



Shire of Halls Creek **Administrative Procedures and Operational Guidelines (APOG) MANUAL**

Updated June 2021



This page left blank intentionally

INTRODUCTION

This Administrative Procedures and Operational Guidelines (APOG) Manual has been prepared to assist Council and staff to administer the Shire of Halls Creek. The Manual sits at the lowest level of legal structure in terms of how a Local Government operates;

The order of significance of legislative and legal impact on local government business reads;

- Statutes – Primarily Local Government Act and Regulations
- Other State and Federal Statutes and Regulations
- Subsidiary legislation – Local Laws, Planning Schemes
- Supporting State and Federal Guidelines, Circulars and implied Practice Notes
- Codes, Decisions and Policy of the Council
- Shire manuals of procedure, guidelines and operational practice.

In all levels, Case law also applies. The latest decisions and findings of a legal nature guide and direct the behaviours, attitudes, decisions and responses of the legal position of a local government. On any matter; previously determined legal case decisions and practice must be moulded into the methods of operation. The test that usually applies is to whether the local government's decisions and actions depict legal awareness, fairness, justice and equity of application. A local government strives to apply this philosophy via its Code of Conduct, which is a reflection of the presiding social and political views of behaviour of the times that embed the values described above, without limiting the application of the law that applies.

This APOG manual describes at length how the Shire of Halls Creek will react on administrative and operational matters, without direct reference to the Council for a decision. It also enables Councillors and staff to develop an understanding of the principles and practice that guide us, so that they are in a position to answer questions raised by electors, the public and stakeholders into the business of the Shire. As new practices are refined, drafted or determined, or existing practices are amended, the APOG Manual is updated, maintaining the Shire's most flexible recent view on how it will conduct business.

Obviously, time changes the need for and the relevance of responses. This framework allows the Council to design, recreate or update without being overly influenced by current hot topics, as it develops the best Shire response to matters at a practice level.

The use of procedure in Local Government (LG) sits below the legislative requirements or the 'must do to comply' elements of its business. The Shire of Halls Creek has taken a conscious decision about the way in which it aims to do business. It proposes to minimise the extent of policy, opting more for the development of procedure and guideline to enable constant flexibility and review of what is occurring at a practice and procedure level.

Therefore, in some ways, APOG can be an expression of principle, culture and process or the stated combination of what/how/where and when the Council would like to see its business matters dealt with. It has some standing in the order of how business will be conducted when applied to the current business agenda, but mostly it provides the outline and guidance of what should occur to address the business matter.

But what if the interpretation of APOG identifies that the matter cannot be accurately addressed, or that the practice takes away from the cultural or principled positions of the Council? Then at those times review is required, to again clarify what is the Council's intent within the law and what applies in each particular case. Contemporary practice can always be adopted by staff at any time; as long as the resulting actions fall within the law of the day.

APOG therefore is reviewed constantly and tested against live examples to ensure that the practices are consistent with Council’s current stance on matters.

Noel Mason
Chief Executive Officer
June 2019

INDEX

INTRODUCTION	3
--------------------	---

ADMINISTRATION

A1 ACKNOWLEDGEMENT AND WELL WISHES FROM THE SHIRE.....	8
A2 AGENDA & MINUTES - DELIVERY	9
A3 ADVERTISING – STATUTORY AND GENERAL.....	10
A4 BRANDING – SHIRE LOGOS (OLABUD TOO).....	12
A5 COUNCIL CHAMBERS – USE OF	14
A6 COUNCIL MEETING – GUEST SPEAKERS	15
A7 COUNCIL MINUTES – DISTRIBUTION, RELEASE, BINDING AND STORAGE OF.....	18
A8 COUNCIL - WELCOME TO HALLS CREEK EVENT	20
A9 BUDGET PREPARATION	21
A10 CASUAL HIRERS LIABILITY	22
A11 COMMUNITY CONSULTATION AND COMMUNICATION.....	23
A12 COMMUNITY ENGAGEMENT STRATEGY	27
A13 COMMUNITY STRATEGIC PLANNING OUTCOMES	30
A14 GRANTS – SHIRE NOT TO APPLY FOR GRANTS ON BEHALF OF OTHER ORGANISATIONS....	33
A15 HOUSING – STAFF RENTALS	34
A16 INFORMATION TECHNOLOGY (IT) - DATA	40
A17 INFORMATION TECHNOLOGY (IT) AND TELECOMMUNICATIONS EQUIPMENT USE	43
A18 IT & SOCIAL MEDIA – USE OF	50
A19 OCCUPATIONAL SAFETY & HEALTH	58

FINANCE

FIN1 PAYMENTS	60
FIN2 RATING ADMINISTRATION.....	64
FIN3 VARIANCE LEVELS FOR FINANCIAL REPORTING	66
FIN4 EXPENSE CLAIMS – PROMPT LODGEMENT.....	67

GOVERNANCE

GOV 1 REMOVAL OF ELECTION AND POLITICAL SIGNS	68
-----------------------------------------------------	----

HEALTH AND REGULATORY SERVICES

HLT1 MOBILE FOOD VENDING VEHICLES AND TEMPORARY FOOD STALLS	70
HLT2 REFUSE SITE OPERATION	85
HLT3 RUBBISH BINS – RESPONSIBILITY OF PROPERTY OWNER	86
HLT4 FIREARMS STORAGE AND USE.....	87

HUMAN RESOURCES

HR1 DRUGS AND ALCOHOL	89
HR2 EMPLOYMENT MEDICAL.....	93
HR3 EMPLOYEE ASSISTANCE PROGRAM (EAP)	96
HR4 EMPLOYMENT – POLICE CLEARANCE.....	98
HR5 FLEXIBLE WORK ARRANGEMENTS.....	101
HR6 GENERAL BENEFIT – PERMANENT EMPLOYEES.....	103
HR7 GRIEVANCE PROCEDURES	105
HR8 INDUCTION OF NEW EMPLOYEES	109
HR9 LONG SERVICE RECOGNITION	110
HR10 LOSS OF DRIVERS LICENSE	111
HR11 PERFORMANCE MANAGEMENT – STAFF.....	113
HR12 PROTECTIVE CLOTHING – OUTSIDE STAFF	114
HR13 SECONDARY EMPLOYMENT	118
HR15 STUDY LEAVE	125
HR16 SEXUAL HARASSMENT	128
HR17 TRAVEL AND OUT OF DISTRICT ALLOWANCES	131
HR18 WORKPLACE BULLYING	133
HR19 WORKPLACE TRAINING AND DEVELOPMENT.....	135
HR20 VEHICLE – PRIVATE USE	137

COMMUNITY SERVICES

RS1 BUSHFIRE ADMINISTRATION	141
RS2 BUSHFIRE CONTROL - FIREBREAKS & PROPERTY CLEANUP	143
RS3 BUSHFIRE CONTROL – SHIRE PLANT FOR USE OF	144
RS4 BUSHFIRE CONTROL - SUSTENANCE	145
RS5 DOMESTIC WASTE.....	146
RS6 FOOD SAFETY COMPLIANCE & ENFORCEMENT PRACTICE	147
RS7 SEACONTAINERS USE OF – TOWN PLANNING.....	154
RS8 SECOND HAND DWELLINGS – USE OF – BUILDING CONTROL	156
RS9 TEMPORARY ACCOMMODATION.....	160
RS10 UNAUTHORISED STRUCTURES – BUILDING CONTROL.....	161

WORKS

W1 ASSET MANAGEMENT.....	162
W2 CROSSOVERS - RESIDENTIAL PROPERTIES	164
W3 CROSSOVERS – COMMERCIAL AND INDUSTRIAL.....	169
W4 GENERAL - WORKS PRACTICES	173
W5 GRAVEL SUPPLIES	175
W6 ROADS - CLEARING	177

W7 ROADS - DAMAGE TO	181
W8 ROADSIDE MARKERS – MANAGEMENT OF	183
W9 STORMWATER DRAINAGE.....	184
W10 STREET TREES	186
W11 STREETScape - IMPROVEMENTS.....	187
W12 ROADSIDE BURNING	189
W13 USAGE OF LIVESTOCK GRIDS & INSTALLATION	191

Administrative Procedures and Operational Guidelines (APOG) Manual

Shire staff will issue the APOG Manual in electronic format. A hard copy will be available on request. The APOG manual is to be reviewed biannually but amended each year prior to the adoption of the Policy Manual in June. The review includes changes to the Delegated authority that may result.

A1 ACKNOWLEDGEMENT AND WELL WISHES FROM THE SHIRE

Administration

PREAMBLE: To provide scope for the Shire staff on behalf of the Shire to provide suitable acknowledgement to individuals and families in recognition of events occurring in their lives.

OBJECTIVE: To provide guidance regarding the use of Shire resources in recognition of personal events in the lives of employees, Councillors, past Councillors, close affiliates of Council or their families.

PRACTICE: PROCESS: The Council may send flowers, cards or small gifts and insert suitable notices in the local paper to recognise personal events in the lives of employees, Councillors, past Councillors, close affiliates of Council or their families.

In so doing, assistance with the procedure is to be encouraged from employees and Councillors, but due regard is to be had always to such things as length of service (employees or Councillors), community attitudes, input and involvement from others.

In all cases the acknowledgement should come from the Shire President and where appropriate from the Chief Executive Officer.

This acknowledgement can extend to the Shire providing financial or other assistance to families during Sorry Business both in Halls Creek and in Shire communities. Whilst this will not be possible in all cases/circumstances, where with the Chief Executive Officer's approval, a request for assistance or an acknowledgement for assistance is received, support can be provided.

INSTRUCTION TO STAFF: All formal requests for assistance or acknowledgement should be directed to the relevant Director for action. The CEO to be informed of the proposed support/acknowledgement in writing for confirmation.

HEAD OF POWER: Local Government Act 1995, Shire of Halls Creek Financial Assistance/ Donations procedures.

Procedure Number	A1 previously ADM 14
Responsible Department	Administration previously Executive Services
Adoption Resolution Number	2012/176
Adoption Date	18 October 2012
Review Date & Resolution	17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/ 091) 17 June 2021 (Resolution no. 2021/067)

A2 AGENDA & MINUTES - DELIVERY

Administration

PREAMBLE: To formalise procedures for the timely delivery of Agenda's and Minutes to Councillors.

OBJECTIVE: To ensure Councillors receive copies of all Council Meeting Agendas and Minutes as soon as they are ready, to ensure that Councillors have access to the most up to date information.

PRACTICE: Elected members may indicate their preferred format for Minutes or Agendas (hard or email copy) and this request will be where possible followed. All Council meeting Agendas, Attachments and Minutes are to be sent in the elected members preferred format, and/or held in hard copy at the Shire office, as soon as they have been prepared and cleared by the Chief Executive Officer.

The Agenda for subsequent meetings will not include a copy of the previous meeting's minutes, having previously been forwarded, therefore elected members will be responsible for bringing the Minutes of the previous meeting with them to the meeting at which they are to be confirmed.

Wherever possible, hard copy Agenda will be provided on the Friday before the Ordinary meeting date.

Once the Minutes have been completed and distributed to Councillors, a copy is to be posted on Councils website.

PROCESS: Minutes and Agendas of all Council meetings are to be emailed or delivered to elected members as soon as they have been prepared and cleared by the Chief Executive Officer no later than Friday prior to the next Council meeting.

The CEO will advise by email if this timeline cannot be met.

INSTRUCTION TO STAFF: Maintain a list of Councillor preferences for Agenda format and as a safety measure, one copy of the previous Minutes should be held by the Secretary on hand at the commencement of each Council or Committee meeting.

HEAD OF POWER: Local Government Act 1995

Procedure Number	A2
Responsible Department	Administration
Adoption Resolution Number	2019/091
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A3 ADVERTISING – STATUTORY AND GENERAL

Administration

PREAMBLE: To provide guidance on the appropriate and preferred advertising channels for shire communications.

OBJECTIVE: There are constantly medium and mode changes in the requirements for advertising. The Shire's aim is to provide the most cost effective medium for the purpose of the communication and target the communication to reach the widest audience. Advertising that is fit for purpose is the objective, knowing that there are also legislative requirements to address.

PRACTICE: Council will publish public notices in a range of media channels taking into account the target audience, cost effectiveness, and regulatory requirements. Media channels may include the Halls Creek Herald, the Kimberley Echo, the West Australian, local newsletters and email distribution lists, Facebook and Instagram followers and the Shire's website and local notice boards.

Public notices may also be supported by communication via PRK Radio and community engagement barbeques.

PROCESS:

Where there is a statutory requirement for local public notices to be published at weekly intervals, they will be published in the Kimberley Echo newspaper to achieve compliance. Such notices may also be published at least once in the Halls Creek Herald and / or other local media channels to ensure that local Halls Creek people have the opportunity of seeing such notices.

State wide public notices are to be published in the West Australian newspaper.

Tender notices relating to the procurement of goods and services for which the proposed supply could be expected to be procured from a supplier within the general Kimberley region shall be published, wherever practicable, in the Kimberley Echo, Shire's Website or if when procurement is via the WALGA Panel, the E Tender format and direct to relevant suppliers.

Advertising on Facebook or Instagram must be approved in advance by the appointed Facebook or Instagram administrator or by the CEO prior to placement if the administrator is not available.

All other advertising can be approved by the relevant Director and where required accompanied by a Purchase Order and quote.

Statutory advertising must also be approved by the CEO or Directors before placement on the website, Press or radio.

INSTRUCTION TO STAFF: Statutory advertising has been a moving feast in recent years. The Local Government Act 1995 has been amended many times to reflect the changing face of advertising and communication to the public. Do not take for granted that the means used at the last round of statutory advertising is the same. Check the requirements of the LG Act on each and every occasion.

The Shire has also changed emphasis on how we advertise, with our web-based advertising (whilst a statutory requirement) being supported and exceeded by Facebook

posts and Instagram in terms of reach and coverage. Be prepared to use these mediums as pointers to the statutory advertising.

Advertising comes with a cost – ensure that procurement of the advertising conforms to the Shire’s procurement policy.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	A3 previously ADM 12
Responsible Department	Administration previously Corporate Services
Adoption Resolution Number	2012/176
Adoption Date	18 October 2012 (Resolution no. 2012/176)
Review Date & Resolution	18 October 2012 (Resolution no. 2012/176) 17 April 2014 (Resolution no. 2014/014) 17 December 2015 (Resolution no. 2015/117) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A4 BRANDING – SHIRE LOGOS (Olabud Too)

Administration

PREAMBLE: The Shire of Halls Creek has maintained a number of different branding logos representing the activities of the Shire over the years. The various brands are very important and affords instant recognition with residents and stakeholders of the Shire involvement. Protection and use of the brand must be managed.

OBJECTIVE: To provide guidance for the use of the Shire of Halls Creek logo.

PRACTICE: The Shire of Halls Creek logo is as follows:



PRACTICE: The Olabud Doogethu logo is as follows:



PROCESS: The use of this logo is only allowed through written permission of the Chief Executive Officer, and will only be considered for Council sponsored-events or where there is a clear demonstration of a Council commercial or strategic benefit.

The Shire of Halls Creek and Heart of the Kimberley are registered business names and a trademark exists. Unauthorised use of the logo will result in prosecution.

INSTRUCTION TO STAFF: All applications for the use of the Logo by external organisations must be submitted to the Chief Executive Officer for approval.

HEAD OF POWER: Local Government Act 1995

Procedure Number	A4 previously ADM 13
Responsible Department	Administration
Adoption Resolution Number	
Adoption Date	25 July 2005
Review Date & Resolution	25 July 2005 21 March 2013 (Resolution no. 2013/013) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A5 COUNCIL CHAMBERS – USE OF

Administration

PREAMBLE: The Shire Council Chambers is an area dedicated to the conduct of the business of the Council, and the Shire President is responsible for the maintenance and use of this area on behalf of Council. It has many historical and important artefacts on display, and as a purpose specific space, it is hard to reorganise for other business meetings. For this reason, the Chambers are restricted in use.

OBJECTIVE: To provide guidance to staff and Councillors on the use of the Shire Council Chambers.

PRACTICE: The Council Chambers will only be used for Council functions and Shire controlled meetings, where no other suitable Shire venue is available.

It is Council's preference that community groups and organisations should not use the Council Chambers but should be directed to other Council owned public buildings.

PROCESS: In all cases, the Shire President, or in his absence, the Deputy President shall provide agreement for the use of the Chambers. Each President will provide general instruction to the Chief Executive Officer of the nature and types of meeting, workshops and functions that can be held in the Chambers and these wishes will be applied.

In all cases where the Chambers are required for a function outside of the general instructions, the CEO or staff will contact the President for approval to use.

INSTRUCTION TO STAFF: The CEO will provide the Presidents general instruction for use of the Chambers.

The CEO as a matter of courtesy will inform the President on each occasion that the Chambers are to be used for a function, meeting or event. For those events outside of the general instruction for use, will require the President's approval.

Note: Current instructions to staff.

The president approves the use of the meeting room - when Shire Councillors or Shire staff are involved in the meeting and attend the meeting being conducted. If no Shire Councillors or staff are attending - the President must be contacted to discuss use and his decision is final.

HEAD OF POWER: Shire of Halls Creek procedures

Procedure Number	A5 previously ADM 15
Responsible Department	Administration previously Executive Services
Adoption Resolution Number	2012/176
Adoption Date	18 October 2012 (Resolution no. 2012/176)
Review Date & Resolution	18 October 2012 (Resolution no. 2012/176) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/)

A6 COUNCIL MEETING – GUEST SPEAKERS

Administration

PREAMBLE: The Council of the Shire of Halls Creek values its engagement and facilitation role. To act on behalf of its community and stakeholders, it is essential for Councillors to regularly receive and consider presentations to the Council members to keep them informed and aware of the issues. Whilst Council has a Local Law regarding the conduct of Council meetings, this procedure fills in some of the background protocols in preparing the public to present to Council.

OBJECTIVE: To provide guidance to staff regarding the protocol for persons wishing to address a Council meeting as a guest speaker or provide a presentation.

PRACTICE: Council will support the scheduling of guest speakers/presenters at Council meetings where the subject matter is one of general information for all Councillors and not requiring any Council decision. Any matter requiring a decision of Council must be contained in a report from staff at that or subsequent meeting.

PROCESS: Guest speakers/presenters must make application to the Shire Chief Executive Officer at least 3 weeks prior to the Ordinary Meeting of Council (OMC) for consideration by the President.

Whilst speakers will be limited to approximately ten minutes duration with an allowance of approximately five minutes for questions from Councillors, the president in his/her sole discretion is allowed to determine the number of speakers allowed to speak and the number of presentations given at each OMC. The President's determination will be based on the nature of the request, the business of the Council listed for the particular OMC and the relevance of the request in terms of Community based issues, timing of the matter before Council and whether the presentation relates to topics of current interest of the Councillors.

This procedure is not to be construed so as to allow persons to make submissions for or against items on the OMC Agenda, or to canvas issues that may be addressed by Council in the near future.

The Shire President is authorised to approve or decline requests to address Council meetings.

All other matters of note are addressed in the Shire local law.

INSTRUCTION TO STAFF: All requests to make a presentation to an OMC of Council to be channelled to the Chief Executive Officer for presentation to the President for a decision. Requests generally should be in writing.

HEAD OF POWER: Local Government Act 1995

Procedure Number	A6 previously ADM 16
Responsible Department	Administration previously Executive Services
Adoption Resolution Number	2012/185
Adoption Date	15 November (Resolution no. 2012/185)
Review Date & Resolution	15 November (Resolution no. 2012/185) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ 15 | Page



PO Box 21
HALLS CREEK WA 6770
Tel: (08) 9168 6007
Fax: (08) 9168 6235
Email:
hcshire@hcshire.wa.gov.au

Application to Present at Ordinary Council Meeting

Meeting Date:	
----------------------	--

Speakers (s) <i>(maximum of two)</i>	
Name/s and Organisation:	
Contact Details (Ph):	Email:

Other Parties in Attendance <i>(maximum of three)</i>	
1	
2	
3	

Brief Outline of Presentation:

Presentation Guidelines

Requests for presentations are to be made in accordance with the following guidelines:

1. Applications for presentations to an Ordinary Council Meeting must be sent to ceoea@hcshire.wa.gov.au by 12 noon on the day of the meeting.
2. The President has the right to decline the request.
3. Officers will provide a specific time and/or instructions to attend the Ordinary Council Meeting by 3 pm on the day of the meeting.
4. Presenters must not address the meeting for a period exceeding 15 minutes without the agreement of the meeting.
5. Applicants invited to present must not exceed 5 persons, only 2 of whom may address the meeting, although others may respond to specific questions from the Council and Committee members.
6. Once the presentation has concluded, the presenters will be requested to sit in the public gallery and will not be permitted to speak again.

Please email completed form to ceoea@hcshire.wa.gov.au

Note:

- 1 *Presenters are encouraged to be succinct and address information that the Shire may not be aware of - or information not contained in the reports before the Council. Presenters should address issues in a manner that explains what they are going to do/propose/support. This is not a question and answer session seeking information about what the Shire is going to do/propose/support..*
- 2 *Presenter must arrive prior to the commencement of the Council meeting to set up IT or information boards needed for the presentation - this will not be done during the meeting unless by the agreement of the President.*
- 3 *Presenters are not to sit at the Council Chamber table unless invited by the President - the Council's preferred approach is that presenters stand at the head of the table or adjacent to their IT presentation and present from there.*
- 4 *At the conclusion of the presentation and follow up questions from the Council (if any) - the presenters should exit without collecting up their material. This can be done when Council breaks - or the material should be left for staff to collect when appropriate.*

A7 COUNCIL MINUTES – DISTRIBUTION, RELEASE, BINDING AND STORAGE OF

Administration

PREAMBLE: Minutes are the official record of all matters transacted at a Council or Committee meeting. Minutes have a role at law, and remain challengeable in terms of accuracy, and can be taken into a Court as the true and correct record of what has been transacted. For this purpose, the accuracy of the record, the retention and care of the record is a critical process of the Shire.

Additionally, Minutes are historical documents, they hold immense volumes of material in relation to the history of the day, and contain a clear record in historical terms of the business of the community of the Shire of Halls Creek.

OBJECTIVE: To provide clear instruction as to the method of presentation and retention of Minute records.

PRACTICE: The Shire of Halls Creek makes available copies of Minutes when confirmed, on the Shire website and in hard copy at the Shire library.

Minutes have no legal status until confirmed by the next meeting of the Council or the Committee concerned, therefore great care should be taken to ensure that the version being read has been confirmed as a true and correct record. Until this point, staff Councillors and the public should act as if the Minutes are produced in “good faith” – to be confirmed.

Minutes are the record of the reports submitted to Council for consideration (and attachments) and provide a recommendation followed by a Council decision or a Committee recommendation. Numerous thought elements, Shire policy and statutory requirements converge to make the recommendation; therefore, it cannot be read in isolation. In many instances, due to the complexity of the issue, the recommendation may be broken down into many numbered parts and these must also be considered in context and composition, not as individual stand-alone elements.

PROCESS: A copy of the minutes of all Council meetings and committee meetings, electronically watermarked in red with the wording “Please note - These minutes have yet to be confirmed by Council/Committee as a true record of proceedings” are to be made available for perusal by members of the public at the Council Office and Council Library as soon as possible following each meeting but within the time limits prescribed by Local Government (Administration) Regulation No 13.

An electronic copy (in readable PDF format) is to be registered in the public library of the Council’s electronic document management system so that it can be publicly accessed through the information portal on the Shire of Halls Creek website.

Any person may be provided with a printed copy of any page or pages of any Council meeting or committee meeting minutes, on payment of the current copying charges that apply. Such copies issued that are of minutes that have not been confirmed are to be stamped with the wording “Please note – These minutes have yet to be confirmed by Council/Committee as a true record of proceedings”.

After each set of minutes have been confirmed and certified as required by sub-section 5.22 (3) of the Local Government Act 1995, a readable PDF format electronic copy of the confirmed minutes is to replace the unconfirmed minutes in the public library of the electronic document management system.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **18** | Page

At six-monthly intervals (or more frequently if the volume so requires) the confirmed and certified minutes, and any public supporting documents as required by Regulation 34 of the Local Government (Financial Management) Regulations 1996 or other regulations, are to be bound.

Binding of confirmed and certified minutes is to be carried out by a professional bookbinding firm. Confirmed and certified minutes are not to be bound using binding combs, thermal binding sleeves, gluing into scrap-books or any such other inferior methods.

Bound minutes are to be stored in the dust-free, glass-fronted cabinets provided in the Council Chamber for that purpose.

All electronic records are to be maintained in accordance with the current Shire of Halls Creek Record Keeping Plan.

INSTRUCTION TO STAFF: Each year, staff are required to prepare Minutes for binding and ensure that all electronic versions are comprehensive and include all attachments prior to binding.

Staff are required to review and apply the Dept. of Local Government formal instructions in terms of Minute record keeping annually to ensure that changes and updates are incorporated into Shire of Halls Creek practice.

HEAD OF POWER: Local Government Act 1995

Procedure Number	A7 previously ADM17
Responsible Department	Administration previously Executive Services
Adoption Resolution Number	2012/195
Adoption Date	13 December 2012 (Resolution no. 2012/195)
Review Date & Resolution	13 December 2012 (Resolution no. 2012/195) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A8 COUNCIL - WELCOME TO HALLS CREEK EVENT

Administration

PREAMBLE: The effective integration and involvement of residents, stakeholders and Agency heads into the Halls Creek community depends on early introduction to the community. To facilitate the bringing together of new residents, stakeholders and agency heads, the Shire will conduct a welcoming event each year in February or March.

OBJECTIVE: To welcome new residents, to explain Council services and facilities, conduct introductions to other players in Halls Creek and to enable new arrivals the opportunity to meet Council representatives and other locals.

PRACTICE: Council will hold a "Welcome to Halls Creek" event in February/March each year, including an appropriate welcome to country by the Aboriginal elders of Halls Creek. The gathering whilst targeting introduction, will also be used to provide cross-cultural awareness as it relates to the Halls Creek society.

The objective of the function is to welcome new residents, stakeholders and agency staff to Halls Creek and to explain Council community development strategies, services and facilities and to enable new arrivals the opportunity to meet Council representatives and other locals.

Nothing in this procedure is to be interpreted as preventing the Council from partnering with other organisations in delivering the "Welcome to Halls Creek" event.

PROCESS: Staff will maintain a record of Halls Creek agencies and in early January request an update of the staff changeovers. New staff and agency heads will be invited along with a list of Halls Creek specific senior and elder invitees.

The Shire President in conjunction with the Chief Executive Officer will determine the nature and type of function planned. Councillors will receive automatic invitation to the event.

Staff will make all arrangements including RSVP lists.

INSTRUCTION TO STAFF: As above.

HEAD OF POWER: Local Government Act 1995; Shire of Halls Creek procedures

Procedure Number	A8 previously ADM 09
Responsible Department	Administration previously Corporate Services
Adoption Resolution Number	2012/155
Adoption Date	20 September (Resolution no. 2012/155)
Review Date & Resolution	20 September (Resolution no. 2012/155) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A9 BUDGET PREPARATION

Administration

PREAMBLE: Each year the Shire aims to consider a draft budget for adoption by the July Ordinary Meeting of Council (OMC) date. To achieve this aim, the current draft Corporate Business Plan (CBP) and the 10-Year Long Term Financial Plan (LTFP) both need to be updated in April and compiled by the first week of May for inclusion and report in the May OMC.

This will allow staff to assess budget CBP, LTFP and Councillor and public requests in sufficient time. It is imperative that ample time be provided for research and referral to Council for endorsement to proceed to the budget.

OBJECTIVE: To remove late items being presented for consideration for inclusion in the Corporate Business Plan after the draft Budget has been prepared.

PRACTICE: All requests from community groups, elected members and staff to be included in the annual Corporate Business Plan, shall be lodged with the Chief Executive Officer no later than the 31st of March in each year.

If the Chief Executive Officer receives a request later than the 31st of March, the Chief Executive Officer is to advise the applicant without reference to Council that the request is rejected due to lateness and that the request will be referred to the mid-year review with no guarantees of success.

The Chief Executive Officer is to advertise in February each year on the Shire Website, Facebook and Instagram pages that submissions for the next Corporate Business Plan review close on the 31st of March each year and that there will be no exceptions for late submissions will be considered.

PROCESS: The Chief Executive Officer is to arrange an advertisement calling for submissions in February each year, advising that the 31st of March is the deadline with no exceptions.

All submissions are to be referred to the Chief Executive Officer and directed by the Chief Executive Officer to the relevant Manager for research and referral to Council for the Corporate Business Plan.

Where submissions are received after the 31st of March in any year the Chief Executive Officer is to reject the request and refer the matter to the Director Corporate Services and the Manager for Finance for the mid-year review.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Financial Management Regulations Part 2 5. (g), Local Government Act 1995.

Procedure Number	A9
Responsible Department	Administration
Adoption Resolution Number	2019/091
Adoption Date	25 July 2019 (Resolution no. 2019/091)
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A10 CASUAL HIRERS LIABILITY

Administration

PREAMBLE: Local Government Insurance Services advise that with respect to hire of buildings/facilities to other parties, the Shire must ensure that a 'Casual Hirers Liability Policy' exists and that the Shire are indemnified against bodily injury and/or property damage as a result of the hire.

OBJECTIVE: To provide security for users of Shire halls, facilities and events.

PRACTICE:

Insurance – Incorporated Bodies

That any incorporated body that wishes to hire or use a Shire facility must provide detail of insurance cover that will indemnify the Shire against any possible insurance claim as a result of that use or hire.

Insurance – Unincorporated Bodies

That any unincorporated body that wishes to hire or use a Shire facility in excess of ten times per annum, must provide detail of insurance cover that will indemnify the Shire against any possible insurance claim as a result of that use or hire.

Note: Local Community Insurance Services (LCIS) provide this cover.

PROCESS: Persons and groups wishing to hire Shire halls, facilities or conduct events are to make application to the Shire on the designated application form.

In the case of events, all events that require planning consideration and approval MUST provide insurance certificates detailing the nature and scope of the insurance cover held.

Applications are to be assessed by the delegated officers and referred to the CEO when insurance cover is not detailed and/or provided.

INSTRUCTION TO STAFF: To the CEO to ensure that hirers of Shire facilities carry adequate insurance before hire takes place.

HEAD OF POWER: Local Government Act 1995 2.7 (2) (b)

Procedure Number	A10
Responsible Department	Administration
Adoption Resolution Number	2019/091
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A11 COMMUNITY CONSULTATION AND COMMUNICATION

Administration

PREAMBLE: A most significant and critical function of a local government is the manner in which it communicates with its stakeholders. Whilst the Shire of Halls Creek supports instance specific approaches, a degree of process consistency helps learning in how to communicate, consult and include more people in the process. This procedure promotes a framework that may help this learning.

Additionally, it is recognised that Consultation and Communication is different to Engagement. (See Community Engagement Strategy) Engagement is a bottom-up, shared inclusive decision making and problem solving process with community; whereas Consultation and Communication relates to decisions already taken that are being communicated for information, possible comment, viewpoints or feedback, with review being limited and input restricted to a particular matter or aspect. Consultation and Communication is not an invitation to participate in the decision-making process.

From a Shire perspective the following terminology applies.

Advocate - The Shire becomes a mouthpiece for the voice for the local community, promoting local interests, themes and requirements. The Shire's role is to present the case.

Facilitate - The Shire helps to make it possible or easier to meet the community needs.

Fund - The Shire helps to fund organisations, services or businesses to deliver essential community services and events. The Shire may donate its contribution by way of waiving the cost for services/facilities/fees and charges donated.

Partner - Where the Shire works with others in a strategic alliance in the interests of the community.

Provide - Where the Shire directly provides a range of services to meet community needs, either by in-house staff, contract agreements or through the use of facilities e.g. road maintenance and construction, grassed oval, swimming pool, CCTV, environmental health, public lighting and street lights.

Regulate - Where the Shire is the regulatory body responsible for the legislation, local laws, animal management, public health, signage and much more.

OBJECTIVE: To provide a framework and guidance to the Council and staff about the process of consultation and communication. The framework aims to provide the basis for informed decision-making, post consultation analysis and organisational wide learning.

PRACTICE: The following principles shall apply to Shire of Halls Creek consultation and communication processes:

1. Commitment to Targeted, Culturally and Socially Sensitive Consultation and Communication

Shire of Halls Creek is committed to providing leadership on this issue. We expect information presented in consultation to be targeted and culturally and socially appropriate, therefore our policy development, administration and key projects need to embed the appropriate values that support this.

2. Rights of All

The stakeholders of the Shire of Halls Creek have a right to be consulted and actively participate in communication processes, therefore access to full, complete and comprehensive information is essential for them to provide feedback on policy-making and key project development. The Shire of Halls Creek's obligation is to effectively respond to stakeholders when they express a right for better information, consultation and communication.

3. Clarity About Purpose

Limits to information, consultation and active participation during policy making and key project development will be defined from the outset. The role of Shire of Halls Creek (including Council and staff) is to be clear to all as to the extent of community involvement possible prior to embarking on consultation and communication processes and to be sure that the process is not including or mixing 'engagement'.

Methods of Communication - Category Levels and Methods

In those instances where targeted consultation and communication is to be conducted with a view to seeking stakeholder feedback, the consultation will take either the form of a letter, notice, or advertisement determined suitable for the specific target audience.

All items advertised for public comment shall be accompanied by a Consultation paper that will:

- Set out details of the proposal or a part thereof in respect of which comment is being sought;
- Explain the constraints that impact upon the proposal;
- Set out the Council's decision to consult and communicate, where specific information is contained in the Council decision;
- Make clear the extent of the consultation and communication being undertaken;
- The reasons for undertaking the consultation and communication including a summary of questions in respect of which comment is sought;
- Provide easy and multi access technologies for the stakeholders to offer valid and constructive comment; and
- Specify the time frame within which any comments or submissions should be made.

The method of consultation used by Shire of Halls Creek will relate to the likely extent of the impact on the membership, stakeholders and community and the anticipated interest the issue will generate:

Level A – No Consultation

No consultation will occur where the proposal is determined as having no predictable detrimental impact or where consultation or communication has previously occurred and/or only minor concerns were previously raised.

Level B – Information Only Advice

"Information only" advice will be provided where proposals are determined as being of interest of members and stakeholders, the activities or events are within the usual Shire of Halls Creek programs, detrimental impacts are unlikely and the activities or functions are consistent with previous Shire of Halls Creek business. The following methods of notification will generally be adopted, Council Notices in prominent locations in each community affected, email advice, Facebook or Instagram contact, Website advertising or Blog or SMS direct to affected locations or persons, or Letters directly to members or stakeholders and/or advertisements in locally produced community Newsletters in each community determined suitable by the Chief Executive Officer.

Level C – Consultation and Feedback

Where in respect of any proposal the Shire deems a direct and lasting impact on the whole of the community membership and stakeholders, or regional feedback is required; then the Shire will advertise detailing the consultation process to take place. (E.g. Special Electors Meeting, Public meetings, Special Council meetings, formal comment periods etc.). The following methods of notification will generally be adopted; Shire Notices in prominent locations in each community affected; or a public notice in a local newspaper or journal and/or advertisements in locally produced community Newsletter in each community, as determined suitable by the Chief Executive Officer.

Evaluation

Shire of Halls Creek will actively and openly evaluate its consultation and communication processes and practices. The results of evaluation will directly impact upon future consultation and communication initiatives. Measures of success of consultation and communication will include assessments of whether:

- The information needs of all parties/stakeholders have been met;
- Expectations concerning the process have been met;
- The process has encouraged the generation of discussion and feedback;
- Overall understanding has been enhanced;
- Relationships between Shire of Halls Creek and the stakeholders have been enhanced; and
- The decision/s resulting from the consultation and feedback have been stable and enduring.

Time – Not Rushed

Consultation will be undertaken as early in the administrative and project processes as possible to allow a greater range of input to emerge and to raise the chances of successful implementation. Adequate time will be made available for consultation and communication to be effective.

Objectivity

Information provided by Shire of Halls Creek during policy development and key projects will be objective, complete and accessible. All those involved in a consultation and communication process will have equal treatment when exercising their rights of access to information and participation.

Resources

Shire of Halls Creek will ensure adequate financial, human and technical resources are available to make a consultation and communication initiative effective. The allocation of resources will be considered in relation to broader budgetary constraints and the implications to existing priorities.

Coordination

Consultation and communication on specific policy-making and key projects will be coordinated to ensure knowledge management, adequate coverage and removal of duplication and the risk of “consultation fatigue” for stakeholders.

Accountability

Shire of Halls Creek will be accountable for the use of material and information received from the public following consultation. A consultation and communication process and will ensure processes are open and transparent to external scrutiny and review. In those cases where Councillors are concerned that the subject matter may require a higher level of community consultation, they can do so through resolution at normal meeting processes.

PROCESS: The approaches for specific consultation and communications will be tailored to the target audiences and consider all factors outlined in this policy.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Feedback

Processes for feedback where requested - in contact/writing providing a minimum of 14 days (or such other period as may be advised) for the lodgement of any comments or submissions; or in the case of a person wanting to lodge a verbal submission to a Shire of Halls Creek staff member (who will take notes on the matter) and forward this to the Chief Executive Officer.

Other Formal Comment Processes

There are many other formal consultation and communication processes required by local government. Many have statutory timeframes applicable with comment and feedback specific processes. It is the intention of this policy to influence these processes and wherever possible they be applied consistent to these principles.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	A11
Responsible Department	Administration
Adoption Resolution Number	019/091
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A12 COMMUNITY ENGAGEMENT STRATEGY

Administration

PREAMBLE: Community engagement is any process that involves the public in problem solving or decision-making and uses public input to assist in the decision-making process and result.

From a Shire perspective the following terminology applies.

Advocate - The Shire becomes a mouthpiece for the voice for the local community, promoting local interests, themes and requirements. The Shire's role is to present the case.

Facilitate - The Shire helps to make it possible or easier to meet the community needs.

Fund - The Shire helps to fund organisations, services or businesses to deliver essential community services and events. The Shire may donate its contribution by way of waiving the cost for services/facilities/fees and charges donated.

Partner - Where the Shire works with others in a strategic alliance in the interests of the community.

Provide - Where the Shire directly provides a range of services to meet community needs, either by in-house staff, contract agreements or through the use of facilities e.g. road maintenance and construction, grassed oval, swimming pool, CCTV, environmental health, public lighting and street lights.

Regulate - Where the Shire is the regulatory body responsible for the legislation, local laws, animal management, public health, signage and much more.

OBJECTIVE: Community engagement may refer to a range of interactions of differing levels between the Shire and the community, including;

- Information sharing that promotes community feedback prior to decision making;
- Consultation processes to obtain feedback prior to decision making;
- Involving community members consistently throughout the decision process to ensure community concerns and aspirations are understood and considered;
- Collaborating with community members in each aspect of the decision-making process;
- Empowering the community through conversations that involves them in the design and outcome.
- Making sure that active inclusion practices have evolved and involved the community at all processes in the design and problem solving.

PRACTICE: The Shire of Halls Creek is committed to strengthening the Shire through effective community engagement to share information, gather views and opinions, develop options, build consensus and make decisions.

Community engagement assists the Shire of Halls Creek to provide good governance and strong leadership, delivering better decisions to guide the Shire's priorities into the future.

This policy does not negate the requirement of the Shire to comply with statutory obligations.

PROCESS:

The following principles apply to community engagement undertaken by the Shire of Halls Creek:

Bottom-Up Focus and Commitment

1. The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire's decision-making process.
2. Each community engagement will be planned to clarify the level of influence the participants will have over the design and decision they are being invited to be involved in, comment on or participate in.
3. The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods but wherever possible will invite participants to determine the conversation agenda, focussing on an asset based, positive refrain, strength based bottom-up approach.

Transparency And Openness

4. All community engagement processes will be open, inclusive and transparent.
5. Comment will be documented and analysed.
6. The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.

Responsiveness And Feedback

7. The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decisions made and the rationale for the decision will be communicated where necessary.
8. The best interest of the community will prevail over the individual or vested interests.

Inclusiveness, Accessibility, And Diversity

9. Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process. Every person's opinion will be respected and valued.
10. Community engagement process will be open to all those who wish to participate.

Accountability

11. The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.

Information

12. Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the engagement process.

Timing

13. Community engagement will be undertaken early, to ensure that participants have enough time to consider the matter at hand and provide meaningful engagement.
14. All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.

Resources

15. The Shire will allocate sufficient financial, human and technical resources to support community engagement.

Evaluation

16. The Shire will monitor and evaluate processes to ensure the engagement being undertaken is adding to the conversation and decision making process and that community views ultimately are incorporated into the outcomes from the process.

The approaches for specific engagement will be tailored to the target stakeholders and the consideration of all factors and principles outlined. The final decision as to the extent of engagement will be determined by the Chief Executive Officer understanding the principles conveyed and the cost, time, outcome constraints that may impact.

Processes for engagement will vary to suit the situation and constraints. Principles would dictate that stakeholder too have input into the levels and nature of community engagements undertaken.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	A12
Responsible Department	Administration
Adoption Resolution Number	2019/094
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A13 COMMUNITY STRATEGIC PLANNING OUTCOMES

Administration

PREAMBLE: The Shire of Halls Creek aims to strategically plan to provide quality services and community infrastructure for a diverse range of interested stakeholders. The Shire hopes to create a strategic planning and operational environment where the many notable activities that are planned, are all progressed simultaneously even at times where it is difficult to do so.

