



# **SHIRE OF NORTHAMPTON**

## **DELEGATION REGISTER**

### **POLICY MANUAL**

**REVISED APRIL 2017**

**DELEGATION REGISTER  
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<b>DELEGATION NUMBER</b>	-	<b>A01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Legal Advice
DELEGATE	-	Chief Executive Officer

Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor, such legal advice, assistance and opinions as the Chief Executive Officer deems necessary in the exercise of the management of the Local Government.

<b>DELEGATION NUMBER</b>	-	<b>A02</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Conferences, Seminars & Training Courses
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to approve the attendance by Council staff at conferences, seminars and training courses where attendance will enhance the professional development of the officer, provide benefits to the Council and is relevant to the duties and responsibilities of the officer.

<b>DELEGATION NUMBER</b>	-	<b>A03</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Local Laws
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:

1. Give statewide public notice and provide the appropriate Minister with a copy of the proposed local law and the statewide public notice as required under Section 3.12(3).
2. After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5).
3. After the local law has been published in the Gazette give statewide public notice in accordance with Section 3.12(6).
4. Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15.
5. Give statewide public notice stating intention to review a local law as required under Section 3.16(2).
6. After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3).
7. After the Council has made a determination in respect of the local law review, give statewide public notice as required under Section 3.16(5).

<b>DELEGATION NUMBER</b>	-	<b>A04</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Rate Book
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is hereby delegated the performance of the following functions of the Council.

1. The discharge of the obligations specified in Section 6.39(1) of the Local Government Act 1995.
2. The service of Notices of Valuation and Rates referred to in Section 6.41(1) of the Local Government Act 1995 (as amended).
3. The time allowed for the payment of the rate before it becomes in arrear 6.50(2) of the Local Government Act 1995.
4. The powers conferred in Section 6.40 of the Local Government Act 1995.
5. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book 6.76(4) of the Local Government Act 1995.
6. The recovery of rates by complaint or action pursuant to the provisions of 6.56(1) of the Local Government Act 1995.
7. Entering into an agreement in accordance with 6.49 of the Local Government Act 1995.
8. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with 6.60(2) of the Local Government Act 1995.

<b>DELEGATION NUMBER</b>	-	<b>A05</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Enforcement and Legal Proceedings
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions on behalf of Council under the Local Government Act 1995 and Council's Local Laws. Further, the Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer. The appointments being those referred to in Section 9.10 of the Local Government Act 1995.



<b>DELEGATION NUMBER</b>	-	<b>A06</b>
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Use of Shire Logo
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to approve the use of the Shire Logo by Sporting Bodies and community groups within the Shire of Northampton.

<b>DELEGATION NUMBER</b>	-	<b>A07</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Contract Variations
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.

<b>DELEGATION NUMBER</b>	-	<b>A08</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Appointment of Consultants
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to appoint consultants including architects, valuers, planning consultants and the like. In exercising this delegated authority the following conditions shall apply:

1. Any Council policy is to be observed.
2. Adequate funds shall be available in Council budget.
3. The appointment is to be for an approved project.
4. The value of the appointment shall not exceed \$10,000.

<b>DELEGATION NUMBER</b>	-	<b>A09</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Execution of Documents
DELEGATE	-	Chief Executive Officer

Where:

- a) the Council has authorised entering into a formal contract, or
- b) a formal contract is authorised under a delegated authority from the Council, or
- c) a formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operation of the Council,

the Chief Executive Officer is delegated authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents without further reference to Council.

<b>DELEGATION NUMBER</b>	-	<b>A10</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Close Down Over Christmas Holiday Period
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to approve a close down period for the Shire operations over the Christmas and New Year period.

When a close down period is approved, Council is to be advised and advertising of that close down must be undertaken within local newspapers.

<b>DELEGATION NUMBER</b>	-	<b>B01</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Demolition Licences
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to approve the issue of a demolition licence (Section 374A) to take down a building or a part of a building and such licence may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Environmental Health Officer/Building Surveyor.*

<b>DELEGATION NUMBER</b>	-	<b>B02</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Building, Extension of Time to Complete
DELEGATE	-	Building Surveyor

That in accordance with S.374(1a) of the Local Government Act 1960 Council's Building Surveyor is delegated authority to approve of an extension of time where it was not possible to complete the building within the period specified in the building licence, subject to the payment of any additional building licence fee.

<b>DELEGATION NUMBER</b>	-	<b>B03</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Notices, Issue of Section 401
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to issue notices pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Environmental Health Officer/Building Surveyor.*



<b>DELEGATION NUMBER</b>	-	<b>B04</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Buildings, Removal of Neglected and Dilapidated
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to serve upon the owners and occupiers of neglected and dilapidated buildings the written notices required by Sections 408 and 409 of the Local Government (Miscellaneous Provisions) Act 1960.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Environmental Health Officer/Building Surveyor.*

<b>DELEGATION NUMBER</b>	-	<b>B05</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Works, Unlawful
DELEGATE	-	Chief Executive Officer

a) The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

b) The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Environmental Health Officer/Building Surveyor.*

<b>DELEGATION NUMBER</b>	-	<b>B06</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Buildings, Dangerous
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960:

1. Issue a certificate which states that the subject building is in a dangerous state.
2. Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.
3. Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Environmental Health Officer/Building Surveyor.*

<b>DELEGATION NUMBER</b>	-	<b>B07</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Certificates of Classification
DELEGATE	-	Chief Executive Officer

That the Chief Executive Officer be delegated the power to issue Certificates of Classification of Buildings.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Environmental Health Officer/Building Surveyor.*

<b>DELEGATION NUMBER</b>	-	<b>B08</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Building Licences
DELEGATE	-	Building Surveyor

That pursuant to Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, the Principal Building Surveyor is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:

- a) all Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and
- b) all Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,

The Principal Building Surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Furthermore, the issuing of a building licence under Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions as the Principal Building Surveyor considers necessary.

All licences issued under this delegated authority shall, in addition to any conditions imposed by the Principal Building Surveyor, contain and be subject to the following conditions:

1. The building licence is valid for a maximum period of twenty-four (24) months.
2. Any other items considered appropriate

<b>DELEGATION</b>	<b>B09</b>
LEGISLATIVE POWER	Strata Title Act
DELEGATION SUBJECT	Applications - Strata Titles
DELEGATE	Principal Building Surveyor & Principal Planner

That the Principal Building Surveyor be delegated authority, following consultation with other staff to:

Authorise the release of Strata Applications, where the building has met the requirements of the Strata Titles Act and is in accordance with the building plans approved by Council.

<b>DELEGATION NUMBER</b>	-	<b>BF01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Offences – Bush Fires Act
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated general authority to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences. This delegation extends to the issue of infringement notices in accordance with the provisions of Section 59A of the Act.

The Chief Executive Officer in exercising this delegation is to refer any potential action to the Chief Fire Control Officer before exercising the delegation.

*The Chief Executive Officer, in exercising this authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Deputy Chief Executive Officer.*

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<b>DELEGATION NUMBER</b>	-	<b>BF02</b>
LEGISLATIVE POWER	-	Bush Fires Act
DELEGATION SUBJECT	-	Firebreak Order, Variation to
DELEGATE	-	Chief Executive Officer

That pursuant to the provisions of Council's Firebreak Order, the Chief Executive Officer is delegated authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to take alternative action to abate fire hazards.

*The Chief Executive Officer, in exercising this authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Chief Bush Fire Control Officer and the Deputy Chief Executive Officer.*



<b>DELEGATION NUMBER</b>	-	<b>BF03</b>
LEGISLATIVE POWER	-	Bush Fires Act
DELEGATION SUBJECT	-	Burning, Prohibited Times (Variations)
DELEGATES	-	Shire President, Chief Executive Officer and Chief Fire Control Officer

That pursuant to Section 17 (10) of the Bush Fires Act, the Shire President and the Chief Executive Officer; or the Chief Executive Officer and the Chief Bush Fire Control Officer; or the Shire President and the Chief Bush Fire Control Officer, whatever the case may be; be delegated jointly the Council's powers and duties under Section 17 (7) and 17 (8) of the Bush Fires Act in respect to varying the prohibited burning times.

