, and the Fraud and Corruption Control Strategy.

### 2. Policy

As Council is the custodian of significant public funds and assets, it is important that the community has assurance that these are adequately protected from fraud and corruption. Council has developed a structured framework and approach to the implementation and review of fraud and corruption prevention, detection, monitoring, and reporting, and aims to ensure that strategies to control fraud and corruption related risks are integrated into existing and new work practices.

This policy applies to all employees, Elected Members, Committee Members, Contractors, Consultants, and other persons who perform functions on behalf of the Shire, such as Volunteers.

### 3. Definitions

#### 3.1. Fraud

**‘Fraud’** is defined by Australian Standard AS8001-2021 as:

Dishonest activity causing actual or potential financial loss to any person or agency including theft of monies or other property by employees or persons external to Council and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction, or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

Examples of fraud include but are not limited to:

- evasion of payments owing to the Shire.
- false invoicing.
- obtaining by deceit, benefits to which the recipient is not entitled such as improper reimbursement of expenses or travel allowances.
- charging for goods or services not delivered or only part delivered.
- false timesheet claims or misrepresenting time and work commitments.
- theft of Council property, resources, inventory, or cash.
- theft, misuse, or wrongful use of information for financial or other gain.
- abuse of position or discretion such as accepting gifts or bribes to facilitate an outcome or gain some form of financial advantage.

- false accounting.
- credit card fraud.
- abuse of local government facilities or assets for personal use.
- disclosing confidential information for personal gain.
- making false statements or altering signatures or other information and materials to mislead or misrepresent a position or hide wrongdoing; and
- destroying or removing records without approval for personal gain or to conceal fraudulent activity.

### 3.2. Corruption

**‘Corruption’** is defined by Australian Standard AS8001 – 2021 as:

Dishonest activity in which an employee or contractor of the entity acts contrary to the interests of the entity and abuses their position of trust to achieve some personal gain or advantage for themselves or for another person or organisation. The concept of ‘corruption’ can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, to secure some form of improper advantage for the entity.

Corruption is any deliberate or intentional wrongdoing that is improper, dishonest, or fraudulent and may include:

- conflict of interest.
- failure to disclose acceptance of gifts or hospitality.
- acceptance of a bribe.
- payment or receipt of secret commissions (bribes), which may be paid in money or in some other form of value to the receiver and may relate to a specific decision or action by the receiver or generally.
- release of confidential information in exchange for some form of non-financial benefit or advantage to the employee releasing the information.
- collusive tendering.
- payment or solicitation of donations for an improper political purpose.
- serious conflict of interest involving any local government employee, Elected Members, Committee Member, Contractor, Consultant, and other persons who perform functions on behalf of the Shire, such as Volunteers, acting in his or her own self-interest rather than the interests of the Shire.
- serious nepotism or cronyism where the appointee is inadequately qualified to perform the role to which appointed.
- manipulation of the procurement process by favouring one tenderer over others or selectively providing information to some tenderers.
- Gifts or entertainment intended to achieve a specific or generic commercial outcome in the short- to long-term – an essential element rendering conduct of this type corrupt would be that it is in breach of the entity’s values, behavioural code, or gifts policy or that it was done without the appropriate transparency.
- bribing officials to secure a contract for the supply of goods or services; and
- facilitation payments – small one-off payments in cash or in kind intended to secure prompt delivery of goods or services.

## 4. Responsibilities

### 4.1. Elected Members are responsible for:

- a. Effective fraud governance.
- b. Setting the strategic direction and monitoring management actions for fraud and corruption risk; and
- c. Adopting and adhering to the Fraud and Corruption Control Policy.

### 4.2. Chief Executive Officer and Executive Managers are responsible for:

- a. Maintaining a corporate governance framework, which includes policies and procedures, such as the Fraud and Corruption Control Policy and applicable Codes of Conduct to minimise Council's vulnerability to fraud and corruption.
- b. Ensuring protection of Shire staff who report suspected fraud and corruption.
- c. Providing leadership, guidance, and support to employees in preventing fraud and corruption.
- d. Identifying high fraud risk areas; and
- e. Participating in fraud and corruption risk reviews.

The Chief Executive Officer, under the *Corruption, Crime and Misconduct Act 2003* must also notify the Corruption and Crime Commission or the Public Sector Commission if misconduct is suspected.

### 4.3. Executive Managers are responsible for:

- a. Ensuring all employees adhere to the Shire of Boyup Brook Code of Conduct Local Government Employees and Fraud and Corruption Control Policy.
- b. Establishing, maintaining, and reviewing control systems to ensure the Shire's resources are protected and the risk of fraud or corruption occurring is minimised.
- c. Setting up effective internal controls to detect fraudulent and corrupt activities and regularly reviewing these controls.
- d. Establishing adequate segregation of duties for all functions where the potential for fraud or corruption risk has been assessed as high.
- e. Reinforcing the requirement for all staff to not engage in corrupt conduct, fraudulent activities, or maladministration; and
- f. Encouraging the reporting of any suspected fraud, corrupt conduct, or maladministration.

#### **4.4. Employees are responsible for:**

- a. Contributing to preventing fraud and corruption by following the Shire of Boyup Brook Code of Conduct Local Government Employees, complying with controls, policies, and processes, and resisting opportunities to engage in fraudulent or corrupt behaviour.
- b. Acting appropriately when using official resources and handling and using public funds, whether they are involved with cash or payment systems, receipts or dealing with suppliers.
- c. Being alert to the possibility that unusual events or transactions could be indicators of fraud or corruption.
- d. Reporting details immediately if they suspect that a fraudulent or corrupt act has been committed or see any suspicious acts or events; and
- e. Co-operating fully with whoever is conducting internal checks, reviews, or investigations into possible acts of fraud or corruption.

#### **4.5. Contractors, Consultant, Volunteers, and any other person who perform public official functions on behalf of Council are responsible for:**

- a. Supporting the Shire's commitment to preventing fraud and corruption through reporting suspicious behaviour; and
- b. Complying with Council policies and refraining from engaging in fraudulent and corrupt conduct.

### **5. Detecting, Reporting and Responding to Fraud and Corruption.**

Strategies used to detect fraud and corruption include audits, internal reviews, and reports of suspected breaches. Any person who has reason to believe that an Elected Member, Committee Member, or an employee of the Shire has committed a breach of any adopted Code of Conduct (including engaging in fraud or corruption), may complain about the breach to the Shire's designated complaints officer.

Disclosures being made about fraud, corruption or other improper conduct can be done so in accordance with Policy G5 – Public Interest Disclosure.

Alternatively, reports of fraud or corruption can be made directly to external parties, such as the Office of the Auditor General, Corruption and Crime Commission, Public Sector Commission and Western Australian Police Force.

Any instances of detected or reported fraud or corruption will be investigated.

### **6. Fraud and Corruption Control Strategy**

The Fraud and Corruption Control Strategy has been developed to assist the Shire to meet the objectives of this policy, and aims to:

- reduce the potential for fraud and corruption within and against the Shire.
- create a culture which seeks to prevent fraud and corruption.
- dedicate resources to the prevention of fraud and corruption.
- implement processes to manage fraud and corruption through risk management practices; and
- provide guidance regarding how to manage suspected instances of fraud or corruption.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Corruption, Crime and Misconduct Act 2003, Public Interest Disclosure Act 2003, AS 8001 - 2021 Fraud and Corruption Control, AS 8003 - 2003 Good Governance Principals.</i>	
Related Documents	Policy G5 - Public Interest Disclosure Policy G6 – Risk Management Shire of Boyup Brook Code of Conduct Local Government Employees, Fraud and Corruption Control Strategy.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G13 – Community Engagement

### 1. Policy Intent

To ensure that Shire of Boyup Brook (Shire) community engagement is meaningful, consistent across the entire organisation and undertaken in accordance with industry best practice.

This policy outlines minimum standards and requirements to ensure that:

- a. Community members and other stakeholders are influential and involved in decision-making that affects their lives and/or business operations.
- b. Community engagement is inclusive; and
- c. Community members and other stakeholders feel their input has been considered and appropriately reflected in the decisions made and actions taken.

The Shire is committed to establishing a co-working relationship whereby the community, other stakeholders and the Shire collaborate to build resilient communities and places. The Shire is committed to achieving transparency and accountability in our engagement endeavours to improve community trust especially in the perception that the Shire, its Elected Members and staff, always act in the best interest of the community.

### 2. Policy Scope

The policy applies to Shire Elected Members, staff and all consultants and contractors acting on the Shire's behalf.

### 3. Definitions

**Community engagement** - Any undertaking by the Shire, its contractors, and consultants, to work across organisations, stakeholders, and communities to shape decisions or actions in relation to a problem, opportunity, or outcome. (Adapted definition of the International Association for Public Participation).

**Community** - An individual or business, group, association, committee representative or otherwise, residing, working, or operating in the Shire of Boyup Brook local government district.

**Stakeholder** - An individual, business, group, association, committee, not-for-profit organisation, government entity or otherwise, with an interest, concern, or association with, or that may be affected by a decision, action, project, or service within the Shire of Boyup Brook local government district or wider Southwest Region. Community is a sub-set of "Stakeholder".

### 4. Policy Statement

This policy is separated into the following categories:

- a. Introduction
- b. How the Shire of Boyup Brook will engage
- c. When the Shire of Boyup Brook will engage.
- d. How long the Shire of Boyup Brook will engage.
- e. Roles of Elected Members, Staff and Stakeholders.

#### **4.1. Introduction**

The Shire is committed to ensuring:

- community engagement is a strategic consideration that guides Shire decision making.
- community engagement is undertaken in accordance with the International Association for Public Participation (IAP2) standards and framework.
- community engagement is built into work practices and remains an integral part of operations.
- staff are equipped with the skills and knowledge to undertake engagement in line with best practice and work to ensure continual improvement.
- consultants and contractors undertaking community engagement on the Shire's behalf are adequately qualified and experienced; and
- appropriate funds and capacity are availed for community engagement.

The Shire, its consultants, or contractors, will ensure:

- community engagement is a cornerstone of all Shire undertakings and commences as early in the life of the undertaking as practicable.
- all stakeholders with an interest, association, or concern in the topic of engagement are fairly and equally informed about and provided with an opportunity to influence the matters that affect/are of importance to them.
- the purpose and aim of the engagement are well communicated.
- the Shire's role and that of other participants in the engagement process is explained.
- the limitations or parameters within which the decision is being made and the level of influence that the stakeholder has in the decision-making process, are communicated.
- stakeholders are provided with sufficient information to enable them to provide informed input.
- communication materials are easy to understand, written in plain English i.e. using simpler and more direct language.
- due consideration is given to commercially sensitive or personal information, and that the provision of information complies with privacy legislation and record keeping requirements.
- community engagement is inclusive, accessible and it is easy for stakeholders to provide comment.
- sufficient time is allowed for stakeholder responses.

- all comments received are duly considered by decision-makers and appropriately reflected in decisions made or actions taken.
- all respondents are informed of the outcome of the engagement and how their input affected the decisions made or actions taken.
- decision-makers are receptive and responsive to alternative or opposing views and ideas.
- all reasonable attempts are made to resolve conflicts and reach acceptable solutions; and
- sufficient time is allowed to debate and investigate unanticipated and consequential issues.

All community engagement will be communicated on the Shire website, Shire Media Platforms, Boyup Brook Gazette, Notice Board at the Administration Building and Notice Board at the Community Resource Centre. All personal details will be redacted.

#### **4.2. How the Shire of Boyup Brook will Engage**

Unless specified by legislation the Shire will engage with the community on:

- the Shire website.
- Shire Social Media Platforms.
- Boyup Brook Gazette.
- Notice Board at the Administration Building.
- Notice Board at the Community Resource Centre.

#### **4.3. When the Shire of Boyup Brook will Engage**

The Shire will engage with stakeholders when new plans, strategies, projects and/or services are initiated or existing plans, strategies, projects and/or services are revised, where appropriate and especially where the decision being made or action being taken impacts stakeholders.

The Shire will also engage when required under legislative requirements, particularly the *Local Government Act 1995* (the Act) as it pertains to participation, consultation, and engagement.

This commitment affects relationship building, community development, planning and building obligations, capacity building, community action, project management, behaviour change, research and furthering the achievements of partnerships.

There are instances where community engagement may not occur. These include but are not limited to:

- a final decision having already been made by Council or another agency – however every effort will be made to engage prior to decision-making.
- Council not having the jurisdiction to influence a decision being made by another agency/organisation/party etc.
- insufficient time due to legislative or legal constraints.
- Ministerial exemptions; and

- health, safety, and wellbeing concerns in which the Shire may need to respond quickly e.g. emergency situations.

The Shire will endeavour to avoid conducting any community engagement after the last Ordinary Council Meeting of the year (December) until at least mid-January the following year, recognising that in some instances this may be unavoidable such as where required by legislation. In these circumstances and where appropriate, the Shire will endeavour to extend the response period.

#### **4.4. How long the Shire of Boyup Brook will Engage**

Unless specified by legislation or in an emergency the minimum period the community will be engaged will be thirty calendar days.

#### **4.5. Roles of Elected Members, Staff and Stakeholders**

##### **Elected Members:**

- have the responsibility to encourage active community member participation in community engagement activities.
- listen to, understand, and consider stakeholder input, allowing the input to influence the decisions made or actions taken; and
- be advocates of the community based on sound engagement outcomes.
- 

##### **Chief Executive Officer:**

- drive Shire officers to embrace best practice community engagement as a core element of Shire culture; and
- ensure Council adequately resources the commitment to best practice community engagement.

##### **Executive Managers:**

- lead departments to adopt best practice community engagement by ensuring:
  - the Shire's commitment to meaningful community engagement remains at the forefront of all officers' frame of reference.
  - Officers adopt and adhere to the IAP2 Core Values and Code of Ethics; and
  - Officers adopt and maintain a positive attitude toward meaningful community engagement.
- be supportive and encourage sufficient allocation of resources to community engagement processes.

##### **Shire Officers:**

- adopt and adhere to the IAP2 Core Values and Code of Ethics.
- must appropriately allocate funds and capacity to undertake effective community engagement including the development of Community Engagement Plans for each undertaking.

- apply the IAP2 Quality Assurance Standard to all engagement processes.
- ensure that engagement processes result in outcomes influencing decision or action.
- empower (see IAP2 spectrum) stakeholders wherever possible in engagement processes, so as not to disempower community energy or activation.
- provide feedback to participants; and
- commit to continually improve the Shire’s community engagement efforts.

**Stakeholders:**

- ensure contact details are kept up to date with the Shire.
- participate actively, openly, and positively in engagement processes; and
- collaborate with the Shire to ensure continual improvement of engagement practices.

<b>Document Control</b>		
Previous Policy Reference	O.14	
Related Legislation	<i>Local Government Act 1995, Local Planning Scheme, Planning and Development Act 2005.</i>	
Related Documents	Shire of Boyup Brook Strategic Community Plan, IAP2 Core Values and Code of Ethics, International Association for Public Participation (IAP2) standards and framework.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G14 – Access And Inclusion

### 1. Policy

The Access & Inclusion Plan (hereafter referred to as 'the Plan'), endorsed by 21 June 2018, is crafted in alignment with the *Disability Services Act 1993 (WA)*. It equips the Shire's governing Council with the necessary strategies to advance and advocate for accessibility and inclusion. The Plan lays out a strategic direction and framework for addressing long-term planning needs.

### 2. Implementation

The execution of the Access & Inclusion Plan is not only a legislative mandate from the Department of Communities but also a commitment by the Shire to foster a community that welcomes everyone, including individuals with disabilities.

This commitment underscores the Shire's dedication to providing services that cater to diverse needs and expectations, ensuring equitable access for all community members, irrespective of race, heritage, gender, belief, nationality, family background, age, disability, or sexuality.

The Plan meticulously outlines the wide array of community members who might face obstacles to accessing services and participating fully in community life.

### 3. Requirements

The Access and Inclusion Policy and Plan are developed in compliance with the *Disability Services Act 1993 (WA)*, which mandates local government bodies to craft and execute Access & Inclusion Plans.

In adherence to the Act, the Shire is obligated to:

- Develop a Plan that satisfies the seven Standards (or Outcomes) listed in Schedule 2 of the *Disability Services Regulations 2004*.
- Submit the current Plan to the Department of Communities for review.
- Employ all feasible measures to guarantee the Plan's implementation by the Shire, including its officers, employees, and relevant agents and contractors, as well as Elected Members and volunteers.
- Conduct a review of the Plan at minimum every five years.
- Engage in public consultations as outlined in the regulations, during the preparation, review, or amendment of the Plan.

Document Control	
Previous Policy Reference	New
Related Legislation	<i>Disability Services Act 1993 (WA), National Standards for Disability Services, Schedule 2 of the Disability Services Regulations 2004, Commonwealth Community Standards,</i>

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Related Documents	Shire of Boyup Brook Access and Inclusion Plan.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G15 – Standards For Ceo Recruitment, Performance And Termination

### Division 1 – Preliminary provisions

#### 1. Citation

These are the Shire of Boyup Brook Standards for CEO Recruitment, Performance and Termination.

#### 2. Terms used

(1) In these standards –

**Act** means *Local Government Act 1995*

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b).

**applicant** means a person who submits an application to the local government for the position of CEO.

**contract of employment** means the written contract, as referred to in Section 5.39 of the Act, that governs the employment of the CEO.

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in Section 5.39(3)(b) of the Act.

**job description form** means the job description form for the position of CEO approved by the local government under clause 5(2).

**local government** means the Shire of Boyup Brook.

**selection criteria** means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form.

**selection panel** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

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

### Division 2 — Standards for recruitment of CEOs

#### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEO's.

#### 4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
  - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of Section 5.36(5A) of the Act; or
  - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

## 5. Determination of selection criteria and approval of job description

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

## 6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with Section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

## 7. Job description forms to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or

- (ii) mail a copy of the job description form to a postal address provided by the person.

## 8. Establishment of selection panel for employment of CEO

- (1) In this clause —

***An independent person*** means a person other than any of the following —

- (a) an Elected Member.
  - (b) an employee of the local government.
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
  - (3) The selection panel must comprise —
    - (a) Elected Members (the number of which must be determined by the local government); and
    - (b) at least 1 independent person.

## 9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and

- (b) in accordance with the principles set out in Section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant’s knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant’s character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause

## **10. Application of cl.5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description forms previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

## **11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicants.

## **12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the

**negotiated contract**) containing terms different to the proposed terms approved by the local government under clause 11(b).

- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

### 13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —

**commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

- (2) This clause applies if —

- (a) upon the expiry of the contract of employment of the person (the **incumbent CEO**) who holds the position of CEO —

- (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

- (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day.

and

- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

### 14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

### 15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEO's.

## **16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

## **17. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

## **18. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 17, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO, how the local government proposes to address and manage those issues.

## **Division 4 — Standards for termination of employment of CEO's**

### **19. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEO's.

### **20. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and

- (b) notifying the CEO of any allegations against the CEO; and
- (c) giving the CEO a reasonable opportunity to respond to the allegations; and
- (d) genuinely considering any response given by the CEO in response to the allegations.

## 21. Additional principles applying to termination for performance – related reason

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO’s performance.
- (2) The local government must not terminate the CEO’s employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO’s performance referred to in subclause (3) or any other review of the CEO’s performance, identified any issues (the **performance issues**) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO’s employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under Section 5.38(1) of the Act.

## 22. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

## 23. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

The notice must set out the local government’s reasons for terminating the employment of the CEO.

<b>Document Control</b>	
Previous Policy Reference	Currently a stand-alone document
Related Legislation	<i>Local Government Act 1995 Sections 5.39, 5.36, 5.38, 5.40, Local Government (Administration) Regulations 1996 regulation 18A,</i>

	<i>Local Government (Administration) Amendment Regulations 2021.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy G16 – Internal Control

### 1. Policy Intent

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

### 2. Policy

This policy provides a basis for establishing documented internal controls that are implemented based on risk management policies and standards.

The policy ensures that Council meets its obligations under the *Local Government Act 1995*, related Regulations and other legislation.

The policy will aid the organisation to address the risks as outlined under the objectives.

- a) The purpose of this policy is to assist the Shire to carry out its activities in an efficient and effective manner in order to achieve its strategic objectives, to ensure adherence to policies, to safeguard the Shire’s assets, and to secure (as far as possible) the accuracy and reliability of Shire financial records.
- b) This policy applies to all aspects of the Shire of Boyup Brook operations.
- c) This policy provides a framework for the establishment of documented internal controls that are implemented based on risk management policies and principles.
- d) This policy documents Council’s commitment to appropriate and effective internal controls and their importance to the organisation.
- e) 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.
- f) 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.
- g) Principles-
  - i. A risk-based approach to address and reduce the risk of loss caused by fraud, error or misstatement.
  - ii. Protection of the Shire of Boyup Brook’s assets – people, property, reputation, financial sustainability and information.

- iii. On-going audit and identification of system gaps and improvement of internal controls at the Shire of Boyup Brook.

h) Roles and Responsibilities

- i. An appropriate and effective internal control framework is the responsibility of all employees.
- ii. 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.
- iii. The Audit Committee and Council are responsible for mandating that a strong internal control framework is implemented to ensure the good governance of the organisation.
- iv. The Chief Executive Officer will report at least three yearly to the Audit Committee and Council on the review and improvement to Council's internal control framework.

i) Monitoring, Reviewing and Reporting –

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

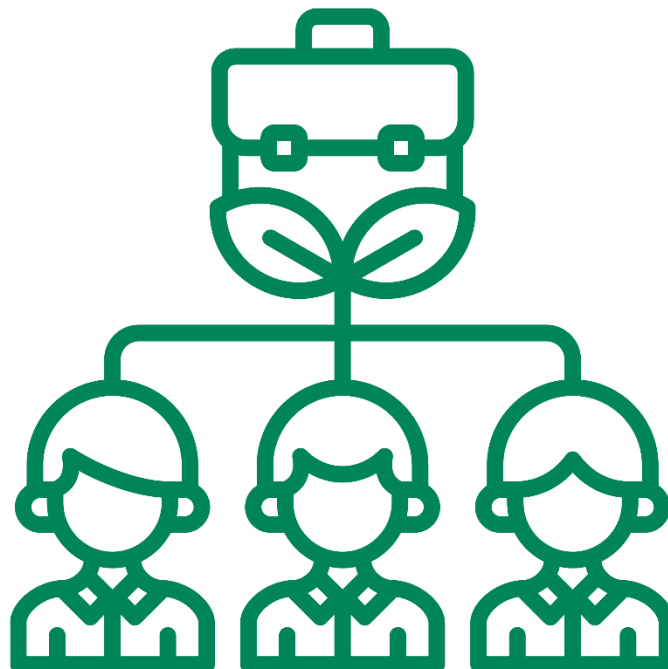
In accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of the above three areas every three years. This is in addition to the three-yearly review required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* which also includes a review of the Shire's financial internal controls.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995,</i> <i>Local Government (Audit) Regulations 1996,</i> <i>Local Government (Financial Management) Regulations 1996.</i>	
Related Documents		
Initial Adoption Resolution	31 October 2024	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

# Part 3

# Corporate & Community



## Policy C1 – Customer Service Charter

### 1. Policy Intent

To outline the Customer Service Charter that defines our commitment to customer service excellence. It establishes a set of standards that outline the level of service you can expect from us, and equally what you can do to assist us to achieve these standards.

### 2. Policy

#### 2.1. Who are our customers?

Any person or organisation who has dealings with the Shire of Boyup Brook (Shire).

#### 2.2. Our Commitment

- a. guided by our corporate values:
  - i. **Proactive** – We embrace creativity, adaptability and continuous improvement seeking new ideas and solutions to address challenges and seize opportunities to ensure sustainability.
  - ii. **Leadership & Teamwork** - We lead through collaboration, promote diversity, have pride in our work and partner with the community to achieve shared visions and aspirations.
  - iii. **Accountability & Integrity** - We are respectful, open, transparent, honest and inclusive in our dealings with the Community.
  - iv. **Commitment** - We build and share knowledge, act professionally and develop relationships that make a positive contribution to our community.
  - v. **Engaging Community** - Showing respect, understanding and compassion for others and working collaboratively with community for better outcomes.
- b. innovative and accessible.
- c. efficient and responsive; and
- d. delivered by skilled, motivated, and professional staff.

We also commit to

- a. treating you individually and in a timely manner.
- b. providing you with accurate, concise, and relevant information.
- c. respecting and protecting your personal information; and
- d. implementing a program of continuous improvement in service delivery.

## 2.3. Our Service Standard

### 2.3.1. In Person

We aim to resolve face-to-face enquiries immediately; when this is not possible, we will phone or write to you with a response. We will also:

- provide a professional, polite, and respectful service.
- clearly identify yourselves verbally or using a name badge; and
- be well presented.

### 2.3.2. On the Telephone

We will answer calls promptly and aim to resolve enquiries immediately. When your enquiry needs specialist attention, we will endeavour not to transfer your call more than once. We will also:

- introduce ourselves using our name and our business unit name.
- take personal ownership of your enquiry.
- closely monitor the amount of time you are on hold and advise you of any delays; and
- respond to all messages within three business days.

### 2.3.3. In Writing (including email)

For routine enquiries we will resolve them within ten working days. For technical enquiries that cannot be resolved within ten days we will contact you to advise when we expect to have a resolution. We will also:

- acknowledge your enquiry within three working days in writing.
- acknowledge all emails sent to [shire@boyuprbook.wa.gov.au](mailto:shire@boyuprbook.wa.gov.au) with a delivery notification; and
- write to you in a clear, concise language that is easy to understand.

Note: Service standards do not apply to unsolicited mail, sales, or promotional material.

## 2.4. Access and Inclusion

The Shire will provide the following services for customers who have difficulty accessing the Shire due to a disability or where English is a second language.

- a. AUSLAN interpreters and language translators. Please advise us at the time of your enquiry should you require these services.
- b. National Relay Service at no charge on 133 677 for TTY users, for speak & listen users 1300 555 727 or visit [www.relayservice.com.au](http://www.relayservice.com.au).
- c. Public documents in alternative formats. Please contact 9765 1200 or email [shire@boyupbrook.wa.gov.au](mailto:shire@boyupbrook.wa.gov.au) with your specific request and contact details.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Disability Services Act 1993, (WA) and Regulations 2004 National Standards for Disability Services, Schedule 2 of the Disability Services Regulations 2004</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C2 – Annual Closure Of The Shire Of Boyup Brook Administration Office And Depot

### 1. Policy Intent

To confirm Council's support for the annual closure of the Shire of Boyup Brook (Shire) Administration Office and Depot over the Christmas – New Year period.

### 2. Policy

#### 2.1. Shire Administration Office

The Shire Administration Office will close annually between Christmas Day and New Year's Day.

The Administration Office will close from close of business on the last working day before Christmas, and re-open on the first working day following New Year's Day public service holiday.

#### 2.2. Depot

The Depot will be closed annually 2 days before Christmas and reopen the day following New Year's Day public service holiday, subject to

- a. A minimum crew of two staff working over the closure period, apart from public holidays).

### 3. Leave Requirements

A staff member will be required to apply for leave for the closure period, and will be permitted to use the following types of leave:

- a. Annual Leave
- b. Accumulated Rostered Days Off, a maximum of three rostered days off may be accumulated at any one time.
- c. Executive Time Off:
  - i. Executive Managers to be approved by the CEO; and
  - ii. CEO to be approved by the Shire President.
  - iii.

### 4. Public Notification

To ensure the community are aware of the closure:

- advertising shall be published in the local Gazette in the October and November editions each year.

- notice is to be placed at the Community Resource Centre notice board and the Shire Administration Office Notice board once published, as above.

<b>Document Control</b>		
Previous Policy Reference	A.10	
Related Legislation		
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C3 – Records Management

### 1. Policy Intent

To ensure that records of all activities and decisions of Council are created, accessed, managed, and retained or disposed of appropriately, and in accordance with relevant legislation.

### 2. Policy

The Shire of Boyup Brook (Shire) is committed to creating and maintaining full and accurate records of its business transactions and official activities. In accordance with legislative requirements, the Shire is obliged to maintain evidential records. Records created and received by Shire personnel and contractors are to be managed in accordance with the Shire's Approved Record Keeping Plan, this policy, and the associated Procedure Manual.

#### 2.1. Ownership

The Shire's records are a government owned asset. The records created during the course of business belong to the Shire by virtue of their possession, not to the individuals who created such records during their time as a public officer or Elected Member at the Shire. Officers or Elected Members who acquire or create any records in the course of business shall not retain proprietary interest. Ownership of such records is vested in the Shire.

##### 2.1.1. Creation

It is the responsibility of all staff, contractors, and Elected Members to ensure that full and accurate records are created of the Shire's business, operational and administrative activities in accordance with legislative requirements.

##### 2.1.2. Capture and Control of Records

All records created and received in the course of Shire business are to be captured at the point of creation, with required metadata into appropriate record keeping and business systems, which are managed in accordance with sound record keeping principles.

##### 2.1.3. Security and Protection of Records

All records to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access, or destruction, and kept in accordance with necessary retrieval, preservation, and storage requirements.

##### 2.1.4. Access to Records

Access to the Shire's records by individual staff and contractors will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the *Freedom of Information Act 1992*. Access to the Shire's records by Elected Members will be

through the Chief Executive Officer (CEO) in accordance with the *Local Government Act 1995*.

