MORAWA
BREAKING NEW GROUND

Shire of Morawa

Policy Manual

Updated 30 October 2026

Shire of Morawa Policy Manual

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1. ADMINISTRATION (ADM)

ADM01 Flying of Flags - Council Buildings

Aim	To highlight the appropriate significance of the various flags, for the district and to guide Council staff on how to fly the Australian and other flags.
Application	Elected Members Council Employees Community Members
Statutory Environment	*Flags Act 1953, Flags Amendment Act 1998*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

This policy aims to be consistent with Australian Government protocols for flying flags.

Policy

The following underpins the policy position:

- The flying of flags represents an opportunity to demonstrate and foster a sense of pride in the community.
- Flag flying should be done with respect and with sensitivity to community expectations.
- This policy aims to be consistent with Australian Government protocols for flying flags.

Australian National Flag, Western Australian State Flag and Australian Aboriginal Flag:
The flags flown from the three (3) Administration Building flagpoles shall be the Australian National Flag, the Western Australian State Flag and the Australian Aboriginal Flag.

When facing the three flag poles from the Shire Office in Winfield Street, the Australian National Flag is to be flown on the left flagpole, the Western Australian State Flag on the right of the Australian National Flag and the Australian Aboriginal Flag on the right of the Western Australian State Flag. This follows the Australian Protocol and Procedures for flying the Australian National Flag. The Australian National Flag, the Western Australian State Flag and the Australian Aboriginal Flag will also be presented in the Council Chambers in a similar manner.

Flags at Half Mast:
Flags may be flown at half-mast:

- at the Winfield Street flag poles as a sign of mourning at the passing of a local resident or past resident of the Shire of Morawa; or
- for a period of up to 2 working days from the time of notification of a local resident or past resident‘s death with the Flags also flown at half- mast on the day of their funeral; or
- when directed by the National or State Government; and at the discretion of the Chief Executive Officer and President.

REFERENCE:
Booklet Australian flags – Part 2: The protocols for the appropriate use and the flying of the flag.

ADM02 Communications & Social Media Policy

Aim	To provide a professional, consistent and cohesive approach to addressing media related issues within the Shire of Morawa.
Application	Elected Members Employees
Statutory Environment	*Local Government Act: Sections 5.41 (f); 2.8; 2.10*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objective

This policy aims to provide a professional, consistent and cohesive approach to addressing media related issues.

Overview

A clearly defined Communications Policy will enhance the Shire of Morawa's corporate image and ensure a proactive and positive approach in dealing with the local communities and the wider public.

The media includes all traditional forms of media and extends to dealings with journalists from newspapers, magazines, TV, radio and online digital media sites.

This Policy aims to:

1. Ensure that relevant Shire issues of interest to the public are communicated clearly and the Shire's corporate integrity is upheld.
2. Maintain consistency and control over media releases, responses and statements - written or verbal - and other media-related material (such as the Inside Morawa newsletter).
3. Ensure that a Communications Plan, which includes a proactive media component, is prepared for major projects/issues.
4. Address the use of Social Media.

Policy

All public statements on behalf of the Shire can only be issued by the Shire President or, if the President permits, the Chief Executive Officer (CEO). This is addressed under Section 5.41(f) of the *Local Government Act, 1995.*

The Shire President or CEO may refer an issue to another officer where appropriate. The Shire President, CEO or authorised person should express the will of the Council and should not in any way present views which are, or could be interpreted as being, inconsistent with the formal decisions or will of the Council.

Councillors are not permitted to speak on behalf of the Council to the media unless appropriate approval has been granted by the Shire President or CEO.

No employee can speak on behalf of the Shire to journalists in the media or social media outlets, without prior authorisation by the CEO.
Statements which are made to the media by Councillors are to be identified as their opinion only and do not reflect the position of Council or the Shire.

All staff and Councillors should be aware of the public perception that may be generated from their own personal use of social media or other communication channels, and consider any association or assumption that may be connected to their role within the Shire

Media Releases and Statements

All enquiries from the media for an official comment, whether made to a Councillor or staff member, must be directed to the CEO or Media department. Information will then be coordinated with the Shire President and CEO to make an official response in line with the Shire's position.

Media releases and statements will not be distributed to the media until they have been approved by either the Shire President or CEO.

Live Interviews

Unless otherwise approved by the Shire President or CEO, live on-air/on-screen interviews should be undertaken by the Shire President or CEO.

Issues Awareness

Councillors and staff who become aware of issues or potential issues that could damage the image or reputation of the Shire, should contact the Shire President/CEO (as appropriate) immediately, as providing information in advance will help the Shire President /or CEO prepare for communication with the media if and when an issue arises – or to communicate in a proactive way about a relevant issue affecting members of the wider community.

Social Media

Social media is the online communication channels which enables community interaction, content-sharing and collaboration. Examples include sites such as Twitter, Facebook, YouTube, LinkedIn, Reddit, Tumblr and Pinterest. The Shire recognises that social media can provide significant opportunities to engage with the community, reaching wider audiences, and in particular, remote areas that are not easily reached by other means.

Only the CEO and designated staff registered as the Social Media Administrators by the CEO can upload content and respond on behalf of the Shire of Morawa.

Content will be uploaded to the Shire of Morawa Facebook page only, and staff are not permitted to upload directly on behalf of the Shire to any other social media sites. Posts can be shared from the Shire of Morawa Facebook onto other Social Media sites – if technically feasible.
It is the responsibility of the Social Media Administrator to ensure all posts are without spelling errors, grammatically correct, non-offensive and have no potential political risk. If in doubt, consultation with the CEO is required.

Social Administrators must also be aware of, and assess the considerations required, under the Shire's various partnership agreements. If in doubt, consultation with Media or the relevant partnership manager is required.

Only an Authorised Officer may comment in the social media environment on behalf of the Shire. This includes implying that you are authorised as a spokesperson of the Shire, or give the impression that the views you express are those of the Shire.
The Shire recognises that Staff and Councillors may wish to use social media in their personal life however are reminded to adhere to the Code of Conduct.

Employees have a duty of confidentiality and are expected to act in the best interests of the Shire. These obligations extend to any comments made on online forums or social media sites, including outside normal work hours.

ADM03 Community Engagement Policy

Aim	To ensure awareness of the Shire's principles toward community engagement
Application	Elected Members Employees Community Members
Statutory Environment	*Local Government Act (1995) Section 5.56,* Planning for the Future
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

- To ensure Shire of Morawa stakeholders are well informed about issues, strategies and plans that may directly or indirectly affect them.
- To ensure Shire of Morawa stakeholders have the opportunity to be involved in Council's decision making and policy development.
- To seek the views of all stakeholders, selecting engagement methods that are flexible, inclusive and appropriate to those being engaged.
- To provide members of the community with the opportunity to hear each other's opinions and to recommend appropriate solutions to community issues.
- To ensure Council is meeting its legislative requirements regarding community consultation in all areas of its service delivery.
- Recognise that there is diversity in the activities and project Council undertakes and that the type of engagement should vary accordingly.

Policy

Council is committed to engaging with the Shire of Morawa community.

Community engagement is about involving the community in decisions which affect them and it is critical to the successful development and implementation of acceptable policies and decisions and for improving services by being responsive to the needs of the community. Community engagement does not mean achieving consensus. However, it does involve seeking broad, informed agreement and the best possible solution for Council and the community.

Scope

The overarching principle is that the Shire will consult with our communities. Therefore, this policy applies not only to Shire of Morawa's Strategic Planning processes but to all facets of our operations and projects.

Benefits of Community Engagement

There are numerous benefits from community engagement:

- Increased community awareness of Council's services, planning and programs;
- Increased awareness across Council of community views and the issues that should be considered as part of the decision-making process;

- Increased awareness of the needs, priorities and diversity of the local community, which in turn ensures that Council's service provision and planning is well aligned with community expectations;
- Increased level of community ownership and acceptance of decisions;
- Council and the community working together to address local issues; and
- The potential for the Council to save time and resources.

Principles

The following principles underpin the Shire of Morawa's approach to community engagement.

Be open and inclusive

1. We recognise that community participation is an integral part of informed decision making;
2. We promote and support opportunities for the community to actively participate;
3. We encourage involvement from all stakeholders and will use engagement processes that are accessible and inclusive;

Create mutual trust, respect and be accountable

1. We treat all stakeholders in the engagement process with respect and dignity;
2. We will approach engagement from an impartial perspective;
3. We will be accountable, accessible and ethical in all dealings with the community.

Engage early and be clear

1. We will seek early engagement and regularly involve the community in decision making;
2. We will communicate clearly the objectives of the engagement process and provide community members with all available, relevant information as part of the consultation engagement process to ensure informed discussion;
3. We will communicate the parameters of the engagement process to participants from the outset, including legislative requirements, Council's sphere of influence, conflicting community views, policy frameworks and context, budget constraints etc.;
4 We acknowledge that planning is a critical process to deliver successful outcomes and are committed to developing and implementing community engagement plans.

Consideration and Feedback

1. We are committed to demonstrating that we have considered all community contributions and relevant data, prior to making any decisions that affect the local community;
2. We are committed to providing participants with feedback at key stages throughout the project and upon completion and how community input influenced the decision.

Skills and Resources

1. We recognize the skills required to undertake community engagement and will provide staff with opportunities for further skill development and training;
2. We recognize that from time to time we may need to retain professional consultants to assist with certain engagement strategies.

ADM04 Complaints Management Policy

Aim	To develop a structured and systematic approach for complaints received by the Shire of Morawa from external persons
Application	Elected Members Employees
Statutory Environment	Nil
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	Every 2 years

Objectives

The objectives of this policy are:

1. To develop a structured and systematic approach to dealing with complaints received by the Shire of Morawa from external persons and/or businesses.
2. To assure the community that complaints may be made without fear of recrimination and that all complaints will be promptly dealt with and a (written if required) response will be given setting out the answer to the complaint providing reasons, where appropriate.
3. To use complaints statistics to improve the effectiveness and efficiency of Council's operations.

Policy

1. The Shire of Morawa encourages and recognises the right of its customers to make complaints about services or service delivery, and will make it a priority to address those complaints and rectify unsatisfactory consequences.
2. The Council and its staff will be open and honest in its dealings with customers, and, where no action is proposed in response to the complaint, will explain in "plain English" why, for legislative/legal reasons, cost constraints or some other matter beyond its control, it is unable to act in accordance with a complainant's request.
3. The Council recognises that good complaints handling is an integral part of customer service and provides an effective way of reviewing performance and monitoring standards.

Guidelines

1. Any person or their representative can lodge a complaint.

2. Complaints will be accepted in writing, in person, by facsimile transmission, by email or by telephone. If a verbally received complaint alleges a criminal offence, corruption or other serious matter, the receiving officer is to advise the complainant that the matter must be submitted in writing.

3. Complaints considered to be anonymous will be addressed under Anonymous Communications Policy

4. Complaints that are to be dealt with under this policy include, but are not necessarily limited to, expressions of dissatisfaction regarding:
   a) decisions made by Council or staff;

b) inappropriate behaviour of staff or elected members such as rudeness, discrimination or harassment;
c) the standard of works or services provided by Council
d) failure of Council to comply with the *Local Government Act 1995,* Council policies, Council's local laws and other laws administered by Council.

5. The following issues shall not be regarded as complaints and shall not be dealt with under this policy:
   a) requests for services;
   b) requests for information or explanations of policies and/or procedures;
   c) the lodging of a formal objection or appeal in accordance with the Local Government Act and other Acts or in accordance with Council policies or standard procedures;
   d) the lodging of a submission in response to an invitation for comment;
   e) asset maintenance related complaints/works requests – which are to be processed via Customer Action/Works Requests forms (both paper and electronic).
   f) matters relating to Rules of Conduct of elected members.

6. Complaints regarding elected members are to be directed to the CEO. The CEO is responsible for the initial investigation and administrative responses. Matters that may require disciplinary action are to be referred to the Shire President and dealt with under the Council's Code of Conduct or Rules of Conduct if relevant.

7. Complaints from Councillors, the Ombudsman, and the Local Government Department or from Members of Parliament shall be referred to, and dealt with by the CEO, unless the complaints relates to the CEO, whereupon the complaint will be dealt with by the Shire President.

8. When any complaint is made, other than a complaint referred to in clauses 6 and 7, the designated receiving officer shall, within the limit of their authority, attempt to satisfy the complainant as soon as possible.

9. If a complainant cannot be satisfied immediately, or on the same day, the designated receiving officer shall immediately issue to the complainant a written acknowledgement of the complaint and if need be, refer the complaint and a copy of the acknowledgement to an Executive Manager or the CEO, as is appropriate, for investigation and determination of the complaint.

10. The following standard response times shall, ideally, be adhered to by all staff when dealing with complaints:
    a) Acknowledging in writing within 72 hours that the complaint has been received and a response will be given within 7 days; and
    b) Issue an acknowledgement and explanation for any delay before the initial 7 days is up.

Where a complainant is advised of a likely delay to the handling of the complaint and the complaint is not finalised within a 7-day period, the complainant is to be provided with status reports from time to time until the complaint is satisfied.

11. Where a complaint has been investigated and found to be justified, the relevant officer who dealt with the complaint will ensure that the remedy is carried out, will advise the complainant that the Shire does acknowledge substance in the complaint and the specific action that will be taken by the Shire to respond to the circumstances of the

complaint. The officer will, if appropriate, make follow-up contact with the complainant to ensure that the complaint has been resolved satisfactorily.

12. Where a complaint may identify the need for a review of procedures to prevent reoccurrences, relevant staff are to implement any required changes which they feel appropriate. If the matter cannot be easily remedied by the officer, they must liaise with their Executive Manager or the CEO to agree on a course of action.

13. Where the complaint identifies a need for a change of Council policy in a particular area or a need for additional resources, the matter shall be referred to Council as early as practicable.

14. The CEO shall establish and maintain an appropriate record of all complaints. The record will provide the following:
    a) nature of each complaint;
    b) services or facilities about which the complaints are made;
    c) time taken to conclude complaint investigations;
    d) outcomes;
    e) trends; and
    f) other relevant information.

15. The designated receiving officer of any complaint shall be responsible for ensuring that all details pertaining to the complaint are recorded an appropriate manner.

16. The CEO may cease review of a complaint if it:
    a) Has previously been dealt with by the Shire;
    b) Was lodged more than twelve months after the alleged action took place, except where a complaint alleges that an action more than 12 months previously may have caused the issue of current concern; or
    c) If another statutory authority could more effectively deal with the complaint, in which case an explanation will be provided along with the contact details of the appropriate organisation.

ADM05 Memorials on Council Controlled Land

Aim	To preserve the amenity of public reserves and provide guidelines on what memorials may be placed in public places and the process for the placement of a memorial.
Application	Elected Members Council Employees Community Members
Statutory Environment	*Local Government Act 1995* *Land Administration Act 1997 Road Traffic Act 1974*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objectives

To preserve the amenity of public reserves by managing the placement of private monuments and memorials; and

To provide guidelines on what memorials may be placed in public places and the process that needs to be followed to gain consent for the placement of a memorial.

Policy

Memorials Located on Public Land
The creation or placement of memorials or monuments on public land is not permitted unless the consent of the Shire of Morawa is provided.

1. **Seats**
   a. Shire of Morawa will consider applications for the placement of seats with plaques in appropriate locations, such as along paths and in accordance with any Land Management Orders that may operate for the reserve. Applications must be made in writing to the Chief Executive Officer with a clear description of the proposed location. All applications will require Council approval.
   b. The purchase and placement of the seat will be at the expense of the applicant and the seat will be to Shire specifications and the location in accordance with Shire wishes. Approval will also be required for the wording to be placed on a plaque.
   c. Fees and Charges for the installation of the seat is as scheduled under Labour Costs, Private Works.

2. **Plinths and Rocks with Plaques**
   a. It is the responsibility of the donor to arrange manufacture and delivery of plaques approved by the Shire of Morawa.
   b. Such memorials will not be permitted on public land unless the person, event or location is of historical significance and the memorial is approved by the Council.
   c. The placement of plinths and rocks with plaques will be to Shire specifications and the location in accordance with Shire wishes. Costs associated with purchasing the plaque, plinth or support/surround and engraving the chosen

message are the responsibility of the donor. Approval will also be required for the wording to be placed on a plaque.

d. Fees and Charges for the installation of the plinths and rocks with plaques is as scheduled under Labour Costs, Private Works.

3. Trees

a. The Council will consider applications for the planting of trees on public land. The location and species of the trees will be to Shire specifications. Trees will not be marked with plaques.

b. The purchase and placement of the tree will be at the expense of the applicant and will be to Shire specifications and the location in accordance with Shire wishes.

c. Fees and Charges for the installation of the tree is as scheduled under Labour Costs, Private Works.

4. Roadside Memorials on Shire Roads

a. The Shire of Morawa will permit the creation of small roadside memorials unless they are causing safety concerns for the public or if the Road Traffic Act 1974 requires their removal.

b. Consent is not required for the placement or creation of these memorials. However if they are considered a safety risk then the memorial will be removed without notification.

5. Scattering of Ashes

The scattering of Ashes within the Shire's owned or managed property may be permitted with the consent of the Chief Executive Officer.

6. Memorial Gardens

a. This policy applies to all Shire gardens and not existing or past cemeteries.

b. All memorial garden plaques are to be no larger than 150mm x 150mm, with the surrounding plinth or support / surround no larger than 200mm x 200mm.

c. No responsibility is to be taken by the Shire of Morawa for the ongoing maintenance of the memorials.

d. If the memorial plaque deteriorates to a point at being unsafe then the Shire of Morawa reserves the right to remove the memorial or plaque without notice.

e. No responsibility is to be taken by the Shire of Morawa for any damage to any memorial or for their unauthorised removal.

f. The Shire of Morawa reserves the right to remove any memorials at any time.

g. The Shire of Morawa may purchase, install, and maintain plaques for deceased past Councillors and staff of the Shire.

ADM06 Closure of Certain Facilities – Christmas/New Year Period

Aim	To provide direction to the Chief Executive Officer in relation to the closure of Shire facilities (i.e. administration, works and services) over the Christmas and New Year period.
Application	Employees
Statutory Environment	*Local Government Act 1995*
Approval Date	OCM 21 November 20204
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

This policy is to authorise the closure of certain Shire facilities over the Christmas and New Year period.

Policy

To assist with the efficient and effective management of Shire of Morawa's Administration Office and Works Depot during the Festive Season holiday period ensuring that patrons receive sufficient notification of the closures.

Council provides guidelines to the Chief Executive Officer in the closure of Administration and Works Depot facilities across the Christmas and New Year holiday period. The Administration Office and Works Depot will be closed for business from 4 pm on the last working day before Christmas and re-open on the second working day following New Year's Day.

The Chief Executive Officer will have discretion to vary the times of closure so that the period may include up to one day prior to Christmas Day and up to two days after New Year's Day, but not exceeding a total of eight consecutive working days inclusive of public holidays, excluding weekends.

Provided:

a) Staff use Annual Leave, Time in Lieu or Rostered Days Off to account for those days not designated as public holidays;
b) The Chief Executive Officer has established an appropriate 'skeleton-crew' for the duration of the period;
c) Staff emergency contact details are made available to the public;
d) The closures are advertised locally via newspaper and notice board notification. Council may receive a report from the Chief Executive Officer no later than the Ordinary Council Meeting in October each year advising of the details of the forthcoming Christmas and New Year closure period.

Scope

This Policy applies to the Shire Administration Offices, Libraries, and Works Depots only.

ADM07 VOID

ADM08 Child Safe Awareness Policy

Aim	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 of Morawa is committed to encouraging local organisations to be child safe and ensure children are safe and empowered. The safety and wellbeing of children is everyone's responsibility.
Application	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 of Morawa, regardless of their work related to children or young people. It applies to occupants of Shire of Morawa facilities and venues, including visitors, contractors and suppliers. Whole of Organisation
Statutory Environment	• Child Care Services Act 2007 • Children and Community Services Act 2004 • Civil Liability Act 2002 • National Principles for Child Safety Organisations • United Nations Convention on the Rights of the Child (CRC) • Working with Children (Criminal Record Checking) Act 2004
Approval Date	OCM 20 July 2023
Last Review	N/A
Next Review	2025
Review Period	Every 2 years

Objectives

To outline the commitment to developing a Child Safe Organisation and District, through clear principles, functions, and responsibilities.

To ensure compliance with recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse and providing a framework for outlining the role of Shire of Morawa in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework.

Policy

Definitions

The following definitions apply to this document:

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.

Child Safe 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.

Policy Statement

The Shire of Morawa supports and values all children and young people and makes a makes a commitment to support the safety and wellbeing of all children and young people, including their protection from abuse.
As part of the Shire's leadership role in our community it will support relevant organisations to be child safe and protect children and young people from harm and/or abuse. As well as promoting child safe practices and messaging to enhance the safety and wellbeing of children across the community.

This Child Safe Awareness policy is one of the ways Shire of Morawa demonstrates its commitment to being child safe and its zero-tolerance approach to child abuse. Although the Shire is not legally responsible for providing oversight of compliance with child safe practices, it will take reasonable steps to engage with persons who utilise Shire facilities to ensure they operate in alignment with the Child Safe Practices and the principles of this Policy

Policy Functions and Responsibilities

Shire of Morawa CEO must 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 Shire of Morawa 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).

2. CORPORATE (CORP)

CORP01 Risk Management Policy

Aim	To define the fundamental principles that will establish and maintain a robust, integrated, and effective risk management system across all strategic and operational functions of the Shire. This policy mandates the Shire's commitment to risk management. The goal is not to eliminate all risks, but rather to manage risks involved in Council's functions and services and to maximise opportunities whilst minimising potential negative exposures.
Application	Whole of Organisation
Statutory Environment	Regulation 17 of the Local Government (Audit) Regulations 1996 ISO - AS/NZS - 31000:2018 – Risk Management
Approval Date	16 March 2023
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	Every 3 years

Objectives

The Shire of Morawa 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 objective of this document is to provide a framework which:

- Provides consistent terminology to aid, promote, and improve understanding of risk management at Council.
- Improves planning processes by enabling the key focus to remain on core business and helping to ensure continuity of service delivery.
- Reduces the likelihood of negative 'surprises' and assists with preparing for challenging and undesirable events and outcomes.
- Contributes to improved prioritisation and resource allocation by targeting resources to the highest-level risks, and risks which if treated provide the organisation with best value; and,
- Improves accountability, responsibility, transparency, and governance in relation to both decision-making and outcomes

Policy

Definitions

The following definitions apply to this document:

Risk: Is the effect of uncertainty on objectives. Something that may happen in a given situation.

Risk Management: the structured approach of aligning strategy, processes, people, technology, and knowledge with the purpose of evaluating and managing risk (uncertainty).

Operational Risks:	Something that could happen in a situation and prevent the Shire from delivering a particular service or completing projects or events.
Strategic Risks:	Something that could happen in a situation that may prevent the Shire from reaching its goals or continuing to service the community.
Consequence(s):	The outcome or impact of an event (risk occurrence), and in particular, the most probable worst-case scenario.
Control:	Measure that is modifying risk.
Likelihood:	Chance of something happening.
Mitigating actions:	Additional Controls - processes, policies, devices, practices, or actions that act to further modify/minimise risk.
Acceptable risk:	A risk where current controls minimise risk sufficiently so that the Shire deems that further mitigating actions are not required.
Residual risk:	Risk remaining after risk treatment and/or risk mitigation

Risk Principles

Council's Risk Management Framework is an organisation wide commitment to a consistent approach to managing risks. Council acknowledges that risk management is a fundamental element of good business practice. The management of risk is not the responsibility of a particular area but a shared responsibility across the organisation.

Council wishes to foster and promote a 'risk aware' but not 'risk averse' culture throughout the organisation. Given the size, resources, and scope of operations of the Shire, Council accepts that risk management practices will operate at a basic maturity level targeting the most prominent and likely risks with noticeable consequences.

In achieving Council's policy objective, the Chief Executive Officer must ensure that the following key Risk Principles are observed, understood, and embraced to deliver a continuous organisation wide system of risk management.

1. **Statutory Compliance** – Compliance with Regulation 17 of the Local Government (Audit) Regulations 1996.
2. **Working towards Industry Best Practice** - Alignment with the principles and practises as detailed in the Risk Management Standard - AS/NZS ISO 31000:2018 Risk Management - Guidelines.
3. **Strategic Integration** – Integrating risk management across the Shire's strategic documents including the Corporate Business Plan, Strategic Community Plan, Project and Event Planning, and other Strategic documents as relevant.
4. **Decision Making** - Identification, analysis, and response to risk must be addressed across all strategic and operational decision-making functions at Council and Executive Level – specifically incorporating risk analysis into Council reports.
5. **Understanding** - Executive Policies and procedures that clearly articulate employee obligations and business rules when reporting and registering risk. Training provided to employees and Councillors/committee members in risk management.
6. **Organisation Culture** – Develop a culture of risk identification and analysis in any given situation.
7. **Tools and Processes** - Tools and processes that are fit for purpose and accessible to all staff to ensure risk is identified, analysed, evaluated, recorded, and mitigated appropriately.

Risk Management Framework Overview

The purpose of the Risk Management Framework is to assist individuals in considering risks and opportunities in a consistent manner. The Shire's Risk Management Framework works through a simple five (5) step process that aligns with best practice principles.

1. Risk Identification – the Council wants to identify and manage as many high-level risks as possible, to achieve this goal the whole organisation must actively work to identify risks across the Shire's broad range of activities.
    a. Strategic Risk workshops will be conducted at least annually involving the Audit Committee, and the Executive Leadership Team
    b. The Chief Executive Officer is responsible for developing appropriate Executive Policies and procedures to manage the identification of operational risks
2. Risk Analysis – to appropriately manage risks they must be ranked and prioritised. To measure a risk, the Shire will compare risk consequence against risk likelihood. The below matrix will be used to analyse risk:

Consequence **Likelihood**	**Insignificant**	**Minor**	**Moderate**	**Major**	**Catastrophic**
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

3. Risk Evaluation – based on the Risk Analysis the Shire must determine the appropriate response to the Risk based on the Shire's risk appetite.

    The Shire of Morawa has a medium risk appetite, generally accepting low level risks with minimal controls but requiring risks deemed High or Extreme to be monitored, evaluated, and mitigated with highly effective controls at the Executive and Audit Committee level.

4. Risk Mitigation – whilst some risks may be inherently low risk and acceptable to the organisation, most risks, even those classified as low impact, can be treated, or controlled. Risk mitigation occurs through the implementation of controls. Risk mitigation may involve the use of multiple controls from varied categories. Once Risk Mitigation controls have been selected the risk should be re-analysed to ensure controls are sufficient to deem the risk acceptable.

5. Monitor – Risks and their controls should be regularly monitored at intervals set depending on the risk, likelihood, control effectiveness, and other factors to ensure controls and ratings remain relevant, and the organisation remains cognisant of the risks.

Consequence Categories

For consistency, the Shire will apply standardised consequence categories across all risk registers.

1. **Health and Safety** – consequences that may impact the health and safety of employees, community members, or other stakeholders.

2. **Financial** – budgetary deviations or impacts on the Shire's long term financial planning objectives
3. **Service Interruption** – the inability to deliver a service or to deliver a service to the standard expected by the Shire's customers
4. **Compliance** – the Shire operates in a heavily regulated environment and risk occurrences may impact on the Shire's ability to remain compliant under a particular legislative or regulatory environment
5. **Reputational** – Whilst the Shire is not a private enterprise that benefits from reputational goodwill, an eroded reputation impacts on community and sector trust in the Shire's operations. This can have long-term damaging effects.
6. **Property and Environment** – impacts on property or environmental features belonging to the Shire, district at large, or broader areas.

All consequences must be rated using the below scale:

1. Insignificant
2. Minor
3. Moderate
4. Major
5. Catastrophic

Given the organisational wide impact of Strategic Risks they will generally be Major or Catastrophic in consequence if left without any mitigating actions. The Chief Executive Officer is responsible for establishing consequence criteria under the above categories for rating risks under operational risk registers.

Likelihood Categories

All risks will be assessed against the below likelihood criteria.

Likelihood Level	Description
Almost Certain	The event is expected to occur in most circumstances, at regular intervals or with a probability of occurring greater than 90%
Likely	The event will probably occur, potentially once a year or with a probability of 60%-90%
Possible	The event may occur, likely to occur at least once in every 4-year period, or with a probability of 30%-60%
Unlikely	The event may occur but is not expected likely, may happen a few times a decade, or with a probability of 5-30%
Rare	The event may only occur in highly infrequent or unexpected circumstances, less than once in a 20-year period, or a less than 5% chance of occurring
Negligible	Whilst not incorporated in risk assessment, this likelihood will allow the Shire to review risks that have very little chance that they will ever occur and would be unprecedented if they did. This demonstrates awareness of the risk in case the likelihood changes in future.

Responsibility and Authority

The acceptance of risk ownership is required by each staff member at every level within the organisation.

Council empowers the Audit Committee to act as the Shire's oversight agent in relation to the management and assessment of Risk.

The Audit Committee is responsible for developing, managing, monitoring, and reporting on the Shire's Strategic Risk Register. The Strategic Risk Register detailing Strategic Risks and mitigating actions must be reported to Council on an annual basis including analysis of a risk occurrence and consequences.

The Chief Executive Officer is responsible for ensuring the Shire's risk management practices are appropriate and effective.

The Chief Executive Officer is responsible for developing, managing, monitoring, and reporting on the Shire's Operational Risk Register. The Operational Risk Register may be informed by other registers and methods as determined by the Chief Executive Officer. High and Extreme risks on the operational risk register must be reported to the Audit Committee, if the administration plans to accept the risk.

CORP02 Asbestos Policy

Aim	The Shire acknowledges the serious health hazard of exposure to asbestos.
Application	Elected Members and Staff
Statutory Environment	*Local Government Act 1995* *Environmental Protection Act 1986* *Health (Miscellaneous Provisions) Act 1911;* *Health (Asbestos) Regulations 1992* *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002(2005)];* *Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018(2005)]* *Demolition work code of practice 2015 (catalogue no WC03841)* *Contaminated Land Management Act 1997* *Guidance Note: Identification of Asbestos Containing Material* *Guidance Note: Asbestos Cement Fences* *Guidance Note: Asbestos Cement Roofs*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objectives

This policy aims to outline the role of the Shire and other organisations in managing asbestos, and the Shire's relevant regulatory powers. Please refer to the Shire's *Managing Asbestos Guidelines* for information on:

- the Shire's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents;
- general advice for residents on renovating homes that may contain asbestos;
- the Shire's development approval process for developments that may involve asbestos and conditions of consent;
- waste management and regulation procedures for asbestos waste in the LGA; and
- sources of further information.

Policy

Introduction

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place.

However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.

Further information about asbestos and the health impacts of asbestos including website links to additional information can be found at:

- https://ww2.health.wa.gov.au/Articles/A_E/About-asbestos and
- https://ww2.health.wa.gov.au/~/media/Files/Corporate/general%20documents/Asbestos/PDF/Guidelines-Asbestos-Contaminated%20Sites-May2009.pdf.

The Shire has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA); and
- workers and other persons in the Shire's workplaces.

The Shire's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- contaminated land management;
- the Shire's land, building and asset management;
- emergency response;
- land use planning (including development approvals and demolition);
- regulation of activities (non-work sites); and
- waste management and regulation.

Scope

This policy applies to all of the land within the Shire of Morawa.

The policy along with the Shire's Managing Asbestos Guidelines provides information for the local community and wider public. Definitions for key terms used in the policy are provided in Appendix A.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The policy outlines the Shire's commitment and responsibilities in relation to safely managing asbestos and general advice is contained within the Shire's Managing Asbestos Guidelines.

For specific advice, individuals are encouraged to contact the Shire or the appropriate organisation.

The policy does not provide detail on specific procedures. More information and practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:
Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia May 20091

Asbestos Regulators Brochure - provides a detailed list of agencies with their roles and contact details

- Guidance Note: Identification of Asbestos Containing Material (PDF 2.4MB)
- Guidance Note: Asbestos Cement Fences (PDF 1.3MB)
- Guidance Note: Asbestos Cement Roofs (PDF 1.13)
- Renovation rules for maintaining and removing asbestos containing products in the home (HealthyWA) (external site)
- Prohibited: Pressure Cleaning of Asbestos Cement Roofs 2010 (PDF 157KB)
- Asbestos in Carpet Underlay - December 2009 [PDF 206KB]
- Asbestos in Carpet Underlay - Frequently Asked Questions - December 2009 [PDF 162KB]
- additional guidance material listed in the Shire's *Managing Asbestos Guidelines.*

Definitions

Definitions are provided in Appendix A.

Roles and Responsibilities of the Shire

Educating residents

The Shire will assist residents to access appropriate information and advice on the:

- prohibition on the use and re-use of asbestos containing materials;
- requirements in relation to development, land management and waste management;
- risks of exposure to asbestos;
- safe management of asbestos containing materials; and
- safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in the Shire's *Managing Asbestos Guidelines.*

Managing land

The Shire is responsible for managing public land. This may include land with naturally occurring asbestos and land contaminated with asbestos as outlined in the Shire's Managing Asbestos Guidelines.

Managing Waste

The Shire is responsible for meeting certain obligations under relevant legislation by enacting the powers there-in.

Those actions include issuing infringement notices for the following;

- Selling or supplying asbestos cement product;
- Using an asbestos cement product;
- Storing, breaking, damaging, cutting, maintaining, repairing, removing, moving, or disposing of, or using any material containing asbestos without taking reasonable measures to prevent asbestos fibres entering the atmosphere;
- Moving a dwelling-house built wholly or partly with an asbestos cement product;
- Failing to comply with a condition on an approval;

- Cutting or deliberately breaking an asbestos cement product for the purpose of, or in the course of, moving a dwelling-house built wholly or partly with an asbestos cement product;
- Supplying material containing asbestos to another for the purpose of having another person dispose of it;
- Transporting material containing asbestos; and
- Failing to inform a person that material is or contains asbestos.

Regulatory responsibilities

The Shire has regulatory responsibilities under the following legislation;

- *Health (Miscellaneous Provisions) Act 1911; and*
- *Health (Asbestos) Regulations 1992.*

Legislation, policies and standards relating to the safe management of asbestos are listed in the Shire's Managing Asbestos Guidelines. The situations in which the Shire has a regulatory role in the safe management of asbestos are listed in the Shire's Managing Asbestos Guidelines.

Responsibilities to workers

The Shire is committed to fulfilling its responsibilities to workers under the:

- Occupational Safety and Health Regulations 1996;
- Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002(2005)]; and the Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018(2005)], as well as maintaining a safe work environment through the Shire's;

    - general responsibilities;
    - education, training and information for workers;
    - health monitoring for workers; and
    - procedures for identifying and managing asbestos containing materials in Shire's premises.

Other Stakeholders Involved in Managing Asbestos

The Shire is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Complaints and Investigations

Complaints and inquiries may be directed to the Shire about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to WorkSafe WA - Department of Mines, Industry Regulation and Safety.

Complaints and inquiries regarding premises licensed under the Environment Protection Act 1986 should be directed to the Department of Water and Environmental Regulation.

The Shire will respond to complaints and inquiries regarding:

- the Shire's requirements in relation to development, land management and waste management;
- derelict properties;
- general asbestos safety enquiries;
- illegal dumping;
- safe removal and disposal of minor quantities of asbestos materials; and

- unsafe work at a residential property conducted by a homeowner or tenant.

Implementing the Shire's Asbestos Policy

Supporting documents
The implementation of this policy is supported by:
- the Shire's Managing Asbestos Guidelines;
- Standard Conditions of Development Approval;
- maintenance and inspection schedules for Shire-owned assets; and
- the Shire's Asbestos Register.

Communicating the Policy

This is a publicly available policy. The policy is to be made available via the Shire's website: www.morawa.wa.gov.au

The Shire incorporates a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the Shire's Chief Executive Officer (CEO) and the CEO will notify all persons who may have cause to undertake, arrange or supervise any potentially hazardous activities listed in the Shire's Managing Asbestos Guidelines on behalf of, or for, the Shire.

Appendix A – Definitions

Airborne Asbestos	any fibres of asbestos small enough to be made airborne.
Asbestos	the asbestiform variety of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals and includes actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite, and any mixture containing 2 or more of those
Asbestos Containing Material (ACM)	any material or thing that, as part of its design, contains asbestos.
Asbestos Cement Product	a product or part of a product containing asbestos in a cement binder
Asbestos-Contaminated Dust or Debris (ACD)	means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.
Asbestos-Related Work	work involving asbestos that is permitted under regulation, other than asbestos removal work.
Asbestos Waste	any waste that contains asbestos (includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools).
Contaminant	any substance that may be harmful to health or safety.
Contamination Of Land	the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.
Control Measure	in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.
Development	means: • the use of land • the subdivision of land • the erection of a building • the carrying out of a work • the demolition of a building or work • any other act, matter or thing that is controlled by an environmental planning instrument.
Development Application	an application for consent to carry out development.

Exempt Development	a minor development that does not require any planning or construction approval because it is exempt from planning approval.
Friable Asbestos	material that is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry, or any material which contains asbestos.
Health	physical and psychological health.
Health Monitoring	of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.
In Situ Asbestos	asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.
Naturally Occurring Asbestos	the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.
Non-Friable Asbestos	material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.
Occupier	includes a tenant or other lawful occupant of premises, not being the owner.
Waste	includes: • any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or • any discarded, rejected, unwanted, surplus or abandoned substance, or • any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or • any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or any substance prescribed by the regulations made under the Environmental Protection Act 1986 to be waste.
Waste Facility	any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

CORP03 Closed Circuit Television and Video Surveillance Devices Management

Aim	To establish and clearly define the Shire's approach to the deployment and management of Closed Circuit Television, Video Surveillance Devices and Tracking Devices.
Application	Elected Members Senior Management
Statutory Environment	*Surveillance Devices Act 1998*
Approval Date	OCM 18 December 2023
Last Review	OCM 19 November 2020
Next Review	2025
Review Period	Every 2 years

Objective

To establish and clearly define the Shire's approach to the deployment and management of Closed Circuit Television (CCTV), Video Surveillance Devices (VSD's) and Tracking Devices Shire wide.

Policy

The Shire deploys a range of CCTV, VSDs and Tracking Devices to meet its operational needs.

The Shire uses CCTV VSD and Tracking devices for asset protection, staff safety, to improve the perception of community safety, and to achieve operational efficiency. These devices may occasionally be used to assist in a human resources enquiry.

The Shire restricts its activity to Shire property and to limited areas of the public realm. The Shire is not attempting to provide a policing function to the community but supports the activities of WA Police by providing access to its footage for post incident investigation and public realm monitoring.

The Shire does not constantly monitor its CCTV, however may monitor as required and may also provide access to its public facing CCTV system to the WA Police who may undertake monitoring as required.

The Shire will not provide permanent CCTV coverage to private property, residential areas or shopping centres, but may assist in identified "hot spot" locations by providing mobile CCTV coverage for limited periods.

The oversight of these surveillance functions is provided for under the *Surveillance Devices Act 1998* (the Act).

The Shire aims to comply with this and other relevant legislation by:

- ensuring only appropriately authorised organisations and/or personnel install or operate CCTV and surveillance equipment or access and download stored footage;
- access for reviewing footage and confidentiality requirements must be appropriately managed by the CEO;
- ensuring all footage is kept as a minimum for the length of time dictated in the Act; and

- ensuring surveillance devices not yet listed in the Act are treated in accordance with the Act.

CORP04 Non- Asset Based Aged Care Units Policy

Aim	This policy aims to establish a framework for the administration and operation of the Shire's aged housing units located at Units 5, 6, 7, 8 and 9, 48 Yewers Avenue, Morawa, ensuring their fair, consistent and transparent management
Application	Community Members
Statutory Environment	*Local Government Act 1995 (WA)* *Residential Tenancies Act 1987 (WA)* *Retirement Villages Act 1992 (WA)* *Retirement Villages Regulations 1992 (WA)* *Aged Care Act 2024* *Fair Trading Act 2010; and* *Fair Trading (Retirement Villages Code) Regulations 2022*
Approval Date	OCM 25 August 2026
Last Review	Nil
Next Review	2030
Review Period	4 years

Objective

To The Objective of the Policy is to outline the requirements, rules, regulations and obligations of parties involved in the occupation of the Non-Asset Based Aged Care Units 5, 6, 7, 8 and 9 located at 48 Yewers Avenue, Morawa.

Overview

The Shire of Morawa provides five Non-Asset Based Aged Care Units (Units 5, 6, 7, 8 and 9, 48 Yewers Avenue) to support older residents seeking independent accommodation within the community. These units are intended for eligible persons aged 55 years and over and are not subject to income or asset testing as a condition of occupancy.

The Non-Asset Based Aged Care Units provide a housing option for residents who may not meet the eligibility requirements for income and asset-tested public housing programs. Occupancy of these units is subject to the eligibility criteria and conditions outlined in this Policy.

The Shire also manages four income and asset-tested aged housing units (Units 1, 2, 3 and 4, 48 Yewers Avenue). Eligibility for these units is determined in accordance with relevant public housing requirements and applicable income and asset assessment criteria. Applicants seeking information regarding these units should refer to the Shire's Public Housing Policy.

Policy

The following guidelines apply for the interpretation and administration of this Policy.

Aged Care Units

The Shire of Morawa provides five aged care units subject to the eligibility criteria and conditions contained within this Policy, as follows:

- Units 5, 6, 7, 8 and 9, 48 Yewers Avenue, Morawa, which are available for occupation by either a single person or a couple; and

Eligible Criteria

For the purposes of this Policy, an eligible person is a person who:

- The applicant is aged 55 years and over, and
- The applicant is member of the Shire of Morawa Community, and
- The requirement to pay Entry Fee/Premium, which is specified under the Entry Fee/Premium payment scheme.
- Recurrent Charge which is specified under Recurrent Charge(s).
- Is prepared to enter into legally binding contracts or lease agreements.

Entry Fee / Premium

Occupancy of a Non-Asset Based Aged Care Unit is subject to payment of an Entry Fee. The Entry Fee is currently set at $30,000 and must be paid in accordance with the terms of the occupancy agreement, as the following payment scheme below:

- As payment in full prior to occupancy, or
- Under an approved payment arrangement comprising:
  - An initial payment of 20% of the Entry Free or $6,000, and
  - The remaining balance of $24,000, payable in five annual instruments of $4,800, commencing in the second year of occupancy and due date on 1 January each year.

Recurrent Charge(s)

A Recurrent Charge as adopted by Council and published in the Shire's annual Schedule Fees and Charges, payable by a resident on a monthly basis and includes the following:

- Rent,
- The administration of the Aged Units,
- Maintenance of the property and grounds,
- Utility costs associated with communal and common areas, including electricity, gas and water.

The recurrent charge does not include individual unit consumption of electricity, gas, or water.

Water costs are paid by the Shire in the first instance and then recouped from the respective occupants.

Occupancy Commencement Date

The date determined by Council for the commencement of a resident's occupancy of a unit following approval of the application and execution of the relevant occupancy agreement.

Passing or Relocation within 12 months

Where a resident passes away or permanently relocates to a residential aged care facility within twelve months of commencing occupancy under the lease or occupancy agreement, Council may refund up to 80% of the Entry Fee paid by the resident.

A refund will only be considered upon receipt of satisfactory evidence of the resident's death or relocation to a residential aged care facility. Supporting documentation must be provided to Council prior to the processing of any refund

Occupancy Exit, Refunds and Charges

- Refund
  - Following the initial twelve (12) month occupancy period, a refund of up to 20% of the Entry Fee may be payable when the resident permanently vacates the unit.

- Departure Charges
  - Upon cessation of occupancy, a departure fee will be payable and calculated at 3% of the Entry Fee per year of occupancy, capped at a maximum of 20% of the Entry Fee.
  - No departure fee will be charged where occupancy ceases due to the resident's death or relocation to a residential aged care facility within twelve (12) months of the Occupancy Commencement Date.

Council Determination

Where any aspect of this Policy is unclear, ambiguous, or not specifically addressed, Council reserves the right to make a determination, and its decision will be final.

3. ELECTED MEMBERS (ELM)

ELM01 Official Photographs

Aim	To ensure that there is a historical photographic record, and official listing kept of serving Councillors and Senior Management of the Shire.
Application	All Elected Members and Senior Management
Statutory Environment	Nil
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	Every 2 years

Objective

To ensure that there is a historical photographic record, and official listing kept of serving Councillors and Senior Management of the Shire.

Policy

A formal group photograph of all elected members will be taken after the election of each new Council.

ELM02 Recognition of Retiring Councillors

Aim	To formally recognise retiring Elected Members for their services during their elected term in local government and citizens of the Shire for their contributions to the community.
Application	Elected Members
Statutory Environment	*Local Government Act 1995 s. 5.100A Administration Regulations 34AC*
Approval Date	OCM 18 December 2023
Last Review	OCM 19 November 2020
Next Review	2027
Review Period	4 years

Objective

To formally recognise retiring Elected Members for their services during their elected term in local government and citizens of the Shire for their contributions to the community.

Policy

Retiring Elected Members are recognised at their last Ordinary Council meeting or at an official function recognising past Elected Members. Retiring Elected Members are presented with:

- A name plaque;
- A certificate of service; and
- A gift up to the value of $500.

The final gift and its value will be determined by the Shire President commensurate with the length and impact of the Retiring Elected Member service.

Council may elect to resolve to vary the terms of this policy for a particular Elected Member should their length and impact of service be exemplary.

Definitions

Retiring - Not being re-elected or standing down from public office on completion of at least one full term of service.

