



AGENDA

SPECIAL MEETING OF COUNCIL

to be held on

Tuesday, 08 September 2020

at 5.30pm



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note: Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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Item 1 Opening of Meeting

The President to declare the meeting open.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

Item 3 Recording of Attendance**3.1 Attendance****Council**

President Councillor Karen Chappel
Deputy President Councillor Dean Carslake
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Yvette Harris
Councillor Shirley Katona

Staff

Acting Chief Executive Officer	Robert Paull
Executive Manager Corporate & Community Services	John van der Meer
Economic Development Manager	Ellie Cuthbert
Executive Assistant	Rondah Toms

Members of the Public**3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

3.3 Apologies**3.4 Approved Leave of Absence**

Councillor Ken Stokes

3.5 Disclosure of Interests**Item 4 Public Question Time**

Important note:

‘This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.

Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.’

4.1 Public Question Time**4.2 Public Statement Time****4.3 Petitions/Deputations/Presentations/Submissions****Item 5 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

The Elected Members to declare that they have given due consideration to all matters contained in the agenda.

Item 6 Reports of Officers**6.1 Chief Executive Officer****6.1.1 Temporary Closure of Burton Road, Morawa**

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That with regards to the Temporary Closure of Burton Road, Morawa, Council:

1. Endorses the action of the Chief Executive Officer to undertake the statutory consultation process required under Section 3.50 of the *Local Government Act 1995* to enable the temporary closure of Burton Road, Morawa from 1 November 2020 until 31 January 2021 to enable arrangements for unrestricted access to the Co-operative Bulk Handling Ltd (CBH) Morawa Bin for the 2020/21 Grain Harvest.
2. Approves:
 - a) The temporary closure of Burton Road, Morawa from 1 November 2020 until 31 January 2021 to enable arrangements for unrestricted access to the Co-operative Bulk Handling Ltd (CBH) Morawa Bin for the 2020/21 Grain Harvest;
 - b) Allowing only vehicles directly involved in accessing the CBH Morawa Bin along with emergency services vehicles and utility service vehicles to access Burton Road for the period of temporary closure as provided in 1. above in accordance with s6.4(a) of the *Shire of Morawa Public Places and Local Government Property Local Law 2018*;
 - c) In addition to 1 (a) and (b) above, allowing CBH to place on Burton Road, a temporary 'Sample Hut' and temporary Weighbridge for the period of closure as provided in 1. above, provided that prior to any placement:
 - i. CBH presents and maintains for the period of closure, public liability insurance policy in which the interests of the Shire of Morawa are formally noted by the insurer, indemnifying CBH and the Shire of Morawa for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the operations on the closed road.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Council is requested to consider Co-operative Bulk Handling Ltd's (CBH) request to temporarily close Burton Road, Morawa to enable arrangements for unrestricted access to the CBH Morawa Bin for the 2020/21 Grain Harvest.

DETAIL

At the 16 October 2019 Special Meeting, Council considered a Traffic Management Plan presented by CBH to deal with the turning of vehicles into the Morawa CBH receival point (weighbridge and 'Sample hut) from Broad Avenue and resolved:

"That Council, with regard to Morawa CBH site, resolves to:

- 1. Supports the Traffic Management Plan for the 2019 season from CBH setting out the management commitments applicable to RAV vehicles utilising the Morawa CBH receival point from Broad Avenue.*
- 2. Authorises the CEO to set up a meeting with CBH in February 2020 to outline long term solutions to the issues of RAV Network vehicles utilising the Morawa CBH site."*

Due to factors including COVID-19, the meeting with the Shire and CBH did not take place until 15 May 2020 (via telephone). At this meeting, CBH were informed that the 'Sample Hut' is located on Reserve 39611 with Power to Lease.

A lease arrangement with CBH had expired and for it to be accessed by CBH, a new lease is required. The access to and from the 'Sample Hut' on Reserve 39611 was noted to be 'problematic' due to tight turning circles and difficult (large) vehicle movements.

A further meeting with the Shire and CBH addressing issues associated with the access arrangements was not conducted until 29 July 2020 but did involve a site visit. The outcome of the on-site meeting essentially resulted in an acceptance by CBH that the access to Broad Avenue need to be reviewed.