### **2.1.5. Appraisal, Retention and Disposal of Records**

Records will only be destroyed or otherwise disposed of in accordance with the General Disposal Authority (GDA) for Local Government Records issued by the State Records Office, and following authorisation from the Records Manager and the Chief Executive Officer.

### **2.1.6. Elected Member Records**

Elected Members records must be created and kept which properly and adequately record the performance of the Elected Members functions arising from their participation in decision making processes of all meetings where they represent Council on Committees or external bodies. This requirement should be met through the creation and retention of records of meetings of local government and other communications and transactions of Elected Member which constitute evidence affecting the accountability of Council and the discharge of its business. Electioneering (or party-political information) and personal records which are not related to an Elected Members official duty are exempt. Any correspondence received as part of their duties should be periodically returned to the Shire for registering into the appropriate record keeping system.

### **2.1.7. All staff Including Contractors**

All staff are to create, collect and retain records relating to business activities they perform. They are to identify significant records; ensure those records are registered into the record keeping system and that all records are handled in a manner commensurate with legislation and the Shire's policies and procedures for record keeping.

## **2.2. Definitions**

**'Record'** - A record as defined in the *State Records Act 2000* means any record of information however recorded and includes:

- anything on which there is writing or Braille.
- a map, plan, diagram, or graph.
- a drawing, pictorial, graphic work, or photograph.
- anything on which there are figures, marks, perforations or symbols, having a meaning for persons qualified to interpret them.
- anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and/or
- anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.

Records may be categorised as:

- **‘Ephemeral Records’** are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential, or historical value. They may include insignificant drafts and rough notes, records of routine enquiries.
- **‘Significant Records’** contain information which is of administrative, legal, fiscal, evidential, or historical value and are not recorded elsewhere on the Public Record. They may describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

Note:

Distinguishing between significant and ephemeral records is a matter of judgement and the above definitions can only act as a guide. Reference to “Records” in this document should read as relating to significant public records unless otherwise stated.

- **‘Vital Records’** are records which are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire and are absolutely essential for the Shire’s reconstruction in the event of a disaster.
- **‘Non Records’** are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire’s activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a public directory, or a training manual of a third party; or
- **‘Records Disposal’** is by way of depositing records in the State Archives, managing the records as designated State Archives at the Council, or by destruction in accordance with the “General Disposal Schedule for Local Government Records”.

<b>Document Control</b>		
Previous Policy Reference	A.13	
Related Legislation	<i>State Records Act 2000, Evidence Act 1906, Limitation Act 2005, Freedom of Information 1992, Local Government Act 1995, Financial Management Act 2006, Auditor General Act 2006, Criminal Code 1913 (Section 85), Electronic Transactions Act 2000, Privacy Act 1988.</i>	
Related Documents	Shire’s Approved Record Keeping Plan, this policy, and the associated Procedure Manual.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	• Updated related legislation reference	Various

End

## Policy C4 – Information Services

### 1. Policy Intent

This policy outlines the conditions governing the use of all Information Services facilities provided by the Shire of Boyup Brook (Shire). The policy applies to Elected Members, staff and to others to whom access to Information Services will be provided.

### 2. Policy

#### 2.1. General Use

- 2.1.1. The Shire reserves the right to, without notice, modify, upgrade, withdraw or otherwise alter any facilities provided.
- 2.1.2. The Shire has ownership of all files and e-mail messages stored on Shire computers and reserves the right to examine all computer data and software on its facilities and to monitor usage to ensure compliance with this policy.
- 2.1.3. Any facilities provided to users are for the business purposes of the Shire. The Shire will not be responsible for meeting any costs resulting from either the misuse of facilities or the use of facilities for non-business-related purposes.
- 2.1.4. The Shire supports only those facilities which it provides for business purposes. Hardware, software, operating systems, and networking protocols not in use at, or provided and approved by the CEO or Executive Manager Corporate Services, are not supported.

#### 2.2. Storage

- 2.2.1. All corporate information including correspondence, minutes of meetings, memos, file notes and reports (other than those generated through the Shire's databases) are to be stored in the Electronic Document Management System (EDMS). This is consistent with the legislative requirements of the *State Records Act 2000*.
- 2.2.2. E-mails and faxes sent and received, and of corporate nature, must be captured and stored in the EDMS. This is consistent with the legislative requirements of the *State Records Act 2000*.
- 2.2.3. Hard copy documents must be scanned and registered into the EDMS immediately upon receipt.
- 2.2.4. Corporate documents must not be stored on desktop computers, or on portable media or uploaded to personal cloud storage platforms (e.g. Dropbox, OneDrive).
- 2.2.5. Users will be responsible for any loss of data stored on local drives or on portable media.

2.2.6. Duplication of data is to be avoided. Any documents stored in the EDMS should not be stored elsewhere unless access to EDMS is planned to be unavailable or the data is stored on media specifically designed for the purpose of backup.

### **2.3. Installing Unauthorised Software or Files**

2.3.1. Users must not purchase, install, copy, or use any software without prior written approval from the CEO or Executive Manager Corporate Services.

2.3.2. The use of any files that are subject to Copyright regulations that have not been authorised in writing for use by the Copyright owner are not permitted to be used on the Shire system.

### **2.4. Access to Computer Facilities**

2.4.1. Users may use only those facilities to which they have been properly authorised to use by the relevant Executive Manager or CEO. Authorisation must be provided to Information Services Consultant in writing before access is provided and/or modified.

2.4.2. Users may not use any of the facilities provided by the Shire in such a way as to reflect poorly upon the Shire either in part or as a whole.

2.4.3. Users may not use any of the facilities provided to them by the Shire in such a way as to achieve personal gain or to earn income external to their employment at the Shire.

2.4.4. Where the use of any Information Services facility is governed by a password, the password must not be inappropriately divulged to any other person.

2.4.5. Any computer account or facility allocated to a user is for their exclusive use. The user must not allow another person to use it without appropriate authorisation from the relevant Executive Manager or CEO.

2.4.6. Any wilful damage sustained to IT equipment will result in the costs of repair being sought from the user of the equipment. Any damage sustained to equipment because of neglect may result in the costs of repair or replacement being sought from the user of the equipment.

2.4.7. Users must be aware that the use of mobile computing facilities may result in significant communications costs. When users do not have access to local call connections to the Shire, on-line time should be kept to a minimum. The Shire will not be responsible for any excessive costs incurred.

### **2.5. Security**

2.5.1. Regardless of the prevailing security, or lack of security, users shall not access any data or software except data or software that belongs to the user or have been provided for their use or is stored on a shared medium for which they have been granted access.

- 2.5.2. Users must not attempt to rename, delete, or modify the data of another user without prior authorisation, except in the following circumstances:
- 2.5.2.1. For data or files stored on a shared network facility or transferred in/out via a shared network facility.
  - 2.5.2.2. Under direction of their supervising officer(s) to amend data or files stored in a personal directory.
- 2.5.3. Anti-virus software protection is provided at both server and desktop level. If a user suspects that their machine has become infected with a virus (or similar type entity) it should be reported immediately to Information Services Consultant and Executive Manager Corporate Services.
- 2.5.4. Users are encouraged to log out of their workstations when they are not in use. An auto-locking should be in place that locks computers if not used for more than 15 minutes.
- 2.5.5. Users should correctly shut their computer systems down before finishing work each day, unless otherwise requested by Information Services Consultant or Executive Manager Corporate and Community Services.
- 2.5.6. Users must report to the Executive Manager Corporate Services, without delay, any breaches (either real or perceived) of security.
- 2.5.7. Users must take every reasonable precaution to ensure that their passwords, accounts, software, and data are adequately protected. The password should also meet complexity requirements and never be stored in plain text. A password manager should be used for this purpose (e.g. KeePass).
- 2.5.8. Users will be responsible for protecting company information from external threats by remaining vigilant and maintaining good cyber security awareness practice.

## **2.6. Voice Mail**

- 2.6.1. Voice Mail is a corporate resource for business use and serves to provide a minimum level of customer service when a telephone is unattended. Where possible telephones should be diverted to another officer.
- 2.6.2. The legitimate use of Voice Mail is for cases where staff are out of their offices for short periods where phone calls would go unanswered. Voice Mail should not be used to take calls when staff are on leave.
- 2.6.3. Users must work with each other to minimise the reliance on Voice Mail as much as possible. This will serve to ensure that a high level of customer service is maintained.

## **2.7. IT Support**

- 2.7.1. Requests for new systems will be formal and such requests will be treated in order of priority or in accordance with a directive from the Chief Executive Officer.
- 2.7.2. Information Services Consultant has an Electronic Helpdesk system which users should use to report problems or requests to Information Services. This system allows Information Services Consultant to attend to service calls in a fair sequence and by level of priority.

## **2.8. Internet and E-mail**

- 2.8.1. E-mail users must delete any unnecessary messages promptly and manage their e-mail files wisely to ensure compliance with limits that are set on mailbox sizes; therefore, users should make sure e-mails are registered into the EDMS.
- 2.8.2. When commencing leave, staff should utilise the ability of the email software to forward incoming mail to the person who is acting in the position during their absence or set an out of office message.
- 2.8.3. Outlook Calendars are regarded as a management tool and should be made available for other staff to review. Personal appointments can be marked 'Private' so reviewers may not see the details of the content.

## **2.9. What is Acceptable Use in regard to Internet and E-mail?**

- 2.9.1. Subject to the balance of this policy, employees may use the Internet access provided by the Shire for:
  - 2.9.1.1. Work-related purposes.
  - 2.9.1.2. Sending and receiving personal email messages, provided that if email messages are sent with a Shire of Boyup Brook email address in the from: or Reply To: header, a disclaimer shall accompany the email to the effect that the views of the sender may not represent those of Shire.
  - 2.9.1.3. Accessing the World Wide Web for limited personal purposes, provided in each case that the personal use is moderate in time, does not incur cost for the Shire and does not interfere with the employment duties of the employee or his or her colleagues.
  - 2.9.1.4. Utilising any other Internet service or protocol for personal purposes after obtaining permission in writing, to do so, from the Executive Manager Corporate Services or the CEO.
- 2.9.2. E-mail messages of a corporate nature that leave the Shire destined for an external organisation are public records and must be captured in the EDMS. Any corporate e-mail messages that officers receive must also be captured in this manner. If the user is unclear of how to capture the correspondence in the EDMS themselves such messages should be forwarded to Records staff to facilitate this legislative (*State Records Act 2000*) requirement.

## 2.10. What is Not Acceptable Use in Regard to Internet and E-mail?

2.10.1. Except during an employee's duties or with the express permission of the Shire, the Internet access provided by the Shire may not be used for:

2.10.1.1. Personal commercial purposes.

2.10.1.2. Sending unsolicited bulk email such as advertising or announcements that are not related to Council business to any group.

2.10.1.3. Sending any e-mail that is inappropriate, for example, e-mails that contains pornographic material, profanity, racial and sexual discrimination, forwarding of hoaxes, chainmail, spam, harassing colleagues or knowingly sending or forwarding virus-infected emails.

2.10.1.4. Disseminating confidential information of the Shire.

2.10.1.5. Any illegal purpose.

2.10.1.6. Knowingly causing interference with or disruption to any network, information service, equipment, or any user thereof.

2.10.1.7. Disseminating personal contact information of officers or employees of the Shire without their consent.

2.10.1.8. Knowingly causing any other person to view content which could render the Shire liable pursuant to equal opportunity or sexual discrimination legislation at the suit of that person; or

2.10.1.9. The use of real-time messaging services such as ICQ, MSN, Yahoo, WhatsApp, Facebook Messenger or similar programs.

2.10.1.10. Web sites including but not limited to those of the following nature:

- Adult Entertainment.
- Pornography; and
- Chat Rooms / Channels.

2.10.1.11. Reference the Shire of Boyup Brook Code of Conduct Local Government Employees for information relating to accessing and using social media.

<b>Document Control</b>		
Previous Policy Reference	A.14	
Related Legislation	<i>State Records Act 2000.</i>	
Related Documents	Shire of Boyup Brook Code of Conduct Local Government Employees.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046

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<ul style="list-style-type: none"><li>Updated position description of Executive Manager Corporate Services.</li></ul>	Various
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End

## Policy C5 – Closed Circuit Television (CCTV)

### 1. Policy Intent

To outline a position on the operation of Shire of Boyup Brook (Shire) owned Closed Circuit Television (CCTV) systems and equipment.

This policy applies to any Shire owned fixed CCTV systems and any mobile CCTV trailers. It does not apply to the operation and use of Body Worn Cameras and/or any vehicle dash mounted camera systems.

This policy should be read in conjunction with any associated internal CCTV Procedures and/or Guidelines, approved by the Chief Executive Officer.

### 2. Policy

#### 2.1. Objectives

The general objective of CCTV systems is to:

- enhance safety by assisting in the prevention of crime by acting as a deterrent to potential offenders.
- assist with the identification of crime and/or inappropriate behaviour and support evidence gathering for prosecuting authorities.
- support security at remote locations or sites that are not staffed outside of normal business hours; and
- to contribute to an integrated multi-agency approach to crime prevention and community safety.

#### 2.2. Partnership Approach

A partnership approach with the Western Australia Police Force (WAPF) is supported to consider future fixed CCTV system needs within the district and to support monitoring of existing and new fixed CCTV systems within local Police stations.

WAPF are involved in the broad decision-making process for future fixed CCTV system in the district.

WAPF also contribute to the decision-making process for the deployment of mobile CCTV trailers, where required in the local Police district, subject to the Shire's own operational needs not being compromised.

Formal arrangements to document the partnership approach with WAPF will be through Memorandums of Understandings (MOU).

#### 2.3. Assessment of Fixed CCTV System Requests

New fixed CCTV systems on Shire or private land in the district will be considered where community need is formally identified and substantiated or for operational purposes,

where funding is available through budget or via grants for equipment and installation, and through budget for ongoing operational costs.

All requests for the installation of fixed CCTV systems will be assessed via a formal Needs Assessment Matrix. Where fixed Shire CCTV is to be installed on private land, documented arrangements by MOU will be applied.

## 2.4. General Principles

Fixed CCTV systems and any mobile CCTV will not be used to intentionally monitor adjacent or nearby premises or buildings, although it is acknowledged that data captured may generally include some exterior vision of other land. Reasonable advisory signage is to be displayed in the vicinity of fixed CCTV systems to ensure public awareness.

Advisory signage is not required where covert or mobile CCTV are in use.

## 2.5. Registering Fixed CCTV Systems

Registering fixed CCTV systems located in the public domain through the Office of Crime Prevention is supported, as location information is automatically provided to the WAFP to assist in investigations.

## 2.6. Release of CCTV

CCTV recordings or images captured by fixed CCTV systems or mobile CCTV trailers will be released to WAFP or the Australian Federal Police on written request or as otherwise required by written law.

The release of CCTV recordings or images captured on any fixed CCTV system or mobile CCTV trailer to any other person or entity is generally not supported and is at the absolute discretion of the CEO or delegate and in accordance with Privacy Principles outlined in Schedule 1 of the *Privacy Act 1988*.

Copies of any released recording and images will be retained for record keeping purposes as required by the *State Records Act 2000*. The request to release CCTV recordings and images is dependent on time frames for retaining captured data.

Document Control		
Previous Policy Reference	A.19	
Related Legislation	<i>Privacy Act 1988,</i> <i>Surveillance Devices Act 1998,</i> <i>State Records Act 2000.</i>	
Related Documents	CCTV Technical Advice and Western Australian CCTV Guidelines - Office of Crime Prevention.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C6 – Work Health And Safety

### 1. Policy Intent

The Shire of Boyup Brook is committed to providing and maintaining a safe and healthy workplace for all workers (including contractors and volunteers) as well as clients, visitors, and members of the public. Hazards and risks to health and safety will be eliminated or minimised, as far as is reasonably practicable.

### 2. Policy

The responsibility for managing health and safety ultimately rests with the Chief Executive Officer (CEO) as the person in control of the business or undertaking (PCBU), and together with other management personnel.

**Workers** also have important responsibilities for health and safety in the workplace.

We are committed to complying with the *Work Health and Safety Act 2020*, the *Work Health and Safety Regulations 2022*, *codes of practice* and other safety guidance material.

#### **Management will:**

- Ensure the business complies with all legislation relating to Workplace Health and Safety.
- Eliminate or minimise all workplace hazards and risks as far as is reasonably practicable.
- Provide information, instruction, and training to enable all workers to work safely.
- Provide competent Supervision of workers to ensure work activities are performed safely.
- Implement strategies to Ensure all workers are fit to carry out their role in the job safely and competently (***Fitness for work***)
- Consult with and involve workers on matters relating to health, safety, and wellbeing.
- Provide appropriate safety equipment and personal protective equipment (PPE).
- Provide resources for first aid treatment.
- Provide a suitable injury management and return to work program.

#### **Workers will:**

- Take reasonable care for their own health and safety and that of others.
- Report fit for work.
- Follow safe work procedures, instructions, and rules.
- Participate in safety training.
- Report health and safety hazards.
- Report all injuries and incidents.
- Use safety equipment and personal protective equipment as instructed.

The goal of the Boyup Brook Shire is to provide a safe and healthy work environment that is free from workplace injury and illness. This will only be achieved through the participation, co-operation, and commitment of everyone in the workplace.

<b>Document Control</b>		
Previous Policy Reference	A.16	
Related Legislation	<i>Work Health and Safety Act 2020, Work Health and Safety Regulations 2022.</i>	
Related Documents	Procedure manual to be prepared.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>Corrected reference to legislation.</li> </ul>		Various

End

## Policy C7 – Equal Employment Opportunity

### 1. Policy Intent

To ensure the workplace is free of discrimination and harassment. Council is dedicated to providing a harmonious and safe working environment and encourages good working relationships between all employees. All recruitment, selection and employment decisions will be based on the individual merit of applicants and employees.

### 2. Policy

The Shire of Boyup Brook (Shire) considers discrimination to be a serious issue, and the aim of this policy is to highlight to employees the types of conduct deemed discriminatory and to explain what is meant by discrimination to assist in creating a harmonious work environment.

This means that the Shire will endeavour to ensure:

- job and career progression will be based on performance and potential to perform effectively.
- the workplace is free from any form of discrimination, bullying, sexual harassment, and racial harassment.
- the philosophy and principles of Equal Employment Opportunity (EEO) will apply at all levels of the organisation, including any persons visiting/working on the Shire premises.
- employees with supervisory responsibility at all levels receive compulsory training in EEO awareness.
- employees receive regular EEO awareness training; and
- Human Resources will be available as a point of contact for anyone who wishes to raise any issues regarding EEO and will be treated/held in the strictest confidence.

The following instructions have been designed to comply with:

- the Shire of Boyup Brook Code of Conduct Local Government Employees.
- applicable Management Practices; and
- the relevant state and federal legislation, as detailed.

#### 2.1. Roles and Responsibilities

It is the responsibility of all employees to report any kind of harassment or discrimination to their Manager/Supervisor or Human Resources.

All parties involved are to act professionally, maintain confidentiality and respect the privacy of employees who report harassment or discrimination.

Employers/Managers/Supervisors

Legal responsibility rests with the Shire to take all reasonable steps to promote and protect a non-discriminatory and harassment free work environment for all current and prospective employees. The Shire's management and supervisors must therefore make it a part of their duties to ensure that all staff in their care are treated within EEO guidelines.

## Employees

Whilst it is the responsibility of management and supervisors to ensure proper standards of conduct are always maintained in the workplace, the Shire is of the view that these standards cannot be successfully achieved unless employees at all levels cooperate by refusing to condone or participate in behaviour which may harass other employees.

These instructions have been designed with the aim of informing all employees of:

- conduct constituting harassment and discrimination; and
- action that should be taken to prevent harassment and discrimination.

The Complaint Handling Procedure below takes into consideration the sensitive nature of harassment, the need for confidentiality and the protection of the rights and reputation of both parties.

### 2.2. What the Law States

The law attempts to ensure equal employment opportunity in the following ways:

- prohibiting individual acts of discrimination on the basis of irrelevant characteristics by eliminating existing discrimination. For example, it is unlawful for an employer to refuse to promote an employee because she is female. This is dealt with in antidiscrimination legislation; and
- requiring employers to take affirmative action to overcome the effects of past discrimination against women and minority groups. This is required under the *Workplace Gender Equality Act 2012 (Cth)*.

### 2.3. Anti-Discrimination

The Shire aims to create an environment free from all forms of discrimination, including but not limited to:

Gender history	Race	Age
Religious conviction	Pregnancy	Family status
Impairment	Trade union activity or inactivity	Gender
Marital status	Family responsibility	Sexual orientation
Political conviction	Spent conviction	

These instructions aim to identify the different types of discrimination and the procedures to follow if you believe you are a victim of discrimination.

### 2.4. What is Discrimination?

Discrimination is essentially any practice that makes distinctions between individuals or groups of individuals on unlawful grounds to treat some less favourably than others.

It can take two forms:

- direct discrimination – treating someone less favourably than another because of a characteristic, which applies or is assumed to apply, to a group to which that person belongs; or
- indirect discrimination – comes from a policy, procedure, rule, or practice which appears to treat everyone equally, but which has the effect of disadvantaging individuals or groups.

## **2.5. Equal Opportunity in the Workplace**

The Shire aims to ensure that minority groups in our organisation are given freedom and equality in the workplace. This involves:

- taking steps to identify and overcome discrimination; and
- reviewing our human resources policies and practices to ensure they provide adequate support for the career progression of women and minority groups.

## **2.6. Harassment**

The Shire is committed to providing a workplace where ethical and professional standards of behaviour are maintained. Harassment of any nature is considered to be unacceptable behaviour and will not be tolerated.

These administrative instructions aim to identify the different types of harassment and the processes to follow if you believe you are a victim of harassment of any kind.

### **General Principles**

Harassment is an unacceptable form of behaviour that will not be tolerated under any circumstances.

Everyone needs to work in an environment where they are free from harassment.

Disciplinary action will be taken against anyone found to be guilty of harassing a coworker.

## **2.7. What is Harassment?**

Harassment comes in many forms including sexual, racial, and bullying. It can be identified as physical, verbal, written or otherwise indicated. It is anything that is inappropriate unwanted behaviour towards another person. Parties to harassment can be anyone that comes in contact with the Shire.

It is important to recognise behaviour that may be acceptable and inoffensive to one person can be unacceptable and deeply offensive and intimidating to another. Unintentional or misinterpreted behaviour may cause feelings of harassment.

## **2.8. Sexual Harassment**

What the Law States:

## Federal Law

Sexual harassment is a type of sex discrimination. Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended or humiliated and that reaction is reasonable in the circumstances. It has nothing to do with mutual attraction or friendship.

## State Law

The behaviour must be such that the harassed person has reasonable grounds to believe if they reject the advance, refuse the request or object to the conduct, they will be disadvantaged (for example dismissed, demoted, or denied benefits).

## Definition of Sexual Harassment

Sexual harassment does not need to be repeated or continuous, it can involve a single incident. The harassment must be directed towards the person making the complaint. Some examples of harassment in the workplace include:

- deliberate and unnecessary physical contact, such as patting, pinching, fondling or deliberately brushing against another body, attempts at kissing.
- constant requests for drinks or dates, especially after prior refusal.
- requests for sexual favours, gestures, or body movements of a sexual or intimidating nature.
- displays of offensive material, including posters, pictures, calendars, cartoons, graffiti, or messages left on boards or desks.
- remarks about a person's sexual activities or private life.
- "humour" such as smutty or sexist jokes or comments.
- crude comments and suggestions.
- electronic mail messages, including offensive or discriminatory videos, graphics, jokes, messages, and pornographic material downloaded from the Internet.
- telephone messages, contact through social media, screen savers (words and images), offensive telephone calls or faxes, gifts; and
- innuendo, including sexually provocative remarks, suggestive or derogative comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance.

It is important to be able to ascertain the difference between sexual harassment and consensual behaviour. Sexual harassment does not arise in the context of mutual attraction and friendship, which is based on mutual choice and consent.

## 2.9. Racial Harassment

What the Law States:

### Federal Law

Racial harassment is a type of race discrimination. Racial harassment is any unwanted or unwelcome behaviour, in whole or in part, because of the race, colour, or national or

ethnic origin of a person or group and reasonably likely in all circumstances to offend, insult, humiliate or intimidate that person or group.

## State Law

Race includes colour, descent, ethnic or national origin or nationality and may comprise of two or more distinct races. This means no one can harass someone else because of his/her colour, descent, national origin, or nationality. It is also unlawful to harass a person because a relative or associate of that person is of a different racial identity.

## Definition of Racial Harassment

Racial harassment may take many forms including threats, abuse, insults, and taunts based on a person's race or a characteristic belonging to, or generally believed to belong to, a particular race.

If a person is threatened, abused, insulted, or taunted about their race, colour, descent, ethnic or national origin or nationality, and if they reasonably believe by objecting to that behaviour they will be disadvantaged in terms of their employment, education, or accommodation, then they have been racially harassed under the *Equal Opportunity Act 1984 (WA)*. It is the use of inappropriate language including jokes etc., visual material or physical behaviour against a person or persons to:

- express hostility against a person or bring a person into contempt or ridicule on the grounds of that person's colour, race or ethnic or national origins, and the behaviour is hurtful or offensive to the recipient; and/or
- incite racial disharmony.

## 2.10. Bullying

Bullying is any unsought behaviour, which humiliates, offends, or intimidates someone. It includes verbal taunts and threats, physical taunts and abuse and ostracism.

The emphasis is on repetition of the conduct. The behaviour is unwelcome, unsolicited, and usually not reciprocated.

In some instances, the level of bullying may constitute criminal activity.

Examples of behaviour that constitutes bullying include, but are not limited to:

- recurring shouting, verbal abuse, insults, intimidating language, sarcasm, or innuendo.
- constant criticism, denigration, or demeaning conduct, either in private or in front of others.
- continually isolating and excluding a person from various work activities or groups.
- attempts to make competent employees appear incompetent, in the hope that they will resign or be demoted or dismissed.
- damaging or interfering with an employee's property or work equipment.
- exposing an employee to offensive pictures, signs, slogans, graffiti, etc.
- leaving offensive messages on email, voicemail, social media etc.

- threats of violence, or actual incidents of violence.
- overloading with work, shortening deadlines and/or reducing resources available to do the work.
- attempting to block an employee's promotion opportunities.
- "initiation" rituals, in some cases involving violence.
- constant sexual or racial harassment.
- stalking, following, or loitering.
- giving regular ultimatums and/or threats of dismissal.
- repeated practical jokes, taunts, ridicule, or humiliation; and
- providing ambiguous or constantly changing work instructions.

Bullying behaviour does not always involve the ill treatment of subordinates by supervisors/managers. The reverse may also apply, or it may involve employees bullying their peers, older employees bullying younger ones (and vice versa), members of one sex bullying members of the other one, or longer-serving employees bullying new ones such as apprentices.

## **2.11. EEO Complaint Handling Procedure**

This procedure should act as a guideline for all staff in identifying and addressing issues of harassment, discrimination, and bullying.

### **Informal Procedure**

- a. Any employee who is subjected to any form of harassment, discrimination or bullying is encouraged to take direct action by making it clear to the offender that the unwanted behaviour is unwelcome, unacceptable, and offensive.
- b. Where an employee feels that they are unable to tell the harasser(s) that their behaviour is unacceptable or if the harassment does not stop when requested, the person should raise the matter with their direct supervisor/manager.
- c. It is the duty of supervisors/managers to deal with any allegation of harassment.
- d. In instances where the alleged harassment is by a direct supervisor or manager, the matter should be reported to another supervisor/manager or the CEO.
- e. Where possible, and with the agreement of the employee, the matter will be dealt with by informal mediation with a person of the employee's choice.
- f. Mediation will emphasise resolution and be held in the strictest confidence.

### **Formal Procedure**

- a. If the issue remains unresolved following the mediation, or either of the parties is not prepared to attend mediation, a formal and impartial investigation process will be commenced by an HR officer not directly involved with the issue and/or the Shire's Industrial Relations Consultant. All discussions will be fully documented.

- b. The HR officer and/or the Shire’s Industrial Relations Consultant will forward their recommendations to CEO for review and a decision will be advised to all parties involved after careful and thorough consideration and consultation.
- c. Employees found to have breached this policy will be counselled and where necessary, disciplinary action will be taken. This action may include dismissal.
- d. Where harassment has occurred by a person visiting any of the Shire’s premises, they will be asked to leave the premises. Where harassment has occurred by a person not employed directly by the Shire working on the Shire’s premises, they will be asked to leave, and the issue will be taken up with their direct employer.
- e. Nothing in the above procedure prevents an employee from instituting a formal complaint with the Equal Opportunity Commission in the event that they are not satisfied with the results or believe that the issue was not handled appropriately.
- f. Any employee or witness will not be disadvantaged having in good faith reported an allegation of harassment or discrimination.
- g. Disciplinary action may be taken in respect to malicious reporting of harassment.

All staff are expected as a condition of employment, to conduct themselves in a manner to avoid any conduct or statement which could be misconstrued. Refer to the Shire of Boyup Brook’s Code of Conduct Local Government Employees for further information.