*The Chief Executive Officer, in exercising this authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Deputy Chief Executive Officer.*

<b>DELEGATION NUMBER</b>	-	<b>F01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Donations
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated the power to determine requests for donation of monies up to the value of \$300 when a group or individual can demonstrate:

1. Significant direct benefit to the local community.
2. That the group is a community group or non-profit making organisation or running a non-profit activity.
3. That the group's financial status is such as to justify a donation from Council.
4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, eg. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards, which sees them, requiring financial assistance for travelling, accommodation or other incidental expenses.
5. That available funding exists in Council's budget.

*Amended from \$100 to \$300 17 June 2011 and capping of \$1,000 deleted*

<b>DELEGATION NUMBER</b>	-	<b>F02</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Creditors, Payment of
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing -

- a) The payee's name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

The Chief Executive Officer in exercising this delegation is to ensure that each cheque/payment is endorsed either by the Chief Executive Officer, Deputy Chief Executive Officer or one Councillor if either of the above two officers are not available.

Where Electronic Fund Transfers are used the Chief Executive Officer in exercising this delegation is to ensure that each Electronic Funds Payment, made by Council through the National Australia Bank (NAB Connect) Software utilising computer encryption devices and passwords be authorised by a combination of two of the following staff members - Chief Executive Officer, Deputy Chief Executive Officer and Finance Officer.

*Note: Altered 20 March 2009*

<b>DELEGATION NUMBER</b>	-	<b>F03</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Insurance - Public Liability Claims
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.

In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of a release form.

<b>DELEGATION NUMBER</b>	-	<b>F04</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Insurance
DELEGATE	-	Chief Executive Officer

That the Chief Executive Officer be delegated authority to enter into appropriate contracts of insurance.

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer.

<b>DELEGATION NUMBER</b>	-	<b>F05</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6.12)
DELEGATION SUBJECT	-	Sundry Debtor Write Offs
DELEGATE	-	Chief Executive Officer

That the Chief Executive Officer be delegated authority to enter into appropriate contracts of insurance.

That the Chief Executive Officer, to approve the writing off of debts in accordance with Section 6.12 (1) (c) of the Local Government Act 1995

Any Debt written off under this delegation must be:-

- (a) up to \$200 only, or
- (b) where the debt occurred due to an error or oversight by Officers.
- (c) In all cases where debt is to be written off, a separate report is to be submitted to Council for consideration.

The delegation shall remain in force indefinitely.

*The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Deputy Chief Executive Officer.*

<b>DELEGATION NUMBER</b>	-	<b>H01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 Local Law relating to Trading in Public Places
DELEGATION SUBJECT	-	Trading in Public Places
DELEGATE	-	Chief Executive Officer

That the Chief Executive Officer be delegated authority to issue licences under Council's Local Law relating to Trading in public Places in accordance with Council policy 8.4

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Environmental Health Officer.

<b>DELEGATION NUMBER</b>	-	<b>H02</b>
LEGISLATIVE POWER	-	Public Health Act 2016
DELEGATION SUBJECT	-	Duties conferred or imposed by the Public Health Act 2016
DELEGATE	-	Chief Executive Officer

Pursuant to Section 21(1)(b)(i) Part 2 of the Public Health Act 2016, the Chief Executive Officer be delegated authority to all the powers and duties conferred or imposed on the Shire of Northampton by the Public Health Act 2016.

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Environmental Health Officer.



<b>DELEGATION NUMBER</b>	-	<b>O01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Native Title
DELEGATE	-	Chief Executive Office

The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting Council in order for Council to have sufficient interest to become a party to the Native Title Application.

<b>DELEGATION NUMBER</b>	-	<b>O02</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Impounding Goods
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to:

1. Authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding.
2. Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42.
3. Give notice in accordance with Section 3.44 to collect goods.
4. Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46.
5. Take action to recover expenses in accordance with Section 3.48.

<b>DELEGATION NUMBER</b>	-	<b>O03</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Community Bus Hire Fees
DELEGATE	-	Chief Executive Office

The Chief Executive Officer is delegated authority to discount user fees for the community bus where that bus is being utilised for a fundraising event for a local organisation to an amount of 35 cents per kilometre with bond and fuel costs to remain as per current Council Policy.

<b>DELEGATION NUMBER</b>	-	<b>O04</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Kalbarri Airport – Landing Fees
DELEGATE	-	Chief Executive Office

The Chief Executive Officer is delegated authority to waive landing fees at the Kalbarri Airport where the aircraft/s are involved in a charitable event.

<b>DELEGATION NUMBER</b>	-	<b>P01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Liquor, Sale of from Council Property
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to approve applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

Council has a policy that coincides with the delegated authority for the issue of permission for the consumption of alcohol on Council owned/controlled premises, other than licensed or private residential premises, that a permission to consume alcohol only, and not in the case where alcohol is to be sold, is not to have a duration of more than six hours.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Deputy Chief Executive Officer.*

<b>DELEGATION NUMBER</b>	-	<b>P02</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Recreation Facilities – Discounted Fees
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to grant discounts or waive hire fees applying to any of Council's Recreation facilities. In exercising this delegation, the Chief Executive Officer shall take into consideration:

1. The cost of normal hire per participant being prohibitive in relation to the financial resources of the hirer/s.
2. One-off usage discounts being supported in favour of regular use discounts.
3. The participation of children/juniors in the program.
4. The benefits to the Shire, its staff and the community in general.
5. Costs to Council, including any forfeited opportunity costs.
6. Any other circumstances that warrant consideration to a discount or waiving of fees.

<b>DELEGATION NUMBER</b>	-	<b>S01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Disputes, Arbitration and Industrial
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to provide the Western Australian Local Government Association with consent to act on the Council's behalf in any matter regarding disputes with employees of Council.

<b>DELEGATION NUMBER</b>	-	<b>S02</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Telephone (Private) – Use by Employees for Council Business
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to make appropriate financial and other arrangements with all employees to have a telephone installed in his/her principal place of residence within the Shire for some use on Council business. The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee with any telephone expense incurred on Council business.



<b>DELEGATION NUMBER</b>	-	<b>S03</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Salaries
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to alter salaries payable to all staff that are not employed on performance based term contracts. The alteration may be within the employee's assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.

In exercising this delegated authority the Chief Executive Officer shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available on Council's budget. If any salary change is likely to involve over budget expenditure, the change will require endorsement of Council.

<b>DELEGATION NUMBER</b>	-	<b>S04</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Staff Housing
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council. In exercising this delegation the Chief Executive Officer shall have regard to any Council policy in place from time to time.

In the event that any Council provided accommodation is, at any time, not required for Council employees, the Chief Executive Officer is delegated authority to rent the accommodation to persons other than Council employees, provided the tenancy arrangement is only on a monthly basis.

<b>DELEGATION NUMBER</b>	-	<b>S05</b>
LEGISLATIVE POWER	-	Local Government Act 1995 and Long Service Leave Regulations
DELEGATION SUBJECT	-	Taking of Proportionate Long Service Leave
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to determine staff applications for the taking of Long Service Leave proportionately subject to the provisions of the Long Service Leave Regulations.

<b>DELEGATION NUMBER</b>	-	<b>S06</b>
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Taking of Annual Leave and Payment of Annual Leave Entitlement.
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to determine staff applications for the taking of annual leave proportionately and the payment of annual leave entitlements subject to the employee has accumulated more than two years of service entitlement (ie eight or ten weeks).

<b>DELEGATION NUMBER</b>	-	<b>S07</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Vehicles, Use of
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated the authority to make all appropriate private use arrangements with all staff having use of a Council vehicles in accordance with Council policy.

**DELEGATION NUMBER - TP01**

LEGISLATIVE POWER Town Planning Schemes and Planning & Development Act 2005

DELEGATION SUBJECT Town Planning

DELEGATE Chief Executive Officer (CEO) & Principal Planner

**STATEMENT OF INTENT**

The CEO / Principal Planner shall deal with those town planning issues that are not of a contentious nature. All other items shall be referred to Council.

**DELEGATIONS****1.0 Development Applications**

- 1.1 Consider and determine all 'P' and 'AA' uses where the development is generally in accordance with the relevant Town Planning Scheme objectives and policies. This includes applications advertised and adverse comment is received but on planning grounds is unable to be upheld.
- 1.2 Consider and determine all 'SA' uses (where Council has already determined that the proposal should be advertised) where the development is generally in accordance with the relevant Town Planning Scheme objectives and policies. This includes applications advertised and adverse comment is received but on Planning grounds is unable to be upheld.
- 1.3 Elect to advertise an application where it is deemed to be in the community's interest.
- 1.4 Return or defer incomplete or unsatisfactory applications.
- 1.5 Request further information from the applicant to process the application.
- 1.6 Consider and determine applications for patios, pergolas, verandas, car ports, shade structures and/or other minor additions in all zones provided that advertising/consultation with adjoining landowners has occurred, where appropriate.