ELM03 Code of Conduct Council Members, Committee Members and Candidates

Aim	The Code provides a guide and a basis of expectations for Council Members, Committee Members and Candidates. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.
Application	Elected Members Committee Members Candidates
Statutory Environment	*Local Government Act 1995 (S 5.103 – Codes of Conduct)* *Local Government (Administration) Regulations 1996 (Regs 34B and 34C).* *Local Government Amendment Act 2024* *Local Government (Local Government Inspector) Regulations 2025*
Approval Date	OCM 18 December 2023
Last Review	OCM 31 March 2026
Next Review	2028
Review Period	2 years

Objectives

To guide decisions actions and behaviours of Council Members (elected and unelected), Committee Members and Candidates in local elections. The intent is that local governments will address behaviour through education rather than sanctions.

Policy Statement

The Code of Conduct applies to Council Members (elected and unelected), Committee Members and Candidates in local elections.

Policy Purpose:

This Policy is adopted in accordance with section 5.104 of the *Local Government Act 1995*.

Policy Details

Division 1 - Preliminary provisions

1. Citation

This is the *Shire of Morawa* Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

1. A council member, committee member or candidate should —
   (a) act with reasonable care and diligence; and
   (b) act with honesty and integrity; and
   (c) act lawfully; and
   (d) identify and appropriately manage any conflict of interest; and
   (e) avoid damage to the reputation of the local government.

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

5. Relationship with others

(1) A council member, committee member or candidate should —
   (a) treat others with respect, courtesy and fairness; and
   (b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Declaration of Gifts

(1) Members will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government;

(2) If any gift, reward, or benefit is accepted (other than gifts of a token kind, or moderate acts of hospitality), including contributions to travel valued at over $100, disclosure will be made in a prompt and full manner and in writing in the appropriate register.

(3) The disclosure must be made in writing to the CEO

7. Accountability

A council member or committee member should —

(a) base decisions on relevant and factually correct information; and

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

Notes for this Division:

1. *Under section 5.104 of the Act a council member commits a Behavioural Breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
2. *A Behavioural Breach is dealt with by Local Government Inspector under the two-strike rule and, where necessary, referred to an independent Adjudicator, under section 5.105(3) of the Act.*

8. Overview of Division

This Division sets out —

(a) requirements relating to the behaviour of council members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

9. Personal integrity

(1) A council member, committee member or candidate —

(a) must ensure that their use of social media and other forms of communication complies with this code; and

(b) must only publish material that is factually correct.

(2) A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

(b) must comply with all policies, procedures and resolutions of the local government.

10. Relationship with others

A council member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

11. Council or committee meetings

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

(a) must not act in an abusive or threatening manner towards another person; and

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(c) must not repeatedly disrupt the meeting; and

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

(e) must comply with any direction given by the person presiding at the meeting; and

(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

12. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government; and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

13. 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).

14. 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.

15. 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).

16. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.

(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division. The Shire of Morawa provides a full overview of its procedure for dealing with complaints in its Behaviour Complaints Management Policy.

Division 4 — Rules of conduct

Notes for this Division:

1. *Under section 5.105(1) of the Act a council member commits a Conduct Breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
2. *A Conduct Breach is dealt with by the Local Government Inspector and, where necessary, referred to an independent Adjudicator, under section 5.105(1) and Section 8A & 8B of the Act.*
3. *A Specified Breach, formally referred to as a Serious Breach, where a council member contravenes a provision of the Act, as outlined in Schedule 8A, is dealt with by the Local Government Inspector and, where necessary, referred to the State Administrative Tribunal.*

17. Overview of Division

(1) This Division sets out rules of conduct for council members and candidates.

(2) A reference in this Division to a council member includes a council member when acting as a committee member.

18. Misuse of local government resources

(1) In this clause —

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

resources of a local government includes —

(a) local government property; and

(b) services provided, or paid for, by a local government.

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

19. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

(b) to cause detriment to the local government or any other person.

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

20. Prohibition against involvement in administration

(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

21. Relationship with local government employees

(1) In this clause —

local government employee means a person —

(a) employed by a local government under section 5.36(1) of the Act; or

(b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

(c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code*

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22. 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), (3) or (4) of the Act;

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

document includes a part of a document;

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

(2) A council member must not disclose information that the council member —

(a) derived from a confidential document; or

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

(3) Subclause (2) does not prevent a council member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

Note: A contravention of this clause is a conduct breach and must be referred to the Local Government Inspector in accordance with Section 8A.3 of the Act.

23. Disclosure of interests

(1) In this clause —

interest —

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

(b) includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

24. Compliance with plan requirement

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

Note: A failure to comply with this requirement is a conduct breach and may be referred to the Local Government Inspector for adjudication

ELM04 Elected Member Continuing Professionals Development (CPD)

Aim	To provide a policy covering the continuing professional development of council members to further their knowledge and skills to better represent their constituents
Application	Elected Members
Statutory Environment	*Local Government Act 1995* *This policy is made in accordance with Division 10 – Training and Development (s.5.126, s.5.127 and s.5.128) of the Local Government Act 1995 (the Act).* *Regulation 36; Local Government (Administration) Regulations 1996*
Approval Date	November 2020
Last Review	October 2026
Next Review	2028
Review Period	2 years

Objective

To support the continuing professional development of Council Members by enhancing their knowledge, skills and capability, thereby strengthening informed decision-making and the delivery of good governance for the community.

This policy provides a framework to assist Council Members to identify and access relevant training and defines the expenses that will be paid by the Shire.

Policy

This policy applies to Council Member training and continuing professional development, including mandatory training required under s.5.126 of the Act.

Council Member Induction

Following each election, the CEO and Shire President, or longest serving councillor, where the office of President is vacant, will facilitate an induction program for newly elected Council Members. The induction program should be completed within two months of a Council Member taking office and will provide information regarding Council Member roles and responsibilities, legislative obligations, personal responsibilities and the strategic direction of the Shire.

Mandatory Training

Council Members are required to complete the Council Member Essentials Course within 12-months from the day on which they are elected, unless exempt under Regulation 36 of the Local Government (Administration) Regulations 1996. Council Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

The Shire's preferred provider for this course is WALGA , and course delivery is available online and face to face. Council Members are encouraged to complete the online course where practical, as it provides a flexible and cost-effective training option. The administration will coordinate all bookings and arrangements for Council Members to complete mandatory training within the regulated timeframe.

Continuing Professional Development

Eligible Continuing Professional Development formats include, but are not limited to:

- Short courses;
- Training courses;
- Workshops;
- Seminars;
- Conferences;
- Formal qualifications, or individual units or modules as components of formal qualifications.

Continuing Professional Development should be delivered by industry recognised training providers, peak bodies, or professional organisations.

In order to be eligible for approval under this policy, Continuing Professional Development must be relevant to the role of a Council Member, and offer demonstrable benefit to the Council as a governing body, the Shire as an organisation, and the broader community.

This includes Continuing Professional Development that:

- Enhances the understanding of Council Member roles and responsibilities, and/or the role and function of Local Government;
- Assists Council Members to develop knowledge and skills in relation to the strategic objectives of the Shire;
- Enables Council Members to further develop personal and professional skills necessary for excellence in performance of the Council Member and governance role; or
- Supports Council Members in developing and maintaining positive and healthy communication, team culture and relationships, to facilitate excellent teamwork to achieve outcomes that deliver good governance outcomes.

Eligible Continuing Professional Development activities include:

- WA Local Government Association (WALGA) and Australian Local Government Association (ALGA) conferences.
- Special 'one off' conferences called for or sponsored by WALGA and/or ALGA on important Local Government issues.
- Annual conferences of the major professions in Local Government and other institutions of relevance to Local Government activities.
- Other Local Government-specific training courses, workshops and forums, relating to the outcomes listed above.
- Training relevant to the outcomes listed above offered by accredited organisations.
- Conferences, training, workshops, or seminars that address the initiatives and projects identified in the Shire's Strategic Community Plan, Corporate Business Plan or other strategic documents.

Council Members are encouraged to identify and share relevant Continuing Professional Development opportunities with Council and the CEO. The CEO will also identify and inform Council Members of relevant opportunities.

Request for approval

Council Members seeking approval to attend training or professional development are to submit a written application to the CEO including the following information:

a) Course or event title, provider or organiser name, location and date;
b) Copy of, or link to program, course outline or other summary of content;
c) An outline of the anticipated benefits of attendance, with reference to the eligibility criteria in this policy; and
d) Total estimated costs including accommodation, travel and sundry expenses.

Note – This application process is not needed for courses/conferences promoted to Council by the CEO/administration, as the eligibility of the CPD activity has already been determined.

Applications should be submitted with sufficient notice to enable assessment, registration and travel arrangements where required. Approval for Council Member attendance may be granted by:

a) the Chief Executive Officer where the:
    i application complies with this policy;
    ii event is to be held within WA; and
    iii the Council Member has sufficient funds available in their professional development (CPD Costs) allocation to meet all costs of attendance

b) resolution of Council where the:
    (i) application has been declined by the CEO and the Council Member requests Council review;
    (ii) application does not comply with this policy;
    (iii) estimated costs of attendance exceed the available balance of the Council Member's annual professional development allocation; or
    (iv) event is to be held outside of WA.

Limitations

Training and continuing professional development is for the purpose of enhancing a Council Member's performance of their role. Approval may be withheld where attendance would adversely impact Council operations, including attendance at Council or Committee meetings where quorum or strategic decision-making may be affected.

Unless otherwise resolved by Council, no more than two Council Members are to attend the same training or professional development activity where attendance would require an extended absence from the district.

Approval will not be granted for training or continuing professional development that is scheduled to occur in the last six months of a Council Member's term of office.

Sharing of knowledge

To maximise organisational benefit, Council Members who attend approved training or development activities should share key learnings and outcomes with fellow Council Members. Council Members may include ideas and innovations identified through the professional development for discussion at future Concept Forums, where the matter relates to the Shire's strategic objectives.

Knowledge sharing may occur through a presentation or verbal update at a Concept Forum, or through a written report provided to the CEO for circulation to Council Members. Copies of resources obtained at the event may also be provided to the Chief Executive Officer for circulation to all Council Members.

Continuing Professional Development Costs

To manage the Shire's budget each year and to ensure equality of access across Council Members, an annual allocation of $3,000 per Council Member and $6,000 for the Presiding Member will be allocated as part of a continuing professional development and conferences budget.

The annual allocation is intended to meet the reasonable costs associated with approved training and professional development activities undertaken in accordance with this policy.

Travel, registration fees and accommodation are to be arranged directly by the Shire administration. Council Members are not to pay such costs and seek reimbursement, except in the case of an emergency or unique circumstances and subject to the Chief Executive Officer's prior approval.

Registration fees may include, where applicable, event registration, conference program dinners, technical tours and accompanying workshops identified within the event program.

Where travel is involved, the Shire of Morawa Council has determined that the annual allowance paid to Elected Members in accordance with the current WA Salaries and Allowances Tribunal Determination for Local Government CEOs and Elected Members (the Determination) is to cover all meeting attendance and vehicle travel, including travel related to training and development.

Air travel is to be economy class and arranged having regard to practicality, availability and cost-effectiveness.

A Council Member may choose to upgrade the mode of travel, however additional costs incurred are to be paid by or reimbursed by the Council Member before the Shire confirms the booking/s.

Accommodation will be arranged at a standard considered reasonable and appropriate for the approved activity.

If it is not reasonable to expect travel to occur on the day of the event, the booking may allow for arrival the day prior to commencement, and departure the day following the close of the event.

A Council Member may choose to upgrade their accommodation standard or extend their visit for personal reasons, however additional costs are to be paid by the Council Member (including any additional accommodation or travel costs) and confirmed prior to the Shire confirming the booking.

Council Members are not to obtain personal benefit from expenditure of Shire funds and must not claim personal frequent flyer or accommodation loyalty points for air travel or accommodation paid for by the Shire.

Funding for meals and incidental expenses is to be provided in accordance with the Determination.

Meal expenses are limited to reasonable costs incurred for meals that are not otherwise provided as part of the event, accommodation or travel arrangements.

Incidental taxi, economy ride share or public modes of transport (i.e. to / from airport, event venue) may be claimed for reimbursement on submission of receipts.

All reasonable away-from-home costs like accommodation, taxi fares, meals, refreshments (including non-alcoholic mini-bar purchases) and other minor relevant incidentals are to be reimbursed. Claims can include a reasonable range of expenses commonly associated with living away from home and liaising with external stakeholders, like a limited number of alcoholic refreshments accompanied with an evening meal and in some circumstances costs like unforeseen/emergency clothes cleaning.

The Shire reserves the right to disallow excessive claims and invoice for reimbursement if required. Personal expenses, including entertainment, grooming and similar discretionary purchases, will not be reimbursed. Reasonably avoidable costs like clothes washing or meal costs where they are otherwise provided by the accommodation package, or the training/conference will also not be reimbursed.

Travel Insurance – Intrastate, Interstate and International
Council Members are covered by the Shire's corporate travel protection arrangements, subject to the applicable policy terms and conditions.

Council Members are encouraged to familiarise themselves with applicable policy conditions and assess whether additional personal cover is required.

Accompanying persons costs
Council Members are responsible for and will be required to pay all costs associated with an accompanying person attending an event or conference (including conference dinners and functions).

Where practical, the Shire may assist with booking arrangements; however, all associated costs must be paid by the Council Member.

Booking Changes and Modification Costs
Costs incurred for changing or modifying a booking for travel or accommodation, where the change or modification is:

a. At the request of the Council Member, are to be paid by the Council Member; or
b. A requirement or for the convenience of the Shire, are to be paid by the Shire.

Cancellations
Costs incurred for cancellation of registration, travel, or accommodation, where the cancellation is:

a. At the request of the Council Member, are to be attributed to the Council Member's individual allocation; or
b. A requirement or for the convenience of the Shire are to be paid by the Shire.

Report on training

The Shire will prepare and publish an annual report on training completed by Council Members in accordance with legislative requirements.

The report will include the following details of both mandatory training and continuing professional development completed by Council Members:

- Name of Council Member;
- Date of election;
- Whether the Council Member is required to complete mandatory training, and if applicable, the due date for completion and date of completion;
- Title of each training course or module completed or event/conference attended;
- The date attended or completed;
- The training provider or event/conference organiser;

Council Members must provide evidence of attendance or completion to support reporting and record-keeping requirements.

The report will be included in the Annual Report and published on the Shire website in accordance with legislative requirements.

Council Member Commitment

Council Members are committed to:

a) Take a positive approach to identifying opportunities for improvement and professional development.
b) Prepare for, participate in and complete professional development and training approved/booked under this policy.
c) Apply the benefits of professional development to fulfilling their Council Member role, including by sharing their knowledge with other Council Members.
d) Make reasonable efforts to confirm their availability, or otherwise, to the CEO before booking deadlines.
e) When requested, advise the CEO of alternative dates / times that they would be available to facilitate their participation in training.
f) Advise the CEO, at the earliest opportunity, if they are unable to attend planned / booked training. Where training costs are unable to be refunded, applicable costs will be debited to the individual Council Member's allocation.

Policy Review

In accordance with s.5.128 of the Act, this policy will be provided for Council's review following each ordinary election.

ELM05 Councillor Accommodation and Incidental Expenses Whilst on Council Business

Aim	Members of Council are required to perform a number of functions in the fulfilment of their Councillor duties. The Shire also provides members with the opportunity to attend conferences, seminars, and training courses to continuously improve their capacities.
Application	Elected Members
Statutory Environment	*Local Government Act 1995, s2.10, 5.98(2) (b), 5.98(3) (b), 5.98(5) (b 5.99A (b), 5.102.* *Local Government (Administration) Regulations 1996, Regs 31(1), 32(1)* *Salaries & Allowances Act s7B* *Salaries and Allowances Tribunal on Local Government Elected Council Members June 2014* *Public Service Award 1992 (Schedule F & I)* *Local Government Officer's (Western Australia) Interim Award 2011*
Approval Date	OCM 21 March 2024
Last Review	OCM 19 November 2020
Next Review	2025
Review Period	2 years

Objectives

To ensure that representatives of the Shire who are attending to legitimate and approved business on behalf of the Council are not financially disadvantaged as a result of attending to that business.

To provide flexibility for Elected Members required to travel on Council Business.

To ensure the funds of the Shire are properly and responsibly used by representatives of the Council when they incur expenses whilst on legitimate and approved Shire business, and that funds are accounted for in accordance with the relevant Regulations.

Policy

In order for Elected Members to carry out their legislated roles and functions, to participate in training/conferences, and to consult with stakeholders and other Local Government representatives both within and outside the Shire of Morawa, the Shire may reimburse relevant costs and pay agreed member allowances.

All Elected Members are encouraged to attend appropriate training in accordance with Policy ELM04 Elected Member Continuing Professionals Development (CPD).

Member Allowances

Under the *Local Government Act 1996* the Council is required to determine the amount of allowances that members are entitled to receive within prescribed limits (which are set out in the *Local Government (Administration) Regulations 1996*, and complimented via WA State Administrative Tribunal determinations).

The amount of these allowances are to be reviewed each year by Council as part of the annual budget development process and the revised amount is to be set by a resolution of Council made by an absolute majority. Allowances are to be paid quarterly in arrears and if an Elected Member retires before the end of their term then they will be paid a daily rate up until the date they retire.

The Shire of Morawa Council has determined that these allowances will cover all meeting attendance and vehicle travel cost relating to meetings or training and development.

"Away From Home" Expenses

All accommodation requirements to be where-ever possible supported by an official Council purchase order and coordinated by the Chief Executive Officer (or delegate).

All reasonable away-from-home costs like accommodation, taxi fares, meals, refreshments (including non-alcoholic mini-bar purchases) and other minor relevant incidentals are to be reimbursed. Claims can include a reasonable range of expenses commonly associated with living away from home and liaising with external stakeholders, like a limited amount of alcoholic refreshments accompanied with an evening meal and in some circumstances costs like unforeseen/emergency clothes cleaning.

The Shire reserves the right to disallow excessive claims and invoice for reimbursement if required. Expenses like in-room movies and otherwise personal costs like grooming, will not be reimbursed. Reasonably avoidable costs like clothes washing or meal costs where they are otherwise provided by the accommodation package or the training/conference will also not be reimbursed.

Child Care

Members who incur childcare costs as a result of attending Council meetings or a meeting of a Committee (of which they are a member), are entitled to reimbursement in accordance with section 5.98(2) as prescribed in regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996.*

Childcare costs incurred are to be calculated at the same rate applicable to the current determination of the Salaries and Allowances Tribunal on Local Government Elected Members.

Other Expenses (Incidentals)

It is not expected that members may need to incur any unreasonable level of expense in the performance of their duties. Where a member does incur in the performance of their duties any other expense (in addition to those specifically highlighted in this Policy) which the member believes they are entitled to have reimbursed, a claim should be submitted to the Chief Executive Officer, who shall decide in accordance with the *Local Government Act 1995* and the Administration Regulations on the extent of the reimbursement.

Claiming of Costs

Any claim for other expenses shall include receipts or suitable evidence of expenditure and are to be submitted to the Chief Executive Officer for authorisation. In instances where receipts or proof of expenditure cannot be supplied, a written declaration with sufficient information of expenditure should be submitted (a written declaration will ideally only be used for special circumstances and will be determined as appropriate by the Chief Executive Officer). Other guidelines, directions and procedures for the administration of this policy may include such things as:

- Purchasing procedures
- Preferred accommodation providers
- Corporate charging arrangements

Costings

Elected Members should contact the Executive Assistant to CEO in order to ascertain their expenditure regarding costs incurred as part of this policy, and other related policies,at the time of application.

ELM06 Conduct of Public Question Time

Aim	Establish procedures for the conduct of public question time of ordinary and special meetings of council and committee meetings.
Application	Elected Members Committee Members Employees Community Members
Statutory Environment	*Local Government Act 1995 s5.24 – Question Time for Public Shire of Morawa Standing Orders Local Law 2012*
Approval Date	OCM 18 December 2023
Last Review	OCM 19 November 2020
Next Review	2027
Review Period	4 years

Objective

To outline the procedure for the conduct of public question time at ordinary and special meetings of Council and to any Committee that is open to the public.

Policy

Public Question Time

The procedures for Public Question Time are set out in the *Shire of Morawa Meeting Procedures 2012 - Local Law.*

A provision for public question time is made at each meeting of Council, and at Committees that are open to the public.

On attendance at a meeting, members of the public are required to be provided with the guidance document '*Protocols Public Question Time – Council Meetings'* also available on the Shire website www.morawa.wa.gov.au which gives information on the conduct of Public Question Time.

Members of the public are required to submit their public questions in writing, preferably on the *Public Question Form*. Public Question forms are available on the Shire website and at the venue of the Council/Committee Meeting immediately prior to meetings.

Department of Local Government, Sport and Cultural Industries guidelines relating to Public Question time outline that Elected Members should not use question time to ask questions as many other alternatives are available to them.

If Elected Members are provided with questions from members of the public for presentation to Council as part of Question Time, the Councillor should provide a copy of the questions to the Chief Executive Officer as soon as practical after receiving them, and lodge the original document to the President on Council Meeting Day.

Question time is reserved for genuine questions only and is not intended to be used for the making of statements. Questions should ideally be submitted as early as possible prior to the meeting to enable research to be undertaken, thus enabling the most comprehensive response possible to be provided and avoiding the need to take the question(s) on notice.

ELM07 Order of Business - Ordinary Council Meetings

Aim	To outline the Order of Business at Ordinary Meetings of Council and Council Committees.
Application	Elected Members Committee Members Employees Community Members
Statutory Environment	*Local Government Act 1995 Part 3- Functions of Local Government,* Subdivision 1 *Shire of Morawa Meeting Procedures 2012 - Local Law*
Approval Date	OCM 21 March 2024
Last Review	OCM 19 November 2020
Next Review	2027
Review Period	4 years

Objective

To outline the Order of Business at Ordinary Meetings of Council and Council Committees as determined by Clause 18 of the Local Law Relating to the Conduct of Proceedings and the Business of Council – Standing Orders.

Policy

The Order of Business at an Ordinary Meeting of Council shall be as follows:

Item 1 Opening of Meeting
Item 2 Acknowledgement of Traditional Owners and Dignitaries
Item 3 Recording of Attendance
- 3.1 Attendance
- 3.2 Apologies
- 3.3 Approved Leave of Absence
- 3.4 Disclosure of Interests

Item 4 Applications for Leave of Absence
Item 5 Response to Previous Questions
Item 6 Public Question Time
- 6.1 Public Question Time
- 6.2 Public Statement Time
- 6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice
Item 8 Announcements by Presiding Member without Discussion
Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting
Item 10 Confirmation of Minutes of Previous Meeting
Item 11 Reports of Officers
Item 12 Reports of Committees
Item 13 Motions of Which Previous Notice Has Been Given
Item 14 New Business of an Urgent Notice
Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)

15.1 Closure of the Meeting to the Public
15.x Open the Meeting to the Public
Item 16 Closure
16.1 Date of Next Meeting
16.2 Closure

ELM08 Council Forums

Aim	Forums are intended to provide an inclusive process that results in better informed elected members and more effective and efficient decision making.
Application	All Elected Members
Statutory Environment	*Local Government Act 1995 and Regulations* *Shire of Morawa Meeting Procedures Local Law 2012*
Approval Date	OCM 19 November 2020
Last Review	2020
Next Review	2024
Review Period	2 years

Objective

To establish protocols for Council Forums ("Forums").

Policy

This Policy has been prepared to provide guidelines governing the conduct of Council Forums to ensure compliance with the intent of the *Local Government Act 1995* including the principles of open and accountable decision making.

The forums used by the Shire are in line with Department of Local Government guidelines and aim to improve the efficiency of Council without compromising good governance and due process.

The Shire of Morawa provides for three forum formats in lieu of formal standing committees of Council.

Agenda Forum (Agenda Settlement)

In general, held the week prior to an Ordinary Council meeting but at a minimum 72 hours prior to the Ordinary Council Meeting.

The Chair for Agenda Forums will be the Shire President (or if unavailable the Deputy).

The Chair may decide that an Agenda Forum is not necessary if the Council Agenda doesn't possess any items where clarification or extra information is likely to be required, for instance if all items are for noting.

The Chair is to run the Agenda Forums under similar principles to an Ordinary Council meeting such that:

- Agenda Forums are open to the public
- Declarations of Interest in relation to items are required and Elected Members with interests are not permitted to ask questions related to items upon which they will be prohibited from voting.
- The chair is empowered to call an end to questions from a member if it is no longer productive or adding value.

The nature of the Agenda Forum is such that it prohibits activities or interactions that are more appropriate for Council meetings such as debate or discussion, as such:

- The purpose of the meeting is for elected members to seek information to increase their understanding of the issues or commentary related to agenda items, not to debate or challenge the officer recommendation.
- The Chair will invite elected members to ask questions in sequential alphabetical order (surname), only one elected member is permitted to interact at a time and must wait until they are invited by the Chair to speak. This is to ensure free flowing discussion or debate does not occur outside of Council Meeting.

Clear Agenda Forum management is important to maintaining the significance, probity, integrity, and accountability linked to Ordinary Council Meetings.

Where there is an item that the CEO deems it relevant for a Shire officer or third party to present to Council further information than can be documented in a report, this is to be disclosed to the Chair prior to the meeting and this presentation is to occur prior to elected member questioning.

Concept Forum (Council Briefing)

Concept forums involve elected members and staff meeting to propose, discuss, and formulate philosophies, ideas, strategies, and concepts for the development of the local government and the district. They also provide an opportunity for the CEO to keep elected members abreast of operational issues that may lead to community member interactions with elected members.

Concept forums are more informal than Council meetings and agenda forums, whilst concept forums are generally run through the CEO and the CEO may direct discussions to other staff, the Shire President (Forum Chair) retains overarching control of the meeting to ensure order and integrity is maintained.

Concept Forums are closed to the public. The reasoning for this is that many of the ideas and concepts may be preliminary, creative, speculative, or relate to matters that may be confidential if presented in the Council arena, as such discussing these proposals in a public arena would be counterproductive.

Privacy and informality allow elected members to propose ideas, ask questions, and discuss issues or strategies without any perceived decision or outcome.

Declarations of financial interest are required if an item or topic arises where an elected member sees a conflict, and the elected should remove themselves from further discussions on the topic to display good ethics.

Concept Forums will be held after Council Meetings or at another day or time as determined by the Chair.

Given the high-level nature of concept forums the CEO may not always present the forum documents to elected members in advance of the meeting, however, should endeavour to give 24 hours' notice of the items to be discussed at the meeting to elected members via email.

Specific Purpose Forums

On occasions Council may have the need to call a forum to discuss a specific matter or issue that has arisen.

These specific purpose forums will be managed formally by the Chair (Shire President) with dialogue restricted to the specific matter at hand.

These forums may or may not be open to the public depending on the issue being discussed and whether it may or may not benefit from public awareness and debate.

Examples of specific purpose forums are:

- Briefings or discussions with private businesses such as mining companies with proposals relevant to the district
- Discussions around specific topics at a government level such as local government reform or amalgamation
- Development of CEO selection criteria or key result areas
- Strategic Plan workshops

Specific purpose forums can be called at any time by the Chair in consultation with other elected members in relation to their availability.

No formal or implied decisions can be made at forums outside of formal Council meetings, but the specific purpose forum can help guide the administration as they research, develop, or formulate draft documents or agenda items.

ELM09 Strategic and Financial Management Framework Policy

Aim	To establish the framework through which the Shire will establish, monitor, and achieve its strategic and financial goals.
Application	All Elected Members and Officers involved in the planning and financial management activities.
Statutory Environment	*Local Government Act 1995 Section 5.56(1)* *Local Government (Financial Management)* Regulations Part 4
Approval Date	OCM 14 October 2024
Last Review	2020
Next Review	2026
Review Period	2 years

Objectives

To:

- Identify and explain the elements of the Shire's Strategic and Financial Management Framework.
- Prescribe the process through which each of the elements of the framework are formulated, reviewed, discussed and approved.
- Define the involvement and role of the community, staff and elected members in the process.
- Identify the timing of the various activities within the framework.
- Establish clear mechanisms that plan for on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future

Policy

This policy establishes the Council framework that manages strategic planning and is based on the Council's desire to plan for on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future. It provides the framework through which Council will establish and achieve long term objectives and allocate resources appropriately to achieve these objectives.

The Council and relevant officers will plan and make decisions so that appropriate services and infrastructure, as outlined in the strategic plans are provided at acceptable service levels for current and future generations in a cost effective and affordable manner.

Financial sustainability at the Shire of Morawa means that in committing to a financially sustainable future, no policy or other decisions will be made without considering the long-term financial impact of those decisions. In making this commitment, it is acknowledged that unexpected events will occur in the future and Council will plan for reasonably foreseeable contingencies, but given the inherent uncertainties about future events, it is impossible to plan for every eventuality.
Section 5.56 of the Local Government Act 1995 requires all Local Governments to plan for the future of the district, and to ensure that any plans developed are in accordance with regulations. This policy framework provides a Shire of Morawa mechanism by which to achieve compliance with legislation and deliver sound long-term planning for the district.

The State's integrated planning and reporting (IPR) framework, gives local governments a process for establishing local priorities and to link this information to operational functions. Legislation changes gazetted in August 2011 require compliance to this approach, but this can

be tailored to the size and structure of each local government as long as the principles and practices of the framework are upheld. This policy provides for a Morawa orientated approach that still aligns with the IPR principles.

The seven key elements of the Shire's strategic and financial management framework are:

1. Strategic Community Plan
2. Specific Purpose Plans
3. Strategic Resource Plan
4. Corporate Business Plan
5. Annual Budget
6. Monthly Financial Statements
7. Annual Report

The Strategic Community Plan

Definition:

An aspirational plan driven by the community that sets the long-term vision for the Shire and establishes the key strategic focus areas that Council must consider and evaluate for the vision to be achieved.

Development:

A community wide survey followed by facilitated workshops attended by community members, key stakeholders, businesses, Shire staff and community groups. The outcomes of the community engagements are then provided to Council and followed up with a secondary survey to test that what has been captured generally represents community sentiment. This is then taken to a Councillor workshop for refinement and strategic discussion. The final plan is developed and undertakes a public comment period before final adoption.

Major Review:

The Integrated Planning and Reporting (IPR) Framework requires the strategic community plan to receive a major review every four (4) years. For simplicity, the Shire will undertake a full document development process at each major review stage.

Minor Review:

The IPR Framework requires the strategic community plan to receive a minor review every two (2) years.

i Council is consulted as to whether the general foundations of the plan and overarching vision remain relevant.
ii If focus areas and vision remain relevant, then staff undertake a desktop review and discuss key focus areas with key groups or individuals undertaking work in the relevant areas.
iii If focus areas and vision have lost relevancy then focussed workshops undertaken to distil what has been achieved compared to what is desired, and revise aspirations and focus areas.
iv Staff further refine the vision, aspirations, and key focus areas and submit a draft Strategic Community Plan to a Council Concept Forum for review.
v Council adopts the final plan after a community consultation period.

Specific Purpose Plans

Definition:

Plans and strategies that focus upon specific areas of Council involvement or activity. Current adopted examples are:

- Arts and Culture Plan
- Disability Access and Inclusion Plan
- Tourism Plan
- Area specific masterplans i.e. Solomon Terrace Community Precinct, Caravan Park, Cultural Precinct.
- The Local Planning Strategy

All strategies must be congruent with the higher-level key focus areas and aspirations established in the Strategic Community Plan and contain discrete, cost estimated, and deliverable tasks that will facilitate effective and measurable outcomes.

Development:

a) A strategic discussion is to be facilitated at a Councillor Concept Forum as the first stage of the development of a new strategy/plan.
b) The strategic discussion will be informed by background information, data and other relevant information on the major issues facing the Shire regarding the subject matter.
c) Once Council agreement is given for document development, broader engagement and consultation will be undertaken.
    a. Several different methods would be used to engage on specific purpose plans depending on the topic and groups of interest. Examples include whole of community engagement activities, community workshops, community group meetings, Councillor Concept Forums, State Government Department engagement, industry expert engagement etc.
d) A draft document informed by the outcomes of the strategic discussion and engagement with relevant stakeholder groups and workshops is then to be prepared.
e) The draft plan is to be submitted to a Councillor Concept Forum and then made available for broad public feedback.
f) A recommended final strategy/plan incorporating community consultation outcome is submitted to Council for final consideration.

Review:

Reviews are to occur when the strategy/plan relevancy period is coming to an end, or the majority of the agreed deliverables have been achieved.

i Staff are to submit review recommendations to a Councillor Concept Forum after engagement with relevant external and community stakeholders.
ii After consultation, the strategy/plan will be reviewed and updated, then distributed for public comment.
iii A recommended final strategy/plan incorporating community consultation outcome is submitted to Council for final consideration.

Strategic Resource Plan (Long-term Financial and Holistic Asset Management Planning)

Definition:

A long-term financial planning document that provides a picture of the Shire's long term financial and asset management requirements over a 15-year timeframe to assist with strategic planning. Long term financial planning is a key element of the IPR Framework. It enables the Shire to understand its long term resourcing capabilities to manage the prioritisation of short-, medium- and long-term strategic aspirations and objectives.

The Shire of Morawa's strategic resource plan focusses on long term financial and asset sustainability and allows for early intervention of financial issues through the proactive management of the corporate business plan and budgets.

Development:

Unlike other plans, the Shire commits to engaging external consultants to undertake the development of the strategic resource plan. The reason for this is to provide an external viewpoint on the Shire's long-term sustainability and financial management.

Given the significant length of the plan, it is developed based on a number of underlaying assumptions and broad modelling, with the principal of financial sustainability and service delivery driving resource allocation. The Strategic Resource Plan will inform the development of the Corporate Business Plan.

Review:

The Strategic Resource Plan will be reviewed subject to large scale unexpected financial changes, or at a minimum on a 4 yearly cycle that aligns to the major review of the Strategic Community Plan.
The Strategic Resource Plan will utilise ratios and/or other sustainability measures. The primary financial sustainability indicators are the long-term financial rules which will guide Council in making financial decisions and the target and acceptable ranges may be varied by Council over time.

In addition, Council will prudently set aside reserves to fund future expenditure requirements. However, it is impossible to plan for every eventuality (e.g. natural disasters or major legislative changes impacting on local government), and Council may be required to undertake short-term corrective actions in the future to respond to unexpected events and immediate challenges to financial sustainability.

<u>Corporate Business Plan</u>

Definition:

The Shire's principal business planning tool projecting each year's revenue and expenditure over a ten-year period, the first three years being detailed and the following seven years of a more general nature.

The main components and drivers of the Corporate Business Plan are:

- A holistic review of the organisation's strengths, weaknesses, opportunities, and threats (S.W.O.T).
- The Shire's top five operational focus areas for the first five years outlined in the plan
- A review of the Strategic Community Plan Focus Areas and Specific Purpose Plan tasks and outcomes to disseminate how strategic objectives will fit with the Shire's resource availability.

- A general overview of income and expenditure projections related to the day-to-day operations of the Shire
    - Updated to reflect annual budget and audited annual financial statement outcomes
- An annual contribution to asset renewals (Buildings, Roads and Footpaths, Other Asset Renewal and Plant) as identified in Asset Management Plans or through capital works planning.
- A Lending and Reserve Transfer Plan that identifies the loans the Shire may raise over ten years and the monies that will flow in and out of reserve funds. This strategy will also establish safe lending limits to ensure that the Shire's financial sustainability and stability is not threatened by inappropriately high levels of debt.
- A holistic financial overview that seeks to manage and balance the application of financial resources across a ten-year period to service strategic priorities, assets, and operational obligations. Year 1 of the corporate business plan financials will drive the development of the annual budget.

Development:

a) Staff prepare the draft Corporate Business Plan based on known strategies, plans, capital works, asset renewal, and financial data – applying a basic level of assumptions and forward projections for discretionary funds – at this stage the financials within the plan may not balance.
b) Council discusses the draft plan at a Concept Forum to refine proposed works, information, and projections.
c) The Plan is reworked to include Council feedback and to create a balanced (+/- $250K) Financial Overview across the 10-year period.
d) The balanced plan is submitted to Council Concept Forum for further discussion.
e) Council adopts the final Corporate Business Plan.

Review:

i Staff will commence reviewing the Corporate Business Plan in January each year.
    a. Updating the Operating Position based on the audited annual financial statements adopted in December each year
    b. Reflecting on any known projects completed or carried forward, and changes to strategic deliverables.
    c. A revised S.W.O.T analysis will be completed by executive management.
ii Asset Renewal, Capital Works, and Strategic Plans to be discussed at the February Concept Forum.
iii A revised Corporate Business Plan with an extended end date and detailed cost estimates for the first three years to be developed. The Executive Team is to present the revised draft to the March/April Council Concept Forum, with revisions and changes highlighted for clarity.
iv The Balanced (+/- $250K) Corporate Business Plan is to be presented to Council for Adoption in April/May each year.

<u>The Annual Budget</u>

Definition:

A statutory document that activates and delivers year one of the Corporate Business Plan. The revenue and expenditure estimates, asset renewal, financing, and strategic deliverables

contained within the Corporate Business Plan are used to inform the development of the budget.

The form and content of the Annual Budget is as described in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996. Mindful of the role of Council outlined under Section 2.10 of the Act, Councillors must assess if the budget delivers what the Council wishes to achieve based on strategic and community priorities.

Development:

a) In the month after the adoption of the Corporate Business Plan - staff prepare a draft budgetary Statement of Financial Activity based upon year one of the Corporate Business Plan and known economic conditions. The draft is then presented for discussion with Council as part of a Concept Forum.
    - Key outcome of first forum is the basis upon which Differential Rates will be developed
b) Either at the May Ordinary Council Meeting or via a Special Council Meeting before the third week of June, Council will be presented with the differential rates model for adoption based on the draft Statement of Financial Activity and known property revaluations.
    - Due to the Shire setting the UV Mining rate at more than double the UV rural rate, the Shire can expect a period of 50-60 days to elapse from Council Differential Rate approval to Ministerial Approval of Differential Rates
c) During June/July, the Shire staff will finalise a draft operational budget that aligns with the Statement of Financial Activity outlined when the Differential Rates were adopted, noting any known changes since that time such as carry forward projects, pre-paid grants etc.
d) During a Concept Forum in June/July, Council and the administration will review Shire Fees and Charges, and discuss a budget draft to highlight any deviations from the Business Plan or other prior discussions or expectations
e) The Annual Budget will be presented to Council for adoption before the 31 August each year.

Review:

The Shire of Morawa has committed to completing at least two and preferably three budget reviews each financial year. Specifically:

- Initial Budget Review – October/November based on end of September/October actuals
    - This initial review seeks to update the budget with any known changes such as tendered prices, grants, or project approvals received.
    - The Initial Review is aimed at managing major budget changes not minor operational outliers given the financial year is less than 50% completed
- Statutory Budget Review – February/March based on end of December actuals
    - The Statutory Budget review is mandated by regulation and must be adopted by Council and reported to the Department of Local Government by the end of March each year
    - The Shire staff will review all operational and capital works budgets during January
    - Staff will seek to predict budget changes required for the final 3-5 months of the financial year to facilitate service and project deliverables.
- Final Review – May/June based on April/May actuals

- The main purpose of the final review is to review reserve transfers, income estimates, and project delivery timeframes to ensure funds are appropriately managed as end of financial year approaches
- If unexpected income or cost savings are realised during the year, then the final review can be used to introduce a new minor project or allocate extra funds to reserves for use in future years.

Monthly Financial Report

Definition:

Each month the Shire prepares a council report and associated attachments that covers the statement of financial activity reporting as required under the Local Government (Financial Management) Regulations 1996, bank reconciliation, and payment listing information inclusive of corporate credit and purchasing cards.

This report provides Council with a monthly opportunity to review the Shire's operations against budgetary expectations and gain an understanding of any variances. It also provides a layer of control and an independent check of the Shire's financial management and controls.

The focus of financial reports to Council is to provide accurate information about the Shire's overall financial position.

Councillors, when considering the financial reports, will satisfy themselves that the information they are given reflects the actual situation of the Shire. Councillors will ensure that they understand sufficiently about the financial indicators for them to ask appropriate questions and interpret the responses.

Development:

The Council report and attachments are developed from the first working day at the end of each calendar month. The process involves a number of financial reconciliations, journals, and processes to ensure the back-end data that populates the financial reports are accurate.

Review:

The reports are reviewed monthly and can be expanded upon in terms of content if requested by Council, to provide Council with transparent and full information.

Annual Report

Definition:

The Annual Report has its basis in the Act, but also serves as the vehicle by which the Shire can evaluate, monitor, control, improve and report on the outcome of its activities over a particular financial year.

Section 5.53 of the Local Government Act 1995 requires the Shire to prepare an annual report for each financial year. The annual report is to contain – report from Shire President, report from CEO, overview of Strategic items and major projects delivered during the financial year and planned for the following financial year, the audited financial report, any matters requiring reporting under the Disability Services Act 1993 or section 5.121 of the Local Government Act

or any other information as prescribed.

Development:

The first item developed as part of the annual report is the annual financial statements in accordance with Accounting Standards and the requirements of the Local Government (Financial Management) Regulations 1996. These statements are presented to the Shire's auditors on or before the 30 September each year. The Shire's auditors will review the statements against the necessary evidence. The Office of the Auditor General will provide a final audit report on the financial statements before 31 December each year.

During October and November each year the annual report introductory information to accompany the financial statements will be developed to meet all statutory requirements.

Review:

The form and content of the annual report will be reviewed each year. The annual financial statements are reviewed by the Shire's auditors.

The Annual Report is to be reviewed and presented to a general meeting of electors not more than 56 days after the report was accepted by Council.

ELM10 Affixing of the Shire of Morawa Common Seal

Aim	To establish the circumstances under which the official Council Common Seal may be affixed to documents.
Application	Elected Members CEO
Statutory Environment	*Local Government Act (1995) S2.5(2) & S9.49*
Approval Date	OCM 18 December 2023
Last Review	OCM 19 November 2020
Next Review	2027
Review Period	4 years

Objective

To establish the circumstances under which the official Council Common Seal may be affixed to documents.

Policy

Affixing The Common Seal

Under section 9.49A of the *Local Government Act 1995* –

1. The Common Seal cannot be affixed to a document except as authorised by the Council; and

2. The Common Seal must be affixed to a document in the presence of:
   a) The Shire President (or, if section 5.34 applies, by the Deputy Shire President); and
   b) The CEO or an employee authorised by the Chief Executive Officer.

each of whom is to sign the document to attest that the Common Seal was affixed.

Documents requiring the Common Seal to be affixed

The Common Seal is to be affixed only to documents required by Legislation to be executed using the Common Seal e.g. *Transfer of Land Act 1893.*

Procedures for the use of the Common Seal

The Chief Executive Officer is responsible for the security and proper use of the Common Seal.

Wording of the Common Seal clause

If the legislation is silent on the wording of the Common Seal clause, then the following below shall apply:

Example – Where the Common Seal is Affixed by Resolution of Council

DATED: _____20_
The Common Seal of the Shire of [name] was affixed by authority of a resolution of the Council in the presence of:

_____
[INSERT NAME OF PRESIDENT]
PRESIDENT

_____
[INSERT NAME OF CEO]
CHIEF EXECUTIVE OFFICER



Common Seal Register

Entries in the register are to indicate the:

a) document to which the seal was affixed;
b) date the seal was affixed;
c) people who have attested to the seal being affixed to the document;
d) date on which the Council resolved to make the decision or enter into the contract to which the document relates; and the date on which the Council resolved to grant authorisation for the seal to be affixed to the relevant document.

Security of the Common Seal

The Chief Executive Officer is to make appropriate arrangements for:

(a) keeping the seal in a safe and secure location; and
(b) the appointment of a person who is to have custody of the seal.

ELM11 Governance and Policy Manual

Aim	To assist the Council to achieve its commitment to excellence in Governance
Application	Elected Members & Staff
Statutory Environment	*Local Government Act (1995)*
Approval Date	OCM 21 November 20204
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	Every 2 years

Objectives

The Governance and Policy Manual will act as:

- an introduction for new Councillors and staff members to the governance framework and processes for the Council;
- a guide and reference for Councillors in performing their duties as elected representatives;
- a document that establishes clear guidelines for the day-to-day governance of the Council.
- a basis to monitor the performance of the Council and administration in working towards excellence in governance.

The manual has been based on a number of existing governance frameworks, but in particular "Excellence in Governance for Local Government" produced by the Local Government Managers Australia and CPA Australia.

Policy

Preface

Corporate governance is a system of processes through which an organisation makes decisions and how it directs, controls and monitors its operations. The systems are complex and are required by legislation. The Governance Manual will assist the Council to achieve its commitment to excellence in governance.

The Manual links the respective roles under the *Local Government Act 1995 ('Act')* and other relevant legislation with the suite of available governance documents. It is designed to provide guidance and information to the major participants in all functions and governance processes of the Council.

The Manual Is Divided Into Five Parts:

Part One: Principles, values and vision

- The principles, values and vision establish the underlying aspects that should govern every aspect of Council corporate operations.

Part Two: Overview of corporate governance

- This section introduces the need for a governance manual. It explains the importance of good governance and the critical factors to be considered for all stakeholders in governance processes.

Part Three: Council governance statement and framework

- This part outlines the conceptual governance framework for the Council. It provides a statement of commitment to good governance principles within which all Elected Members and staff should operate.
- The framework highlights the inter-relationship between different aspects of good governance and illustrates how the Councillors and staff must work in a collegiate way to ensure strength and success in the Council's governance practices.

Part Four: Detailed Guidelines for good governance practice

- Provides more detailed guidelines on how good governance is carried out. The section covers roles and responsibilities, decision-making, accountability and sustainability.

Part Five: Appendix - Policies

- Policies provided reference essential documents that support the governance processes and procedures of the Council.

Summary

The Governance Manual will form the basis for a biennial corporate governance review by Council which will assess the effectiveness of the Elected Members and administration in achieving good governance.