<b>Document Control</b>		
Previous Policy Reference	A.20	
Related Legislation	<i>Equal Opportunity Act 1984 (WA), Workplace Gender Equality Act 2012 (Cth), Age Discrimination Act 2004 (Cth), Disability Discrimination Act 1992 (Cth), Racial Discrimination Act 1975 (Cth), Sex Discrimination Act 1984 (Cth), Australian Human Rights Commission Act 1986, Work Health and Safety Act 2020.</i>	
Related Documents	Complaints handling procedure.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li>• Equal Opportunity for Women in the Workplace Act 1999 (Cth): This Act was replaced by the Workplace Gender Equality Act 2012 (Cth).</li> <li>• Disability Discrimination Act 1975 (Cth): correct reference should be the Disability Discrimination Act 1992.</li> <li>• Human Rights and Equal Opportunity Commission Act 1986: This Act was renamed the Australian Human Rights Commission Act 1986.</li> </ul>	<p style="text-align: center;">Various</p> <p style="text-align: center;">Various</p> <p style="text-align: center;">Various</p>

End

## Policy C8 – Payments To Employees In Addition To A Contract Or Award – Staff Farewell And Presentation

### 1. Policy Intent

To give effect to Section 5.50 of the *Local Government Act 1995* in relation to payments to employees in addition to a contract or award, upon leaving the organisation.

### 2. Application

This policy applies to all employees of the Shire of Boyup Brook (Shire).

A gratuity payment, in the form of a monetary payment or gift(s) to an equivalent value may be given as a token of appreciation for an employee's commitment and service to the Shire, when the employee reaches the number of years' service outlined in clause 5 below.

This policy outlines the circumstances in which gratuity payments may be made to an employee.

A gratuity payment may be paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument.

This policy does not form a contractual entitlement for any employee of the Shire or impact or change an employee's contractual entitlements under legislation or an industrial instrument.

This policy is to be read in conjunction with Section 5.50 of the *Local Government Act 1995* and Regulation 19A of the *Local Government (Administration) Regulations 1996*.

### 3. Commitment

The Shire is committed to recognising long serving employees within the parameters prescribed in the Act and Regulations.

### 4. Eligibility for gratuity payments

A gratuity payment entitlement is subject to completed years of continuous service as detailed in clause 6 below and is payable when the employee reaches the number of years' service outlined in clause 5 below.

An employee is not eligible to receive a gratuity payment under this policy if they:

- Have been dismissed due to misconduct, serious breach of contract, or disciplinary action.
- Resign following commencement of a disciplinary, investigation, or performance management process.

The Council will allocate funds for the purpose of gratuity payments in the Annual Budget. The Chief Executive Officer (CEO) is authorised to approve expenditure for the purpose of

gratuity payments in accordance with this policy. The CEO may determine the form of gratuity payments, including a monetary payment or gift(s) of an equivalent value.

This policy is not applicable to Executive Managers and the CEO.

## 5. Prescribed amounts for gratuity payments

Number of years' service	Amount of gratuity
Continuous service greater than 10 years	A Statement of Service and a monetary payment, to the value of \$500.
Continuous service greater than 20 years	A recognition plaque of Service and a monetary payment, to the value of \$1,000.
Continuous service greater than 30 years	A recognition plaque of Service and a monetary payment, up to the value of \$1,500.
Continuous service greater than 40 years	A recognition plaque of Service and a monetary payment up to the value of \$2,000.

A **Statement of Service** will include details of the employee's tenure, roles held, and key contributions to the Shire. It will be signed by the CEO or an authorised officer

## 6. Determining Continuous Service

For the purposes of this policy, continuous service includes:

- Any period of absence from duty on approved annual leave, long service leave, paid compassionate leave, paid personal/carer's leave, and public holidays.
- Any period of absence supported by an approved workers' compensation claim, up to a maximum absence of 12 months.
- Continuous service does not include:

Included in Continuous Service	Not Included in Continuous Service
Approved paid leave (annual, personal/carer's, long service)	Unauthorised absences
Public holidays	Unpaid leave (unless determined by Council)
Paid workers' compensation leave (up to 12 months)	Unpaid parental leave

Unless otherwise determined by Council resolution, periods of unauthorised absences, unpaid leave, or unpaid parental leave do not count toward continuous service.

## 7. Financial Liability for Taxation

An employee who receives a gratuity payment is responsible for any personal taxation obligations. The Shire will process payments in accordance with ATO guidelines, including PAYG deductions where applicable.

## 8. Payments in addition to this policy

The Council may, by resolution, approve a gratuity payment that exceeds the amounts outlined in Section 5 of this policy. However, under Regulation 19A, the total gratuity payment made to an employee shall not exceed \$5,000. Any such payment beyond policy limits requires Local Public Notice, as per Section 5.50(2) of the Act.

The Local Government is prohibited by Section 5.50 of the Act from making any payment to an employee that exceeds the amount prescribed in Administration Regulation 19A, which is \$5,000.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995, Section 5.50, Local Government (Administration) Regulations 1996, Regulation 19A, Code of Conduct for Local Government Employees, Department of Local Government Operational Guidelines.</i>	
Related Documents	Code of Conduct for Local Government Employees	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li>Explicitly mentioned that "the total gratuity payment made to an employee shall not exceed \$5,000" to avoid ambiguity.</li> </ul>	8
	<ul style="list-style-type: none"> <li>An employee is not eligible to receive a gratuity payment under this policy if they have been dismissed due to misconduct, serious breach of contract, or disciplinary action.</li> </ul>	4
	<ul style="list-style-type: none"> <li>Added a new explanation:</li> <li>A Statement of Service will include details of the employee's tenure, roles held, and key contributions to the Shire. It will be signed by the CEO or an authorised officer.</li> </ul>	5
	<ul style="list-style-type: none"> <li>Converted eligibility into a table for easier readability.</li> </ul>	6
	<ul style="list-style-type: none"> <li>An employee who receives a gratuity payment is responsible for any personal taxation obligations. The Shire will process payments in accordance with ATO guidelines, including PAYG deductions where applicable.</li> </ul>	7

End

## Policy C9 – Staff Usage Of Shire Vehicles

### 1. Policy Intent

To establish the parameters relating to the use of vehicles provided to the Shire of Boyup Brook (Shire) Shire Officers.

### 2. Application

The Chief Executive Officer may provide private use to Shire Officers subject to the guidelines in clause 3. Shire Officers who receive a vehicle allowance are required to utilise their own vehicles when undertaking Shire business.

### 3. Guidelines

- 3.1. All employees who have the privilege of taking a Shire vehicle home are expected to keep the vehicle clean and under proper surveillance.
- 3.2. All Shire vehicles are to be available for Shire use while at Shire premises.
- 3.3. A Shire vehicle is to be driven by Shire employees only, except in the case of an emergency or having obtained the Chief Executive Officers' written approval.
- 3.4. Any existing arrangement relating to vehicle usage that does not comply with this policy is to continue until the relevant employee leaves.
- 3.5. The Chief Executive Officer has authority to vary the terms of this policy to cater for any temporary situation.

Document Control		
Previous Policy Reference	A.05	
Related Legislation		
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C10 – Letting Of Council Properties

### 1. Policy Intent

Council wishes to maintain continuous lease of its properties at fair rental.

### 2. Policy

2.1. That the Chief Executive Officer be responsible for arranging tenancies of Council residential properties and, if the letting of properties requires tenders to be called, be authorised to call, and accept lease tenders or a letting fee subject to the amount being within the limit determined by Council under Section 5.43 (b) and (d) of the *Local Government Act 1995*.

For the purposes of the Sections 5.43(b) and (d) of the Act, the determined amount is \$500 per week.

2.2. A review of all rentals takes place with the budget process each year.

2.3. The maximum period for lease for residential properties be one year.

2.4. When Council enters into a residential lease with an employee of Council, the rental shall be assessed having regard for any time spent on caretaker duties outside of normal working hours. Council will pay the water account as determined in the annual budget. Any remainder of each account will be the responsibility of the tenant.

2.5. Where Council enters into a residential lease with a person who is not an employee of Council, the amount of each water account shall be divided equally between Council and the tenant.

2.6. In recognition of clauses (2.4) and (2.5) the tenant is required to maintain the gardens in a clean and tidy state.

2.7. Occupiers of Council property are required to obtain approval before entering into any agreement to sub-lease that property.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995,</i> <i>Residential Tenancies Act 1987.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C11 – Assets Management

### 1. Policy Intent

The key objective of this policy is to ensure that services delivered by the Shire of Boyup Brook (Shire) continue to be sustainably delivered. This will be achieved by managing infrastructure assets, so they provide the desired level of service to meet the community's needs and expectations in a financially sustainable manner. The policy will also provide clear direction as to how the Shire, as custodians of community assets, will manage those assets within a consistent management framework that is aligned to International Standard ISO 55000:2024, integrated with the Shire's business practices, and is consistent with the State Government's integrated planning and reporting requirements.

### 2. Policy

#### 2.1. Background

Infrastructure forms the basis of the Shire's service delivery. The importance of this infrastructure to communities and its significance in terms of the Shire's budgets and operational strategies, means that asset management must be at the centre of the Shire's overall financial and strategic planning. To achieve the policy objective, the Shire is committed to ensuring that Asset Management is recognised as a major business function within the Shire.

This policy, together with individual Asset Management Plans and associated working procedures and practices, will put in place a comprehensive, accountable, and transparent asset management framework for the Shire. This framework will outline the undertaking of Asset Management in a structured, coordinated, cost effective and financially sustainable manner across the whole of the organisation.

#### 2.2. Asset Planning

Prior to making a commitment to acquire new infrastructure, the Shire will consider the following key principles:

- philosophy of renewing assets before acquiring new assets, with an emphasis on integrating services while maintaining / upgrading / replacing existing assets rather than adding new assets to Asset Management Strategy/Plans, unless cost benefit analysis justifies otherwise.
- prior to consideration of any acquisition or major improvement to an asset, a critical review of the following will occur as part of the evaluation process:
  - demonstrated need and asset function.
  - level of service.
  - community benefits.
  - overall community value of asset ownership.
  - risk implications.
  - statutory obligations.
- opportunities for rationalisation including multiple use; and
- whole of life cost.

## 2.3. Asset Management Plans

Council will adopt Asset Management Plans for all major classes of infrastructure. These Plans will form part of the Shire’s day-to-day business practices and will be used to make informed decisions in relation to service delivery when it comes to considering the need to acquire new assets, renew existing assets, upgrade existing assets, or dispose of existing assets.

Asset Management Plans will be prepared in accordance with the recommended format of the Institute of Public Works Engineering Australia’s (IPWEA) International Infrastructure Manual. This will include long term financial modelling of the renewal profile of each asset class which will inform the Shire’s Long-Term Financial Plan and Strategic Plan.

The Plans will:

- define service levels for Council services in terms of availability and standard.
- consider factors including legislative requirements, financial and risk management.
- determine what assets, if any, are required to support the provision of the service at the defined service level.
- determine the most appropriate method of providing the assets required to deliver the service.
- use full lifecycle costing to determine the particular actions and resources required.
- determine potential asset renewal funding gap and develop responses to address any such gap that are responsible, affordable, and meet reasonable community expectations, and
- be informed by relevant local government asset and financial management frameworks.

## 3. Strategic Integration

This policy links to the following organisational strategic documentation, that is in effect:

- Boyup Brook Strategic Community Plan.
- Corporate Business Plan (draft).
- Long Term Financial Plan (pending).
- Asset Management Improvement Strategy (pending).
- Asset Management Plans.
- Annual Report; and
- Workforce Plan (pending).

## 4. Roles and Responsibilities

To achieve this policy, the following key roles and responsibilities are identified:

### 4.1. Council

- a. to approve the Asset Management Policy.
- b. to act as stewards for infrastructure assets.

- c. to ensure appropriate resources and funding for Asset Management activities are made available to integrate Asset Management policies, strategies, and Asset Management Plans into the corporate governance framework.
- d. to promote and raise awareness of Asset Management to the Community.
- e. to approve the Long-Term Financial Plan.

#### 4.2. Chief Executive Officer and Executive Managers

- a. to provide strategic direction and leadership.
- b. to ensure asset management improvement.
- c. to review existing policies and develop new policies related to asset management.
- d. to monitor and review performance of the Shire’s management and staff in achieving the Asset Management Strategy; and
- e. to ensure that accurate and reliable information is presented to Council for decision-making.

#### 4.3. Staff

- a. to develop and implement maintenance, refurbishment, and capital works programs in accordance with Asset Management Plans, Annual Plan and Budget.
- b. to deliver levels of service to agreed risk and cost standards.
- c. to manage infrastructure assets in consideration of long-term sustainability.

<b>Document Control</b>		
Previous Policy Reference	F.07	
Related Legislation	<i>Adopted Asset Management Plans, International Standard ISO 55000:2024.</i>	
Related Documents	Institute of Public Works Engineering Australia’s (IPWEA) International Infrastructure Manual.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>• AS/NZS/ISO 55000:2014: This standard was published in 2014. However, it has been withdrawn and replaced by ISO 55000:2024.</li> </ul>		1

End

## Policy C12 – Sandakan Municipality Friendship

### 1. Policy Intent

To foster and enhance the Memorandum of Friendship between Sandakan Municipal Council and Boyup Brook Shire Council, aiming for mutual development and cooperation.

### 2. Policy

#### 2.1. Background

The Memorandum of Friendship, established between the two municipalities in October 2007, seeks to bolster council management, promote commerce, trade, and tourism, and facilitate cultural exchanges and information sharing on World War II history, arts, and relics, as well as encourage youth and sports interactions.

#### 2.2. Application

To honour the memorandum, the following actions are undertaken:

- The Council Representative (typically the Shire President of Boyup Brook) and their partner participate in either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan annually.
- The Boyup Brook Shire Council invites representatives from the Sandakan Municipal Council and two high school students, chosen by the Sandakan Municipal Council, to the Boyup Brook Anzac Day Service or the Sandakan Memorial service each year.

#### 2.3. Cost

- The Shire covers all reasonable and direct expenses for the Shire Representative and their partner.

### 3. Measurement of Success

To evaluate the effectiveness of this partnership in achieving the goals set forth in the Memorandum of Friendship, the Council representative and the scholarship recipient are required to submit a detailed report to the Council. This report should highlight progress in the five critical areas identified in the Memorandum, providing a clear measure of the relationship's success and areas for further improvement.

Policy implementation is dependent on the allocation of funds in the annual budget.

Document Control		
Previous Policy Reference	M.09	
Related Legislation		
Related Documents	Memorandum of Friendship.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046

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Nil		
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End

## Policy C13 – Consumption Of Liquor On Council Property By Outside Bodies

### 1. Policy Intent

To regulate the consumption and sale of liquor on Council-controlled properties by external groups and organisations, ensuring compliance with relevant legislation, responsible alcohol management, and public safety.

### 2. Policy

#### 2.1 Application for Consumption of Alcohol

- Any individual, group, or organisation wishing to consume alcohol at a function or event on Council-controlled property must obtain prior written approval from the Shire of Boyup Brook (Shire).
- A written application must be submitted at least fourteen (14) days prior to the event, including:
  - Event date, time, and location.
  - Estimated number of attendees.
  - Purpose of the function; and
  - Any other details requested by the Shire.
- Applications shall be assessed in accordance with the Register of Delegations and may be subject to additional conditions, such as security requirements, responsible service of alcohol (RSA) compliance, or public liability insurance.

#### 2.2 Sale or Supply of Alcohol

- If alcohol is to be sold or supplied at a function or event on Council property, the applicant must:
  - Obtain the necessary liquor licence from the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor; and
  - Provide a copy of the approved liquor licence to the Shire before the event.
- The Shire reserves the right to impose additional conditions on events involving the sale or supply of alcohol, including but not limited to:
  - Ensuring that RSA-certified staff serve alcohol.
  - Requiring event security or crowd control measures.
  - Limiting alcohol service times or areas

#### 2.3 Compliance and Enforcement

- The event organiser is responsible for ensuring compliance with all conditions set by the Shire and relevant legislation, including:
  - The Liquor Control Act 1988.

- The Consolidated Local Laws 1999.
- Non-compliance may result in:
  - Event cancellation or withdrawal of permission.
  - Future applications being denied.
  - Reporting to relevant authorities for further action

<b>Document Control</b>		
Previous Policy Reference	O.12	
Related Legislation	<i>Consolidated Local Laws 1999, Liquor Control Act 1988.</i>	
Related Documents	Register of Delegations.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>● To regulate the consumption and sale of liquor on Council-controlled properties by external groups and organisations, ensuring compliance with relevant legislation, responsible alcohol management, and public safety.</li> </ul>		1.
<ul style="list-style-type: none"> <li>● Separates key requirements into distinct sections:</li> <li>● 2.1 Application for Consumption of Alcohol</li> <li>● 2.2 Sale or Supply of Alcohol</li> <li>● 2.3 Compliance and Enforcement.</li> </ul>		
<ul style="list-style-type: none"> <li>● Applications must include:               <ul style="list-style-type: none"> <li>○ Event date, time, and location</li> <li>○ Estimated number of attendees</li> <li>○ Purpose of the function.</li> </ul> </li> </ul>		2.1
<ul style="list-style-type: none"> <li>● Added a minimum timeframe for applications (e.g., 14 days before the event) to allow proper review.</li> </ul>		2.1

End

## Policy C14 – Child Safe Awareness

### 1. Policy Intent

The Shire of Boyup Brook (Shire) supports and values all children and young people. The Shire makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways the Shire demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The Shire is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the Shire is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. The Shire will promote the safety and wellbeing of children across the community.

### 2. Policy

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire, regardless of whether their work is related to children or young people. It applies to occupants of the Shire's facilities and venues, including visitors, contractors, and suppliers.

### 3. Definitions

**Abuse:** Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, and sexual abuse, and neglect.

**Child/Children:** Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

**Child Safe Organisation:** is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions.
- places emphasis on genuine engagement with and valuing of children and young people.
- creates conditions that reduce the likelihood of harm to children and young people.
- creates conditions that increase the likelihood of identifying any harm; and
- responds to any concerns, disclosures, allegations, or suspicions of harm.

Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Implementation of the National Principles for Child Safe Organisations give effect to the above.

**Child safe:** For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

**Harm:** Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

**Wellbeing:** Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

#### 4. Principles

- The rights of children and young people are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

#### 5. Functions

The Shire will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.

- Developing a process to deliver child safe messages (for example at the Shire's venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

#### 6. Responsibilities

The Shire has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices. Although the Shire is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise the Shire's facilities to operate in alignment with the Child Safe Awareness policy.

The Shire’s Chief Executive Officer will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy and provide administrative resources and training to employees where required, to ensure its success.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Childcare Services Act 2007, Children and Community Services Act 2004.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C15 – Superannuation

### 1. Policy Intent

This policy applies to all employees whether full-time, part-time, or casual.

### 2. Superannuation Benefit

- a. Employees will have freedom of choice over the complying fund that their Superannuation Guarantee Charge (SGC) are paid into.
- b. The superannuation default fund shall be the Aware Super.
- c. Employees may elect to contribute additional superannuation, either as a deduction (after tax) or as salary sacrifice (before tax).
- d. The Shire will match the additional contribution to a maximum of 15.0% of salary, which includes the SGC component, that is – SGC component plus matching component not to exceed 15.0%.

Note that as the SGC component increases, the threshold for maximum matching contribution by the Shire will decrease.

- e. Employees can voluntarily contribute more than the threshold but will not receive a further contribution from the Shire.
- f. The additional contribution and the voluntary contribution can be deposited into the employee's fund of choice.

### 3. Variation to this policy

This policy may be cancelled or varied from time to time. All employees will be notified of any variation to this policy.

Document Control		
Previous Policy Reference	A.03	
Related Legislation	<i>Superannuation Guarantee (Administration) Act 1992.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C16 – Drugs And Alcohol

### 1. Policy

This policy is designed to eliminate the risks inherent in the use or abuse of drugs, alcohol or other substances and to provide a safe and productive workplace for employees.

The Shire is committed to ensuring all employees take reasonable care not to endanger the safety of themselves or others (including customers) in the workplace.

Alcohol and other drug usage becomes a work safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

### 2. Application

For the purpose of this policy –

- the term “employee” shall extend to cover contractors, volunteers and any person performing work for or with the Shire in any capacity, as per the Work Health and Safety Act 2020.
- the workplace is defined as any place in which work is carried out while engaged by the Shire.

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

### 3. Employee Responsibility

Under the *Work Health and Safety Act 2020*, workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or illicit drugs while at work is unacceptable (the hazard extends to being adversely affected, possibly because of the night before, in addition to consumption at work), except in relation to any authorised and responsible use of alcohol at workplace social functions.

All employees are expected to always comply with the Code of Conduct for Employees. They should carry out their duties in a professional, responsible, and conscientious manner and refrain from any conduct (alcohol abuse, substance misuse or being under the influence of impairing side effects of prescription and/or over the counter medications) which could adversely affect their personal work performance or the safety and well-being of others.

Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.

### 4. Drug Use in a Shire Workplace

Employees who buy, take, or sell drugs in any Shire workplace, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.

## 5. Prescribed and Over the Counter Medications

The Employee must follow the instructions in respect of prescribed or over the counter medications. If the medication affects their ability to perform a task, they must advise their supervisor or manager.

Employees taking prescribed or over the counter medication must not commence duties if their doctor or pharmacist indicates that it would not be safe to do so.

The categories of drugs and substances prohibited by the Shire are outlined as per the Australian Standard AS/NZS 4308:2023 for drugs of abuse.

## 6. Consumption of Alcohol on the Premises

Except in situations where the Shire holds or hosts a function within the district and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace.

With the approval of the CEO or Executive Manager an employee may be approved to drink alcohol at a work-related function.

## 7. Responsibilities

The Shire considers that the use of alcohol or other drugs is primarily a health issue for individual employees, however, where an employee's performance or conduct affects their health and safety, and/or others in the workplace, the Shire is committed to appropriately managing the issue.

A likely outcome of any breach of this policy will be disciplinary action (up to and including termination of employment), however the Shire may also manage the issue by –

- Providing appropriate education and training to employees.
- Providing professional counselling and support where needed.

## 8. Managements Responsibilities – Consumption of Alcohol at Work Sponsored Functions

Executive Managers shall –

- a. encourage their staff to make alternative arrangements for transport to and from the function.
- b. ensure that the following is made available: - Low alcohol beer, soft drinks, and water - Beverages: tea, coffee, and food.

- c. if the Executive Manager believes a person may be over the Blood Alcohol Content (BAC) 0.05 limit, assist the person with safe transport home (including contacting a family member or arranging a taxi); and
- d. if the Executive Manager must leave the function early, the teams Supervisor is delegated to oversee the rest of the function.
- e. Consumption of Alcohol at Work Sponsored Functions. Requirement within the procedure that all events where alcohol is approved to be consumed, especially group bonding style events such as at the completion of a project, be approved via email and noted on a register.

## 9. Drug / Alcohol Treatment Programs

Where an employee acknowledges they have an alcohol or drug problem and are receiving help and treatment, the Shire will provide assistance to the employee –

- a. the Shire will allow an employee to access any accrued personal or annual leave, or leave without pay by agreement of the CEO, while they are undergoing treatment, and.
- b. the Shire will take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

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

## 10. Pre-Employment Medical Test

As part of the recruitment selection process, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing. Failure to provide a negative test result may result in their application for employment being unsuccessful.

## 11. Random Testing

Random testing may also be conducted. Random testing may utilise a variety of methods for randomly selecting names such as software, lottery, or selection through coloured marbles in a bag drawn by each employee.

All staff on site must participate in the random selection.

## 12. Identification of Impairment & Testing

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

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

Testing may be carried out in response to all incidents (including, but not limited to near miss, injury, property damage, and personal altercations).

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

- direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties.
- require that an employee undergo drug and alcohol testing administered by a Shire authorised testing provider (such as PathWest) at the direction of the Shire.
- direct an employee to go home.

A medical assessment may include a drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2023 – Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

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

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

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

- The employee tested and the CEO will be informed of the result.
- A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire.

An employee who returns a positive test will be in breach of this policy. A breach of this policy may result in disciplinary action being taken against the employee up to and including the termination of employment.

### **13. Testing in the event of an accident / incident**

The Shire, at the discretion of the CEO or Executive Manager may require an employee to undertake a drug and alcohol test, as described above, in the event of an accident or incident where there is a risk to health and safety.

### **14. Testing Provider**

Drug and alcohol testing may be undertaken by PathWest Laboratories, Boyup Brook or another provider if required.

### 15. Consequence of Breaching this policy

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

### 16. Resources for Assistance with Drugs and Alcohol Issues

Organisation - WA	Phone Number
Alcohol and Drug Support Service (WA)	1800 198 024
Next Step Outpatient Service (WA)	(08) 9219 1919
Work Safety	1300 307 877
Alcoholics Anonymous	(08) 9325 3566
Lifeline	13 11 14

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Work Health and Safety Act 2020.</i>	
Related Documents	Australian Standard AS/NZS 4308:2023– Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine, WorkSafe WA Information Sheet Medical Cannabis in the workplace (WSDec24_1437).	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	• Updated Australian Standard to AS/NZS 4308:2023	Various
	• Added Resources for Assistance with Drugs and Alcohol Issues.	16
	• Added Consumption of Alcohol at Work Sponsored Functions. Requirement within the procedure that all events where alcohol is approved to be consumed, especially group bonding style events such as at the completion of a project, be approved via email and noted on a register.	8(e)

End

## Policy C17 – Community Grants

### 1. Policy

The Council will provide financial assistance to promote and support community-based initiatives, which meet the Shire’s strategic direction annually through the Community Grants Program.

### 2. Definitions

The following definitions apply to this policy:

<b>Community Grant</b>	The provision of a set amount of funds, up to \$5,000.00, for a single year in order to achieve a specific, identified purpose, awarded through the Community Grants Program.
<b>Community Grants Program</b>	An annual application based, contestable funding opportunity for once off Community Grants.
<b>Individual</b>	A resident of the Shire of Boyup Brook.
<b>Organisation</b>	An incorporated body under the <i>Associations Incorporation Act 2015</i> or a recognised corporate body created by government with an Australian Companies Number (ACN).
<b>Sponsorship</b>	The provision of cash, in-kind support or subsidy to organisations or individuals in return for specifically identified promotional opportunities for the Shire. Sponsorship requests are made in writing to the CEO and will be assessed on a case-by-case basis separate to the Community Grants process.

### 3. Community Grants Program

An annual application based, contestable funding opportunity for a once off contribution for a specific purpose. The Community Grants Program opens in March each year and closes on the last Friday of April. Applications are reviewed in May by Council for consideration during the adoption of the annual budget.

Funding support will be based on specific and once off initiatives, and annual support to assist organisations to become self-sufficient.

Large events such as, but not limited to, the Boyup Brook Country Music Festival are not eligible under this program and will need to negotiate a Service Agreement (projects occurring annually over a three-year period) with the Shire.

Organisations are encouraged to seek funding from other sources and not rely on Shire funding support. Council may consider providing only a portion of the total funds requested. Preference will be given to applications that leverage funds and demonstrate a larger percentage of contribution.

### 4. Eligibility

- Applicant organisations must be local community groups (preferably incorporated) that provide community benefit.
- Funds may be used for construction, equipment, contract services, operational expenses and marketing expenses.
- Only one application per year may be funded for any one organisation.
- The funding is not to be used for direct profit or financial gain to the organisation.
- The proposal must align with the Shire of Boyup Brook Strategic Community Plan.
- Applications must reach the Shire by 4:00pm on the last Friday in April. Late applications will not be accepted.
- The applicant organisation must be able to demonstrate the capacity to manage and be accountable for the funds and the project.
- Grants will not be provided retrospectively (for a project that is already complete or underway).

## 5. Funding Conditions

- Council will only allocate funds for identified purposes and with specific expenditure estimates provided and will not provide block grants under any circumstances.
- Applicants shall agree that they do not represent the Shire in any capacity.
- Council may require applicants to seek part funding from other sources.
- The Shire of Boyup Brook will determine terms of payment.
- All funded entities will be required to enter into a Funding Agreement with the Shire of Boyup Brook which will detail specific conditions and terms relevant to that project.
- Funding must only be used for the purposes specified in the Funding Agreement. Any change to the purpose of the funding cannot proceed without a formal resolution from Council. The applicant will be required to make their request in writing, this will be considered by Council and a determination made.
- An acquittal of the project must be provided to the Shire within 60 days of the project being completed and no later than 30 June in the financial year of the successful grant. Failure to provide an acquittal will eliminate consideration of future applications until such time as an acquittal is received.
- Any funds that have not been spent and acquitted by 30 June shall be returned to the Shire of Boyup Brook as per the Funding Agreement.
- Payments of grant funding may be suspended at any time if, in the opinion of Council, any of the conditions of the funding agreement, or satisfactory progress, has not been achieved.
- The applicant is responsible for applying for all relevant permissions and licences associated with the project. If the project involves Shire property, the applicant must also complete the relevant hire processes and/or obtain written permission from the Shire and abide by all associated lease conditions.
- All grant and sponsorship recipients are bound by the Shire of Boyup Brook Employee Code of Conduct.
- Applicants can use the Shire's logo with permission and must acknowledge Shire's support in its advertising, promotion and any media publicity in regard to the funded project.

## 6. Assessment of Applications

Council will assess all eligible applications using the following assessment criteria:

1. Applications will be assessed on their merit in relation to whole of community benefit.
2. Applications which demonstrate a cash contribution (not just in-kind) from the organisation will be assessed as having higher merit than applications solely reliant upon grant funding.
3. Applications which demonstrate a strong ability to assist Council to deliver strategic objectives and actions (as identified in the Strategic Community Plan) will be assessed as having higher merit than applications that do not.
4. Council will consider funding projects which do not have direct links to the Strategic Community Plan based on the applicant's ability to explain how the project will benefit the community and why they believe their project should be funded.