From a Shire perspective the following terminology applies.

Advocate - The Shire becomes a mouthpiece for the voice for the local community, promoting local interests, themes and requirements. The Shire's role is to present the case.

Facilitate - The Shire helps to make it possible or easier to meet the community needs.

Fund - The Shire helps to fund organisations, services or businesses to deliver essential community services and events. The Shire may donate its contribution by way of waiving the cost for services/facilities/fees and charges donated.

Partner - Where the Shire works with others in a strategic alliance in the interests of the community.

Provide - Where the Shire directly provides a range of services to meet community needs, either by in-house staff, contract agreements or through the use of facilities e.g. road maintenance and construction, grassed oval, swimming pool, CCTV, environmental health, public lighting and street lights.

Regulate - Where the Shire is the regulatory body responsible for the legislation, local laws, animal management, public health, signage and much more.

OBJECTIVE: The purpose of this policy is to establish guidelines for elected members and staff to follow, so that the strategic importance of resources for projects is recognised across time and then utilised to the best possible community outcome.

The Local Government (Administration) Regulations 1996 requires the Shire to have a Strategic Community Plan ("what" is to be done) that is developed through a community engagement process, (Integrated Planning Report). The Integrated Plan links in and flows into the Corporate Business Plan ("how") that is supported by Asset management and Long-Term Financial Plans (LTFP) (what with/how much).

It is necessary for strategic ideas/projects/plans to be assessed for feasibility and tacit approval during the initial strategic planning stage. When the concept and idea takes shape into a feasible project, it is ultimately referred to Council for the final consideration. At some point in that determination, funding sources are incorporated into LTFP's and the then find their way into Annual Budgets.

It is considered to be an imperative for staff and Council to use the Shires resources more effectively, by setting a procedure in place that brings in the projects that are prioritised by the community through to the Strategic Community Plan stage, whilst those ideas that originate from elected members, staff or other imperatives don't automatically take priority over community wishes.

Any projects that originate from the Shire and not the community must be included in the community engagement process as a part of the draft Strategic Community Plan so that Council can be transparent with the community. If an idea/project is introduced mid the strategic planning engagement process, then the Shire has the opportunity to authorise the development of the proposal to the stage where estimate costs are identified and the project can be referred to the Strategic Community Plan.

PRACTICE: The Shire of Halls Creek has the responsibility to respond to community requirements for new facilities and infrastructure by prioritising projects in the existing Strategic Community Plan, against any other proposals that may exist under consideration.

Only when the idea/project identified in the Community engagement is endorsed by a decision of Council are staff to invest resources to develop a project through to the beyond concept planning stage to an approved project.

This practice is to incorporate and acknowledge the requirements of funding agencies, including but not limited to the Department of Sport and Recreation, Lottery West and the Department of Regional Development and Lands as contributors to the likely commencement of a project, therefore meeting their strategic needs is also to be complied as part of the pre-feasibility for the project.

PROCESS: In order to use resources effectively the following process is to be adhered to:

Planning Phase

Whether initiated by a suggestion from a member of staff, elected member, community group, community sporting club, Member of Parliament or member of the public, the request is to include:

- a) A covering letter explaining the justification of the project.
- b) Details of the demand for the project and how the demand is verified using the following criteria – number of people to benefit from the project.
- c) An estimated cost of the project.
- d) Details of how it is intended that the project costs are to be shared.
- e) An indication of how the project is to be funded.
- f) Details of similar facilities or infrastructure within the Shire and adjoining Shires.
- g) Include letters of support from others.
- h) An acknowledgement that the information provided is preliminary and that more detail will be evident following further assessment by shire officers if the project is given consent by council to proceed to the planning stage.

The Chief Executive Officer (CEO) is to refer the request subject of 1) above to the Council. The CEO is to immediately make enquiries to seek grants to assist with the planning phase from government agencies. The report is to recommend if the project is to be further developed by staff only, a working party or a Council committee, and the outcomes of requests for planning funding from other agencies and how the planning phase is to be funded.

On consideration of the report the Council is to either:

- a) Endorse the project to be considered further by staff, a working party or Council committee conducting further research and evaluation.
- b) Refer the project back to the initiator for further information.
- c) Reject the project outright.

If Council endorse the project for further planning Council is to nominate if, staff, a working party or a Council Committee are to conduct further research to:

- a) Identify a suitable site, or confirm that the site suggested by the initiator is suitable.
- b) If the planning can proceed using shire funds only or if the project is to be delayed until funding for planning and/or a feasibility study can be obtained from a third party funding agency.
- c) Assess if the project requires a Master Plan and/or Feasibility Study to comply with funding agency guidelines (e.g. Department of Sport and Recreation).
- d) Identify possible sources of funding.
- e) Following completion of the research to report to Council the findings and make a relevant recommendation to Council for the project it either proceed or be rejected and the grounds for rejection.
- f) Council when prioritising the project will consider the project against existing projects in the Strategic Community Plan.

If the Council approves the project subject to funding then the following is to occur:

- a) Refer the project to the Strategic Community Plan.
- b) An application is to be made to the appropriate funding agencies for funding to be available in the year the project is to proceed.
- c) Council is to include the Shire's share of the funding and the source of the funding (loan, grants or rates) in the Strategic Community Plan.

Subject to the funding being approved the Shire is to include the project in the Strategic Community Plan in the year the funding grant is available. The Shire has the authority to defer the project to later years as funding dictates.

If the funding is not approved then the Chief Executive Officer is to direct a report to Council for Council to consider fully funding the project or cancelling the project and advise the initiator accordingly.

All projects to be presented to the Corporate Business Plan review for consideration and review annually.

INSTRUCTION TO STAFF: As above

HEAD OF POWER: Shire of Halls Creek – Strategic Community Plan – Shire Policy

Procedure Number	A13
Responsible Department	Administration
Adoption Resolution Number	2019/094
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/ 067)

A14 GRANTS – SHIRE NOT TO APPLY FOR GRANTS ON BEHALF OF OTHER ORGANISATIONS

Administration

PREAMBLE: Many locally based organisations turn to the Shire to assist them with grant applications. This is not always conducive to shire business activity and sometimes creates expectations that if unsuccessful in applying for the grant, that the Shire may in some way be obligated to fund the activity.

OBJECTIVE: To provide guidance on the Shire’s position regarding outside organisations seeking assistance in applying for grants.

PRACTICE: The Council will not apply for grants on behalf of other organisations. The Shire will apply for grants in its own right, but is willing to complement the grant application with other organisation commitments to the application.

PROCESS: Directors will determine at the level of involvement of the Shire with grant applications – subject to maintaining the general principle of this procedure. In all instances, where it seems that the Shire is the best placed organisation to make application for the grant – then the Chief Executive Officer (CEO) will determine and direct such.

INSTRUCTION TO STAFF: The CEO will refer to the Shire President for consideration of a report to Council in all instances where the Shire looks likely to be the organisation making application for a grant on behalf of others.

HEAD OF POWER: Local Government Act 1995

Procedure Number	A14 previously ADM 26
Responsible Department	Administration previously Corporate Services
Adoption Resolution Number	2012/080
Adoption Date	21 June 2012 (Resolution no. 2012/080)
Review Date & Resolution	21 June 2012 (Resolution no. 2012/080) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A15 HOUSING – STAFF RENTALS

Administration

PREAMBLE: As the owner of a variety of housing stock, the Shire of Halls Creek is required to adopt practice and guidelines to manage and provide good governance of its housing stock.

Management of employee housing for both the Lessor and Lessee will meet the requirements of the Residential Tenancies Act 1987.

OBJECTIVE: To make clear and simple statements about how the Shire of Halls Creek requires tenants to act and behave in the use of its housing stock and how the Shire will manage this stock. If managed and planned appropriately, the Shire aims to provide sufficient accommodation to meet staff and service delivery requirements, and to provide consistency of practice.

PRACTICE: Housing is allocated by the Chief Executive Officer to designated positions within the workforce and shall be determined predominately on a hierarchical basis or positions that have traditionally been difficult to attract interest.

In exceptional circumstances the Chief Executive Officer may consider personal requirements of the employee and/or the significance of the position for the ongoing operations of the organisation.

Maintenance matters – are referred to the Director Asset.

Position	Responsibility / Role
Shire of Halls Creek	Owner
Chief Executive Officer	Manager
Director Assets	Maintenance and Inspections

PROCESSES:

Prior Occupation

The Chief Executive Officer at his discretion may seek a Rental Reference Letter prior to allocation of housing for the Employee and family members entering into the rental agreement.

Employees who take up tenancy in a Shire residence are subject to terms and conditions of the Residential Tenancies Act 1987. Residential Tenancy Agreement documentation will be provided to incoming employees prior to their commencement with the Shire.

Employees who wish to take up tenancy in a Shire residence are to sign a lease prior to occupation of that residence.

All agreements and variations between the Shire and its employee must be in writing on the prescribed forms.

Pre-Entry Inspection

A photo based limited Shire Inspection report (upon commencement) must be acknowledged and signed **and returned to the Shire Office within 10 working days.**

Documentation that will be provided to the incoming employees for housing will include:

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ **34** | Page

- Residential Tenancy Agreement (2 copies)
- Property Condition Report (photo based limited Shire Inspection report (upon commencement) must be acknowledged and signed and returned to the Chief Executive Officer within 10 working days.
- Record of Supplied Keys
- Furniture Agreement (where the Shire have supplied furniture)
- Personnel Deduction form for the payment of the security bond; and
- Utility connection form/s

Before occupation of a dwelling can take place, the incoming employee is required to sign the Residential Tenancy Agreement and Personnel Deduction Forms for the payment of the security deposit and rent and return these documents to the Chief Executive Officer.

Keys

The Director Assets is responsible for the issuing of all Shire housing keys. Any deadbolt, lock or security change or the theft or loss of Shire housing keys, should be reported immediately.

When receiving the keys, the employee is required to sign the Record of Supplied Keys and return this to the Chief Executive Officer.

Keys issued are recorded on the Shire key register and against the individual being issued with the key. Keys are non-transferable between staff and are not, under any circumstances, to be lent to the public.

All keys must be returned immediately upon termination of occupation of a Shire residence. Failure to do so will result in the cost of replacement locks being taken from available bond monies.

Immediately After Occupation

Within five business days of occupation, the new employee is required to sign and return the Property Condition Report and Furniture Agreement.

Copy Of Lease Documents

Shire staff will provide a copy of all lease documentation to the new employees within seven days of it being completed and returned to the officer noted on the lease documents.

Rent And Security Deposit (Bond)

Each financial year, the Shire will set the employee rental rates or prescribed the method of payment for rentals or in lieu of rental into the Annual Budget Fees and Charges. These rental rates will not increase by more than 10% per annum.

Tenants will receive the prescribed notice of any rent increases in accordance with the Residential Tenancies Act 1987.

Rental rates for non-employees are payable at five (5) times the subsidised employee rate (500%).

Houses built and available for rent during the financial year will have a comparative subsidised employee rental rate set by the Chief Executive Officer and will be incorporated into the next Annual Budget.

Employees can apply to the Chief Executive Officer for an alternative housing option and each application will be assessed on a case-by-case basis with no precedent applicable. Such changes are deemed to be a new tenancy and are subject to a new bond and lease agreement.

The rent payable (may be salary sacrificed) or the rent equivalent contribution to Fringe Benefit Tax (after tax payment) will be advised to employees in their letter of offer or employment contract.

Rent is due and payable, calculated from the first day of occupancy, but payable from the first full pay the employee receives. As a courtesy, the Shire will not ask for rent if the first pay is not a full pay period.

A security bond equal to four weeks' rent is payable after the signing of the lease in accordance with the Residential Tenancies Act 1987.

A pet bond is to be paid in accordance with the Residential Tenancies Act 1987 if an animal is kept on the property, including visitors' animals that remain on the property for longer than 24 hours. The pet bond may be used to meet costs of fumigation of the property. The pet bond payable is \$260.00 with all existing tenant pet bonds adjusted as at the next scheduled rental increase.

The bond will be payable by payroll deductions in 2 fortnightly instalments commencing from the first full pay after the lease is signed.

The payments for the bond will be held in trust until all payments are received, at which time the bond will be forwarded in full to the Residential Tenancies Authority.

Additional bond payment may be required at the discretion of the Chief Executive Officer. If the rent is increased, it and will be payable in the first pay period after the Annual Budget is adopted.

Where the housing has a separate water meter, tenants will be responsible for any water charges in excess of 750 kilolitres per annum or that payment applicable to their employment contract.

Where an employee has rental accommodation from another source in the Shire, the Chief Executive Officer may provide a reimbursement of up to 20% of the rent paid upon presentation of receipts. This reimbursement will be paid monthly. The employee should seek their own financial advice on how this will affect their taxable income.

Annual AND Bi-ANNUAL Inspection OF Shire Residences

A (6) and (12) month inspection of all Shire houses, units and flats is to be carried out to ascertain condition and housing maintenance requirements (damage and wear and tear). These inspections are carried out in March/April and Sept/Oct, but times may vary due to schedule. Notice of inspection will be provided in accordance with the Tenancy Agreement. At this time, tenants are invited to offer their comments as to what items of maintenance or improvements they would like to see at each residence.

The second inspection shall coincide with the yearly inspection of all Shire dwellings to determine the budget allocation for the housing maintenance program.

These inspections of Shire Housing, including yards shall be conducted by a person authorised by the Chief Executive Officer.

In the event of an unsatisfactory inspection condition report, follow up inspections may be undertaken monthly until rectified.

Furnished Dwellings

Furnishings, where supplied in Shire dwellings, will be basic in nature, and will be of a consistent quality and condition throughout all dwellings. Items will be supplied after consideration of cost and suitability to each premise. No requests for special or non-standard items will be considered.

If furniture is damaged (other than by reasonable wear and tear), staff will be required to contribute an agreed value of the reasonable replacement cost, after consideration of the age and condition of the item immediately prior to the damage. The replacement item will be selected by the Director Assets and may not be identical to the original.

The Shire will replace furniture due to fair wear and tear as budget permits.

Furniture items must not be transferred or removed from Shire dwellings without written authority from the Director Infrastructure. Where items are transferred between dwellings, the furniture register of each dwelling will be updated, and will require signing by each respective employee. Employees will be charged the full cost of replacement items for all goods removed from dwellings without the appropriate authority.

Tenant Responsibilities

As per the Residential Tenancies Act 1987 the Lessor (Shire) must provide and maintain such means to ensure the premises are reasonably secure as prescribed in the Residential Tenancies Regulations 1989 and any lock or security device at the premises must not be altered, removed or added by a lessor or tenant without the consent of the other, and the lessor or the tenant must not unreasonably withhold that consent.

It is the responsibility of the Tenant to provide their own insurance on their personal contents/possessions.

All persons residing at the Shire's shared accommodation such as the Single Person's Quarters must abide by the applicable Code of Conduct.

Maintenance

Tenants are to maintain the properties including the outside garden areas to a presentable clean and tidy standard. Gardens/yards to be kept in same state as when received or better. Areas must be free from overgrowth, weeds, debris, and rubbish. The employee may be responsible for all reasonable costs associated with yard maintenance if it becomes an issue.

Residence to be kept clean and free from dirt and grime build up – e.g. ceiling fans, air-conditioner filters, wall marks.

Tenants are to notify in writing any maintenance requests as soon as issues arise to the Director Assets as soon as practical of any maintenance requirements at the property so these can be addressed promptly.

Any improvements or proposed alterations to the dwelling must be submitted in writing prior to inspections to the Director Assets. These may be considered – budget permitting.

Urgent Repairs

As per Clause 22, 23 (23.1 to 23.4) of the Residential Tenancy Act 1987.

Prohibitions

The Shire does not allow employees residing in Shire housing to sublet or enter a separate tenancy arrangement, whether rent is paid or not, to any other person. This includes verbal tenancy arrangements.

Employees and their associates (excluding their partner, spouse, or children) must not conduct any business from the Shire housing without the prior approval of the Chief Executive Officer.

Non-compliance may result in the market rental rate being applied retrospectively to the tenancy for the duration of the non-compliance. The additional rent will be deducted from the employee's pay over a timeframe determined by the Chief Executive Officer.

The lease will specify the names of people who will reside at the property, taking into consideration the additional cost to the Shire in providing services for these people.

Non-compliance with this procedure by employees may result in disciplinary action being taken.

Dogs, Cats and Pets in Shire Residences

The Shire guideline is that no cats, dogs, or pets be permitted at Shire residences. Should employees have pets, then application is to be made in writing to the Chief Executive Officer or an indication be made on the Tenancy Agreement application. The decision to allow pets at a residence is solely at the discretion of the Chief Executive Officer and is subject to the payment of a bond for such to occur.

Animals are not permitted at shared accommodation such as the Single Person's Quarters.

No Smoking in Residences

As part of its obligation to employee's health and welfare, the Shire of Halls Creek's position is that smoking will not be permitted in Shire residences. If smoking is to be conducted outside the residence, the tenant will make arrangements to ensure the residence yard is free of cigarette butts.

If it is determined that a residence has been used for smoking, the Tenant may be responsible for a full painting of the residence.

Termination of Employment

Please see items 40 & 41 of Residential Tenancy agreement – The lessor must give at least 30- or 60-days' notice and the tenant must give at least 21 days.

At the conclusion of employment, an employee in Shire housing must vacate the premises within twenty-one (21) days of their employment end date unless otherwise negotiated with the Chief Executive Officer. The negotiated vacant possession date will be in writing.

A letter from the Shire terminating employment of the tenant or a resignation letter from the employee tenant will be considered the appropriate grounds for providing notice to vacate the residence in twenty-one (21) days to satisfy the Residential Tenancies Act 1987. Such notice will commence from the date of the letter.

An inspection must be made of the premises with the tenant (where possible) to allow the tenant to make good any issues with the premises.

Any cost of repairs other than reasonable wear and tear will be the responsibility of the tenant. Any costs beyond the level of the bond will be recovered from the tenant.

INSTRUCTION TO STAFF:

To the Chief Executive Officer to.

- To recover from bonds the cost of damage repair, cleaning from tenants of they fail to do such.
- Take action to recover costs of water usage if other reduction remedies have failed to reduce consumption.
- Determine applications from tenants to allow a pet in the residence.
- Determine instances of recovery where it is evident that occupants of a shire residence have been smoking within.

HEAD OF POWER: Local Government Act 1995

Procedure Number	A15 previously HSG 01
Responsible Department	Administration previously Health & Regulatory Services
Adoption Resolution Number	2008/13
Adoption Date	28 February 2008
Review Date & Resolution	21 May 2009 (Resolution no. 2009/101) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

A16 INFORMATION TECHNOLOGY (IT) - DATA

Administration

PREAMBLE: To ensure protection of the information and data stored on computer systems is protected from risks such as loss of data, viruses and unauthorised use. The cost of the recovery of data or correcting IT error is debilitating. In many instances where the employee has acted without authority, and the Shire suffers a loss, no insurance cover is available for the recovery.

OBJECTIVE: Make employees aware that where they undertake prohibited actions detailed in this and other Shire IT procedures and operational guidelines, the employee will face disciplinary action, and/or ultimately, dismissal.

PRACTICE:

Ownership

Internet and e-mail systems including but not limited to computer equipment, software, operating systems, e-mail, public folders and Intranet data are the property of Shire of Halls Creek.

Privacy of Communications

Communication on these systems is not private and while a reasonable level of privacy is expected, users should be aware that the data they create on Shire of Halls Creek systems remains the property of Shire of Halls Creek and usually can be recovered even though deleted by the user. Privacy laws apply to the release of any information held on the Shire of Halls Creek system.

Monitoring

Computing equipment will be monitored to ensure staff do not transmit or store any prohibited data or material. Prohibited data or material is defined as data or material that can be construed by persons as being defamatory, obscene and offensive or of a harassing nature. This includes but is not limited to sexually explicit photographs, cartoons, jokes and negative racial or gender specific messages or articles.

The Shire of Halls Creek reserves the right to monitor all staff usage and to recover the contents of any staff communication in the interests of ensuring proper working order, appropriate use by staff and the security of data. The foregoing includes accessing user files, including archived material of present and former staff, without the user's consent, for any purpose related to maintaining the integrity of the network or the rights of Shire of Halls Creek or other users or for any other reasonable purpose. Employees who transmit, store or download any prohibited data or material using corporation equipment, will be deemed to have committed serious misconduct under the employment Award or contract.

Information on Shire of Halls Creek's system is confidential, particularly information relating to the business affairs of the Corporation and our clients and suppliers. It is not to be disclosed unless it is authorised by the Chief Executive Officer or is information that would come within the authority of the employee's position to be disclosed.

Use Of Equipment

This equipment is not to be used for personal purposes without the approval of the Chief Executive Officer. Any use that violates Commonwealth, State law or regulation is expressly prohibited. Knowing or recklessly interfering with the normal operation of computers, peripherals, or networks is prohibited. Using Shire of Halls Creek's equipment to gain unauthorised access to any computer system is prohibited.

Staff will be provided with the computer equipment necessary for them to carry out the tasks required of them. Computer equipment may be re-allocated from staff member to staff member as seen fit by the Director Corporate Services so as to best serve the organisation.

Netiquette And Protocols

The use of the organisations equipment to access, transmit, store, display, or request obscene, pornographic, erotic, racist, sexist or other offensive material (including messages, images, video, or sound) is prohibited. Any use that is deemed to adversely affect or otherwise bring into disrepute Shire of Halls Creek is prohibited.

Recreational programs (e.g. instant messaging, chat) are not to be installed on Shire of Halls Creek computers. Other programs, such as photography, music, movie and art programs which have potential recreational and business uses must only be used for business purposes without the approval of the Chief Executive Officer.

Website And Facebook

Shire of Halls Creek Web pages and Facebook and Instagram page content is to be strictly controlled. Only the administrator of these accounts or the CEO can approve web content either in Blog form, comments, prepared statements or posting on behalf of Shire of Halls Creek. Photographs and images used shall only be done so with the signed consent of all people shown, obtained prior to posting on any page used on the Internet or publication by Shire of Halls Creek.

PROCESS:

Personal Use

Staff may not use the system privately, without the express consent of their Manager or the CEO. Staff may not install additional software packages on any computer system without the consent of the Chief Executive Officer.

Restrictions and Prohibitions on Use and Access

Communications and Internet access should be conducted in a responsible and professional manner reflecting the Corporations commitment to honest, ethical and non-discriminatory business practice.

Data Security - Virus Protection

- All computers are to be installed with virus protection software. The IT Administrator must install this software so as it allows for automatic online updates.
- Connecting equipment to the network that has not been provided or authorised by the Chief Executive Officer is expressly prohibited. This restriction applies to, but is not limited to, laptop computers, PDA's (Palm/Pocket PC's), printers, hubs/switches, external disk drives, and wireless access points.
- Specifically, "Thumb" drives (otherwise known as USB drives or USB keys) and similar portable memory devices must be approved for use by the Chief Executive Officer.

Knowingly or recklessly running or installing (or causing another to run or install) a program (such as a "worm" or "virus") intended to damage or place an excessive load on a computer system or network is viewed as a very serious offence and is prohibited.

Each computer user shall be issued with a password and user ID. Passwords are required to be changed every three months in accordance with guidelines issued by the IT Administrator.

Staff must only use their own logon ID and password. They are responsible for all activity on their logon ID and must report any known or suspected compromise of their ID to the Chief Executive Officer. Unauthorised attempts to circumvent data security schemes identify or exploit security vulnerabilities or decrypt secure data are prohibited. Forging

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

the source of electronic communications, altering system data used to identify the source of messages or otherwise obscuring the origination of communications is prohibited.

The CEO is authorised to take whatever remedial action necessary to ensure the ongoing integrity of the Shire of Halls Creek IT systems.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	A16
Responsible Department	Corporate Services
Adoption Resolution Number	2019/091
Adoption Date	25 July 2019 (Resolution no. 2019/091)
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/ 067)

A17 INFORMATION TECHNOLOGY (IT) AND TELECOMMUNICATIONS EQUIPMENT USE

Administration

PREAMBLE:

This procedure deals with the provision and use of telecommunication and information technology resources and the associated responsibilities of authorised users when using these resources. It includes:

- Landline telephones – Workplace
- Landline telephones – Shire residences
- Mobile telephones
- Satellite telephones
- Desktop computers
- Laptop computers
- Computer peripherals
- Computer software
- Email
- Internet – Workplace
- Internet – Shire residences

OBJECTIVE: The aim of this procedure is to bring clarity for staff members about the use of the array of Shire IT equipment and what the Shire's expectations of staff are. The Shire also has a procedure relating to Information Technology (IT) – Data use and this should be read in conjunction.

PRACTICE: Information technology resources are provided to support the Shire's administrative and operational activities. These resources include the Shire's telecommunications, computer network, desktop computer systems and software, Internet access, electronic mail (email) and related services. An ICT Standard Operating Environment (SOE) is deployed across all Shire desktop computers and laptops as a means of providing common applications to all users in an efficient and cost-effective manner.

Users of these resources are expected to comply with this procedure which is written with the intent of:

- Ensuring that employees are not wasting work time in non-work activities;
- Containing telecommunication and information technology costs to reasonable levels;
- Protecting the integrity of information technology systems so as to provide reliable computer services to users; and
- Ensuring appropriate conduct of all employees utilising Shire telecommunication and information technology services.

Many Shire employees have the provision of home Internet specified in their employment contract. This is to enable work to be undertaken from home and private use is incidental to the main purpose; the Shire does not seek to infringe upon the individual rights or privacy of employees as private citizens. However, all home Internet use must be lawful. A Shire owned device used to access home Internet is an IT resource and is subject to all aspects of this procedure.

PROCESS: All requests for employee access to information technology systems should be made by Directors and forwarded to the Director of Corporate Services.

The Chief Executive Officer (CEO) shall determine upon recommendation of the Director of Corporate Services:

- The allocation of telecommunication and computers resources to an employee; and

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ **43** | Page

- The type/model of computer, mobile telephone or device to be provided,

And the allocation of resources will take into account:

- Staff carrying out their duties in an efficient and cost-effective manner
- The time and frequency that contact is required
- Employee safety
- Shire ICT Standard Operating Environment (SOE)

An employee may subject to the CEOs approval, elect at their own cost, to purchase and use a higher specification mobile phone. All use of privately-owned mobile phones on a Council provided plan will be subject to this procedure.

All staff granted access for operational requirements to Shire telecommunication and information technology shall be responsible, ethical, and lawful at all times.

Mobile Phone Use - Employee Responsibilities

The following guidelines have been prepared to assist employees with the acquiring, use and care of a Shire issued mobile phone:

- Supply of mobile handsets and services will only be made by the direct agreement of the CEO;
- Employees must use issued mobile phones in accordance with manufacturer's instructions. Faults or damage should be reported to your Manager as soon as possible, so repairs or replacement can be arranged;
- Employees must observe all statutory requirements relating to mobile phone usage whilst driving a motor vehicle;
- In the event that an issued mobile phone is noticed as lost or stolen, the respective phone service provider shall be contacted immediately to have the account closed and/or services stopped;
- Any work-related images or recordings taken on the issued mobile phone are corporate records and employees using these functions should ensure images are downloaded for the Shire's records;
- Employees who are careless or negligent in the use of an issued mobile phone may incur the cost of repairs, replacement of the phone, or reimbursement to the Shire for any insurance excess;
- Employees must return any issued mobile phone on resignation or termination of employment;
- Reasonable Personal Use is permitted noting that most mobile payment plans allow data and free call combinations. The Shire aims to select the most appropriate plan for use, though above plan excessive personal use will result in the employee being billed for usage in the first instance. Ongoing excessive use will result in disciplinary action being taken against the employee;
- In the case of phone packages that provide bulked free calls, bulked International calls or calls to 1300 or 13 numbers; these are still regarded as inappropriate phone use unless the use can be directly related to Shire business;
- Mobile phones with access to the Internet and Email data must also comply with the Shire's policy on email and internet usage;
- Shire staff using a Shire or shared mobile, will record a Shire scripted messages as the messages for voicemail.

Mobile Phone - Billing and Charging

Monthly summary reports of individual mobile phone charges will be forwarded to each month to the Manager of Finance or Director Corporate Services who will direct irregularities to the CEO. Excessive personal use of the mobile phone without reasonable explanation will result in the employee being billed for their usage or the service being withdrawn.

Mobile Phone - Emergency Usage

In the event of an emergency, the CEO reserves the right to reallocate any Shire mobile phone for the purpose of assisting in emergency management and relief operations.

Mobile Phone - Breaches

The Shire may withdraw the use of an issued mobile phone at any time if the Chief Executive Officer determines that the basis for issuing the phone is no longer relevant, there are health and safety concerns around the use of the phone, or where the Chief Executive Officer reasonably determines that there has been misuse of the phone.

Internet Use – Workplaces

Shire employees are expected to use the Internet provided in the office responsibly and productively. Except for reasonable personal use as set out below, Internet access and the use of Shire provided computers, mobile phones and other devices to access the Internet is limited to job-related activities only.

Job-related activities include research and educational tasks that may be found via the Internet that would help in an employee's role.

All Internet data that is composed, transmitted and/or received by the Shire's computer systems is considered to belong to the Shire and is recognised as part of its official data. It is therefore subject to disclosure for legal reasons or to other appropriate third parties.

The equipment, services and technology used to access the Internet are the property of the Shire and the Shire reserves the right to monitor Internet traffic and monitor and access data that is composed, sent or received through its online connections

Emails sent via the Shire email system should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language/images.

All sites and downloads may be monitored and/or blocked by the Shire if they are deemed to be harmful and/or not productive to business.

The installation of software such as instant messaging technology is strictly prohibited. Use of "Social Networking" websites such as Facebook, MySpace, and Twitter etc. are restricted. Shire information and photographs can only be used on social networking websites for legitimate marketing purposes, subject to Director or appointed administrator approval and the permission of subjects (or, in the case of minors, their parents/guardians).

Personal Use

Reasonable personal use of Shire telecommunication and computer resources, including the Internet and email, is permitted provided that it does not negatively impact upon the user's work performance, hinder the work of others or involve modification of any information technology resource. Such use shall not cause additional cost to the Shire.

It is the users' responsibility to ensure that any Internet site they access is within the bounds of acceptable usage, is legal and does not pose a risk to the security of the Shire's operations.

Reasonable use in a particular circumstance will be a matter to be determined by the user's Director. As a guide, reasonable personal use would normally include the following:

- Professional development or study-related uses;
- Occasional transactional use (e.g. making a bank transfer or booking travel);

- making an occasional short telephone call of a personal nature (e.g. to make a personal appointment such as with a dentist or hairdresser, or to advise members of the employee's household that they may be late home)

Unreasonable personal use could include the following:

- Lengthy calls;
- International calls involving significant additional charges;
- Downloading, uploading or streaming of significant quantities of data (e.g. downloading or streaming of movies and video clips);
- Gaming.

Unless for emergency purposes, it is not permitted to use satellite phones for personal use. Any personal call costs relating to satellite phones will be recovered in full from the employee.

Landline Phones – Workplaces

Landline phones are provided in the workplace primarily for work purposes. Reasonable personal use of Shire telephones is limited to that set out above.

Shire telephones must not be used to access fee charging (e.g. 1900) services.

Users are not permitted to use Shire telephones to conduct private commercial activities.

Landline Phones – Shire Residences

Landline phones may be provided in Shire residences so that Internet where applicable can be connected quickly and easily. The connection cost and line maintenance cost is borne by the Shire.

Unless specifically included in an employee's employment contract or letter of offer, no personal phone calls are available from this phone connection.

Employees who do not have a Telephone Allowance specified in their employment contract or letter of offer will be required to reimburse the Shire for any call costs (excluding the service cost) made from this phone connection.

Mobile Phones and Satellite Phones

The Shire requires that certain employees are to be contactable outside normal business hours and that certain positions require the use of mobile or satellite telephones to operate safely and efficiently.

The Shire provides mobile phones to these employees, and the CEO/DCS will determine a specified phone and plan based on the expected requirements of the position. Users will be responsible for any charges from the mobile phone greater than the plan cost previously determined by the CEO.

Security and care of the mobile phone is the responsibility of the employee. The CEO may determine to recover costs associated with the repair or replacement for damaged or lost phones from the employee on a case by case basis. The Shire will not pay the costs associated with the repair or replacement for damaged or lost telephones, where the employee has elected to use their own higher specification mobile phone.

Users are responsible for using mobile phones and devices in a cost-efficient manner. Steps to minimise costs include:

- Using land line phones where feasible;

- Switching mobile phones and other devices to Wi-Fi wherever it is available (such as within the Shire Office or within Shire residences provided with internet access) in preference to using mobile data when downloading or uploading data;
- Switching off automatic roaming and updates of applications.

If an employee does not receive a mobile phone under this policy and travels on Shire business, they must be given a satellite phone for the duration of the business.

All mobile phones provided by the Shire will appear on the internal Staff Contact Listing. All private mobiles on the internal phone list are to be identified as being private.

All satellite phones will appear on the internal Staff Contact Listing, including spare phones that are not specifically allocated.

Computers, Laptops And Tablets

Except for reasonable personal use as set out above Shire computers, laptops and tablets are provided for work purposes only. Laptops and tablets where provided are the responsibility of the user. Laptops and tablets must never be loaned to a third party who is not a direct employee of the Shire.

Special care shall be used to secure laptop and tablet computers in a secure place when not in use. This shall include storage in a locked cupboard with left on Shire premises.

Computers and Laptops should be logged off and powered off each night to save power and minimise wear and tear, unless instructed otherwise.

All information created, imported or stored using Shire computer systems are deemed to be part of Shire records. This includes personal documents created, accessed or stored on the Shire computer servers. Files on external drives that are opened on Shire computers are subject to this provision.

Under no circumstance are users to install software or utilities on Shire computers, laptops and tablets that are not licensed and work-related. Permission must be obtained from the Director Corporate Services before installing applications on Shire computers.

Email

All emails received or sent from the Shire's system are deemed to be Shire records. This includes personal emails sent from Shire computers.

Users are not permitted to use their Shire provided email address to subscribe to any subscription service, unless work-related and authorised by the Director Corporate Services or Chief Executive Officer.

Internet – Shire Residences

Some Shire employees will have home Internet specified in their employment contract or letter of offer. The Internet provided by the Shire at Shire residences will be a specified plan from a specified provider.

Any employee who wishes to have increased service or speed may request this of the Shire, however any additional costs will be the responsibility of the employee.

An employee who has Internet specified in their employment contract or letter of offer may elect to use their own Internet service provider for whatever reason. In these cases, the employee will provide proof of monthly payment with an Expense Claim Form within 14 days of payment, and will be entitled to reimbursement for the amount paid up to the same cost as the Shire specified plan.

Prohibited Conduct

Certain behaviour is considered to be inappropriate use of the Shire's IT resources and is strictly prohibited. Prohibited conduct includes:

- Using any IT resource to perpetrate any form of fraud, and/or software, film or music piracy.
- Stealing, using, or disclosing someone else's password without authorisation.
- Downloading, copying or pirating software and electronic files that are copyrighted or without authorisation.
- Unauthorised deletion of the Shire's electronic records.
- Sharing confidential material, trade secrets, or proprietary information outside of the organisation.
- Hacking into unauthorised websites.
- Sending or posting information that is defamatory to the Shire, its products/services, colleagues and/or customers.
- Introducing malicious software onto the company network and/or jeopardising the security of the organisation's electronic communications systems.
- Sending or posting chain letters, solicitations or advertisements not related to business purposes or activities.
- Passing off personal views as representing those of the organisation.
- Utilising Shire IT resources to access pornographic material or to create, store or distribute pornographic material of any type.
- Utilising the Shire's IT resources to gamble or play games.
- Sending or posting discriminatory, harassing, or threatening messages or images on the Internet or via the Shire's email.
- Users shall not send unsolicited emails (SPAM)
- "Cyber-bullying" whether directed within or without the organisation, and will lead to disciplinary action which may include termination of employment.
Cyber-bullying includes the following behaviours (this is a non-exclusive list):
 - Sending multiple successive emails designed to aggravate or which cause nuisance.
 - Sending harassing or threatening emails.
 - "Cyber-shouting" – that is sending inappropriate emails entirely in upper-case and/or bold fonts.
 - Sending multiple emails to the same recipient(s) on the same topic with progressively increasing font sizes.
 - Sending emails that are disrespectful in tone and/or include abusive, denigrating, or inappropriate language.

Consequences of Breach of Policy

Users found to have breached this policy will be subject to disciplinary action, which may lead to demotion, reduction in pay or dismissal.

Users may be required to reimburse Shire for any additional cost incurred by Shire as a result of the breach.

Criminal activity or criminal offences will be reported to the Police.

External Entities

On occasion, external contractors and support staff will need to obtain access to the Shire's systems. User accounts are to be created for ongoing support arrangements with those external users only granted access to those resources that are necessary for them to perform their duties.

Other short-term users will be given use of a guest account. The guest account will be disabled after each use.

The use of the Shire's IT resources by contractors and support staff is subject to this procedure.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **48** | Page

Monitoring

The Shire reserves the right to monitor email, Internet activity, logs and any electronic files on IT resources for any reason, including but not limited to: suspected breaches by the user of his or her duties; breaches of Shire policy; unlawful activities.

The information technology service provider will monitor use of computer systems as part of their normal course of duties.

Network Security

Users are responsible for keeping their systems secure by not sharing passwords.

Copyright

Respect the legal copyright rules. Copyright provisions also relate to downloading of software and documents. Do not distribute or install software without first obtaining approval from the Director Corporate Services.

Always assume website content to be subject to copyright unless stated otherwise.

Records Management

Records Management is the responsibility of all employees. All employees are expected to utilise *Magiq* records management system for the Shire of Halls Creek to capture corporate records.

Contractors and Shire Councillors are also required (in some circumstances) to capture corporate records on behalf of the Shire and forward these records on to Shire employees for incorporation into the records management system. Security of corporate records is strictly controlled through *Magiq*.

All employees are required to save, retrieve and disseminate corporate records in accordance with the Shire of Halls Creek Records Management Procedure Manual.

INSTRUCTION TO STAFF: All requests for ICT equipment are to be made to the Director of each Department, then forwarded with recommendation to the Director Corporate Services on the appropriate Shire form.

HEAD OF POWER: Local Government Act 1995, Shire of Halls Creek procedure.

Procedure Number	A17 previously ADM 24
Responsible Department	Administration previously Corporate Services
Adoption Resolution Number	2008/094
Adoption Date	19 June 2008 (Resolution no. 2008/094)
Review Date & Resolution	19 June 2008 (Resolution no. 2008/094) 19 April 2012 (Resolution no. 2012/046) 17 April 2014 (Resolution no. 2014/014) 19 February 2015 (Resolution no. 2015/002) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/ 067)

A18 IT & SOCIAL MEDIA – USE OF

Administration

PREAMBLE: For establishing official Shire social media networks whether they be; Facebook styled sites, Geolocation sites, blogs, microblogs, messages or image and video sharing sites. Social media is a group of online applications such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards that allow people to easily publish, share and discuss content. Conversations in social media are a dialogue, an opportunity to listen, share, collaborate and respond to colleagues and communities.

This policy and guidelines will support staff as they engage in any conversations or interactions using social media for official use. What an officer produces or posts can ultimately have consequences.

The lines between personal and professional lives can be blurred in online social networks therefore what might be considered 'public' versus 'private' requires defined boundaries to be established.

An officer's or elected member's role with the Shire creates an association between what is posted online when representing the Shire and the Shire itself. An officers and elected members should represent the Shire in an on-line environment as they would in their ordinary work activities. Speaking on behalf of the local government is the role of the Shire President, the Shire President in some circumstances has the power to delegate this authority to the Chief Executive Officer. This is not a general delegation, specific instance must apply. The Shire of Halls Creek's position is that the Shire President primarily speaks on behalf of the Shire – therefore the role of the officer in using and expressing a Shire view on social media is limited.

OBJECTIVE: The key objective is to use social media as an information delivery platform that the community whom is technically capable to use social media can converse, interact and share with the Shire. This policy is designed to put parameters around the use of and establishment of official Shire social media networks, Facebook styled sites, Geo Location sites, blogs, microblogs, message or image and video sharing sites, on behalf of the Shire.

PRACTICE:

Only authorised officers shall contribute to social media sites. An officer may only contribute to a social media site on behalf of the Shire upon authorisation/delegation by the Chief Executive Officer (CEO).

Elected members, with the exception of the Shire President, shall not publish content on official Shire of Halls Creek social media platforms.

Only authorised Shire accounts are to be created, official Shire of Halls Creek social media accounts that are established to represent the activities of the Shire of Halls Creek shall be approved by the CEO. Contributions representing the Shire of Halls Creek may only be made using an identifiable Shire of Halls Creek profile.

Personal accounts may not be listed or cross-promoted on Shire platforms unless approved by the CEO.