Part 1: Principles, and Vision

1.1 Principles

Clear principles govern how decisions are made by the whole organisation. All decisions should be measured against the principles to ensure that the governance processes and practices adhere to the overarching principles of operation. Individual elected members and staff take specific responsibility for governance in their own activities. Individual actions in governance must demonstrate values that reflect best practice in governance and alignment with the agreed principles. The vision and values of the Council demonstrate how the five principles above are incorporated in a Vision that provides the long term goals for the Council. Five key principles have been identified to assist Council achieve excellence in governance.

These are:

Principle 1. - Clear Vision And Culture.

- Uniting in a clear vision and positive culture that respects the natural and built heritage of the Council as well as community needs and aspirations.

Principle 2. – Productive Roles and Relationships.

- Valuing the different roles of the various elements of a local government and the need for positive working relationships between these elements.

Principle 3. – Good leadership.

- Demonstrating exemplary leadership qualities through effective decision-making and related management processes that reflect transparency, integrity and sustainability.

Principle 4. - Accountability.

- Accounting for all local government activities and installing and maintaining systems which reinforce accountability and which communicate outcomes achieved to the community.

Principle 5. – Commitment to Sustainability

- Making the right decisions for both now and for future generations, in careful monitoring of progress to avoid negative impact, and, in ensuring a positive change for improved results and outcomes.

1.2 Shire of Morawa Vision

""A welcoming and inclusive community with diverse regional partnerships that have created a vibrant and growing economy".

In addition, the Shire of Morawa's Mottos are:
"Shire of Morawa: Breaking New Ground"
"Tourism: Exploring Wildflower Country"

1.3 Strategic Planning Context

Integrated planning and reporting, gives local governments a framework for establishing local priorities and to link this information to operational functions. Legislation changes gazetted in August 2011 require compliance to this approach that can be tabled to the size and structure of each local government as long as the principles and practices of the framework are upheld.

Ref: A "plan for the future" - S5.56 (1) of the Local Government Act (1995)

Elements of the Integrated Planning Framework



The **Strategic Community Plan** responds to three questions put to the community and the local government:

- Where are we now?
- Where do we want to be?
- How do we get there?

The plan prioritises community aspirations giving consideration to:

- Social objectives.
- Economic objectives.
- Environmental objectives.
- Factors such as changing demographics and land use.

The **Corporate Business Plan** activates the Strategic Community Plan by responding to:

- Council's distillation and prioritisation of the community's short, medium and long term aspirations.
- Existing operational plans, priorities and external factors impacting on resourcing.
- The assessment and integration of services and business area plans.

The process through which the Corporate Business Plan is developed incorporates:

- Activating the Strategic Community Plan.
- Operations Planning - including:
    - Asset Management.
    - Financial Management.
    - Workforce Management.

Part 2 Overview of Corporate Governance

2.1 Governance in the Legislative Environment.

Local Governments in Western Australia are required to make decisions, report them and implement them according to the provisions of the *Act.* Other legislation regulates the way in which a local government exercises its authority in areas such as Town Planning, Environmental Health and Dog Control.

The Act defines the roles and responsibilities of Elected Members and the Chief Executive Officer to ensure that a local government fulfils its obligations and exercises its powers and functions appropriately. Section 3.1 (1) of the *Act* prescribes that the general function of a local government is to provide for the good government of persons in its district.

To facilitate good government, local governments develop strategies and policies and provide mechanisms and processes for their implementation as provided for in the Act and its regulations The Governance Manual establishes the policies and processes by which the Elected Members and the Chief Executive Officer undertake their respective roles.

2.2 Definition of 'Good Governance'.

Just as the companies operating in the private sector has a requirement to adhere to legislation and regulations governing compliance and behaviour, so do local governments in the public sector.

The private sector has had a long standing involvement with governance issues, as reflected in adoption of mechanisms such as the Australian Institute of Company Executive Managers corporate governance charter, which:

"…defines the roles and responsibilities of the ultimate decision makers in the organisation and establishes a framework for strategic planning. It also defines expectations of the board and delineates critical policies, such as strategies for risk management and the delegation of responsibility."

2.3 Excellence in Governance.

Governance is the process by which decisions are taken and implemented; the process by which organisations go about achieving their goals; producing their outputs; and, the process by which

organisations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, values and culture within the organisation.
Excellence in governance occurs when it is underpinned by accountability, integrity, openness and commitment to sustainability. It involves a focus on clarity of roles and responsibilities, robust systems which support both internal and external accountability and public access to decision making and information.

From a Local Government perspective, the establishment of a governance framework reinforces the statutory authority and responsibilities of Council as a corporate body and assists Elected Members and professional officers in the delivery of quality services. Central to the achievement of these outcomes is the engagement of key stakeholders and intended beneficiaries in the development and implementation of initiatives for the betterment of local communities.

Effective outcomes are best achieved where the role and focus of Elected Members as a collective corporate body, is directed to policy formulation and strategic development. The role of the officers is to implement the policies and strategies of the corporate body through an accountable, effective and efficient application of resources and assets.

Governance is based on the understanding that the Council and its Chief Executive Officer and staff have different roles and responsibilities which, when combined, create the environment for effective management and operation of the Council. It recognises that good governance does not only apply to internal procedures but ultimately reflects in the satisfaction of the residents and other stakeholders of the Shire both now and into the future.

Accountability is unachievable without effective stewardship of the Shire's financial, physical, intellectual and natural heritage assets. Stewardship refers to the planning and management required ensuring optimum use of assets to serve existing community needs and provide a lasting legacy for future generations. It requires innovation, reflected in strategies designed to encourage sustainable growth and prosperity, which are compatible with the unique character and focus of the Shire.

Part Three: Governance Statement and Framework

3.1 Council Governance Statement.
The Council considers that integrity, role delineation, accountability, a systems approach and strategic management are applicable to local government. To ensure effective, transparent and sustainable administration of the Council's affairs, a governance framework has been designed. The governance statement, key principles, values and framework aim to create a strategic and accountable approach to management of the
Council as "pillars" of good governance.

Collectively, appropriate policies, strategies and procedures constitute the Council's governance "foundations "private sector has had a long standing involvement with governance issues, as reflected in adoption of mechanisms such as the Australian Institute of Company Executive Managers corporate governance charter, which:

"…defines the roles and responsibilities of the ultimate decision makers in the organisation and establishes a framework for strategic planning. It also defines expectations of the board and delineates critical policies, such as strategies for risk management and the delegation of responsibility."

3.2 Council Governance Framework

The governance framework serves to bring together in a coordinated manner, legislative issues and requirements affecting the Council, the governance statement and its underlying strategies, policies and procedures.
It depicts the values, legislation of strategic directions as the pillars which support the activities of Councillors, staff and stakeholders. The foundation stones of the framework are the good principles and practices that are required for building good governance throughout the organisation.

The fundamental objective of a corporate governance framework is to promote stability, confidence and consistency of process by providing role clarity and certainty of direction for the Elected Members and administrative office holders of the Council.

The basis for this governance framework can be found in strategic documents and associated operational mechanisms which have been developed and implemented pursuant to roles and functions prescribed by the *Act* and arising from the vision, values and goals enunciated in the Strategic Community Plan.

3.3 Good Governance Practice
The increasing level of scrutiny now being directed to the operations and activities of public bodies has created a need for full and open disclosure of the governance systems which exist within these organisations.

Accountability is an essential element of good governance and applies to Elected Members and Chief Executive Officer alike. From a political perspective, accountability requires that the Shire President and Councillors of the Council are accessible to residents and ratepayers so they may be responsive to community issues and needs.

As the governing body of the Shire, the Council has the ultimate responsibility for ensuring compliance with legislation and regulations. It is the Chief Executive Officer's responsibility to ensure that Council is provided with unbiased and relevant, professional advice and information on which decisions are made. The Chief Executive Officer is also responsible for the management of officers, financial resources and the maintenance of effective and efficient systems, procedures and processes which are necessary to meet the accountability requirements of the Council.

Accountability is unachievable without effective stewardship of the Shire's financial, physical, intellectual and natural heritage assets. Stewardship refers to the planning and management required ensuring optimum use of assets to serve existing community needs and provide a lasting legacy for future generations. It requires innovation, reflected in strategies designed to encourage sustainable growth and prosperity, which are compatible with the unique character and focus of the Shire.

3.4 Good Governance Principles
The following practices, as they relate to the five principles of operation apply to the achievement of good governance at the Council. A summary of the key practices that will govern actions for each principle is provided below then further detail on each aspect is provided in the following sections.

Principle 1 - Vision and Organisational Culture

- There is a clear vision and Strategic Community Plan that is produced through a comprehensive and inclusive process which is owned by all sectors of the local government.
- There is a positive culture that promotes openness and honesty, in which questioning is encouraged and accountability is clear.

Principle 2 - Roles, responsibilities and relationships

- There is clarity about the roles of local government and there exists a sophisticated approach to defining and implementing these.

- There are effective working relationships that are promoted and supported within and between the Shire President, Councillors, CEO and administration.

Principle 3 - Decision-making and management

- There are effective decision-making processes in place that reflect the transparency and accountability which underpin excellence in governance.
- There should be robust and transparent financial management established and maintained to meet local government's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.
- An effective approach to the identification, assessment, monitoring and management of risks should be established and maintained.
- Effective delegations should be implemented and maintained
- There should be an active performance management system in place that enables Elected Members and officers to be openly accountable for their performance.

Principle 4 - Accountability

- Consultation should be undertaken that is appropriate to the scope and potential impact of the matter. It should respect the position and opinion of all stakeholders. The outcomes of the consultation should be taken into account when the decision is made and feedback should be provided to those who participated.
- The Council must account for its activities and have systems that support this accountability
- The Council should establish internal structures that provide for independent review of processes and decision-making to assist the Council to meet its accountability to stakeholders.

Principle 5 - Commitment to Sustainability

- The Council will endeavour to keep up-to-date with all processes, methodologies and technologies which are capable of achieving improved outcomes for the Shire.
- Awareness of practices that will lead to improved resource management, environmental protection and rehabilitation, stronger communities and added economic value will be raised within the Council and staff and across the community.
- Potential environmental, social and economic impact of any project or decision will be considered.

Part 4 Detailed Guidelines for Governance Practice

4.1 Vision and Organisational Culture

Vision

There is a clear vision and Strategic Community Plan that is produced through a comprehensive and inclusive process which is owned by all sectors of the Local Government. The Council vision as stated in Part 1 is the driver that governs the culture of the organisation. The vision has been generated as a united focus for the Shire. Governance decisions and practice must at all times contribute towards achievement of the vision.

Organisational Culture

There is a positive culture that promotes openness and honesty, in which questioning is encouraged and accountability is clear.

The principles introduced in Part 1 will be demonstrated as an integral part of the organisational culture. If all individuals involved in Shire governance apply the values, the culture of the organisation will be one that has the greatest opportunity of achieving excellence in governance. In addition, the Elected Members and staff will strive to achieve the following eight elements within its organisational culture:

- Effectiveness in management structures and practices;
- Good communication including feedback;
- Learning;
- Ethical behaviour and codes of conduct;
- No conflict of interest;
-
- Support for frankness and openness;
- Confidentiality;
- Innovation;

Effectiveness in management structures and practices

- A good management structure will be maintained based on the organisation's vision, with clear roles and responsibilities.
- Responsibility and accountability will be delegated appropriately down the organisation.
- Management will support clarity in responsibility and accountability and focus on outcomes.
- There will be effective and efficient processes and systems in place.

Good communication including feedback

- Good relationships will be developed between the various parts of the Shire.

Learning

- Decision making processes will incorporate appropriate consultation, knowledge management and involvement.
- There will be learning programs for Elected Members and officers designed to meet their skills and knowledge requirements.

Ethical behaviour and code of conduct

- The Code of Conduct and ethics will be owned and lived, particularly by leaders throughout the organisation.
- The Council, Shire President, CEO and senior management will be models of appropriate behaviour.

No conflict of interest

- An effective induction program will reinforce the organisation's culture so that all people associated with the organisation recognise where conflict of interest may arise and how relevant action can be taken.
- There will be agreement about different, but complementary roles of Councillors and officers.

Support for frankness and openness

- Opportunities will be provided for open and frank exchange between Elected Members, management and staff.
- Effective feedback mechanisms from the community will be established and maintained.

Confidentiality

- Where issues of confidentiality arise, the Shire will be transparent about instances where confidentiality will be protected.

Innovation

- The Shire will recognise that it operates in a changing environment and so must be aware of opportunities in those changes to improve the way the Shire operates.
- The Shire staff will be encouraged to take reasonable efforts to keep abreast of current best practice and up to date technologies.

4.2. Roles, Responsibilities and Relationships

There is clarity about the roles of local government and there exists a sophisticated approach to defining and implementing these.

4.2.1 Working Relationships

There are effective working relationships that are promoted and supported within and between the Shire President, Councillors, CEO and administration.

Effective working relationships are promoted and/or supported by and between the Shire President, Councillors, Chief Executive Officer and administration. It is a requirement that initial officer contact by Elected Members is made through the Chief Executive Officer in accordance with Council policy. Should an elected member wish to contact any other officer directly, a request shall first be made to the Chief Executive Officer, who will assess the request and advise the elected member of their decision.

Good corporate governance requires clear identification and definitions of responsibility and a clear understanding of relationships between the organisation's stakeholders and those responsible for managing its resources. Very important relationships are those between:

- The Shire President and the Councillors;
- Elected Members and Elected Members;
- The Shire President and the Chief Executive Officer; and
- Elected Members and the Chief Executive Officer.

Effective relationships are achieved and maintained at the Shire through:

- Parties agreeing on and respecting the differences in their roles.
- Protocols being established based on the agreements about roles and responsibilities being followed.
- Information and discussion about the various roles being included in Councillors' induction processes.
- Goodwill on the part of all parties to make governance work.
- The administration accepting that local government is a level of government and that political activities of Council are legitimate. Councillors are accountable to their constituents as well as to the "corporate whole" and they have to be able to address these accountability requirements in a constructive manner.
- There being a preparedness to tackle problems when they arise.

4.2.2 Council - Roles and Responsibilities

Under the Act the Council is a body corporate with perpetual succession, a common seal, and is charged with responsibilities. The Shire has interpreted these responsibilities as they are contained in the Act in conjunction with the Shire's governance framework and this governance framework and statement document provides the following guidance on the range and scope of these following roles:

Directs and controls the Shire affairs.
This role encompasses strategic planning mechanisms to ensure the continued viability and performance of the organisation, the setting of strategic goals for the organisation and the monitoring of the Shire's performance against these strategic goals.

(a) Is responsible for the performance of the Shire functions.
This role provides that the Council bears the ultimate responsibility for the performance of the Shire's functions. It can exercise this responsibility through the development of appropriate governance frameworks including delegations of authority and the determination of an appropriate organisational structure.

(b) Oversees the allocation of the Shire finances and resources.
The Council exercises this role by adopting the Shire's budget and long term financial plans. It is advised by officers of the Shire who are responsible for the development of appropriate financial controls and strategic documents.

(c) Determines the Shire policies.
The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management practices and work processes.

Council policy should set the standards for the administration to achieve and make strategic policy decisions that guide officers in their decision making processes. Under the *Act*, a local government is a body corporate with perpetual succession and a common seal.

4.2.3 Role of Elected Representation
The Council consists of seven members including the Shire President with no wards. The Shire President is elected by the Councillors.

Local Government elections are conducted biennially on a fixed date prescribed by the *Act*, with candidates elected to the office of Councillor or Shire President as applicable, attaining terms of four (4) years.

Statutory Role of Councillors
Section 2.10 of the *Act* describes that the role of a Councillor is to:

- represent the interests of electors, ratepayers and residents of the Shire;
- provide leadership and guidance to the Shire community;
- facilitate communication between the community and the Council;
- participate in the Shire decision making processes at Council and Committee meetings; and
- perform such other functions as are given to a Councillor by this Act or any other written law.

Each individual Councillor has a legislative requirement to fulfil this role. This governance framework provides guidance to Councillors on how they perform this role at the Shire.

Individually Councillors have a responsibility to act as a conduit between the community and the Shire. Not only must they represent the interest of the broader community on the Council, but also as community leaders they must represent the interests of the Shire within the broader community.

Whilst Councillors may be elected from an individual ward, their primary obligation is to represent the interests of the broader community within the Shire. It is not appropriate for individual

Councillor's constituent concerns to interfere with their decision making processes in providing good governance of the Shire as a whole.

Elected Members sitting as Councillors are responsible and ultimately accountable for long term financial planning, the annual budget and monitoring financial performance. In doing so, each individual elected member thus accepts a joint and individual responsibility for the financial outcomes.

Accountability and transparency is also facilitated through the standards and behaviour maintained by members – most notably, through their adherence to legislation governing declarations of financial and other interest where these arise, together with associated implications for participation in any debate.

Elected Members rely on:

- Financial advice and information from administration;
- Input from internal and external auditors and the Audit and Risk Committee;

Elected Members must also seek whatever additional information they need to make informed decisions.

Responsibilities of Council
The responsibilities of Council can be categorised into the following three key areas:

Legislative

- The Council is responsible for adopting a set of local laws that reflect current community standards and provide for the good governance of the Shire. Council when making local laws must be aware of their legislative effect.

Executive

- The Council is responsible for overseeing the executive functions of the Shire and determines appropriate policies, strategies and functions for the administration to implement.

Quasi - judicial

- The Council is responsible for applying factual situations to the legislative regime in a quasi-judicial manner under the Act, Planning and Development Act 2005, and other relevant legislation. This is explained in more detail at Part 4 "Councils Governance Tools" – Planning and Development Functions of the Council.

Accountability, stewardship, sustainability and innovation focus.
Accountability, stewardship, sustainability and innovation objectives are most effectively pursued where the focus of Elected Members of Council centres upon:

- Strategic planning, policy development and defining scope for delegation of powers and functions;
- Allocating the Shire's resources;
- Monitoring performance of the Shire against adopted strategies and objectives;
- Representing the interests of the community;
- Appointing the Chief Executive Officer and participating in the performance review process of that officer.

Accordingly, the Council is required to be accountable and transparent by undertaking deliberations and making resolutions within a framework which is factually based, non-prejudicial and relevant to issues at hand.

4.2.4 Limitation of Member Liability

The Shire has the legal capacity of a natural person. As such, the Shire may instigate legal proceedings in its corporate name and have proceedings taken against it. Section 9.56 of the Act, summarised in Attachment 2 specifies the limitation that Councillors must be aware of when taking office.

It is largely due to such legislative-based requirements, that local governments have embraced strategies designed to mitigate the liability of members and officers, with liability insurance protection and risk management now serving as a significant element of corporate governance frameworks.

It is for these reasons that many organisations have developed and implemented processes for identifying, analysing and mitigating risks which could prevent the achievement of business objectives.

These organisations have put control activities in place to manage risk throughout the organisation by developing risk management plans that cover activities as diverse as reviews of operating performance, information technology and management information systems.

4.2.5 The Shire President Role

The role of the Shire President as provided under Section 2.8 of the *Act* is to:

a) preside at meetings in accordance with the Act;
b) provide leadership and guidance to the community;
c) carry out civic and ceremonial duties on behalf of the Shire;
d) speak on behalf of the Shire;
e) perform such other functions as are given to the Shire President by the *Act* or any other written law;
f) liaise with the Chief Executive Officer on the Shire affairs and the performance of its functions; and
g) otherwise fulfil the role of Councillor.

4.2.6 The Deputy Shire President Role

Section 2.9 of the *Act* enables the Deputy Shire President to perform the functions of the Shire President, if:

a) the office of Shire President is vacant; or
b) if the Shire President is not available, or is unable or unwilling to perform the functions of Shire President.

4.2.7 Chief Executive Officer Role

The Chief Executive Officer's functions as described under Section 5.41 of the *Act* are to:

a) advise the Council in relation to the functions of the Shire under the 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 Shire;
e) liaise with the Shire President on the Shire affairs and the performance of the Shire's functions;
f) speak on behalf of the Shire if the Shire 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 Shire are properly kept for the purposes of the Act, or any other written law; and
i) perform any other function specified or delegated by the Shire or imposed under the Act or any other written law as a function to be performed by the Chief Executive Officer.

Section 5.42 of the *Act* enables the Shire to delegate in writing to the Chief Executive Officer, the capacity to exercise any of its powers or duties, with the exception of those relating to:

a) actions in which a decision of an absolute majority or a 75% majority of the Council is required;
b) acceptance of a tender which exceeds an amount as determined by the Council;
c) appointment of an auditor;
d) acquisition or disposal of any property valued at an amount exceeding an amount determined by the Council for the purposes of this paragraph;
e) any of the Council's powers under Sections 5.98A, 5.99A or 5.100 (*determining fees, allowances and expenses of members and Committee members)*;
f) borrowing money on behalf of the Shire;
g) hearing or determining an objection of a kind referred to in Section 9.5;
h) carrying out any power or duty that requires the approval of the Minister or the Governor; or
i) such other powers or duties as may be prescribed.

This clear separation of elected member and Chief Executive Officer roles and responsibilities as identified within the *Act* reinforces good governance principles. It also ensures that the Shire adheres to all statutory requirements whilst meeting the expectations of its community.

4.2.8 Executive Management Role

In undertaking its functions and responsibilities, Council is supported by the Chief Executive Officer and an Executive Management Group comprising the heads of the two Divisions, namely:

- Corporate and Community Services; and
- Works and Assets.

The Senior Management Group meets regularly as a basis for ensuring effective coordination of the Shire's operations and implementation of Council resolutions. These meetings are complemented by operational meetings. Such forums are considered important, both in enabling management information dissemination and also feedback by officers. This promotes a whole of organisation approach for the Shire in the fulfilment of its functions and responsibilities.

4.3. Decision Making and Management

4.3.1 Decision-Making

There are effective decision-making processes in place that reflect the transparency and accountability which underpin excellence in governance. The five stages in decision making which will be followed at the Shire are:

4.3.1.1 Agenda Setting –

This will be achieved through:

- an effective and efficient strategic planning process which produces owned strategic goals; and
- processes being in place which ensures Council plans are properly implemented.

4.3.1.2 Information Gathering – This will be achieved through:

- ensuring the information gathered is sufficient to allow a decision to be made;
- ensuring an effective process within the administration to convert information into advice;
- providing good quality and timely Council reports which provide the necessary information, options and clear recommendations. The reports will always incorporate the corporate view of the issue in question, the financial impacts and any risks;
- having workable and productive consultation processes in place that ensure that decision-makers are aware of the views of those whom the decision affects;
- a process for identifying and distilling data into appropriate information;
- agendas being structured so as to facilitate good decision-making processes.

4.3.1 Opinion Formation –
This will be achieved through ensuring that Elected Members understand the issues and have enough information provided to make a decision.

Decision-making – This will be achieved through:

- Council and Committee meetings being well chaired and conducted in accordance with Council Standing Orders;
- facilitating participation and involvement while ensuring debate is relevant and succinct;
- robust debate which ensures that all issues are aired. Although it is robust, the debate is conducted with courtesy and respect;
- the Chair attempting to find common ground amongst Elected Members; opportunities being available for the community to participate appropriately;
- Delegations where appropriate.

4.3.1.5 Implementation –
This will be achieved through:

- decisions being implemented in a timely manner;
- solidarity among the Councillors once a decision has been made;
- confidentiality being maintained wherever necessary.

4.3.2 Financial Management
There should be robust and transparent financial management established and maintained to meet local government's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.

The Council will achieve this by:

- Approving management's Service Delivery Plans that reflect the services and projects identified for the relevant financial year as shown in the Corporate Plan.
- Approve each year's Annual Budget in accordance with the adopted Service Delivery Plans and the Long Term Financial Modelling.
- Council through policy will determine the appropriate mix between borrowing for capital works and funding them from revenue. Council will consider the implications of its decisions on the level of capital works and infrastructure maintenance.

4.3.2.1 Funding Strategic Objectives
Section 5.56 of the *Act* requires that a local government prepare a plan for the future.

The Council must know the direction it is it is going long-term. Its vision and goals must be properly reflected in the Strategic Community Plan. Council will take its final decisions about the content of the Strategic Community Plan based on an understanding of the long-term financial consequences of their decisions. To enable this to successfully occur, the following steps will be implemented by Council:

- Longer-term financial planning
    - Elected Members, sitting as Council, will determine the long term financial plan, and be *accountable* for the process of developing it.
    - The delivery of the services identified in the Long Term Financial Plan will be in accordance with the Shire's strategic direction.
    - The financial strategy should be consistent with the Council's strategic plan. That is, it must be able to fund its projects, functions and service improvements.
    - As part of responsible business planning, the Shire's Long Term Financial Plan will detail the significant programs and activities to be undertaken by the Shire over the next five years and roll on each year with amendments and additions.
    - The Plan will provide a broad overview of where the financial resources of the Shire are planned to be directed over this period and the manner in which these activities will be funded.
    - The implementation of a Long-Term Financial Model that can be used to align capital and operating expenditure requirements with income streams complies with Council's rating strategy and policy.

- The rating system
    - The rating system at the Shire will reflect the Council's strategy and vision for the future of the Shire. The rating levels and mix will represent a fair distribution of the rate burden across the community and Council's policies on appropriate taxation contributions from different sectors of the Shire.
    - Council's approach to rating will incorporate the concept of intergenerational equity; that is; the way the rating burden is spread between current and future generations of ratepayers of the Shire.
    - Council will be informed whether the rates outcome, which was envisaged in the Long Term Financial Plan, is still appropriate and consistent with all objectives of the Community Strategic plan.
    - Mindful of the role outlined under Section 2.10 of the Act, Councillors must assess if the budget delivers what the Council wishes to achieve.

4.3.3 Annual Budget

Developed as part of sound business management, the annual budget provides a framework for allocation of financial, physical and administrative resources required in pursuing the Shire's objectives for the proceeding twelve month period. The annual budget will be developed within the following framework:

4.3.3.1 Process

The Executive Group will annually develop a budget preparation timetable and process which meets Councils statutory requirements and gives enough time to resolve major issues. The Executive Manager Corporate Services will ensure that Council is given adequate time to have the opportunity to work through key issues.

4.3.3.2 Consistency with Financial Plan

Council's Long Term Financial Plan will provide broad guidance for the budget. The Long Term Financial Plan will be reviewed at least annually to incorporate the long term impact of any significant current decisions which are not consistent with the plan.

4.3.3.3 Information

Information will be presented to Council by officers through reports that enable Council to make informed decisions.

4.3.3.4 Community input

Opportunities will be provided to enable the Community to have input into the plan for the future through an advertising process.

4.3.4 Financial Reporting – Performance against Budget

4.3.4.1 Statutory Compliance
The Shire recognises that when decisions are made by Council, when resolutions are acted upon and when performance outcomes are reported, it is important that the requirements of any legislation and/or regulations are complied with, especially because of the reporting requirements of the Statutory Compliance Return.

Compliance will be pursued through ensuring the integrity of the key financial planning and reporting mechanisms which underpin the Shire's operations – especially the Annual Budget and Annual Report, and supplemented by internally based performance measurement instruments such as Reports from each division.

Compliance with key financial and statutory requirements is assessed through the audit schedule conducted in accordance with *the Act* by professionally qualified internal and external parties as appointed by the Shire. Financial reporting to Council will as a minimum be in accordance with its statutory requirements.

4.3.4.2. Content
The focus of financial reports to Council is to provide accurate information about the Shire's overall financial position.

Councillors, when considering the financial reports, will satisfy themselves that the information they are given reflects the actual situation of the Shire. Councillors will ensure that they understand sufficiently about the financial indicators for them to ask appropriate questions and interpret the responses.

4.3.5 Annual Report
The Annual Report has its basis in *the Act*, but also serves as the vehicle by which the Shire can evaluate, monitor, control, improve and report on the outcome of its activities over a particular financial year.

The Annual Budget should reflect the priorities expressed in the Strategic Community Plan and the Annual Report should indicate the extent to which those priorities have been achieved.

4.3.7 Services and funds
Council will:

- monitor on a regular basis (every 2 years) community satisfaction with the levels of service it provides
- have appropriate user charges for its services and facilities.
- be mindful of the proportion of rate revenue required to meet operational and capital costs for the Shire.
- comply with government policy
- where appropriate, seek to obtain other avenues of financial assistance such as grants, being mindful of the implications of accepting any grant including financial and management obligations
- Ensure costs can be recognised and recovered appropriately.

4.3.8 Capital works and debt servicing Key assets will be maintained.

- Any borrowing must be sustainable and not impose an unacceptable level of debt servicing.
- Council will be informed on the proportion of rate revenue required to service debt and decide whether it is appropriate for the Shire.
-

4.3.9 Accountability and policy

- Council will meet its legislative and financial reporting requirements.
- Council will meet its accountability requirements to the community in terms of stewardship of assets.
- Council will strive to achieve best practice in financial policies and practices. Council will leave an appropriate legacy for future Councils.

4.3.10 Audit

An Audit and Risk Management Committee will be appointed by Council. Council has professional external auditors appointed by, the Auditor General of WA.

4.3.11 Risk Management - An effective approach to the identification, assessment, monitoring and management of risks should be established and maintained.

The Shire's performance in implementing effective risk management strategies and adherence to sound business practice is reinforced through access to independent legal advice, the completion of the annual statutory compliance audit, and the annual financial audit undertaken by professional external auditors as required by the Act.

The Shire maintains a wide range of assets including:

- Infrastructure assets;
- Real property;
- Financial assets;
- Information assets and intellectual property and
- Natural and heritage assets.

The Shire takes an active approach to risk management in the conduct of its business through the implementation of a number of specific and organisation wide initiatives. This risk management strategy involves the Shire identifying, collating and treating all the identified risk (internal and external) to ensure a coordinated approach that effectively minimises business, financial and physical liability to the Shire's operations.

The Council will ensure the risk management program is of the standard required to meet its fiduciary obligations to:

- safeguard assets
- ensure there are sufficient monies to meet its financial obligations when due
- prevent and detect fraud
- ensure accuracy and completeness of accounting records.

Controls and risk minimisation processes have been implemented in the form of:

- An Audit & Risk Management Committee
- Formal processes whereby strategic and operational business risks and activities are considered by the Council.
- Review processes and reporting requirements that monitor compliance of service providers with their contracts.
- Formal procedures for the safeguarding of assets. The procedures include accounting, financial reporting and internal control policies.
- Regular reporting to the Council on financial and non - financial areas of Council operations.

- Process mapping of procedures

Internal control and risk management procedures are set out in the following documents:
- Procedures and Controls
- Management Policy
- Liability Insurance
- Asset Insurance
- Financial Controls
- Delegations Register
- Auditor review.

4.3.12 Delegations
Effective delegations should be implemented and maintained. Delegations of authority are required in order to provide officers of the Shire with the power to exercise duties and make determinations. It is essential that the Council's delegations are performed in accordance with the adopted governance framework and are compliant with relevant legislation. The Shire is required to keep records on the exercise of its delegations.

Council may delegate authority to the Chief Executive Officer and other nominated officers under the provisions of the *Local Government Act 1995, Health Act 1911, Strata Titles Act 1985, Caravan Parks and Camping Grounds Regulations 1987* and the Shire's Town Planning Scheme to perform some of its functions and duties.

The *Act* and associated regulations allow the Chief Executive Officer to delegate to any other officer the authority to perform functions and duties that are exercisable by the Chief Executive Officer under the *Ac*t or that have been delegated to the Chief Executive Officer by the Council. This is in accord with a governance framework whereby officers are responsible to the Chief Executive Officer and the Chief Executive Officer is responsible to Council. Similarly the Chief Executive Officer is responsible for the implementation of Council decisions and may delegate some of this responsibility to other officers of the Shire.

All delegations are to be recorded in a register established for the purpose (as required by the *Act)* and reviewed annually. The Chief Executive Officer will advise Council of any decisions that have been made under delegated authority.

Under the provisions of Local Planning Scheme Council may delegate authority to certain officers other than the Chief Executive Officer. If such a delegation is exercised Council shall be advised.

4.4. Accountability
Local government must account for its activities and have systems that support this accountability.

Excellence in governance is based on the premise that those who are involved in governance are held accountable for what they do. Accountability at the Shire means the Elected Members and management taking responsibility for their performance.

Elected Members and management at the Shire accept they are accountable under legislation in terms of how the Council operates and reports. This also extends to other measures such as:
- Risk management systems implemented and maintained to ensure that community assets are protected.
- Audit and Risk Management Committee focused toward providing assurances to all stakeholders that processes and procedures are being adhered to and that financial reports are accurate.

- A consultation policy to support good decision making by ensuring Elected Members are aware of the views of those who will be affected by any decision.

4.4.1 Performance Management
There should be an active performance management system in place that enables Elected Members and officers to be openly accountable for their performance.

The Shire will put in place a range of mechanisms to ensure that performance is measured, reviewed and improved and thereby enable remedial action to be taken, where necessary. The Shire is committed to the development of appropriate performance measures in financial policies and strategic plans to ensure long term viability.

Ongoing financial performance will be monitored through internally and externally based systems and processes, with associated reporting at the Executive Management Group and Council.

Effective coordination between the strategic and operational elements will be maintained through a regular report to Council which is based on the Strategic Plan, Long Term Financial Plan and agreed service levels.

4.4.2 Chief Executive Officer Performance Management
The Chief Executive Officer is appointed by the Council and is directly accountable to it. The Council is accountable for setting the Chief Executive Officer's performance plan and subsequent monitoring of his or her performance. This responsibility belongs to Council sitting as the Council and is not the responsibility of individual Elected Members.

Council has established a Chief Executive Officer's Performance Review Panel which is responsible for:

- Undertaking a performance appraisal of the Chief Executive Officer in accordance with the provisions of Section 5.38 of the *Act* and in accordance with the terms and conditions of the employment contract of the Chief Executive Officer.
- Managing and conducting the performance appraisal of the Chief Executive Officer in order to meet both Council's statutory obligations in accordance with the requirements of Section 5.38 of the *Act* and any terms and conditions of the employment contract of the Chief Executive Officer.
- Determining and setting in place an appropriate review process;
- Consulting prior to determining and setting in place an appropriate review process, with each of the Elected Members at the time and taking account of their respective views;
- Using the resources and professional advice of a mutually agreed and independent consultant to determine the process and plan and conduct the review;
- Negotiating and setting goals, objectives, key performance indicators and changes to the remuneration package within the terms of the Chief Executive Officers contract.
- Any goals, objectives, key performance indicators or remuneration package changes so negotiated and set must be acknowledged in writing by both the Shire President and the Chief Executive Officer; and outlined
- Briefing all Elected Members on the outcomes of the review.

4.4.3 Independent Review
Local governments should establish internal structures that provide for independent review of processes and decision-making to assist the Council to meet its accountability to stakeholders. Independent Review will be sought as appropriate through the following ways:

- External auditors
- 3rd party certifications

4.4.4 Customer Consultation

Consultation should be undertaken that is appropriate to the scope and potential impact of the matter. It should respect the position and opinion of all stakeholders. The outcomes of the consultation should be taken into account when the decision is made and feedback should be provided to those who participated.

The Shire will maintain and regularly review a Customer Service Charter which details the levels of service a customer can expect from the Shire, concentrating on the areas of service that our residents have indicated are the most important.

The Shire is prepared to explore new and innovative methods of service delivery in order to provide improved access to information and enhance customer interaction.
The Shire is committed to fostering high levels of public awareness of its activities, by providing its residents and ratepayers with access to a wide range of information. Any policy or planning developments will be fully inclusive of the affected Ward's representatives.

In addition to meeting the state wide and local public notice requirements prescribed by the *Act* in respect to particular proposals and activities, the Shire will also ensure that information is available by electronic means. The Shire will utilise the local press for notifying residents about important issues Information will also be posted on its official notice board located at the Administration Centre. The Shire Newsletter will continue in its role as a mechanism for disseminating information and encouraging feedback on key strategies, projects and significant Shire events.

Increasingly, the Shire's website at: www.morawa.wa.gov.au will serve as the focal point for providing up to date information and service delivery information to ratepayers and residents.

Public consultation involving residents and ratepayers is facilitated by the Shire through a range of mechanisms which includes; information provision, consultation, public comment, Special Meetings and Annual General Meetings.

4.5. Commitment to Sustainability

4.5.1 Sustainability Principles

The Shire will meet its commitment by ensuring that planning, reporting and decision making are conducted using contemporary sustainability principles.

4.5.2 Sustainability Outcomes

The Shire will endeavour to keep up-to-date with processes, methodologies and technologies which are capable of achieving improved outcomes.

The Shire will:

- Identify, assess and manage risks to employees, contractors, the environment and communities
- Strive to achieve industry best practice
- Meet and where appropriate, exceed the minimum performance standards required by legislation.
- Set and achieve targets that include reducing and preventing pollution
- Develop our people and provide the resources to meet our targets
- Support the fundamental human rights of employees, contractors and the communities in which we operate
- Care for the environment and value cultural heritage.

- Communicate with, and engage employees, contractors, business partners, suppliers, customers, visitors and communities to build relationships based on honesty, openness, mutual trust and involvement

4.6 Support for Elected Members in the Governance Process

Elected Members are encouraged to attend training offered by the Local Government Department or the WA Local Government Association to better enable them to carry out their Civic Duties.

Training needs, advice or resource needs can be facilitated by the CEO or relevant delegated officers.

(Note: The Department of Local Government and Communities offers advisory and support services for Elected Members. Guidelines are available through www.dlg.wa.gov.au, or by contacting the Department on 08 92171500, or Free call 1800 620 511)

ELM12 Elected Members Record Keeping Policy

Aim	Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members records up to and including the decision making process of Council
Application	Elected Members
Statutory Environment	*Local Government Act Section 2.7 – The Role of Council,* *State Records Act (2000), Freedom of Information Act (1992)*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objectives

- To provide guidance to elected members in regards to their record keeping responsibilities in line with legislative requirements.
- To provide record keeping principles that identify and protect local government records of continuing value.
- To provide guidance on the disposal of local government records, particularly those that have no continuing value.
- To define strategies that will support and document accountability and responsibility throughout local government.

Policy

Statement

Elected members records are important and necessary as they serve a history of the transaction and business process of local government and member accountability functions arising from their participation in the decision making processes of Council and Committees. Some local government records created and received by elected members have continuing value to Council and should be incorporated into the Shire's record keeping system. Some records have no continuing value to Council and may be destroyed when reference to them ceases. (GDALG – General Disposal Authority for Local Government Records, ref 1.1)

Definitions

Record as defined in the (General Disposal Authority for Local Government Records RD2010046 GDALG ref: 1.9) information recorded in any form created or received and maintained by an organisation in the transaction of business and kept as evidence of such activity and includes:

- "anything in which there is writing or Braille";
- a map, plan, diagram or graph;
- a drawing, pictorial or graphic work, or photograph;
- anything on which there are figure 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

- anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.

Records Capture and Control

Types of Records created and received by Elected Members:

The following guidelines relate to the records created in any format (e.g. paper, word processed documents, email) or received by any method (e.g. post, fax, email, hand delivered). Elected members can forward records of continuing value to the Council for incorporation into the record keeping system.
All records created and received in the course of the Shire's business regardless of the format are to be captured into the Shire's record keeping system. Elected members can do this by:

- Forwarding emails to ea@morawa.wa.gov.au, this email address is monitored by the CEO's Administration Staff who will capture the record for elected members
- EMACCESS documentation will be recorded by the CEO's Administration Staff
- The Website discussion board will be monitored by our Web Host Key to Creative. Any additions to this website will be included in the weekly records reports.
- Hard copy record can be given to the CEO's Administration Staff at the conclusion of the Council meetings. **Records access:**
- *Elected Members* – Access to the Shire's records will be via the CEO Executive Administration Staff in accordance with the Local Government Act (1995)

Guidelines

Government Records of Continuing Value:

Government records of continuing value are records created or received which –

1. Contain information that is of administrative value to Council. These records may be referred to for many administrative purposes, including the need:- • To check an interpretation of Council policy or the rationale behind it,
   - To check the facts on a particular case or provide information to management,
   - To monitor progress and coordination of responses to issues,
   - To document formal communications and/or transactions (e.g. a minute, report or submission) between elected members and another party, and
   - To document elected members' decisions, directives, reasons and actions.

2. Contain information that is of legal value to Council on the basis that there are statutory requirements or court orders that stipulate the retention of records, which must be observed.

3. Contain information of fiscal value to Council that includes original records documentation the receipt, expenditure and control of public money that must be left for a period of time, and will facilitate transparent accountability by the officers responsible.
4. Contain information about the legal rights and obligations of Local Government including elected members, ratepayers, organisations and the general community. Contain information of historical value to Council and to the State.

Government Records External in nature to the Shire of Morawa:

Elected members are involved in external meetings as part of their role as an Elected Member of the Shire. (GDALG ref: 25.2, 25.3, 25.4, 73)
Information where the Agenda is not replicated in the Council Minutes and/or copies of agendas of meetings and minutes should be recorded into the Shire of Morawa's record keeping system.

Diaries, appointment books and desk calendars (e.g. bunch dates) are generally used to record appointments.

They may also be used to record messages and notes, some of which may only be an aide memoire of a routine nature, and some of which may be significant to the conduct of Council business. (GDALD ref: 38) **NB. It is strongly recommended that elected members maintain separate diaries or appointment books for personal and official use.**

Correspondence addressed to elected members at their private address or post box that is a government record and is of continuing value should be forwarded for incorporation into Council's record keeping system along with any response which the elected member may have made.

Messages and other facilitating instructions may be sent or received via a range of methods, such as telephone and voice-mail, post-it notes or sticky notes, facsimile, pieces of paper, transmission reports. Email and facsimile are considered records.

Government Records Internal in nature to the Shire of Morawa:

Correspondence addressed to elected members at the Shire office, including those marked Private, Confidential, Personal are opened by designated officers, and if of continuing value, incorporated into the record keeping system, before forwarding to the elected member via the Records Department and CEO's Administration
Staff.

Drafts of addresses, speeches, reports, correspondence, file notes that are not circulated to other elected members or staff of the Council, and of which the final version has been produced and forwarded for incorporation into the Council's record keeping system. (GDALG ref:1.6)

Drafts circulated to other elected members or staff of the Council, where only editorial or typographical changes have occurred, and of which a final version has been produced and forwarded for incorporation in the Council's record keeping system. Duplicates of records issued to an elected member by the Council for information or reference purposes only and where the original or authorised copy is captured in the Shire's record keeping system.

Duplicates of internal or external publications issued or received for information or reference purposes (e.g. annual reports, brochures, trade journals, price lists).

Routine facilitative instructions, such as edit corrections, distribution lists for information purposes, simple administrative instructions and social invitations and messages.
Original messages that have been transferred or transcribed into appropriate formats for incorporation into the Council's record keeping system.

Working papers, background notes and reference material that are used to prepare or complete other documents. (GDALG ref: 1.9)

ELM13 Honorary Freeman of the Shire

Aim	To recognise outstanding and meritorious service to the Council of the Shire of Morawa.
Application	Elected Members
Statutory Environment	N/A
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To recognise outstanding and meritorious service to the Council of the Shire of Morawa.

Policy

Scope

Subject to the eligibility and selection criteria of this Policy being met, Council may, by resolution, confer the title of 'Honorary Freeman of the Shire' to persons who have rendered exceptional service to the community through service on Council.

Eligibility Criteria for 'Honorary Freeman of the Shire'

Nominees for the conferring of the title 'Honorary Freeman of the Shire' should have given extensive and distinguished service to the community through serving on Council.

Council may also consider conferring of the title of 'Posthumous Freeman of the Shire'. In this case, the abovementioned eligibility criteria would apply.

Selection Criteria

Nominees are to be judged on their record of service to Council. The selection criteria are to include:

- length of service; and
- level of commitment; and
- personal leadership qualities; and
- benefits to the community of the Shire of Morawa resulting from the nominee's work on Council; and
- specific achievements of the nominee.

Nomination Procedure:

- Nominations for the Award may be made by Elected Members, individuals or organisations and are to be sponsored by an elected member of the Shire of Morawa. They are to be submitted to the President on the Official Nomination Form.
- Nominations are to be made in the strictest confidence without the knowledge of the nominee.

- On receipt of a nomination the President is to convene a meeting of the Freeman Working Group.
- The Freeman Working Group is to consider the nomination and make a recommendation to the Council whether or not to confer the title 'Honorary Freeman of the Shire' on the nominee.
- Council is to consider the item behind closed doors.
- Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable media release is to be distributed.

Title of 'Honorary Freeman of the Shire'

A person who has acted as President at the Shire of Morawa for a period of at least 12 consecutive years is to be made an Honorary Freeman automatically in recognition of their service and leadership given to the Shire.

The appointment is to be made at the conclusion of their term of office.

Awarding the Titles

The formal conferring of these titles is to be carried out at a civic reception held by Council. This may be a special reception for this purpose, or the ceremony may form a focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony is to rest with the Chief Executive Officer in consultation with the President.

The successful nominee is to receive a certificate (framed in a quality frame) and an official name badge (of a similar design to Elected Member badges) which confirms his or her status.

Privileges

The successful nominee is to have their name displayed on the Shire's Freeman honour board. Honorary Freeman shall be invited to attend civic functions of the Shire at the discretion of the President.

Number of Honorary Freeman within the Shire

There is no limit on the number of persons upon which the title of Honorary Freeman of the Shire of Morawa may be conveyed.

Revocation of Title of Honorary Freeman

Council, by resolution, shall also have the ability to revoke the title bestowed upon a person, if a criminal matter for which the Honorary Freeman in question was found guilty of, or for any other matter, was considered by Council to have caused embarrassment to the Shire or that the ongoing recognition of such a title on this person by the Shire was inappropriate.

The removal of the name from Honour Boards and other places and any other such items will be at the discretion of Council and conducted through liaison with the Chief Executive Officer.