Since then, several other meetings concerning access to CBH that included Morawa Growers occurred, essentially resulting in a revised access arrangement via Burton Road as provided for in **Attachment 1**. It is noted that CBH's proposal is reflective of the draft plan as put forward by many of the Growers at the onsite meeting a few weeks back.

The Morawa Growers Representative was provided with an advanced copy of the CBH proposal and support from the Growers perspective has been confirmed:

"I myself and other growers who use the Morawa CBH site are more than happy with the purposed layout and traffic management that CBH have put forward for this upcoming harvest to enable the site to operate safely".

LEVEL OF SIGNIFICANCE

High. It is vital for the Morawa CBH Bin to operate for the 2020/21 season. A revised access arrangement is the only opportunity for this to occur.

CONSULTATION

All Councillors
 Morawa Growers
 CBH
 Main Roads WA Representative

Community consultation was undertaken in accordance with the statutory requirements of the *Local Government Act* (s3.50) as follows:

- Public notice through the Shire Website; Facebook, placement of 2 notices on the Shire’s public notice board and to be published this week in the local ‘Scene’ Newsletter.
- Public notice via 2 signs on Burton Road.
- Public notice to interested parties through Emails/Website referral to:
 - Main Roads WA;
 - Western Power;
 - Water Corporation;
 - Great Southern Fuels; and
 - WA College of Agriculture.

At the time of preparing this Report, no objections to the CBH proposal had been received. Should objections be received prior to the deadline of noon 8 September 2020, these will be provided to Council under separate cover.

LEGISLATION AND POLICY CONSIDERATIONS**Local Government Act 1995***“3.50. Closing certain thoroughfares to vehicles*

- 4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —*
 - a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and*
 - b) *give written notice to each person who —*
 - i. *is prescribed for the purposes of this section; or*
 - ii. *owns land that is prescribed for the purposes of this section; and*
 - c) *allow a reasonable time for submissions to be made and consider any submissions made”.*

“3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) *is for the purpose of carrying out repairs or maintenance; and*
- (b) *is unlikely to have a significant adverse effect on users of the thoroughfare”.*

“3.51. Affected owners to be notified of certain proposals

- 1) *In this section —*

person having an interest, in relation to doing anything, means a person who —

 - (a) *is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or*
 - (b) *is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or*
 - (c) *is prescribed for the purposes of this section.*

- 2) *This section applies to —*
 - (a) *fixing or altering the level of, or the alignment of, a public thoroughfare; or*
 - (b) *draining water from a public thoroughfare or other public place onto adjoining land.*
- 3) *Before doing anything to which this section applies, a local government is to —*
 - (a) *give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and*
 - (b) *allow a reasonable time for submissions to be made and consider any submissions made.*
- 4) *The notice is to be given —*
 - (a) *in writing to each person having an interest; and*
 - (b) *if any land is likely to be adversely affected by the doing of the thing, by local public notice”.*

Local Government (Functions and General) Regulations 1996

‘Part 2 — Thoroughfares

4. Persons prescribed to be notified of road closure (Act s. 3.50)

- 1) *The persons prescribed for the purposes of section 3.50 of the Act are —*
 - a) *any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare whose access for purposes connected with the provision of that service would be impeded by the proposed closure; and*
 - b) *the person having principal responsibility in the locality for ambulance services; and*
 - c) *the person having principal responsibility in the locality for fire services; and*
 - d) *the occupier of land that will lose its access.*
- 2) *The land that is prescribed for the purposes of section 3.50 of the Act is land that will lose its access.*
- 3) *In this regulation — land that will lose its access means land that abuts the thoroughfare at any point to which access would be precluded as a result of the closure.*

5. Persons prescribed to be notified of certain proposals (Act s. 3.51(1) person having an interest)

The persons prescribed for the purposes of section 3.51 of the Act are —

- a) *if the land to which that section applies is occupied, the occupier; and*
- b) *in relation to fixing or altering the level of, or the alignment of, a public thoroughfare, any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare”.*

Shire of Morawa - Public Places and Local Government Property Local Law 2018

6.4 No driving on closed thoroughfare

A person must not drive or take a vehicle on a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act unless –

- a) *it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or*
- b) *the person has first obtained a licence.*

Council Delegation:

Delegation 4.9 Closing Certain Thoroughfares to Vehicles provides the CEO with the authority to temporarily close roads in accordance with S.3.50 (4) of the Local Government Act 1995.