Council will make the final decision and include these grant allocations in the Annual Budget. Successful applicants will be notified after the adoption of the budget. Decisions regarding funding applications are final and will not be reconsidered during the financial year in which the application was made.

## 7. Council Funding Allocation

Council will set aside an amount of up to \$25,000 in the Annual Budget for the Community Grants Program. Council may reserve any of this amount not distributed in the year it was set aside, to fund future requests.

Council will not normally fund annual Community Grants requests that exceed the budgeted amount.

Document Control		
Previous Policy Reference	F.02	
Related Legislation	<i>Associations Incorporation Act 2015.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C18 – Smoke-Free Workplace

### 1. Policy Intent

The Shire of Boyup Brook recognises that passive smoking is hazardous to health and is committed to ensuring that all employees, elected members, visitors, and contractors are not exposed to tobacco smoke or vapours from e-cigarettes (vapes) in the workplace, including enclosed and outdoor spaces and Shire vehicles.

### 2. Objective

This policy aims to:

- Ensure provision of a smoke-free environment.
- Provide a safe work environment for employees, elected members, contractors, volunteers and visitors.

### 3. Scope

This policy applies to all:

- Employees, elected members, contractors and volunteers performing work at the Shire of Boyup Brook workplaces.
- Visitors to the Shire of Boyup Brook Workplaces.
- Shire of Boyup Brook workplace sponsored functions.

### 4. Guidelines

Smoking is NOT permitted in:

- a. All enclosed spaces that are either owned or leased by the Shire, including but not limited to:
  - Office spaces
  - Carparks
  - Toilets
  - Lunchrooms
  - Common areas
  - Sheds / Depots
- b. Outdoor spaces, including but not limited to:
  - Outdoor areas where food or drinks are provided
  - Thoroughfares
  - Loading bays
  - Within ten metres of children’s play equipment open to the public
- c. All Shire vehicles and plant.

- d. Hazardous areas, where flammable gases or dusts may be present.
- e. Smoking breaks are not an entitlement and do not constitute paid work.

## 5. Assistance to quit smoking

Council may provide support to employees who require assistance in giving up smoking with the provision of individual health consults within the LGIS health and wellbeing program.

For assistance with giving up smoking, employees may also seek free support resources from:

- WA Quitline by phoning 13 78 48 or visit [www.quit.org.au](http://www.quit.org.au)
- My Quit Buddy: Download the free app
- Quit Now Calculator: available at [quitnow.gov.au](http://quitnow.gov.au)

## 6. Consequences of breaching this policy

All Shire employees, visitors, volunteers and contractors may report breaches of the Smoke-free Workplace Policy by completing an incident Report form and provide it to their respective Executive Manager / Chief Executive Officer.

Breaches of the policy must be managed in accordance with the Employee Code of Conduct.

## 7. Definitions

**Enclosed** means if it has a ceiling or roof and is greater than 50% enclosed by walls, or other vertical structures or coverings. A vehicle meets the definition of an 'enclosed' workplace.

**Smoking** means inhaling tobacco from a cigarette, cigar and pipe, as well as inhaling vapour from an e-cigarette (vape).

## 8. Roles and responsibilities

- The Shire has a duty of care to provide a safe workplace to its employees, as per health and safety legislation and common law.
- Employees, elected members, contractors, volunteers and visitors are responsible for maintaining a smoke-free work environment and report any breaches to management.
- All staff are responsible for ensuring adherence to this policy.

## 9. Variation to this policy

This policy may be cancelled or amended periodically. Employees will be notified of any variation through standard correspondence methods.

<b>Document Control</b>		
Previous Policy Reference	A.18	
Related Legislation		
Related Documents	LGIS health and wellbeing program.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C19 – Code Of Conduct For Employees

### 1. Introduction

The Shire of Boyup Brook Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire of Boyup Brook's commitment to high standards of ethical and professional behaviour and outlines the principles on which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- a. better decision-making by local governments.
- b. greater community participation in the decisions and affairs of local governments.
- c. greater accountability of local governments to their communities; and
- d. more efficient and effective local government.

#### 1.1. Objective

The Code addresses the requirement in Section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

#### 1.2 Application

For the purposes of the Code, the term employees includes persons employed by the Shire of Boyup Brook or engaged by the Shire of Boyup Brook under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

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The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- a. better decision-making by local governments.
- b. greater community participation in the decisions and affairs of local governments.
- c. greater accountability of local governments to their communities; and
- d. more efficient and effective local government.

### 1.3 Statutory environment

The Code addresses the requirement in Section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

### 1.4 Application

For the purposes of the Code, the term employees includes persons employed by the Shire of Boyup Brook or engaged by the Shire of Boyup Brook under a contract for services.

The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

## 2. Code of Conduct

### 2.4 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in Section 5.41 of the Act:

#### 5.41. Functions of CEO

The CEO's functions are to:

- a. advise the council in relation to the functions of a local government under this Act and other written laws.
- b. ensure that advice and information is available to the council so that informed decisions can be made.
- c. cause council decisions to be implemented.

- d. manage the day-to-day operations of the local government.
- e. liaise with the president on the local government’s affairs and the performance of the local government’s functions.
- f. speak on behalf of the local government if the president agrees.
- g. be responsible for the employment, management supervision, direction and dismissal of other employees (subject to Section 5.37(2) in relation to senior employees).
- h. ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- i. perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

## **2.2 Principles affecting employment by the Shire of Boyup Brook**

The principles set out in Section 5.40 of the Act apply to the employment of the Shire of Boyup Brook’s employees:

### **5.40. Principles affecting employment by local governments**

The following principles apply to a local government in respect of its employees —

- a. employees are to be selected and promoted in accordance with the principles of merit and equity; and
- b. no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- c. employees are to be treated fairly and consistently; and
- d. there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- e. employees are to be provided with safe and healthy working conditions in accordance with the Work Health and Safety Act 2022; and
- f. such other principles, not inconsistent with this Division, as may be prescribed.

## **2.3 Personal Behaviour**

Employees will:

- a. act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the Shire of Boyup Brook; perform their duties impartially and in the best interests of the Shire of Boyup Brook, uninfluenced by fear or favour.
- b. act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Boyup Brook and the community.
- c. make no allegations which are improper or derogatory (unless true and in the public interest).
- d. refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- e. always act in accordance with their obligation of fidelity to the Shire of Boyup Brook.

## **2.4 Honesty and Integrity**

Employees will:

- (i) observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards.
- (ii) be frank and honest in their official dealing with each other; and
- (iii) report any dishonesty or possible dishonesty on the part of any other employee to their supervisor or the CEO in accordance with this Code and the Shire of Boyup Brook's policies.

## **2.5 Performance of Duties**

While on duty, employees will give their whole time and attention to the Shire of Boyup Brook's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire of Boyup Brook.

## **2.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies**

- a. Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their supervisor or the CEO.
- b. Employees will give effect to the lawful decisions and policies of the Shire of Boyup Brook, whether or not they agree with or approve of them.

## **2.7 Administrative and Management Practices**

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

## **2.8 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Boyup Brook upon its creation unless otherwise agreed by separate contract.

## **2.9 Recordkeeping**

Employees will ensure complete and accurate local government records are created and maintained in accordance with Shire of Boyup Brook's Recordkeeping Plan.

## **2.10 Dealing with Other Employees**

- a. Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- b. Employees must be aware of, and comply with their obligations under relevant law and the Shire of Boyup Brook's policies regarding workplace behaviour and Work Health and Safety, including:
  - Discrimination, Harassment and Workplace Bullying Policy
  - Fitness for Work Policy
- c. Employee behaviour should reflect the Shire of Boyup Brook's values and contribute towards creating and maintaining a safe and supportive workplace.

## **2.11 Dealing with community**

Employees will treat all members of the community with respect, courtesy and professionalism.

## **2.12 Professional Communications**

- a. All aspects of communication by employees (including verbal, written and electronic), involving the Shire of Boyup Brook's activities should reflect the status, values and objectives of the Shire of Boyup Brook.
- b. Communications should be accurate, polite and professional.

## **2.13 Personal Communications and Social Media**

- a. Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- b. Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication

activities about or on behalf of the Shire of Boyup Brook, its Elected Members, employees or contractors, which breach this Code.

- c. Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

## 2.14 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire of Boyup Brook's relevant policies and procedures.

## 2.15 Gifts

- a. Application

This clause does not apply to the CEO.

- b. Definitions

In this clause

**activity involving a local government discretion** has the meaning given to it in the *Local Government (Administration) Regulations 1996*:

**activity involving a local government discretion** means an activity —

- a. that cannot be undertaken without an authorisation from the local government; or
- b. by way of a commercial dealing with the local government;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**associated person** has the meaning given to it in the *Local Government (Administration) Regulations 1996*; **associated person** means a person who:

- a. is undertaking or seeking to undertake an activity involving a local government discretion; or
- b. it is reasonable to believe, is intending to undertake an activity involving a local government discretion

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift** has the meaning given to it in the *Local Government (Administration) Regulations 1996*:

**gift** —

- a. has the meaning given in Section 5.57 [of the *Local Government Act 1995*];
- b. but does not include —
  - i. a gift from a relative as defined in Section 5.74(1); or
  - ii. a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
  - iii. a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
  - iv. a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift means** —

- a. a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- b. a travel contribution; travel includes accommodation incidental to a journey; travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person.

[Section 5.57 of the *Local Government Act 1995*]

**relative**, in relation to a relevant person, means any of the following —

- a. a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner.
- b. the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law.

**prohibited gift** has the meaning given to it in the *Local Government (Administration) Regulations 1996*:

**prohibited gift**, in relation to a local government employee, means —

- a. a gift worth the threshold amount or more; or
- b. a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more.

**reportable gift means:**

- a. a gift worth more than \$50 but less than \$300, or
- b. a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$50 but less than \$300.

**threshold amount** has the meaning given to it in the *Local Government (Administration) Regulations 1996*, subject to the CEO's determination under subclause (c):

**threshold amount**, for a prohibited gift, means —

- a. a gift worth the threshold amount or more; or
- b. a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more.
- c. **Determination** In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined \$50 as the threshold amount for prohibited gifts.
- d. Employees must not accept a prohibited gift from an associated person.
- e. An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
- f. The notification of the acceptance of a reportable gift must be in writing and include:
  - i. the name of the person who gave the gift; and
  - ii. the date on which the gift was accepted; and
  - iii. a description, and the estimated value, of the gift; and
  - iv. the nature of the relationship between the person who is an employee and the person who gave the gift; and

v. if the gift is one of two or more accepted from the same person within a period of one year:

- a description.
- the estimated value; and
- the date of acceptance.

of each other gift accepted within the one-year period.

g. The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).

h. The CEO will arrange for the register maintained under subclause (g) to be published on the Shire of Boyup Brook's official website.

- As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

## 2.16 Conflict of Interest

- a. Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- b. Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Boyup Brook, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c. Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire of Boyup Brook, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- d. Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.
- e. Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

## 2.17 Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

## 2.18 Disclosure of Financial Interests

- a. All employees will apply the principles of disclosure of financial interest as contained within the Act.
- b. Employees who have been delegated a power or duty, have been nominated as ‘designated employees’ or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

## 2.19 Disclosure of Interests Relating to Impartiality

In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

**interest** —

- a. means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- b. includes an interest arising from kinship, friendship or membership of an association.
- c. An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:
  - in a written notice given to the CEO before the meeting; or
  - at the meeting immediately before the matter is discussed.
- d. An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:
  - in a written notice given to the CEO before the meeting; or
  - at the time the advice is given.
- e. A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act. An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know and could not reasonably be expected to know:
  - that they had an interest in the matter; or
  - that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- f. If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:

- before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- g. If:
- to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or
  - a disclosure is made as described in item (e) at a meeting; or
  - to comply with a requirement made under item (f), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting,
- the nature of the interest is to be recorded in the minutes of the meeting.

## 2.20 Use and Disclosure of Information

- a. Employees must not access, use or disclose information held by the Shire of Boyup Brook except as directly required for, and in the course of, the performance of their duties.
- b. Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire of Boyup Brook's policies and procedures.
- c. Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire of Boyup Brook.
- d. Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- e. Nothing in this section prevents an employee from disclosing information if the disclosure:
  - is authorised by the CEO or the CEO's delegate; or
  - is permitted or required by law.

## 2.21 Improper or Undue Influence

- a. Employees will not take advantage of their position to improperly influence Elected Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

- b. Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- c. Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

## 2.22 Use of Shire of Boyup Brook Resources

- a. In this clause –

**Shire of Boyup Brook** resources includes local government property and services provided or paid for by the Shire of Boyup Brook;

**local government property** has the meaning given to it in the Act.

**local government property** means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government [Section 1.4 of the *Local Government Act 1995*]

- b. Employees will:
  - be honest in their use of the Shire of Boyup Brook resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
  - use the Shire of Boyup Brook resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
  - not use the Shire of Boyup Brook's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

## 2.23 Use of Shire of Boyup Brook Finances

- a. Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire of Boyup Brook's finances.
- b. Employees will use Shire of Boyup Brook's finances only within the scope of their authority, as defined in relevant financial management delegations and policies.
- c. Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- d. Employees exercising purchasing authority will comply with the Shire of Boyup Brook's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.

- e. Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- f. Employees will ensure that any use of Shire of Boyup Brook’s finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire of Boyup Brook’s Recordkeeping Plan.

## **2.24 Reporting of Suspected Breaches of the Code of Conduct**

Employees may report suspected breaches of the Code to a Supervisor or to the CEO.

## **2.25 Handling of Suspected Breaches of the Code of Conduct**

Suspected breaches of the Code will be dealt with in accordance with the relevant Shire of Boyup Brook’s policies and procedures, depending on the nature of the suspected breach.

## **2.26 Reporting Suspected Unethical, Fraudulent, Dishonest, illegal or Corrupt Behaviour**

- a. Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor.
- b. In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
  - i. the Corruption and Crime Commission, in the case of serious misconduct; or
  - ii. the Public Sector Commissioner, in the case of minor misconduct.
- c. Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- d. Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire of Boyup Brook’s Public Interest Disclosure Procedures, published on the Shire of Boyup Brook’s website.

## **2.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire of Boyup Brook’s policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Local Government (Elections) Regulations 1997, Corruption, Crime and Misconduct Act 2003.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C20 – Fitness For Work

### 1. Policy Intent

The Shire of Boyup Brook (Shire) is committed to providing a safe, working environment where employees present to work in a physically and mentally fit state to perform their job duties safely.

Fit for duty means that a person is in a physical, mental and emotional state that enables him/her to perform their assigned tasks completely and in a manner that does not compromise or threaten the well-being of themselves or others.

By effectively implementing this policy the Local Government will attract and retain talented workers and ensure that the Local Government complies with its responsibilities under relevant legislation.

### 2. Application

The Shire's primary aim is to build a safe and secure work environment.

This policy applies to all workers which includes all employees, including managers, full-time, part-time or casual, temporary or permanent employees, student placements, apprentices, trainees, contractors, sub-contractors and volunteers.

The application of this policy extends to:

- Improving and maintaining safety and health knowledge among personnel.
- Improving and maintaining an organization's ability to meet their fitness for work duty of care obligations.
- Improving and maintaining an awareness of the responsibilities for being fit for work.
- Monitoring compliance with and the enforcement of the fitness for work policy and its procedures.
- Conducting random and as required drug and alcohol testing to improve fitness for work.
- Providing the appropriate assistance to overcome difficulties that could impair a person's fitness for work.
- Providing effective, fair and constructive processes for dealing with people who are unfit for work.

### 3. Definitions

**Alcohol** includes all food, beverages, medications and any other substance containing alcohol.

**Blood Alcohol Concentration (BAC)** is a measurement of the amount of alcohol in a person's body. It is measured in grams of alcohol per 100 millilitres of blood. For example, a measurement of 0.05 per cent BAC means a person's body contains 50 milligrams of alcohol per 100 millilitres of blood.

**Drugs** are any substance, article, preparation or mixture (with the exception of alcohol), whether gaseous, liquid, solid or in any form, which when consumed by any person, may

alter their fitness for work. Drugs include prescription drugs, over the counter medications and illicit drugs.

**Fatigue** is a state of mental and / or physical exhaustion which reduces a person's ability to perform work safely and effectively. It can occur because of prolonged mental or physical activity, sleep loss and / or disruption of the internal body clock.

**Fitness for Work** means that a person is in a state or condition (physical, psychological, mental and emotional) which enables them to perform assigned tasks completely and in a manner that does not compromise or threaten the safety or health of themselves or others.

**Over the Counter Medication** includes any drugs and / or medicines available through a pharmacy or other establishment without the need for a prescription, including complementary medicine products such as herbals," or similar.

**Prescription Medication** is prescribed by a registered medical or health practitioner.

#### 4. Employees Obligations

Employees are obliged as a condition of their employment, to present to work in a fit state. In carrying out normal work activities, this includes:

- Not subjecting themselves, their co-workers, contractors, trainees, volunteers or the general public to unnecessary health and safety risks.
- Disclosing the consumption of medication that may be identified by testing or may inhibit their ability to fulfil the inherent requirements of their position (i.e. medication that may cause drowsiness); and / or
- Ensuring that any medication is taken in accordance with the instructions from their Doctor or a Pharmacist, or the information included on the packaging of such medication.

Employees are not permitted to commence duty when it is reasonable to assume that the Employee:

- Is exhibiting signs of being intoxicated.
- Is under the influence of any illegal or prohibited drug (which, for the purpose of this policy includes taking unauthorised prescription drugs); and / or
- Is in any other condition (physical, psychological, mental or emotional) which may reasonably be considered to endanger the health and safety of the Employee and / or other persons in the workplace.

Any person who has reason to believe that another person on Shire premises may not be fit for duty, has an obligation to immediately notify the relevant supervisor / manager.

#### 5. Fitness for Work

##### 5.1 Medical Examinations

Employees may be required to undergo a medical examination prior to commencement of employment to assess fitness for work.

## 5.2 Alcohol & Drugs

Please see the Drug & Alcohol Policy (C16).

## 5.3 Fatigue

The following signs or symptoms may indicate an Employee is fatigued:

- Excessive yawning or falling asleep at work.
- Short term memory problems and an inability to concentrate.
- Noticeably reduced capacity to engage in effective interpersonal communication.
- Impaired decision making and judgment.
- Reduced hand-eye coordination or slow reflexes.
- Other Changes in behaviour, for example repeatedly arriving late for work, and / or
- Increased rates of unplanned absence.

If an Employee believes they are impaired by fatigue, they are obligated to immediately inform their supervisor / manager. If an employee believes that one of their co-workers may be suffering from fatigue, they must immediately report this to their supervisor / manager.

If an employee is exhibiting signs of fatigue or has reported the symptoms of fatigue, the supervisor / manager shall conduct a fatigue assessment and take steps to manage the risk to an acceptable level.

Supervisors / manager have a general duty to manage the risk of the potential onset of fatigue or illness. Control measures for fatigue risks may include, but not limited to:

- Developing procedures to manage and limit excessive working hours.
- Ensuring Employees have and take adequate and regular breaks to rest, eat and rehydrate.
- Encouraging Employees to report concerns they may have about work related fatigue.
- Allocating alternate or temporary suitable duties, as required.

## 5.4 Physical and Psychological impairment

It is recognised that a person can cause harm to themselves or others due to physical or psychological impairment.

If an employee believes they are suffering from a physical or psychological impairment, they are obligated to immediately inform their supervisor / manager. If an employee believes that one of their co-workers may be suffering from a physical or psychological impairment, they must immediately report this to their supervisor / manager.

If an employee is suspected of suffering from a physical or psychological problem that may cause harm or problems to others, they shall undergo a compulsory assessment performed by a qualified medical practitioner.

Supervisors / management have a general duty to manage any risks associated with physical or psychological impairment. In circumstances where an employee expresses or shows signs of grief or overwhelming stress, supervisors / manager shall be prepared to help the employee to the extent possible by providing transportation home, leave referral to the EAP or alternative rostering arrangements (temporary or permanent).

Any physical impairment identified as part of a Workers Compensation Claim must abide by the restrictions identified in the Progress Certificates and/or Return to Work Programme.

## 6 Not Fit for Work

When it is evident or reported that an employee is identified as not being in a fit state to carry out their normal duties, the Shire reserves the right to remove the employee from the premises and to seek advice from a medical practitioner on the employee's fitness for work.

Supervisors / managers are to follow the below procedure:

- Assess the situation to determine whether prescribed or over the counter medication may be producing their behaviour.
- Assess the impact of work duties that may contribute to increased levels of stress and/or fatigue.
- Obtain advice from specialist personnel, senior management and/or a medical practitioner, as required and determined by the circumstances.
- Inform the employee they will be stood down from work pending a full investigation, if necessary.
- Arrange for testing of alcohol and/or other drugs, if appropriate.
- Arrange suitable transport home, where necessary.
- Obtain witness statements of any incidents involving the affected employee, where necessary and practicable; and
- Submit an incident report.

Employees will not be able to return to work until they provide suitable medical certification indicating they are fit for duty

## 7 Awareness and Training

Training and education in this policy will be provided to employees. This training may cover:

- The effects of drug and alcohol use on health, safety and work performance.
- The consequences for employees who fail to comply with this policy.
- Workplace and personal lifestyle stressors that can contribute to drug and alcohol abuse.
- Personal stress reduction methods.
- What constitutes harmful drug and alcohol use.
- Ways of dealing with harmful alcohol and drug use.
- Who to approach in the workplace for assistance.

- Skills for supervisors/managers in identifying conditions that may diminish fitness for duty; and/or
- Counselling, treatment and rehabilitation services available both in the workplace and externally.

This policy will be made available for all employees to access and review. This policy will also be regularly reviewed for compliance and relevance

## 8 Privacy and Confidentiality

Where possible and in accordance with the relevant legislation, all matters relating to fitness for duty, including any associated meetings, correspondence, testing, results and/or appointments, will be kept strictly confidential.

## 9 Reasonable management action

The Local Government has the right to take reasonable management action to direct the way in which work is conducted and to give workers lawful and reasonable directions to complete work in a certain manner.

## 10 All workers must

- follow the standards of behaviour outlined in this policy and the related policies listed at the end of this policy including the Code of Conduct.
- avoid gossip and respect the confidentiality of complaint and grievance resolution procedures; and
- treat everyone with dignity, courtesy, inclusivity, and respect

## 11 Employee assistance program

The Local Government workers are entitled to a certain amount of free, professional counselling from our employee assistance provider. To access the employee assistance program, contact the Wellness Officer for details.

Employee assistance provider counselling is confidential, and nothing discussed with a counsellor will be communicated back to the Local Government. Employee assistance provider counselling is available free to workers

## 12 Related documents

Workers, especially managers and supervisors, are encouraged to read this policy in conjunction with other relevant policies, including:

- Code of Conduct for Employees.
- Disciplinary Policy.
- Grievance Resolution Policy and Procedure.
- Corporate values statements of the Local Government.
- Drugs & Alcohol Policy.
- Work Health and Safety Policy.
- Smoke free workplace.

- Health & Wellness Policy.

### 13 More information

If you have a query about this policy or need more information, please contact your line manager, Human Resources or CEO.

### 14 Variation to this policy

This policy may be amended from time to time and all workers will be notified of any variation to this policy

### 15 Resources for Assistance with Drug and Alcohol Issues.

Organisation - WA	Phone Number
Alcohol and Drug Support Service (WA)	1800 198 024
Next Step Outpatient Service (WA)	(08) 9219 1919
Work Safety	1300 307 877
Alcoholics Anonymous	(08) 9325 3566
Lifeline	13 11 14

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Work Health and Safety Act 2020.</i>	
Related Documents		
Initial Adoption Resolution	25 July 2024	Res 24/07/147
Amendment Record	27 March 2025	CM 25/03/046
<ul style="list-style-type: none"> <li>• Conducting random and as required drug and alcohol testing to improve fitness for work.</li> </ul>		2
<ul style="list-style-type: none"> <li>• Over the Counter Medication includes any drugs and / or medicines available through a pharmacy or other establishment without the need for a prescription, including complementary medicine products such as herbals," or similar.</li> </ul>		3

End

## Policy C21 – Health And Wellness

### 1. Purpose

We are committed to promoting a positive work environment where the health, safety and wellbeing of our employees is acknowledged and supported. We will ensure that all work practices value, enhance and protect the health and wellbeing of all employees.

Promoting wellbeing can help prevent stress and create a positive working environment where individuals and organisations thrive. Wellness is more than just an active process of becoming aware of and learning to make healthy choices for our mental, physical and social needs to ensure our body is maintained and works efficiently. Wellness is “about our overall state of wellbeing that enables us to live and function at our best.”

This policy will address our workplace culture, day to day practices, increased access to health initiatives and the creation of an environment that supports and encourages healthy choices every day.

### 2. Application

This wellness program policy applies to all permanent staff. We may offer our wellness program as part of a group health plan or separately.

### 3. Policy Objective

- To encourage workers to be more physically active.
- To provide healthy eating choices in the workplace through addressing healthy physical settings, such as food storage and preparation (where suitable).
- To provide a smoke free workplace environment.
- To promote worker social and emotional wellbeing through workplace practices and policies, a positive culture and leadership, and access to Wellbeing Officer and resources.

### 4. Policy Elements

Our company provides a wellness program that promotes employee health and disease prevention.

Our regular programs include:

- Hearing tests for those exposed to noise.
- Free flu vaccinations.
- Skin cancer screening.
- Access to limited free Counselling services.
- Other wellness resources are available that align with the Shire’s organisational annual priorities. These can include:
  - Access to a Wellness Officer.
  - Programs that promote Exercise and fitness and a Healthy Lifestyle.
  - Mental Health Awareness

Some training or courses aim to prevent occupational accidents and promote correct use of equipment and material on the job. These fall under the purview of our Workplace Health & Safety Policy.

## 5. Responsibilities

Employees have a responsibility to:

- Understand this policy and seek clarification from management where required.
- Consider this policy while completing work-related duties and at any time while representing Shire of Boyup Brook.
- Support fellow employees in their awareness of this policy and ensuing activities.
- Support and contribute to Shire of Boyup Brook's aim of providing a safe, healthy and supportive environment for all employees.
- Seek opportunities for involvement and advancement of ideas and planning where able and willing

Team Leader Responsibility:

Team Leaders should work with Management to communicate our wellness initiatives to their team members. They should tell their team members:

- That our company offers a wellness program.
- How and when they can use our wellness resources.
- Who employees can refer to for more details

Management will:

- Demonstrate commitment to ongoing collaboration and engagement to create a workplace Wellness Program.
- Consult with employees to ensure workplace strategies meet the needs of the workplace.
- Support employee's participation in the Wellness Program.
- Acknowledge stressful situations for employees, both at work and at home.
- Recognise that an employee's health is determined by several factors, both work and non-work related.
- Regularly provide employees with information about the importance of health and wellness (newsletters, brochures, readings, etc).
- Ensure employees take their required breaks (eg morning tea, lunch).
- Provide access to support agencies, including counselling services.
- Encourage employees to support colleagues during difficult situations

## 6. Communication

The Shire of Boyup Brook will ensure that:

- All employees receive a copy of this policy during induction process.
- This policy is easily accessible by all members of the organisation.

- Employees are informed when a particular activity or change to worksite environment or practice aligns with this policy.
- Employees are empowered to actively contribute and provide feedback to this policy.
- Employees are notified of all changes to this policy.

## 7. Monitoring and review

The Shire of Boyup Brook will review this policy six months after implementation and annually thereafter. This will be carried out by the Wellness Officer and Management.

Effectiveness of the policy will be assessed through:

- Feedback from employees, the Wellbeing Officer and management.
- Review of the policy by management and Wellness Officer to determine if all objectives have been met.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Work Health and Safety Act 2020.</i>	
Related Documents		
Initial Adoption Resolution	25 July 2024	Res 24/07/147
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy C22 – Discrimination, Harassment And Workplace Bullying

### 1. Policy Intent

The Shire of Boyup Brook (Shire) is committed to providing a safe, flexible, inclusive, and respectful working environment for workers free from all forms of discrimination, bullying, sexual harassment and victimisation.

All Local Government workers are required to treat others with equality, fairness, dignity, courtesy, and respect.

By effectively implementing this policy the Local Government will attract and retain talented workers, create a positive environment for workers and ensure that the Local Government complies with its responsibilities under relevant legislation.

### 2. Policy

This wellness program policy applies to all permanent staff. We may offer our wellness program as part of a group health plan or separately.

#### 2.1 Policy Objective

This policy applies to all workers which includes all employees, including managers, full-time, part-time or casual, temporary or permanent employees, student placements, apprentices, trainees, contractors, sub-contractors and volunteers.

The application of this policy extends to:

- how the Local Government provides services to ratepayers, customers and how it interacts with other members of the public.
- all aspects of employment including recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.
- on-site, off-site, or after-hours interactions between workers, work-related social functions, conferences including wherever and whenever workers may be as a result of their Local Government duties; and
- a worker's treatment of other workers and of other members of the public encountered during their Local Government duties.
- 

#### 2.2 Our Commitment

Guided by our Corporate Values:

- a) **Proactive** – We embrace creativity, adaptability and continuous improvement seeking new ideas and solutions to address challenges and seize opportunities to ensure sustainability.
- b) **Leadership & Teamwork** - We lead through collaboration, promote diversity, have pride in our work and partner with the community to achieve shared visions and aspirations.