Contributions Are Lawful:

Officer contributions to Shire sites shall comply with Australian law and comply with the terms and conditions of the site provider. Any postings from members of the public on a Shire site that contravenes Australian law or the terms and conditions the site provider

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ 50 | Page

shall be reported to the CEO and the site provider. Officer contributions shall comply with copyright and adhere to Shire Policies and practices including the Code of Conduct. Contributions are to be accurate and factual and officers are to ensure published content, contributions and responses to questions from the public are, accurate, factual, apolitical, impartial and professional.

Contributions Are To Represent Formal Shire Position

Posted content shall represent the formal position of the Shire and officers are not to post personal views or opinion.

Limit Of Authority

Officers shall only make posts consistent with their level of authority and shall only make posts as they relate to the activities of their department.

Statements to Main Stream Media

All requests for statements from the main stream media (Radio, Newspapers, TV etc.) are to be referred to the CEO for consultation with the Shire President.

Promotion of Commercial Enterprises

Private commercial enterprises are not to be promoted or endorsed unless in conjunction with the promotion of a Shire event/service.

Content Management

The Shire of Halls Creek actively seeks ideas, questions, complaints, and compliments from members of the public. The public is encouraged to join the open conversation and debate, but is expected to participate in a respectful manner. Therefore, on platforms with public editorial access, the Shire of Halls Creek reserves the right to delete:

- Knowingly false or mischievous complaints or statements about individuals, companies or the government.
- Content that is misleading, obscene, off-topic, sexist, racist or spam.
- Content that uses the Shire of Halls Creek site for promotional or commercial purposes
- Content that breaks or encourages others to break the laws of Australia and its states and territories in any way, including breaching privacy laws; and
- Content that defames or harasses any participant of the Shire of Halls Creek site, administration, employees or volunteers.

Statement Of Disclaimer

The Shire of Halls Creek will not and does not warrant the completeness or accuracy of public comments found on its social media sites, nor its usefulness for any particular purpose. Nor will the Shire of Halls Creek represent or warrant that the comments on the pages comply with the laws of any country outside Australia.

The Shire of Halls Creek is not responsible for the uptime of these platforms. The views expressed by a participant, invitee, expert, guest or other person are not necessarily the views of the Shire of Halls Creek. The Shire of Halls Creek accepts no responsibility arising from reliance authorised by any person or party on any comment or information published on any Shire of Halls Creek social media site, further, the Shire of Halls Creek does not guarantee the accuracy or currency of any comment published on a Shire of Halls Creek social media site.

Links to external websites and users social media accounts are provided as a convenience to users and such sites and associated content are not under the control of the Shire of Halls Creek. When links have been included, the content of these links does not and should not imply endorsement of that website, service or person by the Shire of Halls Creek

Elected Members

- This policy does not prevent elected members from establishing their own personal social media platforms or presence.
- Legal argument may exist that content posted by an elected members should comply with the Shire's Code of Conduct, though this would be tested on a case by case basis.
- Elected members are not to post on official Shire of Halls Creek social media sites in a private capacity.
- Elected member social media sites will have no official Shire of Halls Creek standing.
- Shire of Halls Creek resources will not be used in establishing or maintaining elected member social media sites.
- The views expressed and published by an elected member on social media platforms shall be personal opinion only and are not to represent the position of the Shire of Halls Creek.
- The Shire of Halls Creek accepts no responsibility arising from social media comments or postings made by elected members.

PROCESS: Social Media Guidelines

Consider what you post, before you post it. If you are uncertain about something, don't publish!

It will be around for a long time so make sure it's correct before you post and seek advice if in doubt.

Don't forget to check your spelling and grammar – your professional credibility is inextricably linked to your online comments.

Published content is to meet normal professional standards required under the Shire Code of Conduct.

Be original and respect copyright. It is critical that you show the proper respect for copyright laws and fair use of copyrighted materials owned by others, including user-generated content.

Acknowledge your source – it's also good practice to link to other people's work. Links are to be checked against this policy and these guidelines. If in doubt seek permission from content owners for permission to publish. Use discretion.

In your efforts to be transparent, you need to take care not to publish information that should not be made public. If you are not responsible for the information, ask permission to publish content that isn't already in the public domain. Avoid discussion of industrial or legal issues, and refer these to the relevant persons if asked to comment specifically. Content published on the internet is widely accessible and is public for a long time. If you are in doubt about whether information can be made public, seek advice from your Manager.

Be fair, polite and considerate. Be professional. You are representing the Shire, produce content about your area of responsibility. Make sure you produce content about your areas of responsibility, as they relate to the activities of your department. If you are responding to a question that falls outside your area of responsibility, state that it isn't your area of expertise and that you'll follow up.

Seek advice from the appropriate area within the Shire to develop a response.

It's a conversation so be human. Listen to what people are saying, avoid 'lecturing', and produce content that's open-ended and invites response. Actively encourage people to submit comments.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **52** | Page

Be plain-speaking, informal but respectful, empathetic, friendly, positive, concise and honest.

Admit your mistakes, when you make a mistake, be quick to admit and correct it. If you are correcting a mistake do so, but indicate the change you've made. If it is more serious and could lead to legal action, contact your CEO for advice.

Only your own personal time can be spent on personal social media. If it's official department communication, be dedicated, be constant. If you decide it's appropriate to use social media for official department communication, you need to get permission from the CEO first, then ensure other appropriate approvals, if required are established.

The following roles, positions and authority/functions apply to the Shire's Facebook Page:

Administrators: Director Infrastructure and Assets; Director Corporate Services; Regional Program Manager for Youth, Travel and Tourism Manager (Tourism Centre Facebook Page only);

Authority/Function: Control Facebook settings (in consultation with the CEO), post factual information on non-contentious matters; reply to comments with facts; moderate comments including the deletion of inappropriate comments in line with this policy.

Moderators: All Department Directors

Authority/Function: Post factual information on non-contentious matters only; reply to comments with facts; and moderate comments including the deletion of inappropriate comments in line with this policy.

Record Keeping Requirements

A copy must be stored of any information, videos, photos etc. published by Shire employees or external users on social media platforms if the content published is deemed **a corporate record**, i.e.:

- It conveys information essential or relevant in making a decision.
- It conveys information upon which others will be, or are likely to make decisions affecting the Shire's operations, or rights and obligations under legislation.
- It commits the Shire to certain courses of action or the commitment of resources or provision of services.
- It conveys information about matters of public safety or public interest, or involves information upon which contractual undertakings are entered into.
- The information likely to be needed for future use, or is it of historical value or interest.

If content is deemed to be a corporate record, a screen-dump of the content must be taken and stored to the recordkeeping system (*Magiq*).

INSTRUCTION TO STAFF: To the CEO to authorise officers of the Shire to access and maintain social media sites

HEAD OF POWER: Local Government Act 1995

Procedure Number	A18 previously ADM 28
Responsible Department	Administration previously Corporate Services
Adoption Resolution Number	2015/117
Adoption Date	17 December 2015 (Resolution no. 2015/117)
Review Date & Resolution	17 December 2015 (Resolution no. 2015/117) 15 June 2017 (Resolution no. 2017/058) 13 December 2018 (Resolution no. 2018/212) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

Additional supporting Documentation on SOCIAL MEDIA Practice Found in the Shire of Halls Creek Induction Manual

Overview

Online communication and social media tools are important communication channels that enable local government to engage directly with the Halls Creek public. These tools inform the public about services and programs and allow two-way conversations with the community about policy development.

The objective of this policy is to set parameters on the use of social media, whether as part of your professional responsibilities or in a personal capacity to limit the risk of damage to the department arising out of such use.

It is essential you understand that comments you make via social media platforms are as public as if you were making the same comments to the media or at a public forum. The intention of this policy is to establish a culture of openness, trust and integrity when dealing with user-generated content.

Scope

This policy applies to all employees, contractors and consultants working for the department.

Statement of Policy

Personal Use of Social Media

Overview

The Shire recognises you may wish to use social media in your personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities. However, you should recognise the potential for reputational damage to be caused, directly or indirectly, to the Shire in certain circumstances as a result of your personal use of social media when you can be identified as an employee. Accordingly, you should comply with this policy to minimise the risk of such damage.

You are personally responsible for the content you publish in a personal capacity on any social media platform. When in doubt, seek guidance from the Shire about how to comply with the following obligations.

Where your comments or profile can identify you as a public servant, **you must:**

- Expressly state on all postings — identifying you as a government employee — the stated views are your own and are not those of the department or the government
- Be polite and respectful to all people with whom you interact
- Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws and departmental policies.

Where your comments or profile can identify you as a public servant, **you must not:**

- Post material that is or might be construed as offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- Imply that you are authorised to speak as a representative of the department or the government, nor give the impression that the views you express are those of the department or the government
- Use the identity or likeness of another employee, contractor or other member of the Shire
- Use or disclose any confidential information or personal information obtained in your capacity as an employee/contractor of the department
- Make any comment or post any material that might otherwise damage the Shires reputation.

Reasonable/Unreasonable Personal Use

Whether or not you can be identified on social media, you must:

- Act with integrity
- Never reveal confidential information
- Be respectful.

When accessing social media via the Shires online platforms or work mobile devices, you must do so in accordance with the Shires Acceptable Usage Policy, which requires you to reasonably use these resources in a manner that does not interfere with your work and is not inappropriate or excessive.

Examples of reasonable use include:

- Re-tweeting content from the Shire or CRC account on your own Twitter account
- Accessing and posting comments on the Shire pages
- Updating Facebook status and posting messages during a lunch break
- Sharing relevant work-related posts to educate and inform your online networks.
- Unreasonable use:
- Shire resources should not be used to access or post any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate or unlawful.
- It is not acceptable to spend hours using social media for purposes not related to your employment during work time.

Official Comment on Social Media

Becoming Authorized To Comment

- You must be authorized to comment before engaging in social media as a representative of the Shire.
- You may not comment as a representative of the department unless you are authorized to do so.

Rules Of Engagement

Once authorised to comment as a shire representative, you must:

- Disclose you are an employee/contractor of the department and use only your own identity or an approved official account
- Only disclose and comment on information classified as public domain information or which you've been given approval to reveal
- Ensure that all content published is accurate and not misleading and complies with all relevant shire policies
- Ensure you are not the first to make an announcement unless specifically given permission to do so
- Comment only on your area of expertise and authority
- Ensure comments are respectful of the online community with which you are interacting

- Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws and departmental policies.

If you are authorised to comment as a department representative, you must not:

- Post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- Use or disclose any confidential or secure information
- Make any comment or post any material that might otherwise cause damage to the department's reputation or bring it into disrepute.

Guidance For Navigating Legal Issues

The following is offered as general guidance to assist you to comply with the obligations set out in this policy. When in doubt, seek further guidance from the department.

Privacy, Confidentiality, And Information Security

- You should only use personal information obtained in the course of your employment/engagement with the department in a manner consistent with departmental policies such as the Acceptable Usage Policy.
- You should not publish or report on conversations or information deemed confidential or classified or that deal with internal matters.
- For more information on posting material online (i.e., public domain), refer to the Acceptable Usage Policy.

Copyright

- You should respect copyright laws and fair use of copyrighted material.
- You should attribute work to the original author/source wherever possible.

Harassment and Bullying

- The department's Workplace Bullying Prevention Policy applies online and in the physical workplace.
- Workplace bullying and harassment includes any bullying or harassing comments employees make online, even on their own private social networks or outside of office hours.
- Abusive, harassing, threatening, or defaming postings are in breach of the department's Workplace Bullying Prevention Policy and may result in disciplinary action.
- All employees are expected to treat their colleagues with respect and dignity and must ensure their behaviour does not constitute bullying and/or harassment.

Defamation

- You should refrain from publishing material that may cause injury to another person, organisation, association or company's reputation, and should seek further guidance if publication of such material is thought to be necessary.

Offensive Or Obscene Material

- Material may be offensive or obscene and may infringe relevant online classification laws if it is pornographic, sexually suggestive, harassing, hateful, racist, sexist, abusive or discriminatory.

Contempt Of Court

- You should exercise care if referring to pending court proceedings to avoid publishing material that could prejudice those proceedings, in particular, material that will not be part of the evidence in those proceedings.
- You should make enquiries as to any applicable court suppression orders prior to commenting on any court proceeding, past or pending

Compliance

Depending on the circumstances, non-compliance with this policy may constitute a breach of employment or contractual obligations, misconduct (under the department's Misconduct Policy), sexual harassment, discrimination or some other contravention of the law.

Those who fail to comply with this policy may face disciplinary action. In serious cases, this includes termination of employment or engagement.

Identifying Inappropriate Use

If you notice inappropriate or unlawful content online relating to the department or content that may otherwise have been published in breach of this policy, you should report the circumstances to the Strategic Communication and Protocol Branch.

Privacy breaches can also be reported to the Legal Branch.

DEFINITIONS

Social Media

Content created by people using highly accessible and scalable publishing technologies. Social media is distinct from industrial media, such as newspapers, television, and film. Social media comprises relatively inexpensive and accessible tools that enable anyone (even private individuals) to publish or access information — industrial media generally require significant resources to publish information.

(http://en.wikipedia.org/wiki/Social_media)

Social Media may include but is not limited to:

- Social networking sites (e.g., Facebook, MySpace, LinkedIn, Yammer)
- Video and photo sharing websites (e.g., YouTube, Vimeo, Flickr, Instagram)
- Blogs, including corporate blogs and personal blogs
- Blogs hosted by media outlets (e.g., 'comments' or 'have your say' features)
- Microblogging (e.g., Twitter)
- Wikis and online collaborations (e.g., Wikipedia)
- Forums, discussion boards and groups (e.g., Google groups, Whirlpool)
- Vodcasting and podcasting
- Online multiplayer gaming platforms (e.g., World of Warcraft, Second Life)
- Instant messaging (including SMS)
- Geospatial tagging (Foursquare)

A19 OCCUPATIONAL SAFETY & HEALTH

Administration

PREAMBLE: To provide additional information supporting Shire OS&H policy and practice.

OBJECTIVE: To provide a safe and healthy workplace and to ensure that Shire of Halls Creek discharge its duties under relevant Occupational Safety and Health (OSH) legislation.

PRACTICE: The Shire of Halls Creek as an employer will to do everything practicable to ensure that employees are not exposed to hazards. Shire of Halls Creek will use its best endeavours to provide all employees with workplace conditions and job procedures, which seek to minimise the risk of injury and illness to people and damage to property.

Shire of Halls Creek recognises that it has a duty of care towards workers, volunteers, clients and stakeholders who by association may be put at risk. Shire of Halls Creek is committed to continuous improvement in Occupational Health and Safety planning, implementation and review towards minimising work-related injury, illness and property damage.

Shire of Halls Creek will provide where reasonably practicable a safe and healthy work environment, complying with all relevant legislation and standards. Shire of Halls Creek will have a dedicated Occupational Safety and Health delegate representing staff.

All employees, contractors, volunteers and the Council will perform their jobs in accordance with established procedures, and have a personal commitment to safety and loss prevention.

Occupational Safety and Health disputes shall be handled in accordance with Shire of Halls Creek Complaints procedures.

Shire of Halls Creek and management will promote compliance with all relevant legislation, and industry standards, in particular the Occupational Health and Safety Act 1984 and Australian Standard AS/NZS 4801:2001 – Occupational Health and Safety Management Systems.

PROCESS: The Shire's commitment to OH&S will be achieved and maintained by:

Ensuring that management and supervisory personnel remain aware of Shire of Halls Creek's statutory obligations and take action as necessary to achieve compliance.

Ensuring consultative and cooperative participation of management and the workforce in safety and health related activities;

Recognising and controlling physical and procedural hazards;

Conducting formal and informal training to improve the safety related knowledge and skills of employees;

Ensuring plant and equipment is safe and suitable for the job, via sound purchasing and maintenance systems;

Providing an effective system of incident investigation and reporting;

Providing to employees the most appropriate type of personal protective equipment as required for any activity;

Conducting an effective Occupational Safety and Health Committee process which will generate and support safe working initiatives;

Maintaining a rehabilitation programme, where appropriate, for any employee who sustains a work related injury or illness, and

Ensuring that contractors employed and engaged by Shire of Halls Creek will comply with Shire of Halls Creek's OSH standards, policies, procedures and codes of conduct.

The responsibility for occupational safety and health in Shire of Halls Creek is as follows:

Shire of Halls Creek Council:

- Provide adequate resources and funding to support risk management and provide a safe and healthy workplace for its sole employee – the Chief Executive Officer.

Chief Executive Officer:

- Endorse, implement and review the Shire of Halls Creek Occupational Safety and Health Risk Management plan,
- Ensure compliance with OSH legislation throughout the organisation,
- Ensure OSH policies and procedures are communicated, embedded and adhered to throughout the organisation.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995, Occupational Health and Safety Act 1984

Procedure Number	A19
Responsible Department	Administration
Adoption Resolution Number	2019/091
Adoption Date	25 July 2019 (Resolution no. 2019/091)
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

FIN1 PAYMENTS

Finance

PREAMBLE: Procurement of goods and services is one of the biggest stand-alone functions of the Shire of Halls Creek. This procedure aims to support the function of payment for those goods and services.

OBJECTIVE: Payment of procurement expenses should be managed to incur the least risk and cost to the Shire, whilst maintaining flexibility in payment arrangements. Payments processes will always be authorised by an appropriately delegated officer and any misuse of Shire resources will be addressed and resolved quickly. The Shire audit function has a major focus on procurements and payments, therefore the Shire aims to minimise error and present a robust and challengeable system of payment processes.

PRACTICE: The Shire makes payments by drawing a Shire Cheque (various funds), using Electronic Funds Transfer (EFT), by using a Shire credit card or by accessing Petty Cash.

PROCESS:

Wherever possible, payments to Shire based service providers and suppliers shall be processed within 14 days of receipt of the invoice so as to assist local businesses.

Where payments cannot be made for an invoice by EFT to a bank account nominated by the creditor, the most next cost-effective means of payment shall be used.

Payments will be processed to ensure that the Shire obtains any prompt payment discounts, avoids late payment penalties and establishes the Shire reputation as a business of choice for suppliers.

Signatories and authorised persons for cheque and EFT payments with the relevant positions are as follows:

- Chief Executive Officer
- Director Corporate Services
- Director Infrastructure
- Director Health & Regulatory Services
- Records Manager

Any other officer nominated by the CEO, from time to time as operational requirements may dictate.

All EFT or cheque payments are to be signed/authorised by two signatories. For any transfers of funds between the Shire of Halls Creek's own operating accounts, including the transfer of funds between the Shire's Municipal, Trust, Travel & Tourism Centre clearing accounts, Reserve accounts, or for transfer of funds into or from investment accounts, two signatories authorisations are required.

All payments will be supported by:

- A tax compliant invoice;
- Notification by a Shire officer that the goods or services have been received; and
- Where required, a copy of the Shire's official purchase order form that has been signed by an authorising officer.

The officers authorising cheques and EFT payments are responsible for ensuring the completeness and correctness of the voucher presented for payment.

A Council officer cannot authorise a purchase or sign a voucher where that officer receives a personal benefit from the payment or purchase. E.g. Reimbursement

That a schedule of EFT, cheque and Credit card payments made in each month shall be presented to the OMC held in the subsequent month regardless of the payment system used.

Cheque Payments

All cheque payments are to be made by system cheques generated by the financial system, based on payment information entered. No substitution of payees will be allowed.

All cheques will be crossed with the words "Not Negotiable – Account Payee Only".

Blank cheques are accountable documents and a complete record of all cheques must be maintained. Spoiled and cancelled cheques must be retained and accounted for.

All payment vouchers are to be checked by an officer other than the officer who prepared the voucher, prior to the production of the cheques.

Authorising officers must check that:

- The cheque agrees with the accompanying payment voucher;
- The goods and services for which payment is being made are appropriate for Council;
- Cheques have been printed in a legible format and in correct alignment; and
- All spoiled cheques have been retrieved and cancelled.

For all cheque payments, a photocopy of the cheque (referred to as a "voucher") is to be held on file, with the two signatories clearly identifiable.

The appropriate invoice(s), purchase order(s), quotations, notes and other documents relating to the transaction are to be securely fastened behind the voucher.

Any apparent discrepancies or charges that appear inappropriate are to be drawn to the immediate attention of the Chief Executive Officer and the Manager for Finance.

Electronic Funds Transfer (EFT) Payments

All EFT payments are to be subject to the same payment voucher and accounting requirements as for cheque payments.

In addition:

- A copy of the funds transfer report generated by the banking system is to be retained and attached to invoices paid; and
- Employees who enter passwords are to sign the funds transfer report, or on a suitable form indicating the transfer has taken place, which must also be attached to invoices paid.

The creditor must provide written confirmation of relevant bank account details prior to any EFT payments. Oral advice of bank account details is not sufficient.

The form used to gather information about banking will also outline that Council will not make good on any monies deposited to wrong accounts. The form must be authorised by an owner or manager of the creditor business.

Remittance advices, providing payment details, are to be forwarded to the vendor by email where available.

Any EFT payments which are rejected and returned to the Council are to be followed up and corrected promptly. The party responsible for the error is responsible for recovering the monies.

The Shire will only make a correcting payment to the creditor where the Shire is directly at fault. In this case, the Shire will take immediate action to recover the monies from the incorrect creditor.

Security will be paramount when dealing with on-line records. Authority to change the setup parameters of the Shire's on-line banking facility will not be vested in a single system administrator. Access to the system will be periodically reviewed. The Accounting System output files/bank input files are to be kept only in a restricted access file directory while awaiting upload to the bank.

Access to the file directory where bank input files are kept is to be restricted.

Those who authorise electronic transfer are to ensure that they first reconcile each payment in a batch with appropriate payment vouchers, and that the vouchers have been properly prepared and authorised.

Any apparent discrepancies or charges that appear inappropriate are to be drawn to the immediate attention of the Chief Executive Officer and the Chief Financial Officer.

Credit Cards and Fuel Card Payments

Credit cards and fuel cards may only be used for official Council business. The Chief Executive Officer will determine which employees are to be issued with credit cards and/or fuel cards, and the monthly credit limits to apply will be recorded in the Delegations Register.

Credit cards and fuel cards will only be issued to employees who have completed training in procurement and the on-line management of credit card accounts system.

Officers who receive a credit card or fuel card must agree in writing to ensure the security of the card, that any misuse will be repaid immediately, any payment not substantiated by a tax invoice will become the personal responsibility of the card holder, and that the reconciliation of the account will occur within 30 days after the item appears on the credit card or fuel card statement of account.

Credit card and fuel card statement reconciliations (detailing all purchases) must first be submitted by the card-holder and then authorised by the delegated officer, before being finalised by Finance Dept. staff for payment.

Credit card and fuel card limits will be set at a reasonable level to ensure security of the card while facilitating ease of purchasing for the card holder. Credit card purchases do not require the preparation of a Council purchase order.

Credit cards and fuel cards that have more than two month of unreconciled transactions outstanding will have use suspended until all reconciliations are up to date. Disciplinary action will also result.

Any benefits that accrue from the use of corporate credit cards or fuel cards must not be used for the personal benefit of cardholders.

Petty Cash Payments

A Petty Cash float of \$250.00 may be held to effect local payments to a maximum of less than \$25. In order to draw petty cash, an officer must present a tax compliant invoice and a completed authorised voucher for the payment. No purchase order is required.

The float will be charged to a single officer who will control the key to the locked tin and will be responsible for the cash. A monthly reconciliation will be performed with two officers checking the cash. Reconciliations may be performed more often if the cash amount is less than \$50. Reconciliations will be stored on the voucher for the cheque which reimburses the float.

INSTRUCTION TO STAFF: Procurement also requires compliance with Shire Policy A11 Procurement of Goods and Services.

HEAD OF POWER: Local Government Act 1995

Procedure Number	FIN 1 previously FIN 07
Responsible Department	Finance
Adoption Resolution Number	2008/34
Adoption Date	20 March 2008 (Resolution no. 2008/34)
Review Date & Resolution	20 March 2008 (Resolution no. 2008/34) 17 November 2011 (Resolution no.2011/184) 13 December 2012 (Resolution no. 2012/195) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

FIN2 RATING ADMINISTRATION

Finance

PREAMBLE: Rating of Shire property creates a major income stream for the Local Government, but it also generates significant complaint by landowners. The quality of the rating record and the timeliness of recovery processes determine how successful the Shire is in levying and receiving the payment of rates. The Shire has an obligation to all ratepayers to achieve high compliance and a high percentage of recovery.

OBJECTIVE: To provide appropriate and effective management of the collection of rates and charges levied by the Shire of Halls Creek. Collection of rates and charges is an important part of the Council's management of adequate cash-flows as well as the overall management of the Council's financial performance and position.

Note: Refer Also To Shire Of Halls Creek Policy F4 Procedure For Unpaid Rates And F5 Write-Off Of Rates.

PRACTICE: This procedure will clearly set out guidelines for the collection of rates, application of penalty interest for overdue rates and charges, write off of minor outstanding charges and associated collection procedures applicable within the Shire of Halls Creek.

PROCESS: Rates and Charges are due and payable within 35 days from the date of issue of the annual rate (or interim rate) notice, as shown on that notice.

Options for payment will be:

- a) In Full by the specified due date;
- b) By four instalments by the specified due date and within the guidelines set forth in the annual rate notice; or
- c) By an alternative payment plan, mutually accepted by the ratepayer and the Shire of Halls Creek.

The election or application to pay by either of the above three options will be clearly detailed on the rate notice issued and will be in accordance with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

The charges for paying by four instalments or an alternative payment arrangement, including an administration fee and administration interest, will be those adopted by Council in the Annual Budget each year.

The methods of payment available be will indicated on the rate notice and may be varied depending on the operation requirements of the Shire and/or the logistics' and cost to the Shire of those payment options.

A final notice will be issued for any rate account that remains outstanding after the specified due date. The due date for payment of the final notice will then be twenty on (21) days from the date of issue as shown on the final notice.

Any rate account that remains unpaid 14 days after the specified due date of the final notice may be referred for to a debt recovery agent appointed by the Chief Executive Officer for legal recovery. Legal recovery of outstanding rates will then proceed, on behalf of the Shire of Halls Creek, in accordance with the Local Government Act 1995 (as amended) and this policy to recover all outstanding rates and charges as well as the cost of those recovery proceedings.

Legal recovery, as allowed under the Local Government Act 1995, may include but is not limited to:

- a) Summons;
- b) Lodgement of Caveat on title of land or mining tenement;
- c) Sale of rateable land; or
- d) Garnishing of money from tenants (where rateable property is leased out) to be paid directly to the Council to satisfy the rates and charges outstanding.

The Debt Recovery Agent will make recommendation to the CEO in relation to each outstanding amount, and the CEO at his/her sole discretion will determine the above approach based on likelihood of success or collection and details of the rates outstanding.

Penalty interest on unpaid rates and charges will be levied on a daily basis, in accordance with the Local Government Act 1995 and Local Government (Financial Management) Regulations.

The rate of penalty interest will be as adopted by Council in the Annual Budget each year and penalty interest accrues from the date the account is due for payment, as specified on the original rate notice, until the day the account is paid in full.

Penalty interest calculated to be \$5.00 or less will not be charged against rate accounts.

Any outstanding penalty interest at 30 June each year, totalling \$5.00 or less will be written-off as a small balance write-off, but only if all other rates and charges have been paid in full.

INSTRUCTION TO STAFF: All requests to make payment plans or arrangements with the Shire for the payment of rates must be submitted in writing to the CEO for determination in accordance with Shire rating and collections of outstanding monies procedures. The CEO will ensure that collection arrangements are recorded in *Magiq* and that sufficient follow-up processes are established to ensure adherence to the payment plans.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	FIN2 previously FIN 08
Responsible Department	Finance
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	21 August 2008 (Resolution no. 2008/112) 17 April 2014 (Resolution no. 2014/014) 17 December 2015 (Resolution no. 2015/117) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

FIN3 VARIANCE LEVELS FOR FINANCIAL REPORTING

Finance

PREAMBLE: Shire of Halls Creek financial statement reporting is triggered when the degree of variance from Budget to Actual figures exceeds detailed variance amounts. At that point, explanation for the variance is detailed.

OBJECTIVE: To provide guidance on the requirements for financial variance reporting.

PRACTICE: Any variances of 10% or greater will be the level of variance to be reported to Council in the monthly statement of financial activity.

This is subject to a minimum of \$50,000.00 below which variances will not be reported.

PROCESS: During preparation of the monthly financial statements staff will be aware of the Shire instruction for variance reporting.

When assessing variance, the variance would apply to the Current Budget actual (monthly budget amount) and the actual expenditure, where the actual expenditure is other than a standard payment e.g. Insurance.

No variance reporting is required for line items without expenditure, unless materially relevant.

The reporting officer will ensure that the selected variances are described in a manner that adds to the information and understanding of the report.

INSTRUCTION TO STAFF: Apply variance procedures to monthly financial reporting

HEAD OF POWER: Local Government Act 1995

Procedure Number	FIN3 previously FIN 09
Responsible Department	Finance
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	21 August 2008 (Resolution no. 2008/119) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

FIN4 EXPENSE CLAIMS – PROMPT LODGEMENT

Administration

PREAMBLE: The Shire relies on Councillors and staff on occasions making payments for expenses on Shire behalf. E.g. Travel and Accommodation related expenses.

OBJECTIVE: To provide guidance in relation to the acceptance of reimbursement and expense claims.

PRACTICE: Wherever possible, claims for expense payments to Shire shall be received and processed within 14 days of receipt of the claim form.

Where payments cannot be made for a claim by EFT to a bank account nominated by the claimant, the most next cost-effective means of payment shall be used which may include petty cash reimbursement.

Expense claims relating to expenses incurred more than two months previous will not be reimbursed unless the Chief Executive Officer is convinced there are mitigating circumstances for the delay.

PROCESS: All Councillors and staff submitting reimbursement or expense claims are to submit application on the correct finance form. All invoices or receipts are to be attached. Where receipt for reimbursement of expense claim is not available then the claimant will be required to complete a Statutory Declaration in relation to the claim explaining the circumstances.

In all cases, claims against the Shire can only be approved by a Director and countersigned by the CEO.

INSTRUCTION TO STAFF: All claims seeking reimbursement shall be processed immediately by presentation to the relevant Director, then to the CEO for countersigning.

HEAD OF POWER: Local Government Act 1995

Procedure Number	FIN4 previously FIN 12
Responsible Department	Finance
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	21 July 2011 (Resolution no. 2011/103) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

GOV 1 REMOVAL OF ELECTION AND POLITICAL SIGNS

Governance

PREAMBLE: Continued presentation of electoral and political signage after elections can create a visual hazard and litter.

OBJECTIVE: To provide guidance regarding Election or Political signage within the shire during an election.

PRACTICE:

Definition of Election or Political Signage

Election or Political Signage means a sign or poster which advertises any aspect of a forthcoming or held Federal, State or Local Government election.

Guidelines for Election Signage

Election or political signage that meets the following specifications does not require prior approval from the local government under the provisions of Regulation 61(g) of the Planning and Development (Local Planning Schemes) Regulations 2015;

- Must be erected at least 30 metres from any intersection;
- Must be free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- Being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- Must be placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- Must be maintained in good condition;
- Must not be erected until the election to which it relates has been officially announced;
- Must be removed within 48 hours of the close of polls on voting day;
- Must be securely installed;
- Must not be an illuminated sign and
- Must not be displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

PROCESS: Advertisements for upcoming elections and political parties that do not meet the above provisions require approval by the Shire, including campaign advertising.

They will only be permitted on a property on which the campaign office is situated, and on polling day at the registered polling places. The relevant requirements for signage in these instances are as specified in this guideline above.

The Shire prohibits the erection of election signs on any road reserve or footpath and the Shire reserves the right to restrict signs on its property, such as parks or reserves. Signage on or near a main road, such as a highway, must be approved by Main Roads WA.

Consent must be obtained from owners for signage on private property facing a road.

INSTRUCTION TO STAFF: Staff are required to remove the signage material, if still erected 7 days after an election and the cost of doing so will be billed to the candidate.

HEAD OF POWER: Local Government Act 1995

Procedure Number	GOV1 previously OTH 09
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	16 February 2017 (Resolution no. 2017/015) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HLT1 MOBILE FOOD VENDING VEHICLES AND TEMPORARY FOOD STALLS

Health & Regulatory Services

PREAMBLE: Food vending and mobile food vans pose a significant risk to consumers of their produce due to the nature of the service. The Shire requires procedure to complement its effort in minimising this risk on behalf of consumers.

OBJECTIVE: To establish the criteria that will be used in considering applications to operate mobile food vending vehicles and temporary food stalls.

To assist persons wishing to make application for approval to operate mobile food vending vehicles and temporary food stalls by setting out the information required by Council to assess applications.

To ensure that, food sold to the public from non-conventional food premises, that is, mobile food vending vehicles and temporary food stalls, is safe for human consumption and that the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in vehicles and stalls are adequate.

To ensure that the vending of food from mobile food vending vehicles and temporary food stalls is restricted to appropriate areas, events and occasions so that issues such as road safety and intrusion into residential and public areas is reasonably controlled in terms of parking, conduct and hours of operation.

To ensure that mobile food vending vehicles are inspected annually for compliance with the criteria set out in the Policy.

To ensure that temporary food stalls are inspected for compliance with the criteria set out in the Policy on each day of use.

PRACTICE: **Statute Reference**

The Procedure is prepared with reference to section 3.5, subdivision 1, Division 2, Part 3 of the Local Government Act, the Food Act 2008 and Clause 4.2, Division 1, Part 4 of The Shire of Halls Creek Local Law 2002, as amended.

The Purpose of the procedure is to supplement provisions of the Local Government Act Local Law 2002 and the Food Act 2008 by:

- Specifying the circumstances in which a person is required to obtain a particular approval from the Council.
- Specifying criteria which the Council must consider when determining whether or not to grant approval to a particular activity; and
- Specifying other matters relating to approvals not dealt with by the Local Government Act 1995 and the Food Act 2008.

The procedure applies to the Shire of Halls Creek and covers all activities associated with preparation, cooking, serving or sale of food, other than permanent licensed food premises.

Definitions

Expressions used in the procedure are defined in sections 8 to 13, Part 2 of the Food Act 2008. Also refer to Appendix 6 of this procedure.

PROCESS:

Exemptions under the Policy

There are no exemptions for mobile food vending vehicles or temporary food stalls that are used for the preparation, cooking, serving or sale of food within the Shire, however, the procedure does not apply to food transport vehicles transporting foods to commercial premises.

A permit must be obtained from the Shire and an authorised person may require a person to cease operations if a permit has not been issued or the conditions of a permit are not being complied with.

Prohibition Under This Policy

Except for special events sanctioned by the Shire, the operation of mobile food vending vehicles is prohibited on the main carriage ways of the Great Northern Highway and Duncan Road/Highway within areas of the Halls Creek town boundaries as indicated in the Council's Town Planning Scheme.

Criteria Shire Must Consider When Determining Applications

Prior to the issuing of an approval, the mobile food vending vehicle must be presented to the Shire of Halls Creek administration building at Lot 71 Thomas Street for inspection by the Environmental Health Officer (EHO).

The criteria to be used by the EHO in assessing a mobile food vending vehicle for approval must be all the relevant provisions contained in the Food Act 2008 and the additional approved Australian standards.

A Temporary Food Stall procedure for charitable and approved fund-raising organisations (including contractors authorised by such organisations to sell food) is aimed at ensuring food safety requirements are complied with, including appendices is attached to this procedure. This involves lodgement of a permit application and compliance with conditions placed on the permit.

Commercial applications for Temporary Food Stalls or Food Vehicles will be subject to the full requirements of the Food Act. Applications must be made in the approved form of the application shown in the attached Appendices to this procedure or as issued from Council from time to time.

Inspections

Mobile Food Vending Vehicles:

- a) All food vending vehicles operating in the Shire of Halls Creek must be submitted for inspection in July of each year, or as requested by the Council, at the Council's Administration Building, Lot 71 Thomas Street in Halls Creek, or an alternative date and location as the applicant may be directed.
- b) A prior appointment must be made with the Council's Environmental Health Officer for the inspection.

Temporary Food Stalls:

- a) An appointment with Council's Environmental Health Officer must be made for the inspection of temporary food stalls at the time of making application for approval.
- b) The food stall must not be used for the sale or preparation of food until it has been inspected and approved.
- c) Temporary food stalls such as tents may not have to be inspected until the day, they are to be used but the requirements of the application need to be looked at in the attached appendix

Fees

Fees are determined so as to recover the Council's costs in providing the service.

Application fee:

- a) Applications will only be considered for approval after payment of the approved fee (if applicable) as determined by Council each year and contained within the "Fees and Charges" portion of the annual budget.

Inspection fee:

- a) The annual inspection of mobile food vending vehicles will be carried out subject to the payment of a fee as determined by Council each year and contained within the "Fees and Charges" portion of the annual budget.

Use Of Separate Premises

Where it is proposed to use any premises, either within or outside the Shire of Halls Creek for the storage or preparation of food in conjunction with a mobile food vending vehicle, written approval to use such premises for the proposed use must be obtained from the relevant council.

Noise

Use of amplified music, bells or public address system is prohibited between the hours of 8:00 pm and 9:00 am.

The use of such equipment is also prohibited one minute after the vehicle stops.

The noise level of such systems is not to exceed 50 dBA measured 2 metres from the vehicle.

Prohibited Roads

The selling of goods from mobile food vending vehicles is prohibited on those listed in Appendix 5 to this Policy.

Prohibited Hours of Operation

Hours of operation for mobile food vending vehicles:

- a) Residential or mixed zones: 11.00am to 5.30pm
- b) Town site and commercial areas (excluding areas listed in Appendix 5), 11.00am to 9.00pm

Penalties under the Shire of Halls Creek Local Government Act Local Law 2002

The penalties for failure to obtain a permit or failure to comply with conditions of a permit for a mobile food vending vehicle or a temporary food stall are as set out in the Shire of Halls Creek Local Government Act Local Law 2002.

Schedule 1 – Prescribed Offences

Failure to obtain approval

- a) A person who uses a standing vehicle (mobile food vending vehicle) or any article (temporary food stall) for the purpose of selling any article (food) in a public place, without having obtained a prior approval of the Council, is guilty of an offence carrying a maximum penalty of \$500.00.

Note: Mobile food vending vehicles are generally prohibited from operating after sunset for reasons of traffic safety, particularly in consideration of children crossing the road to or from the mobile food vending vehicle.

Failure to comply with approval conditions:

- a) A person who has obtained the approval of the Council to use a standing vehicle (mobile food vending vehicle) or any article (temporary food stall) for the purpose

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

of selling any article (food) in a public place and who carries out that activity otherwise than in accordance with the terms of that approval, is guilty of an offence carrying a maximum penalty of \$200.00.

Note: The above penalties are related to failure to obtain an approval or failure to not comply with an approval.

Note: As an alternative to obtaining a penalty through the Court, the Environmental Health Officer may serve a Penalty Notice (on-the spot notice) for offences related to not obtaining an approval or not complying with an approval. The offences and the prescribed amount of penalty are set out in Schedule 1 of the Local Government Act Local Laws 2002.

Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this Policy.

However, commercial operations will generally have to comply with all normal conditions.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	HLT1 previously HLT 03
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	18 March 2010 (Resolution no. 2010/038) 18 July 2013 (Resolution no. 2013/062) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

Appendix 1

Criteria Shire must consider when determining applications to operate a mobile food vending vehicle.

1. Construction And Finish Of Surfaces

- a) The internal surfaces of walls, ceilings, doors, sliding partitions and those parts of the wall formed by built-in fittings, must be of stainless steel, colour bonded metal, laminated plastics (Formica, Laminex or Panelyte) or similar approved materials.
- b) All surface materials must be fixed so as to provide an impervious smooth even surface free of buckles, fixing screws, open joints, spaces, cracks or crevices.
- c) All wall floor and ceiling materials must be joint less to the maximum extent possible

Note:

- i. A food vending vehicle includes any vehicle, whether mobile or stationary, used for the purpose of preparing or cooking food for sale.
- ii. Roadside stalls are prohibited in the Shire of Halls Creek and therefore roadside stalls will not be approved under this procedure.
- iii. Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this procedure.

2. Road Safety

- a) Food vending vehicles are only permitted to operate as follows:
 - i. On public roads except those arterial, sub-arterial and collector roads listed in Appendix 5.
 - ii. By standing on a permitted public road or authorised designated public place only for such period of time as the operator may be engaged in serving customers and must keep moving once the customers are served.
 - iii. Shire may approve longer stops in areas where traffic flow is low, including parking areas or authorised designated public places, but the length of time and number of food vending vehicle may be regulated as Shire sees fit.
 - iv. As a food stall in conjunction with an approved fete, fair, festival, carnival, community market or similar event held in a residential area or on a designated public place or reserve. However, the organisers of the event must also give their approval.
 - v. Vehicle must have a flashing yellow strobe light on the roof.
 - vi. Vehicle must have a "watch for children" sign measuring at least 600mm x 600mm.
 - vii. Vehicle must move to the side of the road when serving customers and cannot do this on Duncan Road/Highway or Great Northern Highway.
- b) Food vending vehicles must not operate on those arterial, sub-arterial and collector roads listed in Appendix 5.

3. Surface Materials And Finishing

- a) All surfacing materials must be jointed and finished with cover strips provided in accordance with the manufacturer's specifications. Overlapping is not permitted.
- b) Cover strips must be sealed with approved materials.