ELM14 Community Projects Letters of Support

Aim	To provide clear guidelines to the Elected Members and Shire Staff regarding community projects where letters of support from the Shire of Morawa are requested.
Application	Elected Members Committee Members Employees Community Members
Statutory Environment	N/A
Approval Date	OCM 18 December 2023
Last Review	OCM 19 November 2020
Next Review	2025
Review Period	2 years

Objective

To acknowledge and support the Shire of Morawa community projects where letters of support are requested. The Shire of Morawa recognises that it has a major role in creating and developing a strong, cohesive community where people support each other and work together to achieve their desired quality of community life.

Policy

Council will support projects, services, programs and facilities for the community which are:

- Planned and Coordinated – Council recognises services to the community are best delivered in a holistic, coordinated manner and that any council planning processes such as recreation planning must consider the needs of the community and must be considered before a letter of support is written.
- Efficient and Accountable – Council will support services for the community that are delivered in an effective, competitive and accountable way.
- Participative – Council recognises the importance of the community being involved in the design, development and management of services and facilities that will be utilised by them.
- Accessible – Council wishes to ensure that the community have access to the range of services and facilities offered in the community.
- Collaborative Partnerships – Council recognises and encourages the collaborative efforts of individuals and agencies working in partnership with the Shire.
- Initiatives which aim to deliver outcomes that align to the vision, aspirations and strategic focus areas highlighted in the Strategic Community Plan.

Method

1. Requests should be received by the Administration with a minimum of five working days' notice prior to the required date.

2. A request for a letter of support (or a *Referee* request, where specific funding bodies do not accept letters of support) is to include:

   a) An overview of the application organisation;

b) Full contact details of the organisation including name and contact details of the relevant person in relation to the proposed project.
c) Details of the proposed project (including how the project meets the objectives of the Policy);
d) Details of the application and all other relevant information for the grant/subsidy;
e) Details of the organisations relationship the Shire including any Lease or License conditions in place, plus any other relevant information that might affect the Shire as a result of the application.

3. A summary of the application, any officer comments and a draft letter of support to be prepared by the Administration.

4. All letters for non-monetary support or for grants up to the value of $5000 may be reviewed and executed by the CEO. The CEO must provide notification to the Shire President and Deputy Shire President with the intention to support any applications.

5. All other letters of support are to be signed by the Shire President or if unavailable, the Deputy Shire President.

ELM15 Recognition of Aboriginal Culture and History

Aim	To provide clear guidelines to the Elected Members and Shire Staff in order to recognise the unique position of Aboriginal people in Australian culture and history.
Application	All Elected Members & Staff
Statutory Environment	*Local Government Act 1995 - S 3.1(i)*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To provide clear guidelines to recognise the unique position of Aboriginal people in Australian culture and history.

Policy

This Policy applies to all Elected Members and Shire Officers responsible for organising events/ functions/ceremonies/meetings where 'Acknowledgement of Country' or 'Welcome to Country' ceremonies should be included in official proceedings. Also, to outline other recognition actions in which the Shire may engage.

Aboriginal people are the original custodians/traditional owners of the land. It is important this unique position is recognised to enable the wider community to share in Aboriginal culture and heritage, facilitating better relationships between Indigenous people and other Australians.

The 'Acknowledgement of Country'

Definition of Acknowledgement of Country
An 'Acknowledgement of Country' is an acknowledgement of traditional Aboriginal and Torres Strait Islander custodians/traditional owners of land in order to pay respect to them. It is a means by which all people can show respect for the Aboriginal culture and heritage and the ongoing relationship the traditional custodians have with the land. The 'Acknowledgement of Country' can be performed by any person, Aboriginal or non-Aboriginal

Appropriate Place
When planning an official event, Elected Members or Officers should ensure that an Acknowledgement of Country' is delivered where possible. In particular, an 'Acknowledgement of Country' should be given by a speaker at the beginning of the event.

Events
Events for 'Acknowledgement of Country' include (but are not limited to) the following:

- Significant events where members of the public, representatives of governments and/or the media are present;
- Council Meetings; and
- Forums, Conferences, Briefing Sessions and Major Workshops where the public are present.

Phraseology
Events and Council/Committee Meeting Meetings

The following will be read out at each Shire of Morawa Council /Committee Meeting:

"As representatives of the Shire of Morawa Council, we acknowledge 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".

'*Welcome to the Country'*

A 'Welcome to the Country' is where the traditional Aboriginal custodians welcome people to their land by providing historical and cultural information to the people in attendance. Steps should be taken to ensure that the appropriate representative is invited to perform the 'Welcome', because it is a significant recognition and a formal process. A 'Welcome to Country' should always occur at the opening of the event in question, preferably as the first item in the order of proceedings.

Events for a 'Welcome to Country' include (but are not limited to) the following:
- Significant events involving the State/Federal Government;
- Significant civic functions/ceremonies; and • Significant launches/openings of new buildings.

'Welcome to the Country' is conducted by a recognised representative/s of the relevant local Aboriginal community.

A 'Welcome to the Country' may consist of a single speech by the representative of the local Aboriginal community, or it may also include a performance of some description. For example:
- Traditional Welcoming Song;
- Traditional Dance;
- Didgeridoo performance;
- "smoking" ceremony; or
- Combination of any of the above

.
It is necessary for the speaker who follows immediately after the 'Welcome to Country' ceremony to provide a response. Part of the response should acknowledge the person who delivered the 'Welcome to Country'. The following is a suggested response:

"I would like to as a Shire of Morawa representative, highlight that we too pay our respects to the Yamatji people, the traditional custodians of this land where we are gathering here today. On behalf of the traditional custodians, past and present, we welcome you all to today's event."

Other Recognition Actions

There are other actions the Shire can undertake to further enhance the recognition of Aboriginal Culture which could include the following statement:

"The Shire of Morawa respectfully acknowledges the traditional custodians of this land" in key documents, namely its Community Strategic Plan, its Corporate Business Plan; and in its Council Agenda and Minutes as well as its official webpage."

Cultural Protocols to be Observed

There are certain indigenous protocols that must be observed (noting that in most cases, members of the Aboriginal community will advise of appropriate/inappropriate behaviour and/or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender, status etc.

(i) The practice of not mentioning the name of a deceased Aboriginal person, or displaying photographic images of a deceased person unless agreed and approved by the relevant family;

(ii) Sensitivity to knowledge that is specific to gender (commonly referred to as 'Women's Business' or 'Men's Business'); and

Appropriate acknowledgement of guest artists that are either from or supported by the local community.

ELM16 History Collection Policy

Aim	This policy represents the distinctive cultural identity of the Shire of Morawa, both past and present.
Application	All Staff
Statutory Environment	*Censorship Act 1996* *Commonwealth Copyright Act 1968* *Museum Australia Inc. Code of Ethics 1999* *National Standards for Australian Museums and Galleries Significance 2.0: A guide to assessing the significance of collections*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To build and preserve an historical resource for the present and future communities of the Shire of Morawa by caring for the objects in its collection to the best possible standard and setting parameters for the collection, documentation, conservation and interpretation of artefacts significant to the Shire of Morawa.

Policy

The History Collection Policy is adopted on the principle that in the main, local history will be collected, protected, and managed by the Morawa District Historical Society with appropriate levels of support from the Shire of Morawa, namely –

1. The Shire supports Morawa District Historical Society who undertake the task of collecting and protecting Morawa's history;
2. Any land/buildings support;
3. Any financial support will be based on normal community group grant applications (namely, through existing Policy) plus any specific annual Shire budget allocations (as determined by Council – for example, for museum building maintenance);
4. Any staff support to the Morawa District Historical Society will be minimal and reflective of the levels of involvement generally allocated to other local community organisations; and
5. The Shire will ensure that its own organisation's history is protected through compliance with its responsibilities under the *State Records Act*, plus other individual activities.

By way of guidance to relevant staff and to Morawa District Historical Society, collection includes:

- Memorabilia
- Newspapers
- Photographs
- Community History
- Oral History
- All artefacts, objects and records

Memorabilia

A Memorabilia collection contains the gifts presented to the Shire. These gifts include objects, trophies, plaque crests, awards, medals, badges, coins, or certificates accepted by a Council representative in the course of conducting Council business.
It also includes objects used by staff or councillors in the course of conducting Council business, deemed significant to preserve for posterity, such as the Shire seals, framed photographs of councillors past and present, promotional material and equipment.

Newspapers

A Newspaper collection includes articles from local and state newspapers. The articles collected provide an ongoing history of the many events, activities, issues, people and places for the Shire. Articles collected relate to Council news and activities, residents activities and biographies, community development and its issues; historical articles, sporting clubs, community organisations, theatre and other public performances, selected local business information, selected housing styles and practising architects, and real estate development sites within the precincts of the Shire.

Photographs

A photograph collection may be developed from donations from private collections, in-house photography, copies made from originals, and donations. Donors may be required to complete a donation form for legal purposes, and to gather significance and provenance information.

Photographs may be scanned, digitised and made available to the community via the Shire's Library catalogue.

Community History

A Community History collection includes:
- Books both purchased and donated
- Reports
- CD's
- Videos
- DVD's
- Biographies
- Oral histories
- Digital records

The Community History Collection includes an archive with historical information and ephemera from businesses, schools, churches, community and sporting groups, events, places, buildings and people.

Copyright

The Shire's History Collection policy supports and upholds the rights of copyright owners as documented in the *Commonwealth Copyright Act 1968.*

Definitions

- ***Archives*** are a collection of documents and records that contain historical information. This includes the papers of individuals and organisations, letters, and diaries.
- ***Ephemera*** refer to printed materials that were only meant to be used for a short time. They may have been printed to use for a day, event or promotion. This would include

menus, tickets, invitations, programs, posters and advertisements, and other various items.

- ***Oral History*** refers to recorded historical information obtained in interviews concerning personal experiences and recollections.

ELM17 Elected Member Event Notification Policy

Aim	To provide guidance on informing Elected Members of official functions.
Application	All Elected Members
Statutory Environment	N/A
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To provide guidance on informing Elected Members of official functions.

Policy

Councillors are keen to maintain strong contacts with the community and attendance at official opening events is a valuable part of that connection. This policy provides staff guidance on informing Elected Members of upcoming official functions.

Extending an Invitation

It is acknowledged that the event planning process needs to be flexible when considering invitation arrangements as often the state government representatives and major funding bodies/stakeholders will require preference as to the timing of the functions. Notwithstanding, the Shire President/Elected Member's availability are all to be considered when choosing the event date and Shire Staff are to endeavour to provide ample time for the opportunity to consult with and advise Elected Members of upcoming celebratory events.

Events where Councillors are invited to attend and/or participate shall also be communicated directly to the Shire President from the event organiser. For example:

a) Welcome Events, Anzac Day, Australia Day Opening attendances by Councillors;
b) Councillors to present a speech at events; and
c) Other requirements of councillor specific to an event.

Invitations to the Shire President or Elected Members to attend an event are to be in writing and a copy forwarded to the Chief Executive Officer, as far in advance as possible.

Representatives

The Shire President is the principal representative of Council.

All Elected Members support the Shire President in representing Council at public occasions. The Deputy Shire President where practicable will substitute for the Shire President for a civic or ceremonial function of a Shire wide nature or importance where the Shire President is unable to attend. Where the Deputy Shire President cannot attend, the Shire President in consultation with the Deputy Shire President will nominate another Councillor to represent the Shire.

ELM18 Anonymous Communications Policy

Aim	This policy outlines how the Shire of Morawa will act upon information contained in anonymous letters and other anonymous communications.
Application	All Elected Members and Staff
Statutory Environment	*Local Government Act 1995 Section 3.58(3)(b)*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To provide a consistent approach to dealing with anonymous letters and communications.

Policy

On occasions individuals and groups choose not to disclose their identity and submit anonymous letters. The purpose of this policy is to explain how the Shire of Morawa will act on information contained in anonymous letters and other anonymous communications.

Definition of anonymous letter or other anonymous communication

A letter or communication giving no name, identity, address or identifying factors of the sender.

Initial considerations

Any member of staff receiving an anonymous letter or communication should without delay refer the matter to their line manager or to an appropriate senior manager. The manager will without delay refer the matter to the Chief Executive Officer.

Shire discretion

It is considered that all submissions made to the Shire, including anonymous submissions, should be considered by council.

However, the Shire reserves the right to edit from the letter those parts it deems to be offensive, an attack on a person's character or inappropriate and have no direct relevance to the proposal.

- The Shire reserves the right to exercise its discretion whether to investigate anonymous disclosures.
- The Shire reserves the right to take each allegation on its own merits and invoke procedures as necessary.
- The Shire reserves the right to take no action.

The exceptions to these approaches will be any anonymous letters which allege criminal offence, fraud or irregularity, abuse of an elected or staff member or, are accompanied by, or there exists supporting information which suggests the allegation can be substantiated.

When deciding what action to take, the following will be considered

- Seriousness of the issues raised criminal and legal implications.
- Credibility of the concern
- Whether sufficient information is provided to corroborate the allegation(s) and enable an investigation to be carried out
- Fraud and any other irregularities detrimental to the Shire.

Vexatious and malicious anonymous letters

Letters, or any form of communication considered to be vexatious and malicious will be forwarded to the appropriate authorities and the Shire of Morawa will provide full support for those authorities to carry out their investigation. Should staff members of the Shire be found to have written vexatious and malicious anonymous letters, disciplinary action will be taken up to and including dismissal.

Anonymous Communications - implication of the President or Chief Executive Officer (CEO)

Should anonymous communications be received against the President or the CEO, the:

- President will consider any such communications against the CEO and report the matter to the Public Sector Commission or the Crime and Corruption Commission; and
- CEO will consider any such communications against the President and report the matter to the Crime and Corruption Commission.
- Referral to the Public Sector Commission or the Crime and Corruption Commission is not an accusation of guilt or innocence but rather referral is a matter of appropriate investigation.

ELM19 Notice of Motion Procedural Policy

Aim	This policy provides guidance to Elected Members when dealing with Notice of Motions during Ordinary Meeting of Council
Application	All Elected Members
Statutory Environment	*Shire of Morawa Standing Orders Local Law 2012*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To provide guidance to Elected Members when dealing with Notice of Motions during Ordinary Meeting of Council.

Policy

A local government is required to have a local law which covers meeting procedures. *The Shire of Morawa Standing Orders Local Law 2012* provides this function. This local law is generally based on well-accepted procedures that are intended to ensure meetings are run fairly and productively.

While this local law provides a broad framework for running orderly and constructive meetings, good governance processes add meaning to the framework. They ensure meetings are run in such a way that helps good decision-making. A well-run meeting should have a clear and informative agenda, be well chaired and facilitated, follow meeting procedures appropriately, and adhere to statutory requirements.

Procedure

The procedures for Lodgement of Notice of Motion with the Chief Executive Officer or Council are to be as per *Standing Orders Local Law 2012* (Clause 5.3) however to ensure good governance and efficient processes are upheld, the following procedure shall be adhered to by Elected Members when considering/lodging Notice of Motions.

Prior to lodgement the Councillor is to liaise with the Chief Executive Officer and/or Shire President to discuss the merits, wording and options of the proposed Notice of Motion and its desired intentions. The nominating Councillor may then decide, following that liaison, whether to proceed with or to abandon their proposed Notice of Motion.

ELM20 Appointment of a Temporary or Acting Chief Executive Officer

Aim	To provide the process to be followed for the temporary employment or appointment of Chief Executive Officer.
Application	Senior Employees & Councillors
Statutory Environment	*Local Government Act 1995* *s.5.39 Contracts for CEO and senior employees* *s.5.39C Policy for temporary employment or appointment of CEO* *s.5.40 Principles affecting employment by Local Governments*
Approval Date	OCM 21 November 2024
Last Review	OCM 17 March 2022
Next Review	2026
Review Period	Every 2 years

Objectives

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

Policy

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

Definitions

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

Note: CEOs are entitled to leave conditions specified in their employment contract. Approval of CEO leave entitlements is at the written discretion of the President and approval should not be unreasonably withheld.

Acting and Temporary CEO Requirements and Qualification

(1) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
(2) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Executive Manager Corporate and Community Services (EMCCS) and Executive Manager Works

and Assets (EMWA) are considered suitably qualified to perform the role of Acting or Temporary CEO.

(3) A person appointed to act in the position of EMCCS or EMWA is not included in the determination set out in Clause 3 (2).

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

(1) The CEO is authorised to appoint either EMCCS or EMWA in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the senior employee's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
   a. Should the CEO deem that the at the time of leave neither employee is considered suitable then an alternate external candidate can be presented to Council for appointment by resolution.

(2) The CEO must appoint an Acting CEO for any leave periods greater than 72 hours and less than 6 weeks.

(3) The CEO is to immediately advise all Council Members when and for what period the EMCCS or EMWA is appointed as Acting CEO.

(4) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:

   a. The EMCCS will be appointed as Acting CEO; or
   b. If the EMCCS is unable to act, the EMWA will be appointed as Acting CEO; or

(5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

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

(1) This clause applies to the following periods of extended leave:
   - Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave, or personal leave; and
   - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

(2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:

   a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
   b. Conduct an external recruitment process in accordance with clause 5(1)(c)(iii).

(3) The President will liaise with the CEO, or in their unplanned absence the EMCCS to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

(4) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the EMCCS.

Appoint Temporary CEO – Substantive Vacancy

(1) In the event that the substantive CEO's employment with the Shire of Morawa is ending, the Council when determining to appoint a Temporary CEO may either:

a. by resolution, appoint either the EMCCS or EMWA as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
b. by resolution, appoint the EMCCS or EMWA as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

(2) The President will liaise with the Executive Assistant to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

(3) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Executive Assistant.

Remuneration and conditions of Acting or Temporary CEO

(1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at up to 90% of the cash component only of the substantive CEO's total reward package.

(2) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

(3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

ELM21 Chief Executive Officer Performance Review

Aim	Guidelines for the CEO Performance review process
Application	Elected Members CEO
Statutory Environment	*Local Government Act 1995 s5.38*
Approval Date	OCM 21 March 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objective

To accord with s5.38 of the *Local Government Act* 1995 in undertaking the performance review of the Chief Executive Officer (CEO).

Policy

That the performance of the CEO be reviewed by the 'Shire of Morawa Chief Executive Officer Performance Review Occasional Committee' ('Committee') at least once in relation to each year of employment using the performance objectives contained in the CEO's Position Description And the specified Key Performance Areas determined by Council.

The objective of the Committee is as follows:

- Compile the consensus response for each of the key result areas detailed in clause of the CEO's contract of employment;
- Conduct a performance review feedback session with the CEO;
- Prepare and submit for Council approval a report describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation;
- Prepare and submit for Council approval the agreed performance objectives for the next review period; and
- Prepare and submit for Council approval any variations to the CEO's conditions of employment.

Arrangements

The Shire President shall arrange for an appropriate consultant to undertake the CEO's performance review. As part of the performance review, the consultant will undertake interviews with (but not limited to):

- committee and Council members who have a direct relationship with the CEO (e.g.);
- senior staff;
- Other as determined by the Shire President.

The performance review will be carried out by the Committee in a closed meeting with the CEO.

A review of delegations and Key Performance Indicators forms part of the review process and which will reference s5.41. 'Functions of CEO' under the *Local Government Act 1995.*

A record of proceedings be prepared by the CEO and when confirmed by the Committee will be forwarded to the next available Council meeting on a confidential basis for consideration.

ELM22 Legal Proceedings

Aim	To establish the principals under which funding may be provided, the level of funding that may be provided and the processes to be followed by the applicant when making a request.
Application	Elected Members Committee Members Employees
Statutory Environment	*Section 9.56 of the Local Government Act 1995 (the Act)*
Approval Date	OCM 21 March 2024
Last Review	OCM 19 November 2020
Next Review	2027
Review Period	3 years

Objective

This policy is designed to protect the interests of Council and Committee Members and Employees (including past Members and former Employees) where they become involved in legal proceedings because of their official functions. In most situations, the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

Policy

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

General

1. The local government may provide financial assistance to Members and Employees in connection with the performance of their duties provided that the Member or Employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.

2. The local government may provide such assistance in the following types of legal proceedings:

    a) proceedings brought by Members and Employees to enable them to carry out their local government functions (e.g. where a Member or Employee seeks a restraining order against a person using threatening behaviour);
    b) proceedings brought against Members or Employees - this could be in relation to a decision of Council or an Employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a Member or Employee in carrying out their functions is considered detrimental to the person (e.g. defending defamation actions); and
    c) statutory or other inquiries where representation of Members or Employees is justified.

3. The local government will not support any defamation actions seeking the payment of damages for individual Members or Employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or Employees are not

precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

4. The legal services the subject of assistance under this policy, will usually be provided by the local government's nominated solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

Applications for Financial Assistance

a) Subject to item (e), decisions as to financial assistance under this policy are to be made to Council.
b) A Member or Employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
d) A Member or Employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions or the *Local Government Act 1995.*
e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO in consultation with the Shire President may give an authorisation to the value of up to $5000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section *5.42 of the Local Government Act 1995.*
f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

Repayment of Assistance

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

ELM23 Financial Hardship Policy

Aim	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 whilst they are experiencing financial hardship.
Application	Elected Members Employees Community Members
Statutory Environment	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996*
Approval Date	OCM 21 November 2024
Last Review	N/A
Review Period	3 year
Next Review	2027

Policy Scope

This policy applies to ratepayers and sundry debtors experiencing genuine financial hardship and who find themselves unable to pay their rates, sewerage charges, or sundry debtors accounts when they fall due.

It should be noted that options in this policy are strongly geared towards residential Ratepayers. Non-residential ratepayers (farmland and commercial), customers, and sundry debtors suffering payment difficulties have fewer options available but can access flexible payment plans.

POLICY STATEMENT

1. Financial Hardship

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 when a person is unable to pay rates and annual charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependents.

This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status in the community.

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; and/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 into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

3. Payment Arrangements

The Shire may enter into a formal agreement with any customer for periodic payment of rates and charges. These agreements enable ratepayers/debtors to pay smaller consistent payments over a set period, thereby reducing the impact of large bills on their budget.

The proposal to enter into a periodic payment agreement can be proposed by either the Shire or the ratepayer. The Shire encourages anyone experiencing difficulty in meeting their financial commitments to make early contact with the Shire's Executive Manager Corporate & Community Services to make such an arrangement.

Any agreement with regard periodic payment will be subject to the following guidelines:

- The amount and frequency of the payments under the payment arrangement are to be acceptable to the Shire and authorised appropriately.
- The payment schedule will be established having regard to the customer's capacity to pay.
- If the applicant is on a Centrelink payment then the payment schedule is to be set up in Centrepay. All other payment plans are to be set up using the "Cloud" payment portal.
- Payment arrangements should, where possible, seek to have the outstanding rates and/or charges cleared by the end of the current financial year.
- Where payment arrangements will not pay the Rates and Charges in full by 30 June, the arrangement should, where possible, enable payment of the outstanding amount, and future instalments within twelve (12) months.
- Where a payment arrangement would not pay the balance owing (including future Rates and Charges) within a twelve (12) month period from the date of the payment arrangement, the person/s will be required to complete a 'Financial Hardship Application Form' (see Appendix 1) and provide reasonable proof of financial hardship to give the Shire an understanding of the issues causing hardship.

It will remain the responsibility of the applicant to communicate with the Shire, particularly if there are circumstances that may result in the applicant being unable to meet the terms and conditions of the payment arrangement. The Shire will consider such circumstances on their merit and negotiate alternative payment arrangements if required. Failure to meet the payment arrangement schedule without approval from the Shire may result in the payment arrangement being cancelled and legal action being commenced.

Payments will be applied towards the payment of Rates and Charges in the order in which they became due.

People who enter into a payment arrangement that is not subject to a Financial Hardship aplication will continue to have interest charged on the outstanding amount. Where an assessment for Financial Hardship has been approved and a repayment plan has been entered into and adhered to, the Shire's Chief Executive Officer (CEO), under delegated authority may suspend penalty interest (excluding penalty interest on any outstanding Emergency Servcies Levy) and any administration fees that may be applicable.

The CEO must review and where acceptable authorise all payment arrangements where debts will not be paid in full within 24 months, the CEO may authorise other officers to authorise arrangements where debts are paid in 24 months or less.

4. Interest Charges

Council applies interest rates on overdue payments of Rates and Charges. However, Council may write off accrued interest and costs on Rates and Charges payable, if:

- The person was unable to pay the Rates and Charges when they became due for reasons beyond the person's control, or
- The person is unable to pay the accrued interest for reasons beyond the person's control, or
- Payment of the accrued interest would cause the person hardship.

Ratepayers/debtors requesting that interest charges be written off for one or more of the above reasons will need to submit a letter providing details as to why they were unable to pay the instalment by the due date, or why the payment of the accrued interest would cause hardship. Each individual case will be considered by Council and decided on the basis of whether:

- The ratepayer is experiencing genuine hardship. In such cases, Council requires the completion of a Financial Hardship application (see Appendix 1).
- The ratepayer is a "first-time" defaulter, has previously had a good payment record and there are mitigating circumstances such as prolonged or serious illness
- The ratepayer has complied with all criteria with respect to a periodic payment agreement
- Council is satisfied that the circumstances giving rise to the payment default are temporary.

Under an application for Financial Hardship the accrual of interest can be switched off to assist the applicant reduce their debt. The authority to switch off interest will be by the discretion of the CEO.

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.

6. Debt recovery

The Shire will suspend its debt recovery processes whilst negotiating a suitable payment arrangement with a ratepayer/sundry debtor. Where a ratepayer/debtor is unable to make payments in accordance with the agreed payment plan and they advise the Shire immediately and make alternative arrangement for the missed payment then the Shire will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, made no attempt to make a payment or notified the Shire of a change in their circumstances the outstanding debt may be forward to Shire's Debt Recovery Agency for action. Any action taken by the Debt Recovery Agency shall attract additional fees and charges that are payable by the ratepayer.

The Financial Hardship Application Process

7. Making a Financial Hardship Application

For the purposes of this policy a ratepayer, sundry debtor, residential customer or customer experiencing financial hardship is defined as a person liable to pay their rate instalments, annual charges and invoices as they fall due but does not have the financial capacity to do so and payment when due would cause the person financial hardship. Persons facing hardship will need to demonstrate to Council how they will be impacted.

In order to determine eligibility, the Shire requires a Financial Hardship Application Form (see Appendix 1) to be completed including a statement of reasons, reasonable proof of financial hardship, details of assets, income and living expenses, and any other information required for the Shire to make a valid assessment. If related to rates the applicant must be the owner/spouse or part owner of the property and be liable for the payment of rates on the property.

Supporting documentation may include evidence from third parties such as an accountant or a recognised financial counsellor (such as a member of the Financial Counsellors Association of WA), or a Statutory Declaration from a person familiar with the applicant's circumstances who is qualified to provide the Shire with a clear unbiased assessment of the applicant's financial hardship status such as a carer or power of attorney.

The Shire may also request that applicants attend an interview to help the Shire gain an understanding of the issues causing hardship.

It is important for applicants to also demonstrate a willingness to pay using a payment plan and to maintain regular contact with the relevant Shire staff member regarding their circumstances.

7.1 Hardship Application Assessment

Each hardship application will be reviewed by the Shire's Executive Manager Corporate and Community Services and authorised by the Chief Executive Officer.

A determination under this policy will be assessed against financial data provided by the applicant.

Each application will be considered on a case by case basis on its merits with consideration being given to the applicant's:

- financial status
- income from all sources
- living expenses
- health and the health of dependants who reside with the applicant
- length of ownership of the property
- prior history with Council in respect to the payment of Rates and Charges
- compliance with any previous periodic payment arrangements.

Consideration will also be given to:

- reasons an applicant might be experiencing financial hardship
- the implications for Council in deferring or writing off interest charged

Once a decision has been made, the applicant will be informed of the decision in writing.

If the applicant is not satisfied with the outcome, he or she can request a review of the decision by Council.

8. 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.

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

ELM24 Rates Collection

Aim	This policy establishes the principals under which the financial sustainability of the Shire of Morawa into the future is established through the equitable collection of rates.
Application	All Elected Members and employees
Statutory Environment	*Local Government Act 1995, sections: 6.41(2), 6.45(3), 6.51(1), 6.56, 6.60 and 6.64.* *Local Government (Financial Management) Regulations 1996, sections: 68 and 70.* *Rates and Charges (Rebates and Deferments) Act 1992*
Approval Date	OCM 21 November 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objective

To ensure the financial sustainability of the Shire of Morawa into the future through the equitable collection of rates.

Policy

Any rates payments due to the Shire of Morawa that have not been received by the due date shall be recovered in accordance with this policy and any such action shall comply with relevant legislation and regulations.

Definitions

"Minor Case Claim" means the claim lodged with the Magistrates Court where the value of the debt or damages you are claiming does not exceed $10,000.
"General Procedure Claim (GPC)" means the claim lodged with the Magistrates Court where the value of the claim or the relief claimed does not exceed $75,000.
"Property Seizure and Sale Order (PSSO)" is a court order that authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially.
"Special Payment Arrangement" means an arrangement between the ratepayer and the Shire to pay outstanding rates, outside of the formal instalment options stated on the rates notice.

Options for Payment of Rates and Charges

The options for payment of a rate or service charge are:

1. Paid in full by the specified date
2. Paid in either 2 or 4 instalments
3. By a special payment arrangement made with the Shire and approved by the CEO.

Payment of Rates and Services Chargess

1. Rate notices are due for payment 35 days from date of issue as per s 6.56 of the *Local Government Act 1995.*

2. Interest on overdue rates and charges shall be imposed at a rate as prescribed in s.70 of the *Local Government (Financial Management) Regulations 1996* as per s. 6.51(1) of the *Local Government Act 1995*, calculated daily.

3. Ratepayers may elect to pay their account by 2 or 4 instalments by paying the first instalment amount as indicated on the rates notice by the due date.

4. Interest shall be imposed on assessments opting for the instalment plan as prescribed in Section 68 of the *Local Government (Financial Management) Regulations 1996.*

5. Notices for subsequent instalments will be issued not less than 28 days before each instalment is due as per s.6.41(2)(b) of the *Local Government Act 1995.*

6. Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

7. Eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) Act 1992* have until 30 June in that rating year to be eligible for the rebate or deferment of their rates and Emergency Services Levy (ESL), without incurring any late payment penalties.

8. Those registered pensioners who are eligible to defer their rates and ESL amounts are required to pay only the waste and service charges by 30 June and the rates and ESL balances will automatically be transferred into a deferred account during the end of year procedures.

9. Those registered pensioners/seniors who are eligible for the rebate are required to pay the rebated amount as specified on the rates notice by 30 June of that rating year for the claim to Office of State Revenue to be successful.

Special Payment Arrangement

1. Payment by arrangement (outside of the formal instalment options specified on the rates notice) to clear outstanding rates must be made in writing. An administration fee as per the Shire's adopted Fees and Charges plus penalty interest at a rate prescribed in s. 70 of *the Local Government (Financial Management) Regulations 1996,* calculated daily will be charged upon successful application.

2. Acceptance of the special payment arrangement will be for regular instalments with all outstanding amounts to be finalised by 30 June of that financial year. Arrangements outside of these terms will be at the discretion of the Chief Executive Officer or delegate.

Financial Hardship

1. *Ratepayers experiencing genuine financial hardship and who find themselves unable to pay their rates or sewerage charges when they fall due may be eligible for assistance with the repayments under the Shire's Financial Hardship Policy. Please refer to ELM23 – Financial Hardship Policy for details on eligibility and eligibility and assessment details.*

Actions to taken against defaulting ratepayers

The Sequence of actions taken against defaulting ratepayers will be as follows:

1. Where payment is not received within thirty five (35) days after the due date for payment, a Final Notice shall be issued requesting full payment within fourteen (14) days unless a successful special payment arrangement has been entered into by the Shire.

2. Where amounts remain outstanding, three attempts to contact the ratepayer will be made by telephone and email (where provided). If no details are on file with the Shire, the Shire Officer will attempt to contact utilities providers and potential other leads (such as builders or planning consultants from applications or correspondence received at the Shire).

3. If payment has not been made Shire Officers will issue a Notice of Intended Legal Action letter to the ratepayer, demanding immediate payment.

4. Seven (7) days after the Notice of Intended Legal Action letter is issued, attempt to contact the ratepayer will be made requesting payment for the outstanding balance. Where possible, the mortgagee of the property may be contacted to rectify the breach of non-payment of rates with their client.

5. For debts outstanding over $10,000 the Shire may refer the debt to a debt collection agency for a General Procedure Claim (GPC) and Court proceedings to commence.

6. Should a GPC be lodged and there is no response to the GPC within fourteen (14) days of issuing the claim, default judgment can be entered into at the Magistrates Court and a Property Seizure and Sale Order (PSSO) will be lodged at the Magistrates Court.

Court at the same time and served by an appropriate process server

1. The PSSO authorizes the Bailiff to seize and sell as much of the debtor's real or personal property as necessary to satisfy the debt wholly.

2. Where a PSSO involves the seizure of land a report to Council will be submitted for endorsement prior to the seizure of land.

3. For debts outstanding under $10,000 a Minor Case Claim may be lodged by the Shire. Should there be no response to the claim within fourteen (14) days if served within Western Australia or twenty one (21) days if served within another State or Territory of Australia, default judgment can be entered into at the Magistrates Court.

4. Costs incurred as a result of proceedings are to be debited to the rates account as per s. 6.56 of the *Local Government Act 1995.*

Other debt recovery actions

Other debt recovery actions that the Shire will undertake when the nature of the debt or the debtor is of such that it is in the Shire's interest to do so:

1. Seizure of Rent for Non Payment of Rates Where the property owner of a leased or rented property on which rates and service charges are outstanding cannot be located or refuses to settle rates and service charges owed, a notice may be served on the lessee or tenant under the provisions of s. 6.60 of the *Local Government Act 1995,* requiring the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid in full.

2. Lodging a Caveat on the Title for Land If rates and service charges which are due to the Shire in respect of any rateable land remain unpaid, a caveat may be registered on the title for the land under the provisions of s. 6.64(3) of the *Local Government Act 1995.* The cost of lodging a caveat cannot be debited to the rate account. This option may be exercised where it is deemed necessary to protect the Shire's interests.

3. Sale of Land If rates and service charges which are due to the Shire in respect of any rateable land remain unpaid for at least three (3) years, and reasonable attempts to commence legal action have been made, the Shire may take possession of the land under the provisions of s. 6.64 of the *Local Government Act 1995.* The approval of Council is required to be obtained before this course of action is undertaken. 5.2 Discontinuance of further legal action.

Notice of Discontinuance / Memorandum of Consent

1. If it happens that a course of legal action that is lodged with the Magistrates Court was lodged in error by the Shire, a Notice of Discontinuance or Memorandum of Consent, whichever is appropriate, will be prepared and lodged at the Magistrates Court at the Shire's expense.

2. If the debt has been settled with the Shire, a Notice of Discontinuance or Memorandum of Consent may be prepared on request. An administration fee as per the Shire's adopted Fees and Charges will be charged and must be paid in full prior to the Notice of Discontinuance or Memorandum of Consent being released by the Shire.

The Shire will not proceed with further legal action if the debt has been settled in full or an approved arrangement to clear the debt is entered into and adhered to.

ELM25 Code of Conduct – Behaviour Complaints Management Policy

Aim	The Code provides guidance to assist in minimising both actual and perceived bias due to conflict of interests.
Application	Elected Members Committee Members Candidates
Statutory Environment	*Local Government Act 1995* *Local Government (Model Code of Conduct) Regulations 2021.* *Local Government (Local Government Inspector) Regulations 2025*
Approval Date	OCM 21 March 2024
Last Review	OCM 31 March 2026
Next Review	2028
Review Period	2 years

Objectives

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

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

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Morawa Code of Conduct for Council Members, Committee Members and Candidates.
This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

Policy

1. Principles

1.1. Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

a) the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
b) the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
c) any findings made will be based on proper and genuine consideration of the evidence.

1.2. Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each

Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

1.3. Confidentiality

The Shire of Morawa will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government Employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

1.4. Accessibility

The Shire of Morawa will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Morawa's Administration Building and on the Morawa's website. The Shire of Morawa will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1 Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent.

The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2 Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

3. Procedure

3.1 Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct *[clause 11(1) of the Code of Conduct]*.

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.
A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.
A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.
Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.
Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

3.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.
Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

a) To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
b) To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.
If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

3.3 Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.
A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.
After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4 Notice of Complaint

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

a) confirms receipt of the Complaint;
b) outlines the process that will be followed and possible outcomes;
c) explains the application of confidentiality to the complaint;
d) includes a copy of this Policy; and
e) if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5 Notice of Respondent

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

a) advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
b) includes a copy of the Complaint Documents;
c) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
d) includes a copy of this Policy; and
e) if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6 Alternative Dispute Resolution

The Shire of Morawa recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

Alternative Dispute Resolution will not be used where the complaint is a Specified Breach or where the Inspectorate has jurisdiction.

3.7 Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experience Complaint Assessor, in accordance with the Shire of Morawa's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a

reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

While the Shire manages initial behavioural complaints, the Local Government Inspector has the power to intervene or oversee these processes if systemic issues are identified.

3.9 Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Morawa's Record Management System.
In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

a) the behaviour occurred at a Council or Committee Meeting,
b) the behaviour was dealt with by the person presiding at the meeting, and/or
c) the Respondent has taken remedial action in accordance with the Shire of Morawa Meeting Procedures Local Law 2012.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10 Assessment of Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.
The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

3.11 Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

a) outline the process followed, including how the Respondent was provided with an opportunity to be heard;
b) include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
c) include recommendations on each decision that may be made by the Complaint Assessor; and
d) include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12 Complaint with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.
Failure to comply with a requirement included in a Plan is a conduct breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct, which triggers a referral to the Local Government Inspector for investigation and potential referral to an Adjudicator.
The Behaviour Complaints Officer must provide a report advising Council of any failure to

comply with a requirement included in a Plan.

3.13 Mandatory Referral to the Local Government Inspector

In accordance with Section 5.105(3) of the Act, the Shire is required to monitor the frequency of behavioural breach findings. Where a Council Member has been found to have committed a behavioural breach under Division 3 of the Code of Conduct on two (2) or more occasions since 1 January 2026, any subsequent complaint alleging a behavioural breach by that member must be referred by the Complaints Officer to the Local Government Inspector for assessment under Part 8A of the Act.

3.14 Escalation of Non-Compliance

Where a Council Member fails to comply with a sanction or a "Behavioural Management Plan" imposed by Council under Clause 12 of the Model Code, the matter shall be deemed a conduct breach. Such matters will be referred to the Local Government Inspector for assessment and potential referral to an Adjudicator for statutory sanction under Part 8B.

4. Decision Making

4.1 Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2 Dismissal

The Behaviour Complaints Officer must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- either —
  - the behaviour was dealt with by the person presiding at the meeting; or
  - the Respondent has taken remedial action in accordance with the Shire of Morawa Meeting Procedures Local law 2012.

4.3 Finding

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 *[clause 12(3) of the Code of Conduct]*.

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4 Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Officer may consider:

a) the nature and seriousness of the breach(es);
b) the Respondent's submission in relation to the contravention;
c) whether the Respondent has breached the Code of Conduct knowingly or carelessly;
d) whether the Respondent has breached the Code of Conduct on previous occasions;
e) likelihood or not of the Respondent committing further breaches of the Code of Conduct;
f) personal circumstances at the time of conduct;
g) need to protect the public through general deterrence and maintain public confidence in

Local Government; and

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

4.5 Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

a) engage in mediation;
b) undertake counselling;
c) undertake training;
d) take other action the Complaints Officer considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

a) the actions to be taken to address the behaviour(s);
b) who is responsible for the actions;
c) any assistance the Local Government will provide to assist achieve the intent of the Plan; and
d) a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

4.6 Breach Register

The CEO (as the authorised Complaints Officer) shall maintain a Confidential Breach Register to track findings of behavioural breaches. This register will be used to identify when the mandatory referral threshold established in Section 5.105(3) of the Act has been met, necessitating a referral to the Local Government Inspector under Part 8A.

Complaint About Alleged Breach Form -
Code of Conduct for Council Members, Committee Members and Candidates

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

NOTE: A complaint about an alleged breach must be made —

e) in writing in the form approved by the local government
f) to an authorised person
g) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:
Name: _____ Given Name(s) Family Name

Contact details of person making the complaint:
Address: _____ Email: _____ Contact number: _____
Name of the local government (city, town, shire) concerned:
Name of council member, committee member, candidate alleged to have committed breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.
Date of alleged breach:
_____/_____/ 20_____

SIGNED:

Complainant's signature:

Date of _____/_____/ 20_____

Received by Authorised Officer

Authorised Officer's Name: ……..……..

Authorised Officer's Signature: ……..

Date received: _____/_____/ 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to:

Chief Executive Officer:

ceo@morawa.wa.gov.au or Chief Executive Officer, Shire of Morawa, PO Box 14, MORAWA WA 6623

ELM26 Electronic Meetings and Attendance

Aim	To provide a contemporary framework for electronic attendance at Council and committee meetings and, where permitted, the conduct of meetings by electronic means..
Application	Council Members, committee members and employees responsible for the administration of Council and committee meetings.
Statutory Environment	*Local Government Act 1995 and Local Government (Administration) Regulations 1996, regulations 14C, 14CA, 14D and 14E*
Approval Date	May 2023
Last Review	October 2026
Next Review	2028
Review Period	2 years

Objective

To facilitate effective participation by Council and committee members through electronic attendance, while ensuring that electronic attendance and electronic meetings comply with the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

Policy

1. General principles

Council meetings will ordinarily be conducted in person. However, Council recognises that electronic attendance provides important flexibility and can enable a member to participate where the member may otherwise be unable to attend in person.

In administering this Policy, regard may be given to the circumstances of the Shire of Morawa, including seasonal agricultural activities, employment and business commitments, travel requirements, family and personal commitments, and the distances associated with living and working in a regional community.

Subject to the legislative requirements, technological capability and confidentiality requirements, reasonable requests for electronic attendance should generally be facilitated.

A member is not required under this Policy to demonstrate exceptional circumstances before electronic attendance may be approved. Each request is to be assessed against the legislative requirements and the member's ability to participate effectively.

2. Electronic attendance

A member may attend an ordinary Council meeting, special Council meeting or meeting of a committee of Council by electronic means where authorised in accordance with regulation 14C of the Local Government (Administration) Regulations 1996.

Electronic attendance occurs where an individual member participates electronically in a meeting that is otherwise conducted in person. A member attending electronically is taken to be present while connected and able to participate in accordance with the Regulations.

Microsoft Teams will ordinarily be the Shire's preferred platform for electronic attendance. Telephone or another method of instantaneous communication may be used where the decision-maker is satisfied that it will enable effective participation and comply with the Regulations.

3. Applications and approval

A Member seeking to attend electronically should notify the Presiding Member and CEO or delegate as early as practicable before the meeting, identifying the meeting and the proposed location and method of participation.

The CEO or delegate will verify that the proposed electronic attendance complies with the applicable legislative requirements, including any statutory limitation on electronic attendance and the suitability of the proposed location and method of participation.

The Presiding Member may authorise a Member, including the President, to attend a meeting electronically where the requirements of regulation 14C of the Local Government (Administration) Regulations 1996 are satisfied. Council may also authorise electronic attendance where appropriate.

Where the legislative requirements are satisfied and suitable technological and confidentiality arrangements are available, electronic attendance should generally be facilitated.

Electronic attendance will be recorded in the minutes in accordance with the applicable legislative requirements.

4. Effective and safe participation

The proposed location, equipment and connection must enable the member to hear, be heard and participate effectively in the deliberations and communications of the meeting.

Electronic attendance must occur from a location that enables safe and effective participation. A member must not participate in a meeting while driving a vehicle or operating plant or machinery.

A member attending electronically is subject to the same meeting procedures, conduct requirements, voting requirements and directions of the presiding member as a member attending in person.

If the electronic connection prevents effective participation, the presiding member may suspend or terminate the member's electronic participation until an adequate connection is restored. The minutes must record any period during which the member was disconnected or unable to participate.

5. Confidentiality

A member attending electronically must not participate in a part of a meeting closed to the public unless the member first declares that confidentiality can be maintained. If confidentiality can no longer be maintained, the member must cease participating in that part of the meeting. The declaration must be recorded in the minutes.

6. Electronic meetings

A Council or committee meeting may be conducted wholly by electronic means where permitted by the Act and Regulations and authorised by the appropriate decision-maker.

A meeting may be conducted wholly by electronic means where the circumstances prescribed by the Local Government (Administration) Regulations 1996 apply. Any necessary authorisation must be obtained before the meeting is conducted electronically.

For the purposes of this Policy, an electronic meeting is a meeting conducted wholly by electronic means. The method used must enable all participating members to hear, be heard and participate effectively, and must comply with the requirements of the Regulations.

A meeting may only be conducted wholly by electronic means following authorisation by the person or body authorised under the Act and Regulations.

7. Public access and participation

The CEO must ensure that arrangements for public access, public question time and meeting notices comply with the Act, Regulations and the Shire's meeting procedures.

Where a meeting is conducted wholly by electronic means, the CEO must establish arrangements that provide public access and participation to the extent required by legislation. Those arrangements may include access from a Shire venue, electronic access or another method determined by the CEO.

Where a meeting is to be conducted wholly by electronic means, the CEO must ensure that:

(a) required meeting details are published on the Shire's official website;
(b) reasonable steps are taken to promote community awareness; and
(c) adequate administrative and technological support is available.

The CEO will establish and publish arrangements for public question time and the submission of questions where ordinary in-person participation is unavailable. Those arrangements must comply with applicable legislative notice and public participation requirements.

8. Records and minutes

The CEO or delegate must maintain an accurate register of attendance at Council and committee meetings.

The register must identify electronic attendance and contain sufficient information to monitor compliance with any statutory limitation on electronic attendance.

9. Definitions

Meeting means an ordinary Council meeting, special Council meeting or meeting of a committee of Council.

Electronic attendance means attendance by an individual member through a method of instantaneous communication at a meeting that is otherwise conducted in person.

Electronic meeting means a meeting conducted wholly by electronic means.