- c) **Accountability & Integrity** - We are respectful, open, transparent, honest and inclusive in our dealings with the Community.
- d) **Commitment** - We build and share knowledge, act professionally and develop relationships that make a positive contribution to our community.
- e) **Engaging Community** - Showing respect, understanding and compassion for others and working collaboratively with community for better outcomes.

### 3. Workers' rights and responsibilities

All workers are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics.
- work free from discrimination, bullying and sexual harassment.
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs, or culture.

All workers must:

- follow the standards of behaviour outlined in this policy and the related policies listed at the end of this policy including the Code of Conduct.
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint or a grievance, intervening where appropriate when they witness such behaviour, and not victimising any person who makes a complaint, lodges a grievance or is involved in an investigation about a complaint or grievance.
- avoid gossip and respect the confidentiality of complaint and grievance resolution procedures; and
- treat everyone with dignity, courtesy, inclusivity, and respect.

#### 3.1 Additional responsibilities of managers

Managers must also:

- model appropriate standards of behaviour.
- take steps to educate and make workers aware of their obligations under this policy and the law.
- intervene quickly and appropriately when they become aware of inappropriate behaviour whether or not a complaint or grievance has been lodged.
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard.
- help workers resolve complaints informally.
- refer formal complaints about breaches of this policy to the CEO for investigation.

- provide appropriate support services or referral to support services for workers including to the employee assistance program.
- ensure workers who raise an issue or make a complaint are not victimised.
- take suitable disciplinary action which may include termination of employment against any worker who is found to have sexually harassed, discriminated, bullied, or victimised another worker.
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and
- seriously consider requests for flexible work arrangements without discrimination.

#### 4. Unacceptable workplace conduct

Discrimination, bullying, and sexual harassment are unacceptable at the Local Government and are unlawful under the following legislation and regulations:

- *Sex Discrimination Act 1984* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Equal Opportunity Act 1984* (WA)
- *Industrial Relations Act 1979* (WA)
- *Work Health and Safety Act 2020* (WA)
- *Work Health and Safety (General) Regulations 2022* (WA).

Workers (including senior staff) found to have engaged in such conduct may be counselled, warned, or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

##### 4.1 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability.

Discrimination can occur:

**Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

*For example, a worker is harassed and humiliated because of their race, or a worker is refused promotion because of their age.*

**Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

*For example, if redundancies are decided based on workers who have had a worker's compensation claim rather than on merit.*

## Protected personal characteristics under law include:

- a disability, disease, or injury, including work-related injury.
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members.
- race, colour, descent, national origin, or ethnic background.
- age, whether young or old, or because of age in general.
- sex.
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union.
- Religion.
- pregnancy and breastfeeding;
- sexual orientation, intersex status, or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer, and heterosexual.
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship.
- political opinion.
- social origin.
- medical record; and
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

## 4.2 Bullying

Bullying is unacceptable at the Local Government and may also be unlawful.

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Under Federal discrimination law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Bullying can adversely affect the health and safety of workers therefore it is unlawful under the *Work Health and Safety Act 2020 (WA)* and the *Work Health and Safety (General) Regulations 2022 (WA)*. Bullying under industrial relations and health and safety legislation is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating, or threatening.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation, ignoring people, or unfair work practices. Behaviours that may constitute bullying include but are not limited to:

- sarcasm, threats, loud, abusive, offensive, and other forms of demeaning language.

- coercion.
- inappropriate blaming.
- ganging up.
- constant unconstructive and unjustified criticism.
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements or acts of sabotaging another’s work.
- unjustified threats of dismissal or other disciplinary action.
- spreading malicious rumours or misinformation.
- inappropriate comments about a worker’s appearance, lifestyle or family.
- deliberately excluding a worker from workplace meetings or activities.
- unreasonable refusal of requests for leave, training, or other workplace benefits.
- constantly changing targets or work guidelines.
- overloading a worker with work and impossible deadlines.
- threats of or actual, assault or violence.
- teasing and practical jokes; and
- isolating or ignoring a worker on a constant basis.

Where a worker makes a threat of violence or assaults another worker, the police should be called.

### **Reasonable management action**

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

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

- the establishment and regular use of performance management systems.
- the setting of reasonable performance targets and deadlines.
- providing workers with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour.
- issuing a lawful and reasonable direction to a worker to complete a work task.
- preparing and amending a roster for workers.
- transferring a worker to a different work location for operational reasons.
- implementing organisational change.
- informing a worker about inappropriate behaviour in a confidential manner; and
- taking disciplinary action against a worker.

### **4.3 Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken, written, or communicated electronically such as by email, text, messages, or social media posts. It can include:

- comments about a person’s private life or the way they look.
- sexually suggestive behaviour, such as leering or staring.

- brushing up against someone, touching, fondling, or hugging.
- sexually suggestive comments or jokes.
- displaying offensive screen savers, photos, calendars, or objects.
- repeated unwanted requests to go out.
- requests for sex.
- sexually explicit posts on social networking sites.
- insults or taunts of a sexual nature.
- intrusive questions or statements about a person's private life.
- sending sexually explicit emails or text messages.
- inappropriate advances on social networking sites.
- accessing sexually explicit internet sites; and
- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

The Local Government recognises that comments and behaviour that do not offend one person can offend another. This policy requires all workers to respect other people.

Sexual harassment is not an action or behaviour where there is a mutual friendship attraction and respect which is consensual. If two workers, or a worker and a customer or supplier of a Local Government are engaged in a consensual relationship, that relationship may result in a conflict of interest or perceived conflict of interest meaning that the workers concerned will need to declare the relationship to the CEO.

A breach of this policy may occur even if a complaint about the behaviour has not been made (for example, offensive screen savers, photos, objects, calendars, or emails) or a complaint is withdrawn such actions may also be in breach of other Local Government policies and/or the Code of Conduct.

#### **4.4 Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

The Local Government has a zero-tolerance approach to victimisation

## 5. Merit at the Local Government

All recruitment and job selection decisions at the Local Government will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

## 6. Resolving issues at the Local Government

### 6.1 Lodging complaints under the Grievance Resolution Policy and Procedures

Local Government strongly encourages any worker who believes they have been discriminated against, bullied, sexually harassed, or victimised to take appropriate action by making a complaint about the inappropriate behaviour to their manager and/or CEO in accordance with the Local Government's Grievance Resolution Policy and Procedure. The complaint will be investigated and resolved in accordance with that policy in a confidential manner. If a breach of this policy is found to have occurred a worker will be disciplined (and if appropriate, dismissed) in accordance with the Disciplinary Policy.

Workers who do not feel safe or confident to take such action under the Grievance Resolution Policy and Procedure may seek assistance from the Equal Opportunity Commission in Western Australia or the Australian Human Rights Commission for advice and support

### 6.2 Confidentiality of complaints

It is unacceptable for workers at the Local Government to talk with other workers, Elected Members, customers, rate payers, or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal grievance investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to disciplinary action including termination of employment.

Records of complaints and investigations completed under this policy and the Grievance Resolution Policy and Procedure will be kept confidential except where access to those records is required to be provided by law, for the provision of professional advice, or for the health and safety of a worker.

### 6.3 Employee assistance program

The Local Government workers are entitled to a certain amount of free, professional counselling from our employee assistance provider. To access the employee assistance program, contact the Wellness Officer for details.

Employee assistance provider counselling is confidential, and nothing discussed with a counsellor will be communicated back to the Local Government. Employee assistance provider counselling is available free to workers.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Work Health and Safety Act 2020</i>	
Related Documents	Code of Conduct for Employees (C19), Disciplinary Policy, Grievance Resolution Policy and Procedure, Corporate values statements of the Local Government, Equal Employment Opportunity Policy (C7), Work Health and Safety Policy (C6).	
Initial Adoption Resolution (New Policy)	27 March 2025	CM 25/03/046

End

## Policy C23 – Employee Grievance And Dispute Resolution And Procedure

### 1. Policy Intent

The Shire of Boyup Brook (Local Government) is committed to a fair and effective process for the resolution of grievances and disputes. Our process aims to resolve grievance through discussion, consultation, cooperation and mediation.

All Local Government workers are required to treat others with equality, fairness, dignity, courtesy, and respect.

By effectively implementing this policy the Local Government will attract and retain talented workers, create a positive environment for workers and ensure that the Local Government complies with its responsibilities under relevant legislation.

### 2. Policy

#### 2.1 Application

This policy applies to grievances or disputes raised by employees, contractors and volunteers engaged or appointed by the Shire of Boyup Brook in relation to employment or workplace matters. This Policy does not apply to complaints about the Chief Executive Officer (CEO) as there are other provisions in place.

The application of this policy extends to:

- all aspects of employment including recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.
- on-site, off-site, or after-hours interactions between workers, work-related social functions, conferences including wherever and whenever workers may be as a result of their Local Government duties; and
- a worker's treatment of other workers.

#### 2.2 Our Commitment

Guided by our Corporate Values:

- Proactive** – We embrace creativity, adaptability and continuous improvement seeking new ideas and solutions to address challenges and seize opportunities to ensure sustainability.
- Leadership & Teamwork** - We lead through collaboration, promote diversity, have pride in our work and partner with the community to achieve shared visions and aspirations.
- Accountability & Integrity** - We are respectful, open, transparent, honest and inclusive in our dealings with the Community.

- d) **Commitment** - We build and share knowledge, act professionally and develop relationships that make a positive contribution to our community.
- e) **Engaging Community** - Showing respect, understanding and compassion for others and working collaboratively with community for better outcomes.

### 3. Principles

#### 3.1 Privacy and confidentiality

Privacy and confidentiality must be strictly observed at all times during the grievance and dispute resolution process. Information regarding to the grievance must only be passed on where necessary to deal with the grievance or dispute fairly and effectively.

This applies to everyone involved in each grievance or dispute, including the parties involved, witnesses, support people and the staff handling the grievance or dispute

#### 3.2 Fairness and impartiality

All grievances will be handled fairly and impartially, observing the principles of natural justice and procedural fairness.

This means that:

- Any person who is the subject of a grievance or disputes (respondent) is entitled to full details about the grievance or dispute.
- The respondent must be given a full opportunity to respond to the grievances; and
- The parties to a grievance or dispute must have a full opportunity to respond to allegations and statements made by the other party and by witnesses.

If anyone involved in handling a grievance or dispute has a bias or conflict of interest that may affect their ability to be fair and impartial, they must declare this to the parties and to the staff member handling the grievance or dispute. One or both of the parties may also perceive a bias or conflict of interest even if the officer handling the grievance or dispute does not. In these cases, the grievance or dispute should be handled by another officer or appoint an external investigator.

#### 3.3 Freedom from Victimisation

Victimisation is when a person is harassed, treated unfairly or intimidated because they have lodged a grievance or dispute, assisted someone else with a grievance or dispute or been a witness in an investigation.

#### 3.4 Timeliness

The Shire will take all reasonable steps to prevent the victimization of anyone connected with a grievance. Victimisation constitutes a breach of this directive and may result in disciplinary action.

#### 3.5 Ease of use and trustworthiness

This Policy and Procedure will be accessible to everyone working at/for the Shire and implemented appropriately. The Shire will take all reasonable steps to ensure that the contents of this policy and procedure are understood by all employees.

### **3.6 Seriousness and sensitivity**

All grievances or disputes will be taken seriously and handled with sensitivity, taking into account the individual background and values of each party and any differences between them.

### **3.7 Internal and external support**

All parties to a grievance have the right to have a support person of their choice at meetings relating to the grievance.

At any stage of the grievance procedure, the employee may be represented by their union or its local representatives/delegate and the employer represented by their Industrial Relations consultant. The union delegate shall have reasonable time, without a loss of pay, to discuss a grievance or dispute with management at the local level where prior approval is sought. Such approval shall not be unreasonably withheld.

The parties to the grievance can contact an external agency for information, advice or help at any time during the grievance procedure.

## **4. Malicious or vexatious complaints**

The Shire encourages employees to raise all genuine concerns. Employees should not be put off from raising concerns because they are afraid that they may be wrong, or they won't be able to prove their claims.

However, making allegations that are not true, or making a complaint solely to cause trouble for others, may be serious misconduct. Employees making such malicious and vexatious complaints will be subject to disciplinary action.

If it is alleged during the grievance or dispute process that the grievance or dispute is malicious or vexatious, this will be investigated at the same time as the original grievance or dispute.

## **5. Procedure**

- 5.1** There are two procedures available to staff members who wish to make a complaint; formal and informal. A staff member with a complaint can nominate which procedure they wish to follow (informal or formal) and can change their nomination after initiating a particular procedure.

Providing that complaint must be dealt with formally where:

- The complaint involves serious allegations, including but not limited to, sexual harassment, discrimination, criminal conduct, serious or multiple breaches of the Shire’s policies and procedures, or breach of the *Local Government Act 1995*.
  - The complaint involves a particularly sensitive or personal matter; or
  - A formal complaint procedure is deemed appropriate in the circumstances by the Governance Officers
- 5.2** Complainants may exercise their right to nominate and involve a third person during the grievance/dispute resolution process. This applies to both informal and formal processes.
- 5.3** While a grievance/dispute resolution process is being conducted, normal work must continue unless there is an imminent risk to the health and safety of any persons.
- 5.4** The informal process is aimed at conciliating or mediating an acceptable outcome with speed, fairness and confidentiality.
- 5.5** For informal grievances/disputes relating to Discrimination, Harassment or Bullying:
- The complainant tells the persons who is exhibiting discriminatory, harassing or bullying behaviour that they find their behaviour unacceptable and want it to stop.
  - If the complainant feels that they cannot tell the person directly, or the unwelcome behaviours continues, the complainant may discuss the complaint with their Manager/Supervisor.
  - Options for resolving the situation are discussed between the complainant and their Manager/Supervisor with the aim of resolving the issue’s satisfactorily, equitably, and in accordance with the Shire’s responsibilities to provide a workplace free of discrimination, harassment and bullying. The manager/supervisor can either:
    - Arrange for a mediation between the complainant and the respondent.
    - Meet with the complainant and the respondent separately to discuss the issues and explore possible solutions; and/or
    - Write to the complainant and the respondent to obtain further information about the complaint and to explore potential solutions
- 5.6** For informal grievances/disputes relating to general issues
- The complainant discusses the grievance/dispute with their manager/supervisor.
  - Options for resolving the situation are discussed between the complainant and their manager/supervisor with the aim of resolving the issue/s speedily, satisfactory and equitably. The manager/supervisor can either:
    - Arrange for a mediation between the complainant and the respondent.
    - Meet with the complainant and the respondent separately to discuss the issues and explore possible solutions; and/or
    - Write to the complainant and the respondent to obtain further information about the complaint and to explore potential solutions.
- 5.7** Outcome from an informal grievance/dispute

- If the matter is resolved to the satisfaction of all parties; the matter will be conducted.
- If a suitable resolution is not achieved, or if the complainant is not satisfied with the outcome of the informal process, they may choose to make a formal complaint.
- All meetings with the complainant and the respondent should be documented and any correspondence between the parties should be retained on a confidential basis by Human Resources.

**5.8** The formal grievance/dispute procedure involves written complaints, formal interviews of the parties and witnesses, and the preparation of a written report and recommendation to the relevant manager or CEO for his/her action.

**5.9** For formal grievances/disputes relating to Discrimination, Harassment or Bullying or General issues:

- The complainant contacts the Chief Executive Officer stating the substance of their complaint and if required an Employee Grievance Form should be completed with any remedy sought.
- The Chief Executive Officer advises the relevant Director of the nature of the formal complaint and may conduct a preliminary inquiry. The purpose of a preliminary enquiry is to:
  - Obtain details about the complaint and assess the seriousness of the allegations.
  - Determine the level of factual dispute.
  - Assess whether there is sufficient evidence to proceed to a formal investigation; and
  - Determine whether the Local Government should proceed with an investigation or refer the matter to an external authority.

It may be appropriate to refer a matter to an external authority where the alleged conduct is potentially of a criminal nature, breaches the *Local Government Act 1995* or may need to be dealt with by the Corruption and Crime Commission.

- The Chief Executive Officer (CEO) or appropriate officer conducts/coordinates an impartial investigation (as per clause 6), meeting with all parties to the grievance (including the respondent).
- At the completion of the investigation process (detailed or otherwise) the CEO or appropriate officer handling the grievance will document agreed upon resolutions or make recommendations (where agreement cannot be reached) for resolving the grievance.
- This recommendation is reviewed by the manager or CEO, then discussed with the parties to the grievance.
- If agreement to the proposed resolution is reached, then all proposed actions will be implemented in a timely manner.
- If agreement to the proposed resolution is not reached, a decision on necessary resolutions will be made by the CEO. These resolutions will be implemented in a timely manner.

- At any stage during the formal process the employee may request a meeting with the relevant manager, CEO or other authorized officer for discussion.
- The complainant will be notified in writing of the outcome of the grievance. Any required actions by the respondent or any other parties to the agreement will be detailed in writing.
- The officer handling the grievance will monitor the implemented resolutions for an appropriate time period to ensure that the resolutions are effective

## 6. Investigation procedure

The role of an investigator is to collect information about the complaint and make findings about whether any allegations are substantiated. The investigator is responsible for ascertaining facts, reviewing documentation, interviewing parties and making a determination about whether or not the allegations are substantiated.

In conducting an investigation, the investigator should comply with this Policy, particularly the principals of procedural fairness. The depth and scope of the investigation will depend on the nature of the complaint however, as a general guide the following should be covered by the investigation report:

The circumstances of any allegations made:

- A list of allegations made by the complainant, the respondent's response to the allegations and whether any of the allegations are substantiated.
- Outline where any policies, organizational directives or legislation have been breached.
- Evidence related to the complaint include any documentation such as emails, letters and witness statements; and
- Any mitigating circumstances that have been presented through the investigation on behalf of the respondent.

## 7. Possible actions to resolve a grievance

### Joint Agreement

Many grievances will be able to be settled by joint agreement between the parties to the grievance. Any agreement should be confirmed in writing. Such agreements may contain once or more of the following:

- Outline of required action e.g. written apology.
- Required changes in work practices.
- Further training or education requirements.
- Commitment statements from parties to the grievance.
- Transfer, demotion or termination of the respondent's employment; or
- Counselling or mediation requirements.

### Disciplinary action

The outcome of the investigation will dictate whether disciplinary action is taken. What disciplinary action is taken is a matter of discretion for the Shire and must be considered in accordance with the Policy, Disciplinary Action and Performance Management.

### **Performance concerns**

If the complaint involves a performance issue, the line manager of the respondent may commence a formal or informal performance management process with the respondent or discipline the respondent.

## **8. Lack of proof and/or information to enable an appropriate decision**

In grievance where there is limited proof and not enough information to make an appropriate decision or come to a meaningful resolution, no disciplinary action will be taken. This will be explained to all parties to the grievance. However, it may be appropriate to retrain staff and ensure that all staff understand their rights and responsibilities. The Shire will then monitor the parties to the grievance.

## **9. Internal appeals**

Any party to the grievance may appeal the outcome of the grievance or the proposed resolutions. All appeals should be directed to the CEO.

The CEO will then determine the appropriate officer to review the grievance process and decision.

This review may be conducted by:

- The relevant Manager.
- CEO
- Other appropriate Officer; or
- External agency or consultant

The person performing the review may confirm the original decision or make a different decision. The ultimate decision on any internal appeal will rest with the CEO.

## **10. Withdrawing a complaint**

A grievance can be withdrawn at any time, unless it is considered to be too serious to be withdrawn. For example, it may involve a serious breach of the Shires policies or a risk to workplace health and safety.

If a complaint is withdrawn it cannot be raised again, unless there is victimization, the behaviour is repeated, or new facts come to light

## **11. Reporting obligations**

The Local Government must comply with its obligations to report minor or serious misconduct to either the Public Sector Commission or Corruption and Crime Commissioner in accordance with the *Corruption, Crime and Misconduct Act 2003*.

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

## **12. Record Keeping**

All complaint or dispute investigations will be documented. In formal grievance or dispute processes, records will be kept of all documents collected and drafted as part of that process. For more informal processes a file note or note in a diary will be sufficient.

Information or details relating to a grievance must only be discussed with or released to those individuals directly involved in the grievance or resolution. It is however, acceptable to seek advice and discuss grievance issues with an appropriate Manager or Human Resources when required even if they are not directly involved in the grievance.

It is essential that all individuals involved in the investigation process are informed that all matters discussed must remain confidential and that any breach of confidentiality will be treated as a disciplinary matter. This includes the individual submitting the grievance.

All documents and correspondence relating to the grievance will be placed on an appropriate security-controlled file in the Shire’s document management system. Access to this file will be restricted to the CEO, and only those staff directly involved in the grievance investigation and resolution

### 13. Definitions

**Complaint** – the grievance relating to employment or workplace matters raised by the complainant.

**Complainant** – the person who lodges a grievance or dispute.

**Respondent** – an employee, contractor or volunteer who is alleged to have acted in a manner the subject of the complaint.

**Support Person** – a person chosen by the complainant and respondent to attend meetings with them, where practicable. The role of a support person is not to advocate on behalf of anyone, but to provide emotional and practical support.

**Witness** – anyone who can provide information that is relevant to a grievance or dispute or its resolution

Document Control	
Previous Policy Reference	New
Related Legislation	<i>Fair Work Act 2009,</i> <i>Corruption, Crime and Misconduct Act 2003 (WA),</i> <i>Public Interest Disclosure Act 2003 (WA),</i> <i>Local Government Act 1995.</i>
Related Documents	Local Government Industry Award 2020 (State), Shire of Boyup Brook Outside Employees Enterprise Agreement, Local Government Officers (WA) Award 2021, Municipal Employees’ (WA) Award 2021, Code of Conduct for Employees,

	Code of Conduct for Elected Members, Committee Members and Candidates, Fraud and Corruption Control - Policy G12, Employee Grievance Form.	
Initial Adoption Resolution (New Policy)	27 March 2025	CM 25/03/046

End

## Policy C24 – Employee Disciplinary And Procedure

### 1. Policy Intent

The Shire of Boyup Brook (Local Government) is committed to a fair and effective process for the procedure for disciplinary action. Disciplinary action, except in cases of serious misconduct, fraud and corruption, is an incremental process and can be terminated at any stage.

All Local Government workers are required to treat others with equality, fairness, dignity, courtesy, and respect.

By effectively implementing this policy the Local Government will ensure that the Local Government complies with its responsibilities under relevant legislation.

### 2. Policy

#### 2.1 Application

This policy applies to disciplinary action for employees, appointed by the Shire of Boyup Brook in relation to employment or workplace matters. This Policy does not apply to actions about the Chief Executive Officer (CEO) as there are other provisions in place.

### 3. Privacy and confidentiality

Privacy and confidentiality must be strictly observed at all times during the disciplinary process. Information regarding the disciplinary process must only be passed on where necessary to deal with the disciplinary action fairly and effectively.

### 4. Procedure for Implementing Disciplinary Action

Step 1 – Verbal Warning, Guidance, Counselling

Where an employee's work performance or conduct is unsatisfactory, the employee shall be informed, in the first instance of the nature of the unsatisfactory performance or conduct and of the standard that is required to be achieved.

The employee will be interviewed by their immediate supervisor/manager. The employee has the option of having their on-site Union delegate present at this interview. The employee will have an opportunity to respond to the allegation(s).

The purpose of the interview will be to identify the causes of the problem and agree on solutions. Where the problem is acknowledged by the employee, a corrective action/performance management plan will be agreed by the employee.

A review date will also need to be agreed upon to allow reassessment of the employee to be discussed and assessed.

Should the requisite improvement be forthcoming, it will be acknowledged by the supervisor/manager and no further action will be taken. If no satisfactory improvement occurs, then the matter will proceed to step 2

A written record of the interview must be kept by the Chief Executive Officer or other authorised officer and a copy of the report is to be given to the employee concerned for their own records

### Step 2 – Formal Written Warning

Where there is a recurrence of unsatisfactory work performance or conduct, the employee shall be warned formally in writing by the employee's departmental manager. The Chief Executive Officer is to be fully briefed on the situation.

The employee shall also be counselled. Counselling should reinforce the standard of work or conduct that is expected and advise the severity of the situation and whether disciplinary action will follow if the employee's work performance or conduct does not improve. A suitable review period for monitoring the employee's performance will be set at this time.

A written record shall be kept of this formal warning and counselling. The employee will be entitled to sight and sign this written record and add any notations regarding the contents of such record

### Step 3 - Final Written Warning

If the employee's unsatisfactory work performance or conduct continues or resumes following the formal warning and counselling, the employee shall be given a final warning in writing giving notice of disciplinary action should the unsatisfactory work performance or conduct not cease immediately.

### Step 4 – Disciplinary Action

If, after careful consideration and investigation, the Chief Executive Officer reaches the conclusion that the alleged offender is guilty of a breach of discipline which warrants penalty, the Chief Executive Officer may impose one or more of the following:

- A change of duties/role
- Closer supervision
- Lateral transfer
- Demotion
- Suspension or termination of employment

## 5. Serious Misconduct Disciplinary Process

In such situations, the Chief Executive Officer may suspend or terminate the employee as per the policy (refer to C7 – Equal Employment Opportunity, C16 – Drugs and Alcohol and C19 - Code of Conduct for Employees).

### 5.1. Investigation

In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:

- the Corruption and Crime Commission, in the case of serious misconduct; or
- the Public Sector Commissioner, in the case of minor misconduct.

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire of Boyup Brook’s policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Fair Work Act 2009,</i> <i>Corruption, Crime and Misconduct Act 2003 (WA),</i> <i>Public Interest Disclosure Act 2003 (WA),</i> <i>Local Government Act 1995.</i>	
Related Documents	Local Government Industry Award 2020 (State), Shire of Boyup Brook Outside Employees Enterprise Agreement, Local Government Officers (WA) Award 2021, Municipal Employees’ (WA) Award 2021, Code of Conduct for Employees, Code of Conduct for Elected Members, Committee.	
Initial Adoption Resolution (New Policy)	27 March 2025	CM 25/03/046

End

# Part 4

# Finance



## Policy F1 – Regional Price Preference

### 1. Policy Intent

To promote the growth development and retention of local and regional businesses employing local people to assist in generating economic benefits by maximising the use of competitive local and regional content in the supply of goods and services or for construction (building services) sourced by way of Tender on behalf of the Shire of Boyup Brook (Shire).

### 2. Policy

**2.1.** That a price preference will apply to tenders invited for procurement over \$75,000 by the Shire as detailed in clause 2.2, unless Council resolves that this policy not apply to a particular tender invited.

**2.2.** The following levels of preference for the purposes of assessment will be applied under this policy:

#### Shire of Boyup Brook Businesses

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

#### Southwest Region Businesses

- a. 5% where the contract is for goods and services up to a maximum price assessment reduction of \$50,000; and
- b. 2.5% where the contract is for construction (building services) up to a maximum price assessment reduction of \$50,000.

The levels of preference outlined in clause 2.2, will only apply to businesses that are located within the Shire or the Southwest Region for at least six (6) months prior to the closing date of tender invited.

The level of preference outlined is to be applied as either a Shire Business or Southwest Region Business, not both.

The Southwest Region Businesses preference can only be applied if it does not affect the overall evaluation outcomes for a business from the Shire, on the condition that the Shire Business has submitted an equally competitive bid in terms of evaluated quality i.e.: overall qualitative scores are in the same range/s.

Only the cost of those goods and services clearly identified in the tender submission as being supplied locally or from the Southwest Region regionally (regardless of

their origin) will be included in the calculation that forms a part of the assessment of a tender. Travel or accommodate costs are excluded.

It should be noted that price is only one factor to be considered when the Shire assesses tender submissions. Value for money principles will be used to achieve the best possible outcome for every dollar spent. This is achieved by assessing all costs and benefits rather than simply selecting the lowest purchase price.

### 3. Definition

‘**Southwest Region**’ includes Boyup Brook, Bridgetown, Greenbushes, Nannup, Manjimup, Collie, Capel, Bunbury, Busselton, Dardanup, Donnybrook, Balingup, Margaret River, Augusta and Harvey.

Document Control		
Previous Policy Reference	F.12	
Related Legislation	<i>Part 4 A – Local Government (Functions and General) Regulations 1996.</i>	
Related Documents	Policy G9 – Purchasing.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy F2 – Investment Of Funds

### 1. Policy Intent

To invest the Shire of Boyup Brook surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time for that investment type, while ensuring that Council's liquidity requirements are met.

### 2. Policy

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

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- The investment is expected to achieve a predetermined market average rate of return that considers Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

#### 2.2. Prudent Person

In accordance with the *Trustees' Act 1962* all surplus funds will be invested in accordance with the prudent person rule. The main features of the prudent person rule include:

- Exercising the care, diligence, and skill that a prudent person would exercise in managing the affairs of other persons; and
- A duty to invest funds in investments that are not speculative or hazardous.

#### 2.3. Approved Investments

As per the *Local Government (Financial Management) Regulations 1996*, Regulation 19C, any investment placed shall be subject to the following restrictions:

- A deposit can only be placed with an authorised institution as defined in the *Banking Act 1959 (Commonwealth)* Section 5 or with the Western Australian Treasury Corporation.
- A deposit cannot be placed for a fixed term of more than 3 years.
- Any bonds must be guaranteed by a Commonwealth, State or Territory government and may not be placed with a term to maturity of more than 3 years; and
- Council may not invest in foreign currency.