4. Floors

- a) Floors must be constructed of materials which are impervious, non-slip and nonabrasive, having an unbroken surface and capable of withstanding heavy-duty operation.
- b) The intersections of all walls with floors must be coved (rounded) to a radius of at least 25 millimetres.
- c) Heavy duty vinyl sheeting and welded (seamless) jointed flooring materials must be laid over a solid base strictly in accordance with the manufacturer's specifications.
- d) Where vinyl sheeting is turned up to form a cove, a fillet or backing piece must be fitted to provide support.
- e) Floors must be fitted flush with the door sill or alternatively, a floor waste with a screwed removable plug must be provided.

5. Door Openings And Serving Openings

- a) Doors and serving hatches must be finished internally with the same materials as the walls.
- b) Adequate fly proofing must be provided to all door and window openings where appropriate.
- c) Roof vents must be proof against the access of flies and dust.
- d) The driving compartment of the vehicle must be separated and effectively sealed from the food preparation and storage section.
- e) A self-closing and close-fitting door may be fitted to an opening in the dividing wall.
- f) The driving compartment must not be used for the storage, preparation and sale of food.
- g) The area of all serving openings must be as small as possible to assist in excluding dust, fumes and insects during travel.
- h) The doors or shutters to all door openings and serving openings must be close fitting and vermin proof.
- i) The serving compartment of food vehicles vending food (e.g. soft serve ice cream) must be fitted with a sliding window for serving customers.

6. Cupboard And Counter Construction

- a) Cupboard counter tops, benches and similar fittings must be constructed of metal, solid core timber or similar timber sheeting, glued or jointed to approval.
- b) The cupboard surfaces and counter tops must be free of cracks, crevices or cavities and all exposed surfaces including tops and exposed edges must be lined with a smooth impervious material. (see criteria 1 a)
- c) Cupboards, counter tops and benches must be supported on non-corrosive solid or tubular steel legs or brackets securely fixed to the walls.
- d) Timber framing is not permitted.
- e) A clear space between the floor and the underside of cupboards and shelving of not less than 150 mm must be provided.
- f) The flanges on all legs of fixed equipment must be sealed onto the floor material.
- g) All cupboards and component shelving must be lined internally with approved material. (see criteria 1 a)
- h) Cupboards designed with a cavity (false bottom) between the floor and the base is not permitted.
- i) Sliding doors of cupboards must have the bottom guides or runners designed to permit food refuse to fall through to the floor, or the bottom guides or runners may be terminated 25 millimetres from each end of the door opening so as to permit easy cleaning.

7. Installation Of Fittings

- a) Hot water heaters pump motors and refrigeration equipment must be mounted on metal frames at least 150 millimetres high.
- b) All service pipes including gas lines, electrical conduit and water and drainage pipes must be concealed into walls and floors.
- c) Cooking equipment must not be placed beneath windows, wall cupboards, serving openings or shelving.
- d) Refrigerators, freezers and cooking equipment must be secured to prevent movement, and positioned so as to provide a space of at least 150 millimetres between the wall and the fitting (for easy cleaning).
- e) All food displayed is to be protected from likely contamination from droplet infection from customers' breath, handling, smoking, or from insects, dust or other contaminants by approved glass or Perspex screens.

8. Ventilation

- a) A mechanical ventilation exhaust system will be required to be installed with hoods serving such heating or cooking appliances as may be specified by the Shire.
- b) Any exhaust ventilation system must be constructed and installed in accordance with the requirements of the Shire.
- c) Fittings must not be placed directly above cooking or heating appliances where they might interfere with the flow of air into the mechanical exhaust ventilation system.
- d) The exhaust vent of the mechanical ventilation system must discharge vertically in an approved position where no nuisance will be created.
- e) All intake and exhaust vents must be fitted with a fly-proof screen when not in use.

9. Washing Facilities

- a) A single bowl sink of sufficient size to hold equipment and utensils must be provided with an adequate and instantaneous supply of hot and cold water through a common mixing spout.
- b) Hot water temperature must not be less than 45 degrees Celsius.
- c) Where eating and drinking utensils and vessels are re-used, a double bowl sink or an approved dish or glass washing machine must be installed.
- d) Hot water at a temperature of 77 degrees Celsius must be provided to one of the bowls.
- e) A wash hand basin with hot and cold water, mixed through a common spout, together with a sufficient supply of soap and single use towels, is to be provided.
- f) The vehicle must be equipped with a waste water tank external to the vehicle, of sufficient capacity to hold all waste liquids and with an outlet of sufficient diameter to facilitate easy flushing and cleaning.
- g) This tank must only be emptied at the premises at which the vehicle is housed and must be disposed of to the sewer to Water Corporation requirements
- h) A separate tub may be required for the thawing of foodstuffs.
- i) All sinks and wash hand basins must be provided with sanitary traps.
- j) All water used in the vehicle must be potable water stored in approved containers and suitably protected against likely contamination.
- k) All tanks must be capable of being easily cleaned.

10. Hot And Cold Food Storage And Display Units

- a) Suitable refrigeration must be provided in the vehicle for the storage of all perishable foodstuffs.
- b) All refrigeration equipment must be capable of maintaining those temperatures prescribed in the ANZ Food Standards Code – Standard 3.2.2.
- c) Refrigerated storage and dispensing equipment must maintain soft serve ice cream and soft serve flavoured ices at a temperature not greater than 5 degrees Celsius.

- d) Ice cream, flavoured ices and ice confections must be maintained at a temperature not greater than minus 18 degrees Celsius.
- e) Soft serve mix must be stored at temperatures according to the manufacturer's instructions.

11. Receptacles For Clothing And Soiled Clothes

- a) Separate lockers and receptacles with close fitting lids must be provided for the storage of operator's clothing and soiled clothes respectively.

12. Garbage

- a) Suitable garbage receptacles with close fitting lids must be provided in the vehicle.
- b) When directed, a suitable receptacle must be provided outside the vehicle for depositing of take-away food containers and other litter.

13. Use Of Vehicles

- a) A food vehicle must not be used for sleeping purposes.
- b) Every person engaged in the preparation or delivery of food for sale must keep, at all times, receptacles, utensils and vehicles used in connection with food for sale clean, free from dust, odours, flies and other insects.
- c) Every person engaged in the preparation or delivery of food for sale must, when so engaged, maintain his/her clothing and his/her body clean.
- d) The vehicle must be used for the vending and delivery of food only and must, at all times, be maintained in a satisfactory standard of cleanliness.
- e) The vehicle and equipment must be thoroughly cleaned at the conclusion of the day's operations or before use each day

14. Applications To Install And Operate A Mobile Food Vending Vehicle

- a) An application for a mobile food vending vehicle must be made using an approved application form (as shown in Appendix 3) and payment of an application fee.
- b) Copies of the application form are available at the Council's administration offices located at Lot 71 Thomas Street Halls Creek.
- c) Approval and registration of a mobile food vending vehicle is subject to an inspection of the vehicle which shows satisfactory compliance with this Appendix 1.

15. Annual Registration Of Mobile Food Vending Vehicles

- a) Applications for the annual registration of mobile food vending vehicles shall be dealt with under the Food Act 2008, as with all food premises.
- b) Arrangements for the Council's Environmental Health Officer to carry out an inspection of a mobile food vending vehicle are to be made in July of each year.
- c) A fee for the inspection is to be paid pursuant to clause 26(a).
- d) A registration label will be issued upon satisfactory inspection and is to be stuck on to the inside of the windscreen or a fixed glass panel on the left-hand side of the vehicle.
- e) Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this procedure.

APPENDIX 2

Criteria Shire must consider when determining applications to operate a temporary food stall.

1. Method Of Construction

- a) A temporary food stall must be constructed to minimise contamination of food.
- b) All temporary food stalls must have a roof covered with canvas or heavy-duty opaque plastic sheeting or similar.
- c) Where food is being prepared inside the stall three sides must be enclosed to full height with similar material as for the roof.
- d) Shade-cloth may be used as an alternative for the sides.
- e) Food must not be prepared or displayed outside the stall.

2. Protection Of Food

- I. All food stored in the stall must be in sealed containers.
- II. A physical barrier must be provided between displayed food and the public.
- III. The preferred means of achieving this includes:
 - i. Clear plastic/Perspex sneeze barriers; or
 - ii. Sandwich display type counters.
- IV. Perishable foods consisting of meats, chicken, seafood, eggs, milk and milk products and cooked rice, must be kept, until sold, at temperatures above 60 degrees Celsius or below 5 degrees Celsius.
- V. A temporary food stall includes any structure, food stall or mobile food stall, erected installed or located on a public place or public reserve which is used for the sale of food for the duration of any fete, fair, festival, carnival, community market or similar event.
- VI. A food stall includes any structure used for the purpose of selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.
- VII. A mobile food stall includes any van, truck, trailer or movable module, used for the purpose of selling any article of food.
- VIII. Temporary food stalls preparing and/or selling perishable foods must be provided with:
 - i. Fly-proof food warmers capable of storing food above 60 degrees Celsius; and/or
 - ii. Refrigerators, freezers or coolers capable of storing food below 5 degrees Celsius.

3. Cooking Facilities

- a) All heating and cooking equipment including open flame barbecues and cooking plates are to be located within the temporary food stall and not within reach of the public.
- b) Every attempt must be made to protect such cooking area from dust contamination and droplet infection, i.e. coughing or sneezing by the public.
- c) Wherever cooking is carried out, adequate provision must be made to protect the stall walls from heat, flame and splashing.

4. Washing Facilities

- a) Separate washing facilities, one for washing hands and another for cleaning utensils and articles must be provided within the temporary food stall.
- b) For example, two plastic wash hand basins and a minimum of eight litres of water immediately available to the stall will satisfy this requirement.
- c) Disposable paper towels, liquid soap and dishwashing detergent must be provided in each temporary food stall.

- d) Use of alcohol-based hand steriliser liquids is encouraged.

5. Refuse Disposal

- a) Suitable garbage receptacles must be provided near the stall for the public to dispose of waste material.
- b) Adequate arrangements are to be made for the storage and removal of garbage.

6. General Requirements

- a) All condiments such as sauce, mustard etc., must be contained in squeeze type dispensers with resealable caps or in individual sealed packs.
- b) Only disposable utensils including knives, forks, spoons, chopsticks and disposable bowls and plates are to be provided to the public.
- c) All disposable eating utensils must be pre-wrapped in paper napkins, cellophane bags or similar material prior to distribution to the public.
- d) Drinking straws, paper cups, spoons etc., must be enclosed in suitable dispensers.
- e) Beverages must be dispensed from an enclosed receptacle equipped with a tap or spout.
- f) Service of food ready to eat shall be wearing plastic disposable gloves or a paper towel / serviette between the hand and the food.

7. Open Temporary Food Stalls

- a) Only canned or bottled soft drinks and pre-packaged non-perishable foods, such as potato chips and confectionary, may be sold from open temporary food stalls.

8. Applications To Install And Operate A Temporary Food Stall

- a) A temporary food stall must not be used for the sale or preparation of food until it has been inspected and approved.
 - b) An application for a temporary food stall must be made using an approved application form (as shown in Appendix 4) and payment of an application fee.
9. Copies of the application form are available at the Shire's administration offices located at Lot 71 Thomas Street, Halls Creek Service Clubs and Community organisations may be exempt from paying an application fee.
10. An application, however, is still required from these groups whose temporary food stall is to be inspected, prior to use. Local sporting groups who sell food from canteens, stalls, barbecues or the like at regular weekend competition games must make application (with fee exemption) prior to the beginning of each season.
11. Compliance with this Appendix 2 is required and inspections of these facilities will be made from time to time.
12. Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this procedure.
13. However, commercial operations will generally have to comply with all normal conditions.



FOOD ACT 2008

Shire of Halls Creek
Local Government Act Local Law 2002

Application for a Mobile Food Vending Vehicle Licence

Full Name of Applicant: _____

Date: _____ Position: _____

Address: _____

Tel: _____ Mob: _____

Email: _____

Type of goods or services to be sold: _____

Proposed Location: _____

Proposed period of operation: Date: _____

Time: _____

Start

Finish

Vehicle details

A plan of the Food Vending Vehicle (hand drawn may be adequate) must accompany this application.

Body Type: e.g. van _____

Make of Vehicle: _____

Model of Vehicle: _____ Registration No: _____

Inspected By: _____ Inspection Date: _____

Licence Number: _____

Licence Conditions: Traders are required to adhere to the Shire of Halls Creek policy HLT 03 – Mobile Food Vending Vehicles and Temporary Food Stalls, which is attached to your permit.

Signature of applicant: _____ Date: _____

NOTE: you must receive basic advice from Council's EHO on essential conduct.

FEES: Annual / Daily

NOTE: voluntary organisations may apply to Council for exemption of fees at least 6 weeks before the proposed trading dates.

Fee Paid: _____	Date Paid: _____	Receipt No.: _____
-----------------	------------------	--------------------



FOOD ACT 2008

Shire of Halls Creek
Local Government Act Local Law 2002

Application for a Temporary Food Stall Licence

Full Name of Applicant: _____

Date: _____ Position: _____

Address: _____

Tel: _____ Mob: _____

Email: _____

Type of goods or services to be sold: _____

Specifics of Proposed Location: _____

(You may draw a location map on the reverse of this form)

Name of event: _____ e.g. fete, festival, sport

Proposed period of operation: Date: _____

Time: _____
Start Finish

Date and Time of Inspection Appointment: _____
(Stall must not be used until inspected and approved)

Inspected By: _____ Inspection Date: _____

Licence Number: _____

Licence Conditions: Traders are required to adhere to the Shire of Halls Creek policy HLT 03 – Mobile Food Vending Vehicles and Temporary Food Stalls, which is attached to your permit.

Signature of applicant: _____ Date: _____

NOTE: you must receive basic advice from Council's EHO on essential conduct.

FEES: Annual / Daily

NOTE: voluntary organisations may apply to Council for exemption of fees at least 6 weeks before the proposed trading dates.

Fee Paid: _____	Date Paid: _____	Receipt No.: _____
-----------------	------------------	--------------------

Appendix 5 – Prohibited Roads

The selling of food from mobile food vending vehicles is prohibited on Arterial Roads.

Arterial Roads are;

- Tanami Road
- Great Northern Highway
- Duncan Road

Appendix 6 - Definitions

Authorised Person means:

- a. A person appointed under Part 10 Division 3 of the Food Act 2008; or
- b. Police officer.

Food means a substance or compound commonly used, or represented as being for use, as food or drink for human consumption or as an ingredient (whether or not after processing) of food or drink for human consumption or use and includes:

- a. Confectionery; and
- b. Any spice, flavouring substance, essence, colouring matter or other ingredient whatever that enters into, or is used in, the composition or preparation of food or drink; and
- c. Any substance or compound for the time being declared under the Food Act 2008 to be food.

Food Stall includes any facility or structure used for the purpose of preparing, cooking, serving or selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.

Food Vending Vehicle or **Mobile Food Stall** includes any vehicle or module, whether mobile or stationary, used for the purpose of preparing, cooking serving, handling or selling any article of food.

Premises means any of the following:

- a. A building of any description or any part of it and the appurtenances to it;
- b. Land, whether built on or not;
- c. A shed or other structure;
- d. A tent or similar shelter;
- e. A swimming pool;
- f. A ship or vessel of any description (including a houseboat); and
- g. A van or vehicle.

Authorised Designated Public Place means an area that Council has approved a specific food vehicle or mobile food stall to operate in (subject to designated hours if any).

Designated Public Place means:

- a. A public reserve, public bathing reserve, public baths or public swimming pool or
- b. A public road, public bridge, public wharf or public road ferry; or
- c. A Crown reserve comprising land reserved for future public requirements; or
- d. Public land or Crown land that is not:
 - i. A Crown reserve (other than a Crown reserve that is a public place because of paragraph a, b or c above); or
 - ii. A common; or
 - iii. Land that has been sold or leased or lawfully contracted to be sold or leased;or

- e. Land that is declared by the regulations to be a public place for the purposes of this definition.

And for the purpose of this policy includes;

- f. Public reserve meaning as defined in Clause 1.2, Part 1 of the Shire of Halls Creek Local Government Local Law 2002:
 - i. Any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
 - ii. Local Government property

But does not include premises on private property from which trading is lawfully conducted under a written law.

- g. Public road means a road which the public are entitled to use, and includes:
 - i. Highway, street, lane, pathway, footway, cycleway, thoroughfare, bridge, culvert, causeway, crossing, by-pass and track way, whether temporary or permanent; and
 - ii. Any part of a road and any part of any thing referred to in paragraph a.; and
 - iii. Anything forming part of a road or anything forming part of any thing referred to in paragraph i.
- h. To eliminate any doubt, this policy applies to the whole Shire, including a road and reserve.

Residential Areas mean all areas zoned residential (or mixed zoning that includes residential) in accordance with the Shire of Halls Creek Town Planning Scheme as amended from time to time.

Preparation Of Food includes cooking and service of food.

Retail Trade means trade with consumers.

Sell includes:

- a. Barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale or cause or permit to be sold or offered for sale; and
- b. Sell for resale.

Temporary Structure includes:

- a. A booth, tent or other temporary facility, whether or not a part of the booth, tent or enclosure is permanent; and
- b. A mobile structure.

Temporary Food Stall means any facility, structure, apparatus, food stall or mobile food stall, erected, installed or located within the Shire that is used for the preparation, cooking, service or sale of food.

Vehicle includes any means of transport, whether self-propelled or not, and whether used on land or sea or in the air, which is used or is capable of being used for the carriage, preparation, cooking or storage in connection with the sale of food.

Vermin includes rodents, reptiles, arachnids and insects of all descriptions.

Other Relevant Documents

The following documents are related, either directly or indirectly, to the Policy:

- Local Government Act 1995 – particularly Part 3 (Functions of Local Governments) Division 2 (Legislative functions of Local Governments);
- Food Act 2008;
- Shire of Halls Creek Local Government Act Local Laws 2002

HLT2 REFUSE SITE OPERATION

Health & Regulatory Services

PREAMBLE: To complement the procedure and practice of the Shire of Halls Creek refuse site operations. To be read in conjunction with any Refuse Site management plan or closure plan.

OBJECTIVE: To establish guidance on the Shire position regarding the principal of user pays at the waste facility and operational details on the level of discount provided in the calculation of waste volumes.

PRACTICE: The Shire applies the principle of “user-pays” for the refuse site, to enable the Shire to maintain the waste management facility within prescribed standards. Those who deliver waste to the Refuse site should be expecting to pay for this service based on volumes of waste delivered.

The Shire does not grant any discount, waiver or exemption for any refuse site fees and charges, though will provide a discounted assessment of the volume delivered.

Refuse site staff have the authority to discount up to 25% of volume calculation in the event of a dispute in relation to the charges selected.

The Council does not allow a refund of the purchase of any refuse site vouchers.

PROCESS: Staff are required to utilise judgement in assessing non-compacted waste in trailers and trucks whilst trying to determine cubic volume. If disputed, staff are able to discount up to 25% on their volume calculation. Any request for a higher volume discount must be referred to the Director of Health & Regulatory Services for determination.

INSTRUCTION TO STAFF: As above

HEAD OF POWER: Local Government Act 1995

Procedure Number	HLT2 previously HLT 04
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	16 February 2011 (Resolution no. 2012/002) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HLT3 RUBBISH BINS – RESPONSIBILITY OF PROPERTY OWNER

Administration

PREAMBLE: Mobile garbage bins as waste receptacles provide an excellent means for collecting waste. Unfortunately, if broken or damaged, they can also be a major source of wind and animal delivered litter.

OBJECTIVE: To provide guidance as to the responsibility for the replacement of rubbish bins or parts thereof.

PRACTICE: Damaged bins are to be repaired or replaced at the cost of the property owner.

The rubbish bin collection personnel will provide damage reports, and bin owners will be required to replace or repair the damage.

Property owners or their tenants must advise if they consider the collection service has damaged their bin in some way, and this is to be reported immediately so the matter can be investigated in a timely manner.

PROCESS: Shire are to undertake a bin assessment twice per annum and immediately replace or maintain damaged mobile garbage bins.

Where appropriate, representatives of the land owners can be in attendance during the bin assessment. Additionally, staff are to record the existing bin numbers so that the correct bin can be allocated to each replacement and a reasonable record maintained, property by property.

Where bins are replaced at a property, the Shire staff will remove the old bin and return to the depot for part stripping. Bins can only be left at a property if they are part stripped and cut down to half size for garden pots.

INSTRUCTION TO STAFF: As above

HEAD OF POWER: Local Government Act 1995

Policy Number	HLT 3 previously HLT 05
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	21 June 2012 (Resolution no. 2012/84) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HLT4 FIREARMS STORAGE AND USE

Health & Regulatory Services

PREAMBLE: To storage and use of firearms in a Shire is common place. Correct procedures for the use and storage is essential to comply with both regulatory and best practice requirements.

OBJECTIVE: To ensure the safe and legal storage and use of the Shire firearms.

PRACTICE:

Definitions

Authorised Officer: Shire of Halls Creek employee qualified to use firearms and listed in the corporate firearms licence.

Fitness to Access and Use Firearms

Shire officers accessing and using Shire firearms are to ensure that they are not suffering from fatigue, the effects of illicit or licit substances or other medical conditions which could prevent them from undertaking their duties and making decisions in a safe manner.

Shire officers taking prescription drugs or other substances that may adversely impact upon their performance and decision-making capabilities are to declare this to the Director Health and Regulatory Services, who shall assess the condition of the Shire officer and determine their suitability to carry a firearm.

Similarly, any existing psychological or physiological conditions that may impact upon performance and decision making are to be declared for assessment.

PROCESS:

Access to Firearms

Only authorised Shire officers can access a firearm where the performance of their duties under statutory and legislative requirements necessitates the use of such firearm.

It is the responsibility of the authorised Shire officers to have a full understanding of all relevant legislative / statutory acts and regulations which authorise them to access, possess and use firearms during the course of their duties.

Private firearms and ammunition must not be carried or used for Shire duties.

INSTRUCTION TO STAFF: Shire officers who intend to use and discharge a Shire firearm in the course of their duties are required to conduct a situational appreciation and risk assessment prior to discharging a firearm.

Authorised Shire officers shall always adhere to the National Firearms Safety Code 2002 and the Shire of Halls Creek Firearms procedure.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	HLT4 previously HLT 06
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	20 June 2013 (Resolution no. 2013/52) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR1 DRUGS AND ALCOHOL

Human Resources

PREAMBLE: The Shire of Halls Creek has a legal obligation to manage alcohol and drugs in the workplace. The employer has a 'Duty of Care' imposed by the Occupational Safety and Health Act 1984 to minimise risk and exposure to hazards in the workplace and this will include intoxicated or drug affected employees.

Employees also have a legal duty of care under the Occupational Safety and Health Act to behave responsibly at all times and not expose themselves or others to safety risks due to impairment caused by alcohol or drugs. This includes not undertaking work if they believe they may be impaired, and reporting to management if they believe another employee, or anyone in the workplace, is affected and may be creating a workplace hazard.

OBJECTIVE: To ensure management strategies are in place to eliminate employees being under the influence of drugs and alcohol in the workplace. To ensure a safe workplace, free from the effects of drugs and alcohol including the welfare of the individuals and the safety and health of other people.

PRACTICE: The Shire of Halls Creek considers being at work under the influence of drugs and/or alcohol as unacceptable and will not tolerate it under any circumstances. The use of drugs or alcohol in the workplace is forbidden. Disciplinary action will be taken against any employee found to be at work under the influence of drugs or alcohol. Discipline may involve a warning, transfer, counselling, demotion or dismissal or termination depending on the circumstances.

Definitions

Under the influence: The term "under the influence" refers to the presence of any alcohol (above the legal limit) or other drugs (illicit or prescription) in the bloodstream in any detectable manner, which creates impairment with the employee and places an unacceptable safety risk to the employee or to other people or property.

Legal Limit: the legal limit applicable to the employee's primary role and motor vehicle driver's license required to undertake that role. E.g. grader operator – Zero blood alcohol reading, Ute driver 0.05.

The term "supervisor" means the up-line supervisor of the officer's position.

Prescribed Drugs or Medication

It is the employee's responsibility to advise their Supervisor if they are taking any prescribed drug or medication that may affect their fitness for duty or work performance. The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

Shire's Rights When Drug or Alcohol Use Is Suspected

If a Director, Manager, or Supervisor or the Chief Executive Officer has justifiable cause to doubt an employee's fitness for duty, the Chief Executive Officer may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the safety or health of the employee, co-workers or the public, the Chief Executive Officer reserves the right to remove and suspend the employee without pay from duty pending a voluntary, employee initiated urgent medical examination and drug test within two (2) hours to prove/determine fitness for duty.

Testing which may include a blood or urine tests, will be recommended if “substantial” risk existed for the employee, co-workers or the public. If the employee refuses to voluntarily submit themselves for testing within two hours, the Shire’s position will be that they will be terminated. Alcohol testing results will be recalculated to a point where the employee was active in the workplace.

Employees asked to submit to a drug or alcohol test, where the test fails to meet acceptable masking parameters, the Shire’s position will be that they will be terminated.

Scope

This guideline applies to all employees including the Chief Executive Officer, casual employees’, independent contractors’, consultants’ and volunteers.

The Chief Executive Officer may make alternate arrangements to ensure the safety of employees in relation to the consumption of alcohol where circumstances warrant (for example, during a social event conducted in or after work time on Shire premises). The Chief Executive Officer and Works Supervisors are to schedule the commencement of social events in a way that encourages employees to find alternative transportation post event (take vehicles home first, appoint skippers, provide alternative transportation, park and store Shire motor vehicles pre event) and are permitted to allow time to do so pre-event.

It is the Shire’s intention to recover expenses/costs from employees personally responsible for any civil or criminal penalty that results from being under the influence of drugs or alcohol in the workplace or whilst in control of a Shire vehicle.

PROCESS:

The procedure for dealing with drug and alcohol abuse is divided into four stages: -

Stage One

Removal of the Employee from the Workplace

The Chief Executive Officer or relevant Director/Manager/Supervisor must be advised immediately that the employee is considered unfit for work.

- If an employee has been observed or reported as “unwell” and is showing symptoms of intoxication or “under the influence”, and is deemed to present a substantial and demonstrable safety risk if allowed to continue to work:
- The employee’s Director/Manager/Supervisor shall approach the employee, and instruct them to cease work immediately, because of a performance issue, and ask them to move to a quiet area (office) to talk.
- The Director/Manager/Supervisor shall inform the employee of his/her specific concerns and observations, and stress they will not be allowed to continue to work as this may endanger their own safety or that of others.
- As a result of this initial conversation, the Director/Manager/Supervisor must determine a course of action.
- Suspend pending blood or urine tests or allow a return to work (facts don’t support the claim of “under the influence”) subject to conditions.
- In both cases, the CEO must be advised immediately of the incident and outcome.

Employee’s suspended will be advised that they should voluntarily submit to a blood or urine test within two hours and that the results of such must be presented to the Shire to determine fitness for work in that instance. The Chief Executive Officer will support the employee to arrange for testing if needed. The employee will pay for the appointment with the general practitioner and for the cost of the blood or urine tests.

The employee will be suspended by the Chief Executive Officer without pay until the results of the blood or urine test have been received and/or the employee is deemed fit

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

for work by a medical practitioner. An employee refusing to voluntarily supply a blood or urine test may be stood down pending termination or if by admission may be terminated forthwith.

When the results are received, (subject to no masking evidence) the Chief Executive Officer will determine a return to work outcome in consultation with the employee and their Manager.

A return to work outcome may be in accordance with the following but not limited to:

- the employee to leave the workplace and return to work at the commencement time of the next working day;
- the employee to produce a medical certificate declaring them fit for work before they return to work;
- issue a verbal warning, and/or a First and Final Warning,
- offer Employee Assistance Program counselling and advise that a follow up timeframe will be set for a review of the employee's performance.

Alcohol, drug or illegal substance blood or urine test results are the property of the employee and will be treated with strict confidentiality. Employees found to have a negative or under the legal limit result will be reimbursed the cost of their testing.

Stage Two

Support for the Employee in the Workplace

The employee, immediate Director/Manager/Supervisor should participate in Stage Two, although the employee may request a support representative to be present. An observer should be present if an employee representative attends. The aim of stage two is to support the employee to meet performance expectations in relation to drugs and alcohol, where testing results are either inconclusive, under required limits but evidence of consumption are acknowledged, or where the employee voluntarily acknowledges that problems exist for them and they would like to do something as a result;

The first part of the process should be presented as a counselling session. Procedural fairness must be observed and the Director/Manager/Supervisor must clearly state the performance-related reasons for the interview and the employee must be given the opportunity to respond. The Director/Manager/Supervisor must clearly state what standards of performance are required or expected.

The Director/Manager/Supervisor should offer assistance by encouraging the employee to participate in an Employee Assistance Program although the employee is not obliged to accept.

A timeframe for a review should be established. The employee should be informed of expected changes, on-going performance monitoring by the supervisor and the compulsory interview at the end of the review period.

The employee should be made aware of possible consequences if there is no improvement in that the Shire of Halls Creek disciplinary procedure will be followed which may involve demotion or dismissal.

The Director/Manager/Supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign both of the copies and return one to the Director/Manager/Supervisor. This copy should be placed under confidential cover on the employee's personnel file. The second copy is to be retained by the employee for their own records.

The review interview should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

acknowledged. Continuing problems, such as continued decline in performance, and any new performance-based problems should also be identified and discussed. The Manager/Supervisor should again prepare a summary of the interview.

Stage Three (If the Risk to the Workplace Continues)

The participants at Stage Three should be the employee, Director/Manager/Supervisor and Chief Executive Officer and at the option of the employee, a representative.

The third meeting should be held using the same procedure as the second, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents either a final warning, counselling, demotion or dismissal, depending on the circumstances, using the Shire of Halls Creek disciplinary procedure.

Stage Four

If the issue remains a problem, the fourth stage of the procedure is in accordance with the disciplinary procedure, resulting in termination of employment.

INSTRUCTION TO STAFF:

Management to ensure that the rules on drug and alcohol use on the premises and the Shire of Halls Creek requirements for employees to come to work unimpaired are very clear and conveyed to all employees. Education on this and other practices is to be included in all new employee induction processes.

All existing staff are to be given a copy of the adopted guideline on Workplace Drug and Alcohol Use.

Employees to be made aware of the risks associated with alcohol and drugs in the workplace and the workplace rules will promote the safety message.

INSTRUCTION TO STAFF:

HEAD OF POWER: Occupational Safety and Health Act 1984

Procedure Number	HR1
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR2 EMPLOYMENT MEDICAL

Human Resources

PREAMBLE: All appointed employees will be required to undertake a pre-employment medical and will be required to fill out a Medical Declaration Form.

OBJECTIVE: To ensure that persons being appointed for employment positions at the Shire of Halls Creek are medically able to perform the duties of the position and that due diligence and a duty of care has been exercised when employing personnel.

Undertaking medicals is an integral part of the Shire of Halls Creeks' Occupational Safety and Health commitment, which acknowledges its responsibility to provide a safe and healthy work environment.

The Shire aims to identify alcohol and other drugs problems in employees before they commence in the work environment.

PRACTICE: All offers of full time permanent employment with the Shire of Shire of Halls Creek will be subject to the applicant satisfactorily completing a Medical Declaration Form and a pre-employment Medical Examination conducted [wherever reasonably practicable] by the Shire's nominated medical practitioner. The appointment and costs associated with pre-employment medicals will be borne by the Shire. Any additional testing required to confirm suitability for the role will be at the expense of the potential employee.

Issues identified and or declarations made that indicate a pre-existing condition that will impact on the capacity of an appointed employee fulfilling the position role will be determined by the Chief Executive Officer, on advisement from the Local Government Insurance Scheme (LGIS), WALGA Employee Relations service or the medical practitioner.

The Chief Executive Officer is charged with the responsibility to exercise a duty of care toward the potential employee and where appropriate involve them in a process of determination – considering;

- Extent of the medical condition and its impact on the role,
- Nature of the medical condition and whether it is likely to have a long or short term impact,
- Whether the potential employees medical history suggests the condition has potential to expose the Shire to additional medical or workers compensation claims,
- Whether commitments or waivers are appropriate to manage the situation,
- Whether the role can be adjusted to accommodate the medical condition.

Nothing in this process prevents a prospective employee from seeking a second medical opinion and presenting that information to the Chief Executive Officer.

The Chief Executive Officer may determine that a part time or casual position, because of the physical nature of the role requires prospective employees to also have a medical examination.

It is the Shire's preference that all medical examinations and reports be completed prior to confirmation of the employees appointment, BUT in the case where this is not possible, the Shire reserves the right to make the appointment "conditional" upon the completion of a medical examination that highlights no known reasons why the intended employee would not be fit for the role.

Employees found to have misrepresented fact of prior medical conditions in the Medical Declaration Form that impact significantly on their capacity to undertake, or continue to undertake the role will be terminated on the basis of a breach of employment conditions and Shire Policy.

The Chief Executive Officer can require a current employee to undergo a medical examination if their role or Position Description changes substantially to the point where suitability is questioned.

The Shire of Halls Creek conducts a program of health checks (LGIS programmed health checks) every two years to support original medical assessment and has a flu vaccination service for all employees annually as part of an overall health policy.

PROCESS: The Chief Executive Officer will upon receipt of a medical examination determine the matter as soon as is practicable.

Pre-Employment Medical Examination

The Shire will provide the medical practitioner with:

- A copy of the Position Description to assist the medical assessment of the applicant's physical capabilities in relation to the physical requirements of the position;
- A Pre-Placement Medical Report Form and request for Drug & Alcohol test letter, which includes medical history details provided by the applicant;
- Instructions to return the medical report and account to the Chief Executive Officer.

If, in the opinion of the medical practitioner, the applicant is considered fit for employment, and all other selection processes have been satisfactorily completed, Chief Executive Officer will continue with the formal offer of employment to the applicant in accordance with established procedure.

If, in the opinion of the medical practitioner, the applicant is considered to be unfit, the Chief Executive Officer will notify the applicant verbally and in writing that, based on medical opinion, the formal offer of employment has been withdrawn and the applicant has the option to:

- a) Obtain full details of the examination through their own Medical Practitioner;
And/or:
- b) Make application to the Shire's Freedom of Information Officer to obtain specific details of why he/she is considered unfit.

An applicant will only be rejected on physical or medical grounds if:

- a) The applicant is certified by a medical practitioner as being unfit to perform the direct tasks required of the position; and
- b) The applicant is physically unable to perform the tasks required of the position; and
- c) The tasks cannot easily be modified so that they can be performed.

Having a disability or an existing ailment is not grounds for not employing a person where it does not prevent them from performing the required duties. However, care should be taken to:

- a) Seek medical opinion as to whether an existing ailment might be worsened by undertaking the position;
- b) Determine whether there is unreasonable risk of injury, either to the person or to others; and/or

- c) Seek medical opinion as to whether an existing ailment might be worsened by undertaking the position;
 - i. Determine whether there is unreasonable risk of injury, either to the person or to others; and/or
 - ii. Determine whether it is unreasonably difficult to provide special facilities for the person to be able to work.

Where any doubt is raised about offering employment to a person with a disability, the matter will be referred to the Equal Opportunity Officer who will initiate discussions with the Commissioner for Equal Opportunity and assess any legal implications.

Alcohol or illicit drugs

The pre-employment medical examination will include a test for alcohol or illicit drug use in the person's system. Confirmation of alcohol and/or drugs being present in the person's system does not necessarily preclude them from employment with the Shire.

The Chief Executive Officer will determine whether the presence of alcohol and/or drugs in a person's system prevents them from being employed by the Shire for Occupational Safety and Health reasons.

Any cost in relation to this medical examination will be at the Shire's expense on a reimbursement basis.

Critical Incident Testing

All employees identified as being the perpetrator or victim of a work-related critical incident must undergo a medical examination to test for the presence of alcohol and/or drugs in their system. The medical examination must be performed within 2 hours of the critical incident.

Failure to comply with this requirement will result and the application of Shire procedure HR1.

INSTRUCTION TO STAFF:

HEAD OF POWER: Shire Procedure

Procedure Number	HR2 previously STF 06
Responsible Department	Human Resources previously Executive Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR3 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Human Resources

PREAMBLE: To assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns including health, marital, family, financial, alcohol/drug, emotional, stress and any other problems that adversely affect job performance.

OBJECTIVE: To identify and resolve people issues and identify work performance concerns. To assist people in coping with organisational and personal change and to make available confidential counselling to employees who experience personal or work related problems such as family crisis, emotional distress or any other difficulty and to also make available crisis/critical incident counselling.

PRACTICE: The Shire of Halls Creek seeks to strike a balance between work performance, privacy and the concern of the individual. The Shire has no wish to intrude into the private lives of staff, however, the Shire has a responsibility to take action if problems of a personal nature are adversely affecting work performance, putting other employees at risk, or bring the Shire into disrepute.

If the matter is of personal bereavement in nature the Chief Executive Officer is authorised at his discretion to allow compassionate leave with pay to any employee for a maximum of 5 days in lieu of maximums allowed in employment Awards.

PROCESS: The Employee Assistance Programs (EAP) is designed to assist employees with personal and work related problems. The Shire of Halls Creek recognises that an employee's wellbeing significantly impacts on the work environment.

Counselling services can assist with problems such as interpersonal conflict, work related problems, relationships and family issues, emotional stress, financial difficulties, career issues, grief and alcohol/drug related problems.

Eligibility

The Employee Assistance Program is available to permanent full time staff only including the Chief Executive Officer. Employees may be referred by Chief Executive Officer, Director of Corporate Services, Works Manager or Occupational Health & Safety Officer, or by self-referral to appropriate outside counselling and support facilities. An information booklet will be provided to staff wishing to participate in the Employee Assistance Program, that outlines the services offered and relevant contact numbers to make a booking. Employees can make bookings personally or request the assistance of the above mentioned Officers.

At the discretion of the Chief Executive Officer, a decision to allow employees to attend local counselling as Employee Assistance Program will be weighed against the costs and time loss of non-local services, particularly when paid time off, travel and or other costs become part of the equation. Employees are encouraged to access those services that they believe provide the best results for them over and above costs, and the CEO will be cognisant of the employee's views when making a decision on what services shall be accessed/supplied.

Leave Provisions

At the discretion of the Chief Executive Officer, paid time off during work hours may be allowed to an employee to attend the local Employee Assistance Program support up to a maximum of 5 working hours over a 12 month period or following a visit to a Doctor in

accordance with his/her referral. Over the phone assistance can be undertaken during working hours also.

Confidentiality

A vital feature of the program is the high level of confidentiality and the respect for the employee's privacy. Information on all referrals under the Program will be in strict confidence. Confidentiality means that the Shire of Halls Creek will not receive any information from the program or any of its counsellors concerning the employee's problem, other than contact in order to arrange for payment of the consultations.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	HR3
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR4 EMPLOYMENT – POLICE CLEARANCE

Human Resources

PREAMBLE: The assessment of an applicant's suitability for employment or volunteer work with the Shire of Halls Creek includes consideration of any police record, which may make the person unsuitable for the position.

OBJECTIVE: To provide appropriate levels of risk management and awareness in the recruitment process. To ensure that the Police records are as up to date as fits the role of the employee.

PRACTICE: All organisations providing ratepayer and grant funded services to youth, children, the disabled and the elderly have a legal responsibility to ensure that the rights and safety of program participants and users generally are adequately protected by thorough background checks on servicing staff.

All appointed staff will be required to undergo a Police clearance. The requirement to undergo a Police Clearance will be indicated on the Position Descriptions, Selection Criteria and recruitment documentation and at interview so that prospective employees are aware of requirement.

If an applicant refuses to consent to a Police Clearance, staff will then document that the applicant did not demonstrate that he/she possessed the essential selection criteria for the position.

All decisions on Police Clearances must be timely and should not cause undue delay in the overall selection process.

An applicant or employee, who is denied, refused or terminated in employment or a volunteer position as a result of a criminal offence history, will be given the opportunity to discuss the history with the CEO or relevant Director/Manager.

Employees appointed as casuals will be required to have their Police Clearances updated on a regular basis. For ADULT casual staff employed on Local Government operated/sponsored programs for youth, children, the disabled and/or the elderly, WILL be required to provide a Police Clearance.

The cost of obtaining a new Police Clearance will be borne by the Shire of Halls Creek.

It is the Shire's preference that all Police Clearances be completed prior to confirmation of the employees' appointment, BUT in the case where this is not possible, the Shire reserves the right to make the appointment "conditional" upon the completion of a Police Clearance.

Assessment of Criminal Histories

An applicant should not be automatically precluded from a position with the Shire of Halls Creek on the basis of having a criminal record, although certain convictions will deem the applicant unable to meet the selection criteria. Examples would include a history of sex offences if the position were responsible for children and matters of theft if the position involved contact with the disabled or handling cash.

When considering prospective employees and volunteers with criminal histories, important factors to consider are:

- The nature of the offence and the relationship of the offence to the particular position for which the applicant is being considered.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **98** | Page

- The length of time since the offence took place.
- The number of offences committed. An accumulation of individual minor offences may be sufficient to warrant rejection. The question to be decided is whether or not the offences are considered to establish a pattern or behaviours, which renders the applicant unsuitable for employment.