Member means a Council Member or committee member entitled to participate in the relevant meeting.

4. EMPLOYEES (EMP)

EMP01 Equal Employment Opportunity

Aim	This policy recognises the Shire's legal obligations under anti-discrimination legislation and ensures employment practices follow the criteria for providing employment opportunities will be based solely on the principle of merit and equity.
Application	Council Employees Contractors Volunteers
Statutory Environment	N/A
Approval Date	OCM 20 July 2023
Last Review	OCM 19 November 2020
Next Review	2025
Review Period	Every 2 years

Objectives

This policy applies to all employees at the Shire and where relevant those performing work (paid and unpaid) for the Shire, including but not limited to direct employees, contractors, labour hire, work experience, volunteers and those performing work through a third party.

Policy

Commitment

The Shire is committed to the principles of equal employment opportunity. This involves the improvement in the skill and competency levels of all employees to provide equal access to further employment or career path progression. The Shire acknowledges and celebrates diversity and commits to continuing to actively and flexibly seek to appoint and accommodate the unique needs of many different employees.

The Shire is committed to providing an environment free from all forms of discrimination, harassment and bullying and all employees will be treated in a fair and equitable manner in all decisions and processes.

Environment

The Shire recognises that when conflict, discrimination and harassment occurs in the workplace, job satisfaction, morale and productivity suffers. A healthy and safe work environment free from discrimination, harassment and bullying is the primary objective of the Shire.

Diversity

The Shire appreciates the inherent value in a diverse workforce. Diversity may result from a range of factors; origin, age, gender, race, cultural heritage, lifestyle, education, physical ability, appearance, language or other factors.

Awareness

Upon appointment, all employees are to be given a copy of this policy and ensure it is easily accessible electronically on the Shire's website.

Monitoring

Employment related practices are to be periodically reviewed in accordance with this policy, with particular consideration of practices and directives covering:

- Recruitment;
- Conditions of service;
- Appointment, promotion and transfer; and - Training and development.

EMP02 Senior Employees

Aim	The objective of this policy is to clearly identify employees to be Senior Employees and for those same employees to be designated employees, also pursuant to the provisions of the Act.
Application	Senior Employees
Statutory Environment	*Local Government Act 1995 s5.37*
Approval Date	OCM 20 July 2023
Last Review	OCM 19 November 2020
Next Review	2027
Review Period	4 years

Objective

To clearly identify a class of employees to be "Senior Employees" pursuant to the provisions of the *Local Government Act 1995* and for those same employees to be designated employees, also pursuant to the provisions of the *Act.*

Policy

Pursuant to s.5.37 of the *Local Government Act 1995*, the class of executive management positions with the title "'Executive Manager' and reporting directly to the Chief Executive Officer are designated as Senior Employees.

EMP03 VOID

EMP04 Work Health & Safety

Aim	To provide guidance on Council's expectations of employees in relation to Health and Safety
Application	All workers performing work (paid and unpaid) for the Shire, including but not limited to direct hire, contractors, labor hire, project workers, volunteers, work experience and those performing work through a third party.
Statutory Environment	*Work Health and Safety Act 2020* *Work Health and Safety (General) Regulations 2022* Health and Safety Codes of Practice Guidance Notes and Australian Standards.
Approval Date	July 2023
Last Review	October 2026
Next Review	2027
Review Period	1 year

Objective

To provide guidance on Council's expectations of employees in relation to Health and Safety

Policy

We at the Shire of Morawa believe that the health, safety and wellbeing of our people employed at work, or people affected by our work, is a priority and must be considered during all work performed by us or on our behalf in accordance with the *Work Health and Safety Act 2020*, *Work Health and Safety (General) Regulations 2022* and relevant Codes of Practice, Guidance Notes and Australian Standards.

Shire applies the following principles in all we do:

- **Management commitment** supporting high standards of safety and health, performance and the continual improvement of behaviours and processes.
- Sustaining effective mechanisms for **consultation** between management and employees.
- Clear **Fitness for Work** expectations
- **Hazard and risk management** ensure safe work methods and a safe work environment through the reporting, identification, assessment and control of hazards and their associated risks.
- Appropriate **training** and development for managers, employees and contractors, ensuring they are equipped with the knowledge and skills to carry out their duties in a safe manner.
- **Planning** for the establishment and maintenance of essential safety management systems to continuously improve workplace health and safety.

- Clear **accountability** of health and safety responsibilities at all levels that cannot be delegated.

- Delivering **wellbeing** initiatives which empower employees to positively influence their health and wellbeing.

The Shire of Morawa is committed to:

- Creating a positive health and safety culture.
- Supporting clear and thorough Fitness for Work directives, detailed in Executive Policies.
- Consulting and co-operating with employees on health, safety and wellbeing issues directly as well as through their Health and Safety Representatives.
- Providing the necessary human, physical and financial resources to achieve safety outcomes.
- Developing key performance indicators that demonstrate we perform above and beyond minimum health and safety legislative requirements.
- Achieving continuous improvement through the monitoring and review of measurable targets and objectives and improvement of Health and Safety management systems and initiatives.
- Building an enduring reporting culture where hazards and risks are consistently reported, so that:
    - risks are actively identified, assessed and effectively controlled using the highest level of controls; and
    - Investigations can identify root causes and appropriate action taken to prevent recurrences.
- Recognising excellence in safety and health performance.
- Providing support and time to undertake health and safety related tasks.
- Supporting and encouraging employees to participate in a range of health and wellbeing initiatives and activities.

EMP05 Corporate Credit Card

Aim	This Policy is to provide a clear framework to enable the use of corporate credit cards and provide all cardholders with guidance for correct usage of Corporate Credit Cards
Application	Nominated Council Employees
Statutory Environment	*Local Government Act 1995 Section 2.7 (2) (a) & (b) Section 6.5 (a)* *Local Government (Financial Management] Regulation 11(1)(a)* *Use of Corporate Credit Cards (Department of Local Government Guideline No 11)*
Approval Date	OCM 20 July 2023
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	3 years

Objective

To ensure that credit cards are responsibly managed in order to ensure good governance and financial accountabilities.

Policy

The Council supports the use of corporate credit cards on the basis it provides a necessary and efficient financial management tool for the Shire. The CEO shall ensure there are Corporate Credit Card Management Procedures that suitably accommodate these sentiments and the following protocols–

a) The Corporate Credit Cards are maintained in a secure manner.
b) The Corporate Credit Cards are not to be used for personal expenses under any circumstances.
c) All Corporate Credit Card payments (included disputed transactions) are to be listed in the Schedule of Accounts and Credit Card Purchases section of the monthly financial report to Council.
d) Where applicable, purchases are to be made in accordance with the Shire of Morawa's Purchasing Policy, and associated Procedures.
e) Inappropriate purchases, even on the basis of them being operationally related, may be recoverable from the cardholder. The cardholder is required to conclude that purchases are fair and reasonable business expenses.
f) Where possible, purchases should be processed through the Purchase Order / Creditor's system
g) Corporate Credit Cards are not to be used for cash withdrawals at any facility. Cardholders responsibilities, as outlined by the card provider (i.e. the Bank), are met at all times.
h) Corporate Credit Card Credit limits are not to be exceeded.
i) The Cardholder is responsible to pursue and resolve incorrect charges (as due to privacy legislation, only the cardholder can initiate any request for information from the bank).

j) All relevant documentation regarding each transaction is retained by the cardholder and transactions are to be acquitted and reconciled on a monthly basis as per of the reconciliation procedure. A copy of all of the Corporate Credit Card Statements and a summary thereof (including sufficient information to adequately articulate the purchase details) are to be incorporated as attachments to the signed financial statements submitted each month to Council).

k) The use of the credit Card shall not be tied to any type of reward systems that provides cardholders with any personal benefit or reward.

l) Cardholders are to read and acknowledge the Corporate Credit Card Policy and associated Procedures prior to being issued with the card, to ensure that the above matters, including breaches of this Policy are agreed.

Overall, the onus of responsibility for above controls are with you the cardholder. Failure to adhere to these conditions may result in disciplinary action or termination of your employment.

The CEO and Council have zero tolerance towards misuse of Corporate Credit Cards – the risk of bringing the financial or reputational standing of the Shire into question will not be accepted under any circumstances.

EMP06 Removal Expenses

Aim	This Policy is to provide a clear direction for the reimbursement of employee's removal expenses when relocating to Morawa for Shire employment.
Application	Nominated Council Employees
Statutory Environment	*Local Government Act 1995*
Approval Date	July 2023
Last Review	2026
Next Review	2028
Review Period	2 years

Objective

To establish guidelines for the reimbursement of employee's removal expenses when relocating to Morawa for Shire employment.

Policy

The reimbursement of employee removal expenses is to be provided as follows:-

- Chief Executive Officer to a maximum of $ 8000 or other value as agreed to by Council.
- Executive Manager position to a maximum of $5,000 or other value as agreed to by Council.
- Other Staff to a maximum of $3,000.

In all instances, prior to the Shire authorising the above relocation expenses, the employee will be required to confirm in writing that the removal expenses as approved shall be reimbursed to the Shire of Morawa on the following basis:

- 0-6 months 75%;
- 6-12 months 50%;
- 12-18 months 25%; or
- Over 18 months 0%

This policy can have minor variation by agreement of the Chief Executive Officer with regards to amount or time frame of payments.

EMP07 VOID

EMP08 Salary Sacrifice

Aim	To outline the parameters for the provision of various Salary Packaging options
Application	All Staff
Statutory Environment	N/A
Approval Date	OCM 21 November 2024
Last Review	OCM 20 February 2020
Next Review	2026
Review Period	2 years

Objective

The objective of this policy is to provide the guiding document for the provision of various salary packaging options to eligible Shire of Morawa employees. Salary Packaging is primarily an attraction and retention tool and hence this policy aims to increase staff attraction and retention.

Policy

This Policy is applicable to all full time, part time and fixed term employees (longer than 12 months duration). It provides for the salary packaging of an Allowable Benefit with specific eligibility criteria applicable relevant to the Allowable Benefit sought. For clarity superannuation is already offered as a salary packaging benefit by Council and will continue to be offered outside of this Policy to all employees including casual employees.

Term	Meaning
Allowable Benefit	Refers to the following range of Salary Packaging Benefits: • Work related items – i.e. laptops, mobile phones. • Aquatic/Leisure Centre and Child Care Fees (at Shire operated premises only). • Novated Leasing of Vehicles.
ATO	Australian Taxation Office.
Base Cash Salary	Remuneration in accordance with relevant workplace agreement or contract of employment paid by way of regular periodic cash payments subject to PAYG tax. This does not include superannuation guarantee contributions.
Benefit	Any non-cash benefit and cash payment (other than base salary) made or expected to be made for the benefit of the employee.
Fringe Benefit Tax (FBT)	Tax payable by the Shire to the Government on some categories of benefits provided to employees.
FBT Year	1 April to 31 March each year.
Management	Any employee who has direct responsibility for supervision of one or more workers.
PAYG	Pay As You Go taxation.
Salary Packaging	An arrangement between an employee and employer whereby the employee elects to exchange Base Cash Salary for a Benefit but for the purposes of this Policy does not include. Superannuation

Total Remuneration	Total package value assigned to the permanently occupied position that the employee is entitled to receive under an agreement or contract of employment with the Shire expressed as an annual sum.

Content

Salary Packaging will be made available to employees as a benefit in accordance with Shire internal procedures and in accordance with ATO legislation, rulings, and any other relevant legislation, as amended from time to time, but only to the extent of an Allowable Benefit as defined in this Policy.

Salary packages will be adjusted accordingly (within an employee's agreed Total Remuneration) to account for variations in a salary packaging arrangement, including variations in an Allowable Benefit, taxation, and scheme participation.

Salary Packaging arrangements will be administered at minimal financial cost to the Shire and where required by the CEO, by an external Salary Packaging provider approved by the Shire. As part of any Salary Packaging arrangement, the cost of administering the package (if applicable) is to be met by the participating employee.

Any Fringe Benefits Tax (FBT) or other tax liability is to be met by the participating employee. All employees entering into a Salary Packaging arrangement must enter into an agreement appropriate to the type of Benefit. All employees must ensure compliance with the agreement entered into and all organisational practices and procedures, as amended from time to time.

It is an individual employee's responsibility to monitor packaging arrangements and to be aware of and responsible for any individual consequences of participating in an arrangement relating to an Allowable Benefit. The Shire strongly urges employees contemplating Salary Packaging to seek independent financial or other appropriate advice. Benefits of participation will vary according to individual circumstances and individual participation, therefore participation is a matter of individual employee decision, responsibility and risk.

Responsibilities

Elected Members are responsible for:

Adopting and reviewing this policy on a periodic basis as required.

CEO is responsible for:

- Endorsing and enforcing all standards documented in this policy;
- Endorsing and enforcing Salary Packaging internal procedures which include, but are not limited to:
    - Eligibility and participation criteria
    - Rules for application of Salary Packaging;
    - Processes and/or forms to ensure an effective, compliant scheme;
    - Information capture requirements;
    - Training requirements.
- Regularly reviewing Salary Packaging opportunities to continuously identify opportunities for improved attraction and retention of staff;
- Establishing mechanisms to monitor compliance with this policy; and
- Establishing processes to deal with instances of non-compliance to this policy or related internal procedures.

Eligibility

Specific eligibility and participation criteria apply dependant on an employee's employment status at a point in time, and the Allowable Benefit provided. The Shire's internal procedures detail criteria further to that outlined below.

Work Related Items

The following items, where used for work purposes only and not provided by the Shire, may be paid for from an employee's pre-tax salary:

- portable electronic devices (laptops, mobile phones and PDA's)
- protective clothing
- briefcase
- calculator
- computer software

There is a limit of one item per category per FBT year.

Novated Leasing of Vehicles

Novated car leases for new or used cars may be packaged by employees. A car classified as 'luxury' by the ATO cannot be salary packaged. Novated leases may not be entered into for Shire provided (fleet) vehicles.

In entering into a novated lease, Council and an employee will enter into an agreement with the financier whereby Council will ensure repayments under the finance lease are made by deducting the repayment amount from the employee's salary.

The employee will own the vehicle and has the right and responsibility to take the vehicle with them should they leave employment of the Shire. The employee is responsibility for all costs associated with the vehicle and Novated Lease

EMP09 Staff Superannuation

Aim	To outline the criteria for the payment of additional superannuation to staff.
Application	All Staff
Statutory Environment	*Superannuation Guarantee Administration Act 1992* *Superannuation Charge Act 1992*
Approval Date	OCM 20 July 2023
Last Review	OCM 20 February 2020
Next Review	2025
Review Period	Every 2 years

Objectives

This policy sets out the criteria for the payment of co-contribution superannuation to employees. It provides for guidance for officers involved in the Employee payroll process.

Policy

In addition to the Superannuation Guarantee Administration Act 1992 and Superannuation Charge Act 1992, Employees may elect to make both salary sacrifice and post-tax contributions as an additional superannuation contribution.

Council will make superannuation co-contributions for of up to 5% of their salary.

EMP10 CEO Leave Authorisations and other Approvals

Aim	To provide guidance on Council's expectations of the CEO in relation to leave applications and other approvals
Application	Chief Executive Officer
Statutory Environment	*Local Government Act 1995*
Approval Date	OCM 21 November 2024
Last Review	OCM 20 February 2020
Next Review	2028
Review Period	Every 4 Years

Objective

To define the Council's expectations for the CEO to report and inform Council of proposed leave or leave taken, with or without payment, and to provide information into reasonable additional hours under the Contract of Employment.

Policy

The Shire applies the following detail of any leave taken, with or without pay, including the detail of any claims for additional work over and above of the reasonable additional hours under the CEO employment contract. The CEO shall also provide details of all corporate credit card purchases issued to him/her and any reimbursements the CEO has claimed.

The reporting to Council is to be prepared by the Manager of Finance by way of a standing agenda item to every Ordinary Meeting of Council (OCM) and will contain sufficient relevant details to enable Council to substantiate that:

- the CEO was entitled to and had sufficient credits for the leave taken;
- that the leave taken was an entitlement under the CEO's employment contract;
- that any claim for additional hours worked beyond reasonable additional hours under the Contract of Employment are justified and acceptable;
- expenditure on the CEO's corporate credit card has been incurred in accordance with the Shire's Procurement policy and Corporate Credit Card Agreement; and
- the CEO had incurred legitimate work-related expenses to be reimbursed.

The OCM agenda item is to be prepared by the Executive Manager Corporate & Community Services based on the relevant forms completed and certified by the CEO (Timesheets) providing details of leave, additional hours, credit card transactions and reimbursements that have occurred during the period.

The relevant forms are:

1. CEO's Leave Application Form
2. Credit Card Purchases Form
3. Pro Forma Invoice Form
4. Invoice Requisition Form

Items 1 and 2 are to be presented to Council for information purposes. Items 3 and 4 are to be

presented to Council for confirmation and authorisation for the transaction to occur.

EMP11 Payments to Employees in Addition to Contract or Award

Aim	To set out the circumstances in which the Shire can recognise long and continuous service and may pay an employee in addition to Contract or Award
Application	Council Employees
Statutory Environment	*Local Government Act 1995 Division 4 Section 5.50* *Local Government (Administration) Regulations 1996*
Approval Date	OCM 16 December 2024
Last Review	OCM 20 July 2023
Next Review	2026
Review Period	2 years

Objectives

To comply with section *5.50(1)* of the *Local Government Act 1995* and set out the circumstances in which the Shire may pay to an employee in order to recognise long and continuous service or whose employment with the Shire is finishing, an amount in addition to any amount which the employee is entitled to under a contract of employment or Award, and the manner of assessment of the additional amount.

Policy

This policy outlines the circumstances in which gratuity payments may be made to recognise long and continuous service of an employee and for a finishing employee. These payments, when made, are in addition to any amount that the employee is entitled to under a contract of employment or Award.

The imposition of this parameter does not form a contractual entitlement under employment relationships and as such the Council may choose to modify this position by way of resolution.

Gratuity payments are a way for the Shire to honour and thank employees who have made long term contributions towards the Shire successfully meeting objectives. Council reserves the right to resolve to increase the value of gifts to employees whose commitment and contribution to the community is of an exemplary level.

In line with Part (2) of section 5.50 of the Local Government Act 1995, any payment above the amounts specified in this policy must only be made if adopted by Council and will be subject to local public notice.

<u>Recognition of Service – Long and Continuous Service</u>

Employees will be recognised after the completion of 5, 10, 15, 20, 25, 30 years of continuous service. At the time of being recognised the employee must be in active service on their anniversary of service date. An employee on a period of leave of absence will receive recognition upon their return to active employment.

The Shire's gratuity payments will be in the form of a gift in line with the prescribed amounts below.

Recognition of Service – Retirement of Resignation

When an employee's services are ceasing with the Shire, either on retirement or resignation, the employee will be entitled to a gratuity as outlined below based on completed years of service. An employee who has been dismissed by the Shire of Morawa for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy.

The Shire's gratuity payments will be in the form of a gift in line with the prescribed amounts below.

Years of Service	Amount of Gratuity
5 to 15 years of continuous service	A gift to the value of $25 for each year of service
15 to 30 years of continuous service	A gift to the value of $35 for each year of service
30 + years of continuous service	A gift to the value of $45 for each year of service

EMP12 Standards for CEO Recruitment, Performance and Termination

Aim	The Code provides mandatory minimum standards that cover recruitment, selection, performance review and early termination of local government Chief Executive Officers.
Application	Chief Executive Officers.
Statutory Environment	*The Local Government (Administration) Amendment Regulations 2021*
Approval Date	OCM 20 July 2023
Last Review	OCM 20 May 2021
Next Review	2025
Review Period	2 years

Objectives

To establish, in accordance with section 22 of the *Local Government (Administration) Amendment Regulations 2021* and the Shire of Morawa Standards for CEO Recruitment, Performance and Termination. the requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). This policy is intended to ensure best practice and greater consistency in these processes between local governments.

Policy Statement

This policy applies to the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs).

Policy Purpose:

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

Policy Details

Division 1 - Preliminary provisions

1. Citation

These are the *Shire of Morawa* Standards for CEO Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the 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 Morawa*;
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 CEOs.

4. Application for 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 form

(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 form 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 —

- email a copy of the job description form to an email address provided by the person; or
- 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 —

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

(a) a council 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) council 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 form 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 applicant.

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.

Division 3 — Standards for review of performance of CEOs

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 CEOs.

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. Carrying out a performance review

(1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

(2) The local government must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

(b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. 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.

19. 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 18, 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 CEOs

20. Overview of Division

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

21. 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.

22. Additional principles applying to termination for performance related reasons

(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.

23. 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.

24. 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.

(2) The notice must set out the local government's reasons for terminating the employment of the CEO.

5. ENGINEERING (ENG)

ENG01 Temporary Road Closures

Aim	To clarify Council's role when closing roads for which the Council has responsibility.
Application	All Staff
Statutory Environment	*Local Government Act 1995 Section 3.50(1a) and 3.50(4)*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

Unless otherwise stated, the Shire shall practice its rights and obligations to close, and subsequently re-open any road under its responsibility in accordance with provisions of the *Local Government Act 1995*, and the *Local Government (Functions and General) Regulations 1996.*

Policy

Specifically, where the Shire is required to issue local public notice, the broadcast of road status via the Councils Road Condition Reports, from time to time occur as conditions change, and the issue of local public notice shall be in accordance with Section 1.7 of the *Local Government Act 1995.*

Furthermore, where the Shire can reasonably determine that a road closure is expected to exceed a period of twenty-eight (28) days, the Shire shall:

- Give local public notice, in newsprint generally circulating in the district, giving details of the proposal to close such road;
- Give written notice to each land owner/occupier likely to be affected by the proposal to close such road; and
- Invite public comment on the proposal to close such land.

Where a road closure inadvertently exceeds a period of twenty-eight (28) days, the Council shall meet its obligations under provisions of the *Local Government Act 1995.*
**** Note - Road closures for Roadworks will require an approved Traffic Management Plan and Working in a Shire Reserve permit.**

Exceptional Permits

Section 3.50 (2) of the *Local Government Act* allows the Shire to limit road closures to vehicles of any class, to particular times or to such other case or class of case as may be specified in the order and may contain exceptions.

To this end, the Shire recognises the need for remote residents to access supplies. It is therefore the intention of this policy to allow exceptions to approved vehicles granting limited access to traverse on selected closed roads.

Applicants seeking an exception to travel on a closed road must make a written request to the Shire prior to undertaking any journeys on any closed road.

Where appropriate, the Shire may grant exceptions to pastoralists, Aboriginal Communities and Mining Enterprises on an as needs basis. The exception must be of an urgent nature and shall not be considered for the purposes of convenience to the applicant.

All applications shall be submitted to the Shire for consideration, on a case-by-case basis.

ENG02 Bush Fire Policy

Aim	To establish and maintain Bush Fire Brigades in order to provide adequate fire protection for those areas within the Shire.
Application	Councillors All Staff
Statutory Environment	*Local Government Act 1995 - 2.7 (2) (b) Bush Fires Act 1954*
Approval Date	July 2020
Last Review	October 2026
Next Review	2027
Review Period	1 year

Objective

To establish and maintain Bush Fire Brigades in accordance with Part V of the Bush Fires Acts 1954, as amended, in order to provide adequate fire protection for those areas within the Shire and to carry out any identified hazard reduction having due regard at all times for the preservation of the natural environment.

Policy

1. BUSH FIRE ADVISORY COMMITTEE MEETINGS

1.1 Introduction

The Shire of Morawa Bush Fire Service comprises five Brigades & Volunteer Fire & Emergency Services Unit VFES (this is a DFES owned and managed unit) whose members are all trained volunteers. Council seeks input from these members and other key stakeholders on matters relating to bush fire prevention and control through the Shire of Morawa Bush Fire Advisory Committee (BFAC).

This Policy specifies when Bush Fire Advisory Committee Meetings are to be held, and the minimum issues Council seeks the Advisory committee to address.

1.2 Objectives

- To specify a minimum number of Bush Fire Advisory Committee Meetings to be held in any year.
- To specify what items are required to be considered at these meetings, except general agenda items.
- To specify the membership of the Bushfire Advisory Committee and the numbers of members required to constitute a quorum.

1.3 Policy

The Bush Fire Advisory Committee shall meet a minimum of two times per year with the meetings being held prior to and after the fire season (normally, before October and after March).

The following items shall be considered at the post fire season meeting of the Bush Fire Advisory Committee each year:

1. The report from the Brigade Captains on the fire season activities and other Brigade related issues.
2. Bush Fire Brigade budget requests for items that fall outside of the Local Government Grants Scheme (ESL) eligibility.
3. Nominations for the National Medal & Bushfire Service Medal (optional).
4. AGM is held to appoint the leadership team for the following year.

The following items shall be considered at the pre-fire season meeting of the Bush Fire Advisory Committee each year (normally in September):

1. Review Harvest Movement Ban process.
2. Review fire break issues that may arise
3. Pre-season training opportunities
4. Capital items for the forthcoming Local Government Grants Scheme (ESL) due in January each year.

Membership of the Bush Fire Advisory Committee shall comprise:

- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer (potentially 2 Deputies)
- Bush Fire Control Officers
- Councillor from the Shire of Morawa
- Chief Executive Officer
- Executive Manager Works and Assets
- CESM

Ex Officio

- DFES Representatives other than CESM
- DBCA Representatives
- Karara Mine

All members (except Ex Officio representatives) shall have equal voting rights except in the case of a tied vote; here the Chairperson shall also exercise a casting vote in addition to a deliberative vote. Minutes and recommendations from the Advisory Committee will be presented to Council as soon as practicable after each meeting.

Quorum shall be six presiding members.

Terms of Office

1. Each committee member will be nominated annually at the post fire season meeting by the committee for Council's ratification.
2. The Council may accept a resignation in writing or remove any member of the committee.

Appointment of Committee Members

The Council shall endorse the appointment of Committee members or may appoint a member when a vacancy occurs in the office of a member of the Committee.

LEMC and District Committees

The Chief Bush Fire Control Officer or their delegate in relation to their Bush Fire obligations is:

- invited to be a member of the Shire of Morawa Local Emergency Management Committee; and
- represent the Shire at District Operations Advisory Committee (DOAC) meetings or other district meetings as required or send a delegate

2. MEETINGS OF THE BUSH FIRE BRIGADE

2.1 Introduction

Bush Fire Brigades are established by the Shire of Morawa under powers conferred upon the Council by the *Bush Fires Act 1954*. The Shire of Morawa Bush Fire Service comprises of five Bush Fire Brigade whose members are all trained volunteers. The Bush Fire Brigade will hold at least one meeting per year and other meetings on such days and at such times the Bush Fire Brigade thinks it is fit. This Policy specifies when and what type of meetings the Bush Fire Brigade are to be held, the quorum required and voting rights of Brigade members

2.2 Objective

To specify a minimum number of Ordinary Meetings the Bush Fire Brigade is to conduct in any year.
To specify what items are required to be considered at these meetings, except general agenda items.
To specify what type of meetings the Bush Fire Brigade can conduct.

2.3 Policy

Ordinary Meetings
The Bush Fire Brigade shall conduct a minimum of two Ordinary Meetings per year with at least one meeting being held prior to and one meeting after the season. The Chairperson shall be the Captain or their nominated delegate The Shire Chief Executive officer or CESM will act as the Secretary and minute the meeting. The CESM is to be invited.

The following items shall be considered at the post fire season meeting of the Bush Fire Brigade each year:

1. The report from the Brigade Captain on the fire season activities and other Brigade related issues.
2. Bush Fire Brigade budget requests for items that fall inside and outside of ESL eligibility; and
3. Nominations for Service Medals Medal.

The following items shall be considered at the pre-fire season meeting of the Bush Fire Advisory Committee each year:

1. Capital items for the forthcoming ESL due in January each year.

Annual General Meetings
The Bush Fire Brigade shall hold an Annual General Meeting (AGM) following the post fire season meeting /prior to the end of August each year. At the AGM the Brigade is to elect the Bush Fire Brigade Officers from amongst the Brigade members.

Voting will occur for positions in the following order:

- Captain/Fire Control Officer
- Lieutenants & Bush Fire Control Officer/s
- Treasures & Secretary

Elections will be conducted by show of hands.

The AGM will address any general business that is outstanding.

Special Meeting
The Chief Bush Fire Control Officer or Captain may convene a special meeting of the Bush Fire Brigade or Bush Fire Advisory Committee if requested by an active Brigade Member or when required due to a vacancy in the Officer Group.

2.4 Quorum
The quorum for a meeting of a Brigade is at least 6 of the number of voting members of that Brigade. No business is to be transacted at a meeting of the Bush Fire Brigade or BFAC unless a quorum of Brigade members is present in person or by authorised proxy.

2.5 Voting
Each member is allowed one vote at a meeting of the Bush Fire Brigade or BFAC. If a voting member is unable to attend a meeting, they may lodge an absentee vote or nominate another member as their proxy.
If the meeting Chair is willing to accept electronic lodgment, an absentee vote may be emailed to the meeting Chair The absentee voter must be aware of the reduced confidentiality of this method.

3. STANDARD OPERATING PROCEDURES

3.1 Introduction
DFES has a set of Standard Operating Procedures relevant to the everyday operation of Bush Fire Brigades. The Standard Operating Procedures have been widely accepted and adopted by most local governments in Western Australia.

3.2 Objective

The objective of this Policy is to adopt DFES Standard Operating Procedures as Council's Bush Fire Brigades Standard Operating Procedures.

3.3 Policy
That the Shire of Morawa adopts the Standard Operating Procedures relating to Brigades and Local Authorities as outlined in the DFES Standard Operating Procedures applicable to Bush Fire Fighting and Incident Control as Council's Bush Fire Brigades Standard Operating Procedures.

4. BUSH FIRE CONTROL OFFICER APPOINTMENTS

4.1 Introduction
Within the Bushfire Brigades, there are various officers appointed by Council to undertake various roles and responsibilities.

The persons occupying these positions, although volunteers, are nonetheless officers of the Council and are appointed by the Council (under section 38 of the Bush Fires Act 1954) upon their nomination by the Brigade and endorsement by the Bush Fire Advisory Committee.

This policy establishes the eligibility criteria for a person to be appointed as a Bush Fire Control Officer. Job Description Forms (JDFs) for the various roles have been agreed

4.2 Objectives
To ensure that a person has the relevant qualifications necessary to hold the position of Fire Control Officer.
To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer.

4.3 Policy
All Officers of the Bush Fire Brigade will be authorised as Fire Control Officers for the Shire of Morawa.

1. To be eligible for appointment as a Bush Fire Control Officer a person must have completed the Bush Fire Control Officer Training Program. With a refresher completed every 4 years.

2. Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Officer if they complete the Bush Fire Control Officer Training Program within 12 months of appointment.

3. For a person to continue as a Bush Fire Control Officer they must complete the Bush Fire Control Officers Course or a Refresher Course at intervals of no more than every 4 years.

4. Yearly notification is made to Council of Brigade Officers to be appointed as Fire Control Officers and permit issuing officers.

5. Only Permit issuing Fire Control Officer shall issue a Permit to Burn this is done in consultation from the Chief or Deputy Chief Bush Fire Control Officer.

5. AUTHORITY OF CHIEF & DEPUTY BUSH FIRE CONTROL OFFICERS

5.1 Introduction
Within the Shire of Morawa Bush Fire Services, a formal hierarchy exists in accordance with the *Bush Fires Act 1954* to provide a chain of command at multi-brigade incidents.

5.2 Objective
To specify the extent of the authority to expend Council funds.

5.3 Policy
The most senior positions are those of Chief and Deputy Chief Bush Fire Control Officer/s & CESM.

This Policy recognises the need for the Chief and Deputy Chief Bush Fire Control Officer/s & CESM to act quickly in an emergency fire situation where that fire is beyond the resources of the Shire of Morawa Fire Services.

6. FIREBREAK ORDER – EXEMPTIONS

6.1 Introduction

In accordance with the provisions of Section 33 of the *Bush Fires Act 1954*, the Shire of Morawa adopts an annual Firebreak Notice specifying the minimum standards of fire prevention measures to be undertaken by landowners.

For varying reasons of terrain, natural water courses, stands of significant vegetation or other reasons, it may not be possible or desirable for the landowner to meet Councils requirements.

In order to avoid receiving an infringement notice for failing to comply with the requirements of the Firebreak Order, the land owner, in accordance with the Order, needs to obtain the approval of the Shire for an exemption from, the requirements of the Order. This Policy is intended to provide a procedure to deal with applications for firebreak exemptions to the annual Firebreak Order.

6.2 Objective

To specify which persons are authorised to approve applications for firebreak exemptions and variations to the annual Firebreak Order.

6.3 Policy

1. The Chief Executive Officer or CESM are authorised to approve or refuse applications made for Firebreak Order exemptions.
2. Exemptions so granted shall be issued in writing by the Shire of Morawa for a period of no more than 3 years.

7. PERSONAL PROTECTIVE EQUIPMENT

7.1 Introduction

Bush Fire brigades are created by Council pursuant to Section 41 of the *Bush Fires Act 1954*. The Shire of Morawa has a duty of care to Brigade members to ensure that they are given the opportunity to be suitably equipped and protected to carry out their roles as fire fighters. This Policy provides for the issue of personal protective equipment to brigade members.

7.2 Objective

To specify what personal protective equipment is to be supplied in accordance with DFES SOPs.

7.3 Policy

Volunteers will be offered and encouraged to wear DFES approved Level 1 Personal Protective Equipment (PPE) consisting of:

a. Level 1 Tunic.
b. Level 1 Trousers/over Trousers.
c. Level 1 Helmet.
d. Level 1 Gloves.
e. Bush Fire Boots.

f. Level 1 Tee Shirt 100% Cotton
g. Baseball Style Cap/Wide Brim Sun Hat
h. Goggles
i. Appropriate facemasks for the undertaking of Bush Fire Suppression these are placed on the appliance we do have the issue of cleaning and maintenance.

Volunteers are responsible for keeping their allocated PPE clean and in good order.

The PPE kit always remains the property of the Shire of Morawa. Upon termination or resignation from the Brigade, all kit must be returned to the Brigade for re-issue to other active members. Failure to return the kit to the Brigade will result in the issue of an invoice for the replacement cost of a new kit.

Failure to pay for or return the issued PPE may result in legal action being undertaken by the Shire of Morawa to recover the items or replacement costs. All members are responsible for the care and maintenance of all PPE issued to them.

8. FIRE APPLIANCES – REPAIRS, AND SERVICING

8.1 Introduction

Shire of Morawa Bush Fire brigades are created pursuant to Section 41 of the Bush Fires Act 1954. Brigades in the Shire of Morawa will use its best endeavours to ensure that all equipment provided for Brigade use is maintained to the correct standard and that any modifications do not compromise the operational safety of the equipment.

8.2 Policy

8.1.1 *Vehicle Maintenance*

The Shire/CESM will manage vehicle maintenance and repairs with costs reimbursed from the Emergency Services Levy (ESL) funds upon receipt of an invoice from the Shire of Morawa. Members on returning from an incident are to report any issues to the Brigade Captain who will inform the CESM and repairs will commence

8.1.2 *Vehicle Registration*

All appliances, equipment and apparatus of the bush fire brigade will remain the property of the Shire of Morawa. As such, vehicles will continue to be registered by the Shire of Morawa with costs reimbursed from the ESL funds receipt of an invoice from the Shire of Morawa.

9. HAZARD REDUCTION WITHIN THE GAZETTED TOWNSITES

9.1 Introduction

The Shire of Morawa acknowledges that it is responsible for the reduction of fire hazards on land under its control. This land includes road and drainage reserves as well as public open space. This Policy provides for the burning of road and drainage reserves within the Shire of Morawa for fire hazard reduction and maintenance purposes. DFES & DBCA are responsible for all other UMR & UCL land within the Shire.

9.2 Objective

To specify who can conduct burning on road and drainage reserves under the care, control and maintenance of the Shire of Morawa.

To ensure that people involved in burning are trained to do so, in a safe manner.
To ensure that adequate appliances and/or machinery are available to facilitate the safe burning of road and drainage reserves.

9.3 Policy
All hazard reduction burns identified within the Shire of Morawa Townsites are to be carried out in consultation with the Chief Bush Fire Control Officer and CESM.

10. FIRES OUTSIDE THE SHIRE OF MORAWA

10.1 Introduction
Bush Fire brigades across the region operate in an environment of "mutual support", where Brigades in areas not under immediate threat from wildfire will assist at incidents which are beyond the capacity of the controlling agency.

This Policy recognises the need for the Shire of Morawa to be able to assist other local authorities and emergency services where they request our assistance with an incident that is outside of the local government area of the Shire of Morawa.

10.2 Objective
To specify that the Shire of Morawa is available to assist at incidents outside of the Shire of Morawa.
To specify which officers are delegated to approve the response of Shire of Morawa to incidents outside of the Shire of Morawa.

10.3 Policy
1. A Bush Fire Brigade shall not attend an incident outside of the Shire of Morawa unless their response is authorised by the Chief Bush Fire Control Officer or CESM.

2. The Chief Bush Fire Control Officer shall be notified as soon as a fire appliance is dispatched to an out of district fire.

11. USE OF SHIRE OF MORAWA PLANT – FIRE EMERGENCIES

11.1 Introduction
It is the function of volunteer bush fire brigades to suppress wildfires within the Shire of Morawa. However, in performing this function, the Officer in control of the fire may enlist other services or agencies as required

This Policy provides that Shire of Morawa plant may be used to assist at an incident and specifies which officers can approve the use of the plant.

11.2 Objective
To specify when Shire plant may be used in a fire emergency.
To specify which employees can authorise the use of Shire Plant at fire emergencies.
To specify that plant operators have a minimum level of training & PPC, PPE before attending fire service incidents/civil emergencies.

To specify who will be responsible for costs associated with the use of Shire plant at fire emergencies.

11.3 Policy
The Shire of Morawa, where practicable, shall make its plant available for use at fire emergencies.

Shire Employees authorised to permit the use of Council plant at fire services incidents/civil emergencies are:

- Chief Executive Officer; or
- Executive Manager Works and Services or
- Chief Bush Fire Control Officer or CESM.

Shire employees operating the plant shall have completed the Bushfire Safety Awareness course and have been issued PPC.

Where Shire plant is utilised in relation to firefighting, the Shire understands that expenses are to be met by the Shire unless the expenses can be recovered by insurance procedures, DFES.

12. TRAINING ARRANGEMENTS

12.1 Introduction
Bush Fire brigades are created by Council pursuant to Section 41 of the *Bush Fires Act 1954*. As Brigades are under the control of the Shire of Morawa, the Shire has a duty of care to Brigade members to ensure that they are suitably equipped and trained for their task. This Policy is to ensure that volunteer fire fighters are properly trained by making available suitable venues, catering and by encouraging fire fighters to attend courses.

12.2 Objective
Chief Executive Officer coordinates all training requirements and:
- makes available suitable venues for training; and
- specifies when catering will be organised for course participants.

12.3 Policy
The Shire of Morawa shall make available a suitable venue for the training of fire fighters.
The Shire will seek reimbursement via the ESL for training and catering at courses that are organised.
The Chief Bush Fire Control/CESM shall make available to all Brigades within the Shire of Morawa notices of upcoming training courses and encourage suitable candidates to attend these courses.

13. MINIMUM DRIVER TRAINING - SHIRE FIRE APPLIANCES

13.1 Introduction
Bush Fire brigades are created by Council pursuant to Section 41 of the *Bush Fires Act 1954*. This Policy has been developed to recognise potential duty of care issues in relation to the training standards of persons who are required to operate Shire of Morawa Fire Appliances

13.2 Objective
The objective of this Policy is to specify a minimum training standard for all drivers of Shire of Morawa Fire Appliances.

13.3 Definitions

In this Policy, unless the contrary appears:
"Approved driving course" means Drive Vehicles Under Operational Conditions DFES Introduction to Driving or equivalent PUA course.
"Authorised training" means driver training on appliances that is conducted and supervised by CESM or a brigade officer or training officer, who has completed an approved driving course.
"Learner driver" means a driver who is issued with a learners permit under Section 48C of the Road Traffic Act 1974.
"Probationary driver" means a diver who is issued with a probationary license under Section 45 of the Road Traffic Act 1974.
"Volunteer firefighter" means a registered member of a bush fire brigade formed under the Bush Fires Act 1954 and includes any bush fire control officer, officer, office bearer, firefighter, probationary firefighter, probationary firefighter and auxiliary member of a brigade.

13.4 Policy

The driver of any Council fire Fighting appliances will hold a current driver's license appropriate for the appliance being driven and be either a:

1. Shire or DEFS employee; or
2. A registered member of the Shire of Morawa Bush Fire Brigade; or
3. Any person instructed by the Chief Bush Fire Control Officer, CEO or CESM, or any other authorised person.

A volunteer firefighter shall not drive any fire appliance owned by the Shire of Morawa in an emergency situation unless they have completed an approved driving course.

Other Brigade members may drive appliances in non–emergency situations subject to their holding the necessary motor vehicle driver's license.

14. PURCHASE OF EQUIPMENT FOR BUSH FIRE BRIGADES

14.1 Introduction

Bush Fire Brigades are established by the Shire of Morawa under powers conferred upon the Council by the *Bush Fires Act 1954*. It is the responsibility of the Shire & DFES to ensure the Brigades are provided with the level of equipment necessary to, and suitable for, the performance of their roles.

14.2 Objective

To ensure that any equipment/appliances purchased:

1. Is suited to the task for which it is intended;
2. Has the endorsement of the Shire of Morawa Bush Fire Advisory Committee; and
3. Is in the best interests of the Shire of Morawa Emergency Services as a whole.

14.3 Policy Statement

For the purposes of this policy, grant funds also include corporate sponsorship.

1. Individual Brigades, or members thereof, shall not apply for funding or purchase firefighting equipment or appliances.

2. In order that grant funds may be pursued for the best overall strategic benefit of the Shire of Morawa Bush Fire Brigades and grant funds will only be applied for by the Shire.
3. Any equipment/appliances required by Bush Fire brigades will only be purchased on behalf of the Brigade by the Shire;
4. Equipment will not be purchased, other than to replace an existing item, unless the Bush Fire Advisory Committee has determined:
    a) the need to purchase the item.
    b) the item meets all current DFES standards; and
    c) provision for the insurance/maintenance of the item can be made within the existing operating budgets.

ENG03 Asset Management Policy

Aim	The purpose of this policy is to responsible management of the Shire's Assets
Application	Elected Members and Staff
Statutory Environment	*Department of Local Government Asset Management Framework* *(WA Government, 2011)* *Local Government Act (1995)* *International Infrastructure Management Manual (IPWEA, 2011)* *Department of Local Government Integrated Planning and Reporting Framework and Guidelines (WA Government, 2010)* *Local Government (Financial Management) Regulations 1996* *Australian Accounting Standards AASB13 – Fair Value Measurement*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objectives

The purpose of this policy is to initiate Asset Management Principles/Framework and Asset Management Responsibilities to achieve the following objectives and outcomes:

- The Shire's services and facilities are provided reliably, with the appropriate level of service to residents, visitors and the environment within the Shire;
- Safeguarding the Shire's assets including physical assets and employees by implementing appropriate asset management strategies, practices and financial treatment of the assets;
- Establish an environment where all Shire employees will assist in the overall management of the Shire assets;
- Meet all legislative compliance for Asset Management.

The adoption of an effective asset management approach will provide the following benefits:

- More sustainable decisions by ensuring all lifecycle costs are included in decision processes, so that the emphasis is on sustainable efficiencies not unsustainable short-term gains;
- Enhance customer service through improved understanding of service requirements and options;
- Improved financial efficiency by recognition of all costs of owning/operating assets over the lifecycle of the assets.

Policy

Background

In 2010, the Minister for Local Government introduced the Integrated Planning Framework WA, which is aimed at driving the development of a Strategic Plan and a Corporate Business Plan. Developing an Asset Management Strategy is a crucial part in contributing to Council's Corporate Business Plan, ensuring that the Local Government's assets are effectively managed and meet the needs of the community now and in the future.

Strategic Implications

This Asset Management Policy has been developed to support the vision, goals and objectives in the Shire of Morawa's Strategic Plan. Effective asset management ensures that all Infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

The Shire will allocate appropriate resources to asset management through its financial plan, define its service level expectations through service delivery plans, and ensure effective risk management.

The implementation of this Asset Management Policy will assist the Shire to meet community expectations by providing services in a sustainable manner.

Principles

Asset Management encompasses all of the various actions that Council must take to ensure that its assets are planned, delivered, managed, renewed and retired to serve both present and future communities.

Managing Council Assets

Council assets will be managed by:

- A team approach – Coordinated by the Executive Manager Works and Assets; and
- Council allocating sufficient financial resources (integrated with the Long Term Financial Plan) to ensure effective asset management practices, timely maintenance and renewal of assets so that community services are sustained in the long term; and
- Asset information will be accurate and up to date allowing for appropriate asset planning, both in the short and long term, and for informed decision making to occur.

New Assets & Renewal or Upgrade/Expansion of Assets

Prior to consideration of new infrastructure works, renewals or an expansion/upgrade:

- A strategic review of the need for, and the life cycle cost of that asset (including capital, maintenance, operating and renewal costs) will be carried out.
- Asset Renewal Plans will be implemented progressively based on priority (condition), the level of service required, and the effectiveness of the current performance of the asset.
- Plans to upgrade existing infrastructure will be considered and evaluated according to the need to increase the asset's Level of Service.
- Council will continually seek opportunities for multiple uses of assets, as well as, strategic community partnerships and for economic extensions to infrastructure life.

Asset Management Strategy and Asset Management Plans

- An Asset Management Strategy will be developed in line with the Strategic Plan and informed by the community's aspirations and service requirements that are set out in the Corporate Business Plan.
- In consultation with key stakeholders, Council will determine the Level of Service expected for each asset class to deliver economic, environmental and social values for the benefit of the community. These service levels will be adopted and reflected in the Asset Management Plans for each asset class. The development of Asset Management Plans will also identify:
    - The strategic goals;

- The level of service and performance standards;
- The full cost of providing the service
- The future demand; and
- Monitoring and improvement strategies.