## 2.4. Reporting and Review

A report on current investments under this policy is to be included in the monthly financial report presented to Council each month. Documented evidence must be held for each investment and details thereof maintained in an Investment Register for the period required under the *State Records Act 2000*.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as of 30 June each year and reconciled to the Investment Register.

<b>Document Control</b>		
Previous Policy Reference	F.01	
Related Legislation	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Trustees Act 1962, Australian Accounting Standards, State Records Act 2000, Banking Act 1959.</i>	
Related Documents	Internal Investment Register (to be prepared), Shire of Boyup Brook Delegation of Authority Register.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li>Correctly reference State Records Act 2000.</li> </ul>	2.4

End

## Policy F3 – Related Party Disclosure

### 1. Policy Intent

To ensure compliance with the Australian Accounting Standard AASB124 (AASB124) related party disclosures and the *Local Government Act 1995* (the Act) to prepare financial accountability documents, including general purpose financial statements.

### 2. Scope

This policy provides a framework for the identification of related party relationships and the disclosure of related party transactions with Council.

### 3. Definitions

To assist in interpretation the following definitions shall apply:

**‘Close family members of a person’** shall mean those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council.

**‘Control’** shall mean the ability to direct the business activities of an entity through rights or exposure to returns from its involvement with the entity.

**‘Elected Member’** shall mean the Shire President, Deputy Shire President, and Elected Members of the Shire of Boyup Brook.

**‘Ordinary Citizen Transactions’** shall mean transactions with a related party that are made on terms that are considered reasonable if the parties were dealing at ‘arm’s length’.

**‘Key Management Personnel’** shall mean those persons having authority and responsibility for planning, directing, and controlling the activities of Council or Council entities, directly or indirectly. This shall include Elected Members, Chief Executive Officer, and Executive Management Team.

**‘Related Party Transaction’** shall mean the transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

**‘Executive Manager’** shall mean an employee of the local government, (a) who reports directly to the Chief Executive Officer and (b) whose position would be a senior position in the local government’s corporate structure.

### 4. Background

Under the Act and *Local Government (Financial Management) Regulation 1996* all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

From 1 July 2016, the Australian Accounting Standards Board has determined that AASB124 Related Party Disclosures will apply to government entities, including local governments.

The objective of the accounting standard is to ensure that annual financial statements contain “disclosures” necessary for stakeholders to draw attention to the possibility that the financial position and financial performance may have been affected by transactions and outstanding balances with related parties.

This information will be audited as part of the annual external audit.

The related party policy seeks to reduce the risk that Council’s transactions may be influenced by the interests of parties related to the transaction. This occurs where the parties can influence the decision of whether a benefit is provided to them and the terms of the provision of that benefit.

It is therefore important that Key Management Personnel (KMP) act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that KMP of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with the Council in the annual financial statements.

## 5. Policy Statement

### 5.1. Related Parties

A related party is a person or entity that is related to the Council. The following are determined to be related parties of Council.

- KMP.
- close family members of KMP.
- any entities controlled or jointly controlled by KMP or their close family members;  
or
- a subsidiary, associate, or joint venture of Council.

Other parties may be assessed to be related parties, from time to time, depending upon Councils structure and delegations or in accordance with the requirements of the AASB124.

KMP and other persons occupying or acting in the positions disclosed are required to complete a related party declaration to assist Council in compliance with its statutory obligations.

Declarations are required bi-annually each financial year. Should an individual’s circumstances materially change between these periods a new declaration will be required to be completed.

Management will implement and maintain a suitable system to identify related parties.

### 5.2. Disclosure

Transactions between Council and related parties, whether monetary or not, are required to be identified. Disclosure of these transactions within the annual financial

statements will be determined in accordance with materiality by assessment against nature and size when considered individually and collectively.

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework of the AASB124 and other relevant standards, as required.

Related party transactions excluded from disclosure requirements based on ordinary citizen transactions are:

- any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance; and
- any service or benefit provided as part of the normal Council business operation to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance.

Transactions that may be disclosed if between related parties include:

- any infrastructure charges,
- special waivers or reduction of fees, discounts provided despite late payments, waivers of interest on debts, or any other benefit not excluded that has been provided to the party.
- include outstanding balances owed to Council by KMP and their related parties; and
- other transactions as required by the AASB124.

Council will be cognisant of privacy and right to information requirements when dealing with the identification, retention, and disclosure of related party transactions.

<b>Document Control</b>		
Previous Policy Reference	F.09	
Related Legislation	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Local Government (Audit) Regulations 1996, Australian Accounting Standard AASB124.</i>	
Related Documents	Annual Financial Report.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy F4 – Corporate Credit Card

### 1. Policy Intent

To enable flexibility in purchasing procedures and to provide information on the use and responsibilities of Council Corporate Credit Cards by approved Council Officers.

### 2. Policy

The Shire of Boyup Brook (Shire) is committed to:

- Providing a useful resource to enable purchasing in remote and emergency situations.
- Assist with purchasing where account facilities are not readily available, reducing the need for nominated staff to carry cash; and
- Providing an effective means of auditing expenditure incurred.

It is policy:

- To provide the Chief Executive Officer (CEO) with a corporate credit card with an expenditure limit of \$5,000.
- For the CEO to authorise the provision of corporate credit cards to other staff as determined necessary, with an expenditure limit not exceeding \$2,000.

#### 2.1. Scope or Application

This policy applies in the following circumstances:

- an agreement shall be signed by the cardholder and the Shire which sets out the cardholder's responsibilities and legal obligations when using the credit card.
- credit cards should only be used for purchasing goods and services on behalf of the Shire.
- personal expenditure is prohibited; and
- a credit card is not to be used for cash withdrawals or for the payment of fines.

#### 2.2. Auditing

Sufficient and robust auditing processes are to be implemented and maintained to ensure the proper and accountable use of Shire Credit Cards.

Document Control		
Previous Policy Reference	F.05	
Related Legislation	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Australian Accounting Standard AASB124.</i>	
Related Documents	Annual Financial Report.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
• Update CEO CC limit as per bank approval.		2

End

## Policy F5 – Debt Collection

### 1. Policy Intent

To outline clear and appropriate debt recovery procedures which will be undertaken by the Shire of Boyup Brook (Shire) to ensure effective control over all invoiced debts owed to the Shire whilst being sympathetic to those ratepayers and debtors suffering genuine financial hardship.

### 2. Policy

#### 2.1. Rates

- 2.1.1. Where rates remain outstanding fourteen days after the due date shown on the Rate Notice, and the ratepayer has not elected to pay by an approved payment option, a Final Notice shall be issued requesting full payment within seven days.
- 2.1.2. Rates remaining unpaid after the expiry date shown on the Final Notice will be examined for the purpose of issuing a Collection Letter.
- 2.1.3. Where payment remains outstanding despite the issue of a Collection Letter and the ratepayer has not entered a payment arrangement, a Claim will be issued for recovery.
- 2.1.4. Following the issue of a Claim and the addition of legal costs, as provided in Section 6.56 of the *Local Government Act 1995* (the Act), a reasonable offer to discharge a rate account will not be refused.

Any instalment arrangement will be calculated so that the minimum repaid over a full year will equal 100% of annual levies and any costs associated with debt collection charges.

- 2.1.5. Where a Claim has been issued and served but remains unsatisfied, action will be taken to pursue that Claim by whatever means, through Council's solicitors or collection agency, to secure payment of the debt.
- 2.1.6. Legal proceedings will continue until payment of rates imposed is secured. This includes the issue of a Property Seizure and Sale Order (PSSO) against goods and land if necessary.
  - a. If a PSSO against land is proposed to collect outstanding rates due on a property where the owner resides, approval of Council shall be obtained before the PSSO is lodged.
  - b. PSSOs against land will be used to collect outstanding amounts in respect to investment properties without a requirement that these be referred to Council.
- 2.1.7. In cases where the owner of a leased or rented property on which rates are outstanding cannot be located, or refuses to settle rates owed, notice will be served on the lessee under the provisions of Section 6.60 of the Act, requiring

the lessee to pay to Council the rent due under the lease / tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

- 2.1.8. Where the owner is registered for a pensioner rebate on rates and ESL (where the deferment option may be available) or where the owner is registered for a senior's rebate (25% rebate and no deferment option); debt recovery may proceed for the collection of unpaid charges which are not subject to a rebate or deferment e.g. rubbish collection charges.

## 2.2. Sundry Debtors

- 2.2.1. Sundry debtor accounts are overdue if not paid within seven days of the issuing of the account.
- 2.2.2. The Shire may stop the provision of credit facilities to sundry debtors when an account is overdue for more than thirty days.
- 2.2.3. The Shire will take recovery action of overdue sundry debtor accounts within sixty days of the account becoming overdue unless the debtor enters and complies with an overdue payment agreement. Any such agreement will not exceed 6 months unless exceptional circumstances exist.

## 2.3. Variation

The Chief Executive Officer may determine other suitable treatment options to deal with sundry debtors in the case of demonstrated hardship or other situations.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995.</i>	
Related Documents	Annual Financial Report.	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy F6 – Financial Hardship

### 1. Policy Intent

To give effect to our commitment to support the whole community to meet the unprecedented financial challenges, the Shire of Boyup Brook (Shire) recognises these challenges of our ratepayers.

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

### 2. Policy

It is a reasonable community expectation, as we deal with the overall financial hardships that those with the capacity to pay rates will continue to do so. For this reason, the policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* (the Act), and *Local Government (Financial Management) Regulations 1996* (the Regulations) will apply.

#### 2.1. Payment difficulties, hardship, and vulnerability

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

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

#### 2.2. Financial Hardship Criteria

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

- recent unemployment or under-employment.
- sickness or recovery from sickness.
- low income or loss of income; or
- unanticipated circumstances such as caring for and supporting extended family. Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with our statutory responsibilities.

#### 2.3. Payment Arrangements

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

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

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

## **2.4. Interest Charges**

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

## **2.5. Deferment of Rates**

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

- remains as a debt on the property until paid.
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property.
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

## **2.6. Debt Recovery**

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

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

Rates and service charge debts that remain outstanding at the end of the financial year, will then be subject to the rates debt recovery procedures prescribed in the Act.

## 2.7. Communication and Confidentiality

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

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

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

<b>Document Control</b>		
Previous Policy Reference	New	
Related Legislation	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

# Part 5

# Operational Services



## Policy O1 – Private Works

### 1. Policy Intent

To confirm support for private works requests from residents, organisations or others located in the Shire of Boyup Brook.

### 2. Policy

Private works will only be carried out when the Shire’s plant and staff are available. Where private works are undertaken full cost recovery, inclusive of labour, material, plant and on costs, plus 30% will be applied to limit direct impact on local contractors.

Wherever possible, all private works are to be carried out after normal working hours on an overtime basis. Requests for private works and the documentation of each private work are to be in writing and records retained for future reference.

### 3. Work Health and Safety

All work Health and Safety requirements must be always adhered to while undertaking private works.

Document Control		
Previous Policy Reference	W.04	
Related Legislation		
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

# Part 6

# Emergency Management



## Policy EM1 – Emergency Preparedness, Bushfire Preparedness, Prevention, Planning And Enforcement

### 1. Policy Intent

To confirm the critical importance of bushfire preparedness and prevention activities and appropriate planning to adequately prepare for or mitigate the spread or extension of bushfires in the district and acknowledge enforcement of the approved compliance standards or for additional notices (Special Works Orders).

### 2. Policy

To enhance community safety and assist in reducing bushfires or the impact of bushfires, the Shire of Boyup Brook is committed to:

- actively encouraging property owners and occupiers throughout the district to meet the requirements and obligations outlined in the Shire of Boyup Brook Firebreak Notice made pursuant to the provisions of the *Bush Fires Act 1954*.
- supporting the issue of Special Works Order to individual property owners and occupiers by employees appointed as Fire Control Officers to formally direct additional preventative or preparedness (bushfire hazard reduction) work, where specific hazards are identified.
- enforcing the provisions of the *Bush Fires Act 1954* generally, and where noncompliance with the Firebreak Notice or Special Work Orders occur, inclusive of completing bushfire hazard reduction work on private land, at the landowners/occupier cost; and
- supporting the rigorous application of the States Bushfire Policy Framework prepared by the Western Australian Planning Commission under Part 3 of the *Planning and Development Act 2005* with the Support of the Department of Fire and Emergency Service, inclusive of but not limited to:
  - State Planning Policy 3.7 Planning in Bushfire Prone Areas; and
  - Guidelines for Planning in Bushfire Prone Areas.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Bush Fires Act 1954,</i> <i>Planning and Development Act 2005.</i>	
Related Documents		
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy EM2 – Emergency Management

### 1. Policy Intent

To outline a commitment by the Shire of Boyup Brook (Shire) for the broad principles of Emergency Management in the district to support the community.

### 2. Policy

To achieve the policy intention the Shire will, through the Chief Executive Officer:

- a. Ensure committees/groups are established and functioning to meet the Shire’s statutory emergency management responsibilities, such as:
  - Local Emergency Management Committee.
  - Local Recovery Coordinating Group; and
  - appropriate representation on the District Emergency Management Committee.
  
- b. Develop and maintain emergency management arrangements that meet the Shire’s statutory emergency management responsibilities and provide for operational effectiveness, including but not limited to:
  - Local Emergency Management Plan.
  - Local Recovery Plan.
  - Local Animal Welfare Plan.
  - Local Resource Recovery Manual.
  - Local Bushfire Management Arrangements.
  - Bushfire Risk Management Plan; and
  - Emergency Risk Management Plan.
  
- c. Actively encourage arrangements being developed and maintained to:
  - Enable business continuity preparedness, training and exercising to build and maintain individual and organisational confidence and capacity that promotes a smooth and rapid restoration of normal business functions following a disaster; and
  - support neighbouring local governments for the purpose of local and regional response and/or recovery.

Document Control		
Previous Policy Reference	New	
Related Legislation	<i>Emergency Management Act 2005.</i>	
Related Documents	Local Emergency Mgt Arrangements	
Initial Adoption Resolution	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

# Part 7

# Planning & Development



## Policy PD1 – Landscaping Provisions – Commercial And Industrial

### 1. Policy Intent

To ensure the appearance of commercial and industrial zones is improved or maintained to a minimum standard.

### 2. Policy

That planning applications for development of commercial or industrial sites, landscaping 5% of the lot in keeping with surrounding adjacent areas, to the satisfaction of the Shire within one year of completion of the building, be included as a condition of approval of the application.

Document Control		
Previous Policy Reference	P.01	
Related Legislation	<i>Planning and Development Act 2005.</i>	
Related Documents		
Initial Adoption Resolution		18 June 2020
Amendment Record	Included into the policy manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD2 – Subdivision – Drain And Fill Conditions

### 1. Policy Intent

To provide guidelines for subdivisions which require drain and fill.

### 2. Policy

#### 2.1 Fill Levels

- a) In flood prone areas land should be filled only in flood fringe areas where defined or were permitted by the Water and Rivers Commission. Authority to a level above designated flood levels (usually the 1% flood event) or the level advised by the Commission. In areas protected by levels or other mitigation works other levels will be specified. These are determined by the local government in conjunction with the Water and Rivers Commission.

No fill shall be placed in areas designated as flood ways.

- b) Surface depressions likely to retain ponded water and areas of high-water table intersecting ground level should be filled or drained except where such water bodies have significant beneficial uses and consequently need to be retained as areas of Public Open Space.
- c) Where deep sewage is not a condition of subdivision the Local Government Authority should ensure that adequate clearance can be achieved between the highest known water table and the septic tank/leach drain system. Where appropriate, Local Government Authorities may consider the use of inverted leach drains to reduce fill requirements. The Health Department of Western Australia requires a minimum separation of 1.2 metres between the maximum ground water level and development level where on-site effluent disposal is utilised.
- d) Where filling is required, it should not be to the detriment of adjoining landowners. All fill should be retained on the lot by the use of retaining walls or ensuring the nature angle of repose is not exceeded. Development approval and a Building Permit, may be required for any retaining walls over 0.5m from natural ground level. Retaining walls exceeding 1m in height require structural certification. Retaining walls shall be entirely contained within the boundaries of a single lot. Appropriate drainage is to be installed behind retaining walls.
- e) In many instances land to be vested as Public Open Space will be best left in its natural state, however, the Shire should, when it is in the best interest of the community, have a POS reserve or portion of POS reserve filled to the same standard as the balance of the subdivision.
- f) Where substantial vegetation exists on an area to be filled, Council should give careful consideration to the standards imposed. Fill not only destroys shrubs and ground cover but may in the longer-term result in more established trees dying.

The effects that a reduction in vegetation may have on the water table should also be considered by Council.

## 2.2 Compaction

Fill placed on a lot to meet Local Government Authority standards should be compacted to a degree that will allow typical development for that zone to be commenced without any additional earthworks being necessary. The Commission acknowledges that in some circumstances it will be necessary for Council to vary this requirement.

## 2.3 Drainage

- a) Stormwater management shall be in accordance with the Department of Water 'Stormwater Management Manual' and address the following:
  - Re-use of stormwater.
  - Stormwater discharge to the Shire's drainage system must be at or below predevelopment rates.
  - Post-development flow rates are to be attenuated to pre-development flow rates through the provision of adequate temporary detention storage.
  - Discharge to the Shire's system is to be via a silt trap located within the property.
  - Connection to the Shire's system is to be via a 90mm Stormwater Grade PVC pipe to a manhole located in the verge fronting the lot.
  - Treatment of the 1-year average recurrence interval event.
  - Sizing of pipe systems to accommodate the 5-year average recurrence interval event.
  - Provision of storage infrastructure sized to attenuate the 10-year average recurrence interval event to predevelopment flow rates to protect the downstream drainage system.
  - Overland flood route for the 100-year average recurrence interval event.
  - Specific requirements of downstream receiving waters and existing upstream catchment.
- b) A drain and fill condition may be used to require the deviation or upgrading of creeks or drains which runs through land, the subject of a subdivision application.
- c) Land may be drained to help achieve the necessary separation between the highest known water table and ground level, or where septic tanks are used, leach drains.
- d) The standard of drain construction required is best left to the Local Government Authority to determine after considering the following factors:
  - Area of Catchment
  - Maximum flow rates
  - Quality of run offs
  - Surrounding land uses

- Aesthetics

In general, however, piped drains are preferred in urban areas.

- e) Where a comprehensive drainage system exists or is proposed, a subdivider should be required to contribute to the cost of that scheme. Generally, such contribution should be a proportion of the total cost equal to that which the area of land being subdivided bears to the total area covered by the comprehensive drainage system.
- f) Drainage easements on reserves required as a result of subdivision should be provided free of cost to the Local Government Authority. If required, a condition to this effect should be requested of the Commission when a subdivision is referred to the Local Government Authority.

### 3. Drain and fill in Non-Urban Areas

The relative isolation of development in non-urban areas makes the imposition of a drain and fill condition at the subdivision stage unwarranted. Such a condition would be more appropriately applied to a building licence application at which stage the location and type of development can be evaluated.

Notwithstanding these comments, the Commission acknowledges that in particular instances there may be grounds for a Local Government Authority to request a drain and fill condition in non-urban areas. Such cases should be justified by the Local Government Authority in its response to the Commission's referral.

Document Control		
Previous Policy Reference	P.02	
Related Legislation		
Related Documents		
Initial Adoption Resolution		18 June 2020
Amendment Record	Included in the policy manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD3 – Outbuildings

### 1. Policy Intent

- 1.1. This policy seeks to guide the development of outbuildings proposed to be used for:
  - a) Domestic storage incidental to a dwelling; and
  - b) Where appropriate in accordance with Scheme 2, intensive uses such as cottage industry, commercial, rural industry, light industry, transport depot and stables.
- 1.2. This policy also seeks to minimise adverse impacts outbuildings may have on a locality.

### 2. Policy

#### 2.1 Scope

- a) This policy seeks to cater for a need for larger outbuilding space to accommodate intensive uses (commercial and industrial).
- b) This policy does not apply to:
  - Structures without a solid roof (shade cloth and arbours).
  - Structures attached to a dwelling; and
  - One structure (garden shed) with a floor area of 10m<sup>2</sup> or less and under 2.4m in height.

#### 2.2 Definitions

**Outbuilding** - For the purpose of this policy and in keeping with the Western Australian Planning Commission (2012) Residential Design Codes, outbuildings are structures that are non-habitable and not attached to a dwelling and may include sheds, gazebos, carports, sea-containers and shade houses.

**Height** - When measuring the height of an outbuilding, measurements are to be taken from the natural ground level to the highest point of the wall or roof top, whichever is applicable.

**Maximum Area** - The maximum area of an outbuilding is the combined total roof area of all existing and proposed outbuildings.

#### 2.2 Policy Provisions

- 2.2.1 Outbuildings shall not be considered on a 'Residential' zone lot unless:
  - a) There is an existing Class 1 residential dwelling constructed on the lot; or
  - b) The outbuilding application is concurrent with an application for a habitable structure (dwelling).

2.2.2 Outbuildings shall be located away from the primary or secondary street towards the rear of the lot and where possible away from neighbouring dwellings. The exception to this rule applies to outbuildings fronting a street on 'Light Industrial', 'General Industrial' and 'Commercial' zone properties. In this situation, the fascia of the building is to incorporate a mixture of materials such as brick, glass and steel and design features (awnings) to improve the street appeal.

2.2.3 With the exception of 'Rural' zone properties, outbuildings exceeding 80m<sup>2</sup> shall be constructed out of low-reflective materials that blend with the landscape (dark blue, green, brown or red). The following colours are to be avoided as they are deemed to detract from the landscape and are considered highly reflective: Zinalume' Galvabond, White, Off-white, and Surfmist.

2.2.4 Sea containers may be considered where:

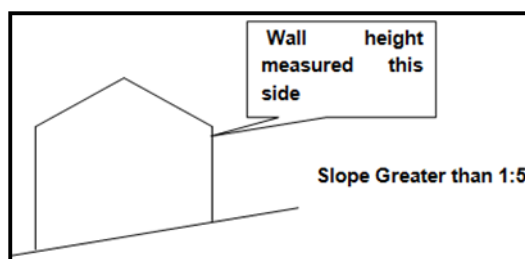
a) Plans indicate measures to make more visually appealing such as:

- Painting and/or re-cladding to a colour and design similar to surrounding development; and
- Screening by planting trees or shrubs or by locating behind other development.

b) Neighbours have been consulted and comments considered manageable.

2.2.5 For mono-pitched roofs, the height of the wall on the high side may be relaxed by up to 400mm.

2.2.6 For slopes greater than 1 in 5, the max wall height may be determined at the higher point of the site where the land has not been subject to cut and/or fill.



2.2.7 Where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported.

2.2.8 The design and location of outbuildings shall comply with the following Table 1. Relaxations for setbacks may be considered subject to written confirmation by the adjoining landowner/s that they have no objection to the proposal.

**Table 1: Outbuilding Specifications**

Zoning	Max. Wall Height	Max. Ridge Height	Maximum individual outbuilding area (m <sup>2</sup> )	Maximum total outbuilding area (m <sup>2</sup> )	Set-backs
Residential and Urban Zone (Lots <500m <sup>2</sup> )	3m	4.2m	80	100	6m – Front & Secondary 1m – Side & Rear
Residential and Urban Zone (Lots 500m <sup>2</sup> – 1000m <sup>2</sup> )	3m	4.2m	100	120	6m – Front & Secondary 1m – Side & Rear
Residential and Urban Zone (Lots 1000m <sup>2</sup> or >)	3m	4.2m	120	200	6m – Front & Secondary 1m – Side & Rear
Special Rural Zone (Lots < 2ha)	4.2m	4.8m	200	300	Per Scheme Requirements
Special Rural Zone (Lots 2ha and >)	4.2m	4.8m	200	400	Per Scheme Requirements
Rural Small Holding	4.2m	4.8m	300	600	Per Scheme Requirements
Commercial Zone	6m	10m	Plot Ratio 1.0	Plot Ratio 1.0	Front - Per street character 5m – One Side 0m – Other Side and Rear (3m setback does not require fire wall)
Light Industrial Zone	6m	10m	Plot Ratio 0.5	Plot Ratio 0.5	5m Front 3m Rear 3m Side
General Industrial Zone	6m	10m	Plot Ratio 0.5	Plot Ratio 0.5	11m Front 10m Rear 5m Side
Rural Zone	Judged on merit			Per Scheme Requirements	
Special Use Zone	Judged on merit			Per Scheme Requirements	

Document Control		
Previous Policy Reference	P.04	
Related Legislation		
Related Documents	Western Australian Planning Commission (2012) Residential Design Codes.	
Initial Adoption Resolution		18 June 2020
Amendment Record	Included in the policy manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD4 – Bed And Breakfast Accommodation

### 1. Policy Intent

To facilitate alternative tourist accommodation types for a range of locations whilst maintaining the amenity of those locations for permanent residents.

### 2. Policy

#### 2.1 Definition

**Bed and Breakfast Accommodation** - means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

A short-term basis means that the accommodation may not be occupied by the same tenant/s for a continuous period of more than 4 months, or more than 4 months in a 12-month period.

A maximum of six guests shall occupy the premises at any one time dependent upon the maximum number of bedrooms approved by the Shire.

The Shire permits an exemption from this policy for residences which are used as Bed and Breakfast accommodation for special events held in the Shire, limited to a maximum of 10 days per annum for no more than 3 consecutive days and a maximum of two bedrooms being used.

**Appearance of Dwelling** – The use of Bed and Breakfast accommodation shall be incidental to the predominant use and nature of the dwelling. The appearance of the dwelling shall remain residential and shall not impact adversely on surrounding properties.

#### 2.2 Minimum Standards / Conditions

2.2.1 The owner / manager of the Bed and Breakfast accommodation will reside on-site.

##### 2.2.2 Bedrooms

- a) Maximum 3 bedrooms for guest purposes. (maximum of 2 guests per room).
- b) No guest bedroom shall have openings to any other bedroom or facilities not for the use of guests.
- c) Rooms to be suitably furnished for number of guests.
- d) Rooms to be kept clean at all times and supplied with clean linen.
- e) Rooms to be provided with lockable door.

- f) Guest bedrooms shall be for guest purposes only.

### 2.2.3 Bathroom /WC

- a) Bathrooms / WC to be either shared facility for exclusive use by guests only, or private en-suite facility off bedrooms, or a combination of both.
- b) Bathroom / WC to have smooth and impervious surfaces throughout and shall be kept clean at all times.
- c) Hot and cold water shall be supplied at all times.
- d) Minimum facilities shall include bath and/or shower, hand basin and WC.
- e) Any shared bathroom or WC to be provided with lockable doors (please note that all WC doors should open outwards or be fitted with lift-off hinges).

*NOTE: Upgrading of plumbing and wastewater disposal systems may be required if existing system is inadequate or substandard.*

### 2.2.4 Kitchen

- a) All floor, wall, bench, door, working area and ceiling surfaces shall be smooth, impervious and free of cracks and crevices at all times.
- b) Suitable facilities for the hygienic preparation, storage and cooking of food shall be provided to cater for the maximum number of guests likely to be accommodated (dependent upon room numbers).
- c) Preparation of meals to be the sole responsibility of the proprietor. Self-service cooking by guests is not permitted. The preparation of hot and cold beverages by guests is permitted.

### 2.2.5 Minimum Lot Size

The minimum lot size of a Bed and Breakfast accommodation in residential and urban zones is 800m<sup>2</sup>.

### 2.2.6 Car Parking

Any application for Bed and Breakfast accommodation shall be accompanied with a plan of a proposed car parking layout and demonstrate that adequate guest car parking facilities can be provided on the lot and in close proximity to guestrooms. No on-street car parking will be permitted for guest vehicles.

Two car parking spaces will be required for permanent residential use. One additional car-parking bay will be required for each guestroom. All car parking must be located behind the front setback.

The car parking bay shall not be less than 2.5m x 5.5m with a 6.0-metre-wide manoeuvring area in the case of 90° parking.

Establishments located on major arterial or distributor roads and/or within 40 metres of any intersection will require a car parking area that is signed so vehicles can leave and enter the site in forward gear. In other locations this is encouraged but not essential.

Car parking and access areas are to be constructed and drained to the satisfaction of the Manager Operational Services.

#### 2.2.7 Guest Lounge Room

The Shire encourages provision of a separate guest lounge room although this is not a mandatory requirement.

#### 2.2.8 Fire Protection

The dwelling shall be provided with smoke alarms as per the Building Code of Australia. Required smoke alarms must comply with AS3786, be connected to the mains power and installed in every bedroom used by the guests and in all associated hallways leading to the guest bedrooms.

A 2.5kg dry powder fire extinguisher and fire blanket shall be supplied in the kitchen.

#### 2.2.9 Application

Written application for approval with accompanying site and floor plans shall be made in the form prescribed by the Scheme giving full details of number and type of rooms, total number of beds, all facilities provided for guests and car parking arrangements. The application must also include a drawing of the entire dwelling, demarcating area of guest facilities, car parking and locations for smoke alarms.

A preliminary inspection of the premises will be carried out prior to the application being presented to the Council.

An application fee as set in the Shire's budget shall be attached to the application

#### 2.2.10 Licence

A Bed and Breakfast accommodation may be subject to an annual inspection.

Upon planning approval being given, a planning consent will be issued requiring the standards outlined in this policy and any other condition that the Council sees fit to impose shall be complied with prior to the accommodation being occupied. The planning consent shall be regarded as the licence.

The applicant shall arrange for a final inspection to be carried out so that compliance of all conditions can be determined.