Severity Of Punishment Imposed

There may be mitigating or extenuating circumstances, which might be revealed in relation to the offence(s), committed. These could include age of applicant at the time of offence(s), and the circumstances in which the offence was committed. Mitigating circumstances, however, may not necessarily always be in favour of the applicant.

General character and time since the offence was committed. Relevant factors would include whether the person is currently employed and, if so, referee reports on his/her performance, other referee reports, steady employment record and favourable reports by past employers.

Whether the offence is still a crime. The 'offence' may have now been decriminalised.

The final decision on whether to employ or not employ a prospective employee with a police record, lays with the Chief Executive Officer. A decision not to employ or place an applicant with the Shire of Halls Creek because of a National Police Record check and the rationale for the decision must be communicated to the applicant by the Chief Executive Officer.

A person denied employment or placement with the Shire of Halls Creek because of a National Police Records check is to be provided with the opportunity to discuss the results and the rationale for the decision.

If the person believes that a significant injustice has occurred, the Chief Executive Officer may review the decision in the first instance, and the person may seek review through the State Ombudsman, or the Commonwealth Human Rights and Equal Opportunity Commission.

PROCESS: Police Clearances are conducted by the Western Australian Police Service and provide details of information recorded against an individual from State and Federal Police records, including all criminal offences and any outstanding warrants. Documentation does not include spent convictions for the purposes of the Spent Convictions Act 1988.

The position applicant will be required to obtain the relevant documentation and provide it to the Shire.

The following process is to be followed:

- Prior to commencement of employment or voluntary work, the applicant will be required to produce a Police Clearance;
- Police Clearance information shall only be accessible to the Chief Executive Officer and relevant Manager;
- Police Clearance information on employees will be stored on personnel files and will remain confidential.

HEAD OF POWER: Shire Policy

Procedure Number	HR 4
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR5 FLEXIBLE WORK ARRANGEMENTS

Human Resources

PREAMBLE: There have been various configurations of flexible work arrangements over the years in Halls Creek, including Time in Lieu, Rostered Day Off, Flexitime/Day and overtime (casual or fixed). Some have been created by the, Council, the Chief Executive Officer (CEO) and others by contractual arrangements with staff. It is now clear, only the CEO has the authority to manage the system of work times, work arrangements and hours for staff; therefore, the purpose of this policy is to provide the CEO with the structure to allow these matters to occur and to present that in a way that provides clarification and incentive for staff.

OBJECTIVE: To develop a spread of working hour options that provide incentives for staff to enjoy both working and time off. To ensure that the system of work hours options has all the necessary checks and balances to prove the sound expenditure of public funds and is easy to manage and control at a managerial level, including the capacity to allow the CEO to direct work practices to match and mirror the varying workloads of the Shire.

PRACTICE: To follow this system Flexible Work Arrangements approach, an understanding of the terms used is necessary.

Flexi-Time

Flexi -Time is a working arrangement whereby the CEO sets the start and finish time windows for normal Monday to Friday work, to allow an employee to have an adjusted start and finish times. In doing so, employees are allowed to accumulate additional hours to be used to complete their 76 hours per fortnight commitment -and though they may be away from the office. E.g. Flexi -Time

Flexi -Time has been used in the past to allow the accumulation of sufficient hours each fortnight to allow one day off – e.g. Flexi-day.

To operate this system, electronic time system recorders are required for employees to log in and out of the office and whilst the terminology is used in Halls Creek Shire, the actual process has not.

Rostered Day Off (RDO)

This system allows for the working of additional time each day to be taken at a later arranged, usually fixed date each fortnight or month. It is a swap of additional time worked each day, generally taken within the same pay period or at the end of the month, on the allotted Rostered Day Off. Organisations can allow for the accumulation of RDO's to a limit sufficient to cater for extra days at Easter or Christmas close downs, or for use as travel days when travelling for annual leave. RDO systems are normally established on a "use it or lose it" basis, not normally accumulating any more than three days.

Time-in-Lieu (TIL)

Time in Lieu is a pre-approved work arrangement (before the time is worked) whereby the Manager may agree to swap work time for time off (TIL). Usually the pre-approved work is irregular and generally outside the normal working arrangements. For example, the employee may be required to work a late night, on a weekend, or attend an after-hours Committee meeting etc. The aim of the exercise is for the Manager and staff member to agree to a like for like swap of time, or if the circumstances demand, a calculation of a time off rate that includes overtime equivalent rates in hours (1:1.5 or 1:2 hours). TIL must be authorized in advance and accommodated within existing staff salaries and wages budgets that the Director/Manager needs to manage.

Overtime

This is where the CEO/Director/Manager has agreed to pay for any work conducted outside or in addition to the normal hours of work at Award rates. i.e. at a rate of 1:1.5 (time and a half) or 1:2 hours (double time) or more on Public Holidays. The calculation for overtime is contained in the Local Government (WA) Interim and other Awards and includes call-outs, Public Holidays etc. Overtime must be pre-approved and accommodated within a salaries and wages Budget and the Manager needs to manage this cost to the Shire.

PROCESS: The CEO will determine the permanent Flexible Working Arrangements and indicate to staff by Memorandum or directive to affected employees. Nothing prevents the CEO from adjusting, altering, ceasing or abandoning a Flexible Working Arrangement for the Shire or parts of the Shire staff. The CEO is required to target Flexible Working Arrangements as a means of ensuring a balance is established between paid employment and the workloads needed to complete the work of the Shire.

The CEO and Directors will determine TIL and overtime requirements for the various work areas of the Shire to ensure operations of the SoHC will not be affected by the reduced or increased daily work hours, and these arrangements will be finalised by confirmation of the CEO. Each of the work areas and the individuals in each will be advised of by their respective Director as to the application and management of the Flexible Working Arrangements.

The taking of any accrued leave by staff will be requested and managed using the Shire Leave Form. Directors and Managers should expect reasonable notice of leave requests to ensure work priorities can be maintained and managed.

The CEO will manage all balances accrued under any Flexible Working Arrangement system to ensure that no more than 10 working days are accrued. The extinguishment of the 10 accrued days should generally align with the calendar year. Directors should aim that with the taking of leave travel days and the Christmas closedown, (additional days needed to cover the Christmas/New Year gap) the primary accrual will be extinguished.

Accumulation of leave in excess of 10 days must be reported to the CEO. The CEO will ensure a standard report item is submitted to the Audit Committee annually half yearly reporting on Flexible Working Arrangements accumulation leave balances.

The current approved Flexible Working Arrangements will be promoted in job advertisements and HR procedures for the various staff applicable to each of the organisations work areas.

INSTRUCTION TO STAFF: The CEO will approve the permanent Flexible Working Arrangement for each of the Shire working areas in accordance with this procedure by documenting such in Letters of Appointment, and by Memorandum.

The CEO can sub- delegate to Directors and Managers the authority to approve urgent overtime or TIL required.

HEAD OF POWER: Local Government Act 1995

Procedure Number	HR5
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR6 GENERAL BENEFIT – PERMANENT EMPLOYEES

Human Resources

PREAMBLE: The Shire acknowledges the difficulty in attracting applications from suitably qualified people due to the Shire's remote location and perceived isolation when residing in the Shire.

OBJECTIVE: This procedure outlines incentives for current and future employees to come and work for the Shire of Halls Creek. These benefits, allowances and financial incentives aim to ease the financial burden to employees living and travelling in the remote Kimberley region and Halls Creek community specifically.

PRACTICES: This procedure applies to permanent employees who reside within the Shire of Halls Creek only. Permanent part-time employees who reside within the Shire of Halls Creek will be eligible on a pro rata basis.

Overtime

As an incentive for outside employees, the Shire permits the working of one additional hour per day as overtime. This has been guaranteed by inclusion in the employee's appointment documentation and can only be withdrawn by a decision of the Chief Executive Officer after report to Council.

Training St John Ambulance Course

Employees will be encouraged to complete and/or renew the Senior First Aid St John Ambulance training course. The course will be organised in Shire time and funded by the Shire every two years.

Defence Reservist Leave Incentive

Members of the Defence Reserve Service employed by the Shire and eligible for Defence Reservist Leave which shall be paid on the basis of the difference between the employee's normal weekly salary and the remuneration received from the Armed Services.

Should the amount from the Armed Services be greater than the normal weekly salary, no additional payments will be made by the Shire. Superannuation contributions will be based on the employee's normal weekly salary.

Should an Employee be released for more than 2 weeks per year for Defence service, the Shire shall, in accordance with Commonwealth Government Legislation, apply for the Local Government Support Payment.

Human Resources Primary Documents

The Secondary Documents for Shire of Halls Creek Human Resources are;

- Incident Investigation Procedure 2017;
- Shire of Halls Creek Induction and Training Procedure 2017;
- Shire of Halls Creek Training and Development Practice (to be drafted) 2017;
- Safe Work Method Statements (as listed) 108, 109, 110.

INSTRUCTION TO STAFF: The CEO shall ensure adequate resources are allocated annually in the budget to meet human resource requirements.

HEAD OF POWER: Local Government Act 1995

Procedure Number	HR6 previously STF 21
Responsible Department	Human Resources previously Executive Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	21 May 2009 (Resolution no. 2009/101) 17 April 2014 (Resolution no. 2014/014) 19 November 2015 (Resolution no. 2015/109) 20 October 2016 (Resolution no. 2016/089) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR7 GRIEVANCE PROCEDURES

Human Resources

PREAMBLE: Whilst complaint handling processes target external forms of complaint, grievance procedures provide an avenue for staff to make complaint and have the complaint heard in a formalised process. It is sometimes required that because of the nature of the complaint and the close proximity of staff in a small local authority, it may be necessary for the Chief Executive Officer to engage competent external assistance to resolve grievances.

OBJECTIVE: To clarify the operations of the Shire of Halls Creek grievance procedures.

PRACTICE: Although the Shire of Halls Creek at all times endeavours to maintain a harmonious work environment, there will unfortunately be times when disputes or grievances arise. The overriding aim of this Grievance procedure is to have the parties involved in the grievance, to resolve the matter through face to face conversation as early as this can be possible in the process.

All employees are encouraged to have a say in matters of concern, to have their concerns listened to and views considered, and to receive feedback - but in the first instance, any grievance involving staff must be dealt with immediately with face to face conversation. Senior Management will become involved to support staff have these conversations, and as a response to the matters raised.

Nothing in this process prevents an employee from seeking assistance from their Union or employee representative/Employee Assistance Provider counsellor or fellow employee in presenting and having their grievance heard; though use of a support person or representative, must be consistent with the aim of resolving the dispute at its source first.

Nothing in this process prevents staff from making a public interest disclosure under the Public Interest Disclosure Act 2003, as part of or separate to the lodgement of a grievance with the Shire of Halls Creek.

Nothing in this process prevents staff from making a complaint to the Crime and Corruption Commission WA (CCC) or the Public Sector Commission as part of or separate complaint or lodgement of a grievance with the Shire of Halls Creek.

PROCESS:

In the first instance, all grievances, should be dealt with immediately at the point where the problem has arisen and where the people involved know all of the facts, i.e. between the employee/s and their immediate supervisor/s, by meeting and discussing the issue/s.

Immediate in this sense means within the day, or the next day. If the parties are on leave, or have lodged the claim then left the workplace, or lodged the claim whilst absent from the workplace, then they must be willing to return and address the issues with the other parties as soon as is possibly practicable - or there is no grievance and the matter would be viewed as vexatious.

The conversation and/or expression of views between the parties must target a resolution of the matter and an immediate agreed verbal outcome going forward.

Nothing prevents employees involved in a grievance from requesting a support member from attending the discussion; though it is preferred that in the first instance the matter be resolved by the individuals concerned, and with their consent or request, a Supervisor, Manager or Director (Senior Staff member) is in attendance to facilitate the conversation.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **105 | Page**

If the matter escalates or involves a young inexperienced employee, then it may be appropriate for the appointed Senior Staff member to allow a support member from the outset.

If the matter cannot be resolved at the first conversation, the senior staff member will report the matter to the Director of Corporate Services, the Shire's appointed Grievance Officer. At this point the matter should be committed to writing and include evidence (where possible) in relation to the issues/matters raised and discussed. The Grievance Officer may direct parties to attend additional conversations, and as soon as practicable, afterwards if resolution is not possible, refer the matter on to the Chief Executive Officer for attention.

In the event that an employee feels that they cannot talk freely with the inclusion of a senior staff member regarding a grievance, they may approach the Director of Corporate Service (DCS) directly as the Shire appointed Grievance Officer to sit in; but in the case where this is considered impractical for direct supervision reasons, then the Chief Executive Officer may be approached to deal with the grievance.

The Chief Executive Officer is responsible for all staffing matters, staff under no circumstances should they report to or lobby Councillors regarding grievances or staffing issues, to do so is a breach of the Code of Conduct and can result in disciplinary action.

Note: Nothing in the above process prevents the employee, Supervisor/s or the DCS from escalating the Grievance to a Shire Complaint Handling matter under Shire Policy if the matter also involves external issues or external persons, but only after the Grievance matter has been investigated and assessed.

Confidentiality

The Shire will ensure that confidentiality is maintained where required or with agreement of the parties, there may be value in bringing the nature of the grievance to other staff awareness to ensure no recurrence. Care will be taken to ensure that the complainant will not experience any form of victimisation or retribution as a result of the raising of a grievance matter.

Where the grievance relates to the conduct or behaviour of an individual staff member this will be handled by the relevant Manager and will be dealt with in accordance with the Shire of Halls Creek Employees Code of Conduct. All investigations and recommendations will be referred to the CEO after completion for consideration and review, and where appropriate with recommendations.

Grievances that relate to the CEO (when not immediately able to be resolved or such that require independent mediation) will be forwarded to the Shire President. The President will determine how the grievance against the CEO will be addressed, but that outcome will generally be in line with the sentiments outlined in the Shire Complaint Handling policy A6. The President will determine if the grievance/outcomes/results are required to be reported to the Council under the Code of Conduct or any other legal requirement that requires their notification. The Chief Executive Officer and will only deal with the complainant to inform them of the President's decisions.

In all cases, Grievances that involve a Councillor will be handled by the Director Corporate Services in accordance of the Shire of Halls Creek Model Code of Conduct A1A and the Local Government Act 1995.

Formal Grievances Highlighting Serious Breaches

All grievances that suggest formal complaints should be established alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest breaches are to be referred directly to the Chief Executive Officer. The Chief Executive Officer will refer such complaints to the appropriate external office. E.g. Public Sector Commission or Crime and Corruption Commission.

Unreasonable Grievances

A grievance procedure is a means of settling matters between parties. If there is any evidence that a grievance is not expected to be discussed, or that an outcome is not expected, or that the complainant has used catch-all approaches to included multiple matters, or has lodged a grievance then left the premises on leave or termination; then it is not a grievance. Without the genuine endeavour of both parties to talk freely face to face to resolve the matter as soon as it is practicably possible after the event; then it is not a grievance that can be dealt with by this procedure.

Occasionally grievances are lodged relating to a Supervisor/Manager/Director discussing an individual's performance or directing an individual to undertake a task or conform to a lawful instruction. No discussion about performance can be a grievance, unless it linked to and relates to the adverse behaviour of the parties concerned when having that conversation - then again, immediate face to face resolution to discuss the behaviour is required.

Guidance that demonstrates that an issue is not a grievance are expressed below.

The parties behaviour is describes as:

- Using unreasonable persistence - by persisting with a grievance even though it has been comprehensively considered by the parties, where all avenues of internal review have been exhausted. By showing an inability to accept the final decision, that demonstrates an unwillingness to resolve;
- Using unreasonable demands - by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond a party's power to deliver, demanding unreasonable outcomes, wanting to turn back time, and unreasonable prosecution of individuals);
- By insisting on a 'moral' outcome, (e.g. Justice for all, when a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such as an outcome exists;
- Using unreasonable lack of cooperation - generalisation in describing events, dragging in "facts" without evidenced, by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this. By displaying unhelpful behaviours, (e.g. withholding information, dishonesty, misquoting others, swamping the conversation with possibilities);
- Using unreasonable arguments by holding irrational beliefs - holding what is clearly a conspiracy theory unsupported by any evidence. By insisting that a particular solution is the only correct one in the face of valid contrary or alternative arguments;
- Using unreasonable behaviours - by displaying confrontational behaviour, including rudeness, aggression, threats either by phone calls, in person or via letters/emails, demanding outcomes where the issue is about something that is beyond the parties control or jurisdiction;
- Dumping a complaint - then not being available to discuss or resolve in a timely manner;
- Dragging personal performance into arguments relating to behaviour; not separating behaviour from expected performance.

Any of the above behaviours demonstrate that the parties to the grievance are not genuine in their efforts to resolve; and as such, no grievance exists (that can be dealt with).

Managing Malicious, Frivolous, Persistent and Vexatious Grievances

All grievances received by the Shire will be treated with the utmost seriousness. If following investigation, the Chief Executive Officer determines a grievance to be malicious, frivolous, unreasonable, persistent or vexatious, the Shire will take into consideration the following action:

- Such a determination must take into account any previously similar complaints from the staff member, the response and outcome to the previous grievances, the resources required to address the grievance to ensure that it is not an unreasonable diversion of public resources and that the principles of equity and procedural fairness have been taken into account.
- A decision to take no further action on the grievance will be made by the CEO, and the complainant will be informed in writing.
- The CEO has determined that the complainants conduct is unreasonable and the parties refuse to communicate. In that case the CEO will advise parties that the grievance will not progress further.

A decision to take no further action on the complaint may be made by the Chief Executive Officer and the complainant will be informed in writing.

INSTRUCTION TO STAFF: To the Chief Executive Officer to engage a competent human resource professional to hear and determine a grievance (where required) and all grievances (non-performance related) that cannot be resolved by face to face conversations against the CEO will be documented and referred to the Shire President. Where a grievance requires specialist mediation or assistance, CEO to resolve.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Policy Number	HR7
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR8 INDUCTION OF NEW EMPLOYEES

Human Resources

PREAMBLE: The Shire of Halls Creek has a legal obligation to ensure employees and contractors are properly introduced to the rules, policies, guidelines and practices that apply in the workplace. The employer has a 'Duty of Care' imposed by the Occupational Safety and Health Act 1984 to minimise risk and exposure to hazards in the workplace and this will include providing adequate induction and training, relevant to the requirements of the particular employment.

Employees and contractors also have a legal duty of care under the Occupational Safety and Health Act 1984 to behave responsibly at all times and not expose themselves or others to safety risks due to a lack of knowledge in relation to their particular work circumstances, which may or may not have been explained to them during the induction process.

OBJECTIVE: To impose management strategies to induct all employees and contractors with the necessary knowledge to ensure their safe introduction to the workplace.

PRACTICE: The appropriate supervisor or the Occupational Safety & Health Co-ordinator will conduct an induction for all new employees and contractors and distribute necessary material within 10 days of the commencement of employment. This Induction will include a copy of the Shire of Halls Creek Occupational Safety & Health Manual, Shire of Halls Creek Administrative Procedures and Operational Guidelines Manual, copies of Human Resource policy and required payroll deduction authorities and superannuation application forms etc.

A copy of the Shire of Halls Creek Code of Conduct will also be distributed to all employees or be made available for them to read at specific locations.

Nothing prevents the Shire from requiring pre-entry induction to a worksite or location where risk mitigation requires such.

PROCESS:

Following completion of the Induction process, all new employees and contractors must acknowledge receipt of and indicate understanding of the contents of the Manuals by signing and returning the "Acknowledgement" page to their immediate supervisor for retention on their employment file.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995; Occupation Health & Safety Act 1984

Procedure Number	HR8
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR9 LONG SERVICE RECOGNITION

Human Resources

PREAMBLE: To provide a framework for the recognition of long service at the Shire of Halls Creek.

OBJECTIVE: To clarify the methodology behind the Shire of Halls Creek Long Service Awards and recognition functions.

PRACTICE:

Employees who serve the Shire of Halls Creek continuously for twenty (10) years or more, will be presented with a Certificate at a suitable Shire reception as an acknowledgement and act of appreciation to employee for extended service.

PROCESS:

The presentation will include:

- An appropriate framed Certificate presented at the completion of twenty (10) years' service and on the completion of every (10) years thereafter;
- The employee and their partner will be invited to a light supper and drinks in the Chambers or Committee Room, at which time the presentation will be made. Such function to be arranged at the discretion of the Chief Executive Officer.
- Where possible, the Chief Executive Officer will arrange a combined function where several employees achieve long serving anniversaries within three (3) months of each other
- At the discretion of the Chief Executive Officer, the employee shall be given the opportunity to nominate up to six (6) family members or friends to be invited to the presentation.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995, Shire procedures.

Procedure Number	HR9
Responsible Department	Corporate Services
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR10 LOSS OF DRIVERS LICENSE

Human Resources

PREAMBLE: It is essential that employees maintain certain skills and qualifications in order to satisfactorily undertake their duties. The need for a valid Driver's Licence is one such qualification that is needed in many positions. Should an employee have their driver's licence cancelled, this may negatively impact on their ability to perform their duties.

OBJECTIVE: To outline the possible outcomes if an employee have their drivers licence cancelled or if their drivers licence was to lapse (or invalidated) and such licence is needed for them to satisfactorily perform their duties. "Loss of licence" for the purpose of this guideline shall include lapsed, cancelled, failure to renew, renewal not issued, suspension and or cancellation.

PRACTICE: An employee is required to notify their Director/Manager/Supervisor at the earliest opportunity when they know they will lose their drivers licence.

An employee who has lost their licence must not operate any Shire of Halls Creek vehicle.

Any employee who knowingly operates a vehicle whilst not in possession of a current drivers licence or knowingly fails to advise that the potential for them to "lose their license" is imminent will face disciplinary action under the Code of Conduct.

Note: *Driving a Local Government vehicle whilst not possessing a current drivers licence is violating the law and can potentially be invalidating the Local Government's vehicle insurance policy.*

Where an employee has lost their driver's licence and it is a requirement of the position that they hold a current C, HR, MR or MC Class licence, then the employee's immediate Director/Manager/Supervisor together with the Chief Executive Officer shall formulate a strategy to deal with the situation based on the merits of the case.

Factors that shall be taken into account shall include:

- The extent to which the employee is required to use vehicles in performing the functions of their role;
- The reasons for loss of licence;
- The employee's length of service, work performance and behaviour record; and
- The length of time before the employee will gain an extraordinary licence/regain their driver's licence.
- Whether alternative duties are available.

Depending on the merits of any particular case, the following strategies may be implemented:

- The employee shall apply for and be granted annual leave, long service leave or leave without pay (to a maximum of one month) to enable the granting of an extraordinary licence;
- The employee shall perform alternative duties which do not require a driver's licence;
- The employee shall be redeployed elsewhere within the Local Government (which can be at a lesser level of pay);
- The employee's services shall be terminated.

PROCESS:

The Chief Executive Officer shall have the final say as to whether employment shall continue, however the affected employee shall be advised of their right to contest any such decision through the appropriate dispute resolution process.

Any redeployment to an alternative position shall be for a limited time period until the employee's licence is reinstated however an employee may remain in the alternative position if the Local Government believes that it is in its and the employees best long term interest.

An employee will receive the relevant rate of pay under their Award for the alternative position during this period.

Should an employee's services be terminated that person may reapply for employment should a suitable vacancy be advertised once they have regained their licence.

Alcoholism

Attempts must be made to ascertain whether or not the employee has an underlying behavioural problem where an employee loses their licence due to a drink driving charge.

It is recognised that alcoholism is an illness which causes socio-economic problems for individuals and the community as a whole. People who suffer from alcoholism require treatment, support and counselling to overcome their addiction.

Employees who stipulate that they have a problem which resulted in them losing their licence may be assisted by the Local Government through the EAP service. The level of support will be determined at the discretion of the Chief Executive Officer. If the employee is willing to undergo rehabilitation and counselling to assist with their addiction then the Shire may look more favourably upon supporting them through the transitional period of recovery.

Due to the employer's duty of care to the community, those people who have previously lost their licence due to a drink driving charge may be required at the discretion of the Chief Executive Officer to undergo a breath test before and after the use of a vehicle.

The decision to supply and/or fund counselling to the employee to assist with recovery during the employee's illness lies with the Chief Executive Officer. No employee will be forced to attend counselling.

Variation to Policy

This practice may be varied at the discretion of the Chief Executive Officer from time to time to suit the particular circumstances of a case, but in doing so will report the practice variations to Council.

INSTRUCTION TO STAFF:

All employees responsible for operating a Shire of Halls Creek vehicle will receive a copy of this guideline at Induction.

HEAD OF POWER: Shire Policy

Procedure Number	HR10
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ **112** | Page

HR11 PERFORMANCE MANAGEMENT – STAFF

Human Resources

PREAMBLE: To provide a framework for the performance management of staff at the Shire of Halls Creek.

OBJECTIVE: To clarify the methodology and aims of performance management.

PRACTICE: The Shire of Halls Creek Performance Management and Development Practice manual outlines the procedure and application of the Shire's performance management efforts.

It is recognised that staff performance is fluid, and that employees mostly attend to do commendable work. Where this is not the case, the Shire recognises that it is generally a failing of communication, instruction and processes that results in under performance.

In this environment, mediation, education and understanding new viewpoints is the starting point to improved performance. The aim of the Shire of Halls Creek performance management process is to achieve higher performance, other options may unfold, but primarily improved performance is the aim.

PROCESS:

In accordance with the following documents;

- Performance Management and Development Practice Manual;
- Professional development Plan 2017;
- Performance Agreement template 2017;
- Under Performance Meeting Plan 2017.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995, Shire procedures.

Policy Number	HR11
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR12 PROTECTIVE CLOTHING – OUTSIDE STAFF

Human Resources

PREAMBLE: To detail the provision of protective clothing and safety equipment at the Shire of Halls Creek for outside works staff who are permanent employees. Casual and part time staff are provided clothing and protective equipment on the basis of the requirements of the job allocated.

OBJECTIVE: To provide appropriate levels of protective clothing and safety equipment that meets the requirements of the task at hand and to ensure employees utilise all safety and health equipment made available to them.

PRACTICE: The Shire will provide to each of its outside employees, at the time they commence the mandatory three (3) month employment probationary period, the following items of PPE:

- 2 sets of shirt and trousers (as appropriate) with Council logo;
- 1 pair of appropriate safety footwear;
- 1 sun protection headwear;
- 1 pair of safety sunglasses to an approved UV standard; and
- 1 high visibility vest (item not included for Aquatic Centre employees).
- Ear muffs, Personal Protective Equipment as required;
- Employees required to wear prescription sunglasses will be paid an allowance equivalent to the value of two quality safety sunglasses per annum;
- Sunscreen;

Outside staff are required to contact the Works Supervisor, who will ensure that the above apparel is supplied to you or in the case of any defective or lost equipment.

Personal Protection Equipment (PPE)

The Shire will provide at specified workplaces items such as sunscreen and insect repellent for general use. In addition to the PPE referred above, specific protective equipment as required for each unique workplace will be supplied as provided for by Awards, Agreements, legislation or policy.

The PPE provided to an employee must be used while performing their work. It is the responsibility of the employee to maintain, clean and keep their PPE in good repair, and to report when the PPE needs replacing.

Outdoor Work Clothing Practice

The Shire also enforces an Outdoor Work Clothing practice (Skin damage Prevention), due to the growing weight of evidence linking skin cancer to exposure to ultra-violet light.

The aim of this practice is to arrive at a dress code that will:

- Protect the employee from ultra-violet light;
- Protect the employee from physical injury, such as cuts and abrasions;
- As far as it is practicable, ensure that the clothing makes the person easy to see when working on or near roads, access-ways and mobile equipment;
- Comply with relevant Statutes and Australian Standards;
- Prescribe clothing that is comfortable and acceptable to the majority of workers;
- Promote a team spirit and personal pride in workers with respect to their appearance.

Standard Dress Code

The minimum clothing requirements for outdoor employees shall be a long sleeve shirt and long trousers. To prevent the adverse effects of hot weather, for the months of November to March inclusive, outdoor employees may be permitted to wear long shorts, i.e., to just above the knee and short sleeve shirts. This exemption will only apply in these months and for locations where the Mean Daily Maximum Temperature is 30°C or more and a sufficient sunscreen is applied to the skin. Unless there are safety related reasons, shirt sleeves must not be rolled up.

The Shire will provide a broad- brimmed hat or cap which should be worn when working outside. This standard dress code is dependant at all times on the suitable application of sunscreen lotion. Hats, long sleeve shirts and trousers appropriate for the nature of the work are supplied by the Shire. Wherever practicable, the Ultra-violet Protection Factor (UPF) of clothing fabric will be 20 or better.

An “outside employee” for the purpose of this guideline is defined as a person whose regular daily duties require them to be in direct sunlight for more than one hour/day on a cumulative basis.

The following outdoor employees because of the nature of their activities, will be subject to this particular dress requirement:

- Rangers
- Pool Attendants (Long pants may hinder a pool rescue and are not recommended)
- Building Surveyors
- Building Maintenance Workers
- Workers on special Tasks

Where there is an obvious risk of immediate physical damage to the skin, the option to wear long shorts will not apply to:

- Operators of brush cutters, concrete/bitumen saws and chainsaws
- Employees handling bitumen
- Employees who handle chemicals. i.e., pesticides and herbicides

These workers must wear trousers and long sleeve shirts or overalls

The standard dress code will apply all year round. Exemptions may apply based upon written medical advice.

Use Of Sunscreen

All outdoor workers will be supplied with sunscreen cream that should be applied to their uncovered skin in accordance with the manufacturer’s directions and in conjunction with the above standard dress code requirements.

High Visibility Clothing

High visibility clothing must be worn by workers at all times which is supplied as part of the annual uniform issue.

Staff who do not wear high visibility uniforms (such as new staff who are yet to receive uniforms) are to wear an overlay high visibility vest. Should over garments (e.g. jumpers and jackets) be needed, then the overlay vest must be worn on the outside so that it is visible at all times.

Supply and Use of Sun Glasses

All staff working outdoors shall, when practicable, wear general purpose sun protection glasses which comply with AS1337 (1992) and AS1067 (1990) as appropriate. These will be made available to relevant staff as part of the standard personnel protective equipment issue.

Physical Comfort and Overheating

Comfort and overheating are considered important issues by the Shire.

The key factors which may promote the body overheating are:

- Ambient and radiant temperature;
- Extent of air movement
- Pace and physical demand of work;
- Adequacy of water replacement by sweating;
- Humidity;
- Clothing.

Thus,

- All relevant staff shall be supplied with a water bottle and should have ample supplies of fresh cool water.
- The use of natural shade should be exploited.
- The erection of temporary shade should be considered where practicable.
- Temporary cessation from physically demanding work should be considered for the time when severe heat related conditions are experienced.

It is obvious that heavy work in hot weather is not efficient work without frequent stops, at least for drinks and possible self-dousing with water.

Staff should report immediately to their Manager/Supervisor any significant symptoms of bodily overheating.

Consultation

The Shire realises that the type of clothing worn in the field is of considerable importance to outdoor employees and as such, they will be consulted with respect to changes in style, type and fabric clothing as issued, in accordance with good management practice.

Wherever practicable, the Shire having adopted a clothing policy, will ensure that the style and fabric of garments is acceptable and appropriate to the relevant workforce.

Employment Termination - Permanent Full-Time and Part-Time Employees

If the employee ceases to be employed by the Shire before a six month period has elapsed from the date of first employment, or from the date of the initial issue of the PPE, then the Shire will deduct from that employee's termination payment an amount proportionally equal to the un-worked period of the six months of the total cost of the initial allocation of the PPE.

For example: If the total cost of the PPE is \$200, and the employee leaves work for whatever reason after 3 months of commencing, Council will deduct from the employee's final pay half of the \$200. All employees are to sign an appropriate agreement to this effect at the time the PPE is issued.

Any items with the Shire logo must be returned to the Shire as soon as practicable after the employment is terminated.

Employment Termination - Casual Employees

If the employee ceases to be employed by the Shire before a three month period has elapsed from the date of first employment, or from the date of the initial issue of the PPE, then Council will deduct from that person's termination payment an amount proportionally

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

equal to the un-worked period of the three months of the total cost of the initial allocation of the PPE.

For example: If the total cost of the PPE is \$200, and the employee leaves work within the 3 months, Council will deduct from the employee's final pay half of the \$200. All employees are to sign an appropriate agreement to this effect at the time the PPE is issued.

Any items with the Council logo must be returned to the Council as soon as practicable after the employment is terminated.

Responsibility For Replacing Damaged PPE

If an employee's PPE is damaged while performing their duties, and they can return it to the Shire, it will be replaced at no cost to the employee.

If an employee's PPE is damaged while performing their duties, and they cannot return it to the Shire, it will be replaced at no cost to the employee on one occasion only.

If the employee's PPE is damaged a second time, and they again cannot return it to the Shire, the employee will have the cost of the replacement item deducted from their pay.

Each employee must wear the PPE supplied by the Shire while working, and is responsible for the PPE security, cleanliness and appearance. All PPE must be fully maintained in satisfactory condition.

Any PPE that is abused and made ineffective through the actions of the employee must be replaced at the employee's expense. The Shire will provide new PPE each calendar year.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995, Occupational Safety and health Act 1985.

Policy Number	HR 12 previously STF 06
Responsible Department	Human Resources previously Corporate Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	25 November 2004 (Resolution no. 2004/11) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR13 SECONDARY EMPLOYMENT

Human Resources

PREAMBLE: Staff wishing to engage in employment outside their official duties, must obtain prior permission from the Director of Corporate Services via the 'Secondary Employment – Application Form' prior to commencement of secondary employment.

OBJECTIVE: To allow staff to make application for secondary employment that will not interfere with or prejudice their employment with the Shire.

PRACTICE: Staff that intend to engage in Secondary Employment under this policy are to acknowledge that their first duty is to the Shire of Halls Creek. They are not to be engaged in providing their service, expertise or talents for secondary employers who will require a decision of the Shire of Halls Creek, either by a Council resolution, delegated authority or under Shire policy. Furthermore:

- Staff shall not engage in secondary employment, which might be detrimental to their performance of official duties.
- Secondary employment should not affect their efficiency, performance or impact adversely on work life balance; and
- Should be wholly in the staff members private time;

If in the course of their official duties, they have access to confidential information not available to the public, they will not be permitted to engage in any secondary employment to which this information might be relevant.

Should the Shire management resolve to change the spread of hours of the officer then the Shire of Halls Creek as principal employer takes priority.

Note: Secondary Employment Form Attached

Voluntary & Community Organisations Shire of Halls Creek employees are encouraged to contribute to the community and be involved in voluntary and community organisations. Within the context of this procedure an employee is free to fully participate in voluntary and community organisations, charities and in professional associations.

However, this must be in the employee's own time, except where permission is granted by the Director of Corporate Services for participation during work hours. All involvement in voluntary and community organisations must be disclosed and approval sought from the Director of Corporate Services or the Director Executive Services.

This further extends to unpaid external work and work experience, including internships.

Appeals If an employee who does not receive approval from the Shire of Halls Creek to undertake secondary employment wishes to appeal the decision, they are entitled to make their appeal in writing to the Chief Executive Officer for reconsideration. Any appeal in writing must include the decision by the Director of Corporate Services and a case for re-consideration.

Variation to This Procedure This policy may be cancelled or varied from time to time. All the Shire of Halls Creek employees will be notified of any variation to this procedure by the normal Memo based methods.

PROCESS: Staff member is to complete the Secondary Employment – Application Form and submit it to the Director of Corporate Services for consideration.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ 118 | Page

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	HR13
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)



Schedule 1 Application for Secondary Employment

Name: _____

Current Position: _____

Name of outside organisation employee is seeking secondary employment with: _____

Title of outside position: _____

Estimated time required for outside position (days, duration, hours): _____

Estimated days of secondary employment (work roster): _____

Proposed start date of secondary employment: _____

Main business activity of outside organisation: _____

Nature of the secondary employment position: _____

Please circle **yes** or **no**

Does the proposed work to be carried out in the course of secondary employment, have, or potentially have, any business connection or other arrangement with the Shire of Halls Creek
Yes / No

Is there likely to be any need to make changes to your work arrangements at the Shire of Halls Creek to undertake the proposed secondary employment?
Yes / No

Is there likely to be any use of, or perception of use of, Local Government resources, materials, or equipment, or information that is obtained through your work with the Shire of Halls Creek in the proposed secondary employment?
Yes / No

Is there likely to be any other conflict or perceived conflict of interest between the proposed secondary employment and your Shire of Halls Creek duties and/or Shire of Halls Creek business?
Yes / No

For part-time employees only:

What is your primary employment (i.e. major income source)?

Employee declaration:

I, _____, have read and fully understood the policy of secondary employment the Shire of Halls Creek of _____ has in place and the code of conduct.

I declare that if my secondary employment creates a conflict of interest or adversely impacts upon my employment at the Shire of Halls Creek of _____ I will either cease the secondary employment or advise the Chief Executive Officer and comply with any directions I am given.

I understand that if I breach this procedure I may be subject to disciplinary action including possible dismissal.

Signed: _____ on the ____/____/____

For Chief Executive Officer or authorising officer:

Application rejected or approved: _____

Reasons for rejection: _____

Conditions of approval: _____

Name of Authorising Officer or Chief Executive Officer: _____

Position of Authorising Officer if applicable: _____

Signature of Authorising Officer or Chief Executive Officer

Date: ____/____/____

HR14 STAFF UNIFORMS

Human Resources

PREAMBLE: The Shire has adopted the Local Government Uniform as its corporate uniforms for the Administration officers. This guideline defines the conditions that apply to officers' uniforms for the Shire to fund the purchase of uniforms.

OBJECTIVE: To clarify the conditions that apply to Shire of Halls Creek uniform supply. To ensure that a positive, professional image of the Shire of Halls Creek is presented to the general public.

PRACTICE: This procedure applies to all employees who are not supplied with personal protective clothing pursuant to procedure number HR12 *Personal Protection Equipment – Outside Employees*.

That unless otherwise negotiated in salary considerations or under contract, the following guideline is to assist with the provision of recognised uniforms to staff members.

Those officers claiming a staff uniform contribution will be obliged to wear them for working purposes whilst in the employ of the Shire of Halls Creek.

The Shire will also provide suitable identification badges to be worn by administration staff.

Employees will also be provided with suitable sun protection, e.g. hats, sunglasses and sunscreen, as applicable to their position.

Staff are to be advised that they will be asked to leave the workplace if they do not wear the correct clothing and they run the risk of being dismissed if they continue to come to work in unsuitable clothing.

PROCESS:

Uniforms To Be Compulsory

It is compulsory for all non-probationary employees to wear a corporate uniform approved by the Chief Executive Officer. Therefore, the employee must ensure their uniform is ready before their probation ends. The officer, on receipt of the letter confirming permanency is to contact the Director of Corporate Services to arrange for uniform purchases.

All uniform shirts, dresses and blouses are to be embroidered or printed with the Shire of Halls Creek logo. If the logo is changed, the Chief Executive Officer will determine if a new uniform is to be acquired.

The Chief Executive Officer may approve at his discretion different styles of uniform appropriate to the duties, workplace and preferences of different employees.

Uniforms are to be worn at all times when attending the workplace during normal business hours, when working in the field or when representing the Shire. Uniforms are generally not to be worn at other times.

Employees who require special garments for religious or cultural reasons will be accommodated.

Uniforms To Be Supplied

The Shire does not pay the uniform allowance in cash. Nothing in this procedure shall entitle an employee to be provided with cash as their uniform allowance, though in the case of a contracted employee, that clothing allowed under the contract.

During the first FBT year of their appointment, new full-time employees are to be supplied with uniform clothing of up to \$500 (excluding GST) in value unless otherwise stated in the employee's contract or letter of offer. This is to include, but not be limited to, five (5) uniform shirts.

In subsequent FBT years of employment, full-time employees are to be supplied with uniform clothing of up to \$300 (excluding GST) in value unless otherwise stated in the employee's contract or letter of offer.

Part-time and casual employees are to be supplied with uniform clothing on a pro rata basis based on the number of days per week worked. For example, an employee who works 2 days per week will be supplied with two-fifths of the full-time uniform supply.

Specifically excluded items include shoes, hosiery, underwear, accessories, glasses, coats and pullovers.

The Administration Officers have the responsibility for ordering and arranging the embroidery of uniforms.

All garments ordered as uniform **must** have the official Council logo embroidered or printed on them to make them compliant with FBT regulations. Not having a logo will mean a fringe benefit tax implication to the Council and employee.

The Administration Officers will maintain a database of employees, and include the date and amount spent on uniforms for each employee, the type of uniform provided, which garments were embroidered, and the signed acknowledgement of receipt of the uniform.

For ease of administration, a year will be defined for the purpose of this policy to commence on 1 April and end on the following 31 March.

Employees who exceed allowance amounts will be invoiced for the excess amount.

Employees may elect to purchase approved garments for use as their uniform. These garments **must** be sent for embroidery by the Administration Officers.

Reimbursement will be through an expense claim form that needs to be countersigned by the Administration Officer to acknowledge the garments have been embroidered and included in the database.

The responsibility for ensuring the uniform order is correct falls on the employee. If the employee instructs the Administration Officer to order the incorrect size, colour, material or any other error, and the garment is embroidered, the employee will forego any future uniform allowance until the cost is reimbursed. Another garment will be ordered at that time, and the incorrect garment will either be stored for future use, or destroyed.