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 1.2 Maximise business, industry and investment opportunities

1.2.1 Continue to liaise with CBH to upgrade and extend grain handling and storage facilities

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial and resource implications associated with this Report.

RISK MANAGEMENT CONSIDERATIONS

Local government road closures are protected from compensation payment for damages under section 3.23 of the *Local Government Act 1995*, although this must be carried out in a manner that is not considered negligent.

Implementation of the road closure in a safe manner will be managed through CBH for the proposal with a requirement for CBH to provide public liability insurance for not less than \$20M. This mitigates the liability from negligence for which a local government can be liable under section 9.57 of the *Local Government Act 1995*. The closure will require that vehicles directly involved in accessing the CBH Morawa Bin along with emergency services vehicles and utility service vehicles for the period of closure be retained.

Importantly, it is anticipated that the arrangements as sought by CBH will be a significantly less risk over the current arrangements in relation to accessing the existing 'Sample Hut' and CBH Bin via Broad Avenue.

CONCLUSION

Issue associated with access to CBH was identified by Council and Growers over several years. The proposal by CBH is considered to be the best access option for the 2020/21 Harvest.

ATTACHMENTS

Attachment 1 - Item 6.1.1 CBH Proposal.

6.1.2 Request for Donation – ‘1 Palm Farm Royal Flying Doctor Rally’ to be held over 25th, 26th and 27th of September 2020

Author: Acting Chief Executive Officer Services

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That with regards to the Request for Donation – ‘1 Palm Farm Royal Flying Doctor (RFDS) Rally’ to be held over 25th, 26th and 27th of September 2020, Council:

1. Authorise the Chief Executive Officer allow trained Shire staff (only) to access and use Shire equipment for the ‘RFDS Rally’ in their own time (out of work hours) where the organisers have provided:
 - a) Proof of public liability insurance in the form of a Certificate of Currency;
 - b) Proof of insurance that specifically addresses theft, fire, third party or damage to Shire equipment; and
 - c) a completed Shire Public Events application.

all to the satisfaction of the Chief Executive Officer.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

Council has been asked by the organisers of the ‘1 Palm Farm Royal Flying Doctor Rally’ to provide as a donation, access to Shire equipment for approximately 8 hours of use (comprising a Shire grader and water cart).