Any building extensions, additions or alterations to increase the number of guest rooms within the scope of this policy will require the licence conditions to be modified to reflect the increase in the maximum number of guests permitted.

The planning consent and approval shall not be transferable to another site.

<b>Document Control</b>		
Previous Policy Reference	P.05	
Related Legislation		
Related Documents		
Initial Adoption Resolution		18 June 2020
Amendment Record	Include into the Policy Manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD5 – Farm Chalet

### 1. Policy Intent

To determine the requirements and standards relating to the development of Farm Chalets in the 'Rural' zones.

### 2. Minimum Standards / Conditions

#### 2.1 Maximum Density

The proponent shall provide for a minimum of two (2) ha per chalet.

#### 2.2 Access and Car Parking

The proponent shall provide appropriate access and carparking:-

- a) Two car parking spaces being provided for each chalet and constructed to a gravel pavement finish (currently worded: 'constructed, properly drained and sealed') and properly drained to the satisfaction of the Chief Executive Officer (CEO).
- b) Access being approved by the CEO and crossovers constructed to the Council's design specifications and levels.

#### 2.3 Water Supply

The proponent shall provide a minimum of eighty thousand (80 000) litres per annum per chalet.

#### 2.4 Fire Prevention Measures

The proponent shall comply with the Shire's Firebreak Order. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided in each individual kitchen.

#### 2.5 Stormwater

All stormwater run-off from impervious surfaces being disposed of to the satisfaction of the Chief Executive Officer.

#### 2.6 Waste Water

The provision of a wastewater and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies.

#### 2.7 Building Code

The buildings shall comply with the Building Code of Australia.

#### 2.8 Fire Management

A Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the land.

## 2.9 Minimum Facilities

The following minimum facilities shall be provided in each chalet:-

- Toilet
- Bathroom (may be combined with toilet)
- Kitchen
- Living Area
- Laundry facilities (may be provided as a single detached facility for common use where more than one (1) chalet is approved) a maximum of fifty (50) metres from each chalet.

## 2.10 Location

Proponents are encouraged to locate chalets at least 100 metres away from neighbouring rural property boundaries to reduce any future potential conflict.

<b>Document Control</b>		
Previous Policy Reference	P.06	
Related Legislation		
Related Documents		
Initial Adoption Resolution		18 June 2020
Amendment Record	Inclusion into Policy Manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD6 – Feedlots Animal Husbandry - Intensive

### 1. Policy Intent

This policy applies to an application for a feedlot in the Rural Zone.

This policy builds on the Shire's Scheme objective in clause 1.5 to protect the potential of agricultural land for primary production and to preserve the landscape and character of rural areas.

As rural land within the Shire is a limited resource, the natural environment and the amenity of people's lifestyle need to be maintained.

This policy aims to ensure that feedlots do not adversely impact on the rural activities carried out on the land and neighbouring farms.

### 2. Definition

Section 5.5.1 of the *Shire of Boyup Brook Health Local Law 2004* (the Health Local Law) interprets, for the purpose of Division 5 of the Health Local Law, feedlot and animals to mean as follows:-

5.5.1 *For the purpose of this division—*

*“feedlot” means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;*

*“animal” includes sheep, lambs, goats, deer, cattle and buffalo;*

*“birds” includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.*

Clause 2 in the Shire's Town Planning Scheme 2 (the Scheme) defines animal husbandry - intensive as follows:

#### 2. Land use definition

In the Scheme

**“Animal husbandry – intensive** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.

For the purpose of this policy, a feedlot is a confined yard area with watering and feeding facilities where the raw material (the stock animals), is completely hand or mechanically fed for the purpose of production, i.e. to add muscle/meat to their frame and optimise fat cover in preparation for slaughter (finishing).

This expanded definition of a feedlot excludes:

- The feeding or penning of (stock) animals in this way for weaning or dipping.
- Maintenance feeding, e.g. confining and feeding to maintain the condition of, e.g. breeding (stock) animals; or
- Similar husbandry purposes e.g. for drought or emergency feeding; or

- At a slaughtering place or in recognised saleyards.

## Development

This type of land use deemed by Council to be a 'AA' use under the Scheme defined as:

'AA' A use which Council, in exercising the discretionary powers available to it, may approve under this scheme which may require that the following to be carried out.

### 3.5 Advertising of Applications

- .5.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 3.5.3.
- .5.3 Where the Council is required or decided to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:
  - a) Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.
  - b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.
  - c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this sub-clause.

## 3. Application

Applications shall be made to the Council in the form required by the Scheme and must include an accurate map of the property with all relevant distances indicated.

## 4. Site Selection

- a) Not within 5 kms of a gazetted Townsite with the Council having discretionary powers to approve sites less than 5 kms.
- b) Gently sloping land, generally no greater than 1:20 but not less than 1:100.
- c) Sandy loam soils with sufficient infiltration to avoid surface ponding and reduce run-off. Coarse sand is not suitable.

- d) Minimum groundwater clearance of 3m.

## 5. Establishment and Management Requirements

- a) Establish trees and shrubs in dense belts so as to create a windbreak and general screen.
- b) For cattle, the recommended stocking rate of area will be 9-25m<sup>2</sup> /head, dependent on soil types and rainfall.
- c) Drainage should be designed to divert all uncontaminated stormwater from the general waste stream.
- d) Solid and liquid waste shall be disposed of so as not to be detrimental to the environment.

5.1. Dependent on stock numbers the following methods of disposal may need to be incorporated:

a) Liquids

- i. Evaporation ponds.
- ii. Irrigation dependent on soil's ability to absorb nutrient, maximum infiltration rate in winter and nutrient loading the wastewater.
- iii. Disposal area to be rested at least 14 days after application.

It should be emphasised that liquid wastes produce considerable odour when aerated by spray irrigation which may limit some methods.

b) Solids

- i. Spread evenly by suitably designed machinery so as not to create a nuisance (flies, odours).
- ii. Area to maintain vegetation cover and application rate does not exceed 30 tonnes/ha/yr.

## 6. Buffer Distances

Separation distances (Including Waste Disposal Areas)

Townsites	5000m
Residence	1000m – less by Council approval
Road	50m
Property Boundaries	50m
Designated Water Catchment Area	Not Permitted
Water Courses – Major	300m
Water Courses – Minor	100m

Stock and domestic supplies 300m

<b>Document Control</b>		
Previous Policy Reference	P.07	
Related Legislation	<i>Legislation Environmental Protection Act 1986, and Regulations 1987.</i>	
Related Documents	Shire's Town Planning Scheme 2. Department of Primary Industries and Regional Development Industry guidelines and factsheets	
Initial Adoption Resolution		18 June 2020
Amendment Record	Inclusion into Policy Manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD7 – Naming New Roads

### 1. Policy Intent

To determine the process for naming new roads.

### 2. Policy

- a) Name duplication with local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
- b) Names of living individuals shall not be used.
- c) Names characterised as follows are to be avoided:

Incongruous given/first names\*; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminating names; company names; or commercialised names.

- d) Preferred sources of names include:

Aboriginal names; pioneers of the State or area; war casualty list; thematic names e.g. fauna, ships etc.

- e) Road names shall not be approved unless the origin of the name is clearly stated.

### 3. Names

Use of given / first names may be acceptable in special circumstances, e.g. when to people with the same name are valid sources for a road name, or a surname is not appropriate for some reason.

But: Use of the surname will normally have priority, particular attention will be paid to explanation of origins honouring the same person more than once will be avoided.

Further research into local history and identities has resulted in the following suggestions as an initial schedule of suggestions:

That Council endeavours to add “suggested names” to its policy P.08 by advertising for submissions in the Boyup Brook Gazette and by survey of honour boards and memorials in the Shire of Boyup Brook. The updated list is then to be submitted to Landgate for approval.

Hales	The ‘Hales’ name has been synonymous with the district for 100 years. Mr Wally Hales was a major contributor to promoting Boyup Brook as a tourist destination for many decades. (Name added in November 2005).
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Fuller	Harry Fuller took up 700 acres in the district in 1902. He was an excellent teamster and carted regularly by contract. His team of horses was
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commented on favourably for many years. He and his wife raised ten children.

Geographic names may not accept the use of Fuller Road due to the proximity of Fullerton Road, Catterick – previous request to approve denied by Geographic Names.

Gregory After AC Gregory – first white man to the District and Famous Explorer.

Geographic Names may not accept the use of Gregory Road due to the proximity of Gregory Street in Dinninup – previous request to approve denied by Geographic Names.

Lloyd After JR Lloyd – Elected Members 1961-67, 68-89, 91-93, Shire President 1976-1982. Geographic Names may not accept the use of Lloyd Road due to the proximity of Lloyd Road in Darkan – previous request to approve denied by Geographic Names.

Moore After CL Moore – Elected Members 1974 – 1988, Shire President 1982-1987. Geographic Names may not accept the use of Moore Road due to the proximity of Moore Street in Wilga – previous request to approve denied by Geographic Names.

Moulton Matt Moulton took a position of Land Guide in the Scott's Brook area of the Upper Blackwood District in 1892. He took up land there and developed it. He was an excellent horseman and expert bushman and is credited with providing sound advice to new settlers.

Geographic Names may not accept the use of Moulton due to the proximity of Moulton Road in Bridgetown – previous request to approve denied by Geographic Names.

Smith Harry Smith and his family arrived in the district in 1909 and took up land at Scotts Brook. Before the land became productive he earned a living carting and dam sinking with a bullock team. His daughter Amy married Charles Jennings and the family remain in the district today.

Geographic Names may not accept the use of Smith due to the proximity of 12 other uses in adjoining Shires – previous request to approve denied by Geographic Names.

Sinnot William Sinnott came to the Upper Blackwood district in 1896 and settled near Mayanup. He was a public minded person, involved in sport, business associations and a member of the Roads Board from 1918-1934.

Wauchope Mr Wauchope was one of the best known teachers at the Boyup Brook School in the early days. He taught there from 1903-1912 and again 1917-1925. He assisted Mr Proctor put down the first tennis courts in town in

1904. Mrs Wauchope ran the first unofficial post office in Boyup Brook from the school house.
- Millington** Ray & Ivy Millington and their three children moved to Boyup Brook in 1948. Ray commenced employment with the Upper Blackwood Road Board as grader driver, relief engineer and mechanic. Their first home was situated in Bridge Street Boyup Brook.
- Letchford** The Letchford family have been farming over 100 years in the Boyup Brook District.
- Henry George Letchford was a public minded person who was President of the Soccer Association and instigated the establishment of the Boronia Gully School for local children. Mr Letchford developed a top Jersey dairy herd and won several Champion trophies at local shows.
- Dent** George Perkins Dent saw huge potential in the Boyup Brook area and bought many thousands of acres of farmland on the banks of the Blackwood River. He funded moving the rest of his family from SA to Boyup Brook. His parents and remaining 5 siblings and 1 foster child, all packed up and moved to the prospering area and became early settlers of the town of Boyup Brook.
- Affleck** The Affleck family have lived in and around Wilga since at least 1909, when William and Isobella married in the new Wilga Hall. The Affleck family have owned land in Wilga since 1914. Members of the Affleck family have fought in many of the Wars that Australia was involved with. Five members of the Affleck family played in the Wilga Tennis, Cricket and Golf Clubs.
- Broadhurst** John Heslop Broadhurst (1904 – 1984)  
1929 - In partnership with Mr. Tom Brockman, began farming Bushley Park. The farm gate was situated on Parson's Swamp Road (RMB 141) and then consisted of locations 1831 (homestead block), 1832, 1833, 1864, 2132, 2251 and 2291.  
1934 – Married Bessie (known as Betty) Earnestine Randall, bought Tom Brockman out by 1936 and continued to farm the property till 1976.  
1939 – Manpowered during the war and seconded to manage the property know as Roxburgh owned by Bill Inglis who was called up and reinstated as an officer in the army for the duration of the war.  
1946 – Foundation member and Vice President of the Mayanup Progress Association.  
1950 – Foundation member and President of the combined Mayanup Progress Association and Farmers Union.
- Foundation Member of the Mayanup Race Club Chief Judge and Secretary for many years Judged horse racing at Kulikup.
  - Long standing member of the School Bus Committee.
  - Played tennis both at Mayanup and Boyup Brook.

- Played golf at Brancaster (the Whistler farm, Whistler Road Mayanup).
  - Foundation Member of the present Boyup Brook Golf Club Inc.
    - President for a number of years
    - Executive member in various other roles.
  - Foundation Member of the Boyup Brook Bowling Club
    - Served as an executive member in various roles over a number of years and Captain
    - Remained a playing member to his death.
  - Foundation and Life member of the Boyup Brook Club Inc.
    - Served on Committee for many years.
    - Remained a member to his death
  - Member of the CO-OP Board for several years.
  - Ran a Corriedale stud for 10 years.
- 1984-11-11 - Died in the Boyup Brook Soldiers Memorial Hospital from chronic bronchitis.

<b>Document Control</b>		
Previous Policy Reference	P.08	
Related Legislation		
Related Documents		
Initial Adoption Resolution		18 June 2020
Amendment Record	Inclusion into policy manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD8 – Extractive Industry

### 1. Policy Intent

The objectives of the Extractive Industry policy are:

- a) To minimise the operational impacts of extractive industry including erosion, dust, noise, spread of dieback, vibration, drainage (stormwater, flooding, dewatering and pollution) and land clearing on neighbouring land uses and infrastructure (roads) by the application of development standards and operational requirements.
- b) To protect and maintain, wherever reasonable, the existing landscape character, groundwater and surface water resources, natural resources, general amenity of the Shire of Boyup Brook and productive agricultural land use by the appropriate location and operation of extractive industries.
- c) To allow extractive industries in areas where the road infrastructure is compatible with the expected road usage, or the road network can be upgraded by the proponent to meet appropriate standards.

### 2. Policy

The extraction of materials such as sand, limestone, rock or gravel is administered by the Local Government through the granting of Development Approval under *Local Planning Scheme No.2*.

Approvals are granted to the land/Lot(s) and responsibility for compliance with any conditions, rests with the landowner.

This policy does not apply to:

- a) Mineral extraction under the *Mining Act 1978*.
- b) Extraction of basic raw materials on Crown land vested for that purpose.
- c) Extraction of materials exempt under the *Public Works Act 1902*.
- d) Materials extracted from a lot and then used at the same lot for general purposes such as, re-sheeting internal farm access roads, re-contouring the land to fulfil a subdivision approval or for housing construction.

*Note:*

**Minerals** means naturally occurring substances obtained or obtainable from any land by mining operations carried out on or under the surface of the land, but does not include:

(a) soil; or

(b) a substance the recovery of which is governed by the *Petroleum and Geothermal Energy Resources Act 1967* or the *Petroleum (Submerged Lands) Act 1982*; or

- (ba) without limiting paragraph (b), geothermal energy resources as defined in the Petroleum and Geothermal Energy Resources Act 1967 Section 5(1); or*
- (c) a meteorite as defined in the Museum Act 1969; or*
- (d) any of the following substances if it occurs on private land —*
  - (i) limestone, rock or gravel; or*
  - (ii) shale, other than oil shale; or*
  - (iii) sand, other than mineral sand, silica sand or garnet sand; or*
  - (iv) clay, other than kaolin, bentonite, attapulgite or montmorillonite.*

Landholder obligations in relation to a development approval for an extractive industry are transferred to any new owners of the land. Responsibility rests with the landholder to notify prospective landholders of obligations in relation to any extractive industry and to resolve any bond agreements.

### 3. Legislative Context

The following documents apply to extractive industries:

- a) State Planning Policy No.2.4 – Basic Raw Materials.
- b) EPA Guidance Statements No.3, 51 & 56.
- c) Department of Environment and Conservation Guideline for the Development and Implementation of a Dust Management Program 2008.
- d) EPA Guidelines for the Prevention of Dust and Smoke from Land Development Sites in Western Australia 1996.
- e) *Environmental Protection (Noise) Regulations 1997.*
- f) *Environmental Protection (Clearing of Native Vegetation) Regulations 2004.*
- g) WAPC – Basic Raw Materials Proponents' Manual 2009.
- h) *Rights in Water and Irrigation Act 1914.*
- i) *Country Areas Water Supply Act 1947.*
- j) *Water Agencies (Powers) Act 1984.*
- k) State Planning Policy 2.9 Water Resources.
- l) Operational Policy 4.3: Identifying and establishing waterways foreshore areas (DoW September 2012).
- m) Decision process for stormwater management in WA.

- n) Stormwater Management Manual for Western Australia (DoW 2004–2007).
- o) Water resource considerations for extractive industries (DoW June 2014).
- p) Water quality protection note 15 - Extractive industries near sensitive water resources (DoW August 2013).
- q) State Planning Policy 2.8 – Bush Forever, and
- r) Local Planning Scheme No.2, which requires:
  - i. Development approval for all extractive industries may only be considered for properties zoned 'Rural'.
  - ii. The Council resolved to delegate the Chief Executive Officer of the Shire of Boyup the authority to deal with application(s) for Development Approval made for an extractive industry subject to complying with the following condition:
    - a) The Chief Executive Officer exercising the power delegated pursuant to the granting of Development Approval for an application for an Extractive Industry, shall comply with the provisions of the Scheme and Extractive Industry Policy governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

*Note: This delegation is valid until such time that the Council passes a resolution to revoke or amend the delegation.*

#### 4. Definitions

**Extractive Industry** (scheme definition); means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining.

#### 5. Procedures

##### Information to be provided on application

An application for planning approval must include the following matters:

- ✓ Tick box to verify completion.
- Complete Development Application Form.
- Attach a 'Development Plan' to the application Form.
- Development Plan illustrating proposed development including:
  - Operation Area (includes area for truck movement, area for storage of materials and topsoil and extractive area).

- Stages of extraction and rehabilitation of resource area, ordinarily occurring on a per hectare basis.
- Preferably min setback of 200m from dwelling(s) located on neighbouring properties (not inclusive for dwellings on property where extraction proposed).
- 40m setback to roads.
- 20m setback to neighbouring boundaries; and
- 50m setback to creeks/rivers/waterbodies/dams, unless a greater or lesser setback is determined in accordance with the Department of Water's Operational Policy 4.3: Identifying and establishing waterways foreshore areas (DoW September 2012).

### **Refer to (example) Development Plan Attached**

- Where vegetation needs to be cleared, attach an approval notice from the Department of Environment Regulation. Note that clearing exemptions do not apply to extractive industries.
- For extractive industry proposals in water source protection areas, information should be sought from the Department of Water as to appropriate development and operational standards.

*Note:*

*Stages proposed for extraction and rehabilitation may be restricted at the discretion of the Shire to appropriately manage:*

- *Rehabilitation;*
- *Scarring of the landscape; and*
- *Erosion.*

### **Action having obtained approval and prior to the Extraction of resources**

A development Approval may include conditions to be completed prior to commencing development. Conditions may pertain to the following:

- a) A bond/bank guarantee may be requested by the Shire. The Shire will determine the bond/bank guarantee amount. The bond/bank guarantee may be used to resolve environment and road impediments resulting from the extractive industry. Impediments may include:
  - i. Re- instatement of fill and/or topsoil.
  - ii. Weed management.
  - iii. Repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic resulting from the extractive industry; and
  - iv. Erosion resulting from stormwater and wind.
- b) Top soil to a depth of 150mm (unless otherwise approved by the works manager) is to be removed in stages from the resource area, and stored for use in staged rehabilitation.

- c) A ‘Permit for Vehicle Crossover Construction’ may-be required and the crossover constructed, prior to any extraction.
- d) Where clearing of vegetation is necessary to accommodate the extractive industry, clearing is to occur in accordance with a permit issued by the *Department of Environment Regulation*.

### Ongoing Conditions

A Development Approval may include conditions that run for the life of an extractive industry. Conditions may pertain to the following:

- a) The owner/applicant is to ensure that operations occur in accordance with the approved ‘Development Plan’ and development conditions. Compliance includes:
  - i. Staying within Development Area boundaries – as per plan.
  - ii. Extraction on a per hectare basis (1 hectare at a time).
  - iii. Measures taken to suppress and minimise erosion; and
  - iv. Progress of rehabilitation undertaken and completed per 1 hectare.
- b) Any offsite fill, used to facilitate rehabilitation, must be clean fill, which includes material that will have no harmful effects on the environment.
- c) If the extraction site is located within a Priority Water Catchment Area, rehabilitation shall not be achieved through importing fill. Rehabilitation of landfills should be conducted primarily with sand and loam to a depth generally not exceeding two metres and may involve the use of neutralised peat or acid sulphate soils or other organic matter to aid soil structure, but not as the main ingredients.

### Completion of Extraction

At the completion of extraction, the site is to be rehabilitated to the satisfaction of the Shire of Boyup Brook. At the discretion of the Shire of Boyup Brook, the bond/bank guarantee is either:

- a) Returned to the proponent once rehabilitation is completed to the satisfaction of the Shire of Boyup Brook; or
- b) Used to rehabilitate the site to the satisfaction of the Shire of Boyup Brook.

Document Control	
Previous Policy Reference	P.09
Related Legislation	<i>Mining Act 1978, Public Works Act 1902.</i>
Related Documents	



Initial Adoption Resolution		18 June 2020
Amendment Record	Inclusion into Policy Manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End

## Policy PD9 – Container Deposit Scheme Infrastructure

### 1. Background

Local governments were encouraged by the State Government (Position Statement – May 2019) to adopt a local planning policy to ensure that specified infrastructure associated with depositing containers (for recycling purposes) are exempt from the requirement to obtain development approval.

There are broadly five types of infrastructure to facilitate the return of containers in WA. These are:

- Container collection cages: - donation points associated with schools etc.
- In shop / over-the-counter / bag drop return points: - retail outlet where participants can deposit individual containers or bags of containers that are collected and returned to a retailer.
- Reverse vending machines.
- Container deposit recycling centres, and
- Large scale facilities.

### Purpose

The purpose of this policy is to:

- Provide guidance around the development of infrastructure associated with recycling products (Containers); and
- To provide an exemption in accordance with Clause 61(1)(i) and (2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 from the requirement to obtain development approval for container deposit scheme infrastructure proposals which satisfy minimum development standards.

### 2. Building Approval

Notwithstanding that development approval may not be required for the development of some forms of Container Deposit Scheme (CDS) infrastructure, a building permit may be required to be sought and issued prior to container deposit scheme infrastructure being erected on site.

Accordingly, proponents should liaise with the relevant local government noting that a Building Permit is required for any building or structure not listed by Schedule 4 of the Building Regulations 2012, which deals with building work for which a building permit is not required.

### 3. Objectives

The objectives of this policy are to:

- Ensure the location, design and siting of infrastructure associated with depositing containers (CDS), is complementary to the character, functionality and amenity of urban localities.

- Prevent negative impacts on local amenity from the operation of CDS infrastructure.
- Enable the timely, cost-effective delivery of essential CDS infrastructure.
- Provide conveniently located infrastructure to ensure the CDS' effective reduction of litter, increased recycling and protection of the environment.

#### 4. Definitions

**The Heritage Act** Means the *Heritage of Western Australia Act 2018*.

**The Regulations** Means the *Planning and Development (Local Planning Schemes) Regulations 2015* prepared under the *Planning and Development Act 2005*.

**The Noise Regulations** Means *Environmental Protection (Noise) Regulations 1997* (as amended) prepared under the *Environmental Protection Act 1986*.

**The Scheme** Means the Shire of Boyup Brook Local Planning Scheme No.2.

**Container Deposit Scheme Infrastructure** Means a reverse vending machine or a container collection cage.

**Reverse vending machine** Means a permanently located unattended device that accepts empty beverage containers, and is incidental the predominant land use.

**Container collection cage** Means a cage, or other structure, that is designed to store containers deposited at return points and is incidental to the predominant land use.

**Total lot area** Means the total land area of a freehold or survey strata lot.

#### 5. Statutory Provisions

- a) Development approval will not be required for container deposit scheme infrastructure proposals that comply with the provisions of this policy, in accordance with Clause 61(1)(i) and (2)(e) of the deemed provisions of the scheme provided for by the Regulations, unless the development is proposed on land in a place that is:
  - i. Entered in the Register of Heritage Places under the *Heritage Act 2018*; or
  - ii. The subject of an order under Part 6 of the *Heritage Act 2018*; or
  - iii. Included on a heritage list prepared in accordance with the Scheme; or
  - iv. Within an area designated under the Scheme as a heritage area; or
  - v. The subject of a heritage agreement entered into under Section 29 of the *Heritage Act 2018*.
- b) Container deposit scheme infrastructure proposed to be erected on a temporary basis of not more than 48 hours within a 12-month period are typically exempt from approval, as per the requirements of 61(1)(f) and (2)(d) of the deemed provisions provided in the Regulations and contained within the Scheme. As such, the policy provisions would not apply.

#### Specified Exemption

- c) The development or operation of a large reverse vending machine does not require development approval where it to comply with all the relevant development standards

outlined below (unless otherwise agreed by the local government), and may take place in any zone, with the exception of:

- i. Residential; and
  - ii. Rural, special rural, and rural smallholding zones.
- d) The development of a container collection cage does not required development approval where it complies with all the relevant development standards outlined below (unless otherwise agreed by the local government), and may take place in any zone, including a residential or rural zone or public purpose reserve where the land is lawfully used for the purposes of:
- i. Civic use.
  - ii. Community purpose; and / or
  - iii. Educational establishment.

## Development Standards

### General

- e) Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not result in any change to the approved land use in a way that would result in the use no longer complying with any relevant development standards and/or requirements of the Scheme.

### Location

- f) Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not be erected within 10 metres of an adjoining lot boundary that accommodates a residential use.
- g) Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not obstruct the operation of, or access to, any utility services on the land on which the infrastructure is located or on adjacent land.
- h) Where the development of a large reverse vending machine and/or container collection cage is proposed, to preserve pedestrian and vehicular sightlines, and servicing access, the infrastructure must not be erected within two (2) metres of any road reserve or right-of-way intersection or crossover, and shall be located in such a way that it does not reduce existing car park sightlines, aisle widths and manoeuvring spaces.
- i) Where the development of a container collection cage is proposed, the collection cage must be located in a car park or service area to be visually unobtrusive, and must be secured, locked and immovable.

### Visual Amenity

- j) Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, placement of the infrastructure must not result in the removal of any vegetation, landscaping or street tree.
- k) Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must be constructed and clad with low-reflective, graffiti resistant materials, which provide protection from the elements and, where not consisting of promotional or branding material approved under the operation of the container deposit scheme, are consistent in colour and finish to that of nearby existing buildings.
- l) Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must not display any advertising signage other than promotional or brand signage approved under the operation of the container deposit scheme.
- m) Where the development of a large reverse vending machine is proposed outdoors, and the infrastructure exceeds a development footprint of 10 square metres, bins for the removal of waste or recyclable materials not accepted by the infrastructure are to be provided, and serviced regularly to maintain the amenity of the area, at a rate of one (1) waste bin and 0.5 recycling bins (both 240L in volume) per 10 square metres of development footprint.

### **Operational Amenity**

- n) Where the development of a large reverse vending machine and/or container collection cage is proposed, the operation of the infrastructure must not prejudicially affect the amenity of the locality due to the emission of light, noise, vibration, electrical interference, smell or any other by-product.
- o) Where the development or operation of a large reverse vending machine is proposed adjacent to land that accommodates a residential use, the machine must operate only between the approved opening hours of the predominant land use, or in the absence of any other use:
  - i. Between 7:00 am and 7:00 pm Monday to Saturday; and
  - ii. Between 9:00 am and 7:00 pm on Sunday and public holidays.
- p) Where the development or operation of a large reverse vending machine is proposed, the reverse vending machine when in operation must not emit noise at a level which exceeds any requirement(s) under the Noise Regulations.
- q) Where the development or operation of a large reverse vending machine and/ or container collection cage is proposed, the infrastructure must be provided with lighting that complies with AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting–Performance and design requirements (as amended).

- r) Where the development or operation of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must be accessible to any person with a disability.

### Development Footprint

- s) Where the development of a container collection cage is proposed outdoors, the cage must not:
- i. Have a development footprint of more than eight (8) square metres; or
  - ii. Be more than two (2) metres in height.
- t) Where the development of a large reverse vending machine is proposed outdoors, on land not used for car parking, the machine must not:
- i. Have a development footprint of more than 45 square metres, and
  - ii. Be more than three (3) metres in height or have dimensions greater than eight (8) metres by six (6) metres.
- u) Where the development of a large reverse vending machine is proposed within an existing car park comprising more than 40 car parking spaces, the area occupied by the reverse vending machine must not exceed the greater of the following areas:
- i. The area comprising four (4) car parking spaces; or
  - ii. 45m<sup>2</sup> where the car park contains 200 car parking spaces or less; or
  - iii. 74m<sup>2</sup> where the car park contains 200 or more car parking spaces.
- v) Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure shall be installed at a rate no greater than:
- i. Container collections cage – one (1) per lot.
  - ii. Large reverse vending machine proposed on land not used for car parking – one (1) per 15,000 square metres of total lot area; or
  - iii. Large reverse vending machine proposed in an existing car park comprising more than 40 car parking spaces – one (1) per 1000 car parking spaces.