The Level of Service for each asset class will drive the desired funding and when assessed against the Shire's current budget, this will represent the funding gap.

Council will work to minimise this gap by renewing its assets at the most optimum time. The budgetary requirements will be fed into the Shire's Long Term Financial Plan.

Risk Management Techniques

The Shire's Risk Management Policy (CORP01) outlines the commitment and objectives regarding managing uncertainty that may impact the Shire's operations.

To ensure the achievement of our vision and strategic goals and objectives, the Shire needs to ensure operational/asset management staff (first line defence) identify asset related risks and they are assessed, managed, monitored and reported. Risk themes identified in relation to Asset Management and documented in the Asset Management Strategy include:

- Asset Sustainability Practices
- Environmental Management
- Errors, Omissions, Delays
- External theft & fraud including cyber crime
- Management of Facilities/Venues & Events

The criteria adopted in CORP01 will be applied to each asset class to identify any moderate – high risks and will be covered in the individual asset management plans.

Responsibilities

In order to support this policy the following key roles and responsibilities have been identified:

Council

- To act as custodians for Council assets;
- To adopt an Asset Management Policy with linking to the Shire of Morawa's 10 Year Strategic Community Plan 2022 - 2032;
- To provide an advocacy role with State and Federal Governments and the community;
- Demonstrate the organisations commitment to the Council's vision and strategic objectives through an integrated; and
- Resourced asset management system to build and maintain intergenerational equity;
- Make informed decisions supported by asset management processes and costs; and
- To comply with Integrated Planning Framework and Fair Value Legislation.

Chief Executive Officer & Senior Management

- Reporting on the status and effectiveness of asset management within Council;
- Continually promote asset management across the organisation;
- To validate and challenge proposals to ensure they meet the Shire's Strategic Plan objectives and community needs;

- To ensure community and key stakeholders inputs are integrated into Asset Management Plans;
- To ensure staff are appropriately trained and skilled to perform the required Asset Management functions;
- To provide effective communication between Staff, Council and the Community;
- Responsible for implementing asset management systems, policies and procedures;
- Delegate specific assets to responsible project officers;
- Promote networks between the community, key stakeholders, and Council's asset managers to involve and consult with on the management of Council's assets.
- Develop and implement a framework for the evaluation and prioritisation of corporate project proposals incorporating whole of life costing;
- Develop and implement asset management processes and procedures;
- Implementation of Fair Value
- Develop Framework, guidelines and processes to deal with Fair Value reporting.

Disability Access and Inclusion Plan

Public Authorities in Western Australia are required to have Disability Service Plans (DSPs) under the *Disability Services Act (1993).* This Act was amended in 2004 with a requirement for public authorities (State Government agencies and Local Governments) to develop and implement Disability Access and Inclusion Plans (DAIP's) that further the principles and objectives of this *Act*. The principles and objectives of this DAIP are to be applied in the responsible management of the Shire's assets including acquisition, maintenance and disposal.

Definitions

Asset: means a physical item that is owned or controlled by Council, and provides or contributes to the provision of service to the community.

Asset Register: means a record of asset information considered worthy of separate identification including inventory, historical, condition, and construction, technical and financial.

Asset Management: means the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal to ensure that the assets meet Council's priorities for service delivery.

Asset Management Plan: means a plan developed for the management of an infrastructure asset or asset category that combines multidisciplinary management techniques (including technical and financial) over the lifecycle of the asset. The Asset Management Plan establishes, for each Asset Category:

- Levels of Service (performance, construction, maintenance, and operational standards);
- Future Demand (rational basis for demand forecasting and selection of options for proposed new assets);
- Life Cycle Management Plan (including Operations and Maintenance, Renewals and Replacements, and Expansions and Upgrades);
- Financial Projections;
- Asset Management Practices; and Performance Monitoring and Improvement.

Asset Management Strategy: means a strategy developed for the management of an asset that combines multi-disciplinary management techniques over the lifecycle of the asset.
Council: means the Council of The Shire of Morawa

Fair Value: is defined as:

"… The amount for which an asset could be exchanged or a liability settled between knowledgeable, willing parties in an arm's length transaction." And also as:

"… The price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date."
Level of Service means meeting community expectations in relation to the quality and quantity of services delivered by the Council.

Life Costing means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and disposal and rehabilitation costs.

ENG04 Road Management Policy

Aim	The purpose of this policy is to demonstrate the Shire of Morawa's commitment to the responsible management of its roads and to establish a policy relating to the management of roads within the Shire's boundaries.
Application	All Staff
Statutory Environment	*Local Government Act 1995* *Main Roads Act 1930* *Land Administration Act 1997*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objectives

To provide a framework for making consistent and structured decisions as to whether a road or area of land used as a road should be included on the Shire of Morawa's (the "Shire") Shire's Road Register.

Specifically, the aim of this Policy is to establish:

- The circumstances under which the Shire will accept responsibility for a road, sections of road or area of land used as a road; and
- The process required for the Shire to accept responsibility for a road, sections of road or area of land that is not currently listed in the Road Register.

Policy

This Policy is intended to apply only to those roads and road reserves for which the Shire of Morawa is the responsible authority.

There are numerous roads and tracks within the Shire that Council is not responsible for but are managed by other authorities such as Main Roads Western Australia, the Department of Parks and Wildlife and other State authorities. In particular, the majority of roads and tracks through National Parks are not the responsibility of the Shire of Morawa. A small number of private roads are the responsibility of their respective owners.

Roads and road reserves that are the responsibility of other authorities (e.g. State roads, National Park roads, private roads etc.) are not included in this Policy. This Policy is intended to apply consistently throughout the Shire.

This Policy sets out the guidelines for staff and elected members in relation to the management of roads within the Shire boundaries.

1. The Shire is responsible for the management of Shire Roads within its boundaries.

2. The Shire shall maintain a Road Register detailing the roads for which it is the responsible road authority. The Road Register is a living document that is to be updated as required by resolution of Council.

The criteria for determining consideration for inclusion on from the Road Register are as follows. The road should satisfy at least one of the following criteria:

a is gazetted;
b. provides primary access to at least one full-time occupied property (i.e. the property is otherwise land-locked and without any road frontage);
c. has previously been constructed by, or regularly maintained by the Shire;
d. provides clear benefit to several property owners (not just one);
e. connects into and forms part of the wider network of Public Roads;
f. Serves a defined purpose or function for the public (i.e. there would be consequences if public access was removed and / or the needs for public use cannot be readily accommodated with alternatives); and
g. Provides for a social or economic benefit such as tourism

3. The Shire shall maintain a Road Asset Management Plan that, as a minimum, outlines the following;
   a. The Road Hierarchy System
   b. Levels of Service
   c. Inspection Programs
   d. Construction Standards
   e. Maintenance Standards
   f. Road Condition Reporting

Background

The Shire is committed to the provision and maintenance of roads within its boundaries and has an obligation to ensure that the road network provides an appropriate level of service and functionality for the road user.

A Road Management Policy is required to set out a framework for making consistent, structured and justifiable decisions as to whether a gazetted road or area of land used as a road is reasonably required for general public use and is therefore considered to be a “Public Road”. Once identified as a Public Road and the responsibility of the Shire it is considered a “Shire road” and must be included in the Shire’s Road Register.

Inclusion in the Road Register is an acknowledgement by the Shire that it is the responsible road authority in respect of the Public Road, and therefore has the responsibility for its ongoing maintenance, repair, inspection and the risks associated with this function.

The level of service is dependent on the classification of the road in the road hierarchy, the standard to which the road has been constructed, the funds available for the maintenance and the level of risk deemed applicable to that road.

Where Council decides that an area of land used as a road is not the Shire’s responsibility, and therefore not a Shire Road then the Shire does not have any statutory or common law duty to inspect, repair or maintain the area of land.

In this case, the Shire has the discretion, not duty, to inspect, maintain and repair areas of land used as a road that are not on the Road Register. The Shire will be able to decide whether a road is a Shire Road based on criteria that are set out in this Policy.

Strategic Implications

This Road Management Policy has been developed to support the vision, goals and objectives in the Shire of Morawa’s Strategic Plan.

This Policy is also designed to complement the Asset Management Policy. Both policies are supported by the Strategic Asset Management Plan and Road Asset Management Plan.

Road Register

The Shire maintains a Road Register. Roads that are not included in this register are currently not recognised by the Shire as assets, nor does the Shire accept any maintenance responsibility for such roads.

The existing extent of the Shire's road network has been determined from historical records of the extent to which the Shire has established and maintained the road network, with some additional roads that Council has formally accepted responsibility for, generally through land development.

Council may determine that additional roads, sections of roads or areas of land used as roads be included in the Road Register in accordance with this Policy.

Other Considerations

Request for Road Registration or Improvement:

In circumstances where property owners or ratepayers wish to have a presently unregistered road included in the Shire's Road Register and for it then to be maintained by the Shire, the ratepayer/s or property owner/s may make application in writing to the Shire to have the road included.

The road will be inspected and a report prepared for Council's consideration of the matter at an Ordinary Council Meeting. Council will not accept responsibility for roads which do not meet the minimum criteria specified in this Policy. The road will also be assessed against, and must reach at least the minimum standards that are described in the Road Asset Management Plan.

Where work is required to bring the proposed road up to a standard that is acceptable by Council, the costs of performing such work shall be borne by the proponent or proponents that have made the application to have the road included in the Road Register.

In considering such a proposal, Council will have due regard for the criteria for determining inclusion on the Road Register and the ongoing maintenance costs generated by the improved road.

New Developments

Where a new development on rural land requires a higher standard of road than has been provided, the costs associated with upgrading of the road will be the full responsibility of the developer. Every effort should be made to address this issue as part of the planning for the development.

School Bus Routes

Priority is to be given to maintenance of school bus routes during maintenance grading programs, and all school bus routes are to be graded, if needed prior to the school year recommencing.

Road Widths

Council observes the following road widths for all rural roads in the Shire:

8m Minimum Road Surface (10m cleared) (8m cleared)

- Nanekine Road
- Offszanka Road
- Canna North East Road
- Williamson Road
- Fabling Road
- Stephens Road
- South Indar Road
- Gutha West Road
- Pintharuka West Road
- Burma Road
- Milloy Road
- White Road
- Moffet Road
- Yamma Pool Road
- Yongarloo Road
- Bligh Road
- Neats Road (Bligh to Three Springs)
- Three Springs/Morawa Road
- Old Three Springs Road
- Morawa South Road
- Koolanooka South Road
- Malcolm Road
- Jones Lake Road
- Judge Road
- Gutha East Road
- Morawa-Yalgoo Road
- Toohey Road
- Madden Road
- Evaside Road
- Johnson Road
- Fitzgerald Road
- Munckton Road
- Old Mullewa Road
- Fallon Road (Lochada Rd to Munkton Rd)
- Lochada Road (Fallon Rd to part length)
- Bells Road (Pintha Dam to Wubin-Mullewa Rd)
- Pintharuka East Road (Wubin-Mullewa Rd to Bells Rd)
- Koolanooka Springs Road
- Norton Road (Wubin-Mullewa Rd to Olden Rd)
- Olden Road

6m Minimum Running Surface (8m cleared)

- All Other Rural Roads

Gravel Pit Use & Rehabilitation

The following represents the Shire's requirements to rehabilitate private property and Shire reserves where the shire has completed extraction of gravel:

- Unused pits - the sites shall be spread and levelled as much as possible. The site shall be generally deep ripped at 3 metre intervals where necessary.
- New pits - topsoil shall be stock piled. Following annual excavation the topsoil shall be pushed over the excavation.
- Timbered pits located in grazing paddocks - shall be fenced until revegetated by planted native trees.

Construction of a vehicle crossover

Under the *Local Government (Uniform Local Provisions) Regulations 1996*, Regulation 15 Contribution to cost of crossing - Sch. 9.1 cl. 7(4) states:

(1) Where —

(a) a local government —

(i) under regulation 12 constructs or approves the construction of; or

(ii) under regulation 13(1) requires the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land; and

(b) the crossing is the first crossing in respect of the land; and

(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing, the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.

(2) In subregulation (1) —

***first crossing**, in respect of land, means the first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358 [2] of the Local Government Act 1960 [3] as in force at any time before 1 July 1996;*

***standard crossing** means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.*

Rural Crossover

Where landowners require a new culvert crossover, Council will provide one crossover free of charge and where required, necessary pipework to protect the Shire's road assets. Should an additional crossover be required Council will provide the labour to install the culvert where the landowner pays for the culverts.

A standard rural crossover is to be 8 (eight) metres wide.

Townsite Crossovers

Council will provide one crossover per lot at 50% of the cost to rate payers. Additional costs involved in wider or additional crossover (less the footpath portion) will be at the cost of the ratepayer. Where Council undertakes road works affecting existing crossovers Council will bear the cost of replacement. The acceptable standard for a crossover in the townsite is as follows:

1. A standard crossing as referred to by the Reg. 15 of the *Uniform Local Provisions Regulations* comprises either:
   - A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate.
   - A minimum of 75mm reinforced concrete over a compacted sub- base; or
   - Other as approved by Council from kerb to the front boundary line and tied in or made contiguous with abutting structures (kerbs, footpaths and driveways).

2. The minimum width of the standard crossing shall be 3.0 metres for residences, 4.0 metres for commercial, 6.0 metres for light industrial, 6.0 metres for heavy industrial and 7.5 metres for service stations each with a 1.5 metre radius "fishtail' onto-the kerb line.
3. The gradient shall be positive 2% for the first 1.5 metres from the kerb line.

4. The Shire will contribute to one crossing per property only.

5. Where the ratepayer elects to construct a crossover, the Council's contribution shall not exceed 50% of the cost of the crossover as defined in paragraphs (1) and (2) and in Council's Fees and Charges Schedule. The square metres calculated shall be the length (from the road kerb to the property line) multiplied by the nominal width. The ratepayer must produce documents stating the full cost of the crossing.

Footpaths/dual use paths

Footpaths/dual use paths are to be constructed in concrete:
- to a depth of 75mm deep
- 25mpa concrete; and
- to a width of up to 2.0m.

Other construction materials such as bitumen may be used where directed by Council.

Road Name Changes

Except as provided below, a road name shall not be proposed for a new existing road if that road name is currently in use within the Shire. This includes the use of:

i) like-sounding names e.g. names with the addition/deletion of –s‖; or
ii) same name with a different suffix, e.g. road as opposed to street;
iii) where a road is closed or access denied as it crosses a main thoroughfare, one (1) portion of the road shall be renamed.

Roads shall be named or renamed (as the case may be):
- so as to avoid repetition as outlined above specifically within suburbs; and
- from the approved reserved list of names for roads.

Road names are to be sourced from:
- persons, entities, places or events of historical or heritage significance and directly related to the area and its neighbourhood;
- persons having a distinguished record of achievement within the Shire‘s history.

A brief explanation of the relationship and significance of the name shall accompany all nominations for road names to the Shire.

Acceptance of nominated names for incorporation into a reserved road names list and for applying to particular thoroughfares will be put before Council for approval.

Support to name or rename roads in established areas can be obtained by applying to Council stating their reasons, and Council is to write to all landholders adjoining the affected road to obtain their views.

Once a name has formally been assigned to the road and adopted by Landgate's Geographic Names Committee, all relevant Government bodies, servicing authorities and Australia Post shall be notified of the final action taken and the commencement date.

Definitions

Shire means the Shire of Morawa.
Shire Road means any public road that is on the Road Register of the Shire of Morawa.
Road Register is a register of all public roads for which the Shire is the responsible road authority.

Supporting Documents

This Road Management Policy is a key component of the Shire's planning and asset management process. The Policy sits alongside the Asset Management Policy and both are supported by the Strategic Asset Management Plan, Road Asset Management Plan and Road Register.

All these documents form part of the formal records of the Shire of Morawa.

ENG05 Local Gravel Supplies for Road Maintenance and Building Activities

Aim	To provide a consistent approach to gravel sourcing, extraction, and agreements with land interest holders including compensation and rehabilitation.
Application	This policy applies to all Shire interactions with land interest holders regarding local gravel supplies.
Statutory Environment	Acts of Parliament authorise the survey and extraction of materials by government agencies for public works. These Acts include the Land Administration Act 1997(LAA), the Local Government Act 1995(LGA), the Main Roads Act 1930 and the Public Works Act 1902. All extraction of materials is also subject to other relevant State and Commonwealth legislation, such as: • Biodiversity Conservation Act 2016 • Environmental Protection Act 1986 • Environment Protection and Biodiversity Conservation Act 1999 (Cth) • Rights in Water and Irrigation Act 1914 • Native Title Act 1993 (Cth) • Aboriginal Heritage Act 1972 • Native Title Act 1999 (WA), or • Specific conditions may apply when operating in proclaimed Public Drinking Water Areas. Before exercising the rights under the Local Government Act 1995, provisions to access land for the purposes of gravel extraction, approvals have to be sought under relevant legislation.
Approval Date	OCM 14 September 2023
Last Review	N/A
Next Review	2025
Review Period	Every 2 years

Objectives

The objective of this policy is to provide consistency and transparency around the Shire's methodology for securing local gravel supplies for road, upgrade, renewal, and maintenance activities.

Policy

Definitions

The following definitions apply to this document:

Land Interest Holders: Interest holders can include private landowners, private land leaseholders, public land leaseholders, Aboriginal groups and other government agency

managers of land. Public lands are referred to as Crown land and include lands vested for various government or public purposes as well as unallocated Crown land.

Gravel: Road pavements can consist of a wide range of materials including limestone, gravels, sand-clays and rock, which are sometimes screened, crushed or mixed. Gravel is used as the general term to describe these materials.

Principles

The Shire of Morawa works to deliver outcomes aligned to its statutory roles but also in the best interests of the district and community.

Land interest holders within the district should be equally committed to the district and community as a whole, and it is only by working together will the community continue to prosper.

The Shire's capacity to upgrade, renew, and maintain roads is heavily dependant on budget, funding, and gravel resources.

Consistency when dealing with land interest holders is important to the Shire, and clear parameters must be set before agreements are made to ensure transparency and equality across the district.

Documentation of agreements with land interest holders or DPLH is usually important to confirm the conditions of agreement and avoid misunderstandings and disputes.

Policy Statement

The Shire of Morawa maintains over 850km of unsealed roads in the District. Good quality roads offer a number of benefits to the community and visitors. They provide for a smoother and safer journey, ensure homes and businesses are accessible, and create connections between other areas or key infrastructure.

Unsealed roads with a gravel surface have generally developed over time from rough bush tracks weaving around trees and rocks, and have never been designed for high speed travel or mass haulage. Due to the low traffic volume, high build costs, and high maintenance costs it is not economical to seal all roads within the District.

A gravel or unsealed road is a road where the surface is made up of broken down rock generally 20 to 30 mm in diameter, and laid 100mm thick. The Shire undertakes regular maintenance of the unsealed road network through the use of maintenance graders to remove defects by cutting or ripping the road surface, cutting, blending, and reforming as required. However, unsealed roads generally suffer gravel loss or breakdown on an annual basis, due to weather and traffic, and overtime this leads to shape loss, corrugation, ruts, and slipping. As such this creates a need to source gravel to upgrade, renew, or maintain the road. Gravel is obtained from a number of sources such as quarries, ridge gravel deposits, but more often than not the Shire needs to utilise naturally occurring material close to the work location that is in a property managed/owned by a local land interest holder.

Grant funds for the upgrade, maintenance, and re-sheeting of unsealed roads is limited, and as such the Shire is limited as to how much works can be completed each year based on costs and resources available. As such given the vested interest in road safety that land interest holders have across the District, it is generally expected that land interest holders will be supportive of the Shire's requirement for locally sourced gravel.

When considering gravel sources, it is always the Shire's preferred option to utilise material that is close to the work site to minimise staff and plant travel costs, which allows the Shire to renew and maintain more kilometres of road without excessive rate increases.

Gravel Investigations and Initial Contact with Land Interest Holders

The Shire's Officer responsible for the delivery of a road project must ascertain the nature of land tenure and relevant interest holders before making any initial contact or undertaking gravel investigations. The Shire's rates system can be utilised to determine land owners, other mechanisms may need to be utilised to identify lease holders or State land management authorities.

Land interest holders should be contacted early in the planning stages of a project by an appropriately authorised officer with an understanding of project needs, legislation, and policy considerations.

For initial gravel investigations, no formal written agreement is required but the officer should maintain ongoing communication with the land interest holder to keep them informed of the process.

Initial investigations will determine if prospective gravel sources are sufficient, and in a suitable location. Damage to and clearing of native vegetation should be avoided. If this is considered to be unavoidable, advanced applications for approval are to be made to the relevant government agencies, usually Department of Environmental Regulation in the first instance. Basic raw materials such as gravel, sand and rock which occur on private land are not classed as minerals under the Mining Act, but they are when they occur on Crown land, however Mining Act tenements for other minerals can exist on private land and these may need to be considered during gravel investigations. In areas subject to mining activities, the Department of Mines and Petroleum should be contacted to check on the presence of any Mining Act tenements.

Gravel Extraction Agreement

If investigations on the land confirm that suitable material exists, the proposed excavation must be discussed with the land interest holder. The Shire will then enter into a gravel extraction agreement with the land interest holder. Typical items to be addressed include:

- Authority for entry and removal of materials
- Description of the materials and the road project
- Description of the location and area
- Other Approvals required and obtained
- Access to the proposed excavation and any obstacles
- Clearing/stockpiling/excavation techniques
- Maintenance of tracks and access roads
- Staged completion if relevant

- Estimated timing and period involved
- Rehabilitation methods and timing
- Estimated quantity of gravel to be extracted and compensation for damage (money and or services)

Response to Non-Agreement by Land Interest Holder

In the first instance if a Land Interest Holder refuses a gravel investigation or to enter into a gravel extraction agreement, then the Shire will seek to utilise an alternative gravel source within a 20km radius of the work site. If no alternative gravel source or alternative land interest holder is available then the Shire will consider whether the road works in that area are critical for an emergency or safety response or if the Shire can forego upgrade or renewal works and continue with normal maintenance grading operations.

If the road works are required, due to critical emergency or safety items, then the Shire may utilise its legislative powers to access the property.

The Shire of Morawa has powers to enter private land and extract materials for public works under the Local Government Act 1995. These powers are laid out in sections 3.27 to 3.32 and Schedule 3.2. Section 3.27 of the Act, which enables a Local Government to take any of the actions detailed in Schedule 3.2 in performing its ordinary functions, on land which is not Local Government land. Actions taken under Section 3.27 do not require the consent of the interest holder, but certain procedures must be followed when consent has not been given. This includes Crown land under pastoral lease.

If the interest holder does not consent, the Local Government may enter without consent by issuing a Section 3.31 Notice of Intended Entry. The Shire will provide information on the purpose of entering the land and include the details of the powers by which the Shire claims the right to enter, required under legislation.

The Local Government may open a fence around the property in question, when it is not practical to enter through the existing and usual openings in that fence. Before opening the fence, the Local Government must provide notice in writing to the owner or occupier at least three days in advance.

The Local Government must obtain a warrant prior to entry under the following conditions:
- if entry is refused, opposed or prevented;
- if entry cannot be obtained; or
- if the notice can be given without unreasonable difficulty or delay.

This warrant is issued by a justice and must be in a prescribed form, upon being satisfied that one of the conditions listed above has been met. The warrant should specify the purpose for which the land is to be entered, and will remain in force until that purpose has been satisfied.

Section 3.27 (3) states that the authority excludes “land being used as the site or curtilage of a building or has been developed in any other way, or is cultivated”. However, as a result of the SGSS, (4A) was added that states “….planting pasture on land for grazing does not amount to cultivating the land”.

The use of legislation to enter property is not the Shire's preferred course of action, and given the amount of roads in need of maintenance within the Shire, preference will be given to areas where land interest holders are agreeable and forthcoming with gravel supplies.

Compensation

Section 3.22 of the Local Government Act contains provisions for land interest holders owners to be compensated, if they sustain damage through the performance by a Local Government of its functions under the Act.

For removal of materials, damage usually consists of damage to the disturbed land and damage to improvements such as fences, tracks and crops. Payment of compensation for inconvenience, noise, dust and degradation of the land can also be logically related to the extraction of material. There is also some value associated with the value of the material itself.

The Shire of Morawa believes it is in the best interests of all land interest holders within the district to support road maintenance, renewal, and building activities, and as such will only offer nominal compensation for gravel extracted.

The Shire will pay all land interest holders a fee equivalent to $1 (excl GST) per ton of gravel taken for road works.

The Shire will pay on a per ton basis as opposed to a cubic metre basis, as the Shire machinery is able to record weight when loading the gravel into trucks whereas cubic metres would be an estimated amount.

The Shire will provide the land interest holder with a breakdown of material extracted and will either receive a invoice from the land interest holder or make payment and issue a remittance advice for the required amount, depending on the land interest holders incorporation status and preference.

The Shire will pay the designated compensation amount regardless of whether the extraction is undertaken by agreement or under legislative parameters. It is the Shire's preferred option to undertake payments and or rehabilitation required from material extraction operations by agreement with landowners and land interest holders, without the need for formal legal arrangements using legislation.

If the land interest holder requests the Shire to undertake private works in lieu of a cash compensation payment then a suitable officer should develop a quote for the private works to ascertain the value of the works to be undertaken, if the value of private works is less than, equal to, or no more than 25% greater than the cash compensation amount to be paid for the gravel then the CEO or their authorised representative may approve the works in lieu of payment. If the value of the private works is greater than 25% more than the value of the gravel extraction compensation amount then either the land interest holder can pay the difference to the Shire or the Shire will proceed to pay the cash amount and not undertake the private works.

The Shire acknowledges that Main Roads WA or private contractors may at times offer more in terms of monetary compensation for gravel extracted, however the Shire is of the firm belief that land interest holders within the District all have a vested interest in keeping the costs of road works down, as it will make driving conditions safer, allow for more road works to be

completed with Government funding provided to the Shire, and assist the Shire with minimising rate increases.

Rehabilitation

As part of the upfront agreement process the Shire and the land interest holder should agree on the rehabilitation actions required. The ultimate intended use for the land after excavation should be considered in agreeing on the rehabilitation action.

The Shire will take photographs of the area intended for excavation for comparison with photographs taken during and after excavation and rehabilitation. This will assist in confirming rehabilitation actions and results.

For large areas or long term use pits, progressive or staged excavation may be appropriate with some areas or stages of rehabilitation completed before final excavation of the entire area.

In general, the Shire will rehabilitate land to its pre extraction state and where practical and economical the site should support the growth of native vegetation.

Disputes

One of the purposes of this policy is to stress the importance of liaison with land interest holders and to establish a common compensation amount and practices, to avoid misunderstandings, inequality, and disputes. But if a dispute does arise and it cannot be resolved by the service delivery area and the land interest holder, then the CEO must notify the Shire President and seek to mediate the situation.

6. FINANCE (FIN)

FIN01 VOID

FIN02 Investment Policy

Aim	The purpose of this Policy is to invest surplus funds, with consideration of risk and the most favourable rate of interest available and to support the local bank, where possible.
Application	Elected Members and Staff
Statutory Environment	*Local Government Act 1995* *Trustees Act 1962* *Local Government (Financial Management) Regulations1996*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objective

To invest the Shire of Morawa's 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 its liquidity requirements are being met.

To support the local bank, where possible, with the intention of ensuring the bank is retained within the Shire.

Policy

Surplus funds to immediate requirements shall be deposited into an authorised institution, in accordance with *Section 19 Local Government (Financial Management) Regulations 1996*.

Prudent Person Standard

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

Ethics and Conflicts of Interests

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. The Department of Local Government and Communities No.1 "Disclosure of Interests Affecting Impartiality" and No.21 "Disclosure of Financial Interests in Return" provide guidance for recognising and disclosing any conflict of interest. Any independent advisors are required to disclose any actual or perceived conflicts of interest.

Approved Investments

Investments may only be made with authorised institutions as follows:

- An authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5 with a Standard & Poor's (or its equivalent) credit rating of BBB or higher; or
- The Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*.

- Bonds that are guaranteed by the Commonwealth or a State or Territory and which have a term not exceeding three years.

Prohibited Investments

Investments which are not allowed are as follows:
- Deposits with an institution except an authorised institution; and/or
- Deposits for a fixed term of more than 3 years;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind or are in a foreign currency.

Professional Advice

The Shire may from time to time retain the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such independent advisor must be approved by Council and licensed by the Australian Securities and investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this investment policy.

Any independent advisor engaged by the Shire is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investment they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Investment Funds

All cash and investment held by the Shire are placed in common investments in accordance with Local Government (Financial Management) Regulation 1996 Regulation 8.

Risk Management Guidelines

The term of the investment will be based on forward cash flow requirements to ensure investment return on available surplus funds. All investments obtained must comply with three key criteria relating to:

- Portfolio Credit Framework limit overall credit exposure of the portfolio
- Counterparty Credit Framework: limit exposure to individual counterparties/institution; and
- Term to Maturity Framework: limits based upon maturity of securities.

Portfolio Credit Framework

To control the credit quality on the investment portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Maximum Investment
AAA	A-1+	100%
AA	A-1+	100%
A	A-1	60%

B	A-2	20%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentage are no longer compliant with the Investment Policy, the investment will be diverted as soon as practicable.

Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited. There may be on occasion, subject to cash flow requirements e.g. for end of year balancing and reserve transfers, direct investment maximum percentage greater than 40% for a single percentage, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum
AAA	A-1+	40%
AA	A-1+	40%
A	A-1	20%
B	A-2	10%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentage are no longer compliant with the Investment Policy, the investment will be diverted as soon as practicable.

Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints: investment type	Term to Maturity
ADI Deposits	< 3 years
State/Commonwealth Government Bonds	< 3 years

Reporting and Review

Council will receive a monthly report on the investment portfolio, listing for each investment the institution, amount, and term to maturity, maturity date, amount interest rate, and % of total portfolio represented by the individual investment. A summary of the composition of the investment portfolio by credit rating and institution will also be included.

FIN03 Authorised Signatures for Cheque/Electronic Funds Transfer Payments

Aim	To ensure effective security and properly authorised use of cheques/EFT payments whilst ensuring that the Shire provides good customer service through the timely signing of cheques/ETFs.
Application	Council Employees
Statutory Environment	*Local Government Act 1995 Section 6.10* *Local Government (Financial Management) Regulations 1996 Part 2*
Approval Date	July 2023
Last Review	October 2026
Next Review	2028
Review Period	2 years

Objective

To ensure the effective security and properly authorised use of cheques/EFT payments whilst ensuring that the Shire provides good customer service through the timely signing of cheques/ETFs.

Policy

All payments made by cheque/EFT require the authorisation of two signatories, at least one signatory must be a designated senior employee.

FIN04 Purchasing Policy

Aim	To establish best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance by establishing efficient, effective, economical and sustainable procedures in all purchasing activities.
Application	Shire of Morawa Officers, Elected Members and all other persons.
Statutory Environment	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *Local Government (Functions & General) Regulations 1996*
Approval Date	June 2021
Last Review	October 2026
Next Review	2028
Review Period	2 years

Objective

This policy sets clear purchasing principles and quotation requirements to be implemented by Shire of Morawa employees to achieve the best value outcome in the most practical manner.

Policy

The purchasing of goods and services on behalf of the Shire of Morawa is a critically important business process. All Shire employees involved in purchasing practices and processes must display the highest standards of ethics and integrity, always acting in an honest and professional manner.

The Chief Executive Officer must ensure the Shire is properly accounting for expenses paid or payable, and procedures are established for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and proper authorisation linked to the Shire's payment methods. The Chief Executive Officer must appropriately authorise employees to undertake purchasing activities within approved delegated limits.

Purchasing Principles

All of the Shire of Morawa's purchasing activity will be conducted in line with Council's overarching principles, outlined below:

1. Best Value: employees shall balance factors such as price, quality, timeliness of service, experience, lifetime management costs and other relevant selection criteria to ensure best value for the Shire consideration must also be given to internal efficiencies and the resources required to undertake procurement activities.

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

   a) Total Cost of Ownership, including acquisition, delivery, maintenance and disposal costs.

   b) Technical merits and compliance with specifications.

c) Financial viability and capacity of suppliers.

d) The level of competition achieved through the procurement process.

e) Risk, sustainability and corporate social responsibility considerations.

2. Uniformity: suppliers, contractors and persons dealing with the Shire must be treated consistently in a fair and equitable manner.

3. Accountability: Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly, and consistently.

4. Full Disclosure: Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest. Any actual or perceived conflicts of interest must be identified, disclosed and appropriately managed.
   Where possible the employee with a conflict should remove themselves from the decision-making process.

5. Confidentiality: Any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and must not be disclosed except where authorised or required by legislation.

6. Local Economic Benefit: Whilst consideration must always be given to principle one (Best Value), the Shire seeks to maximise opportunities for local and regional suppliers to participate in procurement activities wherever practical.

   The Shire recognises that procurement expenditure can contribute to economic development, local employment, service capacity and investment in regional Western Australia.

   When undertaking procurement activities, officers should:

   a) Consider purchasing practices, procedures and specifications that do not unfairly disadvantage local businesses.

   b) Explore the capability of suppliers located within: Morawa; the Mid West Region, and Regional Western Australia.

   c) Design Requests for Quotation and Requests for Tender to encourage participation by local and regional suppliers.

   d) Consider the indirect benefits of local procurement, including local employment, servicing capability, supplier responsiveness and regional economic development.

   e) Ensure adequate and consistent information is provided to all potential suppliers.

   Where submissions are assessed as substantially equivalent in quality, capability, risk and overall value, preference may be given in the following order:

   a) Morawa-based businesses.

   b) Mid West-based businesses.

c) Regional Western Australian businesses.

d) Other Western Australian businesses.

e) Interstate suppliers.

As a general guide, the Shire may consider awarding work to a Mid West-based supplier where the submitted price does not exceed the lowest conforming offer by more than 5%, provided the overall procurement outcome continues to represent best value for money and the reasons are appropriately documented. The maximum price differential that may be accepted under this provision is $50,000 above the lowest conforming offer.

The Shire recognises that not all categories of goods, services or works can reasonably be sourced locally and that best value considerations remain paramount.

7. Organisational Awareness: Employees undertaking purchasing activities must be adequately trained and knowledgeable regarding procurement requirements, ethical conduct and recordkeeping obligations.

8. Method: Purchasing should be conducted through accountable and auditable payment methods including electronic funds transfer, corporate card or approved purchasing systems. Appropriate controls must be maintained to ensure all transactions are authorised and undertaken for legitimate Shire purposes.

9. Record Keeping: Purchasing activity must be appropriately documented and retained in accordance with the Shire's Record Keeping Plan and legislative requirements.

10. Anti-Avoidance: Employees must not divide, separate or otherwise structure procurement activities into multiple purchase orders, contracts or transactions for the purpose of avoiding procurement thresholds, quotation requirements, tendering requirements or delegated authority limits. The total anticipated expenditure over the full contract period must be considered when determining the applicable procurement process.

11. Corporate Social Responsibility: Council recognises that the Shire represents a large purchaser for the Morawa District and as such where possible, whilst always giving due consideration to principle one (Best Value), will try to use its resources to promote a sense of Corporate Social Responsibility by preferencing organisations that:

    a) Demonstrate a commitment to minimising their environmental impact, energy efficiency, water efficiency, waste reduction etc.

    b) Invest in local community capability and development

    c) Are a registered Australian Disability Enterprise - www.wade.org.au

    d) Are a registered Indigenous or Aboriginal Business

    Where suppliers offer comparable value for money outcomes, consideration may be given to suppliers that demonstrate these outcomes

Purchasing Thresholds and Quotation Requirements

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

a) The actual or expected value of a contract over the full contract period (including all options to extend);

b) 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.

Below is the purchasing process that must be followed based on the actual or expected value of each purchase by the Shire of Morawa:

Purchase Value Threshold *(ex GST)*	**Quotation Requirements**	**Quote Assessment**
Up to $5,000 *(ex GST)*	Obtain at least one (1) verbal quotation.	Purchasing Officer
From $5,001 and up to $25,000 *(ex GST)*	Seek at least two (2) and obtain at least one (1) written quotations from suitable suppliers.	Purchasing Officer
From $25,001 and up to $75,000 *(ex GST)*	Seek at least two (2) and obtain at least one (1) written quotations from suitable suppliers.	At least one senior employee and one other employee with a knowledge of the purchase requirements are to assess the quotations received against the Shire's purchasing principles.
From $75,001 and up to $150,000 *(ex GST)*	Seek at least three (3) and obtain at least two (2) written quotations	At least two (2) senior employees must assess the quotations against the Shire's purchasing principles and the requirements as detailed in the request for quotation document.
From $150,001 and up to $249,999 *(ex GST)*	Obtain at least three (3) written quotations	The Chief Executive Officer and at least one other senior employee are to assess the quotations against the purchasing principles and an assessment of the suppliers response to: • a detailed written specification for the goods, services or works (contained within the RFQ) required; and • pre-determined selection criteria that assess all best and sustainable value considerations.

Purchase Value Threshold *(ex GST)*	Quotation Requirements	Quote Assessment
$250,000 and Over *(ex GST)*	All purchasing at this level must be in accordance with the Local Government Act 1995 and the Local Government (Function and General) Regulations, specifically adhering to all tender or tender exempt requirements.	All submissions at this purchasing value must be assessed by the Chief Executive Officer, another senior employee and one other employee or a Shire consultant with a knowledge of the subject matter. The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to: • A detailed specification; and • Pre-determined selection criteria that assess all best and sustainable value considerations.

WALGA Preferred Supply Contracts

WALGA have undertaken a competitive market process to establish its preferred supplier panel, Council encourages the use of the panel, wherever practical, to request quotes.

Where the WALGA Preferred Supplier Panel is used for requests for quote, if greater than three (3) quotes are requested and less than the required number of quotes are received it will be deemed that the Shire has still undertaken an appropriate market consultation. Additionally, when using a WALGA Preferred Supply Contract the Shire may negotiate with the highest rated Preferred Supplier from the evaluation process. This does not rule out the other Preferred Suppliers until successful conclusion of negotiations via award of contract.

LGIS Services

The suite of LGIS insurances is established in accordance with s.9.58(6)(b) of the Local Government Act 1995 and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy.

Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.

Procurement Exemption Schedule

Subject to appropriate authorisation and documentation demonstrating value for money, competitive quotations are not required for:

a) Emergency purchases.

b) Sole source of supply purchases.

c) WALGA services and WALGA Preferred Supply Contracts.

d) LGIS products and services, including insurance.

e) Commonwealth, State and Local Government agencies.

f) Government Trading Enterprises.

g) Department of Finance Common Use Arrangements.

h) Annual memberships and subscriptions.

i) Conferences and seminars.

j) Staff training and professional development.

k) Utility services.

l) Fuel and petroleum products.

m) Banking fees and charges.

n) Statutory fees and charges.

o) Government Gazette advertising.

p) Newspaper and online advertising.

q) Software licensing, maintenance and support renewals.

r) Proprietary equipment parts and consumables.

s) Approved employee reimbursements.

t) Any procurement exemption permitted under Regulation 11 of the Local Government (Functions and General) Regulations 1996.

Use of an exemption must be documented and approved by the CEO or delegated officer.

Contract Management

The Shire is committed to active contract management to ensure contracted goods, services and works are delivered in accordance with contractual requirements and continue to provide value for money.

Responsible officers must:

a) Monitor supplier performance.

b) Monitor expenditure against approved contract values.

c) Ensure contractual obligations are met.

d) Identify and manage contract risks.

e) Maintain appropriate records relating to contract administration.

f) Plan procurement processes prior to contract expiry.

The CEO may establish procedures, templates and registers to support contract management activities.

Contract Variations

Contract variations may only be approved where:

a) The variation is necessary for continued delivery of the goods, services or works.

b) The variation does not materially alter the original purpose and intent of the contract.

c) Funding is available and appropriately authorised.

d) The variation continues to represent value for money.

All contract variations must be documented and approved in accordance with delegated authority.

Where a proposed variation materially changes the scope, value or nature of a contract, the CEO shall determine whether a new procurement process is required.

FIN05 Debtors Management – General

Aim	To provide guidelines for staff that assist in ensuring any monies owed to Council are collected in a consistent and timely manner. This policy will apply to debtors to provide them with clear guidelines relating to outstanding monies.
Application	Corporate Services Employees
Statutory Environment	*Local Government Act 1995 s6.12; s6.13; s6.16 and s6.17* *Caravans and Parks Camping Grounds Act 1995* *Caravan Parks and Camping Grounds Regulations 1997* *Fines Penalties and Infringement Notices Enforcement Regulations 1994*
Approval Date	OCM 16 December 2024
Last Review	OCM 20 November 2018
Next Review	2026
Review Period	2 years

Objective

To provide guidelines and establish a framework that will:

1. Ensure a fair and accountable approach to the Shire's debt management and collection decisions and practices.

2. Provide guiding principles for the management of credit control, debt collection and a bad debt write offs.

3. Ensure timely collection of all monies owing to the Shire for the purpose of optimising cash flow and reducing bad debt write offs.

Policy

General Principles

The Chief Executive Officer (CEO) shall ensure there are Debtors Management Procedures that suitably accommodate the above sentiments and to effectively manage the Shire's debts with the following principles:

i. Appropriate Credit limits and controls are established and maintained to ensure the risk of financial loss is correctly managed
ii. Maximum approved credit limit is no greater than $50,000 unless approved by the Shire Chief Executive Officer in consultation with the Shire President.
iii. Credit terms shall be clearly outlined in the Application for Credit and also stated on the issued tax invoice
iv. Debt Collection processes established are to be fair, flexible and realistic and should accord with the ACC-ASIC Debt Collection Guidelines for Collectors and Creditors.
v. The recovery of outstanding debtor accounts will be collected in a timely manner generally as follows:
    a. Payment not received at 30 days from invoice date - First and Final Notice issued with 7 days to pay or special arrangement put in place.
    b. Payment not received at 45 days from invoice date – Final Demand issued allowing 7 days to pay and credit may be suspended.

c. Payment not received at 60 days from invoice date – Credit shall be suspended and legal action may commence.

Timing of pursuing debtor accounts is at the discretion of the Executive Manager Corporate Services.

i. Penalty interest will be imposed on debtor accounts more than 30 days overdue at a rate set in the annual budget.
ii. Legal action may include but is not limited to:
    a. Letter of Demand
    b. General Procedure Claim
    c. Judgement
    d. Property Seizure & Sale Order of Goods (with
    e. Wind up against Company

iii All legal costs associated with the debt collection action may be borne by the debtor.
iv Action for writing off bad debts should only take place where all avenues for recovery have been exhausted or it becomes unviable to keep pursuing the debt.
v Unrecoverable debts may be written off under Council delegation in accordance with DA03-2 Write off Monies Owing.
vi. An annual review of provisions for doubtful debt will occur and appropriate adjustments made in the budget.
vii. All records shall be kept to ensure continuity of information for historical purposes through Synergy Records

Infringements

When infringements remain unpaid they may be referred to Fines Enforcement Registry and recovered under the *Fines, Penalties and Infringement Notices Enforcement Act 1994.*

Exemptions

i All sporting groups and not for Profit Community organisations are exempt from debt recovery action and penalty interest however the Shire may refuse booking requests for facilities if monies owing exceeding the Shire's trading terms.

ii Any staff member with a debt outstanding at the time of resignation or termination must pay the debt off in full prior to their final pay or the amounts may be automatically deducted from their final pay as per their signed employment contract.

iii Funding bodies and government organisations are exempt from debt recovery action and penalty interest.

FIN06 Related Party Disclosures

Aim	The purpose of this policy is to ensure that the Shire of Morawa's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties in line with the requirements of AASB 124 – Related Party Disclosures.
Application	Elected Members, Chief Executive and Designated Senior Employees
Statutory Environment	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *Australian Accounting Standard – AASB 124 Related Party Disclosure*
Approval Date	OCM 16 December 20204
Last Review	OCM 19 November 2020
Next Review	2026
Review Period	2 years

Objective

To ensure that the Shire of Morawa's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties in line with the requirements of AASB 124 – Related Party Disclosures

Policy

Identification of Related Parties

AASB 124 provides that the Shire of Morawa will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.

Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

KMP are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Shire of Morawa has identified the following persons as meeting the definition of *Related Party*:

- An Elected Member.
- Key management personnel being a person employed under section 5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or a designated senior employee appointed under section 5.37 of that Act as a Director.
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.

- Entities that are controlled or jointly controlled by an Elected Member, KMP or their close family members. Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

The Shire of Morawa will therefore be required to assess all transactions made with these persons or entities.

Identification of related party transactions

A related party transaction is a transfer of resources, services or obligations between the Shire of Morawa (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Paying rates.
- Fines.
- Use of Shire of Morawa owned facilities such as [Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not)].
- Attending council functions that are open to the public.
- Employee compensation whether it is for KMP or close family members of KMP.
- Application fees paid to the Shire of Morawa for licences, approvals or permits.
- Lease agreements for housing rental (whether for a Shire of Morawa owned property or property sub-leased by the Shire of Morawa through a Real Estate Agent).
- Lease agreements for commercial properties.
- Monetary and non-monetary transactions between the Shire of Morawa and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire of Morawa (trading arrangement).
- Sale or purchase of any motor vehicles, buildings or land owned by the Shire of Morawa, to a person identified above.
- Sale or purchase of any motor vehicles, buildings or land owned by a person identified above, to the Shire of Morawa.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives.

These transactions are those that an ordinary citizen would undertake with Council and are referred to as an Ordinary Citizen Transaction (OCT).
Where the Shire of Morawa can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Disclosure Requirements

For the purposes of determining relevant transactions, Elected Members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form for submission to financial services.