*Note: Applications receiving adverse comment based on valid Planning grounds will be referred to the next available Council meeting.*

## 2.0 Residential Design Codes

- 2.1 Consider and determine all 'P' and 'AA' uses where discretion is required under the *Residential Design Codes* including applications advertised and adverse comment is received but on Planning grounds is unable to be upheld.
- 2.2 Consider and determine all 'SA' uses (where Council has already determined that the proposal should be advertised) where discretion is required under the *Residential Design Codes* including applications advertised and adverse comment is received but on Planning grounds is unable to be upheld.
- 2.3 Consider and determine all applications requiring a determination under the Performance Criteria or requiring a discretionary approval from Council.

## 3.0 Subdivision / Amalgamation / Strata Title

- 3.1 Respond to the WA Planning Commission on all referrals (excepting those recommended for refusal) where:
  - a. The proposal is in accordance with the relevant Town Planning Scheme objectives and policies or adopted plans.
  - b. The proposal is generally in accordance with a. above, but contains variations not adversely affecting adjoining landowners or prejudicing the orderly and proper planning of the locality.
  - c. The amalgamation is in accordance with a Planning Consent issued or is relatively straight forward, being no more than a formality.
  - d. Amended proposals where the previous conditions still apply.
- 3.2 Clear conditions including the acceptance of bonds or securities as performance guarantees against unfulfilled conditions.

## 4.0 Town Planning Scheme Amendments

- 4.1 Require modifications to Town Planning Scheme Amendment documents to ensure that all documents are maintain at a consistent high quality and the information contained within the document addresses all issues considered relevant and will enable the public and referral agencies to fully understand the Amendment.
- 4.2 Accept modifications to Town Planning Scheme Amendment documents required by the WA Planning Commission or the Minister for Planning and Infrastructure at any stage throughout the Scheme Amendment process.

5.0 Miscellaneous

- 5.1 Respond to Town Planning Appeals.
- 5.2 Approve the use of street names where an approved street names list exists.
- 5.3 Approve amended plans provided:
  - a. The amendment conforms to the relevant Town Planning Scheme objectives and policies.
  - b. Where consent of abutting landowners was required for the original application, then the amendment should also be referred to abutting landowners for comment.
  - c. The amendment does not have a detrimental effect on the amenity of the locality.
  - d. Where the original application was required to be advertised under the relevant Town Planning Scheme or the *Residential Design Codes*, then (if the amendment is considered substantial) the amendment be readvertised in accordance with the relevant Town Planning Scheme or the *Residential Design Codes*.
- 5.4 Approve building envelope (including variations to building envelope locations) where applicable.
- 5.5 Approve sign applications where the application complies with the relevant Town Planning Scheme.
- 5.6 Issue notices for non-compliant signs as per the provisions contained within the Shire of Northampton Town Planning Schemes.
- 5.7 Consider and determine applications for variations to setbacks.



<b>DELEGATION NUMBER</b>	-	<b>W01</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Street Appeals
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to determine all applications for street appeals. The Chief Executive Officer shall have regard to any Council Policy relating to street appeals.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Environmental Health Officer/Building Surveyor.*

<b>DELEGATION NUMBER</b>	-	<b>W02</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT etc	-	Regulatory Signs, ie Stop, Give-Way, Speed
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to make applications to the Main Roads WA for the installation of regulatory signs and markings at such places as the Chief Executive Officer considers warranted.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Manager of Works and Technical Services.*

<b>DELEGATION NUMBER</b>	-	<b>W03</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Road Closures, Temporary
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority (Executive Function S.3.18) to temporarily close a street or a portion of a street for a period not exceeding 28 days if he is of the opinion that by reason of heavy rain a street is likely to be damaged by the passage of traffic generally or traffic of any particular class.

*The Chief Executive Officer, in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to Manager of Works and Technical Services.*

<b>DELEGATION NUMBER</b>	-	<b>W04</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Disposal of Surplus Equipment, Materials, Tools, etc
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, etc which are no longer required, or are outmoded, or are no longer serviceable. This delegation applies only to items with an estimated value less than \$5,000.

*17/6/2011 amended from \$2,000 to \$5,000*

<b>DELEGATION NUMBER</b>	-	<b>W05</b>
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATION SUBJECT	-	Licence to Deposit Materials on or Excavate Adjacent to a Street
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated the authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960. The Chief Executive Officer should first obtain confirmation from the Environmental Health Officer/Building Surveyor and the Manager of Works and technical Services that the proposed activity will not create undue interference with the operation of the street, way or public place. Licences are to be issued subject to the conditions detailed in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 and such other conditions as considered relevant by the Chief Executive Officer.

<b>DELEGATION NUMBER</b>	-	<b>W06</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Events on Roads
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991. The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

<b>DELEGATION NUMBER</b>	-	<b>W07</b>
LEGISLATIVE POWER	-	Local Government Act 1995, Signs
DELEGATION SUBJECT	-	Directional Signs
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to approve applications for, the erection and the removal of, directional signs, subject to the sign meeting Main Roads "SFB" standards.

<b>DELEGATION NUMBER</b>	-	<b>W08</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Executive Functions - Duties
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions (refer Section 3.21):

1. Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met.
2. Ensure that as little harm or inconvenience is caused and as little damage is done as is possible.
3. Ensure that danger to any person or property does not arise from anything done on land.
4. Ensure that anything belonging to it, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there.
5. Ensure that buildings, fences, and other structures are not disturbed nor damaged.
6. Ensure that when it enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence.
7. Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.

The Chief Executive Officer in exercising authority under section 5.44 of the Local Government Act 1995, has delegated this power to the Manager of Works and Technical Services and the Environmental Health Officer/Building Surveyor.



<b>DELEGATION NUMBER</b>	-	<b>W09</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Power of Entry
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995.

<b>DELEGATION NUMBER</b>	-	<b>W10</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Council Plant – Non-Profit Organisations
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to determine any application for the use of Council plant for use on projects organised by non-profit organisations (eg sporting clubs) provided that the plant, at all times, is operated by Council employees.

<b>DELEGATION NUMBER</b>	-	<b>W11</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		Dangerous Excavation in or near Public Thoroughfare
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to take all appropriate action in accordance with Local Government (Uniform Local Provisions) Regulation No 11 to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.

<b>DELEGATION NUMBER</b>	-	<b>W12</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Contractors – Use on Works
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to engage private contractors to assist and compliment Council's work staff in carrying out any works and services. In exercising this delegated authority, the Chief Executive Officer shall have due regard to the following:

- a) It must be demonstrated that by engaging the private contractors, it will be in the best interests of Council.
- b) Appropriate funds are provided on the budget.
- c) The engagement of private contractors shall only take place with due compliance with the Local Government (Functions and General) Regulations relating to tenders.
- d) All contracts are to be formalised in writing.

<b>DELEGATION NUMBER</b>	-	<b>W13</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Long Vehicle, Road Train & Extra Mass Permits
DELEGATE	-	Chief Executive Officer

Council adopt the current approved Main Roads WA's Restricted Access Vehicle (RAV) roads and conditions associated with approved roads within the Shire of Northampton.

Procedures for the establishment of a new or amendment to an existing Heavy Haulage Route.

1. Operator applies to Shire of Northampton,
2. Shire staff inspect new route to determine suitability in accordance with basic MRWA criteria.
3. Shire staff put recommendation to MRWA to reject or progress the application.
4. Send application from Shire to MRWA Heavy Vehicle Services (HVS) - Route Assessment Section.
5. MRWA Heavy Vehicle Officer (HVO) will send the application to MRWA regional office to inspect route and make appropriate recommendation back to MRWA Heavy Vehicle Officer (HVO).
6. MRWA HVO reviews the route assessment then approves or rejects route and advises Shire of Northampton accordingly.

Once a route has been approved it remains relevant to all operators who then make direct application to MRWA for a permit (not to Council).