DETAIL

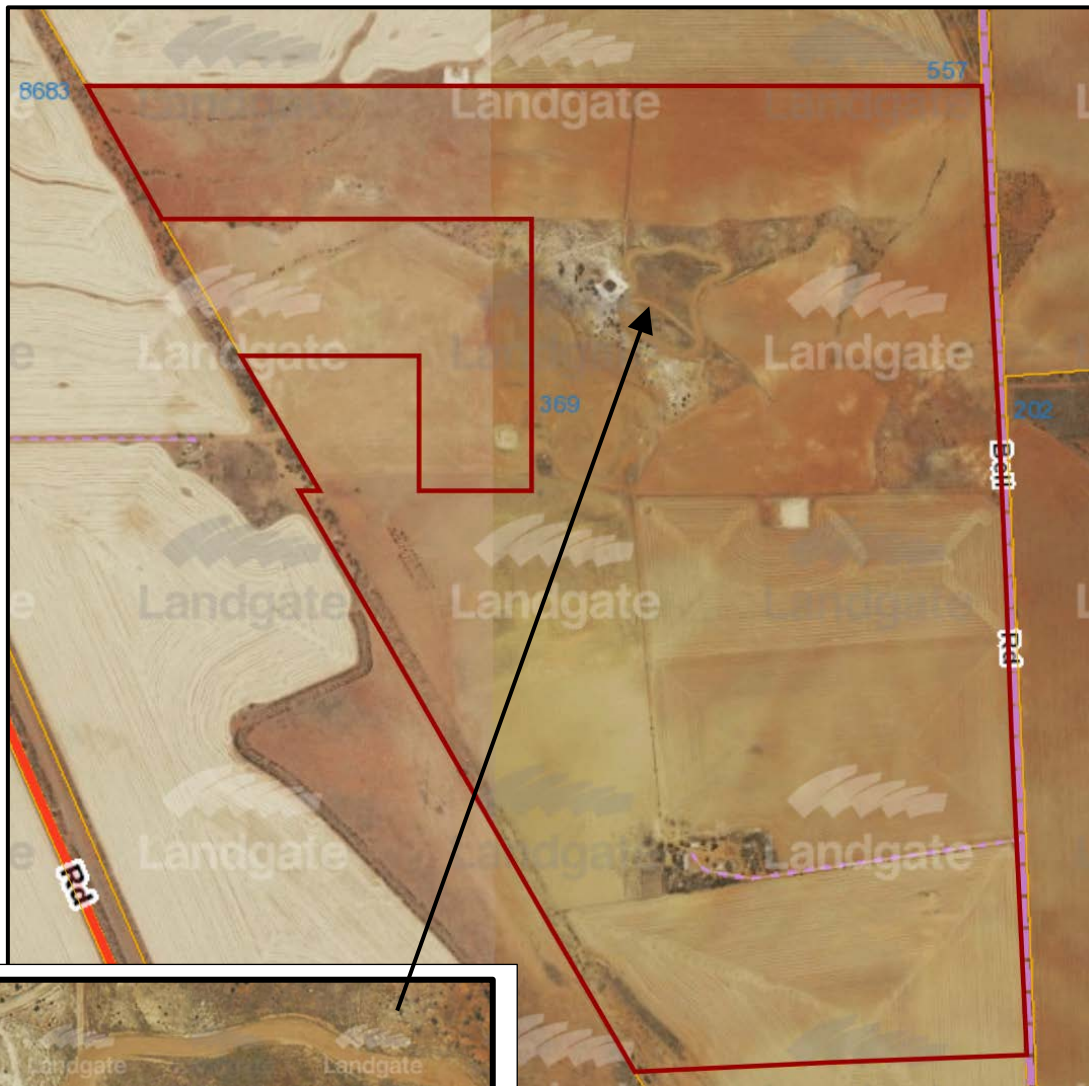
The ‘1 Palm Farm Royal Flying Doctor Rally’ is to be held over 25th, 26th and 27th of September 2020 at Location 4095, 369 Bells Road, Pintharooka (‘1 Palm Farm’). It is understood that the event has been undertaken in various forms for many years with the ‘rally track’ already formed.

The organisers have requested that the Shire provide as a donation to the event, the use of Shire equipment comprising a grader and water cart for approximately 8 hours over the duration of the event. The Shire has been advised by the organisers as follows:

“The event consists of motor racing on a specially formulated track that is 1km in length that has right and left bends. Spectators safely view the racing from the top of a rock face down on the track. Approval Permits have been submitted to:-

- a) Morawa Shire – Event Permit;
- b) AASA Pty Ltd – Public Liability Insurance
- c) Clerk of Courts – Liquor Permit – Saturday from 5pm to midnight/ Sunday from 4pm to 10pm

St Johns Ambulance will be in attendance with 1 x EMT and 1 x EMA
Morawa Fire Services will also be attending with 3 x trained fire control officers
Approx 150 to 200 attendees expected to attend
We anticipate to raise in the vicinity of \$7000 to \$10000 from the weekend of events.”



Location 4095, 369 Bells Road, Pintharooka (1 Palm Farm) and expanded area showing the 'rally track'.

LEVEL OF SIGNIFICANCE

Medium. The request essentially expands the arrangements with Council and Shire staff established under *Council Policy: 7.8 Private Use of Plant or Equipment*.

CONSULTATION

President Cr Karen Chappel
Executive Management Team

LEGISLATION AND POLICY CONSIDERATIONS

This report has been written in accordance with the:

- *Local Government Act 1995*; and
- *Local Government (Financial Management) Regulations 1996*; and
- *Local Government (Functions and General) Regulations 1996*

Council Policy: 7.8 Private Use of Plant or Equipment (Attachment 1)

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 3.4 A wide range of regional events.