Ordinary Citizen Transactions (OCTs)

This Policy serves to confirm that in the opinion of Management and the Council, based on the facts and circumstances, the following OCT's that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the Related Party Disclosures - Declaration form will be required.

- Paying rates.
- Fines.
- Use of Shire of Morawa owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces.
- Attending council functions that are open to the public.
- Application fees paid to the Shire of Morawa for licences, approvals or permits.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

All other transactions

For all other transactions, Elected Members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form.

Frequency of disclosures

Elected Council members and KMP will be required to complete a Related Party Disclosures - Declaration form annually or when they leave the Shire of Morawa as an elected member or on cessation of employment, whichever comes earlier.

Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified.

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and the materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

FIN07 Rating

Aim	The purpose of this policy is to ensure that the Shire of Morawa applies the rating principles under the Act to any separately identifiable rateable portion of land within the district
Application	Elected Members, Chief Executive and Designated Senior Employees
Statutory Environment	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *Australian Accounting Standard – AASB 124 Related Party Disclosure*
Approval Date	OCM 16 December 2024
Last Review	OCM 20 August 2020
Next Review	2026
Review Period	2 years

Objective

To ensure that the Shire of Morawa applies the rating principles under the Act to any separately identifiable rateable portion of land within the district and to establish guidelines for the Gross Rental Valuation (GRV) rating of property whose predominant use is non-rural including but not limited to Transient Workers Accommodation (TWA) and other selected capital improvements on mining tenements and petroleum licences.

Policy

Introduction

The Minister for Local Government has the responsibility for determining the method of valuation of land to be used by the Valuer General.

Section 6.28 (1) & (2) of the Local Government Act 1995 ("the Act") reads:

(1) The Minister (for Local Government and Communities) is to –

- *(a) determine the method of valuation of land to be used by a local government as the basis for a rate; and*
- *(b) publish a notice of the determination in the Government Gazette.*

(3) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be – where the land is used predominantly for rural purposes, the unimproved value of the land; and

- *(a) where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

Local Government is required to make up any budget deficiency by applying a general rate set as a rate in the dollar of Unimproved Value (UV), or a rate in the dollar of the Gross Rental Value (GRV) of the land. Section 6.32 (1) & (2) of the Act reads:

(1) When adopting the annual budget, a local government –

(a) in order to make up the budget deficiency, is to impose a general rate on rateable land within its district, which rate may be imposed either –
(i) uniformly; or
(ii) differentially.

(2) Where a local government resolves to impose a rate it is required to:
(a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
(b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.

When resolving to impose a rate, a local government may impose a uniform rate for each method of valuation or a differential general rates for each method of valuation.

Section 6.33 (1), (2), (3) & (4) of the Act reads:
"(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics:
(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or
(b) a purpose for which the land is held or used as determined by the local government; or
(c) whether or not the land is vacant land; or
(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may:
(a) specify the characteristics under subsection (1) which a local government is to use; or
(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1) (a) applies."

Where the Minister changes the basis of valuation from UV to GRV, Council may resolve to apply the change of valuation immediately / or phase in any changes in valuation in accordance with Schedule 6.1 of the Act.

The Act enables local government to apply gross rental value as the basis for rating on a portion of land, which has a "relevant interest" (mining and petroleum). The Shire notes that the Minister for Local Government has implemented a Rating Policy – Valuation of Land - Mining (March 2016) to standardise the application of gross rental value to resource projects throughout the State.
The Minister's decision provides Council with the opportunity to GRV rate selected capital improvements, particularly TWAs, on resource tenements, to the benefit of the wider community, in general.

The Shire recognises that there may exist limitations placed on the Shire's ability to achieve its stated objective due to existing "State Agreement" legislation negotiated between the State Government and individual resource companies prohibiting the GRV rating of improvements on a number of specific sites although recent investigation proves that all existing agreements are without such restriction.

Principles

In applying the rating principles set out within the Act and in making the decisions on the purpose for which the land is held or used or identifying any other characteristics of the land, the following principles will be observed:

- Objectivity – the use of land should be reviewed and determined on the basis of an objective assessment of relevant criteria. External parties should be able to understand how and why a particular determination was made.
- Fairness and Equity – each property should make a fair contribution to rates based on a method of valuation that appropriately reflects its use.
- Consistency – Rating principles should be applied and determinations should be made in a consistent manner. Like properties should be treated in a like manner.
- Transparency – Systems and procedures for determining the method of valuation should be clearly documented.
- Administrative Efficiency – rating principles and procedures should be applied and implemented in an efficient and cost-effective manner.

GRV Transient Workers Accommodation

The following actions shall be taken in order to ensure that this Council Policy is applied in a fair and equitable manner.

- Council shall adopt a GRV Differential Rate in the dollar for resource based TWAs, which reflects the demands these facilities place on Shire goods and services, relative to other GRV rated land uses within the Shire.
- All TWAs constructed within the Shire of Morawa shall be subjected to an assessment, in accordance with this policy, at the time an "Occupancy Permit", is issued for the facility, pursuant to the Western Australia Building Act 2011.
- All TWAs existing within the Shire on the date Council adopted this policy, shall be subjected to an assessment, in accordance with this policy, at the earliest practical date.
- The following TWAs shall be exempt from GRV rating
  - i Facilities which have a life of less than 12 months; and
  - ii Facilities which may be exempted by the provisions of "State Agreement" Legislation.
- A GRV valuation estimate shall be obtained from Landgate's Valuation and Property Section and an initial assessment made of the rate liability of the facility.
- If it is deemed appropriate, Council will follow the procedures outlined in Rating Policy – Valuation of Land - Mining (March 2016) to obtain Ministerial permission to undertake the GRV Rating of Improvements on Mining Tenements and Petroleum Licence Sites.
- A register listing the facilities rated pursuant to this policy, shall be maintained. Each facility shall be categorised as Short, Medium or Long Term, based on the following Criteria:
  - i. Short Term Life expectancy of 12 months to 5 years
  - ii. Medium Term Life expectancy of more than 5 and up to 15 years
  - iii. Long Term Life expectancy of more than 15 years
- In April each year, each TWA will be contacted to determine their anticipated life expectancy and the register reviewed accordingly. Prior to the adoption of the annual budget, Council shall give consideration to the total rates collected under this policy and shall have regard to whether these funds are short, medium and long term funding, when making budgetary commitments.

Systems and Procedures

In order for the Minister to ensure the rating principles under the Act are applied to any separately identifiable rateable portion of land within the district, the Shire is to have systems and procedures to:

- identify and record any changes in land use;
- review the predominant use of land affected by significant land use changes;
- consult with affected parties;
- obtain Council approval to apply to the Minister for a change in method of valuation; and
- ensure timely application to the Minister
- maintain a register of planning and/or building and/or health and food inspection approvals outside of town-sites, such as mining camps

The purpose for which the land is zoned shall form the initial guide to the predominant use of any land within the district.

A guide to the predominant use of land within the district based on the zoning under Local Planning Scheme 2 is detailed on the following page. Where the current predominant use of the land is different to the initial guide the basis for this determination should be clearly documented.

Guide to predominant use of land

Method of Valuation	**Zone Grouping**	**Zones**
Gross Rental Value (GRV) (Non -Rural Land Use)	Residential Zones	Residential
		Rural Residential
	Commercial Zones	Commercial
		Urban
		Industrial
Unimproved value (UV) (Rural Land Use)	Rural Zone	Rural

Where the predominant current land use for land does not align to the Rural or Non-Rural land use indicated by the guide above determination of whether a different method of valuation should be used is required.

The table below provides an indication of the basis of valuation based on allowable land uses which may require a different method of valuation to the one indicated by the guide above. Non-conforming land use and land where the zoning does not provide a guide will require examination on a case by case basis.

Possible alternative method of valuation

ZONING TABLE ***Residential Uses***	***Residential***	***Commercial***	***Urban***	***Industrial***	***Rural-Residential***	***Rural***
aged or dependent persons dwelling	GRV		GRV			GRV
ancillary accommodation	GRV		GRV		GRV	GRV

caravan park			GRV		GRV	GRV
caretaker's dwelling		GRV	GRV	GRV	GRV	GRV
grouped dwelling	GRV	GRV	GRV		GRV	
home occupation	GRV		GRV		GRV	GRV
hotel		GRV	GRV			
motel	GRV	GRV	GRV			
multiple dwelling	GRV	GRV	GRV			
residential building	GRV	GRV	GRV		GRV	
rural home business					GRV	GRV

ZONING TABLE ***Commercial Uses***	***Residential***	***Commercial***	***Urban***	***Industrial***	***Rural-Residential***	***Rural***
dry cleaning establishment		GRV		GRV		
fuel depot				GRV	GRV	GRV
grouped dwelling	GRV	GRV	GRV		GRV	
home occupation	GRV		GRV		GRV	GRV
Hotel		GRV	GRV			
industry cottage	GRV	GRV	GRV		GRV	GRV
industry - general				GRV		
industry - light			GRV	GRV		
industry - service			GRV	GRV		
ZONING TABLE ***Commercial (continued)***	***Residential***	***Commercial***	***Urban***	***Industrial***	***Rural-Residential***	***Rural***
motel	GRV	GRV	GRV			
motor vehicle repair		GRV	GRV	GRV		
office		GRV	GRV	GRV		
plant nursery		GRV	GRV	GRV	GRV	GRV
poultry farm						GRV
public amusement		GRV	GRV	GRV		
public utility	GRV	GRV	GRV	GRV	GRV	GRV
public worship	GRV	GRV	GRV			
restaurant		GRV	GRV		GRV	GRV
service station		GRV	GRV	GRV		GRV
Shop		GRV	GRV			
showroom		GRV		GRV		
trade display						
transport depot		GRV	GRV	GRV		
tourist accommodation		GRV		GRV	GRV	GRV
tourist facilities	GRV	GRV	GRV		GRV	GRV
veterinary hospital	GRV	GRV	GRV		GRV	GRV
warehouse		GRV	GRV	GRV	GRV	GRV
industry - extractive						UV

industry - rural				UV		UV
intensive agriculture						UV

Notwithstanding the above table, where land is within a gazetted townsite, the default basis of valuation will be that of GRV, consistent with clause 27 of Schedule 9.3, Division 1 of the *Local Government Act 1995.*

Determination of the appropriate method of valuation requires examination of the extent to which the separately identifiable portion of land is being used for the alternative land use. This should be documented and considered using the principles detailed in this policy before making application to the Minister for a change in method of valuation.

A uniform general rate in the dollar is to be applied for all GRV and UV valued properties within the district. Council may in certain circumstances deem a differential general rate to be necessary. Imposition of differential general rate represents a conscious decision by Council to redistribute the rate burden in the district by imposing a higher contribution on some ratepayers and a lower contribution on others.

Imposition of a differential general must follow the Benefit Principle – the concept that there should be some relationship between the rates paid and the benefits received. The Benefit Principle does not mean rates should equal benefits, but it is expected that those bearing the higher rate burden through the imposition of differential rating are receiving greater benefits from Shire activities.
When imposing a differential general rate the characteristics of the land to which the rate is to be applied along with the objects and reasons for the differential rate should be clearly defined.

The purpose for which the land is zoned is considered the most appropriate basis for determining the characteristics of the land to which the differential general rate applies. Where the Benefit Principle is considered by Council not to apply within a particular land zoning, the purpose for which the land is held or used as determined by the local government and/or whether or not the land is vacant land shall be used as the basis for determining the characteristics of the land to which the differential general rate applies.

Concessions and waivers

Circumstances may arise where Council resolves by absolute majority to grant a waiver or concession which has the effect of altering the general rating principles and safeguards under the Act and the principles outlined in this Policy.

Rating Policy – Valuation of Land - Mining (March 2016)
Local Government Operational Guidelines – Changing Methods of Valuation of Land – (Number 02- March 2012)

FIN08 Disposal of Property (other than land)

Aim	To provide a transparent, efficient and accountable framework for the disposal of Shire property other than land.
Application	Elected Members Employees
Statutory Environment	*Local Government Act 1995 s.3.58* *Local Government (Functions and General) Regulations 1996 , regulations 30 and 31*
Approval Date	November 2020
Last Review	October 2026
Next Review	2028
Review Period	2 years

Objective

To ensure that Shire property is disposed of lawfully, transparently and efficiently, having regard to its estimated market value, potential community benefit, environmental outcomes and the administrative cost of disposal.

Policy

This Policy applies to the disposal of Shire property other than land.

All disposals must comply with applicable legislative requirements, this Policy, and the Shire's Delegation Register.

Property Identified for Disposal

Before property is disposed of, the Chief Executive Officer must be satisfied that the property:

- is no longer required for the Shire's current or reasonably foreseeable operational needs;
- is surplus to requirements;
- is obsolete or operationally inefficient;
- is unserviceable or beyond economical repair;
- is being replaced under an asset replacement program; or
- should otherwise be disposed of in the Shire's best interests.

Reasonable consideration must first be given to whether the property can be effectively reused elsewhere within the Shire.

Disposal Principles

In determining the appropriate method of disposal, consideration is to be given to:

- the estimated market value and condition of the property;
- the cost and administrative resources required to dispose of the property;
- opportunities for internal reuse;
- potential community benefit;
- environmental and waste-minimisation outcomes;

- workplace health and safety, information security and other relevant risks; and
- fairness, transparency and appropriate record keeping.

The cost and administrative effort involved in disposing of property should be proportionate to its estimated market value.

Valuation

The estimated market value of property is to be determined on a reasonable basis, having regard to the:

- original purchase price and written-down value;
- age and condition of the property;
- replacement value;
- level of obsolescence;
- potential market demand;
- likely costs of sale; and
- value achieved through recent comparable sales, where available.

An independent valuation may be obtained where the value is uncertain or where the Chief Executive Officer considers an independent valuation appropriate.

Methods of Disposal

Subject to applicable legislative requirements and delegated authority, property may be disposed of by:

- public auction;
- public tender;
- quotation or expression of interest;
- trade-in;
- direct sale where lawfully permitted;
- donation or gifting to an eligible organisation;
- transfer to another government body;
- recycling;
- destruction; or
- disposal through an appropriately licensed waste service.

The disposal method selected must be appropriate having regard to the nature, condition and estimated value of the property.

CEO Discretion for Property of Low Value

The Chief Executive Officer may determine the most appropriate method of disposing of property with an estimated market value of $1,000 or less.

At the discretion of the Chief Executive Officer, such property may be:

- transferred for use elsewhere within the Shire;
- sold through an appropriate and cost-effective process;
- donated or gifted to an eligible local community group, sporting club, school, charity or not-for-profit organisation;
- recycled;
- destroyed; or
- otherwise lawfully disposed of.

The Chief Executive Officer is not required to undertake a public sale or expression-of-interest process where satisfied that:

- the property has little or no market value;
- it is obsolete, unserviceable or beyond economical repair;
- it cannot reasonably be reused by the Shire;
- there is no identifiable commercial market for the property; or
- the likely cost and administrative effort associated with its sale would exceed the expected proceeds.

Donations and Gifting

The Chief Executive Officer may approve the donation or gifting of property valued at $1,000 or less where satisfied that:

- the property is surplus to the Shire's operational requirements;
- the property has little or no material market value, or the likely cost of sale would exceed the expected proceeds;
- the property is suitable and safe for its intended use;
- the disposal complies with applicable legislative requirements; and
- appropriate disposal records are maintained.

Property may be gifted or donated in the following order of preference:

- Local community groups;
- Sporting clubs;
- Schools;
- Charitable and not-for-profit organisations;
- Other members of the local community where the Chief Executive Officer is satisfied that the disposal provides an identifiable community benefit and represents an appropriate means of disposing of the property.

Where more than one eligible community organisation expresses interest in an property, the Chief Executive Officer may determine the recipient having regard to:

- the anticipated community benefit;
- the proposed use of the property;
- the organisation's capacity to effectively utilise the property;
- equity of access; and
- any previous allocation of Shire property.

The reasons for selecting the recipient must be recorded.

Gifting to Employees

Where property has an estimated market value of $500 or less, the Chief Executive Officer may approve the gifting of the property to a Shire employee where satisfied that:

- the property is surplus to the Shire's operational requirements and cannot reasonably be reused within the organisation;
- reasonable consideration has first been given to whether the property could provide a useful benefit to an eligible local community organisation;
- the property has little or no material resale value, or the likely cost and administrative effort associated with selling the property would be disproportionate to the expected proceeds;
- the disposal represents an appropriate and cost-effective means of dealing with the property; and
- the disposal is appropriately documented.

An employee who may receive property must not participate in determining the value of the property, the method of disposal or the selection of the recipient.

Where more than one employee expresses an interest in the property, the Chief Executive Officer must determine a fair and transparent method of allocation.

Restricted Disposals

The following property must not be gifted under this policy:

- motor vehicles;
- trailers;
- plant and machinery;
- information technology equipment containing data;
- property subject to grant funding restrictions;
- property with an estimated market value greater than $1,000; and
- any property which the Chief Executive Officer considers should be publicly offered for sale due to its value or community interest.

Property that is unsafe, contaminated, legally restricted or otherwise unsuitable for continued use must not be sold or gifted. Such property must be destroyed or disposed of through an appropriate recycling, hazardous-material or waste service.

Information and Shire Property

Before disposal, all confidential information, personal information, records, software, access credentials, identification markings and other sensitive material must be securely removed from the property.

Information technology equipment must be securely sanitised or destroyed in accordance with applicable information security and record-keeping requirements.

Shire branding is to be removed where its continued display may incorrectly imply that the property remains owned, operated or endorsed by the Shire.

Council Approval

Property that cannot lawfully or appropriately be disposed of under the Chief Executive Officer's delegated authority must be referred to Council for determination.

Property with an estimated market value at or above the prescribed statutory threshold must be disposed of in accordance with section 3.58 of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

Disposal Records

Appropriate records must be retained for each disposal, including, where applicable:

- a description of the property;
- the asset identification number;
- the reason for disposal;
- the estimated market value and basis of valuation;
- the disposal method;
- the approving officer;
- the purchaser or recipient;
- the amount received, if any; and
- confirmation that applicable asset register, information security and safety requirements have been completed.

The Shire's asset register and financial records must be updated where applicable.

Proceeds received from the disposal of property are to be accounted for as Shire revenue in accordance with the Annual Budget and applicable accounting requirements.

Procedures

The Chief Executive Officer may establish procedures and forms for the identification, valuation, authorisation, recording and disposal of property under this Policy.

FIN09 Petty Cash

Aim	To establish the levels of 'petty cash' for minor purchases and transactions.
Application	All Staff
Statutory Environment	*Local Government Act 1995 s.3.57 and s.6.5(a)* *Local Government (Financial Management) Regulations 1996 Local Government (Functions & General) Regulations 1996*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To establish the levels of cash to be kept for minor purchases and transactions.

Policy

That the following cash limits are set:

1. Petty Cash $100; and
2. Cash Register Float $150; and
3. Pool/Caravan Park Float $150.

Policy and arrangements governing the use of Petty Cash

The following policies and procedures are designed to control the use of petty cash:

- It shall be the responsibility of the Chief Executive Officer (CEO) to consider any application for a petty cash float.
- The amount of the petty cash float shall be as determined by the CEO from time to time, but in general should not exceed $600.
- It shall be the responsibility of the Executive Manager Corporate and Community Services to manage the petty cash funds and their reimbursement in accordance with this policy.
- Petty cash is only to be used where an urgent purchase is required and payment by corporate credit card is not an option or the amount does not warrant normal purchasing procedure.
- Upon using Petty Cash, the employee is to ensure that the transaction is approved by a Senior Management Team member by signing the appropriate forms. A record of the transaction and approval will be sought.
- Petty cash claims including GST must include a tax invoice with the name and ABN of the supplier, the date of purchase, a description of the items purchased, and the amount paid.
- At all times the sum of transactions made since the last reimbursement of the petty cash advance should equal the total value of the receipts on hand plus the amount of cash on hand to equal the total value of the petty cash advance.

The following transactions are specifically excluded from petty cash reimbursement:

- Cashing of cheques.
- Temporary loans to any person whatever.
- Payment of expenses exceeding $100 for any one voucher.
- Payment of creditors' accounts.
- Purchase of fuel where a fuel card exists.
- Payment of any personal remuneration to any person whatever, whether for salaries, wages, honoraria or for any other reason.

Reimbursement of Petty Cash

- Reimbursements from Petty Cash to Shire staff or external parties must be done in accordance with this policy.
- The Senior Finance Officer and a member of the Senior Management Team must approve, in writing, the payment and record that payment in the corresponding ledger.

Periodical Reconciliation

- Petty cash must be reconciled monthly but reimbursed on an as needs basis no more than 2 months after the first transaction since the previous reimbursement.

- Petty cash must be reimbursed and reconciled 30 June to meet EOFY requirements.

FIN10 Cash Reserves Management Policy

Aim	To provide strategic support and direction for the establishment and utilisation of Cash Backed Reserves (Reserves).
Application	All staff & Councillors
Statutory Environment	*Local Government Act 1995,Section 6.11* *Local Government (Financial Management) Regulations 1996* *Australian Accounting Standards*
Approval Date	2021
Last Review	October 2026
Next Review	2030
Review Period	Every 4 years

Objectives

To ensure sustainable and responsible management of the Shire's cash backed reserves through consistent identification, administration and use of the funds.

Policy

This policy aims to ensure a consistent approach to the management of reserves as a means of delivering the Shire's objectives and sound financial management.

Reserves are accounts established and held within the municipal fund to hold cash retained by the Shire. Reserves represent a record of future obligations, or aspirations of projects and must be cash backed.

The key focus areas for the Shire's reserve funds are:

- Reducing business risk;
- Improving financial management;
- Improving strategic capacity; and
- Meeting statutory obligations and other external requirements.

For the purposes of efficient financial management, it is acknowledged that in lieu of borrowings, Reserve Funds may be used to assist the funding of specific projects and to fund unanticipated events that can occur from time to time.

Establishment of Reserve Accounts

The establishment of new reserves must be clearly articulated to Council, must generally fit within a focus area and the outcomes as listed in the table below (*table 1),* and each Reserves characteristics must be identified before approval for creation can be given.

The establishment of a new reserve must be approved by Council through the Annual Budget or by separate Council resolution.

Any change to the purpose of a reserve, or use of reserve funds for another purpose, must comply with section 6.11 of the Local Government Act 1995, including any applicable absolute-majority, local public notice and financial reporting requirements.

The characteristics to be identified must include at least the following:

- Focus Area
- The name of the reserve
- The purpose of the reserve
- An overview of the reserve
- How the request for a new reserve eventuated
- The source of funds for the new reserve
- The use of the funds in the reserve

Table 1

Focus Area	Outcome
Business Risk	Reserves may be established to minimise the impact on Council operations in any one year from unanticipated events. Unanticipated events can arise from the impact of natural disasters or other unforeseen circumstances where financial risks cannot be fully recouped under an insurance policy or disaster funding. In addition, unanticipated events may include the use of employee entitlements reserves or the failure of assets critically important to maintaining service levels.
Financial Management	To manage the transition from a past budget period to a future accounting period, reserves may be established to hold restricted funds for transfer to a future period to match/offset the respective expenditure. Reserves may also be established to be used to accumulate funds for significant operating expenses that occur on a recurrent basis but require an annual allocation in every budget. Reserves established to save for the future renewal of assets with the funding of anticipated expenditure needs which provides the Shire with a financing tool to manage issues of intergenerational equity, reduce reliance on borrowings to fund long lived assets and to overcome the restriction of a single budget by smoothing the funding allocation over a longer period.
Strategic Capacity	On occasions, the Shire is offered strategic opportunities by the State/Federal government or a private sector partner in the provision and delivery of community initiatives and programs. These are usually in the form of external grants or contributions which require a financial contribution from the Shire. Sufficient notice may not be provided to develop a specific financing strategy to take advantage of these opportunities. Strategic Reserves may be established to maintain a level of savings

	to access other opportunities subject to the outcomes aligning with the Shire's strategic community goals and priorities. Strategic reserves may be established for the provision of community grants or to safeguard funds from operational use.
Statutory Obligations	The *Local Government Act 1995* requires selected revenue streams to be quarantined and to only fund the purpose for which the revenue was raised. Examples are nominated service charges or specified area rates. Any revenue raised not used for the specified purpose must be held in a reserve until it is applied to the purpose in future periods. Money held in these reserves cannot be used for any other purpose. Developer contributions may be collected and used to fund specific assets in nominated areas.

Reserve Accounts

Focus Area - Business Risk

Leave Reserve	**Purpose** To be used to fund leave requirements. **Overview** The funds are held to ensure the Shire has enough funds to payout all staff leave entitlements as they fall due if insufficient funds are available in the normal operating budget. **Fund Management** Each year the finance team must review the reserve balance against the Annual and Long Service Leave balances of the three longest serving employees to ensure that the reserve balance is at least 10% higher than the Shire's leave liability for these employees. **Term of the Reserve** This reserve operates in perpetuity.
Legal Fees Reserve	**Purpose** To be used to fund any unforeseen legal action against the Shire of Morawa. **Overview** This reserve is designed to provide funds for any future legal challenge against the Shire of Morawa that may require substantial funding. **Fund Management** Legal costs against an entity can be substantial and often occur in relation to

	unforeseen matters. To protect itself against future risks the Shire will aim to allocate $50,000 to this reserve as a baseline only to be used for the designated purpose. **Term of the Reserve** This reserve operates in perpetuity.
Emergency Response Reserve	**Purpose** To be used to fund insurance excesses and emergency response activities in relation to unbudgeted events impacting the community or Shire assets outside of Council control. **Overview** The 2021 Cyclone Seroja event demonstrated that the Shire is at risk of significant insurance excesses and that the Disaster Recovery Funding Arrangements are cumbersome and slow, meaning the Shire may be required to allocate significant funds upfront to cover emergency works. Other emergency works may be required on roads or other assets when other events such as significant user damage occurs that are well above and beyond normal maintenance expectations. This may have unforeseen cashflow impacts or future budget impacts, as such it is deemed prudent to establish a reserve to protect against this. **Fund Management** Insurance excess for Cyclone damage is $100,000 and it is likely the Shire could expend close to this amount for flood damage or other emergency events without immediate reimbursement. As such the Shire should aim to establish a baseline for the reserve of $200,000 and only fall below this amount for the designated purpose. Council should also commit to restoring the baseline when disaster recovery or other reimbursements are received for works completed. **Term of Reserve** This reserve operates in perpetuity.

Focus Area – Financial Management

Plant Replacement Reserve	**Purpose** To be used to upgrade, replace, or purchase of new plant and equipment. **Overview** The Shire of Morawa holds Plant and Equipment assets worth approximately $2.5m, depreciating at a rate of about $250,000 each year. On the basis that all items of plant and equipment have a useful life and that the replacement or upgrade of major plant is beyond the capacity of the Council to fund in any one-year Council has established a reserve for the sole purpose of funding the replacement of plant & equipment when required. **Fund Management** Council will establish a clear Policy and document within the Corporate

	Business Plan the expected plant replacement cycle aligned to major items of plant and equipment to forecast future expenditure and reserve movements. The Shire should be cautious with the use of this reserve and work to ensure the balance held in reserve does not fall below 50% of the replacement value of a new Grader. **Term of the Reserve** This reserve operates in perpetuity.
Sewerage Reserve	**Purpose** To be used to repair, replace, or extend the sewerage facility. **Overview** This reserve is designed to provide funds for major capital or maintenance works needed to be carried out on the sewerage system that Council operates. The Shire sewerage system represents an asset worth approx. $2.4m depreciating at a rate of approx. $45,000 per annum, more importantly the failure of this significant asset would have extreme consequences for the whole community. **Fund Management** The Sewerage Reserve funds are not designed to be used for general annual maintenance or minor/moderate repair works. The reserve funds are for works requiring major investment. As such the use of the reserve funds must have a clear purpose i.e., to replace a particular section. The Shire should look to transfer the difference between the annual sewerage income and the cost of maintaining the sewerage facility, including staff allocations, into the Sewerage Reserve. **Term of the Reserve** This reserve operates in perpetuity, whilst the Shire operates the town's sewerage system.
Swimming Pool Reserve	**Purpose** Funds to be used for any renewal/upgrade or maintenance of the Morawa Swimming Pool. **Overview** This reserve is designed to provide funds for any future capital or significant maintenance works that may be required to keep the Morawa Swimming Pool in good condition and operating efficiently. This facility represents an asset worth approx. $2.4m depreciating at a rate of $60,000 per annum, but more importantly the community relies on the facility throughout the summer months to provide essential recreation and respite from the high summer temperatures. **Fund Management** To protect the Shire against large scale works needed at the Morawa Swimming Pool the Shire will look to undertake a transfer of 50% of the annual asset depreciation into the reserve. This will help offset costs when renewal/upgrade works are required.

	Term of the Reserve This reserve operates in perpetuity, whilst the Shire owns a swimming pool facility.
Aged Care Units 1 – 4 (JVA) Reserve	**Purpose** To fund future repair and maintenance costs associated with the Joint Venture Agreement Aged Care Units. **Overview** In 2016 the Shire was transferred the management of four aged care units, that were subject to a Joint Venture Agreement with the Department of Housing (Homeswest), from Morawa Community Care Inc. The use of these units was transferred subject to continued compliance with the joint venture agreement that is set to expire in 2043. The Shire is now responsible for the ongoing maintenance of the facilities. **Fund Management** The joint venture agreement requires the Shire to maintain a contingency reserve balance of not less than 25% of the proceeding years gross rent from the joint venture units. To simplify this process Council commits to maintaining a minimum balance in this reserve of $27,500, which represents 100% of the maximum rent chargeable on all four units in 2021, based on the aged pension. It is unlikely even with pension increase that the required 25% would ever exceed this amount and so the Shire will not need to revise its minimum allocation over the next 20 years. Most maintenance and repairs on the facility is undertaken out of normal Shire operational funds and as such once the minimum value is achieved no interest will be applied to the reserve. **Term of the Reserve** This reserve operates in perpetuity whilst the Shire owns and operates Aged Care Units under a Joint Venture Arrangement.
Aged Care Units (Excl. 1–4) Reserve	**Purpose** To fund capital works expenditure relating to existing or new Aged Care Units. **Overview** The Shire currently owns and operates nine (9) Aged Care Units under various arrangements. Other than the four (4) units under a joint venture arrangement the other five (5) are under the direct management of the Shire. Unit five (5) was gifted to the Shire by Morawa Community Care Incorporated in 2016 without any joint venture encumbrances and with an initial surplus funds transfer of approximately $60,000. Regardless of the underlying agreements leading to their creation the Shire is now responsible for the ongoing maintenance of the facilities. This reserve is designed to provide funds for future major expenditure on the Aged Care Units. The reserve purpose is also open to the construction of more aged care units should community demand and a lack of State services necessitate this.

	Fund Management Whilst the Aged Care Units are not a high value asset compared to other Shire assets, the unique nature of the service provides scope for them to have a stand-alone reserve. Plus, with an ageing population the likelihood of more units being required into the future is high. The Shire will look to add $2,000 per unit into the reserve each year to ensure the reserve balance continues to grow over time. **Term of the Reserve** This reserve operates in perpetuity whilst the Shire owns and operates Aged Care Units.
Capital Works Reserve	**Purpose** To reserve funds for the Shire to allocate towards expenditure on capital works, specifically the renewal or creation of Shire assets. **Overview** In essence the Shire should be looking to operationalise the general maintenance and running costs associated with Shire assets, as such the significant expenditure associated with Shire assets will come in the form of creation or renewal. Other than for designated high value or essential assets, the Shire needs to maintain a level of flexibility in relation to reserve funds for other assets. This will allow the Shire to allocate reserve funds to assets as needed and in response to unforeseen requirements. Council will still have control of the allocation of these funds at budget time or via resolution. **Fund Management** Given the Shire has approximately $20m in building assets, $35m in road assets and $5m in other assets, with annual depreciation of these asset classes of approximately $1.6m – it is unrealistic to think the Shire will ever have the financial capacity to expend the necessary funds on asset renewal. Through prudent Capital Works reserve allocations and business planning the Shire will seek to allocate reserves towards future use to smooth the year-to-year impact on ratepayers. The Shire commits to providing a minimum annual contribution to the capital works reserve equivalent to 2.5% of the estimated capital works expenditure in the annual budget (i.e., plan to spend $2m on capital works put $50,000 in the reserve as well). **Term of Reserve** This reserve operates in perpetuity

Focus Area – Strategic Capacity

Future Funds (Principal) Reserve	**Purpose** To provide an ongoing conduit for benefits to the people and environment of Morawa in line with Sinosteel Midwest Corporation Future Fund Foundation Memorandum. **Overview** This reserve was set up from a partnership between the Shire and Sinosteel Midwest Corporation, as part of the establishment of their mining operations to provide a benefit to the local community. A Foundation Memorandum was established between Sinosteel Midwest Corporation and the Shire of Morawa. 85% of the interest earned on this reserve is transferred to the Future Fund Grant (Interest) Reserve for distribution to approved grant applicants. **Fund Management** As this reserve forms the principal from which the Future Fund Grant (Interest) Reserve is funded Council have committed to maintaining the balance of this reserve at minimum value $2m (equivalent to the initial seeding funding from the Shire ($900K) and Sinosteel ($1.1m)) – the actual balance may be greater than this amount due to interest earned but Council has a firm commitment to not expend the reserve such that it falls below the minimum value. To maximise the interest returns related to the Future Funds (Principal) Reserve, Council have committed to investing 80% of the minimum value ($1.6m) into term deposits. **Term of the Reserve** This reserve will operate in perpetuity.
Future Fund Grant (Interest) Reserve	**Purpose** To allocate funding to community-based projects financed from the interest received on the Future Fund (Principal) Reserve. **Overview** This reserve is designed to utilise 85% of the interest earned on the Future Fund (Principal) Reserve to aid applicants of the Morawa Sinosteel Future Fund Grant to deliver community-based projects. **Fund Management** The Morawa Sinosteel Future Fund Grant seeks to provide funding to grass-roots community organisations, including sporting groups, educational organisations, and community support organisations. Funding opportunities are considered by the Morawa Sinosteel Future Fund Committee, on an annual/biannual basis depending on funds available. In line with the deed of Grant the committee must consist of (1) the Shire President, (2) the Deputy Shire President, (3) the Chief Executive Officer, (4) two Shire of Morawa community residents that have been appointed to the committee.

	The committee must ensure that the grants distributed are in line with the budgeted interest being allocated to the reserve in line with the Deed. **Term of the Reserve** This reserve will operate until there are no funds available to distribute.
Community and Economic Development Reserve	**Purpose** To fund significant community or economic development projects within the Shire of Morawa. **Overview** This reserve was created through the Shire receiving extraordinary untied income. This reserve is designed to provide funds for significant projects that will deliver a tangible realisable benefit to the community and economy of Morawa. It is not to be used for general capital or maintenance works. The strategic outcomes associated with the use of the reserve funds must deliver substantial benefits to the district. **Fund Management** Funds held in this reserve will be managed to preserve the capital available for future community and economic development projects while maximising investment returns where practicable. Council may approve the use of reserve funds for community or economic development initiatives where it is satisfied that the anticipated benefits to the Shire and the community justify the expenditure. **Term of the Reserve** This reserve will operate until there are no funds available to distribute.

Focus Area – Statutory Obligations

Jones Lake Road Rehab Reserve	**Purpose** To reserve monies for the future closure and rehab of the landfill site at Jones Lake Road. **Overview** When operating a Landfill facility, it is an accounting and statutory requirement to maintain the ability to cover the contingent liability associated with the rehabilitation of the site. **Fund Management** The required reserve balance will be reviewed annually having regard to the estimated cost and timing of landfill works, rehabilitation and post-transition requirements, and the Shire's long-term financial capacity. Annual contributions to the reserve will be considered through the annual budget process, having regard to the anticipated rehabilitation liability and the existing reserve balance.

	Term of the Reserve This reserve will remain in operation until there is no longer a need to have a provision for the rehabilitation of the Jones Lake Road landfill site.
Morawa-Yalgoo Road Maintenance Reserve	**Purpose** To be used to fund any future maintenance works on the Morawa Yalgoo Road. **Overview** This reserve was created as part of a Road User Agreement between Egan Street Rothsay and the Shire of Morawa. Contributions received from the Egan Street Rothsay mining operations haulage in line with tonnages hauled on the Morawa Yalgoo Road will be apportioned between current year costs and allocations to this reserve for future maintenance. It is acknowledged that for heavy vehicle haulage the impacts on the road especially subgrade may not become evident during the 4-year mining lifespan so funds must be retained to cover future costs. **Fund Management** The annual reserve transfer will be equal to the income from the road user agreement minus any current year expenditure that is above pre-2021 maintenance expenditure on the Morawa Yalgoo Road. **Term of the Reserve** This Reserve will operate until such time as the Road Users Agreement is no longer active and all the funds have been spent renewing/maintaining Morawa Yalgoo Road.
Insurance Works Reserve	**Purpose** To provide funding for the repair, restoration, and maintenance of Shire assets, including works undertaken prior to the receipt of insurance proceeds. **Overview** This Reserve is designed to support the timely repair and reinstatement of Shire assets where works have been completed or are required before insurance funds are received. **Fund Management** The Reserve is not intended for routine maintenance or operational repairs. Funds may only be used for insurance-related asset repairs, replacements, or restoration works approved through the budget process or by Council resolution. **Term of the Reserve** This reserve operates in perpetuity but may not always have funds allocated to it.
Information Technology Reserve	**Purpose** To provide funding for the future renewal, replacement, upgrade and acquisition of the Shire's information technology assets, systems and infrastructure.

	Overview The Information Technology Reserve is established to fund future investment in the Shire's technology environment, including hardware, software, network infrastructure, cybersecurity initiatives and communication systems, ensuring the reliable and efficient delivery of Council services. **Fund Management** The Reserve provides for planned future technology upgrades and replacements. Annual contributions are made to ensure sufficient funds are available for major system renewals, including the anticipated replacement of core software systems and other strategic technology projects. **Term of the Reserve** The Reserve will operate on an ongoing basis and remain in place while there is a need to fund future information technology renewal, replacement, upgrade and acquisition requirements.

Transfers of Funds

Interest earned on Reserve funds

All interest earned on the investment of Reserve funds shall be allocated and deposited to reserve accounts not the general municipal fund.

Interest earned on the reserve funds can vary depending on the amounts held in each reserve and the interest rates received. These variances will impact on the amounts transferred into reserves each month and may vary from the amount budgeted.

Only 15% of interest earned relating to the Morawa Future Fund Principal Reserve shall be allocated back to that reserve, the other 85% should be allocated to the Future Fund Grant (Interest) Reserve.

General Transfers To and From Reserves:

All transfers from a reserve must be for the agreed purpose for which the Reserve was created.

Transfers Approved as Part of the Budget Process	In most cases the transfer of funds from reserves will be approved as part of the Annual Budget process or the Budget Review process. For example, capital works projects include details of project funding including any planned use of reserves. Projects are then evaluated and approved in the budget process.
Transfers in Excess of Approved Budget	In cases where a transfer of funds to or from a reserve was approved in the budget but subsequently a higher-level transfer is required then approval must be sought prior to the transfer being made. Except in the case of extra interest being earned on the reserves, in which case no approval is required to allocate the extra interest income to the reserves. For amended transfers into a reserve which represent a variance to the budget estimate of $50,000 or less, CEO approval is required. For amended transfers from a reserve which represent a variance to the budget estimate of $20,000 or less, CEO approval is required. All other reserve transfer variations more than the budget must be by way of Council Resolution.
Transfer Below the Approved Budget	In cases where a transfer of funds to or from a reserve was approved in the budget but subsequently a lower-level transfer is required then approval must be sought prior to the transfer being made. Except in the case of less interest being earned on the reserves, in which case no approval is required to reduce interest income allocated to the reserves. For amended transfers into a reserve below the budget estimate Council approval is required. For amended transfers from a reserve below the budget estimate, CEO approval is required if the transfer is attributed to an underspend on a project or activity or an alternate income source was identified, for all other reasons, Council approval is required.
Transfers not Approved in the Budget	All new reserve movements not estimated within the annual budget must be approved by Council. Except where they relate to reserves identified under the focus area of Statutory Obligations, for these reserve types the CEO may approve transfers but must report the use of the reserve to the next meeting of Council.

Closure of Reserve Accounts

Most reserve accounts will operate in perpetuity but there are some that will have a useful life. These reserve accounts will be closed once all the funds have been utilised and will no longer be reported on. After finalisation of the Annual Financial Statements a report with a list of Reserve Accounts that need to be closed (if any) will be taken to Council for endorsement. If a reserve has reached the end of its use any funds left in the reserve will be transferred to either the Municipal Fund or another Reserve as determined by Council.

7. LOCAL PLANNING AND BUILDING (LPB)

LPB01 Application for Planning Consent

Aim	To give direction in relation to considering planning applications
Application	Shire Staff General Public
Statutory Environment	*Planning and Development Act 2005* *Shire of Morawa Local Planning Scheme No. 3*
Approval Date	OCM 16 December 2024
Last Review	2024
Next Review	2028
Review Period	4 years

Objective

To give direction in relation to considering planning applications

Policy

The following Town Planning Policy has been prepared in accordance with Clause 9 of Local Planning Scheme No. 3 (LPS). Applications for planning consent made in accordance with Part 9 of the Scheme shall be in the form of Schedule 6.

Unless the Shire of Morawa waives any requirement every application for planning consent shall be accompanied by a plan or plans to scale, showing:

a) Street name, lot number(s), north point and the dimensions of the site;
b) The location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
c) The existing and proposed means of access for pedestrians and vehicles to and from the site;
d) The location, number, dimensions and layout of all car parking spaces intended to be provided;
e) The location and dimensions of any area proposed to be provided for the loading or the unloading of vehicles carrying goods or commodities to or from the site and the means of access to and from those areas;
f) The location, dimensions and design of any landscaped, open storage, or trade display area and particulars of the manner in which it is proposed to develop those areas;
g) Details of development and uses of lots immediately surrounding the subject land; and
h) Any other plan or information that may reasonably be required to enable the application to be determined.

The Chief Executive Officer is authorised to waive any requirement, or to require additional information as is deemed necessary in order for the application to be determined. The notice of an application for planning consent advertised in accordance with Part 9 of the Scheme shall be in the form of Schedule 6 with such modifications as circumstances require. The decision regarding an application for planning consent shall be notified in the form of Schedule 9.

LPB02 Dog Kennels/Dog Keeping

Aim	To give direction concerning Council's position on dog kennels and dog keeping.
Application	General Public
Statutory Environment	*Planning and Development Act 2005* *Shire of Morawa Local Planning Scheme No. 3* *Dog Act (1976)*
Approval Date	OCM 16 December 2024
Last Review	2024
Next Review	2028
Review Period	4 years

Objectives

The objectives of the Policy are:

a) To provide guidance to applicants who wish to keep dogs or seek to establish kennels on their property;
b) To guide the Shire of Morawa in determining the appropriateness and adequacy of proposed kennel development in the "General Farming" zone;
c) The policy has been adopted by Council as a Local Planning Policy in accordance with the provision of Part 2 of Local Planning Scheme No. 3 (LPS);
d) Under sub clauses 2.3.2 and 10.2 of the Scheme, the Shire of Morawa shall have due regard to the provisions of this policy when determining an application for planning approval in addition to the relevant provisions of the Scheme.

Policy

Definition

For the purposes of this policy, dog keeping and kennels are considered to be a commercial Operation and excludes the maintenance of a kennel for private purposes:

a) Kennels may be "Breeding Kennels" or "Boarding Kennels";
b) A "Breeding Kennel" is a formal establishment for the propagation of purebred dogs, whether or not the animals are actually housed in a separate shed, garage, a state of the art facility or the family dwelling;
c) "Breeding Kennels" are heavily regulated and must follow rules laid down by the breed club, the Kennel Council and relevant legislation;
d) "Boarding Kennel" is a place where dogs are temporarily housed for a fee. Many kennels offer grooming and training in addition to boarding. Day boarding is when a dog is housed during the day only and not overnight.

For the purposes of this policy, dog keeping or dog kennels includes:
a) The keeping of a significant number of dogs (i.e. more than two);
b) Dog keeping in confined accommodation (i.e. in a kennel, shelter or pound);
c) Involving a boarding or racing or training establishment or dog breeding for commercial, show or private purposes.

Introduction

The following Town Planning Policy has been prepared in accordance with Clause 9 of LPS.
An "A" use is one that is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4 of the LPS.

Clause 9.4 outlines the process by which the proposal is to be advertised and the opportunities for public submissions to be made.

The Shire of Morawa shall not permit the establishment or maintenance of a kennel establishment in any area if in its opinion such a kennel would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to adjoining residents and land.

The owner or occupier of any land within the Shire of Morawa shall not, unless the premises have been granted exemption under Section 26 (3) of the *Dog Act 1976*, keep, or permit to keep more than two dogs over the age of three months and the young of those dogs under that age within a townsite or four dogs over the age of 3 months and the young of those dogs under that age, if the premises are situated outside the townsite, unless such premises are:

a) Situated within the zone approved for the establishment of a kennel under the LPS;
b) Is a kennel establishment approved under the LPS.

The Shire of Morawa considers that dogs licensed as dogs used for droving or tending to stock under the *Dog Regulations (1976)* (commonly referred to as 'working dogs') up to a maximum of 6 dogs as an exemption under Section 26 (3) of the *Dog Act (1976)* provided they are located on premises in the "General Farming" zone of LPS No. 2.

Nothing in this policy precludes compliance with the relevant State Government Legislation e.g. The Dog Act 1976, this includes the issuing of a license for a kennel establishment under the Shire of Morawa Dogs Local Law as well as obtaining planning approval.

The applicant is reminded of his/her general environmental responsibilities, as required by the Environment Protection Act 1986, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

Planning Considerations

a) Dog keeping, which may include the use of dog kennels, can have minimal social and environmental impact if it is in an appropriate area and sited, designed and managed property;
b) The main impacts are noise, visual impact, loss of productive agricultural land and compatibility with adjoining uses.