Refer to the current Main Roads WA's Restricted Access Vehicle (RAV), website for the approved list of roads within the Policy;



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## **1. ADMINISTRATION**

### **1.1 SMOKING - BUILDINGS & WORKING ENVIRONMENT**

Council recognises that passive smoking is hazardous to health and that non-smokers should be protected from the inhalation of tobacco smoke.

To protect the health of all employees and the public users of Council's facilities, it is Council's Policy that employees not smoke in any enclosed Council work place, meeting room or vehicle if that vehicle is not normally operated by that staff member.

All employees, public facilities users and visitors to work places where the Council's smoking policy and relevant Occupational Health and Safety Regulations apply, must be informed of the Regulations Smoke Free Policy and encouraged not to smoke by use of strategically located and well designed signage.

### **1.2 PUBLIC RELATIONS - PRESS RELEASES**

The Local Government Act 1995 provides that the role of the Shire President is to speak on behalf of the Local Government and accordingly, the Shire President is the official spokesperson for the Council. If approached by the media for formal comment on any issue, Councillors and staff are in the first instance, to suggest that the media make direct contact with the Shire President as the Council's official spokesperson.

When the media does not make direct contact with the Shire President and a member of staff is asked to response/comment to the media, the staff member will direct the inquiry to the Chief Executive Officer who will liaise with the Shire President to determine who will respond/comment and the nature of the response/comment. If the Shire President is unable to be contacted, the Chief Executive Officer will determine who is to respond and the nature of the response.

Without express authority from the Shire President staff and Councillors are not to offer a Council view, attitude, stance, etc on any issue, this clearly being the function of the Shire President.

A Councillors right to express a personal opinion on any issue of public interest is recognised.

### **1.3 REVIEW OF POLICY MANUAL**

It is the policy of the Northampton Shire Council to maintain a manual recording the various policies of the Council.

Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- to enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable ratepayers to obtain immediate advice on matters of Council Policy.

The Policy Manual will be maintained in a loose-leaf binder and updated as and when a policy is varied by the Council.

Council is to carry out a review of its policies on an annual basis.

A copy of the Policy Manual, together with details of variations as they occur, shall be distributed to all Councillors and appropriate staff.

Changes to Council Policy shall be made only on:

- a) Notice of motion, or
- b) an agenda item clearly setting out details of the amended policy.

### **1.4 SCHOOLS - WORK EXPERIENCE PROGRAMS**

It is the policy of Council to offer work experience in both administrative and works situations to all students who reside or whose families reside within the Shire area and to university students seeking work experience in the fields of Health/ Building and Town Planning.

## **1.5 EXECUTION OF DOCUMENTS**

It is Council's policy that, for document to be validly executed, the common seal is to be affixed to the document and the President and the Chief Executive Officer attest the affixing of the seal.

## **1.6. LEGAL REPRESENTATION – COSTS INDEMNIFICATION**

### **1.6.1 Introduction**

This policy is designed to protect the interests of council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

### **1.6.2 General Principles**

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

- d) The legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

### **1.6.3 Applications for Financial Assistance**

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*.
- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

### **1.6.4 Repayment of Assistance**

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

## **1.7 STATE RECORDS ACT**

It is the policy of Council that to comply with the requirements of the State Records Act 2000, all Councillors are to refrain from generating correspondence that relates to Council business without first referring the matter to either the President or the CEO and that all correspondence received by Councillors that relates to Council business must forward that correspondence to the CEO for correct record keeping.

## **1.8 REPRESENTATION – NORTHERN ZONE WA LOCAL GOVERNMENT ASSOCIATION**

That the President and Deputy Shire President be appointed as Council delegates for the Northern Zone of the Western Australian Local Government Association and those delegates be authorised to vote on matters on behalf of the Shire of Northampton.

## **1.9 DONATIONS FOR COMMUNITY EVENTS**

Where Council funds a community group for the operation of a community event and that funding is for more than one year, then it is the policy of Council that no further funding after three years will be provided as it is considered that over that period the event should have reached an income level to allow the continuation of that event on its own finances.

## **1.10 RISK MANAGEMENT POLICY**

### **1.10.1 Purpose**

The Shire of Northampton (“the Shire”) Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire’s strategies, goals or objectives.

### **1.10.2 Policy**

It is the Shire’s Policy to achieve best practice(aligned with AS/NZS ISO 31000:2009 Risk management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

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

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

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

Consultants may be retained at times to advise and assist in the risk management process, or management of specific risks or categories of risk.

### **1.10.3 Definitions (from AS/NZS ISO 31000:2009)**

#### **Risk**

Effect of uncertainty on objectives.

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

Note2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

#### **Risk Management:**

Coordinated activities to direct and control an organisation with regard to risk.

#### **Risk Management Process:**

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

## **Risk Management Objectives**

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations

## **Risk Appetite**

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

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

## **Roles, Responsibilities & Accountabilities**

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

## **Monitor & Review**

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

This policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed every year.

### **1.10.4 Risk Management Procedures**

#### **Governance**

Appropriate governance of risk management within the Shire of Northampton (the "Shire") provides:

- Transparency of decision making.
- Clear identification of the roles and responsibilities of the risk management functions.

- An effective Governance Structure to support the risk framework.

## **Framework Review**

The Risk Management Framework is to be reviewed for appropriateness and effectiveness at least every year.

## **Operating Model**

The Shire has adopted a “Three Lines of Defence” model for the management of risk. This model ensures roles; responsibilities and accountabilities for decision making are structured to demonstrate effective governance and assurance. By operating within the approved risk appetite and framework, the Council, Management and Community will have assurance that risks are managed effectively to support the delivery of the Strategic, Corporate & Operational Plans.

## **First Line of Defence**

All operational areas of the Shire of Northampton are considered ‘1<sup>st</sup> Line’. They are responsible for ensuring that risks (within their scope of operations) are identified, assessed, managed, monitored and reported. Ultimately, they bear ownership and responsibility for losses or opportunities from the realisation of risk. Associated responsibilities include;

- Establishing and implementing appropriate processes and controls for the management of risk (in line with these procedures).
- Undertaking adequate analysis (data capture) to support the decisioning of risk matters.
- Prepare risk acceptance proposals where necessary, based on level of residual risk.
- Retain primary accountability for the ongoing management of their risk and control environment.

## **Second Line of Defence**

The Deputy, Chief Executive Officer is the primary ‘2<sup>nd</sup> Line’. This position owns and manages the framework for risk management. They draft and implement the governance procedures and provide the necessary tools and training to support the 1<sup>st</sup> line process.

Maintaining oversight on the application of the framework provides a transparent view and level of assurance to the 1<sup>st</sup>& 3<sup>rd</sup> lines on the risk and control environment. Support can be provided by additional oversight functions completed by other 1<sup>st</sup> Line Teams (where applicable). Additional responsibilities include:

- Providing independent oversight of risk matters as required.
- Monitoring and reporting on emerging risks.
- Co-ordinating the Shire’s risk reporting for the CEO & Management Team and the Audit Committee.