FINANCIAL AND RESOURCES IMPLICATIONS

Under Council's adopted 2020/21 Fees and Charges, the cost per hour for a grader and water truck (each with a Shire operator) is:

- Grader: \$196.36 (inc. GST); and
- Water Truck (25,000l): \$174.55.

For an 8 hour working period, the cost would be:

- Grader: \$1570.88 (inc. GST); and
- Water Truck (25,000l): \$1396.40.

Although the Shire does not hire such equipment without an operator, the estimated weekday chargeable cost per hour for an operator for a grader and water truck is approximately 50% of the adopted fee/charge. This would increase to reflect the normal penalty rates for staff on weekends and public holidays.

RISK MANAGEMENT CONSIDERATIONS

Low to Medium. The main risks relate to ensuring:

- Adequate insurance for both the event and Shire equipment;
- A completed Shire Public Events application; and

- that only Shire staff operate the equipment which can be managed through a direct written arrangement with the Acting Chief Executive Officer and the respective staff member volunteering their time for the event.

CONCLUSION

The value of the requested ‘donation’ is approximately \$3,000, however, with Shire staff trained in the operation of the grader and the water truck, the cost is significantly reduced (especially taking into account operation of the equipment over a weekend and possibly, public holiday).

Should Council agree to allow trained Shire staff (only) to access and use Shire equipment for the ‘RFDS Rally’ in their own time (out of work hours), it is also appropriate that the organisers provide prior to the Rally:

- Proof of public liability insurance in the form of a Certificate of Currency;
- Proof of insurance that specifically addresses theft, fire, third party or damage to Shire equipment; and
- A completed Shire Public Events application.

all to the satisfaction of the Acting Chief executive Officer

ATTACHMENTS

Attachment 1 – 6.1.2 Council Policy: 7.8 Private Use of Plant or Equipment

Item 7 Matters for Which the Meeting May Be Closed (Confidential Items)

Nil

Item 8 Closure

16.1 Date of Next Meeting

The next meeting will be the Ordinary Meeting of Council to be held on Thursday, 17 September 2020 commencing at 5.30pm.

16.2 Closure

There being no further business, the President to declare the meeting closed.



Enq: Rob Dickie
Direct Line: +61 8 416 6313
Email: Rob.Dickie@cbh.com.au

Co-operative Bulk Handling Ltd
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Perth WA 6000 Australia
GPO Box L886
Perth WA 6842 Australia
Telephone
+61 8 9327 9600
Grower Service Centre
1800 199 083
cbh.com.au

Rob Paull
Chief Executive Officer
Shire of Morawa
PO Box 14
MORAWA WA 6623

25 August 2020

Dear Rob,

REQUEST FOR BURTON ROAD CLOSURE FOR HARVEST 2020-21

Further to our ongoing discussions, Co-operative Bulk Handling Ltd (**CBH**) would like to formally request the closure of Burton Road in Morawa for the harvest period this year. It is hoped that the road closure period aligns with the Harvest Mass Management Scheme (HMMS) gazetted period, which runs to 31 January 2021. It would be appreciated if the road could be closed as soon as is practical for the Council so that we can begin installation works ahead of the first grain receivals.

Our request for the closure of Burton Road is in response to the end of our lease agreement for the use of our sample hut located on Shire land, near Broad Avenue in Morawa, and the need to restrict heavy vehicle access to Broad Avenue on road safety and Restricted Access Vehicle (RAV) access grounds.

The closure of Burton Road will enable CBH to install a mobile weighbridge and a mobile sample hut on Burton Road for the harvest period. CBH Operations has consulted with local growers and the CBH bin representative to arrive at the proposed solution to sample and weigh growers on Burton Road this harvest. I have attached a map of how the traffic flow will operate this harvest utilising Burton Road.

CBH will consult with local growers and the Shire of Morawa post-harvest to assess the performance and suitability of sampling and weighing growers on Burton Road and will confirm our longer term approach for the Morawa receival site based on this feedback.