On ceasing employment, an employee must return all garments that have a logo. The Administration Officers will record the return of the garments, and will remove the logo from them, essentially destroying the item.

On ceasing employment, an employee who is unable to return a garment that has a logo will have the cost of that garment withheld from their pay until it is returned. Former employees are strictly forbidden from wearing garments with Council logos, as it is

considered to be misrepresenting the Shire. Civil action will be taken against persons who attempt to represent the Shire without authority.

Any garment with a logo that is worn out or damaged must be returned to the Administration Officers for destruction and replacement.

Occupational Safety and Health

Employees are to wear footwear appropriate to their occupation and working environment.

Employees will wear protective clothing, vests and/or safety helmets when entering a construction area or other environment where such items are required to be worn.

Employees whose duties involve exposure to the sun will be provided with hats and sunscreen.

Other Dress Code

Subject to Occupational Safety and Health considerations set out above, employees are free to choose their own footwear and accessories to wear with their compulsory uniform, being mindful that they should present a professional appearance to the public and their colleagues.

Employees are expected to take personal responsibility for the items they wear to work, giving thought to cultural considerations, occupational health and safety, the role they have within the Shire and the professional expectations of employees whilst at work.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Policy Number	HR14 previously STF 05
Responsible Department	Human Resources previously Executive Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	16 December 2008 (Resolution no. 2008/189) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR15 STUDY LEAVE

Human Resources

PREAMBLE: The Shire of Halls Creek is supportive of granting Study Leave and or reimbursing Study expenses, for permanent full time employees who are undertaking studies relevant to their Shire of Halls Creek role and responsibilities, from a recognised Australian, or other approved, educational institution. Any variation from this guideline will be at the discretion of the CEO.

OBJECTIVE: to promote continuous learning and individual development as a joint responsibility, and to encourage a continuous learning environment whilst supporting employees to study part-time. To provide fair access to all staff, contribute value to the organisation by adding to its knowledge, skill and abilities base.

PRACTICE:

Approved Courses:

- a) Graduate, undergraduate and Post Graduate Degree courses offered by a recognised University or other accredited institution.
- b) Diploma or Certificate courses offered by a Technical and Further Education College (TAFE) or other equivalent accredited college or training organisation.
- c) Continuing education courses offered by a recognised work-related professional institute or organisation (e.g. CPA or AHRI)

It is recognised that some courses may be undertaken in distance mode, possibly from interstate and this is acceptable under this guideline.

Study Leave:

Application for Study Leave must be made to the Chief Executive Officer via the relevant Director/ Manager/ Supervisor and must be approved by the Chief Executive Officer. Study Leave shall not adversely affect the normal operations of the Shire generally an employee will be granted study leave to attend only one intensive course per annum. An employee may be granted time off with pay for part-time study purposes.

Approval of Time Off to attend lectures and tutorials, in every case, will be subject to the following –

- a) Shire operational requirements;
- b) Course being studied on a part-time basis;
- c) Employee completing an acceptable formal study load in their own time; and
- d) Employee making satisfactory progress with their study.

Time off with Pay to be approved at the Chief Executive Officer's discretion. The Chief Executive Officer is to assess whether lectures and tutorials are available after working hours or during alternate less impactful work times.

Examinations – employees shall be granted sufficient time off with pay to travel to and sit for examinations. Sufficient prior notice is necessary to allow for any work arrangements to be considered.

Study Leave must be applied for on the Shire of Halls Creek Study Assistance & Study Leave Application Form.

Study Assistance (Fees):

The Shire of Halls Creek will provide financial assistance to employees studying an approved course, including unit fees, books and associated expenses on a semester-by-

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ 125 | Page

semester basis. Application must be made each semester via the Study Assistance & Study Leave Application Form and approved by the Chief Executive Officer.

Note: Successful completion means receiving a minimum pass for the subject.

Fees will be paid in advance by the Shire and employees will reimburse the Shire 25% of the cost of their course fees and books per semester by the 30 of June in the applicable financial year.

If approved, the 25% amount will be recouped within the financial year by fortnightly after tax payroll deductions.

If the employee leaves the employ of the Shire or the Shire terminates the employee, at any time, outstanding payments will be deducted from the final salary payout.

Employees whose Shire of Halls Creek employment terminates (by either party) within twelve (12) months of having received the 75% benefit Study Expenses for their most recent claim, shall be required to repay a percentage of the value of the contribution made by the Shire, according to the following schedule:

Termination within 3 months – 75%

Termination within 6 months – 50%

Termination within 12 months – 25%

(This level of reimbursement to the Shire recognises that replacement employees may bring with them, qualifications funded by their previous employees. That is, it recognises the benefit to the individual and the industry as a whole.)

Recipients of the study support shall provide to the Chief Executive Officer a copy of their exam results. Should an employee not pass the exam then 100% of the fees paid by the Shire is to be repaid to the Shire and repayment shall be made via payroll deduction from salary owing to the employee and/or via the issuing of an invoice.

Repayments by payroll deduction are to clear the sum owing prior to any additional unit requests, or within six months of the notification of the exam results, or in full prior to the employee separating from the Shire's employ, whichever comes first.

The repayment options and policy requirements are to be agreed to in writing with the applicant.

Study Assistance:

Study assistance must be applied for in writing to the Chief Executive Officer. The Application Form together with a copy of the;

- Enrolment Form;
- Receipt for fees paid and/or invoice, plus a book receipt;
- For course fees, a copy of the exam results is required;

Shall be submitted to the Chief Executive Officer for consideration and signature.

Continuity:

To continue to qualify for assistance under the Study Leave & Study Assistance practice, employees will need to successfully complete each semester's subjects according to the course they are undertaking.

Promotion:

The successful completion of any approved course shall not necessarily entitle an employee to a higher classification or salary level.

Other Expenses:

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **126** | Page

Accommodation and meals will not be the responsibility of the Shire while employees are undertaking a course of study, or sitting examinations.

The operation of this Study Leave/Study Assistance Practice will be reviewed annually and the continued operation of the Practice is at the discretion of the Chief Executive Officer.

PROCESS:

- Employee completes the request in writing for CEO approval to commence study.
- Chief Executive Officer considers request and determines decision.
- Chief Executive Officer advises Employee in writing of decision and conditions that apply – copies are sent to Payroll, including the payroll authorisation to deduct the 25% contribution toward costs.
- Employee commences study.
- Employee completes unit/course and submits the exam results.
- CEO to submit invoice request to Debtors Officer if employee does not receive a minimum pass mark for the subject.
- Employee completes a payroll deduction authorisation as per the agreement to recoup the incurred costs within twelve months.

INSTRUCTION TO STAFF:

HEAD OF POWER: Shire Procedure

Policy Number	HR15 previously STF 23
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR16 SEXUAL HARASSMENT

Human Resources

PREAMBLE: The Shire of Halls Creek has a legal obligation to ensure employees are not subject to sexual harassment. Employees also have a legal responsibility to behave responsibly at all times and not engage in behaviour that could be regarded as offensive, either during work times or after hours if conducted between Shire employees.

OBJECTIVE: The Shire considers sexual harassment to be an unacceptable form of behaviour that will not be tolerated and recognises that sexual harassment is unlawful.

PRACTICE:

Sexual harassment is any conduct of a sexual and/or sexiest nature (whether physical, verbal or non-verbal) that is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general.

Definition: The following constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public:

- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching;
- Subtle or explicit demands for sexual activities or molestation.
- Intrusive enquiries into a person's private life;
- Uninvited and unwelcome jokes that have a sexual nature, and
- the display within the workplace of sexually offensive material.

The Shire recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. The Shire is therefore committed to any action that ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Shire will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

The Shire's formal grievance procedure will be utilised to effectively resolve complaints of sexual harassment.

PROCESS:

All complaints of sexual harassment will be treated confidentially and resolved promptly.

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.

It is recognised that cases of sexual harassment may occur between supervisor and employee and such as, alternative methods of raising complaints are provided for in the grievance procedure.

A complaint of sexual harassment should be lodged with the Shire Director Corporate Services (Grievance Officer) who will determine if information pertaining to the fact that a complaint has been received will be presented to the;

- Immediate Supervisor (except where this person is the alleged harasser),
- Department Director or Manager (if applicable-except where this person is the alleged harasser),
- Chief Executive Officer,
- Mayor/ President (when required and only if the alleged harasser is the Chief Executive Officer)

The Grievance Officer upon receiving a complaint of sexual harassment will:

- Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
- Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
- Prepare a confidential report for the Chief Executive Officer on the nature of the complaint, making recommendation as to the referral to other competent jurisdictions, Police and or with request for competent assistance to resolve the allegation or mediation.
- Ensure no information regarding the complaint is discussed outside this procedure.
- In a case where a Union shop steward receives the complaint, the Department manager and/or Grievance Officer is to be advised of the details of the complaint.

The person handling the complaint will, with the approval of the complaint:

- As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.
- Advise the alleged harasser of the right to contact their union for advice and representation.
- Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.
- Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.

If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser then:

- The matter will be investigated and, where the complainant or the alleged harasser is a member of a union, the union will be party to the investigation.
- All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a court or a request from the Commissioner of Equal Opportunity.

During the period of the investigation of a case of serious sexual harassment:

- If requested by either party or by management, alternative working arrangements may be made.
- Arrangement will be made for the complainant to receive professional EAP counselling should there be an established need for such counselling.

If, following investigation a complainant is judged to have foundation:

- Appropriate remedial action will be taken including, where appropriate disciplinary/counselling action appropriate to the circumstances and/or seriousness of the matter.
- A record of the detail of the disciplinary action will remain on the employee's personal file.

If, following investigation, a complaint is judged to have no foundation:

- The complainant will be counselled, and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
- Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995; Equal Employment Opportunity Act and Regulations

Procedure Number	HR16
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR17 TRAVEL AND OUT OF DISTRICT ALLOWANCES

Human Resources

PREAMBLE: Council employees and elected members are required, from time to time, to attend conferences, training, events and meetings outside of the Shire (intrastate, interstate and international activities) or within the Shire in rural and remote communities, directly related to their role as an employee or elected member.

OBJECTIVE: This procedure provides guidance in the payment of expenses for approved activities to ensure maximum “value for money”, efficient allocation of Shire resources and to prevent any misappropriation of funds in relation to these costs or reimbursements.

This procedure outlines the Shire requirements in relation to payment to expenses for attendance at approved activities and camping overnight.

PRACTICE: Approved activities are intrastate, interstate or international conferences, training, events and meetings that employees or elected members attend in their capacity at the Shire, and are in direct relation to their duties and/or the Shire scope of works and services.

For staff, these activities must be approved by the Chief Executive Officer, and for elected members these activities must be approved by the Shire President or by resolution of the Council.

The Chief Executive Officer has the discretion to reject requests to attend such activities if the benefit to or need of the Shire cannot be established.

Registration costs for attendance are met in full by the Shire.

Travel costs related to the attendance will be met by the Shire as follows:

- a) Third-party travel such as airfares or bus fares (including travel to and from airport, taxi fares, etc.) to be paid by the Shire; or
- b) Employees issued with vehicles for private use may use these for their transport, with the fuel provided by the Shire; or
- c) If there are Shire vehicles available for use, employees and elected members may be able to use these, with fuel provided by the Shire; or
- d) Alternative travel arrangements may be arranged provided they are cost effective, which must be approved by Chief Executive Officer.

Expenses relating to accommodation and meals while attending approved activities will be met by the Shire. Only accommodation and meal expenses directly relating to the individual employee or elected member will be considered.

Alcohol is specifically excluded and cannot be expensed to the Shire.

PROCESS:

Accommodation and meal expenses will be met in one of three ways:

- a) The accommodation will be booked and paid for by the Shire in advance, and meals at the accommodation venue will be paid by the Shire via an invoice; or
- b) The accommodation will be booked and paid for by the Shire in advance, and meals can be purchased either using a corporate credit card, or reimbursed when an expense claim form and all tax invoices are submitted to accounts; or
- c) A *per diem* allowance for each night away while attending an approved activity will be paid. The amount will be \$200 per night for accommodation south of the 26th parallel, or \$250 per night for accommodation north of the 26th parallel.

Employees and elected members who receive an allowance are responsible for their own accommodation and meals. Employees and elected members who receive an allowance must not claim accommodation or meal costs from the Shire. A tax invoice as proof of purchase must accompany all claims for reimbursement.

Where an employee in the course of employment is required to camp out overnight using makeshift accommodation such as a swag, or tent, the CEO may approve payment of a camping allowance at a daily rate, to compensate for the physical discomfort of camping and for reasonable provisioning.

Camping allowance under this policy is not payable during any period of leave whether paid or unpaid.

The 2017 rate of camping allowance shall be \$145.00 per night. There is no restriction on how the allowance is to be used:

- a) A staff member buying tucker etc. in town or along the track;
- b) Pooling allowance money and bulk purchasing
- c) Appropriately accessing bush tucker

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995; Shire of Halls Creek procedures

Procedure Number	HR17 previously STF 22
Responsible Department	Human Resources previously Executive Services
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	15 October 2009 (Resolution no. 2009/161) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 August 2017 (Resolution no. 2017/080) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR18 WORKPLACE BULLYING

Human Resources

PREAMBLE: The Shire of Halls Creek has a duty under Occupational Safety and Health laws to protect workers from workplace bullying.

OBJECTIVE: To ensure that anti bullying strategies are in place with an aim to eliminate workplace bullying.

PRACTICE: The Shire of Halls Creek considers workplace bullying unacceptable and will not tolerate it under any circumstances. Workplace bullying is sustained non-performance related behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

Shire of Halls Creek believes all employees should be able to work in an environment free of bullying.

Managers and Supervisors must ensure employees are not bullied. Shire of Halls Creek has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

Shire of Halls Creek encourages all employees to report workplace bullying in accordance with the Commission for Occupational Health & Safety Guidelines. Managers and supervisors must ensure employees who make complaints, or witness complaints are not victimised.

Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

The equity contact officers for the Shire are the Director Corporate Services (DCS) and in the event that the complaint is against them, the CEO will appoint an independent contact officer.

In the event of a complaint against the CEO, the CEO will appoint an independent contact officer who will report direct to the Shire President.

PROCESS: The Shire of Halls Creek is to identify bullying risks in the workplace and assess and control risks associated with those matters identified and by reducing the risk of exposure to workplace bullying by providing safe and healthy systems of work with adequate information, instruction, training and supervision for employees.

In terms of assessment and determination of bullying claims, the PROCESS: steps as defined in Procedure HR16 Sexual Harassment will be used.

INSTRUCTION TO STAFF: The Chief Executive Officer is authorised to engage external contractors to hear and determine complaints of bullying where required.

Each employee is to be supplied with a copy of the Commission for Occupational Safety and Health's guide for workers "Dealing with Bullying at Work" at Induction.

HEAD OF POWER: Local Government Act 1995; Occupational Safety and Health Act 1984;

Shire of Halls Creek - Equal Opportunity and Diversity Plan

Procedure Number	HR18
Responsible Department	Human Resources
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR 19 WORKPLACE TRAINING AND DEVELOPMENT

Human Resources

PREAMBLE: The Shire of Halls Creek has an obligation to develop its workforce to maximum skills abilities and performance, not only under Occupational Safety and Health laws, but also so as to achieve maximum performance from employees.

OBJECTIVE: To ensure that training and workforce development strategies are in place with an aim to having higher performing employees.

PRACTICE: The Shire has a responsibility to organise its labour resources in the most efficient manner possible so as to maximise the services provided in an effective and economical manner.

Shire workforce is its most important resource necessary for the achievement of Shire strategies and objectives and the skills of the workforce are of the most fundamental significance.

Training, being an extension and/or enhancement of skills and knowledge enables employees to be more effective in their jobs. To upskill allows for future progression, and this is a joint responsibility of the Shire and the employee.

The Shire recognises the need for investment in employee training and authorises the minimum allocation in each year's Budget amounts totalling at least 1% of the Shire's gross payroll towards employee training.

The Shire relies on the Chief executive Officer to identify future workforce needs and address deficiencies via upskilling staff. The Integrated Planning document "Workforce Development Plan" acts as a principle guide as to future requirements and training needs. Nothing prevents the CEO from undertaking skills gap analysis, priority testing and developing a training matrix to ensure the across the board skills of Shire employees are targeted for future needs.

PROCESS:

The Chief Executive Officer is responsible for the management of the funds allocated for employee training and any expenditure may, subject to provision being made in the Budget, be endorsed by the Chief Executive Officer without reference to the Council.

The CEO is to ensure that sufficient baseline training is provided toward statutory obligations of the Shire in relation to OSH, EEO, DIAP, Harassment, Grievance and Complaint procedures. The Shire must provide adequate training for all officers undertaking process roles within these statutory obligations.

Funds allocated by Council for employee training may be directed towards any "training expenditure" and without limiting the generality of this clause, may include:

- Cost of salaries, registration fees, travelling and accommodation involved in attending training courses and where appropriate seminars or conferences.
- The wages and overheads associated with the employment of training officers and similar appropriate persons for the provision of internal training courses and on the job side by side training.
- Purchase of videos, books and other appropriate training aids.
- Other appropriate training initiatives at the Chief Executive Officer's discretion.

As a general guide Shire preference for employee training activities are:

- Utilisation of any local courses.
- Co-ordination with other local training exercises (e.g. with local businesses and with government departments).
- In-house training activities, where multiple departments and maximised staff numbers can be achieved.
- Priorities identified by the Management team and CEO where immediate deficiencies of statutory obligations are showing.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Procedure Number	HR 19 previously STF 04
Responsible Department	Human Resources previously Executive Services
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	18 March 2010 (Resolution no. 2010/054) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

HR20 VEHICLE – PRIVATE USE

Human Resources

PREAMBLE: To provide a framework of rules and conditions upon which the Shire use of vehicles can occur.

OBJECTIVE: To ensure staff of the Shire of Halls Creek use Shire vehicles in accordance with generally accepted practices; whilst still providing incentives for use and maintenance and that all use agreements or contract provisions across all levels of staffing are consistent to accepted practice.

To ensure employees are aware of the Fringe Benefit Tax obligations around private use of Shire vehicles and that employees are aware of their obligations to keep vehicles in a safe and appropriate condition.

PRACTICE:

This guideline applies to employees to whom vehicles are either allocated as part of works processes or who have in accordance with their negotiated employment contracts receive a Shire vehicle for their work and own private use. Use can include after work hours, weekends and/or annual and long service leave periods. Use can also include that where fuel is provided by the Shire or paid for by the employee.

Excepting for negotiated contract employees where the contract states otherwise, it is the Shire's practice not to make works processes vehicles available for periods of long service leave.

Shire vehicles may be driven by the following persons:

- The authorised officer of the Shire or outside of normal working hours, by the spouse or partner of the employee allocated the use of the vehicle.
- The holder of an appropriate current driver's licence when accompanied by an authorised officer.
- Other such persons as are authorised by the Chief Executive Officer.

Employee allocated vehicles are to be brought onto the job every working day (except those days the officer concerned is on paid leave) and the vehicle is to be made available for use by other Shire staff during normal working hours as business dictates. On occasions this may include Shire use outside of normal working hours.

Definition of Private Use (Tax Office)

A car is taken to be available for the private use of an employee on any day that they or their associates:

- a) Use it for private purposes; or
- b) Could use it for private purposes.

If a car is garaged at or near an employee's home, it is taken to be available for the employee's private use, regardless of whether or not the employee has permission to use the car privately.

As a general rule, travel to and from work is private use of a vehicle.

Application

This procedure applies to all employees who take a Shire vehicle away from the workplace after work hours.

Fringe Benefit Tax

Each employee with a Shire vehicle must complete a log book for a minimum of three (3) continuous months.

The three-month period must not include both March and April, as this traverses the end of one FBT year and the beginning of the next. The use of a Shire vehicle for private use will generate a car fringe benefit.

Private Use

Only the Shire employee who receives the Shire vehicle is permitted to drive it, unless otherwise authorised by the Chief Executive Officer, or the Director Infrastructure. Other persons cannot operate the vehicle unless in an emergency situation.

Council vehicles must be operated in a safe manner and all traffic laws are to be obeyed.

Employees must have a vehicle appropriate driver's licence prior to operating a Shire vehicle.

Employees will be responsible for any infringement notices issued while the vehicle is in their possession. Employees are responsible for the security of their personal items in Shire vehicles.

Employees who have personal use of Council vehicles are required to keep them in a reasonable state of cleanliness.

Inappropriate Private Use

No employee shall take a Shire vehicle 'off road' without the approval of the Director Infrastructure or the Chief Executive Officer.

Approval to go "off road" by a Head of Department on one occasion does not mean that approval is given on all occasions. Employees who use Shire vehicles for unlawful or unsafe activities will be investigated under Shire Complaints policy or Grievance procedures and, if the allegations are substantiated, will face disciplinary action or dismissal.

All criminal activities involving Shire vehicles will be reported to the appropriate authorities.

In terms of the extent of use of the vehicles (subject to refinement under contract documents) but generally limited by;

- Chief Executive Officer - Unrestricted private use of the vehicle, in Western Australia and above the 26th parallel in the Northern territory, except on long service leave (unless approval is granted by Council).
- Director level - Unrestricted private use of the vehicle, in Western Australia and above the 26th parallel in the Northern territory, except on long service leave (unless approval is granted by the CEO).
- Manager level - Unrestricted private use of the vehicle, in Western Australia and above the 26th parallel in the Northern territory, except on long service leave (unless approval is granted by the CEO).
- Officer level – Localised and commuting use of the vehicle in the Shire of Halls Creek Shire. All period of level (unless approval is given by CEO) requires the vehicle to be housed or stored at the Shire depot.
- Shire Mechanic - Use of vehicle for commuting to and from work as determined by the Director of Infrastructure.
- Building & Maintenance staff - Use of vehicle for commuting to and from work as determined by the Director of Infrastructure.

Provided that during work hours all vehicles are available to other staff for work related use. This use not inconveniencing the employee assigned the vehicle.

The Chief Executive Officer is to ensure that negotiated terms and conditions for the use of vehicles across the different employment levels in the Shire reflect generally accepted standards of use commensurate to status and position. Even so, terms and conditions should reflect an acceptable standard of maintenance, responsibility and accountability for the negotiated use of the vehicle.

PROCESS:

All employees to whom vehicles are allotted are responsible for the care, including interior and exterior cleaning and subject to the approval of the Chief Executive Officer may have the vehicle detailed by professional cleaners once per annum as part of a maintenance regime.

No modifications are to be made to the vehicle without the approval of the Chief Executive Officer.

The vehicles will not be used to complete in any car rally or competition.

All employees to whom vehicles are allotted are to report to the Chief Executive Officer any conviction or potential for conviction immediately. An officer convicted of drink, drugs, careless, dangerous or reckless driving following an accident in a Shire vehicle will be required to pay the cost of associated repairs, including the insurance excess (in the event that the Shire's insurer will cover any resulting claim) or those costs not covered by the Shire's insurance in the event of a conviction.

The Shire reserves the right to discipline employees in addition to what may occur at a conviction level. The Chief Executive Officer will report and make recommendation to the Council, as a result of any conviction where additional penalty is to be imposed. Appeal rights may apply.

Shire personnel are encouraged to use Shire vehicles during work hours as private vehicles are not covered by the Shires insurance policy in the case of damage or accident.

It is a condition of service that staff who require a motor vehicle driver's license for work purposes, advise their supervisor of any changes to their current driver's licence approval (disqualification or likely conviction immediately, failure to do so may result in disciplinary action. Procedures relating to the loss of motor vehicle driver's license apply.

In the event of an accident, a full report is to be made to the Chief Executive Officer and all relevant insurance claim forms completed within 24 hours of the incident.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995

Policy Number	HR20 previously STF 27
Responsible Department	Human Resources previously Infrastructure
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	17 April 2014 (Resolution n. 2014/014) 15 June 2017 (Resolution no.) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS1 BUSHFIRE ADMINISTRATION

Regulatory Services

PREAMBLE: The Shire of Halls Creek is responsible for the application, management and control of the Bushfire Act 1954 in the district. This guideline aims to clarify the many aspects of this service.

OBJECTIVE: To maintain a simple coverage of rules and practices that supports the processes of Bushfire control for the Shire and the many volunteers that support this service.

PRACTICE:

Annual Fire Advisory Meeting

The Annual Bush Fire Advisory Meeting is to be held in March each year.

Confirmation Appointment – Bush Fire Control Officers

Appointments of Bush Fire Control Officers (BFCO) are recommended to the Shire on advice of the Chief Bushfire Control Officer. The appointments are confirmed by the Council on an annual basis at its next available OMC.

The Shire will appoint (as required under the Bushfire Act) or continue with the appointments of the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer with the adoption of recommendations for the appointment of BFCO's each year.

The persons listed in the Halls Creek Fire Brigades/Officers List are appointed as Bush Fire Control Officers (BFCO) for the Shire of Halls Creek for the coming year. The Council may also make mid-term appointments by separate resolution passed at any OMC.

Confirmation Appointment – Dual Fire Control Officers

Following receipt of correspondence or a written email request from a neighbouring Shire, the Chief Executive Officer under delegation made possible by the Bush Fires Act 1954, S.48 (1) is granted the authority to confirm the appointment of Dual Fire Control Officer applications from neighbouring Shires without reference to Council.

Eligibility – Bush Fire Control Officer Appointment

To be eligible for appointment, all newly appointed Bush Fire Control Officers must have attended, or be willing to attend, a Fire Control Officers course conducted by the Bush Fires Board before being able to act in that position. Expenses paid by the officers in attending these courses not reimbursed or covered by the Bush Fires Board will be paid by the Shire.

Notification If Brigade Truck to Attend Fire More Than 40km Outside Halls Creek

Brigade Captain to seek permission from the Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer or the Shire CEO to attend fires that are located more than 40km outside of Halls Creek. Notification requires any request to be determined by CBFCO, DCBFCO or Shire CEO on the basis of known weather information and likelihood of other local fire incidents.

Permits

No permits shall be issued to set fire to the bush during the prohibited burning period except for reasons as specified under the Bush Fires Act. When a Bush Fire Control Officer refuses to issue a permit, he must advise the Chief Executive Officer that the permit has been refused and details of the grounds for refusal to ensure that a permit is not obtained from another officer.

Prosecutions

The Shire's practice is that Bushfire Control Officers recommend to the Chief Bush Fire Control Officer persons who should be prosecuted under the Bush Fires Act for failing to comply with the provisions of the Act, with the knowledge that they may be called upon to give evidence when charges are heard. Prior to the adoption by any recommendation by the Shire on the advice of the CBFCO, the CEO is to confer with legal advisors, test supplied evidence and witness statements and confer with Government agencies and Departments on the balance of probability of a successful prosecution. Indication that a successful prosecution is possible, is only one of the factors considered prior to proceeding, others include overall cost, delay, relevance to educational and changed outcomes, potential benefits and severity of loss and or damage.

PROCESS: Reference and referral of administrative, control and management to Shire staff who administer the Bushfire function.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995 and Bush Fires Act 1954

Procedure Number	RS1
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS2 BUSHFIRE CONTROL - FIREBREAKS & PROPERTY CLEANUP

Regulatory Services

PREAMBLE: Where landowners fail to heed notices for firebreaks to be installed, except in circumstances where an exemption may have been claimed but overlooked, the Shire provides staff with the option of using Shire equipment and/or contractors to install the breaks and charging the full costs to the landowner.

OBJECTIVE: In the interests of protecting property and life from the dangers of fire, the Shire requires that staff take all steps possible to have fire breaks installed in accord with the Fire Break Order.

PRACTICE: The Shire's road grader may be used or contractors and their equipment to provide the required firebreaks on any property where the owner has failed to comply within seven (7) days of any formal request to make necessary improvements to the firebreaks, the charge incurred is to be levied for the service to be the full actual assessed costs including overheads, travelling, etc.

The Chief Executive Officer without reference to Council may take action in removing fire risk where it can be reasonable assumed the Shire will either recover the cost of the works or significantly minimise the risks. For the purpose of this clause, the CEO is authorised to undertake the works by agreement with the landowner (where recovery is possible) or where the landowner is not available to determine urgency and risk, to a value of \$2000 for works to rectify/eliminate the source of the fire risk. The CEO is authorised to recover by a charge on the property any costs incurred by the Shire.

PROCESS: The Fire Control Officer, Shire Rangers or Works Manager is to report the Chief Executive Officer those properties where it appears that reparation or mitigation works will not take place to satisfy the Shires Firebreak Notice, thereby initiating this guideline and the ultimate claim against the land owner.

INSTRUCTION TO STAFF:

HEAD OF POWER: Local Government Act 1995, Bush Fires Act 1954.

Procedure Number	RS2
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS3 BUSHFIRE CONTROL– SHIRE PLANT FOR USE OF

Regulatory Services

PREAMBLE: Fire needs to be managed as quickly as possible, at times, the use of water is not enough to get the fire under control to protect life and property.

OBJECTIVE: To enable the CEO, Shire Works staff and the Chief Fire Control Officer and the Shire President to act quickly when requested to do so, where life and property is threatened by fire.

PRACTICE:

a) The Shire authorises the use of Shire plant and equipment to attend a fire ground at the discretion of the Chief Executive Officer, the Director Infrastructure (DIA) or the Works Manager in the absence of the CEO.

b) The Shire authorises the Chief Fire Control Officer, in consultation with the local area Fire Control Officer, to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

Note: This guideline does not limit the Shire Presidents authority to authorise expenditure in an emergency under section 6.8 (1) (c) of the Local Government Act 1995.

PROCESS: The Chief Fire Control Officer or the local area Fire Control Officer in charge of a fire is to contact the CEO in the first instance to request the use of Shire plant. If the CEO is not available the Director Infrastructure (DIA) or the Works Manager is to be contacted. Should none of these officers be available the Chief Fire Control Officer is authorised by this guideline to incur plant hire expenditure to the value of \$5,000 (above positioning and mobilisation costs).

INSTRUCTION TO STAFF: The Chief Executive Officer to spend up to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

HEAD OF POWER: Local Government Act 1995

Procedure Number	RS3
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS4 BUSHFIRE CONTROL - SUSTENANCE

Regulatory Services

PREAMBLE: The Shire appreciates the efforts that volunteer fire fighters put into protecting property from fire and acknowledges that on occasion's fires take a long time to get under control. Fire fighters need to keep up their strength and have energy to do the work they do in hot and sometimes very dangerous conditions.

OBJECTIVE: To ensure the wellbeing of volunteer fire fighters by providing them with sustenance whilst they are in the field fighting fires.

PRACTICE: Council directs that the Chief Fire Control Officer (CFCO), or in his absence, the CEO or an authorised person in control of a major fire, shall have authority to order the provision of the refreshments to fire fighters who have been engaged in firefighting at a fire scene for a reasonable time, where no other provider is able to.

PROCESS: The CFCO, CEO or authorised person in control of the fire is to make arrangements for the supply of food and refreshments for fire fighters.

INSTRUCTIONS TO STAFF: The Chief Executive Officer is to authorise the supply of meals and sustenance to the fire scene. No alcoholic beverages are to be supplied under this policy to the fire scene.

HEAD OF POWER: Local Government Act 1995

Policy Number	RS4
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS5 DOMESTIC WASTE

Regulatory Services

PREAMBLE: The Shire of Halls Creek has a duty of care under the Health Act 1911 to facilitate the efficient and effective collection and disposal of domestic waste. This guideline details the collection method and the services included in the waste management program including the provision of waste and recycling containers, service areas and alternative waste disposal options.

OBJECTIVE: To ensure that domestic waste is managed in a manner that minimises the risk to public health and to ensure properties within the Shire are provided an effective and timely waste and recycling services.

PRACTICE: The Shire of Halls Creek provides;

- A twice weekly kerbside mobile garbage bin collection in the townsite of Halls Creek, Tuesday and Friday;
- Commercial collection daily in Halls Creek for commercial premises;
- Metal separation, green waste and asbestos waste and liquid waste at the Halls Creek refuse site;
- Combination of roadside and fixed location garbage bin waste disposal services in the Halls Creek townsite;
- Twice yearly kerbside collection for green waste and whitegoods in Halls Creek.

Minor asbestos waste can be received on appointment in Halls Creek refuse site.

Only one residential 120ltr mobile garbage bin (MGB) is provided per residence. Director of Health and Regulatory Services is to determine applications for all additional paid MGB services.

Commercial collections are subject to waste stream evidence and sufficient bins are provided as required.

INSTRUCTIONS TO STAFF:

HEAD OF POWER: Local Government Act 1995; Health Act 1911, Shire of Halls Creek Health Local Laws 2000

Procedure Number	RS5
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS6 FOOD SAFETY COMPLIANCE & ENFORCEMENT PRACTICE

Regulatory Services

PREAMBLE: The Department of Health (WA) administers the Food Act 2008 (The Act). The Shire of Halls Creek is a designated enforcement agency under the provisions of the Act.

The objectives of the Act as defined in Section 3 include the following:

- To ensure food for sale is both safe and suitable for human consumption;
- To prevent misleading conduct in connection with the sale of food;
- To provide for the application in the State of the Food Standards Code.

The Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia. Enforcement of the Food Act is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food. Accordingly the Department of Health (WA) and the Shire of Halls Creek are committed to ensuring there is a high level of compliance with the Food Act and Regulations. The Act sets out principles of compliance and enforcement to achieve effective regulatory goals in a manner that is:

- Authorised by law;
- Procedurally fair;
- Accountable and transparent;
- Consistent; and
- Proportionate.

It is recognised that most food businesses want to comply with the law and produce food that is safe and correctly labelled. The compliance and enforcement role of the Shire of Halls Creek is to protect consumers from a minority who may not act in the interests of food safety. The enforcement options of this guideline are not required to be enacted on food businesses who act responsibly. It is the Shire's aim to provide education to food handlers to maintain the safety of food products produced or sold within the Shire of Halls Creek. It is however important that these enforcement options are clearly understood so that any action the Shire takes against a food handler or food premises is within the scope of the law and is appropriate for the given circumstances.

The range of offences under the Act and Regulations vary greatly in their seriousness and accordingly a variable range of penalties and enforcement options are available under the Act and Regulations. This guideline describes the options that are available and provides details of the matters that will be considered in their application toward achieving the objectives of the Act. This guideline also sets out the principles the Shire will apply in its compliance and enforcement activities. Breaches of the Act are classified as criminal offences and penalties of up to \$500,000 and/or two years imprisonment apply.

OBJECTIVE: The objectives of this guideline are:

- To provide transparency to consumers and industry on how the Shire of Halls Creek will make decisions on enforcement action;
- To guide decision making and action by Shire Officers in the use of enforcement options;
- To use regulatory implements in such a way as to best achieve the Shire's strategic and operational objectives.

PRACTICE: Compliance and Enforcement Principles

As a regulatory authority the Shire of Halls Creek will endeavour to:

- Act in the public interest;
- Act consistently, impartially and fairly according to law;
- Promote consistency through effective liaison with field staff and the adherence to policies and procedures;
- Ensure we do not discriminate on the basis of race, religion, sex, national origin or political association;
- Ensure that enforcement action is taken against the right persons for the right offence;
- Ensure that all relevant evidence is placed before the courts or appeals tribunals;
- Make food businesses aware of their legal obligations through the widest possible dissemination of information;
- Explain the benefits of compliance to food businesses and discuss specific compliance failures or problems;
- Provide advice on mechanisms that can be used by food businesses to improve compliance;
- Confirm advice in writing when requested and provide written advice in a clear and simple manner, explaining what and why remedial work is to be undertaken, over what time period and ensure that all legal requirements are clearly explained;
- Advise proprietors of their right of appeal where provided by law;
- Provide alleged offenders with an opportunity to discuss the circumstances of their case; and
- Seek the support of industry leaders to influence compliance levels.

PROCESS: Decision Making Criteria

Each case will be considered individually and the appropriate enforcement action to be taken determined on the particular circumstances of the case.

The Prosecution Policy of the Commonwealth states:

“The objectives previously stated – especially fairness and consistency – are of particular importance. However, fairness need not mean weakness and consistency does not mean rigidity. The criteria for the exercise of this discretion cannot be reduced to something akin to a mathematical formula; indeed it would be undesirable to do so. The breadth of the factors to be considered in exercising this discretion indicates a candid recognition of the need to tailor general principles to individual cases” (1)

The following issues need to be considered and balanced in making a decision as to the type of enforcement action, if any, that is applied:

- The knowledge of the alleged offender as to the consequences of their actions;
- The degree of care taken by the alleged offender to ensure they did not commit an offence;
- The capability of the alleged offender to understand, cope and comply with the relevant requirements;
- The alleged offender’s antecedents and background, including culture and language ability;
- The openness, honesty and cooperation demonstrated by the alleged offender;
- The contrition demonstrated by the alleged offender;
- Any mitigating or aggravating circumstances;
- The culpability of the alleged offender and role played by other parties that may have contributed to the offence;
- The timeliness, the age, duration and magnitude of the offence;
- The totality of offences that may have been allegedly committed;
- The proportionality of the selected enforcement option so that the action will not be unduly harsh or oppressive;

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **148** | Page

- The prevalence of the alleged offence within the industry and any need for a deterrent effect;
- The difficulty and resources expended by the Shire of Halls Creek in investigating and proving the elements of the particular offence or the type of offence;
- The efficiency and cost to the Shire of Halls Creek of the compliance and enforcement option that is used;
- Whether the enforcement action required to achieve the objectives of the Act are appropriate;
- Whether or not the enforcement action would be perceived as counterproductive – for example, by bringing the law into disrepute;
- Whether or not the offence is of considerable general public concern;
- The necessity to maintain public confidence in the enforcement of the Act;
- The existence of any risk to public health and the nature and extent of that risk;
- The extent to which consumers have been defrauded;
- The need to protect the consumers either in or visiting the Shire of Halls Creek

The overriding consideration in taking enforcement action will always be the public interest.

Privacy

The Shire of Halls Creek must observe the privacy principles set out in the Freedom of Information Act 1992. Information relating to compliance and enforcement action will generally be made available only where consistent with the Freedom of Information Act 1992 and Section 121 of the Food Act 2008.

Application of Compliance and Enforcement Options

A range of compliance and enforcement options are available to Authorised Officers. This section gives guidance on when these options may be applied. The decision-making criteria will be considered in deciding which, if any, enforcement action is appropriate in each case.

Types of Compliance and Enforcement Action

The compliance and enforcement options available to Authorised Officers include:

- Verbal advice;
- Warning letters;
- The issuing of a statutory Improvement Notice which requires cleaning, repair, replacement, revision of food safety program, implementation of a food safety program or implementation of the Food Safety Standards;
- The issuing of a Prohibition Order which controls certain activities where there is failure to comply with an Improvement Notice or to prevent or mitigate a serious danger to public health;
- The seizure of food, vehicles, equipment, and labelling or advertising materials which do not comply with a provision of the Act or Regulations;
- The issuing of a Penalty Infringement Notice;
- The institution of proceedings in the Magistrates Court;
- Request for court orders for corrective advertising by a person found guilty of an offence;
- Publication of the names of offenders immediately after conviction.

Verbal Advice and Warnings

Authorised Officers will routinely give advice on compliance to food businesses. This advice will relate to principles of food safety and explain the benefits of compliance or the purpose of the law. Verbal warnings should normally only be given for extremely trivial offences, where the offence is only of a technical nature or where there is insufficient evidence to justify a warning letter.

Written Warnings

Where there is evidence that minor breaches of the Act have occurred, warning letters may be issued at the discretion of the Authorised Officer. Warning letters may be inappropriate where there are a large number of minor offences on one occasion within one food business. Similarly warning letters will not normally be issued for a series of offences within a relatively short period of time or in those cases where warning letters have previously been issued. The totality of the offences should be considered in deciding the appropriate course of action. Where significant non-compliance is evident, more significant enforcement action may be appropriate. Warning letters will detail the exact nature of the offence, required remedial action, cite relevant clauses of the legislation, and specify the maximum penalty for the offence and the intention of the Shire to enforce the legislation. Warning letters will be followed-up within no less than 3 months to ensure the required actions have been taken. Further written warnings will not be issued for a subsequent similar offence except in exceptional circumstances.

Improvement Notices and Prohibition Orders

Authorised Officers may serve Improvement Notices under Section 63 of the Act. An Improvement Notice is an order that may require, in relation to premises, food transport vehicles or equipment, cleaning, repair, replacement, and relating to the handling of food, revision of a food safety program, implementation of a food safety program or implementation of the Food Safety Standards. The orders may also require food to be handled in a specified way or for a specified purpose.

Improvement Notices should be issued with the same considerations as for a warning letter but should also only be used where there is an intention to proceed to a Prohibition Order following non-compliance with that Improvement Notice. In other circumstances a warning letter or other enforcement options should be considered.

An Improvement Notice must specify the specific legislative provision to which it relates and may specify the particular action to be taken by a person. The Improvement Notice must specify the date by which compliance must be achieved. While extension of the date of compliance is at the discretion of the Authorised Officers, extensions of time for compliance will not be granted for matters related to cleaning or food handling without the prior approval of the Chief Executive Officer. Appeals concerning Improvement Notices will be considered by the Chief Executive Officer.