### Third Line of Defence

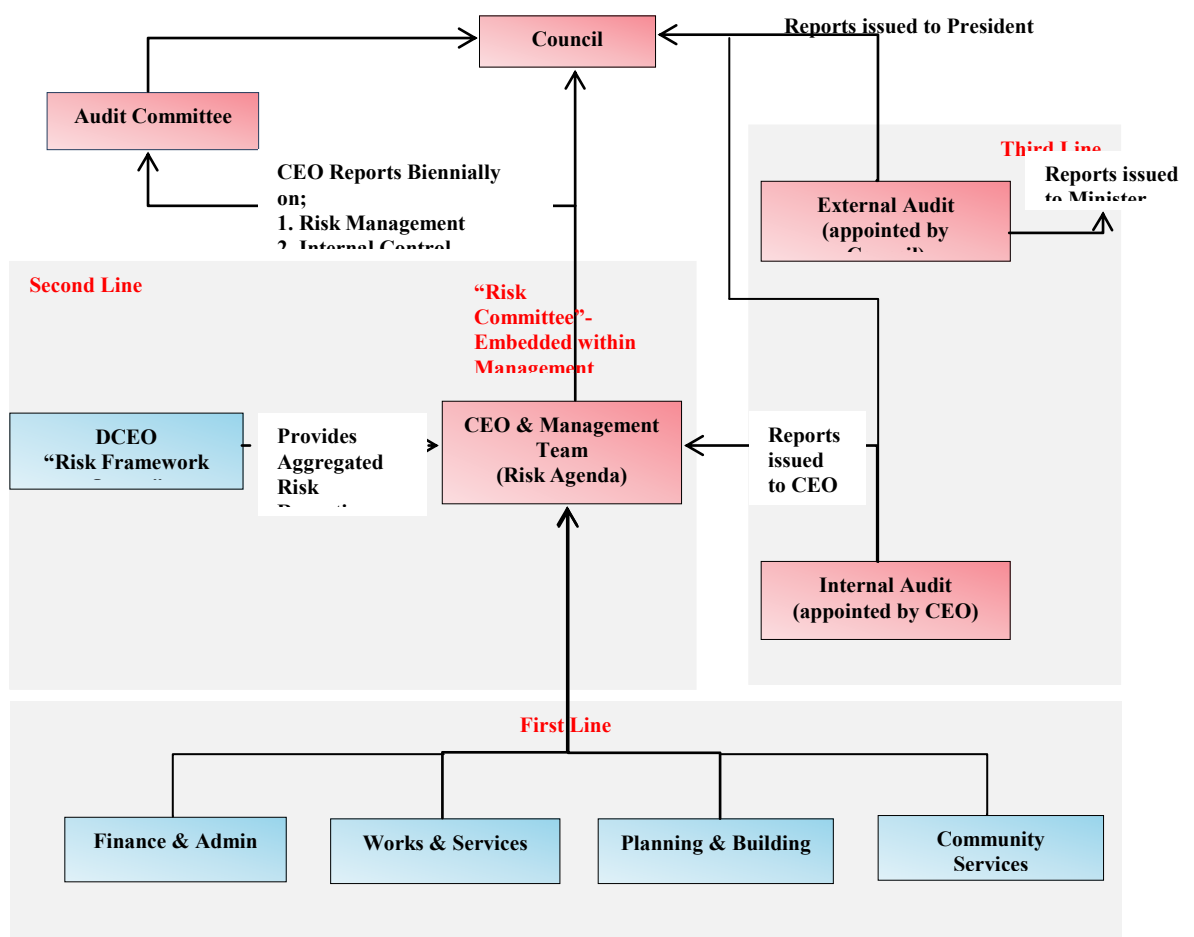
Internal & External Audit are the third line of defence, providing independent assurance to the Council, Audit Committee and Shire Management on the effectiveness of business operations and oversight frameworks (1<sup>st</sup>& 2<sup>nd</sup> Line).

Internal Audit – Appointed by the CEO to report on the adequacy and effectiveness of internal control processes and procedures. The scope of which would be determined by the CEO with input from the Audit Committee.

External Audit – Appointed by the Council on the recommendation of the Audit Committee to report independently to the President and CEO on the annual financial statements only.

### Governance Structure

The following diagram depicts the current operating structure for risk management within the Shire.



### **1.10.5 Roles & Responsibilities**

#### **Council**

- Review and approve the Shire's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Appoint / Engage External Auditors to report on financial statements annually.
- Establish and maintain an Audit Committee in terms of the Local Government Act.

#### **Audit Committee**

- Support Council to provide effective corporate governance.
- Oversight of all matters that relate to the conduct of External Audits.
- Must be independent, objective and autonomous in deliberations.
- Make recommendations to Council on External Auditor appointments.

#### **CEO / Management Team**

- Appoint Internal Auditors as required under Local Government (Audit) regulations.
- Liaise with Council in relation to risk acceptance requirements.
- Approve and review the appropriateness and effectiveness of the Risk Management Framework.
- Drive consistent embedding of a risk management culture.
- Analyse and discuss emerging risks, issues and trends.
- Document decisions and actions arising from 'risk matters'.
- Own and manage the Risk Profiles at Shire Level.

#### **DCEO**

- Oversee and facilitate the Risk Management Framework.
- Support reporting requirements for Risk matters.

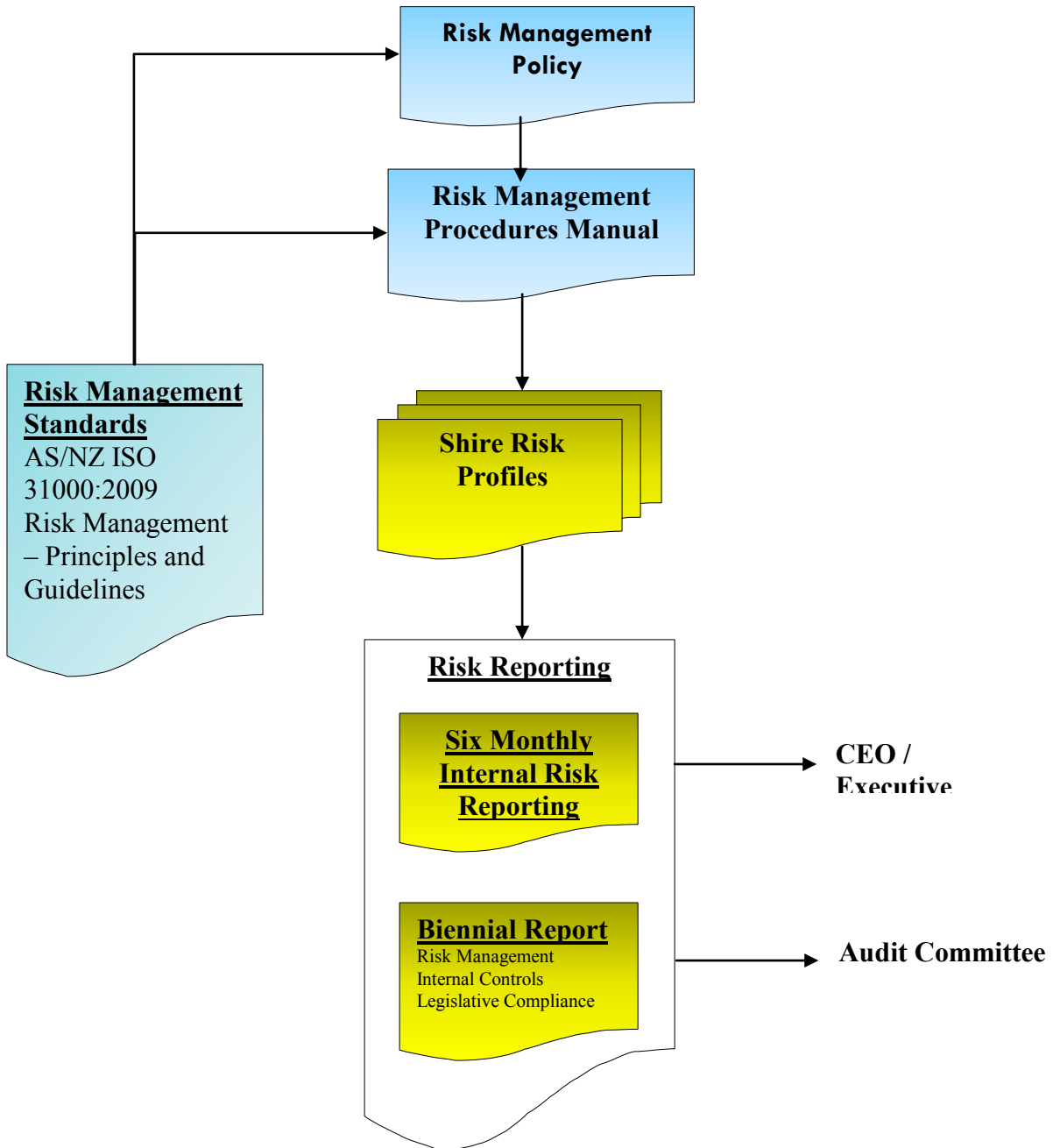
#### **Work Areas**

- Drive risk management culture within work areas.
- Own, manage and report on specific risk issues as required.
- Assist in the Risk & Control Management process as required.
- Highlight any emerging risks or issues accordingly.
- Incorporate 'Risk Management' into Management Meetings, by incorporating the following agenda items;
  - New or emerging risks.
  - Review existing risks.
  - Control adequacy.

- Outstanding issues and actions.

**Document Structure (Framework)**

The following diagram depicts the relationship between the Risk Management Policy, Procedures and supporting documentation and reports.



## **Risk & Control Management**

All Work Areas of the Shire are required to assess and manage the Risk Profiles on an ongoing basis.