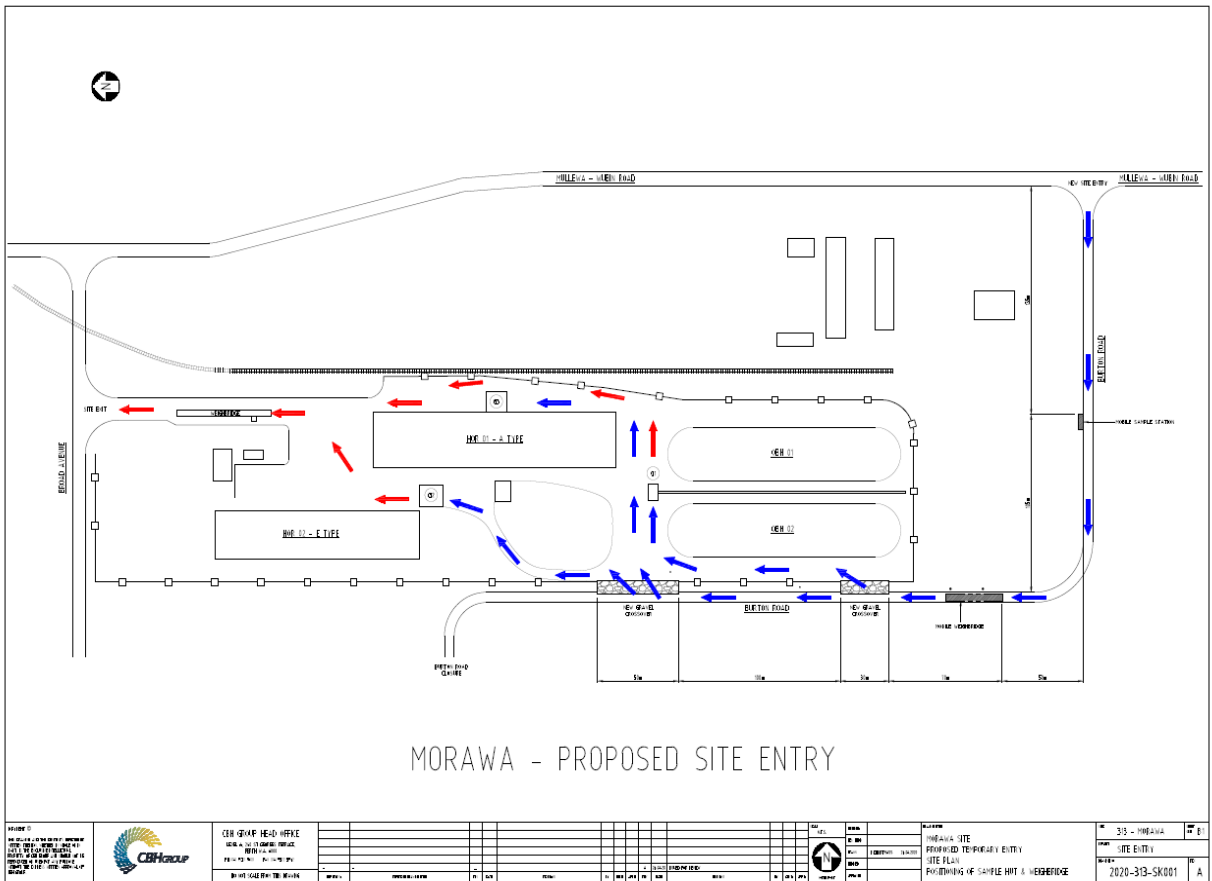
If you require further information, you can contact me at rob.dickie@cbh.com.au or 0447 677 887.

Yours sincerely

For: Co-operative Bulk Handling Limited

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, horizontal stroke that tapers to the right.