Improvement Notices must be served on the proprietor of the food business. The person on whom an Improvement Notice has been served must be provided with a copy of the Improvement Notice upon request. Should the proprietor wish to seek an extension of time for compliance, that request must be in writing stating the reasons the extension is being sought. That request is to be submitted to the Shire of Halls Creek before the date of compliance as indicated in the Notice.

Improvement Notices are differentiated from warning letters in that they are a statutory notice that may lead to the issuing of a Prohibition Order under Section 65 of the Act. The issuing of an Improvement Notice does not preclude the issuing of a Penalty Infringement Notice or the institution of court proceedings in circumstances where these types of actions may be warranted.

Prohibition Orders

Prohibition Orders may be issued where an Improvement Notice has been issued and there has been a failure to comply with the Improvement Notice by the date of completion or where the issue of a Prohibition Order is necessary to prevent or mitigate a serious danger to public health.

A Prohibition Order will take a form that prohibits the handling of food on specified food premises, vehicle or equipment, or that food is not to be handled in a specified way or for a specified purpose. It should be noted that Section 8 of the Act defines food handling very broadly, including activities such as collection, transporting, storing or displaying food. Breach of a Prohibition Order will normally result in prosecution.

A Prohibition Order will remain in place until a Certificate of Clearance is issued following a written request for an inspection. An inspection will be undertaken within 48 hours of a written request being made by the proprietor of the food business to the Shire of Halls Creek or to the Authorised Officer who made the order. If an inspection is not made within 48 hours of the written request for an inspection, a Certificate of Clearance is deemed to have been granted.

Section 69 of the Act provides for appeal to the State Administrative Tribunal (SAT) if there is a refusal to issue a Certificate of Clearance. Section 70 of the Act provides for compensation to be paid if there were no grounds for the making of the Prohibition Order.

Prohibition Orders may only be issued by the Chief Executive Officer, being a duly authorised delegate under Section 118 of the Act. A brief of evidence sufficient to prove all elements of a prosecution will be the normal standard required prior to the issue of a Prohibition Order.

Seizure Powers

Authorised Officers have power under Section 40 of the Act to seize food, vehicles, equipment, and labelling and advertising materials which the Authorised Officer reasonably believes do not comply with a provision of the Act or Regulations or which there is evidence that an offence has been committed.

Whilst seizures are undertaken to collect evidence or to prevent further offences being committed, they effectively impose a penalty upon the person from whom the food, vehicle, equipment and labelling or advertising materials is seized. The impact of a seizure should be considered in the application of any other enforcement action. Persons from whom items are seized must be provided with a statement that describes the items seized, states the reasons for the seizure and the address at which the items will be held.

Where it becomes evident that there has been no contravention of the Act or Regulations in relation to items which have been seized they are to be returned as soon as possible to the person from whom the items were seized. The person from whom items have been seized must also be informed of their right under Section 57 to appeal within 10 days of the seizure to the Magistrates Court for an order disallowing the seizure. Compensation may be paid if there has been no application to a Magistrates Court and no contravention of the Act or Regulations had occurred in relation to the seized items.

Penalty Infringement Notices

An Infringement Notice is a notice to the effect that the person to whom it is directed has committed a specified offence and that, if the person does not wish to have the matter dealt with by a court, the person may pay the specified amount for the offence within a specified time.

A penalty notice is issued under Section 126 of the Act. The notice requires payment of a specified monetary penalty, unless the person alleged to have committed the offence elects to have the matter dealt with by a court.

When an Authorised Officer during an inspection of premises, vehicles or equipment, detects or observes conditions or circumstances that give rise to the potential for the issue of an infringement notice, verbal advice will be given, at that time, to the person allegedly responsible for the alleged offence that an infringement notice may be issued for that alleged offence.

Prior to an infringement notice being issued, Authorised Officers must prepare briefs of evidence, which prove each element of the alleged offence to the standard required for prosecution. Further than establishing a prima facie case there must also be a reasonable prospect of a conviction being secured if the alleged offender chooses to have the matter heard in a court. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the penalty notice to be issued.

When a decision has been made that an infringement notice is to be issued, that notice will be forwarded by post or hand delivered to the person alleged to have committed the offence. The infringement notice is to be accompanied by a written advice giving the reasons for the issuing of the infringement notice in that instance and also providing advice and information as to the means or requirements for the remedying or rectification of that condition or circumstance that gave rise to the infringement notice.

The decision-making criteria will be considered in the issuing of an infringement notice. Infringement notices provide a cost effective and efficient method of dealing with offences and will generally be sufficient response to breaches of the Act.

Infringement notices should not be used where the penalty is considered totally inadequate for the offence or where the penalty is likely to have no impact on the proprietor of the food business.

Infringement notices are not available for serious offences contained in Part 3, Division 1 of the Act. These relate to the handling of food in a manner that a person knows will render, or is likely to render, the food unsafe or where the food is handled in a manner that the person ought reasonably to know is likely to render the food unsafe.

A payment of a penalty notice is not an admission of liability and the person is not liable to any further proceedings for the alleged offence.

Prosecution

Prior to any prosecution being launched, Authorised Officers must prepare briefs of evidence which prove each element of the alleged offence to the standard required for prosecution. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the prosecution to proceed.

The resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. The decision-making criteria will be considered in making a decision to prosecute. Prosecution will normally be reserved for the more serious breaches.

While the Act provides that proceedings must be commenced within 6 months for matters relating to food samples and 12 months for other matters, all matters should be prepared for hearing as quickly as possible.

The Act extends liability to a wide range of persons who may be involved in some way with contraventions of the Act or Regulations, including employees, proprietors, and individual directors of companies. Where the Shire of Halls Creek has selected prosecution

as the appropriate option, the Shire will not necessarily proceed against all those who may be potentially liable under the legislation.

Prosecutions are eligible for publication by the Department of Health (WA).

NOTE: This guideline provides information as to the processes and actions that will be followed in the cases dealt with under the Food Act 2008, however due to the variety of circumstances that may be encountered through the range of inspections and enforcement procedures, the guideline cannot be used to limit the discretion of the Shire of Halls Creek to take any enforcement action for the purposes of obtaining high standards of food safety.

The guideline is to be interpreted as general guidance on how the Shire will undertake enforcement action. It should further be recognised that it is not the aim of the Shire of Halls Creek to undertake enforcement action except where absolutely necessary and that priority should be given to educating food handlers to prevent food safety standards from being compromised in any instance.

INSTRUCTION TO STAFF: As above

HEAD OF POWER: Food Act 2008

Procedure Number	RS6
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS7 SEACONTAINERS USE OF – TOWN PLANNING

Regulatory Services

PREAMBLE: It is argued that sea containers provide safe, economical and convenient storage. The use of sea containers is acceptable within the Shire of Halls Creek providing the development complies with the relevant Shire of Halls Creek Town Planning Scheme No. 2 provisions and has a minimal effect on the amenity of the area.

OBJECTIVE: To regulate the use of sea containers within the Shire of Halls Creek.

PRACTICE: This guideline does not apply to sea containers already approved by the Shire. The Shire will permit the use of sea container(s) within any townsite defined by the Shire of Halls Creek Town Planning Scheme No. 2.

Approval for the placement of sea container(s) on properties outside of town sites as defined by the Shire of Halls Creek Scheme No. 2 is subject to;

- The approved sea container(s) not being used for habitation;
- The approved sea container(s) are used for the purpose of storage only, unless otherwise approved by the Shire; the approved sea container(s) being screened from view and shall not be highly visible from nearby roads, other public places, or adjoining properties; and/or
- If the sea container(s) are highly visible from nearby roads, other public places, or adjoining properties, then the exterior of the sea container(s) shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within 3 months of being granted planning approval.

In all zones under TPS2 within town sites, sea container(s) may be placed on a property to store building materials while construction of a house or commercial building is being carried out on the property, without requiring planning approval. A sea container must not be placed on the property prior to the issue of a building licence for the construction and must be removed immediately upon completion of construction or expiry of the building licence. The number of sea containers allowable on a property at one given time will be dealt with on a case-by-case base, with each application assessed on its merits.

DEFINITIONS

'Sea Container'

Standardised re-sealable steel transportation box for unitised freight handling.

Approval Requirements:

All proposals for the placement and use of sea containers within the Shire of Halls Creek require an application for planning consent to be submitted to the Shire of Halls Creek for approval. In considering an application for planning consent, the Shire shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of the Shire, a sea container will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.

An application for planning consent shall be made on an Application for Planning Consent form together with the following information:

- A site plan showing the proposed location of the sea containers on the property and the location of any existing buildings/ structures
- Plans, dimensions, and details of the sea containers; and
- Details of modifications and other works to be carried out on sea containers such as painting etc. Notwithstanding that Planning Consent may be granted by the Shire, a building license may be required prior to the placement of the sea

containers if modifications are to be made to the sea container (for example if a roof or patio were to be attached).

The structure will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards.

Standard Conditions of Planning Approval

The placement and use of sea containers may be approved subject, but not limited to, the conditions stipulated below:

- All development being generally in accordance with the approved development plans which form part of this Development Approval.
- The exterior of the sea container shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within 3 months of being granted planning approval.
- Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

The hereby approved development shall not be used for habitable purposes.

PROCESS: By Application

INSTRUCTIONS TO STAFF: To the Chief Executive Officer for the approval of applications for the use of sea-containers.

HEAD OF POWER: Local Government Act 1995, Shire of Halls Creek Town Planning Scheme No 2, Shire Policy.

Procedure Number	RS7
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS8 SECOND HAND DWELLINGS – USE OF – BUILDING CONTROL

Regulatory Services

PREAMBLE: The Shire appreciates that it may be economical to use second hand relocated and transportable dwellings as housing in lieu of constructing new homes. These may be acceptable within the Shire, providing the development is in keeping with the rest of the dwelling stock of the area into which it is proposed to bring the relocated or transportable dwelling.

OBJECTIVE: To maintain a high standard of dwelling stock with the Shire of Halls Creek and to ensure that the relocation of second hand dwellings and the construction of transportable dwellings is undertaken to an approved standard with regard to local amenity and aesthetics. Ensure the style, construction and design of relocated second hand and transportable dwellings is consistent with the character of the surrounding dwellings and the locality in general

DEFINITIONS

‘Second hand dwelling’ - A residential dwelling which has not been specifically designed as a transportable residence and has previously been located at any place other than the lot upon which it is erected; or

- A building which has been specifically designed as a transportable residence and which has been used as residential dwelling at any place other than on the lot upon which it is to be erected.

‘Townsite’ - Residential areas bounded by a townsite boundary defined by the Shire of Halls Creek Town Planning Scheme No. 2.

‘Transportable dwelling’ - Any dwelling or part of that is prefabricated at any place other than on the site upon which it is to be erected.

PRACTICE: The Shire will consider all applications for the relocation of second hand dwellings and their re-erection in ‘town sites’ within the Shire of Halls Creek. This guideline shall apply to the relocation and installation of second hand dwellings and the construction of a transportable dwelling within the Shire of Halls Creek.

This guideline does not apply to:

- Relocated buildings for non-habitable uses;
- Sea and shipping containers; or
- Caravan and park homes.

Approval Requirements

All proposals for the relocation and use of second hand dwellings and the construction of transportable dwellings require an application for planning consent to be submitted to the Shire of Halls Creek for approval. In considering an application for planning consent, the Shire shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of the Shire, a second hand relocated dwelling or a transportable dwelling will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.

An application for planning consent shall be made on an Application for Planning Consent form together with the following information:

- A site plan showing the proposed location of the building on the property;
- Plans, evaluations, and details of the building;
- Details of modifications and other works to be carried out on the building such as re-cladding, painting, construction of verandas, etc.; and

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **156** | Page

- Certification and a detailed report from a practicing structural engineer stating that the design and condition of the building is suitable for transportation and re-erection (in the case of second hand relocated dwellings), is required to be lodged with the application for Planning Consent.

Notwithstanding that Planning Consent may be granted by the Shire, a building license is required prior to relocation or construction commencing. The building will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards.

With regards to second hand relocated dwellings, a condition of planning approval will be the payment of a bond to the amount of \$10,000 to be paid prior to the issuance of a building licence.

Refund of this bond will only occur upon fulfilment of conditions of planning approval. Partial refunds of the bond based on progressive completion of conditions will not be considered. Failure to comply with all conditions of planning approval within 12 months from the issuance of the building license (or any subsequent reissue), will result in forfeiture of the bond and removal of the building unless otherwise determined by the Shire.

No person shall occupy a relocated dwelling or a transportable dwelling until such time as a Certificate of Occupancy or equivalent has been issued by a Building Surveyor on behalf of the Shire.

Development Guidelines Minimum Dwelling Standard.

The following minimum dwelling standard applies:

A minimum gross floor area of 60m²;

At least one (1) bedroom separate from the other rooms in the dwelling;

A lounge, meals and kitchen area (may be open plan); and

A separate bathroom and laundry.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia and Australian Standards.

Energy Efficiency Requirements

A second hand relocated or transportable dwelling is required to meet the current Energy Efficiency requirements for the Climate Zone outlined in part 3.12 of the Building Code of Australia to the satisfaction of the Shire of Halls Creek. A condition requiring compliance may be included in the planning consent.

Bushfire Attack Level (BAL) Assessment Requirements

A second hand relocated or transportable dwelling is required to meet the current Bushfire Attack Level (BAL) assessment requirements for its intended lot/location as outlined in the Dept. of Planning WA Bushfire Attack Level (BAL) assessment requirements, to the satisfaction of the Shire of Halls Creek. A condition requiring compliance may be included in the planning consent.

Amenity

When giving consideration to an application for planning consent, the Shire shall give consideration to:

- The second hand relocated or transportable dwelling being rendered visually acceptable by the use of verandas, screening and/ or landscaping.
- The design, scale and bulk of the second hand relocated or transportable dwelling being compatible with the type of dwellings that exist in the locality in which it is to be located.

- In recognition of the higher standards of development and amenity expected within the Residential and Small Holding zones, applications for transportable dwellings within these zones will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area.
- In recognition of the higher standards of development and amenity expected within the small rural and semi-rural zones, applications for second hand relocated dwellings within this zone will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area.

Standard Conditions of Planning Approval

Second hand relocated and transportable dwellings may be approved subject, but not limited to, the conditions stipulated below:

- All development being generally in accordance with the approved development plans which form part of this Development Approval.
- This approval shall expire unless the development hereby approved has been completed within 12 months of the date of issuance of the building license (or any subsequent reissue), or within any extended period for which the Shire has granted written consent. An application for such consent must be made within one month of the date of expiry of the approval.
- Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
- No development shall take place on the subject site until an application for a crossover is submitted and approved by the Shire, unless a Shire approved crossover already exists on the subject site.

The hereby approved second hand relocated or transportable dwelling is to be assembled, upgraded and maintained in the following manner within twelve months of the date of issuance of the building license (or any subsequent reissue), to the satisfaction of the Shire of Halls Creek:

- The dwelling shall be properly fixed to stumps on the subject site and effectively re-joined or constructed in compliance with all legislation;
- External walls, fixtures and fittings to be made good;
- The dwelling is to have a high quality external finish/cladding (painted or otherwise) completed in a tradesman-like manner.
- All debris to be removed from the subject site and left in a tidy state to the satisfaction of the Shire of Halls Creek
- No person shall occupy a second hand relocated or transportable dwelling until such time that a Certificate of Occupancy or equivalent has been issued by the Shire of Halls Creek.
- A bond of \$10,000 is payable to the Shire of Halls Creek prior to the issue of a Building License.

PROCESS: By development Application.

INSTRUCTIONS TO STAFF: To the Chief Executive Officer to approve Development Applications for the use of second hand relocated or transportable dwellings.

HEAD OF POWER: Local Government Act 1995

Policy Number	RS8
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS9 TEMPORARY ACCOMMODATION

Regulatory Services

PREAMBLE: Legislation now permits the occupation of caravans with Shire approval, in connection with the erection of dwelling houses.

OBJECTIVE: To ensure that the use of caravans as temporary accommodation does not impact adversely on the amenity of an area on the environment.

PRACTICE: The Shire permits the use of a caravan for temporary accommodation in town sites of the Shire while a house is being erected subject to the following conditions:

- Satisfactory toilet and ablution facilities are available for use by the occupants;
- The approval will be for a six (6) month period inclusive of a period of up to two months prior to the commencement of the building;
- The Shire may, at its discretion, approve a further six (6) month period;
- A Development Application for the house has been approved by the Shire;
- Plans and specifications for the house have been approved by the Building Surveyor;
- Any requests for approval for a period longer than twelve (12) months shall be made to the Department of Local Government and Communities.

PROCESS: Initial application is to be in writing and addressed to the Chief Executive Officer where the applicant requires approval for twelve months or less. If a greater period than twelve months is required then the application must be made to the Department of Local Government and Communities.

INSTRUCTIONS TO STAFF: To the Chief Executive Officer to approve applications for temporary accommodation in caravans that meet the guideline conditions.

HEAD OF POWER: Caravan and Camping Ground Regulations 1997: Regulation 6 and 11(2) (a); Local Government Act 1995.

Procedure Number	RS9
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 th July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

RS10 UNAUTHORISED STRUCTURES – BUILDING CONTROL

Regulatory Services

PREAMBLE: Acting quickly to prevent the erection of unauthorised structures saves both the Shire and the erector considerable angst and expense.

OBJECTIVE: To outline the process to address unauthorised structures progressing.

PRACTICE: Where a building, work or structure is constructed in breach of any provisions of the Building Regulations 1989 and/or Building Code of Australia, the Building Surveyor is authorised to give notice to the owner for the building work or structure to conform to the Building Regulations 1989 and/or Building Code of Australia:

- Serve written Notice on the owner of the building or the builder drawing notice to the existence of the structure in breach of the Building Regulations 1989 and/or the Building Code of Australia and requiring written explanation within 14 days of the Notice;
- Provided a satisfactory explanation is received and the relevant action is taken to comply with the requirements of the Notice, the Building Surveyor is authorised to issue a building licence;
- Should the owner or builder fail to comply with the requirements of the Notice within the prescribed time, or show good and sufficient reason for not doing so, the matter should be placed before Council for their consideration.

The CEO is authorised to seek legal advice under Shire policy to inform the Shire of its rights and actions in addressing unauthorised structures.

PROCESS:

Where an owner fails to respond to the Shires Notice, the CEO is authorised to seek legal assistance to prepare a "Stop Work" order as an interim step in allowing the Shire to consider the Notice response.

INSTRUCTIONS TO STAFF: To the Chief Executive Officer to seek legal advice or to prepare a "Stop Work" order where Notice to the owner fails to illicit any response or results in the hastening of action to complete the structure.

HEAD OF POWER: Local Government Act 1995, Building Regulations 1989.

Procedure Number	RS10
Responsible Department	Regulatory Services
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W1 ASSET MANAGEMENT

Works

PREAMBLE: Asset Management is a key Shire process in the continual delivery of cost-effective community strategic requirements and compliance with regulatory requirements. Strategic Community Planning objectives and operational outcomes are dependent on effective use, management and low lifetime cost of Shire assets. This is why effective Asset Management is critical.

OBJECTIVE: The Asset management plans of the Shire aim to ensure compliance with all statutory requirements applying to physical assets and asset management and that all Asset Management decisions and activities comply with Shire policies relating to Occupational, Health, Safety and the operating environment. Asset Management decisions and activities will consider and balance the needs of all residents, relevant stakeholders, and Strategic aims that apply within and external to the Shire.

PRACTICE: In order to achieve the objectives of the Strategic Community Plan in the management of the Shire's assets the Shire will:

- Ensure integration of Shire functions that impact on Asset Management, including Strategic Planning, Infrastructure, Health & Regulatory Services, Corporate Services, Finance and Accounting by documenting the Asset Management framework and processes together with roles and responsibilities.
- Ensure Shire assets are managed with consideration of short term and longer-term business objectives.
- Formally assess risk and economic outcomes when making decisions relating to the management of physical assets.
- Ensure asset purchase, replacement, refurbishment and disposal decisions are made based on expected future customer demand, life cycle costs and risks.
- Operate assets in a disciplined manner, and with precision.
- Maintain assets in such a manner that they continue to meet operational requirements for the duration of their expected life.
- Ensure adequate resources are provided to achievement agreed Asset Management objectives.
- Ensure Council reporting be categorised in terms of operational, maintenance, renewal, upgrade and new expenditure classifications.
- Ensure Council reporting includes performance against objectives and agreed service levels.
- Continually improve Asset Management processes and performance.
- Audit the Asset Management process on a yearly basis to determine compliance and improvement opportunities.

PROCESS: As part of the Integrated Planning cycle, the Shire will prepare its Asset Management Plan and 10-Year Long term Financial Plan and review them each year in March as a precursor to the draft Budget. Asset planning decisions in relation to the refurbishment, replacement or disposal of assets will be considered in light of the overall financial performance of the Shire and its capacity to invest in assets.

Nothing in this procedure prevents the Shire from seeking external guidance in the determination of its asset management plan, particularly when expertise is required.

All asset proposals contained in the 10-Year Long Term Financial Plan should be price tested to ensure that proposals are realistic.

Asset renewal that relies on the contribution of a grant or external funding must be highlighted in the plan – and cannot proceed into the 2-3 year forward estimates without assurances that the funding will be found to complete the asset renewal.

INSTRUCTIONS TO STAFF: To prepare the Asset Management Plan and maintain as an active document, guiding the Shire on asset renewal.

HEAD OF POWER: Local Government Act 1995, Building Regulations 1989.

Policy Number	W1 previously IAM 04
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W2 CROSSOVERS - RESIDENTIAL PROPERTIES

Works

PREAMBLE: Property crossovers are an extremely volatile conversation point for residents. The Shires consistency of approach in how to design and install crossovers is critical to ensure residents satisfaction. The repair of crossovers and associated footpaths is seen as a Shire activity, even when generally this is left to the builder of the residence on the property.

OBJECTIVE: The purpose of this procedure is to provide a consistent approach to the construction of vehicle crossovers for residential properties within the Shire of Halls Creek and improve the standard of crossovers by assisting residential landowners to install quality vehicle crossovers.

This procedure identifies the Shire responsibility in subsidising crossovers to residential properties and outlines a consistent application and assessment process.

PRACTICE:

Definitions

- a) **The Shire** means the Shire of Halls Creek district and the land therein.
- b) A **landowner** means the respective adjoining landowner to roads under the responsibility of the Council.
- c) **Crossovers** means the vehicle crossover to extending from private residential land to the road. A standard vehicle crossover has:
 - i. Dimensions of a maximum 3m wide x 8m length
 - ii. Constructed in concrete
- d) **Main roads** refer to roads within the Shire of Halls Creek that are under the responsibility of the Commissioner, Main Roads WA. This includes:
 - i. Great Northern Highway

Scope

This procedure covers all matters relating to the construction of new crossovers located between residential landowner's property and public roads within the Shire and applies to both new and existing crossovers. Specifications for the actual construction materials and methodology can be provided upon request.

Council Rebate

The Shire will provide a rebate covering 50% of the cost for all standard crossovers to residential properties in the following instances:

- a) Where the Shire has given approval for the installation of a crossover; and
- b) It is the first crossover installed to the property; and
- c) The crossover has been constructed as according to or better than specifications provided by the Shire.

The Shire will not provide rebates in the following instances:

- a) It is a retrospective application which has not been provided with approval prior to the installation of the crossover; and/or
- b) It is a replacement crossover; and/or
- c) The crossover constructed does not meet the minimum specifications.

The maximum allowable rebate will be as stipulated in the current Shire of Halls Creek adopted Budget.

Standard Crossovers

A standard crossover maximum allowable size is 3m wide x 8m long.

Larger Than Standard Crossovers

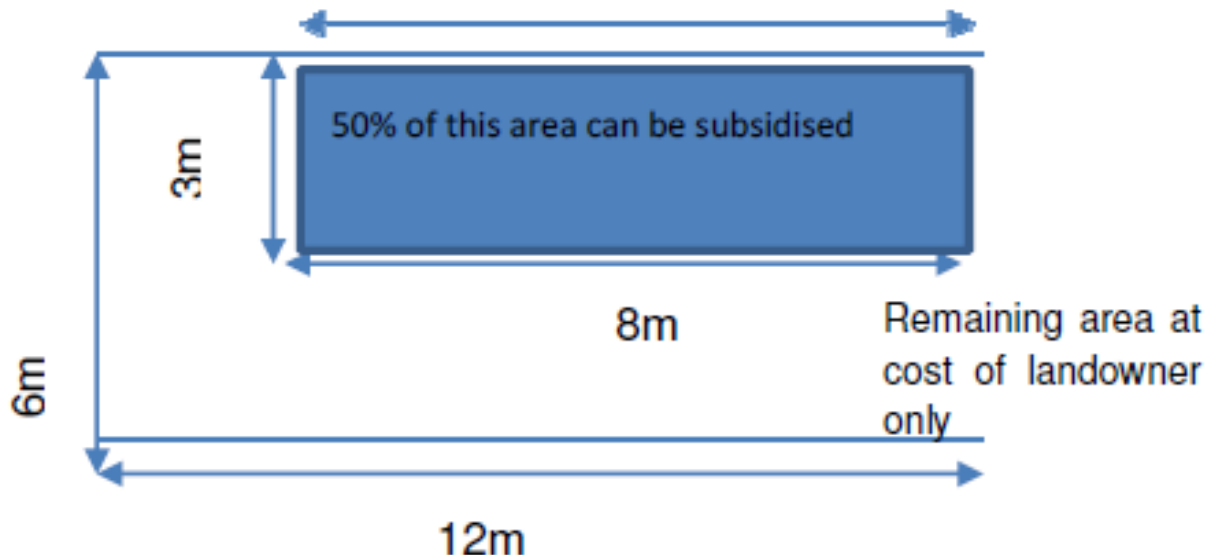
The Shire will provide a subsidy covering 50% of the cost of a standard sized crossover to residential properties.

If the crossover is larger than stipulated maximum sizes, the Shire will provide 50% of the cost of the maximum allowable size (3m wide x 8m long).

The landowner will incur costs of both:

- a) 50% of the maximum allowable size
- b) All costs associated where sizes exceed 3m wide x 8m long.

2. For example:



PROCESS:

Application For Crossover

If a landowner wishes to construct a crossover, an application to construct the crossover must be submitted.

Cost To Apply For Crossovers

An application fee is payable as stipulated in the Shire of Halls Creek Fees and Charges document for the current adopted Budget.

If an application is unable to be approved due to it failing to meet the necessary criteria, the application fee will not be reimbursed and the applicant landowner will be advised in writing that the application has not been successful.

Criteria to Apply For Crossovers

Landowners are responsible for ensuring all applications to the Shire contain the following application criteria:

- a) The application must be in writing using the "Application for the Construction of Vehicle Crossovers to Residential Properties" form
- b) The application has two components:
 - i. Application for approval to construct (Preliminary approval)
 - ii. Compliance inspection on completion of construction (Final Approval).
- c) Payment of the application fee must accompany the application.
- d) All crossovers must be constructed to the satisfaction of the Shire regardless of whether the landowner has applied for a subsidy.
 - i. Stipulation of what is meant as satisfaction is outlined in the "Specifications for the Construction of Vehicle Crossovers to Residential Properties" document.

- e) Copies of relevant tax invoices must be attached to the Compliance Inspection if a subsidy has been sought.

Applications for Crossovers on Main Roads

All applications for crossovers to main roads must have prior approval from the Commissioner, Main Roads WA. A copy of the written approval provided by the Commissioner; Main Roads WA must be attached to the application. Any application for a crossover on main roads which does not have this approval from the Commissioner, Main Roads WA will not be considered.

Assessment and Approval of Applications for Crossovers

Landowners will be notified in writing for the pre-approval to construct the crossover based on the application provided by the landowner.

Landowners will be notified in writing for the final approval of the crossover after the Compliance Inspection has taken place and is submitted to the Shire.

Authorised Persons to Construct Crossovers

Crossovers may be constructed by the following:

- a) The applicant landowner
- b) Private contractor engaged by the applicant landowner/landowner's agent.

Construction According To Specifications

Crossovers are to be constructed as per the "Specifications for the Construction of Vehicle Crossovers to Residential Properties" document. Where there are variations to these specifications, approval must be obtained by the Director Infrastructure.

Construction Works Inclusions

It is the landowner's responsibility to ensure a scope of works (either constructed by themselves or by a contractor) for the construction of the crossover includes:

- a) Cutting existing kerbing with a concrete saw or removing kerbing without damage to remaining pavement and kerbing
- b) Removal and disposal of all surplus material from the site of works and leaving the site in a clean and tidy condition at all times.

Minimum Disruption to the Public

The work shall be carried out with minimum disruption to pedestrians and vehicular traffic.

Public and Occupational Health and Safety

Every precaution shall be taken to ensure the safety of person and property. All excavations, materials, plant and equipment must be made safe, barricaded and provided with adequate warning signage/lights during the hours of darkness to the satisfaction of the Director Infrastructure.

All work is to be carried out in accordance with the Occupational Health, Safety and Welfare Act 1984 and Regulations amended.

Damages As A Result Of Construction

Any damage which may occur to any Shire facility or private property during the course of the works, or which subsequently becomes evident, shall be the sole responsibility of the landowner's contractor, or the applicant landowner. This includes damage to kerbing, concrete or bituminous road surfaces.

Alteration To Utility Services

Landowners must apply to the relevant utility authorities for approval to alter service that is in conflict with the proposed crossover. Any costs incurred in the alteration of any service and subsequent reinstatement of the verge shall be borne by the applicant landowner.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Compliance Inspections

On completion of installation, a landowner is required to complete a "Vehicle Crossover to Residential Properties Compliance Inspection" to ensure the Shire of compliance with the required construction standards. Copies of relevant tax invoices must be provided to the Shire if a subsidy has been sought.

Reactive Inspections

A Shire employee will conduct an inspection in response to the concerns of any person in relation to a vehicle crossover within the Shire's precinct. The landowner will be notified in writing of any identified defects which require maintenance.

Maintenance of Crossovers

It is the responsibility of the landowner to ensure vehicle crossovers are maintained to an appropriate standard specified in the "Specifications for the Construction of Vehicle Crossovers to Residential Properties" and ensure it continues to be free of hazards or obstructions for vehicles and for pedestrians where the crossover meets the footpath.

Failure To Maintain

The Shire will issue a Repair Notice when necessary and the notice will detail the repair work required.

The landowner will have 28 days in which to have completed the repair work detailed in the repair notice.

Failure To Observe Repair Notice

Where the landowner fails to observe the repair notice and complete repair work detailed within the notice, it will be considered an offence and the Shire will issue a fine as stipulated in the current Shire of Halls Creek Adopted Budget.

Replacement of Crossovers

It is the responsibility of the landowner to replace crossovers when necessary or wished. The replacement crossover must meet specifications outlined in the "Specifications for the Construction of Vehicle Crossovers to Residential Properties".

Removal of Crossovers

Any crossover which is no longer required or no longer connects with an internal driveway are deemed redundant. In this instance, landowners are to remove the crossover, the verge and kerbing are to be made good at the cost of the landowner.

Responsibility to Insure

It is the responsibility of the landowners to ensure their residential property insurance is inclusive of public indemnity with regard to the vehicle crossover. Any notifications of legal proceedings as a result of faulty crossovers will be referred to the landowner.

INSTRUCTIONS TO STAFF: As above

HEAD OF POWER: Local Government Act 1995, Building Regulations 1989, Local Government (Uniform Provisions) Regulations 1996 and Occupational Health Safety and Welfare Act 1984

Procedure Number	W1 previously IAM 02
Responsible Department	Works previously Infrastructure
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	20 September 2012 (Resolution no. 2012/164) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W3 CROSSOVERS – COMMERCIAL AND INDUSTRIAL

Works

PREAMBLE: Property crossovers are an extremely volatile conversation point for residents. The Shires consistency of approach in how to design and install crossovers is critical to ensure residents satisfaction. The repair of crossovers and associated footpaths is seen as a Shire activity, even when generally this is left to the builder of the residence on the property.

OBJECTIVE: The purpose of this procedure is to provide a consistent approach to the construction of vehicle crossovers for commercial and industrial properties within the Shire of Halls Creek and improve the standard of crossovers by assisting residential landowners to install quality vehicle crossovers.

This procedure identifies the Shire responsibility in subsidising crossovers to residential properties and outlines a consistent application and assessment process.

PRACTICE:

Definitions

- a) **The Shire** means the Shire of Halls Creek.
- b) A **landowner** means the respective adjoining landowner to roads under the responsibility of the Shire.
- c) **Crossovers** means the vehicle crossover to extending from private land to the road. A standard vehicle crossover has:
 - i. Dimensions of a maximum 3m wide x 8m length
 - ii. Constructed in concrete
- d) **Main roads** refer to roads within the Shire of Halls Creek that are under the responsibility of the Commissioner, Main Roads WA. This includes:
 - i. Great Northern Highway

Scope

This procedure covers all matters relating to the construction of new crossovers located between commercial and industrial landowner's property and public roads within the Shire and shall apply to both new and existing crossovers. Specifications for the actual construction materials and methodology can be provided upon request.

Application for Crossover

If a landowner wishes to construct a crossover, an application to construct the crossover must be submitted.

Cost to apply for crossovers

An application fee is payable as stipulated in the Shire of Halls Creek Fees and Charges document for the current adopted Budget.

If an application is unable to be approved due to it failing to meet the necessary criteria, the application fee will not be reimbursed and the applicant landowner will be advised in writing that the application has not been successful.

Criteria to apply for crossovers

Landowners are responsible for ensuring all applications to the Shire contain the following application criteria:

- The application must be in writing using the "Application for the Construction of Vehicle Crossovers to Residential Properties" form
- The application has two components:
 - Application for approval to construct (Preliminary approval)
 - Compliance inspection on completion of construction (Final Approval).

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date __/__/____ **169** | Page

- Payment of the application fee must accompany the application.

All crossovers must be constructed to the satisfaction of the Shire.

Stipulation of what is meant as satisfaction is outlined in the “Specifications for the Construction of Vehicle Crossovers to Residential Properties” document.

Applications for Crossovers on Main Roads

All applications for crossovers to main roads must have prior approval from the Commissioner, Main Roads WA. A copy of the written approval provided by the Commissioner; Main Roads WA must be attached to the application. Any application for a crossover on main roads which does not have this approval from the Commissioner, Main Roads WA will not be considered.

Assessment and Approval of Applications for Crossovers

Landowners will be notified in writing for the pre-approval to construct the crossover based on the application provided by the landowner and for the final approval of the crossover after the Compliance Inspection has taken place and is submitted to the Shire.

Authorised Persons to Construct Crossovers

Crossovers may be constructed by the following:

- a) The applicant landowner
- b) Private contractor engaged by the applicant landowner/landowner’s agent.

Construction According to Specifications

Crossovers are to be constructed as per the “Specifications for the Construction of Vehicle Crossovers to Residential Properties” document. Where there are variations to these specifications, approval must be obtained by the Director Infrastructure.

Construction Works Inclusions

It is the landowner’s responsibility to ensure a scope of works (either constructed by themselves or by a contractor) for the construction of the crossover includes:

- a) Cutting existing kerbing with a concrete saw or removing kerbing without damage to remaining pavement and kerbing
- b) Removal and disposal of all surplus material from the site of works and leaving the site in a clean and tidy condition at all times.

Minimum Disruption to the Public

The work shall be carried out with minimum disruption to pedestrians and vehicular traffic.

Public and Occupational Health and Safety

Every precaution shall be taken to ensure the safety of person and property. All excavations, materials, plant and equipment must be made safe, barricaded and provided with adequate warning signage/lights during the hours of darkness to the satisfaction of the Director Infrastructure.

All work is to be carried out in accordance with the Occupational Health, Safety and Welfare Act 1984 and Regulations amended.

Damages As A Result Of Construction

Any damage which may occur to any Shire facility or private property during the course of the works, or which subsequently becomes evident, shall be the sole responsibility of the landowner’s contractor, or the applicant landowner. This includes damage to kerbing, concrete or bituminous road surfaces.

Alteration To Utility Services

Landowners must apply to the relevant utility authorities for approval to alter service that is in conflict with the proposed crossover. Any costs incurred in the alteration of any service and subsequent reinstatement of the verge shall be borne by the applicant landowner.

Compliance Inspections

On completion of installation, a landowner is required to complete a "Vehicle Crossover to Residential Properties Compliance Inspection" to ensure the Shire of compliance with the required construction standards. Copies of relevant tax invoices must be provided to the Shire if a subsidy has been sought.

Reactive Inspections

Shire staff will conduct an inspection in response to the concerns of any person in relation to a vehicle crossover within the Shire's precinct. The landowner will be notified in writing of any identified defects which require maintenance.

Maintenance of Crossovers

It is the responsibility of the landowner to ensure vehicle crossovers are maintained to an appropriate standard specified in the "Specifications for the Construction of Vehicle Crossovers to Residential Properties" and ensure it continues to be free of hazards or obstructions for vehicles and for pedestrians where the crossover meets the footpath.

Failure To Maintain

The Shire will issue a Repair Notice when necessary and the notice will detail the repair work required.

The landowner will have 28 days in which to have completed the repair work detailed in the repair notice.

Failure To Observe Repair Notice

Where the landowner fails to observe the repair notice and complete repair work detailed within the notice, it will be considered an offence and the Shire will issue a fine as stipulated in the current Shire of Halls Creek Adopted Budget.

Replacement of Crossovers

It is the responsibility of the landowner to replace crossovers when necessary or wished. The replacement crossover must meet specifications outlined in the "Specifications for the Construction of Vehicle Crossovers to Residential Properties".

Removal of Crossovers

Any crossover which is no longer required or no longer connects with an internal driveway are deemed redundant. In this instance, landowners are to remove the crossover, the verge and kerbing are to be made good at the cost of the landowner.

Responsibility to Insure

It is the responsibility of the landowners to ensure their commercial or industrial property insurance is inclusive of public indemnity with regard to the vehicle crossover. Any notifications of legal proceedings as a result of faulty crossovers will be referred to the landowner.

INSTRUCTIONS TO STAFF: As above

HEAD OF POWER: Local Government Act 1995, Building Regulations 1989, Local Government (Uniform Provisions) Regulations 1996 and Occupational Health Safety and Welfare Act 1984

Policy Number	W3 previously IAM 03
Responsible Department	Works previously Infrastructure
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	20 September 2012 (Resolution no. 2012/164) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W4 GENERAL - WORKS PRACTICES

Works

PREAMBLE: Providing information on a variety of work practices, guidelines and operational information, each insignificant to warrant individual record.

OBJECTIVE: To ensure individual minor items are not lost in the system of recording practices, procedures and guidelines.

PRACTICES:

Application for Private Works

Whenever private works are requested to be carried out, the client must sign a private works authorisation form. This form can be obtained from the Shire Office, Director Infrastructure (DIA) or from the Works Manager.

Private works are to be carried out on the following conditions:

- The client is responsible for marking out and supervising the work.
- The Shire of Halls Creek is not responsible for damage to property, foundations, cables etc. caused when working within the clients instructions
- The Shire of Halls Creek is not responsible for any expense incurred through breakdown or delay.

Private works will not be performed for individuals or contractors who still have unpaid invoices exceeding 3 months.

Cemetery Tree Planting

No planting of trees around the gravesites is permitted. Any beautification of gravesites involving vegetation should be submitted to the Chief Executive Officer.

Niche Wall

All plaques for the Niche Wall are to be approved by the Director Health and Regulatory Services and fitted by Shire works staff.

Heavy Haulage Vehicle Permits

The Chief Executive Officer is authorised to issue heavy haulage permits in accordance with/or as required under the Restricted Access Vehicles (RAV) legislation adopted by Main Roads WA. .

Use of Depot - For Servicing Private Motor Vehicles

The Shire will not permit the servicing or maintaining of private vehicles and equipment in the Shire Depot without the express permission of the Chief Executive Officer, who is authorised to delegate the authority to determine requests to the Works Manager.

Verge Clearing

All roads that are reconstructed are to be widened to 13 metres to allow for an 11 metre road with 1.5 metres on each side of the road for the table drain.

Use of Plant – Local Clubs and Organisations

The Chief Executive Officer with the authority to delegate to the Director of Infrastructure (DIA) the authority to approve requests from clubs and community organisations to use Shire plant. The plant must be operated by a Shire employee with the club or organisation being responsible for payment of wages (if required) to the employee for time worked.

INSTRUCTION TO STAFF:

To the Chief Executive Officer to;

- Approve the use of the depot for the servicing of private vehicles and equipment;
- Determine requests from local Clubs and Organisations to use Shire plant;

To the Director Health and Regulatory Services to;

- Determine applications to beautify grave sites at Shire Cemetery's;
- Approve Niche Wall plaque design and placement;

To the Director Infrastructure (DIA) to;

- To determine applications for Private Works;
- To issue heavy Haulage Vehicle Permits;
- Determine requests from local Clubs and Organisations to use Shire plant.

To the Works Manager to;

- To determine applications for Private Works;
- Approve the use of the depot for the servicing of private vehicles and equipment;
- Determine requests from local Clubs and Organisations to use Shire plant.