Each Manager, in conjunction with the DCEO are accountable for ensuring that Risk Profiles are:

- Reflective of the material risk landscape of the Shire.
- Reviewed on at least a six monthly basis, unless there has been a material restructure or change in the risk and control environment.
- Maintained in the standard format.

This process is supported by the use of key data inputs, workshops and ongoing business engagement.

## **Risk & Control Assessment**

To ensure alignment with ISO 31000:2009 Risk Management, the following approach is to be adopted from a Risk & Control Assessment perspective.

### **Establishing the Context**

The first step in the risk management process is to understand the context within which the risks are to be assessed and what is being assessed, this forms two elements:

#### **Organisational Context**

The Shire's Risk Management Procedures provides the basic information and guidance regarding the organisational context to conduct a risk assessment; this includes Risk Assessment and Acceptance Criteria (Appendix A) and any other tolerance tables as developed. In addition, existing Risk Themes are to be utilised (Appendix C) where possible to assist in the categorisation of related risks.

Any changes or additions to the Risk Themes must be approved by the DCEO.

All risk assessments are to utilise these documents to allow consistent and comparable risk information to be developed and considered within planning and decision making processes.

#### **Specific Risk Assessment Context**

To direct the identification of risks, the specific risk assessment context is to be determined prior to and used within the risk assessment process. For risk assessment purposes the Shire has been divided into three levels of risk assessment context:

#### **Strategic Context**

The Shire's external environment and high level direction. Inputs to establishing the strategic risk assessment context may include;

- Organisations Vision / Mission

- Stakeholder Analysis
- Environment Scan / SWOT Analysis
- Existing Strategies / Objectives / Goals

### **Operational Context**

The Shire's day to day activities, functions, infrastructure and services. Prior to identifying operational risks, the operational area should identify its Key Activities i.e. what is trying to be achieved. Note: these may already be documented in business plans, budgets etc.

### **Project Context**

Project Risk has two main components:

- **Risk in Projects** refers to the risks that may arise as a result of project activity (i.e. impacting on process, resources or IT systems) which may prevent the Shire of Northampton from meeting its objectives
- **Project Risk** refers to the risks which threaten the delivery of project outcomes.

In addition to understanding what is to be assessed, it is also important to understand who are the key stakeholders or areas of expertise that may need to be included within the risk assessment.

### **Risk Identification**

Using the specific risk assessment context as the foundation and in conjunction with relevant stakeholders, answer the following questions, capture and review the information within each Risk Profile.

- What can go wrong? / What are areas of uncertainty? (Risk Description)
- How may this risk eventuate? (Potential Causes)
- What are the current measurable activities that mitigate this risk from eventuating? (Controls)
- What are the potential consequential outcomes of the risk eventuating?

### **Risk Analysis**

To analyse the risks the Shire's Risk Assessment and Acceptance Criteria (Appendix A) is applied:

- Based on the documented controls, analyse the risk in terms of Existing Control Ratings
- Determine relevant consequence categories and rate how bad it could be if the risk eventuated with existing controls in place (Consequence)
- Determine how likely it is that the risk will eventuate to the determined level of consequence with existing controls in place (Likelihood)
- By combining the measures of consequence and likelihood, determine the risk rating (Level of Risk)

## **Risk Evaluation**

The Shire is to verify the risk analysis and make a risk acceptance decision based on:

- Controls Assurance (i.e. are the existing controls in use, effective, documented, up to date and relevant)
- Existing Control Rating
- Level of Risk
- Risk Acceptance Criteria (Appendix A)
- Risk versus Reward / Opportunity

The risk acceptance decision needs to be documented and those risks that are acceptable are then subject to the monitor and review process.

Note: Individual Risks or Issues may need to be escalated due to its urgency, level of risk or systemic nature.

## **Risk Treatment**

For unacceptable risks, determine treatment options that may improve existing controls and/or reduce consequence / likelihood to an acceptable level.

Risk treatments may involve actions such as avoid, share, transfer or reduce the risk with the treatment selection and implementation to be based on;

- Cost versus benefit
- Ease of implementation
- Alignment to organisational values / objectives

Once a treatment has been fully implemented, the DCEO is to review the risk information and acceptance decision with the treatment now noted as a control and those risks that are acceptable then become subject to the monitor and review process (Refer to Risk Acceptance section).

## **Monitoring & Review**

The Shire is to review all Risk Profiles at least on a six monthly basis or if triggered by one of the following;

- changes to context,
- a treatment is implemented,
- an incident occurs or due to audit/regulator findings.

The DCEO is to monitor the status of risk treatment implementation and report on, if required. The CEO & Management Team will monitor significant risks and treatment implementation as part of their normal agenda item on a quarterly basis with specific attention given to risks that meet any of the following criteria:

- Risks with a Level of Risk of High or Extreme
- Risks with Inadequate Existing Control Rating
- Risks with Consequence Rating of Catastrophic
- Risks with Likelihood Rating of Almost Certain

The design and focus of Risk Summary report will be determined from time to time on the direction of the CEO & Management Team. They will also monitor the effectiveness of the Risk Management Framework ensuring it is practical and appropriate to the Shire.

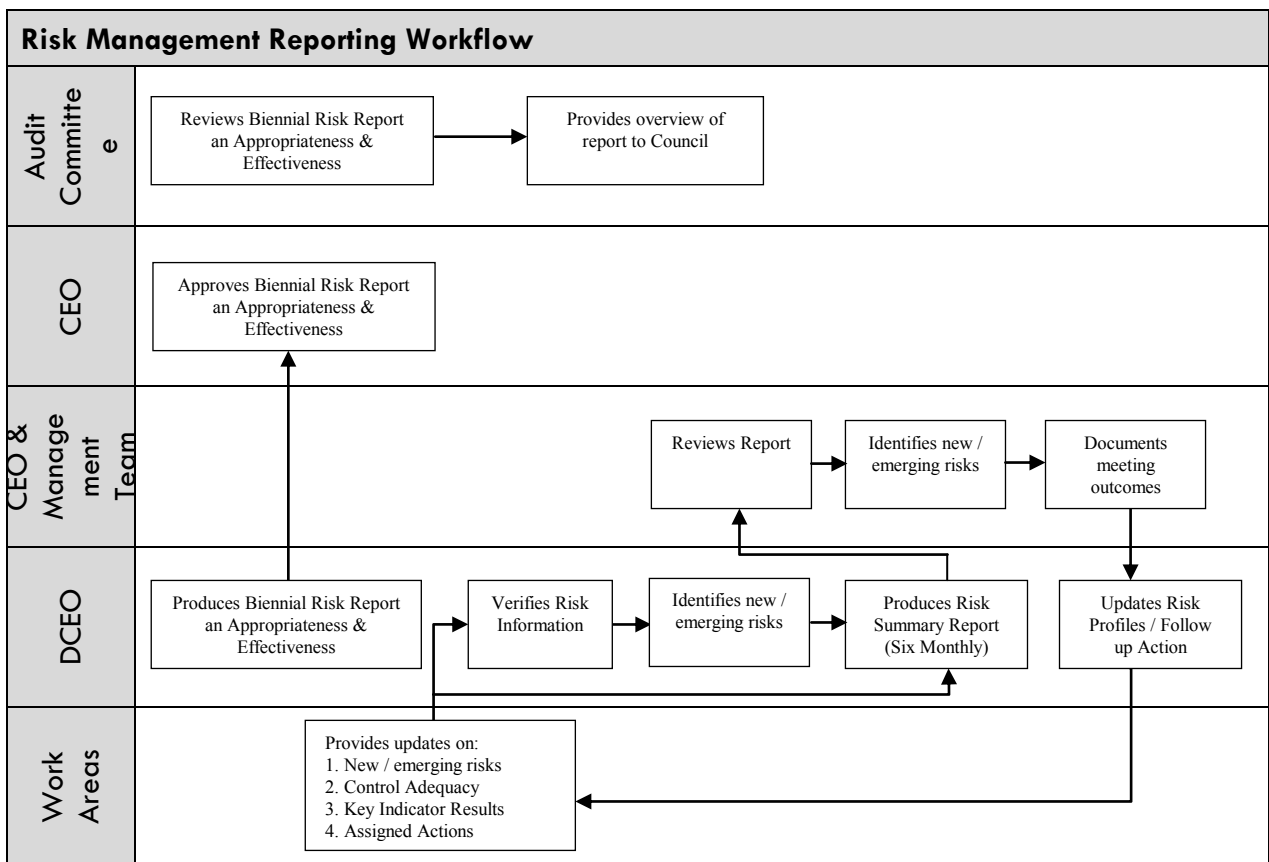
**Communication & Consultation**

Throughout the risk management process, stakeholders will be identified, and where relevant, be involved in or informed of outputs from the risk management process. Risk management awareness and training will be provided to all staff. Risk management will be included within the employee induction process to ensure new employees are introduced to the Shire’s risk management culture.