<b>Document Control</b>	
Previous Policy Reference	P.11
Related Legislation	<i>Heritage Act 2018,</i> <i>AS/NZS 1158.3.1: 2005,</i> <i>Planning and Development Act 2005,</i>

	<i>Planning and Development (Local Planning Schemes) Regulations 2015,</i> <i>Environmental Protection (Noise) Regulations 1997 (as amended),</i> <i>Environmental Protection Act 1986.</i>	
Related Documents	Shire of Boyup Brook Local Planning Scheme No.2.	
Initial Adoption Resolution		18 June 2020
Amendment Record	Inclusion into Policy Manual	Res 24/10/227
Amendment Record	27 March 2025	CM 25/03/046
	<ul style="list-style-type: none"> <li>Revised: Heritage Act 2018 (Reflects the current legislation that replaced the 1990 Act on 1 July 2019).</li> </ul>	Various
	<ul style="list-style-type: none"> <li>Revised: Updated all references to the Heritage Act 2018, including in:</li> <li>Clause 6(a)(i) to (v), updating all provisions related to heritage-listed sites.</li> </ul>	Various

End

## Policy PD10 – Caravan Park

### 1. Introduction

This Local Planning Policy has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Boyup Brook Local Planning Scheme No. 2* (the Scheme).

The purpose of this policy is to provide guidance for applications for Caravan Parks in the Rural and Rural Townsite zones.

*Note: The Caravan Parks and Camping Grounds Act 1995 provides for the regulation of caravanning and camping. In accordance with the Act, caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation. The Caravan Parks and Camping Grounds Regulations 1997 provides for design criteria associated with caravanning and camping. In accordance with the Regulations, 'caravans, or caravans and camps', maybe classified as follows: Caravan park; Camping ground; Caravan park and camping ground; Park home park; Transit park; Nature based park.*

### 2. Objectives

This Policy aims to:

- Identify standards for the development of caravan parks and camping grounds in the Rural and Rural Townsite zones that properly mitigate adverse impacts on the surrounds.
- Enable the approval of small-scale caravan parks and camping grounds in appropriate circumstances.
- Clarify interpretations and exemptions in relation to facility requirements relating to 'nature based' parks.

### 3. Definitions

Definitions for terms used in this Policy are consistent with the Scheme, the Regulations and the *Caravan Parks and Camping Grounds Regulations 1997*. This includes:

**Caravan Park** – means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

**Nature Based Park** – means a Caravan Park developed in a natural setting as defined in the *Caravan Parks and Camping Grounds Regulations 1997*.

The *Caravan Parks and Camping Grounds Regulations 1997* define a nature based park as a facility in an area that –

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 m for a distance of 500 m or more; and
- (b) has been predominantly formed by nature; and

- (c) has limited or controlled artificial light and noise intrusion.

#### 4. Development Application Requirements

An application for approval is required to demonstrate to the satisfaction of the local government that the use/development:

- (a) will be incidental to the principal use of the land or is adjacent or within immediate proximity to a tourist attraction;
- (b) will not have any adverse effect on nearby land;
- (c) will result in the retention and enhancement of existing vegetation on the land;
- (d) will not adversely affect the visual character of the property and surrounds; and
- (e) is of a scale and nature so as to be self-sustaining on the lot or demonstrating the ability to provide servicing without significant modifications to existing infrastructure.

A management plan will need to be submitted showing:

- (a) waste management;
- (b) environmental impacts and sustainability
- (c) risk management and emergency response (e.g. bushfire)
- (d) traffic management.

In addition to the requirement for development approval, all caravan parks and camping grounds are required to apply for a license to operate and meet the servicing, infrastructure and safety requirements of the *Caravan Parks and Camping Grounds Regulations 1997*.

#### 5. Policy Provisions

The development and operation of a Caravan Park use (including duration of stay) shall be in accordance with the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Grounds Regulations 1997*.

**5.1** The development and operation of a Caravan Park use (including duration of stay) shall be in accordance with the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Grounds Regulations 1997*.

**5.2** All caravan parks on private property are to have a caretaker living on-site.

**5.3** Caravan parks should be located and developed so as to avoid impacting on landscape values.

This includes avoiding ridge lines, escarpments or visually exposed sites, being situated where screening by vegetation or landform can be utilised, and having buildings developed with a design, materials and colours that minimise visibility from off site.

**5.4** Caravan parks and associated infrastructure should be set back to neighbouring property boundaries, to ensure the lifestyle enjoyed by neighbours is not impacted (e.g. noise, visual and privacy).

**5.5** Contact details of the designated park manager/caretaker and an approved guest.

**5.6** Caravan parks, including nature-based parks, are to be provided with the following minimum level of services:

a) Water supply

A centrally located potable water supply is to be made available to service all sites. Where a reticulated water service is not available, this supply is to comprise of rainwater tanks with a capacity capable of accommodating guests (minimum capacity of 10,000 litres per caravan park).

In addition to a potable water supply, a permanent water supply of minimum 10,000 litres is to be provided on site and made available for fire-fighting purposes (accessible by a DFES approved coupling for emergency purposes only and with emergency vehicle access provided within 4 metres of the supply).

b) Rubbish collection

Bins for rubbish collection are to be provided at a minimum rate of 1 waste and 1 recycling bin per 4 caravan/ camping sites.

Details of bin storage areas and rubbish collection arrangements are to be provided within a park management plan.

c) Toilets/ dump point

Toilets are to be provided at a rate of 1 toilet per 10 sites or part thereof, except where a park is proposed to cater to self-contained vehicles only. Where a park is proposed to cater to self-contained vehicles only, a communal chemical soil waste dump point is to be provided:

- At a central location on site; or
- At an accessible location on an adjacent property, with access secured through an appropriate legal mechanism from the land owner.

On-site effluent disposal systems are to be provided to a standard approved by the Department of Health and the Local Government.

d) Access

A caravan park that is proposed to have more than 4 sites must have its primary access from a sealed road. Where primary road access to the site is not sealed, approval may be subject to a financial contribution for maintenance in accordance with the fees and charges.

## 6. Exemptions

6.1 Applications for a nature based park with a maximum of 4 sites and a limitation on the length of stay may apply for an exemption from the above minimum level of services.

6.2 Exemptions are subject to the provision of reasonable justification of why limited

services cannot be provided, including an environmental impact and sustainability plan.

<b>Document Control</b>	
Previous Policy Reference	New
Related Legislation	<i>Caravan Parks and Camping Grounds Act 1995</i>
Related Documents	
Initial Adoption Resolution	OCM Res 25/09/182 (no comment received during advertising)
Amendment Record	
Amendment Record	
	Various

End

## Policy PD11 – Renewable Energy Facilities

Draft Policy Currently Out for Consultation

### 1. Introduction

This policy applies to an application for a ‘Use Not Listed – Renewable Energy Facility’.

Renewable energy facilities in Western Australia are principally wind turbine and solar array systems.

‘Renewable Energy Facility’ means:

*premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.*

Requirements of this policy may vary dependent on the application type - wind turbine or solar array system.

### 2. Background

The *Western Australian Planning Commission’s State Planning Strategy 2050* <sup>[1]</sup> promotes renewable energy initiatives.

The placement and management of renewable energy facilities have become contentious issues in local communities across Western Australia. Concerns have been raised regarding the location of these facilities on agricultural land, their proximity to rural boundaries and residences, and their potential impact on right-to-farm practices such as aerial spraying activities (WALGA Research Paper October 2024) <sup>[2]</sup>.

### 3. Relevant Scheme Provisions

A ‘renewable energy facility’ is not defined in the Shire of Boyup Brook *Local Planning Scheme No.2*, nor is it listed in the Scheme’s Table 3: Zoning Table. A renewable energy facility therefore must be processed as a “Use not Listed” whereby the determining authority may:

- a. determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- b. determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- c. determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

The following scheme provision may be considered relevant in assessing proposals for renewable energy facilities:

### Table 2 – Zone Objectives

*Rural - To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*

9 – Aims of Scheme – e) require development, under a planning consent procedure, to achieve and maintain satisfactory standards of amenity

## 4. Policy Objectives

The purpose of this policy is to provide a framework for the assessment of renewable energy facilities in the Shire of Boyup Brook.

This policy seeks to ensure that:

- 1) The local community is engaged in the early stages of renewable energy facility planning by the proponent before lodgement of any formal development application. Consultation is also to be undertaken by the local government as a component of a development application.
- 2) Renewable energy facilities do not impact on rural activities (food production) and including associated aviation (for wind farms).
- 3) Renewable energy facilities do not impact on the potential for tourism in the Shire of Boyup Brook.
- 4) Satisfactory distances and buffers are considered to townsites, sensitive land uses, lot boundaries and future development of adjacent lots, considerate of noise (wind farms) and visual amenity.
- 5) Areas of visual significance are protected and that energy facilities are appropriately and sensitively sited.
- 6) The natural environment (remnant vegetation, flora and fauna) is not compromised.
- 7) Sensitive uses are not impacted by noise (wind farms), in accordance with the *Environmental Protection (Noise) Regulations 1997 (WA Noise Regulations)*<sup>[3]</sup>.
- 8) Road infrastructure is protected. The developer is responsible for the repair of any undue damage to public roads caused by movement of machinery associated with the development of a renewable energy facility.
- 9) Cultural heritage is considered. This may involve a review of registered sites and consultation with local Elders and the Wagyl Kaip Southern Noongar Aboriginal Corporation.
- 10) Bushfire hazards and bushfire risk management is considered in the development and ongoing operations of a renewable energy facility.
- 11) Decommissioning and remediation works is undertaken within 12 months of a renewable energy facility ceasing to operate.

## 5. Application Requirements

An application for a renewable energy facility must be accompanied by the following information, as appropriate:

- 1) Detailed specifications of the renewable energy system to be installed, including site plans detailing setbacks, access, floor plan and elevation plans for any building

structures (see section 6).

- 2) A Community and Stakeholder Engagement Plan (see section 7).
- 3) An Environmental Survey (see section 8).
- 4) A Visual and Landscape Impact Assessment (see section 9).
- 5) A Noise Impact Assessment and including a Noise Impact Mitigation Plan (Specifically relates to wind farms - see section 10).
- 6) A Cultural Heritage Impact Assessment (see section 11).
- 7) A Construction Management Plan (see section 12)
- 8) An Operational Management Plan (see section 13).
- 9) A Traffic Management Plan (see section 14).
- 10) A Bushfire Management Plan (see section 15).
- 11) An Aviation Impact Assessment (Specifically relates to wind farms - see section 16).
- 12) A Shadow Flicker Assessment (Specifically relates to wind farms - see section 17).
- 13) A Decommissioning Plan (see section 18).

## 6. Detailed Design

The design of the renewable energy facility should be presented in written and illustrative form, including details of:

- 1) Solar panel or wind turbine and blade design, including dimensions, height, colour and materials;
- 2) Layout, orientation and siting arrangements;
- 3) Road design;
- 4) Earthworks, vegetation clearing and rehabilitation areas;
- 5) Small-scale plans and cross sections showing the layout of infrastructure, ancillary buildings and equipment;
- 6) Power output and description of electrical specifications and connections; and
- 7) Operational and maintenance arrangements, including tourist management facilities and amenities.

The impact of renewable energy facilities on nearby property owners, road users, and the use of adjacent land should be addressed through the detailed design.

Wind farm proposals in-particular, should not have negative impact through:

- 1) Shadow flickering, reflection, or blade glint impacts beyond the boundaries of any lot subject to the application;
- 2) Unreasonable interference with normal agricultural or farming activities of nearby rural properties, such as aerial spraying.
- 3) Interference with existing lawful continued use of neighbouring land including intensive rural activities, and tourism uses; or
- 4) Proximity to established residential areas, whether the land is zoned residential,

rural residential or is residential by nature (smaller lots of a typical residential size containing dwellings). The amenity of urban and semi-urban areas and the rural character surrounding urban areas needs to be afforded a high level of protection.

The Shire will also consider any wind farm application under clause 5.3.5 (Public Aviation and Safety), 5.3.6 (Heritage), and 5.3.7 (Construction Impact), contained in the 'Western Australian Planning Commission Position Statement: Renewable Energy Facilities' (March 2020) <sup>[4]</sup>. Where there is a conflict between this Policy and the Western Australian Planning Commission Position Statement, this Policy shall prevail.

Council will also consider relevant sections of Guideline D of the 'National Airports Safeguarding Framework'<sup>[5]</sup> including clause 25 on consultation, clauses 26-29 on risk assessment, clauses 33-34 on lighting, clause 39 on wind monitoring towers, clause 41-42 on obstacle lighting and clause 43 on turbulence.

## 7. Community and Stakeholder Consultation

Renewable energy facility proponents must actively engage in early community and stakeholder consultation, prior to lodgement of any formal application. This includes early consultation with the Shire of Boyup Brook.

Consultation should demonstrate a commitment to providing clear information and ensuring opportunities for genuine input and delivering good planning outcomes.

Pre-lodgement consultation should be aimed at identifying and considering options for eliminating, reducing or otherwise managing impacts, not merely informing communities and stakeholders on the proposed layout.

The Shire expects that proponents will use a range of tools for community and stakeholder engagement. The Shire has a strong view that developers need to invest time and effort into positive community engagement and to build a relationship with nearby and adjacent owners, before any formal lodgement of an application.

This Policy requires applications for renewable energy facilities to address consultation comprehensively and including:

- 1) Lodgement of a detailed Community and Stakeholder Engagement Plan that outlines the outcomes of pre-lodgement community consultation, and a strategy for further consultation for the life of the development. The engagement plan should identify key stakeholders early in the project planning stage and provide them with regular written updates before lodgement;
- 2) The Community and Stakeholder Engagement Plan should incorporate the fundamental principles, actions and frameworks outlined in the Clean Energy Council 'Community Engagement Guidelines for the Australian Wind Industry'<sup>[6]</sup>; and
- 3) An outline of how landowners' and stakeholders' issues have been considered before lodging any formal development application.

Proponents should liaise with all relevant stakeholders early in the process including, but not limited to the Shire, Main Roads WA, Western Power, Civil Aviation Safety Authority, Air Services Australia, Royal Flying Doctor Service, Department of Fire and Emergency Services, Department of Planning, Lands and Heritage, Department of Water and

Environmental Regulation, Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development, Environmental Protection Authority, local aerial spraying contractors, unlicensed airstrip owners (within a five (5) kilometre radius of a turbine), any relevant incorporated local aeronautical associations, and any relevant local community groups.

## 8. Environmental Impact

Consistent with the Western Australian Planning Commission (WAPC) Position Statement on Renewable Energy Facilities<sup>[4]</sup>, this Policy requires applicants to address, avoid and minimise impacts of any renewable energy facility on the natural landscape, and environment, including flora and fauna.

Applications should be accompanied by an Environmental Survey of the site by a suitably qualified environmental consultant and address:

- 1) The type, location and significance of flora and fauna.
- 2) Any rare or endangered species.
- 3) Stopover sites, migration routes, and roosting or nesting sites for birds of conservation significance.
- 4) Location of bat colonies (for wind farm applications).
- 5) Areas of high raptor (bird of prey) activity (for wind farm applications).
- 6) Existing remnant vegetation to be retained or that is proposed to be removed (on a plan).
- 7) Distances to areas of habitat, remnant vegetation and areas of natural environment on a context plan, including conservation areas, reserves or crown land.
- 8) Maximising distances to bird conservation areas, breeding grounds of sensitive species and areas of remnant bushland that are likely high-value bird habitats or habitats for birds of conservation significance.
- 9) Methods to avoid bird collision such as increasing the visibility of rotor blades (where feasible), flashing lights, and keeping bird migration corridors free.

## 9. Visual and Landscape Impact

A Visual and Landscape Impact Assessment is required and shall:

- 1) Describe the appearance of changes in the landscape caused by the proposed renewable energy facility.
- 2) Identify the view of the renewable energy facility from key sensitive land uses, views from key locations of major roads and tourist routes (including rest areas), heritage places, tourist facilities, recreational reserves and areas utilised by the general public such as camping areas and walking trails.
- 3) Ensure photos in the report include a view of the existing landscape and a clear photomontage with the energy facility superimposed. Photomontages should include height dimensions to clearly show the scale.
- 4) Include all images in colour with a high-quality resolution.

- 5) Include a clear plan that shows the location of where each photo was taken, the direction it was taken, and the numbering of each photo location.
- 6) In addition to addressing this Policy, Visual and Landscape Impact Assessment should be undertaken in accordance with the WAPC 'Visual Landscape Planning in Western Australia' manual <sup>[7]</sup> and the 'Wind Farms and Landscape Values' (2005) published by the Australian Wind Energy Association and Australian Council of National Trust <sup>[8]</sup>.
- 7) Renewable energy facilities are required to be designed, sited and operated to minimise their visual impacts and off-site impacts and shall meet the following requirements:
  - a) For wind farms - a setback of two (2) kilometres between any wind turbine, measured from the tip of the blade, when at its nearest point from an existing dwelling on a neighbouring lot, that is not associated with the development. A lesser setback may be considered by the Council if agreed to in writing by the affected property owner(s) at the time of lodgement of a development application.
  - b) For wind farms - a setback of one (1) kilometre between any wind turbine, measured from the tip of the blade, when at its nearest point from a neighbouring lot boundary, that is not associated with the development. A lesser setback may be considered by the Council if agreed to in writing by the affected property owner(s) at the time of lodgement of a development application.
  - c) For wind farms - blades on wind turbines to rotate in the same direction and ensure that all turbines have uniformity in terms of colour, size, and shape.
  - d) Solar panels should be sited to reduce the likely impacts of glint and glare.
  - e) Implementation of landscaping within the development site to mitigate visual impact to the greatest extent possible from sensitive land uses. Locating energy facilities in flatter landscapes, where feasible, to reduce visibility due to shortening the visual perspective of the structures.

Landscaping outside of the lots being developed for a renewable energy facility is not accepted as being a practical mechanism for visual mitigation as conditions of planning approval cannot require works outside of the development site.

For the purpose of this Policy, the term 'sensitive land use' is as per the definition in the WAPC Position Statement on Renewable Energy Facilities <sup>[4]</sup> as 'land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and child care centres and generally exclude commercial or industrial premises.'

The Shire will also take into account the description of types of 'sensitive land use' as outlined in Clause 2.3 of the Environmental Protection Authority 'Guidance for the Assessment of Environmental Factors' <sup>[9]</sup>.

## 10. Noise Impact (Specifically for wind farms)

A Noise Impact Assessment shall be lodged with any wind farm proposal to demonstrate that it can meet the standards under the *Environmental Protection (Noise) Regulations 1997* (WA Noise Regulations) <sup>[3]</sup>.

The current version of the South Australian Environmental Protection Authority 'Wind Farms Environmental Noise Guidelines (2021 or its replacement)' <sup>[10]</sup> should also be

referenced for assessment purposes. It is accepted that wind farm noise can be generally masked by wind generated noise, and the assigned levels can then be calibrated by the wind generated noise, if it does mask the noise at the sensitive premises location.

The Noise Impact Assessment is to be completed by a suitably qualified acoustic consultant, and should address construction noise, predicted noise levels associated with a fully operational wind farm, including infrasound and ground vibration, and is required to be completed by an acoustic consultant.

The Noise Impact Assessment may reference information from:

- The Victoria State Government Health Department technical information report on 'Wind farms, sound and health' <sup>[11]</sup> which provides information explaining the characteristics of low- frequency sound; and
- The Environment Protection and Heritage Council draft 'National Wind Farm Development Guidelines' (2010) <sup>[12]</sup> which explains the characteristics of low-frequency noise and infrasound.

The Noise Impact Assessment must consider the location of any existing sensitive land use. Applicants should address in detail how turbines are located to minimise future land use conflict and noise impact on future sensitive land uses.

The WA Noise Regulations protect 'rural premises' and other sensitive land uses. There is a 'highly sensitive area' defined in the WA Noise Regulations, which is an area within 15 metres from the building associated with sensitive use (such as a dwelling). If an adjacent landowner decides to subdivide or build a second dwelling on their lot, the most stringent assigned noise levels would apply to any new second house.

An application shall address the following:

- 1) Commitment to providing a Noise Impact Mitigation Plan for post-operational noise monitoring, to demonstrate that any constructed wind farm complies with the WA Noise Regulations, and to manage complaints regarding noise impact during the operational phase of the development.
- 2) Ability to contain all 'noise buffers' within the development lot boundaries for long-term ongoing compliance with the WA Noise Regulations to accommodate future development of adjacent lots with sensitive land uses/highly sensitive areas, particularly any form of dwellings. This is to ensure any wind farm location is compatible with existing land uses and future development.
- 3) The term 'noise buffers' in this Policy means any predicted noise contour lines/emissions that are higher than those acceptable for a "highly sensitive area".

Note: if an adjacent landowner constructs a dwelling on their property after a wind farm is constructed, it is the wind farm operator that has to take action to ensure that any new dwelling or sensitive premises is not impacted by noise levels exceeding what is permissible for a 'highly sensitive area' under the WA Noise Regulations. Applicants will need to demonstrate that any wind farm will not limit any future rural land use or sensitive land use on existing lots that do not form part of the development application.

## 11. Cultural Heritage

An assessment of potential impacts to cultural heritage values is to be undertaken as follows:

- 1) Initial consultation with the Wagyl Kaip Southern Noongar Aboriginal Corporation;
- 2) A desktop assessment to determine the environmental context and Aboriginal history and any lodged or registered Aboriginal artifacts or heritage sites of the project investigation area;
- 3) A ground survey to identify the presence of Aboriginal cultural heritage in or associated with the project site;
- 4) Engagement with local Elders.

In the event of an Aboriginal Heritage Site being discovered during development, the site is to be preserved and managed as per regulatory requirements and the impending Noongar Standard Heritage Agreement.

## **12. Construction Management Plan**

A Construction Management Plan is to be submitted to address the following matters:

- 1) Standards and procedures for the construction of the development including the management of environmental emissions such as dust and noise;
- 2) Site disturbance should be minimised during construction through careful siting and measures to address erosion, drainage run-off, flooding, water quality, retention of remnant vegetation, stabilisation of top soil, and weed and disease hygiene;
- 3) Vehicle and machinery access and movement.

The transport of equipment and freight to the site should be carefully managed and may need to be coordinated with adjacent local governments. If ongoing disruption to traffic is likely to occur, police escorts may be required for the transport of large facilities.

Site clearance works, earth moving, cutting, filling and stockpiling of topsoil should be kept to a minimum wherever possible.

## **13. Operational Management Plan**

An Operational Management Plan is to be submitted indicating ongoing management of the site (e.g. management for bushfire) and including infrastructure and service road maintenance as required for the operation of the energy facility.

The Operational Management Plan should have regard to any environmental and landscape impacts.

If visitor facilities are planned as part of the development, additional services may be required, including gas, water, telecommunications and on-site or off-site sewage treatment.

When a site is decommissioned, the demolition work will need to be managed and the site should be reinstated to its original use and condition, or other agreed use.

## **14. Traffic Management and Protection of Roads and Infrastructure**

The Shire recognises that the development of renewable energy facilities may have

significant impacts on the condition and serviceability of the local road network, during the construction phase.

The Shire requires proponents of renewable energy facilities to be assessed for any road contributions for repairs or upgrades to sealed and/or unsealed roads managed by the Shire (Traffic Management Plan) because of construction or ongoing activities associated with the development beyond those considered normal day to day access and egress.

Reference should be made to the WAPC Transport Assessment Guidelines <sup>[13]</sup>.

The Traffic Management Plan should consider/include:

- 1) The MRWA - Operation and Maintenance Agreements to Access State Road Network <sup>[14]</sup>;
- 2) Route Assessments for the transport of dangerous goods on road networks;
- 3) Permit for vehicle and machinery access and movement for Restricted Access Vehicles – to the satisfaction of Heavy Vehicle Services – Main Roads WA (e.g. Transport of large wind turbine blades and towers).
- 4) A Road and Shire Infrastructure Condition Report, that identifies and records the conditions of any local roads and the Shire infrastructure that will be affected by any route for heavy vehicles and delivery trucks needed for the construction phase;
- 5) The costs associated with any damage caused to the roads or Shire infrastructure attributed to the construction phase of the development. Any damage shall be rectified by the developer to the standard identified in the pre-lodgement Road and Shire Infrastructure Condition report; and
- 6) All costs of any upgrading required for construction transport routes and/or the development.

The road contributions will be calculated based on the Western Australia Local Government Association's Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads <sup>[15]</sup>, which provides a fair and transparent method for determining the additional maintenance and reconstruction costs attributable to the increased heavy vehicle traffic generated by the wind energy facility development. Any contributions need to be consistent with the principles that underpin the State Planning Policy 3.6 – Infrastructure Contributions <sup>[16]</sup>.

The road contributions will be negotiated and agreed upon between the Shire and the developer before the approval of the development application. The road contributions will be paid by the developer to the Shire under the terms and conditions of the agreement.

## 15. Bushfire Management

A Bushfire Management Plan is to be provided for areas that fall within a Bushfire Prone Area. Reference should be made to State Planning Policy 3.7 – Planning in Bushfire Prone Areas <sup>[17]</sup>. It is also recommended that the developer review the Victorian Country Fire Associations document - Design Guidelines and Model Requirements for Renewable Energy Facilities v4 (2023) <sup>[18]</sup>, as this document provides a best practice approach to considering bushfire risk and fire safety measures in the design, construction, and operation of renewable energy facilities (including windfarms).

## **16. Aviation Impact Assessment (Specifically for wind farms)**

An Aviation Impact Assessment is to be submitted identifying aerodromes in the locality and potential flight paths that may occur as a result of night flying, aviation training, firefighting, recreation aviation, agricultural related activities and emergency services flying. Particular attention is to be paid to fire fighting water bombing requirements.

The Aviation Impact Assessment is to be undertaken by a qualified aviation consultant and is to demonstrate that turbines will not impact on aerial spraying activities of surrounding farms or unlicensed airstrips.

Any potential aviation safety risks identified require consultation with Civil Aviation Safety Authority (CASA), Air Services Australia and/or the Commonwealth Department of Defence.

## **17. Shadow Flicker Assessment (Specifically for wind farms)**

A Shadow Flicker Assessment is to provide an assessment of the potential for shadow flicker occurrence resulting from a proposed wind turbine at the nearest receptors.

Under certain combinations of geographical position, time of day and year, wind speed and wind direction, the sun may pass behind the rotor and cast a shadow over neighbouring buildings and roads and cause a flicker effect.

It is important to understand the casting shadow impact to surrounds, in particular public roads and existing and potential housing.

The Draft National Guidelines include recommendations for shadow flicker limits relevant to wind farms in Australia, such that the modelled theoretical shadow flicker duration should not exceed 30 hours per year, and that the actual or measured shadow flicker duration should not exceed 10 hours per year. The guidelines also recommend that the shadow flicker duration at a dwelling be assessed by calculating the maximum shadow flicker occurring within 50 metres of the centre of a dwelling.

## **18. Decommissioning Program**

A Decommissioning Plan is to be submitted, outlining the removal of all renewable energy facilities and rehabilitation of the affected land at the end of the development's life (unless major refurbishment is separately approved).

Decommissioning should be considered in the design phase of projects and as part of the development application process so that structures may be easily disassembled at the end of their life, and to ensure that the funds are available to decommission them. If projects do not perform as predicted, this may have a financial impact on its decommissioning plan. Applicants should outline how funds will be directed into future decommissioning or refurbishment costs.

General information at the development application stage should detail a process and steps for decommissioning or refurbishment of energy facilities and staging/timing for planning for decommissioning/refurbishment over the life of the development.

Waste or surplus infrastructure is not to be disposed at the Shire's rubbish tips without approval.

There is an expectation that land developed with a renewable energy facility will be returned to a pre-development condition once the renewable energy facility reaches the end of its lifecycle. If an applicant seeks to retain some infrastructure on the land (such as roads or turbine foundations), then it needs to be made clear at the initial development application lodgement stage.

Substantial decommissioning and remediation works are expected to commence within 12 months of renewable energy facilities no longer generating permanently unless an alternative reasonable timeframe is outlined in the development application.

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2. WALGA Research Paper October 2024  
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[https://www.legislation.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_1399\\_homepage.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1399_homepage.html)
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<https://www.wa.gov.au/system/files/2021-07/POS-Renewable-energy-facilities-position-statement.pdf>
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<https://www.wa.gov.au/government/publications/planning-guidelines-transport-impact-assessment>
14. Operation and Maintenance Agreements to Access State Road Network – Main Roads Western Australia  
<https://www.mainroads.wa.gov.au/4a1dad/globalassets/heavy-vehicles/rav-access/rav-access-approval-review-policy.pdf?v=4a1d64>
15. Western Australia Local Government Association's Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads  
[https://walga.asn.au/awcontent/Web/Documents/Infrastructure/Heavy\\_Vehicle\\_Cost\\_Recovery\\_Policy\\_Guideline\\_for\\_Sealed\\_Roads-\(ID-693988\).pdf](https://walga.asn.au/awcontent/Web/Documents/Infrastructure/Heavy_Vehicle_Cost_Recovery_Policy_Guideline_for_Sealed_Roads-(ID-693988).pdf)
16. State Planning Policy 3.6 – Infrastructure Contributions  
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17. State Planning Policy 3.7 – Planning in Bushfire Prone Areas  
<https://www.planning.wa.gov.au/state-planning-policy-3.7-bushfire>
18. Victorian Country Fire Associations document - Design Guidelines and Model Requirements for Renewable Energy Facilities v4 (2023)  
<https://news.cfa.vic.gov.au/news/latest-cfa-renewable-energy-guidelines-released>

Document Control	
Previous Policy Reference	New
Related Legislation	<i>Environmental Protection (Noise) Regulations 1997</i>
Related Documents	
Initial Adoption Resolution	OCM Res 25/11/230
Amendment Record	



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Amendment Record		

End