Mr Rob Dickie
GOVERNMENT AND INDUSTRY RELATIONS ADVISOR



MORAWA - PROPOSED SITE ENTRY

PROJECT NO. MORAWA - PROPOSED SITE ENTRY PREPARED TO PROVIDE ENTRY SITE PLAN FOR THE PURPOSES OF SAMPLE HIT & VERIFICATION		JOB NO. MORAWA - PROPOSED SITE ENTRY	SHEET NO. 1	SHEET TOTAL 1	DATE 2020-03-01	DRAWN BY J. HARRIS	CHECKED BY J. HARRIS	APPROVED BY 	PROJECT NO. MORAWA - PROPOSED SITE ENTRY	SHEET NO. 1	SHEET TOTAL 1	DATE 2020-03-01	DRAWN BY J. HARRIS	CHECKED BY J. HARRIS	APPROVED BY 	PROJECT NO. MORAWA - PROPOSED SITE ENTRY	SHEET NO. 1	SHEET TOTAL 1	DATE 2020-03-01	DRAWN BY J. HARRIS	CHECKED BY J. HARRIS	APPROVED BY
		PROJECT NO. MORAWA - PROPOSED SITE ENTRY	SHEET NO. 1	SHEET TOTAL 1	DATE 2020-03-01	DRAWN BY J. HARRIS	CHECKED BY J. HARRIS	APPROVED BY 	PROJECT NO. MORAWA - PROPOSED SITE ENTRY	SHEET NO. 1	SHEET TOTAL 1	DATE 2020-03-01	DRAWN BY J. HARRIS	CHECKED BY J. HARRIS	APPROVED BY 	PROJECT NO. MORAWA - PROPOSED SITE ENTRY	SHEET NO. 1	SHEET TOTAL 1	DATE 2020-03-01	DRAWN BY J. HARRIS	CHECKED BY J. HARRIS	APPROVED BY

7.8 PRIVATE USE OF PLANT OR EQUIPMENT

The Shire of Morawa provides the use of some items of plant or equipment to its staff at 50% of fees and charges subject to the staff member acknowledging that the private use of the plant or equipment is exclusively for personal use on their own property and for a period up to 2 days.

Objectives

To recognise that Shire employees, as operators and guardians of the items of plant and equipment, will treat the plant and equipment with the necessary care in line with the trust placed upon them by the Shire of Morawa in affording the opportunity to use Shire plant or equipment at a reduced hire charge.

Guidelines

Shire staff must obtain the consent of the Chief Executive Officer prior to using any item of plant or equipment for personal use in his/her own time.

The CEO reserves the right to determine which items of plant and equipment are to be made available to staff.

The use of Shire plant and equipment by staff is for personal use on their own personal properties and not to be used for any other purpose.

The office/depot telephone is for work purposes only.

The use of any plant or equipment that the employee has not been trained or skilled in the use of is strictly prohibited.

Responsibility for Use

Persons utilising Shire plant or equipment will be held responsible for the loss of or damage to such items.

It is the responsibility of the borrower to ensure that the use of any plant or equipment is done so in a responsible manner so to avoid damage or misuse of the equipment.

The Shire of Morawa does not take any responsibility for the plant or equipment in relation to break downs, faults or mishaps that may occur whilst being borrowed or used.

It is the responsibility of the borrower, to ensure that any equipment or plant is stored in a secure location when not in use and not left unattended for extended periods of time.

Where plant or equipment is required to be towed by a private vehicle, it is the responsibility of the borrower to ensure that the vehicle has the capacity to handle the additional towing load to avoid damage to the equipment. All equipment is required to be secured when transported.

Contravention of this policy may preclude the employee from any further private usage of plant or equipment and/or financial penalties for misuse or damage. In serious

circumstances, breach of this policy may result in disciplinary action being taken against the individual concerned.

Some plant or equipment may omit a high amount of noise when in use, so consequently it is the responsibility of the borrower that when operating the equipment, it must be done at a responsible hour and day in accordance with Environment Health Guidelines to avoid excessive noise in residential areas.

Insurance

The CEO has the discretion for whether or not the Local Government's plant or equipment are insured for private use from theft, fire, third party or damage. If it is the decision of the CEO that no personal use insurance shall be provided, then any damage incurred during use will be the financial and legal responsibility of the employee.

The employee is responsible for any associated costs with making a claim including excess where the Chief Executive Officer decides that personal use insurance shall be provided.

The Shire will not be responsible for any other insurance including public liability, personal injury insurance or home/content insurance associated with the operation or storage of the machinery whilst borrowed.

Local Government Image

It must be acknowledged by all borrowers that the Shire's plant or equipment may be clearly marked with the Shire's logo. Therefore when plant or equipment are used outside business hours for personal use, it may still be considered by the general public as being a Local Government activity and consequently must be used in a responsible manner.

ADOPTED OCM – New Policy	20/12/2018	RESOLUTION 181206
AMENDED OCM	19/09/2019	
REVIEWED OCM		