**1.10.6 Reporting Requirements**

**Coverage & Frequency**

The following diagram provides a high level view of the ongoing reporting process for Risk Management.



Each Work Area is responsible for ensuring:

- They continually provide updates in relation to new, emerging risks, control effectiveness and key indicator performance to the DCEO.
- Work through assigned actions and provide relevant updates to the DCEO.
- Risks / Issues reported to the CEO & Management Team are reflective of the current risk and control environment.

DCEO is responsible for:

- Ensuring Shire Risk Profiles are formally reviewed and updated, at least on a six monthly basis or when there has been a material restructure, change in risk ownership or change in the external environment.
- Six Monthly Risk Reporting for the CEO & Management Team – Contains an overview of the Risk Summary for the Shire.
- Annual Compliance Audit Return completion and lodgement.

### **Key Indicators**

Key Indicators (KI's) are required to be used for monitoring and validating key risks and controls. The following describes the process for the creation and reporting of KIs:

- Identification
- Validity of Source
- Tolerances
- Monitor & Review

### **Identification**

The following represent the minimum standards when identifying appropriate KI's key risks and controls:

- The risk description and casual factors are fully understood
- The KI is fully relevant to the risk or control
- Predictive KI's are adopted wherever possible
- KI's provide adequate coverage over monitoring key risks and controls

### **Validity of Source**

In all cases an assessment of the data quality, integrity and frequency must be completed to ensure that the KI data is relevant to the risk or Control. Where possible the source of the data (data owner) should be independent to the risk owner.

Overlapping KI's can be used to provide a level of assurance on data integrity. If the data or source changes during the life of the KI, the data is required to be revalidated to ensure reporting of the KI against a consistent baseline.



## **Tolerances**

Tolerances are set based on the Shire's Risk Appetite. They are set and agreed over three levels:

- Green – within appetite; no action required.
- Amber – the KI must be closely monitored and relevant actions set and implemented to bring the measure back within the green tolerance.
- Red – outside risk appetite; the KI must be escalated to the CEO & Management Team where appropriate management actions are to be set and implemented to bring the measure back within appetite.

## **Monitor & Review**

All active KI's are updated as per their stated frequency of the data source.

When monitoring and reviewing KI's, the overall trend must be considered over a longer timeframe instead of individual data movements. The trend of the KI is specifically used as an input to the risk and control assessment.

## **Risk Acceptance**

Day to day operational management decisions are generally managed under the delegated authority framework of the Shire.

Risk Acceptance is a management decision to accept, within authority levels, material risks which will remain outside appetite framework (refer Appendix A – Risk Assessment & Acceptance Criteria) for an extended period of time (generally 3 months or longer).

The following process is designed to provide a framework for those identified risks.

The 'Risk Acceptance' must be in writing, signed by the relevant Manager and cover:

- A description of the risk.
- An assessment of the risk (eg. Impact consequence, materiality, likelihood, working assumptions etc)
- Details of any mitigating action plans or treatment options in place
- An estimate of the expected remediation date.

A lack of budget / funding to remediate a material risk outside appetite is not sufficient justification in itself to accept a risk.

Accepted risks must be continually reviewed through standard operating reporting structure (ie. Management Team)

**Appendix A – Risk Assessment and Acceptance Criteria**

**Measures of Consequence**

<b>Rating (Level)</b>	<b>Health</b>	<b>Financial Impact</b>	<b>Service Interruption</b>	<b>Compliance</b>	<b>Reputational</b>	<b>Property</b>	<b>Environment</b>
<b>Insignificant (1)</b>	Negligible injuries	Less than \$2,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
<b>Minor (2)</b>	First aid injuries	\$2,000 - \$20,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
<b>Moderate (3)</b>	Medical type injuries	\$20,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
<b>Major (4)</b>	Lost time injury	\$50,001 - \$500,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
<b>Catastrophic</b>	Fatality, permanent	More than	Indeterminate prolonged	Non-compliance results in	Substantiated, public	Extensive damage requiring prolonged	Uncontained, irreversible

**Measures of Consequence**

<b>Rating (Level)</b>	<b>Health</b>	<b>Financial Impact</b>	<b>Service Interruption</b>	<b>Compliance</b>	<b>Reputational</b>	<b>Property</b>	<b>Environment</b>
<b>(5)</b>	disability	\$500,000	interruption of services – non-performance > 1 month	litigation, criminal charges or significant damages or penalties	embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	period of restitution  Complete loss of plant, equipment & building	impact

**Measures of Likelihood**

<b>Level</b>	<b>Rating</b>	<b>Description</b>	<b>Frequency</b>
<b>5</b>	<b>Almost Certain</b>	The event is expected to occur in most circumstances	More than once per year
<b>4</b>	<b>Likely</b>	The event will probably occur in most circumstances	At least once per year
<b>3</b>	<b>Possible</b>	The event should occur at some time	At least once in 3 years
<b>2</b>	<b>Unlikely</b>	The event could occur at some time	At least once in 10 years
<b>1</b>	<b>Rare</b>	The event may only occur in exceptional circumstances	Less than once in 15 years

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

<b>Risk Acceptance Criteria</b>			
<b>Risk Rank</b>	<b>Description</b>	<b>Criteria</b>	<b>Responsibility</b>
<b>LOW</b>	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
<b>MODERATE</b>	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
<b>HIGH</b>	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
<b>EXTREME</b>	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Existing Controls Ratings		
Rating	Foreseeable	Description
<b>Effective</b>	There is little scope for improvement.	Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested.
<b>Adequate</b>	There is some scope for improvement.	Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing.
<b>Inadequate</b>	A need for corrective and / or improvement actions exist.	Processes (Controls) not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time.

## Appendix B – Risk Profile Template

Risk Theme	Date		
<p><b>This Risk Theme is defined as:</b>  <i>Definition of Theme</i></p>			
<p><b>Potential causes include:</b>  <i>List of potential causes</i> <input type="checkbox"/></p>			
Key Controls	Type	Date	Shire Rating
<i>List of Key Controls</i>			
<b>Overall Control Ratings:</b>			
<b>Risk Ratings</b>			<b>Shire Rating</b>
<b>Consequence:</b>			
<b>Likelihood:</b>			
<b>Overall Risk Ratings:</b>			
Key Indicators	Tolerance	Date	Overall Shire Result
<i>List of Key Indicators</i>			
<p><b>Comments</b>  <i>Rationale for all above ratings</i></p>			
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>List current issues / actions / treatments</i>			

## **Appendix C – Risk Theme Definitions**

### **Misconduct**

Intentional activities in excess of authority granted to an employee, which circumvent endorsed policies, procedures or delegated authority. This would include instances of:

- Relevant authorisations not obtained.
- Distributing confidential information.
- Accessing systems and / or applications without correct authority to do so.
- Misrepresenting data in reports.
- Theft by an employee
- Collusion between Internal & External parties

This does not include instances where it was not an intentional breach - refer Errors, Omissions or delays in transaction processing, or Inaccurate Advice.

### **External Theft & Fraud (inc. Cyber Crime)**

Loss of funds, assets, data or unauthorised access, (whether attempts or successful) by external parties, through any means (including electronic), for the purposes of;

- Fraud – benefit or gain by deceit
- Malicious Damage – hacking, deleting, breaking or reducing the integrity or performance of systems
- Theft – stealing of data, assets or information (no deceit)

Examples include:

- Scam Invoices
- Cash or other valuables from 'Outstations'.

### **Business Disruption**

A local physical event causing the inability to continue business activities and provide services to the community. This may or may not result in Business Continuity Plans to be invoked. This does not include disruptions due to:

- IT Systems or infrastructure related failures should be captured under "Failure of IT Systems and Infrastructure".
- Contractor / Supplier issues should be captured under "Inadequate Supplier / Contract Management".
- People issues should be captured under "Inappropriate People Management".