HEAD OF POWER: Local Government Act 1995

Procedure Number	W4
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W5 GRAVEL SUPPLIES

Works

PREAMBLE: The Shire of Halls Creek has maintained strict principles in its search for suitable road making gravel. These principles revolve around seeking the best gravel available and not paying landowners for gravel sourced. If resourcing requires the Shire to resume land for gravel, it will do so. Native Title Claim (NTC) provisions require the Shire to seek Indigenous Land Use Agreements (ILUA) for the extraction of gravel and water for roadmaking. The recent determination of a number of NTC's in the Shire of Halls Creek now require the Shire to renegotiate access to gravel and water.

OBJECTIVE: This guideline reinforces the principles of obtaining suitable roadmaking gravel for use within the Shire of Halls Creek.

PRACTICE: Where gravel supplies are required for roadworks, the Director of Infrastructure (DIA) and contracted Works Supervisor are to approach the landowner or the NTC Prescribed Body Corporate (PCB) or the Kimberley Land Council (KLC) in the event that no PCB has been appointed with requests for the gravel and water. No payment is to be offered for the supply of gravel.

Nothing in this procedure prevents the Shire from direct conversations with NTC traditional owners about access to gravel and water.

All gravel pits opened on private property are to be reinstated before the plant moves to the next programmed job unless other firm arrangements are negotiated with the landowner.

All care is to be taken to ensure that the least amount of inconvenience is caused to the landowner.

The Works Supervisor may from time to time negotiate private works assistance for gravel removed with the landowner as part of the arrangement to open access to gravel.

Land resumption for Gravel

If landowners are unwilling to allow the Shire access for gravel reserves, it is the Shire practice where no other suitable alternatives exist, to resume the land to enable the gravel to be obtained.

Gravel Supplies – Road Reserves

Where possible, gravel for road building will not be obtained from existing road reserves.

Clearance

The opening of new private and Shire gravel sources will only be undertaken when the Director of Infrastructure (DIA) and contracted Works Supervisor are confident that clearing, Native Title requirements or ILUA's and Flora and Fauna and Heritage clearances/approvals have been obtained.

PROCESS: The Director of Infrastructure (DIA) and contracted Works Supervisor is to outline gravel requirements annually and source suitable local supplies to meet needs.

DELEGATION: To the CEO and the Director of Infrastructure (DIA) and contracted Works Supervisor are to negotiate the supply of gravel with landholders, which may incur a quid pro quo cost to the Shire and to initiate the resumption of land for the purpose of obtaining gravel where no alternate suitable supplies exist.

HEAD OF POWER: Local Government Act 1995

Procedure Number	W5
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W6 ROADS - CLEARING

Works

PREAMBLE: Procedure required to effectively manage vegetation on the road corridor.

OBJECTIVE: To ensure that clearing of roadsides is completed in a professional and satisfactory manner which is compliant with applicable State legislation.

PRACTICE: The Director of Infrastructure (DIA) and contracted Works Supervisor will in relation to the clearing of roadsides ensure compliance with existing legislation;

Soil and Land Conservation Act 1945 (Agriculture WA)

Clearing of any area of vegetation exceeding 1 hectare (this also includes the removal of a 1.5 m strip along a fence of length of .75km) requires that the Shire and the landowner gain the approval of Agriculture WA prior to the proposed action.

Wildlife Conservation Act 1950-1979

Under this Act, native vegetation may only be removed from a road reserve for the purposes of road construction or maintenance, drain construction and maintenance up to within one metre of an adjoining fence.

In areas already identified as having flora of significance – in accordance with Dept. guidelines.

Main Roads Act

Main Roads WA should be contacted for any clearing on a main road, which is under the care and control of Main Roads WA.

Native Title Legislation

Clearance of Native Title is required for identified areas of conservation significance or in the case of clearing exceeding 1 ha.

The following legislation also pertains to the management of road reserves and should be considered prior to any roadside verge works.

State Legislation:

- Aboriginal Heritage Act 1972
- Agriculture and Related Resources Protection Act 1976
- Bush Fires Act 1954
- Conservation and Land Management Act 1984
- Environmental Protection Act 1986
- Heritage of WA Act 1990
- Land Act 1933
- Local Government Act 1995
- Main Roads Act 1930
- Mining Act 1978
- Soil and Land Conservation Act 1945
- State Energy Commission Supply Act 1979
- Water Authority Act 1987
- Wildlife Conservation Act 1950 - 1979

Commonwealth Legislation:

- Environmental Protection and Biodiversity Conservation Act 1999

The Director of Infrastructure (DIA) and contracted Works Supervisor will in relation to the clearing of roadsides remain cognisant to conservation issues;

Direct Felling Of Vegetation

That vegetation to be removed be felled in the direction that minimises damage to surrounding vegetation.

Disposal Of Excess Waste Material

Tree litter and excess material left over from road construction or verge clearing activities be removed and disposed of at a designated site of low conservation value specified by the Manager of Works and not spread over existing vegetation or dumped on a nearby roadside.

Transfer of Soils and Materials

That wherever possible and especially in high conservation areas, that soil or materials used for road maintenance operations not to be taken from at conservation risk sites. That in the event of major works that modify existing indigenous vegetation on a road side or where verges have become denuded of vegetation, then rehabilitation of verges should be encouraged.

The Director of Infrastructure (DIA) and contracted Works Supervisor will in relation to the clearing and maintenance of roadsides shall apply the following procedure framework;

Clearing and Maintenance of Roadside Vegetation

That the guidelines contained in the Roadside Conservation Manual, and endorsed by the WALGA be formally adopted as guidelines for road verge clearing in the Shire of Halls Creek,

Weed Control

Weed control methods that minimise disturbance to native vegetation will be implemented,

Proposals To Clear Vegetation

That all proposals to clear vegetation on a road reserve must be submitted to the CEO in writing and should detail the location, number of trees and type of vegetation to be removed.

Annual Proposals to Clear Roadways of Over Protruding Vegetation

The Director of Infrastructure (DIA) and contracted Works Supervisor may submit to the Shire as part of annual budget processes, proposals to remove vegetation along particular roads, by way of slashing, flail mowing, mobile saw or mulching. The removal of vegetation in these circumstances (when approved in the Budget process) does not require additional approval by the CEO, or reference to Council. Clearing of this form, where the mulched remains of trees are to be left as mulch groundcover, is to extend to the top of the table drain and can include those tree limbs that protrude into the road space, table drain to table drain; if in the opinion of the Director of Infrastructure (DIA) and contracted Works Supervisor they pose a current or future hazard.

Authorisation to Remove Vegetation from Fence Lines

That the Shire delegate authority to the CEO that following on-site inspection, to approve the removal of necessary vegetation only, up to within a minimum distance of one metre from the fence line. All requests for removing vegetation in excess of one metre from the

fence, or more than 20 major trees per kilometre, must be submitted to Council for consideration prior to approval.

Application to Clear Vegetation from Services as Part of Shire Works

That service authorities operating in the Shire of Halls Creek be advised of the necessity to consult with the Shire when planning to extend or maintain activities which involve the disturbance of road verge vegetation and that they be informed of high conservation verge areas and the appropriate practices in these areas.

Written Authorisation Processes

That the removal of roadside vegetation by service authorities must be authorised by the CEO in writing, prior to the commencement of such clearing, and that the authorisation specify the conditions of the clearing process in terms of the guidelines outlined above. Clearing to be carried out within 3 months of written approval, after which time the approval lapses.

On Site Implementation

Either the Director of Infrastructure (DIA) and contracted Works Supervisor or the designated contractor be given the onsite responsibility to ensure that no indigenous vegetation beyond the working zone be removed, disturbed or damaged.

Verge Tree Planting

Community groups or individuals wishing to plant verge trees are required to submit, in writing, plans of tree species and locations for planting to the Shire and the Director of Infrastructure (DIA) will decide upon the suitability of the proposal. All roadside revegetation projects to be only of trees that are native to the area.

Revegetation Plans

The Director of Infrastructure (DIA) is to include roadside revegetation proposals in the design plans for all reconstruction projects in rural areas of the Shire where practicable.

PROCESS: As above.

DELEGATION: To the Director of Infrastructure (DIA) the power to;

- Consider and authorise the removal of vegetation from fence lines;
- To issue approval to service authorities to remove vegetation on Shire roads in relation to their works;
- To determine the suitability of roadside vegetation planting applications submitted by community groups or individuals.

HEAD OF POWER:

Local Government Act 1995

Soil and Land Conservation Act 1945. (Agriculture WA)

Wildlife Conservation Act 1950 – 1979

Aboriginal Heritage Act 1972

Agriculture and Related Resources Protection Act 1976

Bush Fires Act 1954

Conservation and Land Management Act 1984

Environmental Protection and Biodiversity Conservation Act 1999

Environmental Protection Act 1986

Heritage of WA Act 1990

Land Act 1933

Main Roads Act 1930

Mining Act 1978

State Energy Commission Supply Act 1979

Water Authority Act 1987

Policy Number	W6
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W7 ROADS - DAMAGE TO

Works

PREAMBLE: During site works and construction of buildings and improvements or the transport of machinery or vehicles, a wide range of damage and maintenance issues occur on roads and road verges. The Shire will recover and recoup repair costs on a road or verge should the property owner or their contractor damage infrastructure and not repair it. This approach applies to all commercial, residential and industrial developments (new and significant improvements) and rural roads in the case of transportation of farm machinery and equipment.

OBJECTIVE: To allow the Shire to act quickly to prevent damage to roads and to recoup costs incurred in repairing damage to roads or verges as a result of the construction of buildings and improvements to properties or the transportation of equipment.

PRACTICE: All building permit holders whom impact the road or road verge is required to leave the local government property in a clean and tidy condition after use. Any building permit holder is required to report any damage sustained to local government property as a result of their activities, immediately, so assistance can be given to minimise damage, or repair can commence.

All damage by the transportation of mining machinery along local roads is to be reported by the parties concerned as soon as is noted.

Where road or verge damage notification is received, the Director of Infrastructure (DIA) and contracted Works Supervisor or Works Manager is authorised to seek redress and a commitment from the landowner or contractor to repair the damage. Failing the issue of a written commitment to repair the damage from the landowner or contractor, the Director of Infrastructure (DIA) is to report the details and circumstances to the Chief Executive Officer (CEO).

The CEO will verify the circumstances and take immediate action to receive the commitment to repair – failing which the repairs will be undertaken and a cost recovery commenced. If cost recovery seems tenuous, the CEO may seek to apply the cost of the repairs to the landholding for recovery.

In major works situations where damage or alteration to the Shires road or verge asset is required, a deposit sufficient to cover the rectification works or any damage or mess to the verge caused by the property owner or their contractor can be imposed. Deposits will be used for reinstatement of the road and verge.

PROCESS: Under Section 6.16(2) (d) of the Local Government Act 1995, a Local Government may impose fees and charges in relation to receiving applications, issuing approvals, making inspections and issuing licences.

If in relation to a Building Licence application damage has occurred, the CEO may consider the application of a verge deposit prior to the continuance of any works. A letter/notice will be sent to the responsible party detailing separately the following costs:

- Damage Inspection costs recoverable; and
- Damage Deposit
- The terms and conditions upon which the Damage Deposit will be utilised or refunded.

How Damage Deposits Are Reimbursed

On completion of the building or improvements a final inspection is conducted by the Director of Infrastructure (DIA). If the road/verge has been left in a satisfactory state the bond will be returned; if not, the owner or their contractor will be notified of the reason. Verges are to be left clean; trimmed (if material stockpiles were temporarily stored); and the kerb, gutter, road shoulder and seal swept to remove all materials. Any washed or blown materials shall also be removed and the road surface swept clean. Any damage to the road surface repaired to the satisfaction of the Shire.

Any infrastructure such as manhole covers and scour valves, covered by stockpiles, shall be exposed and swept clean. Swale drains are to be trimmed to reinstate the original gradient and shape. Any vegetation damaged is to be reinstated where possible to its original condition. Damaged signs, manhole covers, side entry pits, kerbing, pathways, etc. are to be replaced at the applicant's cost. Replacement must be according to the Shires specifications.

Use of Damage Deposit by Shire

Should damage or a maintenance issue remain unresolved, the deposit will be withheld and contact made with the applicant to rectify the defect. If the defect is not rectified within twenty-one (21) days of notification the Damage Deposit will be used to fund the repairs. Should the said repairs exceed the deposit held, the Shire may seek the balance of repair costs in terms of the Road Traffic Act 1974 (Section 85) through any court of competent jurisdiction.

In The Case Of Damage to Rural Roads

The CEO is authorised to seek compensation or repair to Shire specifications from acknowledged landowners or contractors who have caused damage to rural roads or verges. The Director of Infrastructure (DIA) and contracted Works Supervisor or Works Manager is authorised to carry out immediate repair in the case of road safety issues, whereby the Shire may seek the repair costs in terms of the Road Traffic Act 1974 (Section 85) through any court of competent jurisdiction, when negotiation to recover costs fail.

The Shire will aim to establish road user agreements with longer term users of Shire roads e.g. Mining Companies establishing mines in the area.

Works in Road Reserves Carried Out By Contractors

Property owners are advised that all contractors must carry the necessary Public Liability Insurance and follow Shire's Work Safety Standards when engaged in works on road verges.

DELEGATION: To the Chief Executive Officer to take action to recover the cost of damage to Shire road or verge asset and issue Notice to request the return of the road or verge to a clean and tidy condition.

HEAD OF POWER: Local Government Act 1995

Procedure Number	W7
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W8 ROADSIDE MARKERS – MANAGEMENT OF

Works

PREAMBLE: Family and friends may wish to place roadside makers to commemorate where a family member or a friend has died in a car accident.

OBJECTIVE: To have consistent, fair and appropriate control over roadside memorials and to be able to manage road side markers.

PRACTICE: The Shire has no objections to the placing of small white crosses on the verge area at the scene of major road accident providing that:

- The applicant indemnifies Shire against any action or damage claim arising from the installation of the markers,
- White crosses to be no more than 450 mm in width and to be less than 600 mm in height, and can only be placed at locations that are approved by the Shire, considering future maintenance and verge treatments that may occur,
- Applicant to agree that whilst the crosses remain in existence, they are to be properly maintained by the applicant,
- Derelict crosses, non-approved materials, wreaths etc. littering the verge area shall be removed,
- In urban areas no crosses shall be erected,
- The Shire reserves the right to reject applications, remove installations and relocate markers if procedures are not followed,
- that a site plan be presented before approval,

In relation to indemnification, the Shire obtain a suitable pro forma indemnity for applicants to sign from Shire insurers.

PROCESS:

Applications shall be in writing and supported by a sketch of the proposal.

Following approval or otherwise of the application the Director of Infrastructure (DIA) is to advise the outcome to the applicant.

DELEGATION: To the Director of Infrastructure (DIA) to determine roadside markers applications.

HEAD OF POWER: Local Government Act 1995

Policy Number	W8 previously IAM 04
Responsible Department	Works previously Infrastructure
Adoption Resolution Number	
Adoption Date	
Review Date & Resolution	25 November 2004 21 March 2013 (Resolution no. 2013/12) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W9 STORMWATER DRAINAGE

Works

PREAMBLE: This Shire guideline is to express the means whereby storm water can be disposed from private property on to roadways.

OBJECTIVE: To ensure that stormwater discharge from private property is adequately planned and accommodated.

PRACTICE: The Shire requires the submission of stormwater drainage plans for all developments to be submitted in conjunction with the building licence application.

Rainfall run-off from the development of private property shall generally be retained on site but where overflow into Shire stormwater drainage is required or sought an applicant should make written application at the time of request of a Building License.

General

An overflow provision into the Shire system for any further stormwater run-off may be provided at the developer's cost subject to approval of the Chief Executive Officer on the advice of the Director of Infrastructure (DIA).

The property owner is responsible for the maintenance of soak wells on private property. If in the opinion of the Director of Infrastructure (DIA) soak wells have become inoperative, the property owner shall undertake any necessary maintenance.

Connections to the Shire's stormwater system shall be approved in writing.

Overflow connections from soak wells shall be made from the final soak well of the private drainage system. A trapped manhole shall be placed at the boundary of the lot prior to entering the Shire's system.

PROCESS:

The applicant shall provide a stormwater drainage plan showing the following information:

- Table showing volume calculations, including lot area, impermeable area, minimum soak well volume required and additional volume required for high ground water or non-sandy soils.
- Plan of the site showing location, size and levels of soak wells, pipes and other drainage features.
- Where additional volume is required for high groundwater or non-sandy sites, calculations showing the additional storage volume and any levels necessary to ensure this is achieved.
- Details of any proposed connections to the Shire's drainage system.
- Construction details for soak wells, other drainage structures and any proposed connections to the Shire's drainage system.

Residential Development

Soak wells shall be provided and maintained in all instances where the aggregate impervious area including roofs, carparks, driveways, carports and patios exceeds 250 square metres or where the lot size is less than 1000m².

Soak wells shall be provided at the rate of 1.0 cubic metres of storage for each 65 square metres of impervious area in excess of 250 square metres.

An additional 1m³ per 65m² of impervious area shall be provided in areas of clayey soils or in high groundwater table areas. The collection points and soak wells shall be located so as to minimise the amount of run-off entering the road reserve.

Group Dwellings, Strata Lots, Commercial and Industrial Development

Stormwater run-off from all roofs, carparks, driveways and other impervious areas shall be collected and disposed of into sufficient soak wells on site. Soak wells shall be provided at the rate of 1.0 cubic metres of storage for each 65 square metres of impervious area.

An additional 1m³ per 65m² of impervious area shall be provided in areas of clayey or silty soils or in high groundwater table areas.

DELEGATION: To the Chief Executive Officer to approve applications for connection to the Shire stormwater drainage from landowners on advice from the Director of Infrastructure (DIA).

HEAD OF POWER: Local Government Act 1995

Procedure Number	W9
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W10 STREET TREES

Works

PREAMBLE: To foster pride in the street appearance through efforts of tree planting and encourage ratepayers to undertake the growth of street trees.

OBJECTIVE: To control and manage the supply and planting of street trees.

PRACTICE: The Shire is prepared to provide and replace upon request, suitable trees to townsites householders for planting on the street verge fronting their properties on the condition that they are prepared to plant and maintain them.

Residents are permitted to plant and tend suitable street trees in town sites provided: -

- Trees are planted in accordance with acknowledged standards for street placement.
- Trees planted below power lines, etc. to be of a type that the average growth shall not reach to within 2.5m of the lowest height of the overhead lines.
- Street trees shall be of a variety suitable for pruning.
- Street trees shall be of a variety suitable to minimise leaf, stalk and flowering litter that requires regular clean-up.

No resident shall plant trees on the road reserve without the prior approval of the Director of Infrastructure (DIA) who is authorised to stipulate the position and spacing and who may refuse tree varieties which he considers unsuitable.

All street trees must be planted with a root barrier or root director system to prevent damage to footpaths and road surfaces.

PROCESS: Applications for trees for planting on the street verge fronting the property are to be in writing. Following approval or otherwise of the application the Director of Infrastructure (DIA) is to advise the outcome to the applicant.

DELEGATION: To the Director of Infrastructure (DIA) to determine applications for approval to plant street trees in accordance with this guideline.

HEAD OF POWER: Local Government Act 1995

Procedure Number	W10
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W11 STREETSCAPE - IMPROVEMENTS

Works

PREAMBLE: It is accepted that road reserves form a significant proportion of public open space available to residents for improving their streetscape and lifestyle.

OBJECTIVE: To control, manage and permit verge treatments.

PRACTICE: The Director of Infrastructure (DIA) is authorised to approve the installation of any gardens, reticulation, landscaping or treatments other than grass to the verge between the front property line and the kerb.

The following principles shall apply to any application:

No permanent structure can be permitted in the road reserve except with the written approval of the Shire. Applications to the Director of Infrastructure (DIA) for may include recommendations for terms and conditions that include the payment of deposit bonds for removal.

Verge treatments will be assessed on an individual basis against the following criteria:

- Safety;
- Drainage;
- Water Conservation;
- Ongoing Maintenance;
- Appearance; and Impact on others (including public services).

No part of verge treatment shall present any trip hazards, slip hazards or obstructions. Adequate space must be retained for the provision of services e.g. waste collection.

Hazards include but are not limited to the following examples:

- Trip Hazards - sudden depressions, protruding (i.e. Not flush) garden edging, kerbing, etc.
- Slip Hazards - loose aggregate and stones, etc.
- Obstructions - stakes, pickets, walls, etc.

Designs shall take into account the sight line requirements of vehicles using nearby intersections and driveways.

Consideration should be made for pedestrians, gophers, bikes, etc. An allowance should be made for a clear zone of 2m wide if no footpath is provided.

Materials used shall be a different colour to the existing road surface to provide definition and reduce the chance of the verge being confused as part of the road.

Planting within 6m of an intersection is restricted to grass, ground covers, low shrubs or similar plants and no plants may be planted between 6m and 10m of an intersection that exceeds or may exceed 750mm in height.

Drainage

Stormwater run-off should not affect any other property, roadway or adjoining verge. If non-permeable materials are used as any part of the verge treatment, drainage must be accounted for in the design.

Water Conservation and Environment

The Shire encourages designs incorporating the planting of drought tolerant and water sensitive plants and ground covers.

Ongoing Maintenance

The ongoing maintenance requirements will form an important part of the Shire's assessment. The assessment will consider the overall maintenance requirements of the treatment as a whole, including pruning, stabilisation of hardstand areas, etc.

All verge treatments must be maintained by the adjoining property owner to ensure any approved treatments do not become unacceptable. Where there is a change in ownership the new owner will become responsible for any ongoing maintenance.

Appearance

Proposed works will be assessed on their aesthetic qualities and should be designed with the local streetscape in mind.

Impact on Others and/or Services

Proposed treatments should take into account the impact on neighbours and service providers.

Examples: Planting low growing plants under power lines; and minimum clearance around any service installations e.g. water meters.

PROCESS: The treatments are to be in accordance with this guideline and installation may take place after formal written application and approval from the Director of Infrastructure (DIA). The Director of Infrastructure (DIA) may take direction from the Manager of Works and gardening staff in regard to each application and place such conditions on the approval as deemed necessary.

No works are to commence unless approval (with or without conditions) is granted.

Following approval the applicant must notify Shire staff at any milestone points where the Shire's ongoing approval is required before proceeding to the next step. Non-conforming works shall be rectified until approved.

On completion of works a final inspection shall be undertaken to ensure the works have been completed as per the approval.

DELEGATION: To the Director of Infrastructure (DIA) to approve streetscape improvements.

HEAD OF POWER: Local Government Act 1995

Procedure Number	W11
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 June 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W12 ROADSIDE BURNING

Works

PREAMBLE: The Shire recognises the concerns of rural property owners regarding potential fire hazards on roadsides yet at the same time recognises the flora damage that fire can do to road verges.

OBJECTIVE: To reduce the risk of fire damage to road verges.

PRACTICE: No roadside burning is allowed by any persons within the Shire without the approval of the Shire. Similarly, any application to use chemicals on road reserves for firebreak protection for the elimination of weeds or grasses must be submitted to the Director of Infrastructure (DIA) for approval.

To achieve that approval the landowner supported by the local Fire Control Officer is required to provide details of the sections of roadside proposed for burning or spraying to remove the fire hazards. The Director of Infrastructure (DIA) under delegation may issue approval but this will be subject to:

- The adjoining property owner(s) supports the burn and accepts responsibility for protection of his/her fencing;
- Burning is carried out or directly supervised by members of a registered Bushfire Brigade and the Shire;
- Landowners are given instructions to only burn by way of a Fire Permit, issued with or without conditions as are considered appropriate by the issuing Fire Control Officer for each section of roadside;
- All reasonable precautions are taken to protect flora and fauna during the course of roadside burning (pest plants and wild weeds excluded).
- Warning signs must be displayed on the road at either end of each burn in accordance with Australian Standards on Traffic Management.
- The Shire is to coordinate the placing and removal of traffic warning signs.

Permission to burn road verges may be considered when in conjunction with Shire works or maintenance, where it considered beneficial to both the Shire and the landowner to burn.

PROCESS: Landowners requiring their road verge to be burned are to apply to their local Fire Control Officer and then present the information to the Shire. If an approval is granted, the Shire will be directly involved and provide signage.

DELEGATION: To the Director of Infrastructure (DIA) for the burning or spraying of road verges in accordance with the listed conditions.

INSTRUCTION TO STAFF:

HEAD OF POWER:

Local Government Act 1995
 Bush Fires Act 1954 25
 Occupational Health & Safety
 Road Traffic Act 1974

Procedure Number	W12
Responsible Department	Works
Adoption Resolution Number	
Adoption Date	25 July 2019
Review Date & Resolution	25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)

W13 USAGE OF LIVESTOCK GRIDS & INSTALLATION

Works

PREAMBLE: The purpose of this procedure is to ensure that livestock grids are only installed for genuine grazing purposes and are of an appropriate and consistent standard which minimises any safety risk to road users. This procedure will improve the safety of the public road network by assisting landowners and local farmers to locate and install livestock grids to allow for the daily movement of livestock across a road or graze livestock within the road reserve without causing an adverse impact to other road users.

OBJECTIVE: The objectives of this procedure are to:

- Develop a common understanding of the definition and purpose of a livestock grid;
- Provide guidance and consistency for the approval and installation of livestock grids across the municipality;
- Support procedures for the application, approval, construction, maintenance, and repair of livestock grids;
- Identify the standards for the construction of livestock grids;
- Define maintenance responsibilities for livestock grids;
- Define registration and recording procedures for livestock grids;
- Ensure that the location of livestock grids does not materially affect the safety of road users; and
- Control private structures on public roads and to ensure that all associated works are carried out to approved standards.

PRACTICE:

Definitions

The definitions for this policy include:

- a) **"The Council"** means the elected members and their administration of the Shire of Halls Creek.
- b) A **"landowner"** means the respective adjoining landowner to roads under the responsibility of the Council.
- c) **"Livestock grid"** means a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land. Livestock grids generally consist of a depression in the road covered by a transverse grid of bars or rails, normally constructed of metal and firmly fixed to the ground on either side of the depression. The gaps between the bars or rails are wide enough for an animal's legs to fall through, yet are sufficiently narrow so as not to impede a wheeled vehicle. For the Council's purposes, a livestock grid is considered an inherent component of a road and can be regarded as road infrastructure.
- d) **"The Shire"** means the Shire of Halls Creek and the land contained within.

Scope

This procedure covers all matters relating to the management of both existing and new livestock grids located on public roads within the Shire and shall apply to both new and existing livestock grids.

Responsibility Over Roads

The Shire is responsible for dedicated roads pursuant to the Local Government Act 1995 and the Land Administration Act 1997 even if such roads are deemed to be owned by the Crown.

Main roads, highways and secondary roads (those which are not assigned or partly assigned to a local government) are omitted from the Shire's responsibility in accordance with the Main Roads Act 1930.

A highway, main road or secondary road for the purpose of the Main Roads Act 1930 is the responsibility of the Department of Main Roads.

The Shire has the control, care and management responsibility of its public roads but the provisions of this procedure impose responsibility for permitted livestock grids on the respective adjoining landowner.

This procedure is implemented to manage the Shire's liability for the livestock grids.

The Shire is not required to provide livestock grids as part of its road infrastructure and can therefore prohibit them or, as this procedure provides, permit the installation of a livestock grid on such conditions as it considers appropriate.

Responsibility of the Landowner

The landowner must seek the Council's permission to install livestock grids and be fully responsible for the construction, ongoing maintenance, eventual decommissioning or reconstruction of a livestock grid, and the landowner must organise appropriate public liability insurance which covers themselves and the Shire.

The Extent of Livestock Grid Responsibility

The extent of the responsibility for the landowner where the livestock grid ends and the road begins, is any part of the road that needs to be modified to support the installation, maintenance or repair of the livestock grid.

PROCESS:

Application for the Installation of New Livestock Grids

A livestock grid may only be constructed in circumstances where the Shire considers it appropriate to do so, and only if the application satisfies the following criteria:

- a) The Shire must be satisfied that there is no significant impact on road safety due to the livestock grid changing the road structure, reducing sight distance, obstructing the road, or in any other way impairing the use of the road;
- b) The livestock grid is to be used for genuine grazing purposes only;
- c) The livestock grid must be located at a location deemed suitable by the Shire which will allow for current road usage patterns to continue and the future traffic requirements of the road will not be impeded;
- d) The proposed livestock grid must have a width which is the greater of the following:
 - i. Minimum Standard Trafficable Width for the road classification; or
 - ii. The existing width of the road either side of the livestock grid;
- e) The livestock grid must be designed to cater for HS20-T44 loading with drawings and computations certified by a qualified Structural Engineer;
- f) Statutory planning requirements must be met if applicable;
- g) Council approval must be granted and approval is, amongst other things, dependent on the landowner following all procedures set by the Shire Infrastructure Directorate;
- h) An agreement in a form approved by the Shire must be signed by the landowner which will include provision that:

- i. the landowner agrees to full responsibility for all costs associated with the construction,
- ii. the landowner agrees to indemnify the Shire in regard to any risk, loss or liability arising in relation to the livestock grid;
- i) The landowner deriving benefit from the livestock grid must obtain and maintain public liability insurance to cover against any claims for liability occurring as a result of or in connection with the installation, maintenance or use of the livestock grid.
- j) Public liability insurance shall have a minimum combined single claim limit of \$10 million; and
- k) All grazing operations within the road reserve are to be conducted in accordance with all relevant Shire of Halls Creek Local Laws.

Submitting an Application

To apply for the installation of a livestock grid the owner of the land adjacent to which the public road passes must complete a Livestock Grid Installation Application Form and pay the applicable application fee, as determined by the Shire.

1. For further explanation of the process to be followed, refer to the attached Process Map for Application to Install a Livestock Grid and Livestock Grid Installation Application Form ("Application Form").
2. In addition to the requisite Application Form, an applicant landowner must submit engineering plans certified by a Structural Engineer.

Cost To Apply

The application fee is stipulated in the Shire of Halls Creek Fees and Charges document for the current Adopted Budget.

If an application is unable to be approved due to it failing to meet the necessary criteria, the application fee will not be reimbursed and the applicant landowner will be advised in writing that the application has not been successful.

Assessment for the Installation of New Livestock Grids

Prior to the approval of an application for a livestock grid, the Shire shall consult with other adjoining landowners within close proximity to the proposed livestock grid location.

A letter will be sent to these landowners outlining the proposed livestock grid and its location, which will invite the recipients to make submissions in response to the proposal within 28 days.

The Shire may respond to any submissions as and when it deems appropriate.

The Shire may consider any submissions in the assessment of an application for a livestock grid.

The Council's approval for the construction of a livestock grid is not given until both of the following have occurred:

- a) the applicant landowner has received notice in writing from the Shire of the intention to approve; and
- b) a written agreement as required by this policy is executed by both the Shire and the landowner in a form acceptable to the Shire.

Locations that, in the Shire's opinion, do not warrant the use a livestock grid will not be approved for livestock grid installation.

Once installed, a livestock grid forms part of the road and becomes the property of the Shire, notwithstanding landowner's responsibility to maintain the livestock grid.

Construction Of New Livestock Grids

This policy requires all livestock grids on public roads to be installed and to adequately meet technical requirements including minimum width, load bearing capacity, materials, signage, and visibility markings.

The applicant landowner must provide design details for the structure to cater for HS20-T44 loading, and have a design certified by a Structural Engineer.

Subject to their design specifications being referred to the Shire, prefabricated livestock grid units may be approved for use.

The applicant landowner shall construct drainage under the livestock grid to ensure that no damming or ponding of storm water run-off occurs on the carriageway and adjacent areas.

Details of grid structure, foundations, abutments, approaches and horizontal and vertical alignment shall be submitted with the application for a livestock grid, and shall:

- a) be sufficient to guarantee the safe transit of vehicles and other road users; and
- b) not interfere with the natural drainage of the area.

All works are to be carried out in accordance with the Shire's Road Management Plan, Occupational Health & Safety legislation, the Local Government Act 1995, industry standards and applicable Australian Standards.

A diagrammatic representation of the construction of a livestock grid, associated by-pass gate, and side track can be provided by the Shire on request.

Location

A livestock grid shall only be installed at a location approved by the Council.

A proposed location must satisfy road traffic safety requirements, and consideration shall be given to issues such as existing road alignment and safe sight distances in evaluating the appropriateness of a proposed location.

By-Pass Gate

The by-pass gate shall be made of resilient material, be of minimum width 3.66 metres and should be arranged to be free swinging.

It must remain unlocked and fully functional to allow unimpeded access.

By-pass gates shall be constructed at right angles to the road centreline.

Livestock Grid Side Track

The livestock grid side track which services the by-pass gate is to be constructed to a standard suitable for the passage of stock.

Signage

Signage is to be erected in accordance with AS1742.2 Manual of Uniform Traffic Control Devices - Traffic Control Devices for General Use.

This requires a 'Grid' warning sign (W5-16) on either side of the livestock grid between 50 metres to 200 metres from the structure.

A set of G9-206(L) and G9-206(R) chevrons are also required on either side of the structure.

Where the trafficable width is inadequate, signage is required.

Responsibility Of Existing Livestock Grids

The responsibility of the existing livestock grids is dependent on who originally installed the livestock grid.

That is:

- a) Where the Landowner originally installed the livestock grid, the Landowner remains responsible for all repairs, maintenance and if required replacement/removal.
- b) Where the Shire originally installed the livestock grid, the Shire remains responsible for all repairs, maintenance and if required replacement/removal.
- c) Where the Landowner cannot prove Shire ownership of a livestock grid, the responsibility will remain with the Landowner.

Registration Of Existing Grids

Where there is an existing livestock grid that has not been approved by the Shire and the landowner satisfies the Shire that there is an ongoing use of the livestock grid and it is still required then:

- a) the landowner must apply to the Shire to register the livestock grid;
- b) the landowner must at its expense make the livestock grid comply to the standards required; and
- c) the landowner must sign an agreement on similar terms to an agreement for new livestock grids.

Unregistered And Pre-Existing Livestock Grids

Landowners who use existing unregistered livestock grids on roads that run through or are adjacent to their property are required to lodge a Livestock Grid Registration Application Form.

The applicant landowner will be:

- a) Required to identify whether the current condition of the livestock grid complies with the specified standards; and
- b) To advise the Council of the details of any current public liability insurance.

A Certificate of Currency issued by the insurer is required as proof of an insurance policy.

Registration of pre-existing livestock grids will only occur where a livestock grid complies with the required and specified construction and maintenance standards.

In cases where the condition of the livestock grid does not comply with the appropriate standards, the Shire will advise the landowner of the appropriate measures to be taken.

These may include, but are not limited to:

- a) Upgrading of the structure or ancillary infrastructure to comply with current standards;
- b) Upgrading a policy of insurance;
- c) Replacement of the structure or ancillary infrastructure to comply with current standards; or
- d) Removal of the structure and reinstatement of the road.

When an unregistered livestock grid is brought to the Shire's attention, the adjoining landowners will be consulted to establish whether there is a need for the livestock grid.

The Shire will send the landowners a letter in relation to a specified livestock grid requesting submissions from the recipients within 28 days.

This letter may detail the results of any inspection carried out by the Shire.

The submissions received will be judged on their merit and a decision on the future of a livestock grid will be at the Shire's discretion.

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

Shire President Initial _____ Chief Executive Officer Initial _____

Date ____/____/____ **195** | Page

In conjunction with the issuing of a letter, a public notice will also be placed on any unregistered livestock grid.

If no response is received following a request for submissions, the Shire may take the appropriate action to remove the livestock grid and all ancillary infrastructure from the road reserve.

The adjoining landowners will be notified at least 28 days prior to the removal of the livestock grid to allow for provisions to be made for the containment of livestock.

The containment of any livestock remains the sole responsibility of the landowner and the Shire bears no responsibility for any damage or injury arising from loose livestock.

The cost of removing the livestock grid and the necessary impounding of any livestock may be recovered by the Shire from the adjoining landowners.

All materials salvaged from the removal operation will remain the property of the Shire.

Review Of Livestock Grids

The Shire may review all livestock grids on an ongoing basis to assess their condition and whether they are still required or used.

Conditions Imposed On Livestock Grids

The Shire may impose additional conditions on the continued use of a livestock grid from time to time.

Maintenance Standards Structural Components

The landowner must maintain the structure and signage of the livestock grid to ensure its compliance with the construction standards as detailed by this procedure.

All maintenance work must be authorised and carried out by the Shire at the applicant landowner's expense and in accordance with Occupational Health & Safety requirements, the Local Government Act 1995, industry standards and applicable Australian Standards.

Maintenance Standards Road Carriageway

The landowner is responsible for the maintenance of the carriageway for a distance of 20 metres either side of the livestock grid.

The Shire may carry out maintenance of the carriageway within this distance from the structure at the landowner's expense and the landowner may not carry out maintenance works on a carriageway unless previously approved by the Shire.

Failure To Maintain

The Shire will issue a Repair Notice when necessary and the notice will detail the repair work required.

If the Repair Notice is not complied with the Council may revoke its approval and remove a livestock grid if the landowner fails to ensure the continual maintenance of the livestock grid and the provision of the appropriate signage.

Proactive Inspections

The landowner is responsible for undertaking regular inspections to ensure the livestock grid and other required infrastructure comply with the specified standards. A Council employee will inspect the livestock grids as part of scheduled road network inspections and the landowner will be notified in writing, via a Repair Notice, of any identified defects which require maintenance.

Reactive Inspections

A Council employee will conduct an inspection in response to the concerns of any person in relation to a livestock grid within the Council's precinct. The landowner will be notified in writing of any identified defects which require maintenance.

Compliance Review

A landowner is required to complete an annual Compliance Inspection of a livestock grid to ensure the Shire of continual compliance with the required construction and maintenance standards. The Shire shall give a landowner notice in writing as to when a Compliance Inspection is due.

The landowner must carry out the inspection and submit a completed Livestock Grid Inspection Report and a Certificate of Currency issued by their public liability insurer within 14 days of being given notice of the inspection. The Shire will conduct an audit of the information submitted and carry out inspections at random to verify the accuracy of the Compliance Inspections.

If the livestock grid is held to not comply with the construction and maintenance standards or the public liability insurance is invalid or inadequate the Shire may revoke its approval of a livestock grid.

Damage Incurred to Livestock Grids during Road Maintenance

Where the Shire has damaged the livestock grid while undertaking road maintenance, which is inclusive of Shire Graders and Shire Contractor Graders, the Shire will repair all damage incurred.

Damage Incurred to Livestock Grids during Landowner Maintenance

Where the landowner or the landowner's contractor damages the livestock grid and immediate road structure conducting maintenance or the grid, it is the responsibility of the Landowner to repair the grid and immediate road structure that is damaged.

Damage Incurred Due to Normal Wear And Tear

Where damage has incurred due to ordinary use (by road users and the Landowners) of the livestock grid as part of normal wear and tear, this is considered normal maintenance and is the responsibility of the landowner.

Costs Associated With the Removal of Livestock Grids

All costs associated with the removal of a livestock grid will be recovered from the landowner and all materials salvaged shall remain the property of the Council.

Unapproved Livestock Grids

Where there is an existing livestock grid that has been installed by a landowner but has not been approved by the Shire, and either the landowner agrees to its removal or is unable to satisfy the Shire that there is an ongoing use of the livestock grid that requires its retention then the livestock grid may at the discretion of the Shire be removed and the road reinstated and the cost recovered from the landowner.

Livestock Grids Which No Longer Meet Criteria

If a livestock grid (whether registered or unregistered) is considered by the Shire to be no longer in active use for genuine grazing purposes, the landowner may be directed by the Shire to remove the grid and if so, directed will remove the grid and reinstate the road pavement. If the landowner does not comply with the direction the Shire may undertake the works and to recover the cost from the landowner.

Changed Road Conditions

The Shire may at any time terminate the approval for a livestock grid when changes occur to the classification or alignment of the road on which it is situated or if there is a

Adoption Date – Ordinary Meeting June 2021

Next Review Date – June 2023

demonstrated change in road usage patterns which the Shire considers warrants the removal of the livestock grid.

Livestock Grids Which Have Not Been Properly Maintained

If the Shire determines that a livestock grid is not maintained at the appropriate standard or its use is not warranted, the Shire may remove the livestock grid and reinstate the road at the landowner's expense.

If the standard of maintenance of a livestock grid is in dispute and the applicant landowner has failed to demonstrate to Shire satisfaction that a livestock grid has been maintained to the standards of this policy and any agreement, the Shire may, at its discretion, remove the livestock grid and reinstate the road at the landowner's expense after giving reasonable notice.

Alternatives To Livestock Grids

Where an application for a livestock grid does not satisfy the requirements as outlined in this procedure, an applicant landowner may need to consider one of the following options:

- a) Abandon the application for a livestock grid; or
- b) Make an application for an alternative control measure which may be, but is not limited to a:
 - i. Stock crossing;
 - ii. Roadside grazing permit; or
 - iii. Stock underpass, in accordance with the Shire's procedures and/or local laws.

INSTRUCTION TO STAFF:

HEAD OF POWER:

Local Government Act 1995
Occupational Health & Safety
Road Traffic Act 1974

Procedure Number	W13
Responsible Department	Works
Adoption Resolution Number	2012/163
Adoption Date	20 September 2012
Review Date & Resolution	21 May 2009 (Resolution no. 2009/101) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067)