The following information is required by the Shire of Morawa to undertake an adequate assessment:

a) Number of kennels;
b) Survey of surrounding properties to establish separation distances from residential or other sensitive receivers;
c) Air quality protection measures;
d) Noise mitigation measures;
e) Water demand and use;

f) Water and soil protection measures including, wastewater containment and disposal, chemical storage and work areas, storm water pollution prevention, solid waste storage and disposal.

Management Measures

Noise

a) The potential for noise may be increased where animals are kept in close proximity to other animals or to sites where other animals are kept (e.g. one dog barking may lead to other dogs barking in the same, or nearby, kennels). Therefore, the more dogs kept on the premises the greater the potential for noise impact and complaint. Strategies to reduce nuisance noise may need to be implemented, such as citronella collars or advice from a qualified noise consultant or both;

b) Boarding kennels in particular may give rise to noise problems because of the large numbers of dogs, the range of different breeds and the stress experienced by the dogs in unfamiliar conditions;

c) The number of dogs (including pups over the age of four months) kept on the site may therefore need to be limited to a specific number;

d) A minimum separation distance of 500 meters from sensitive receptors (i.e. houses on neighbouring properties) is recommended unless it can be demonstrated that management measures can be put in place to ameliorate the noise impact.

Noise disturbance should be minimized by:

a) Locating and constructing kennels and other facilities to visually screen dogs from external stimuli such as other dogs, animals, traffic or passers-by;
b) Use of earth banks and/or vegetation and/or manually constructed sound barriers. Barriers should have no gaps;
c) Management regimes that minimize opportunities for noise generated external stimuli. Some kennels may need to be fully enclosed or acoustically buffered at a ratio of 1:15 for particularly noisy animals (electronic masking noise devices to reduce audible stimuli to the dogs);
d) Restriction of feeding to within hours of 7am – 6pm where practicable;
e) Exercise of dogs to be performed between the hours of 9am and 5pm;
f) Appropriate construction materials for kennels which reduces the impact of noise. Use of sound absorption materials (e.g. glass, fibre or wool) on the side of the barrier facing the noise source can help to reduce noise levels by reducing noise reflections;
g) Ventilation needs to be considered in conjunction with any noise insulation work – air conditioning if installed should ensure that external units are located so as to avoid any impact on neighbours;
h) Buffers appropriate to the size of the facility and based on the requirements for ongoing compliance with the above noise controls, be largely provided within the boundaries of the property.

Waste management

a) Attention to the cleanliness of the kennels and effective waste management will minimize the potential for odour nuisance. Kennels should be cleaned daily. All faecal matter, old bones and uneaten food must be collected from the kennels and yards at least twice a day and temporarily stored in lined and sealed containers prior to removal from the site so that odour does not cause a nuisance beyond the boundaries

of the site. Such waste must be disposed of to a licensed waste depot, by an appropriate waste disposal service;

b) All kennels must have an impervious floor draining to an appropriately sized septic tank and subsurface soakage system designed and constructed to meet the Shire of Morawa's public health standards;
c) Materials should be selected for ease of maintenance and cleaning, durability and nontoxicity. Floors of animal housing areas of kennels must be made of an impervious material to assist clearing and drainage. Wood, brick, dirt or grass floors are not acceptable;
d) The internal surfaces of the external walls of kennels must be constructed of impervious, solid, washable materials optimally curved at the wall/floor junctions to facilitate cleaning and disinfection;
e) Kennel floors must be sloped to enable wastes and water to run off. A collection drain must be provided to take away water after cleaning;
f) Owner to ensure land is free from excrement, food waste and all other matter likely to become or create a nuisance. Land must be free from excrement, food waste so that it cannot attract or breed pests.

Public Liability

a) All boarding establishments must carry a minimum of $10,000,000 Public Liability Cover;
b) All animals entering boarding establishments must be identified and all reasonable and special requirements in particular relating to vaccination must be complied;
c) The proponent (or nominated manager) of a kennel establishment is responsible for the operation of the kennel in accordance with these guidelines.

Enclosures

Fencing between enclosures (both internal & external) must prevent dogs from escaping from one enclosure to another and must be in such condition that they prevent injury.

Security

a) Kennels must be able to be securely locked to prevent unauthorized entry;
b) Each individual kennel, module or colony pen must be fitted with a secure closing device that cannot be opened by the dogs;
c) Any security methods used must allow for ready access to dogs and ready exit for staff and animals from the premises in the event of an emergency;
d) All boarding establishments must have an external perimeter fence surrounding the establishment to prevent the escape of dogs.

Facilities

a) Each animal boarding establishment must provide an area for reception, records storage, and include washing and toilet facilities for staff;
b) Boarding facilities must be designed, constructed, serviced and maintained in a way that ensures the good health and well-being of the animals, whilst preventing escape or injury to humans;
c) Pens may be separated by either solid partitions, galvanized chain wire or weld mesh wire dividers. Pens must be completely enclosed having either a solid or wire roof or have an overhang of 700mm at an angle of 35 degrees to the horizontal;

d) All kennels must be provided with a weatherproof sleeping area containing raised beds;
e) Where dog kennels are constructed indoors, temperature, humidity and ventilation must be considered. Ventilation must be adequate to keep animal housing areas free of dampness, noxious odours and draughts. Cage or pen areas must have an ample supply of fresh air;
f) Suitable facilities for bathing, drying and grooming animals must be available and must be hygienically maintained. These facilities may be provided by a grooming service provided that the boarding establishment has a business agreement with the service;
g) Housing must provide protection from the weather (wind, rain, sun and extremes of climate), vermin and harassment from other animals;
h) Facilities must have appropriate fire extinguishers or other fire protection.

Exercise

a) The proprietor (or nominated manager) must ensure that dogs housed in pens of the minimum recommended size for more than two weeks are exercised daily;
b) Dogs in enclosures larger than 20m² do not require additional exercise unless they are boarded for longer than four weeks. Care must be taken to ensure that dogs being exercised cannot escape and are not in danger of attack or other injury;
c) Exercise areas must be well maintained, not muddy or bare and dusty. Health and hygiene of both animals and humans must be taken into consideration;
d) Dogs can also be exercised/socialized during daylight hours in the same manner as for day boarding establishments provided all requirements for day boarding are met including supervision levels and the owner has given written permission for this to occur;
e) Dogs must not be walked on roads but confined within the premises for safety reasons unless:
f) They are on a lead at all times.

Information Requirements from Applicant

An application must be supported with the following information, to the satisfaction of the Shire of Morawa, as appropriate:

a) A fully dimensioned site context plan showing adjoining land and the closest residences;
b) A detailed site layout plan, including elevations, drawn to an appropriate scale showing the location of all proposed pens, runs and buildings on the site;
c) Full details of all landscaping, including the type and location of all plants and the type of ground surface treatment (i.e. lawn, sand, concrete, gravel etc.);
d) Details of the height, style and location of all fences;
e) Details of lighting;
f) Materials of construction of all kennels and buildings associated with the use including type and method of insulation;
g) A site storm water management plan;
h) Number of dogs kept on the site and the proposed number of litters per year;
i) Details of exercising and training which will occur on the site;
j) Method of waste collection, storage and disposal;
k) Details as to whether boarding of dogs not belonging to the operator will take place, including the number and frequency of turnover;
l) Details of day to day operations of the facility to include such items as exercising times and feeding times and visiting procedure;

m) Response to the relevant Environmental Protection Authority guidelines.

Determination of the Application

In determining an application for a planning approval, the Shire of Morawa is to have regards to:

a) Any written submissions received on the proposed use of the premises;
b) Any economic or social benefits which may be derived by any person in the district if the application for a planning approval is approved;
c) The effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
d) Whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
e) Whether or not the imposition of and compliance with appropriate conditions of an approval will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

LPB03 Heritage Colours – Solomon Street and Winfield Street

Aim	To encourage property owners of buildings along Solomon and Winfield Streets to upkeep the presentation of their shop frontages.
Application	General Public
Statutory Environment	N/A
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To encourage property owners of buildings along Solomon and Winfield Streets to upkeep the presentation of their shop frontages.

Policy

Property owners of buildings along Solomon and Winfield Streets are encouraged to upkeep the presentation of their shop frontages. The Shire of Morawa's preference is to retain heritage colours (Morawa Town Planning Scheme Report part 10 and Morawa Town-site Policy No.4 and 5) throughout the main streets, being Winfield and Solomon Streets.

The Shire will reimburse 100% cost of the paint (not painting costs) should property owners paint their shop frontages in the heritage colour scheme.

LPB04 Rural Subdivision

Aim	To give direction concerning Council's position on the subdivision of Rural zoned land
Application	General Public
Statutory Environment	*Planning and Development Act 2005* *Shire of Morawa Local Planning Scheme No. 3*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To give direction concerning Council's position on the subdivision of Rural zoned land

Policy

A rural subdivision policy has been formulated to guide Council in the assessment of subdivision applications relating to rural land. The objectives of the Town Planning Scheme with regards to rural land are as follows:

a) To ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
b) To consider non-rural land uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or environment;
c) To allow for facilities for tourists and travellers and for recreation uses.

Subdivision in the rural zone creates a number of concerns wherein it may:

a) Place undue pressure on the provision of services and facilities;
b) Compete for the use of rural land for agriculture;
c) Be incompatible with existing agricultural practices;
d) Reduce land use options on adjacent lots; and e) Compromise rural amenity, landscape and the environment.

In order to protect the future agricultural land use within the Shire of Morawa the Shire of Morawa Town Planning Scheme No 2 permits subdivision of rural land in the following circumstances:

a) The lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
b) The lots are for farm adjustments;
c) The lots are for specific purposes such as recreation facilities and public utilities; or
d) The lots are required for the establishment of uses ancillary to the rural use of the land or are required for the traveling public and tourists (such as service stations and motels).

Council will not support the subdivision of rural land resulting in the creation of lots smaller than 20 hectares.

LPB05 Caravan & Annexes Standards

Aim	To give direction concerning Council's position on the erection of caravan annexes
Application	General Public
Statutory Environment	*Caravan Parks and Camping Grounds Regulations 1997*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To ensure that all structures erected in Council operated Caravan Parks in the Shire of Morawa do not detract from the amenity of the overall facility.

Policy

All Caravans shall have current licensed Registration to enable mobilization in accordance with the requirements of the Caravan Parks and Camping Grounds Act and Regulations.

All annexes shall comply with the *Caravan Parks and Camping Grounds Regulations 1997* including, but not limited to approval, licenses and construction.

For the purposes of Schedule 6 (4) – Rigid Annexes contained within the Caravan Parks and Camping Grounds Regulations 1997, the "walls of prefabricated modular panels or sections" shall mean insulated sandwich panels of such manufacture, colour and design that they complement the caravan to which the annex is attached and do not detract from the overall appearance and amenity of the Caravan Park.

LPB06 Shipping Containers Local Planning Policy

Aim	To give direction concerning Council's position on the siting of shipping containers in certain zones in the townsite.
Application	General Public
Statutory Environment	*Shire of Morawa Local Planning Scheme No. 3*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objectives

To establish guidelines for the assessment of proposals to place shipping containers or other similar relocatable storage units on land within the municipality.

To ensure an acceptable standard of development is achieved that does not detrimentally affect the amenity of the locality.

Policy

The placement of a shipping container or other similar relocatable storage units on land requires the development approval of the local government as it is considered to fall within the definitions of 'building' and therefore, 'development' under the Scheme. Development approval is not required where the structure is being used for the temporary storage of plant, machinery or building equipment on a building site where a building permit is current and construction is taking place (6 months maximum).

It is considered that shipping containers (or other similar relocatable storage units) can have an adverse effect on the visual amenity of an area, and therefore there is a need to ensure appropriate development standards in order to safeguard the visual impact of shipping containers on the streetscape.

For the purposes of assessment and approval, the local government will classify a shipping container as per its proposed use. For example, where the intention is to place it on residential land for storage associated with an existing dwelling, it would be classified as an outbuilding, while a shipping container proposed to be used as a café would be classified as a restaurant.
Other than on industrial land no more than 1 shipping container is permitted and shall not exceed 6m in length, 2.4m in width and 2.6m in height.

In order for the local government to issue development approval, the applicant must address that the proposed shipping container or other similar relocatable storage unit will (at a minimum):

a) not result in a detrimental impact on the amenity of the land or any adjoining land or development;
b) not impinge on any boundary setbacks, as required by the Scheme, or be located in front of the building line, or be visually prominent from any public road;

c) not compromise any associated approved development or use by:
   - impinging on any car parking bays required to satisfy the minimum car parking requirement for the associated approved development or use;

- being located within an existing service yard or bin storage area;
- obstructing any existing access or visual truncation provided to an accessway, pedestrian or traffic;

d) be in good repair with no visible rust marks, a uniform colour to complement the building to which it is ancillary or surrounding natural landscape features; and

e) be appropriately screened (vegetation or otherwise), where considered necessary by the local government, in order to meet a. above and the objectives of this policy.

Where the placement of a shipping container is other than a “P” or a “SA” use under the requirements of the LPS No. 2 Scheme, the application for a shipping container, or similar relocatable storage units will be advertised in accordance with the Scheme requirements.

Definitions

Shipping Container shall include other similar relocatable ‘box-type’ storage units. A shipping container modified for the purpose of human habitation is exempt from this policy.

LPB07 Trading in Public Places Policy for Food Vendors

Aim	To provide a framework and guidance for the assessment of and issuing of permits for traders and stallholders offering food for sale in accordance with the Shire of Morawa
Application	General Public
Statutory Environment	*Public Places and Local Government Property Local Law 2018*
Approval Date	OCM 16 December 2024
Last Review	N/A
Next Review	2028
Review Period	4 years

Objectives

The objectives of this policy are to:

1. Provide Council with a consistent framework to regulate the location of stallholders and traders offering food or food related goods and services for sale in public places within the Shire of Morawa.

2. Encourage a high standard of service delivery to the local community and visitors whilst supporting local economic development, commercial viability, public safety and taking account of existing permanent businesses.

Policy

Definitions

Definitions relevant to this policy are in accordance with the applicable legislation:

Food	As defined by '*Section 9 of the Food Act, 2008'*.
Food Business	As defined by '*Section 10 of the Food Act, 2008'*.
Food Registration	Means a food business approved in accordance with '*sections 107 and 110 of the Food Act, 2008*.'
Public Place	As defined under the Shire of Morawa *Public Places and Local Government Property Local Law 2018*: public place means — a) a thoroughfare; b) any local government property; or c) a place to which the public have access
Stall	Means a movable or temporarily fixed structure, stand or table, in or on from which trading is conducted.
Trading	Displaying food in any public place for the purpose of: offering for sale; inviting offers for sale; soliciting orders for food; or carrying out any other transaction in relation to food.

This policy applies to all applications for a Stallholder Permit and Trader Permit offering food for sale in a public place pursuant to the Shire's "*Public Places and Local Government Property Local Law 2018"*.

This policy is not applicable to:

- An event or trading authorised by the local government under another written law or agreement.
- A person trading in a market or event authorised by the local government.

Traders and Stallholder Permits

The following types of permits are available for food vendors seeking to trade in a public place:

Trader and Stallholder Permit	A permit for up to 12 months at a location that may be determined by Council (or by Delegation) or is otherwise prescribed in this Policy.
Mobile Trader Permit	A permit for up to 12 months to trade as a mobile itinerant food vendors at locations that may be predetermined or may change (be mobile).

The following conditions are applicable to all Trader and Stallholder Permits:

Trading Time and Duration

Trading times and duration in any approved location will be set by Council (or by delegation), having regard to the operating times of permanent businesses offering the same or similar goods or services within 200 metres of the proposed activity.

Where the nature or type of the food for sale is provided by a business operating from commercial premises within the townsite, the trading can only occur outside of the usual operating hours of that permanent business. In any case, without Council approval, the trading hours will be restricted to between 0800hrs and 2000hrs each day.

An application for full Council consideration will be required for any trader seeking to operate outside those hours.

Itinerant (mobile) food vendors will be permitted to only operate during daylight hours.

Trading Locations

- Within the Morawa Townsite – in an area prescribed on the map included in this Policy entitled “Trading Location”.

- Within any other townsite in the Shire – in an area or on a site determined by Council (or by Delegation) on a case by case consideration.

- On any reserve or unallocated private land – with the provision of signed authority of the registered landowner.

Trading on Main Roads

Application to trade on the road reserve of any Main Road requires the prior written approval of Main Roads WA.

Public Liability Insurance

An application for a food vendor permit must include evidence of having a Public Liability

Insurance for a minimum of $10 million before an application may be considered. The insurance must be able to meet any possible claim which may be sustained against the licensee in relation to the death or injury to any person, or damage to any property arising from the proposed trading activity.

The Shire of Morawa is to be fully indemnified in that insurance against any claim as a result of the operation of any trader or stallholder.

Traders and Stallholders Permits including Mobile Traders

Applications for trading can be considered by Council for the issue of permits (or dealt with by delegation) in accordance with Shire of Morawa "*Public Places and Local Government Property Local Law 2018"* in accordance with the pre-determined conditions set out in this Policy.

Applications for trading inside the townsites but outside the designated locations described in this Policy, will not be considered aside from special events approved by Council, such as festivals or markets.

Standard Terms and Conditions for Approval of Food Traders Permits in Public Places Incorporating Traders and Stallholder Permits and Mobile Traders Permits

The standard terms and conditions for the issuing of permits include, but are not limited to the following:

- A Traders and Stallholders Permit, including any Mobile Traders Permit, is granted for a period of up to 12 months from the approval date.
- For Mobile Traders only, permits issued will be conditional on the Permit Holder not operating within 200 metres of any permanent or established business open for business and offering the same food types for sale, except where approved at specific events.
- Signage must meet the requirements stipulated in the Shire of Morawa "*Public Places and Local Government Property Local Law 2018"*.

Safety and Other Considerations

Safety and other considerations to be included in the assessment of the proposed food vendor trading activities include the following:

- The trader or stallholder and associated activities should not interfere or obstruct Council's infrastructure or maintenance activities.
- The storage of any container, vehicle or structure containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles is not permitted.
- Display stands or any equipment related to the permit are to be maintained to a high standard as assessed by local government.
- All traders and stallholders must ensure that approved area is free of debris or litter.
- Mobile food vehicles must be self-contained with an independent provision of electricity, potable water, and waste water collection.
- A food vendor will be required to offer a high standard of service delivery and must not create an unacceptable risk to public health or safety, property or infrastructure or the environment and will not be permitted to park in a public area, reserve, facility or space if

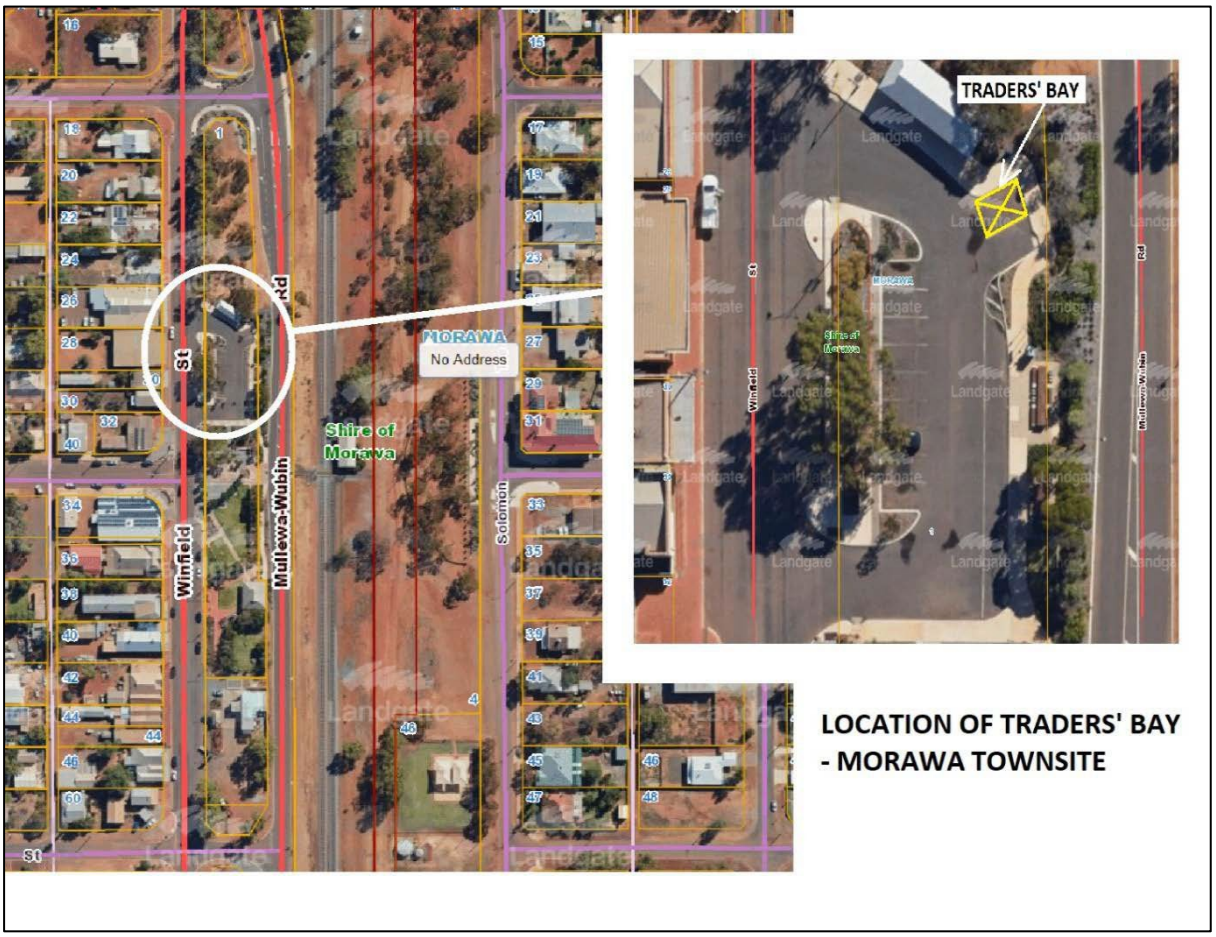
the above requirements are not complied with to the satisfaction of the Shire, regardless of whether a permit has been issued.

Revocation of Permits and Enforcement

As per Council's "*Public Places and Local Government Property Local Law 2018"*, permits may be revoked on grounds that the permit holder:

- has committed a breach of the terms and conditions of the permit
- is not conducting the business in a respectable or sober manner
- has assigned the permit or the business is not operated by the permit holder
- is not carrying on the business for which the permit was granted
- has breached any of the provisions of the Shire of Morawa "*Public Places and Local Government Property Local Law 2018"*

In the event that any permit condition or the Shire of Morawa "*Public Places and Local Government Property Local Law 2018"* is breached, compliance action may be taken in accordance with the relevant conditions or provisions.



8. RECREATION TOURISM & ECONOMIC DEVELOPMENT (RTED)

RTED01 Consumption of Alcohol on Shire of Morawa owned and managed properties

Aim	To describe the conditions to be observed in regard to the consumption of alcohol in and on public reserves and Shire owned facilities within the Shire.
Application	Elected Members Staff General Public
Statutory Environment	*Liquor Control Act 1988WA Liquor Licensing Act 1988* *Liquor Control Regulations 1989* *Shire of Morawa Local Government Property Local Law 2013* *Guidelines for Concerts Events and Organised Gatherings – WA Department of Health 2009* *Health Act 1911* *Health (Public Building) Regulations 1997* *Food Act 2008* *Food Regulations 2009 and Food Safety Standards*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

This policy works towards achieving the following outcomes for the consumption and sale of alcohol at Shire owned and managed property:

- Safe consumption of alcohol
- Responsible service of alcohol
- Minimise harm and alcohol related damaged and violence

Policy

Conditions

Members of the public and organisations who wish to consume, supply or sell alcohol on reserves managed by the Shire and in Shire owned facilities are to observe the following conditions:

1. An application must be made to the Shire by submission of "Application to Consume Alcohol on Council Property' at least 14 days prior to the event date. If alcohol is being sold the Shire must be provided with a copy of the liquor licence as approved by the Department of Racing, Gaming and Liquor prior to the license period commencing.

2. The permit holder listed on the 'Application to Consume Alcohol on Council Property' is responsible for the safety and wellbeing of all people involved in the event and managing the activity to ensure other users and residents are not impacted.

3. Alcohol consumption is not to exceed six hours in any one day, must not commence prior to 11am and must cease before the following times:

   Monday – Thursday 10.00pm
   Friday and Saturday 12.00am (midnight)
   Sunday 9.00pm

4. Any extension or variation to these hours requires the approval of the Officer in Charge of Police (in the relevant town) and the Chief Executive Officer.

5. All glass beverage and drinking containers are prohibited (unless the event has been identified as low risk and prior approval for use of glass has been requested and agreed to by the Shire.

6. Events that are considered to be high risk, and/or events where the organisers have previously breached hire conditions (including damage to Shire property) may have their permits refused, or be asked to provide additional information (such as risk management plans, evidence of crowd controllers etc.) before a permit is granted.

7. For any perceived high risk event, applications to consume alcohol should be forwarded to the local Police station for input before approval is considered.

8. Depending on the nature and location of the event or function the Shire of Morawa may also place additional terms and conditions on the 'Application to Consume Alcohol on Council Property'.

9. Where the event is on Crown Land managed by the Shire this Application may be revoked if:
   a) The event is not in accordance with the Reserve Purpose e.g. a facility subject to a community lease is hired for a Christmas party; or
   b) The event is not facilitated by the lessee e.g. the premises are hired to a third party.

10. No liquor or kegs to be taken into or consumed at the Pool.

Permits for alcohol consumption on the Shire of Morawa premises

The Chief Executive Officer is authorised to issue Permits for alcohol consumption on the Shire of Morawa premises, as follows:

Recreation Complex

a) No liquor or kegs to be taken into main stadium area or squash courts;
b) No kegs to be taken into main function area;
c) No liquor to be consumed by persons under the age of 18 years.

Town Hall

a) No kegs to be taken into main hall area;
b) No liquor to be consumed by persons under the age of 18 years.

Oval & Function Room

a) No kegs to be taken into main function area;
b) No liquor to be consumed by persons under the age of 18 years.

Other Shire Facilities

a) No kegs to be taken into main hall area;
b) No liquor to be consumed by persons under the age of 18 years.

All State regulatory liquor licensing requirements must be met by the applicant.

RTED02 Tourism

Aim	To recognise that tourism is an important contributor to the local economy.
Application	Shire of Morawa and tourism stakeholders
Statutory Environment	N/A
Approval Date	December 2023
Last Review	October 2026
Next Review	2028
Review Period	2 years

Objective

To recognise that tourism is an important contributor to the economy within the Shire of Morawa, and that the Shire needs to play an active role to facilitate the growth and development of tourism in Morawa.

Policy

The Shire will continue to work with State, regional and tourism industry stakeholders to promote local tourism opportunities.

The Shire will in particular:

- Endeavour to assist the Morawa Tourist Information Centre to develop tourism in the area.
- In the formulation of its planning regulations and preparation of local laws and other regulations, will have regard to the requirements of tourism development, and the impacts these rules will have on tourism.
- When reviewing Strategic Plans, Town Plans and Development Control Plans, take into consideration policies on tourism and other related issues.
- Encourage tourism product development and investment throughout the area and where possible will facilitate the development application process.
- Encourage a high standard of relevant design and aesthetics in all forms of tourist development.
- Consider the welfare of the whole community, and examine the social, cultural, economic and environmental impact when supporting tourism development and any associated facilities.
- Promote landscaping of residential and commercial centre to make the Shire a unique and attractive visitor destination.
- Where practicable, support the enhancement of natural features, conservation areas of outstanding scenic beauty and recognise items of heritage significance.
- Facilitate the development of scenic routes, walk-trails and lookouts and review signage needs in strategically important tourist areas.

RTED03 Signage Policy

Aim	In recognition that responsible signage is vital for the promotion and information provided to visitors and residents.
Application	Elected Members Staff
Statutory Environment	Nil
Approval Date	OCM 16 December 2024
Last Review	OCM 20 August 2020
Next Review	2026
Review Period	2 years

Objective

The Signage Policy seeks to:

- assist with 'branding' the Shire and orientating of visitors using an appropriate combination of signs;
- provide directions to the key destinations, attractions and activities in the town centre;
- establish a visual image of Shire of Morawa through a coordinated physical and visual presentation that meets both regulatory and visual needs;
- provide consistent branding of the Shire that advises road users about the route they are following and gives directions and distances to Morawa on the route; and
- provide information about Morawa and businesses operating in the Shire at key sites.
- preserve and provide direction to key places of historical significance within the Shire and recognise the names of various localities within the Shire boundaries.

Policy

The Shire of Morawa Signage Policy has been developed in response to the Shire's need for a consistent and integrated approach to entry and information signage across the Shire. The Policy seeks to establish a hierarchy of integrated signs for use within road reserves and on Council owned reserves.

This Policy:

- will enable Council to ensure that signs erected provide clarity of direction, while being complimentary to the natural environment of the Shire; and
- establishes the types of directional signs, categorised by their purpose that are consistent, legible, informative and attractive.

Signage Categories

There are 5 signage categories:

Category 1: Themed entry/exit signs on major roads
Category 2: Themed entry signs (Morawa Townsite)
Category 3: Historic and Locality Signage
Category 4: Visitor Information Bays.
Category 5: Business Area signage.
Category 1: Themed entry/exit (concept) signs

Themed entry/exit (concept) signs on major roads that continue the branding of the Shire

approximately (3.6m high x 1.8m wide).



(with 'Farewell on reverse)

Major Roads are:

- Morawa -Yalgoo Road (Yalgoo boundary)
- Mullewa - Wubin Road (Perenjori boundary)
- Morawa - Mingenew Road (Mingenew boundary)

- Morawa – Three Springs Road (Three Springs boundary)
- Mullewa - Wubin Road (City of Greater Geraldton boundary)

Category 2: Themed entry signs on entries into the Morawa Townsite

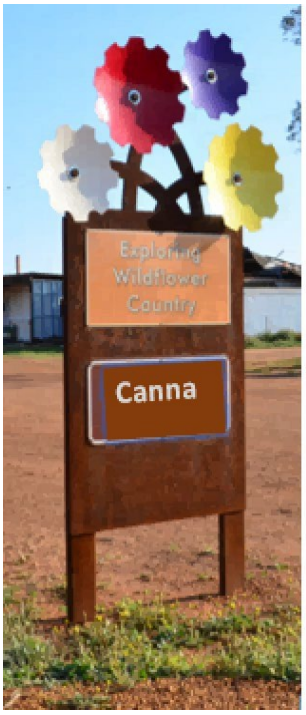
Themed entry signs (Category 1) on entries into the Morawa Townsite is the same as Category 1 but reduced to approximately1.8m high x 0.9m wide.

Category 3 Historic and Locality Signage.

The places noted for signage and locality importance are below:

Locations

- ***Morawa***
- ***Canna***
- ***Gutha***
- ***Koolanooka***
- ***Merkanooka***
- ***Pintharuka***



Category 4 Visitor Information Bays.

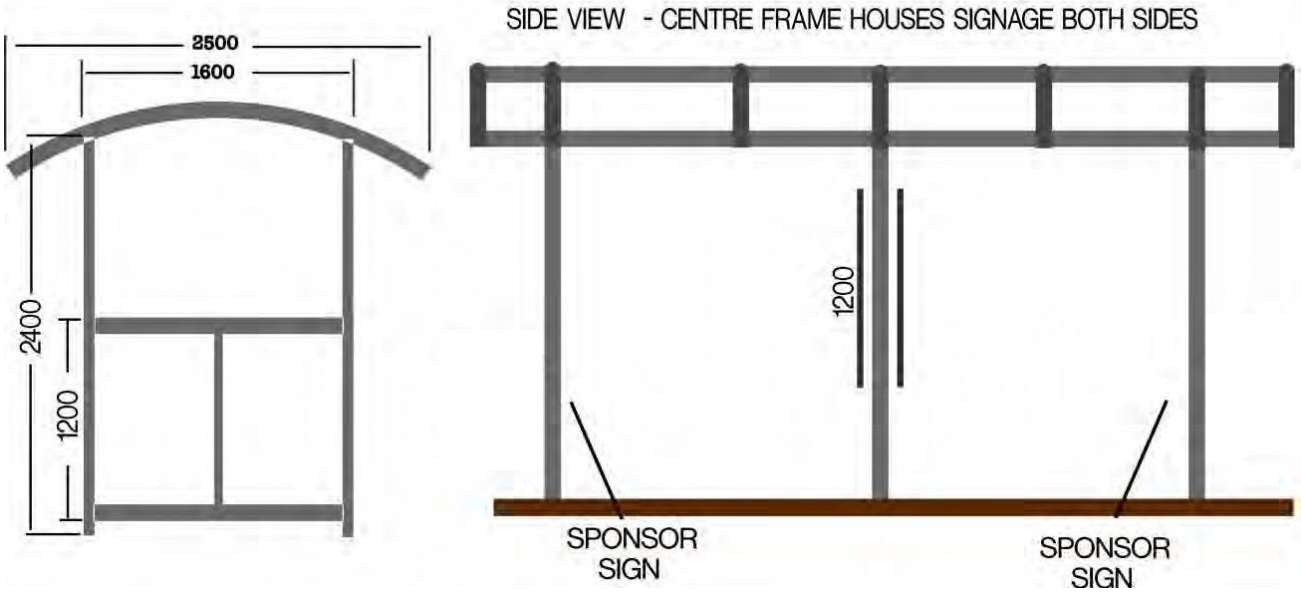
The sites chosen are:

- The existing 'CBH' Visitor Bay located on the western side of the Mullewa-Wubin Road; and
- A new site on the eastern side of Mullewa-Wubin Road, immediately south of the Windmill (subject to MRWA approval).

The Visitor Information Bays will incorporate signage displays, a map and signage that promotes the business community in Morawa.

At the ends of the Information Bays, visitors can stand for a 'selfie' photo with metallic 'Wildflowers' (similar to the Historic and Locality Signage) where Morawa is clearly referenced. The conceptual design of the Information Bays is as follows:


BACK AND FRONT OF CENTRE SECTION
1600X400
SPONSORS OR INFO
1200 X 1600
MAP / TOWN INFO


2500
1600
2400
1200
SIDE VIEW - CENTRE FRAME HOUSES SIGNAGE BOTH SIDES
1200
SPONSOR SIGN
SPONSOR SIGN

Category 5: Business Area signage.

The intention of Business Area signage is to provide guidance to visitors and residents as to where businesses are located in the within the townsite.

1. The Shire of Morawa has information signs along the Mullewa-Wubin Road directing people to businesses and services located within the town centre.

2. The Shire will support applications from businesses to MRWA seeking:

    a. more specific signage along the Mullewa-Wubin Road that encourages passing traffic to visit the businesses in the townsite;

    b. consent to place signage on the Mullewa-Wubin Road directing passes-by to businesses in Solomon Street and on the east side of Morawa;

    c. ‘easy town access’ (similar to signs entering Dalwallinu as per below).



RTED04 Morawa Caravan Park

Aim	To establish guidelines of occupancy for the safe, equitable, and efficient operation of the Morawa Caravan Park.
Application	All guests, visitors, residents, and occupants of the Caravan Park. Contractors and service providers operating within the park Park management and employees.
Statutory Environment	Caravan Parks and Camping Grounds Regulations 1997
Approval Date	OCM 25 August 2026
Last Review	OCM 16 December 2024
Next Review	2030
Review Period	4 years

Objective

The purpose of this Policy is to establish conditions of occupancy and guideline for the safe, equitable, and efficient operation of the Morawa Caravan Park.

Policy

The Caravan Park will be managed in a professional, fair, and transparent manner that promotes safety, respect, accessibility, environmental sustainability, and community amenity.

Occupants are required to comply with this Policy, all park rules, and any reasonable directions provided by management.

General Guidelines

a) All bookings are subject to availability. Online bookings are available for the self-contained chalets and units.
b) Accommodation and site fees must be paid in advance in accordance with the Shire of Morawa Schedule of Fees and Charges, as amended from time to time. The payment can be made by one of the following methods:
    - Contacting the Caravan Park Caretaker on 0460 598 945;
    - Contacting or attend in person at the Shire of Morawa Administration Office at 26 Winfield Street, Morawa, from Monday to Friday between 8.30am and 4.30pm; or
    - Via the after-hours cash payment honesty box located adjacent to the Caravan Park Caretaker's Office.
c) A registration form must be completed for each occupied site, chalet, or unit.
d) Check-in time for all sites, chalets, and units is 2.00pm, and check-out time is 10.00am.
e) Failure to vacate chalet accommodation by 10.00am may result in additional charges. The Shire reserves the right to remove personal belongings from the accommodation and place them in the Caretaker's Office for collection to enable cleaning and preparation for incoming guests.
f) Occupants are required to report any damage, defects, or faulty equipment to the Caretaker as soon as practicable.

g) A separate laundry facility is available for the use of all caravan park guests. The laundry is equipped with coin-operated washing machines and clotheslines.

Terms and Conditions

a) The Morawa Caravan Park is designated for short-stay accommodation only. Occupancy is limited to a maximum stay of seven consecutive days, unless otherwise approved by the Chief Executive Officer.
b) The speed limit within the Morawa Caravan Park is 10 kilometres per hour (km/h).
c) Guests must not create excessive noise or disturbance before 8.00am or after 10.00pm. Visitors are also required to observe these quiet hours. The Caretaker or an authorised Shire officer has discretion to determine what constitutes excessive noise and may take appropriate action where necessary.
d) Guests must comply with all applicable fire restrictions and bans. Campfires, fire pits, and other open flames are not permitted within the caravan park unless authorised.
e) Smoking is strictly prohibited inside all chalets and units.
f) Pets are not permitted inside chalets or units. Failure to comply may result in a cleaning fee being charged to the guest. Refer to the Shire of Morawa Schedule Fees and Charges.
g) Dogs must be kept on a leash at all times while within the caravan park. Owners are responsible for cleaning up after their pets and must dispose of dog faeces in a sealed plastic bag in the bins provided.
h) Disposable nappies and other sanitary or disposable items must be placed in the bins provided and must not be flushed down toilets.
i) Visitor vehicles must not be parked within the caravan park for longer than is considered reasonable. The Caretaker or an authorised Shire officer has discretion to determine what constitutes a reasonable period.
j) Vehicle repairs or maintenance must not be undertaken within the caravan park without the prior approval of the Caretaker or an authorised Shire officer.
k) Wastewater from caravan sinks must be emptied into the designated drainage facilities and must not be discharged onto lawns, gardens, trees, or surrounding land.
l) Sullage and greywater must be disposed of in the facilities provided.
m) Washing of vehicles, caravans and trailers is permitted by bucket only.
n) Occupants are responsible for keeping their site clean and tidy at all times and must use the waste disposal facilities provided.
o) Occupants must comply with any lawful direction given by the Caretaker or an authorised Shire officer in relation to the safe and orderly management of the caravan park.

Termination of Occupancy

a) Failure to comply with the rules and conditions of occupancy by a guest, or any person associated with a guest, may result in the cancellation of the guest's right to occupy the site. In such circumstances, the Caretaker or an authorised Shire officer may require the guest to immediately vacate the caravan park.
b) If a guest's occupancy is terminated due to a breach of these rules and conditions of occupancy, no refund will be payable for any accommodation fees paid in advance. The Shire reserves the right to retain such fees.

RTED05 Markets Policy

Aim	To outline the conditions of holding of Market Days in Morawa
Application	General Public
Statutory Environment	Nil
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To provide guidance and support for the holding of Market Days in Morawa.

Policy

Market Days add significant vibrancy and interest to the social fabric of the local community.

It is also important that Market Day events do not detract but complement the everyday activities of the resident Morawa business sector. In this context, Market Days will be approved to be held at either of the following locations:

a In the Town Square on Winfield Street; or
b In the main Winfield Street TransWA car parking area; or
c North of the Morawa Drapery in Winfield Street; or
d In Pioneer Park located adjacent to the main Winfield Street toilets; or
e In the Town Hall on Prater Street.

RTED06 Morawa Volunteers

Aim	To recogniser the valuable contribution made by volunteers in the Morawa community
Application	General Public
Statutory Environment	Nil
Approval Date	OCM 16 November 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To recognise the valuable contribution made by volunteers in the Morawa community the Shire will hold an annual event to thank those volunteers for giving their time.

Policy

A Shire sponsored event will be held on the third Thursday of October each year following the Ordinary meeting of the Council. The event will consist of a Sundowner / BBQ function which will be held at a location within the Town.

The event budget will be reviewed each year in conjunction with the annual budget. The funds will cover the cost of food, drinks and entertainment. The volunteer community groups invited to attend shall be those listed below:

a) DFES;
b) SES;
c) St John Ambulance;
d) Tourist Centre;
e) RSL;
f) CWA;
g) Red Cross;
h) Lions Club;
i) Historical Society;
j) Hospital Auxiliary;
k) Northern Districts Community Support Group;
l) Opportunity Shop; and
m) Any general volunteers at the discretion of the Shire President and Chief Executive Officer (CEO).

The Community Development Officer will liaise with the Shire President and the Chief Executive Officer on event arrangements in August of each year.

RTED07 Australia Day Citizen of the Year Awards

Aim	To pay tribute to local individuals and groups who have made an outstanding contribution to the community through the Australia Day Citizen of the Year Awards
Application	General Public
Statutory Environment	Nil
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To pay tribute to local individuals and groups who have made an outstanding contribution to the community through the Australia Day Citizen of the Year Awards.

Policy

The Australia Day Citizen of the Year Awards pay tribute to local individuals and groups who have made an outstanding contribution to the community. There are four awards categories:

a) Community Citizen of the Year
b) Community Citizen of the Year – Youth (under 25 years of age)
c) Community Citizen of the Year – Senior (over 65 years of age)
d) Active Citizenship – group or event

The recipients will have been judged to have met a number of criteria including significant contribution to building harmony and inclusion with the local community, leadership on a community issue resulting in the enhancement of community life, a significant initiative which has brought about positive change and added value to community life and inspiring qualities as a role model for the community.

Eligibility for Nominations

a) All individuals being nominated must be an Australian Citizen;
b) If an event is being nominated, a majority of members of the nominated group must be residents of the Shire of Morawa;
c) Nominees for Citizen of the Year or Community Citizen of the Year – Youth must be residents of the Shire of Morawa or who conduct work in the area that benefits the Morawa community and whose achievements and service for others has had a widespread influence on the local community;
d) Self-nominations are notaccepted;
e) Only one person may be nominated per nomination form.

Selection Panel

All eligible nominations are assessed by a Selection Panel comprised of two community members and the Shire President, assisted by the Chief Executive Officer.

Two community members will be approached to join the selection panel during November each year. These two community members will change on a yearly basis. The Awards will be announced at the Australia Day Ceremony held on 26 January each year.

Conditions of Entry

a) The nominator must be an elector of the Shire of Morawa and must provide their full name and residential address and must disclose any relationship to the nominated person;
b) The nomination form must be complete to be eligible for consideration;
c) The name, address, contact details and signature of the two referees supporting the nomination must be supplied;
d) The nominator and the two referees must have signed the nomination form if it is to meet the criteria;
e) Shire of Morawa Councillors or staff are ineligible to make nominations or to be nominated.

The Shire of Morawa must receive all nominations by no later than 5.00pm on 30 November each year. All nomination information and material submitted remains the property of the Shire of Morawa.

The decision of the Selection Panel is final and no correspondence will be entered into.

Nominations

Should be addressed and forwarded as follows:

"CONFIDENTIAL"
Chief Executive Officer
Morawa Active Citizenship Awards
PO Box 14 MORAWA WA 6623

RTED08 Dress Code for Citizenship Ceremonies

Aim	To establish a Dress Code for attendance at Australian Citizenship Ceremonies held by the Shire of Morawa.
Application	General Public
Statutory Environment	*Australian Citizenship Act 2007* *Australian Citizenship Regulation 2016* *Australian Citizenship Ceremonies Code Revised 2019*
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

This Dress Code outlines the Shire of Morawa's expectations for conferees and guests attending Shire of Morawa Citizenship Ceremonies..

Policy

Citizenship Ceremonies are an important event where you make your commitment to Australia.

It is expected that the Councillors and staff will dress in formal or smart casual attire.

It is recommended that conferees and their guests are dressed in formal or smart casual clothing to reflect the significance of the ceremony. National or traditional costume is also acceptable.

RTED09 Morawa Swimming Pool

Aim	To ensure continuity in the operation of the Morawa Swimming Pool
Application	General Public
Statutory Environment	Nil
Approval Date	OCM 16 December 2024
Last Review	OCM 19 November 2020
Next Review	2028
Review Period	4 years

Objective

To address the operations of the Morawa swimming pool.

Policy

Yearly Opening & Closing

The Shire of Morawa Swimming Pool is to open on the third Saturday of October each year and close at the end of the first term school holidays.

In the event of season-changing weather conditions the pool may be closed earlier at the discretion of the Chief Executive Officer, after taking into consideration the forecast daytime temperatures. Maintenance of the pool will be programmed to take place during the closed winter months**.**

Morawa District High School

When the Morawa District High School is given exclusive use of the outdoor swimming pool for the annual faction swimming carnival or inter-school swimming carnival, all children and adults are allowed free entry to the facility. No other members of the public can use the pool during the carnival.

Vacation Swimming Lessons

Parents accompanying children who are participating in vacation swimming classes and who are not swimming are permitted to enter free of charge provided they leave the pool as soon as the classes are completed. VACswim swimming teachers are allowed to have free entry to the outdoor swimming pool while they are teaching vacation and in term swimming lessons.

Morawa Swimming Club Shed

The Shire acknowledges the Morawa Swimming Club Shed which is available for Club purposes.