## **Damage to Physical Assets**

Damage to buildings, property, plant & equipment (all assets) that does not result in a disruption to business objectives (refer Business Disruption). This could be a result of a natural disaster or other events, or an act carried out by an external party (inc. graffiti and / or vandalism).

## **Errors, omissions, delays**

Errors, omissions or delays in operational activities as a result of unintentional errors or failure to follow due process. This includes instances of;

- Human errors, incorrect or incomplete processing
- Inaccurate recording, maintenance, testing and / or reconciliation of data.
- Errors or inadequacies in model methodology, design, calculation or implementation of models.

This may result in incomplete or inaccurate information. Consequences include;

- Inaccurate data being used for management decision making and reporting.
- Delays in service to customers
- Inaccurate data provided to customers

This excludes process failures caused by inadequate / incomplete procedural documentation - refer "Inadequate Document Management Processes".

## **Failure of IT &/or Communications Systems and Infrastructure**

Instability, degradation of performance, or other failure of IT Systems, Infrastructure, Communication or Utility causing the inability to continue business activities and provide services to the community. This may or may not result in IT Disaster Recovery Plans being invoked. Examples include failures or disruptions caused by:

- Hardware&/or Software
- IT Network
- Failures of IT Vendors

This also includes where poor governance results in the breakdown of IT maintenance such as;

- Configuration management
- Performance Monitoring
- IT Incident, Problem Management & Disaster Recovery Processes

This does not include new system implementations - refer "Inadequate Change Management".

### **Failure to fulfill statutory, regulatory or compliance requirements**

Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This could result in fines, penalties, litigation or increase scrutiny from regulators or agencies. This includes, new or proposed regulatory and legislative changes, in addition to the failure to maintain updated legal documentation (internal & public domain) to reflect changes. This does not include;

- Issues in relation to OH&S – refer "Inadequate employee and visitor safety and security"
- Procurement, disposal or tender process failures – refer "Inadequate Procurement, Disposal or Tender Practices"
- HR based legislation – refer "ineffective People Management"

### **Providing inaccurate advice / information**

Incomplete, inadequate or inaccuracies in professional advisory activities to customers or internal staff. This could be caused by using unqualified staff, however it does not include instances relating Breach of Authority.

### **Inadequate Change Management**

Inadequate analysis, design, delivery and / or status reporting of change initiatives, resulting in additional expenses, time requirements or scope changes. This includes:

- Inadequate Change Management Framework to manage and monitor change activities.
- Inadequate understanding of the impact of project change on the business.
- Failures in the transition of projects into standard operations.
- Failure to implement new systems
- Failures of IT Project Vendors/Contractors

This includes Directorate or Service Unit driven change initiatives except new Plant & Equipment purchases. Refer "Inadequate Plant and Equipment design, delivery and maintenance"

### **Inadequate Emergency Management**

Failure to adequately assess and respond to both internal and external emergencies. Lack of (or inadequate) emergency response plans. Lack of training to specific individuals or availability of appropriate emergency response. Failure in command and control functions as a result of incorrect initial assessment or untimely awareness of incident. This also includes inadequacies in environmental awareness and monitoring of fuel loads, curing rates etc.

### **Inadequate Document Management Processes**

Failure to adequately capture, store, archive, retrieve, provision and / or disposal of documentation. This includes:

- Contact lists.
- Procedural documents.
- 'Application' proposals/documents.
- Contracts.
- Forms, requests or other documents.

### **Inadequate employee and visitor safety and security**

Non-compliance with Occupation Health & Safety (OH&S) Regulations and physical security requirements. This risk includes issues relating to:

- Inadequate Policy, Frameworks, Systems and Structure to prevent the injury of visitors, staff, contractors and/or tenants in the provision of a working or business environment.
- Inadequate security protection measures in place for buildings, depots and other places of work (vehicle, community etc).
- Public Liability Claims, due to negligence or personal injury.
- Employee Liability Claims due to negligence or personal injury.

### **Inadequate engagement of Community / Stakeholders / Elected Members**

Failure to maintain effective working relationships with the Community (including Local Media), Stakeholders, Key Private Sector Companies, Government Agencies and / or Elected Members. This invariably includes activities where communication, feedback and / or consultation is required and where it is in the best interests to do so. For example;

- Following up on any access & inclusion issues.
- Infrastructure Projects.
- Regional or District Committee attendance.
- Local Planning initiatives.
- Strategic Planning initiatives

This does not include instances whereby Community expectations have not been met for standard service provisions such as Community Events, Library Services and / or Bus/Transport services.

### **Inadequate Procurement, Disposal or Tender Practices.**

Failures in the procurement, acquisition, acceptance or disposal process for assets as governed by the Local Government Act. This risk theme also relates to and includes;

- Lack of formalised process to identify specific requirements prior to procurement.

- Acceptance of assets without reference to a formalised process to ensure correct receipt and / or notification of receipt (transfer of ownership).
- Disposing of P & E (either through sale or decommissioning) that did not meet expectations from either a time or financial perspective.
- Failures in the Tender process from RTF preparation, advertising, due diligence and awarding.

### **Inadequate Asset Management**

Failure or reduction in service of infrastructure assets, plant, equipment or machinery. These include fleet assets in addition to community use based assets including playgrounds, boat ramps and other maintenance based assets. Areas includes in the scope are;

- Inadequate design (not fit for purpose).
- Ineffective usage (down time)
- Outputs not meeting expectations
- Inadequate maintenance activities.
- Inadequate or unsafe modifications.

It does not include issues with the inappropriate use of the Plant, Equipment or Machinery. Refer Misconduct.

### **Inadequate Stock Management**

Lack of stock to ensure continuity of operations or oversupply of stock resulting in dormant (non-performing) assets. Stock includes, consumables, stationery, spare parts and / or other items used for operational purposes. This could be a result of an ineffective stock management system / processes or the peripheral processes in the issuance and / or recording of 'transactions'.

It does not include theft or loss of stock through ineffective operations; refer;

- Theft – “Misconduct” or “External Theft or Fraud”
- Ineffective operations – “Errors, Omissions or Delays”.

### **Inadequate Supplier / Contract Management**

Inadequate management of External Suppliers, Contractors, IT Vendors or Consultants engaged for core operations. This includes issues that arise from the ongoing supply of services or failures in contract management & monitoring processes. This also includes:

- Concentration issues
- Vendor sustainability

It does not include failures in the tender process; refer “Inadequate Procurement, Disposal or Tender Practices”.

## **Ineffective People Management**

Breaching employee regulations (excluding Failure to effectively manage and lead human resources (full/part time, casuals, temporary and volunteers). This includes not having appropriately qualified or experienced people in the right roles or not having sufficient staff numbers to achieve objectives. This also includes:

- OH&S).
- Discrimination, Harassment & Bullying in the workplace.
- Key person dependencies without effective succession planning in place.
- Induction issues.
- Terminations (including any tribunal issues).
- Industrial activity.

Care should be taken when considering insufficient staff numbers as the underlying issue could be a process inefficiency.

## **Ineffective management of Facilities / Venues**

Failure to effectively manage the day to day operations of facilities and / or venues. This includes;

- Inadequate procedures in place to manage the quality or availability.
- Ineffective signage
- Booking issues
- Financial interactions with hirers / users
- Oversight / provision of peripheral services (eg. cleaning / maintenance)

## **Not meeting Community expectations**

Failure to provide expected levels of service, events and benefit to the community. This includes where precedents have set Community perceptions or where services are generally expected. This will normally result in reputational impacts, however may have financial considerations with re-work, compensations or refunds. Examples include:

- Reducing the number or quality of events.
- Withdrawing support (or not supporting) other initiatives to provide relief/benefits to the Community.
- Loss of new or ongoing funding requirements for projects, events and other initiatives.
- Technology expectations.

## **2. FINANCE**

### **2.1 LOCAL PURCHASE POLICY**

After having due regard to the quality of the product, availability of after sales service, supply date, freight costs, degree of urgency and any other factors that could be included in the phrase "all things being equal" :-

1. Goods and services with a single item value between \$5,000 - \$49,999 are to be purchased locally provided -
  - a) at least one quote is obtained from outside the Shire and where possible two local quotes be obtained:
  - b) the local supplier's price is no more than 5% higher than the cheapest external quote.
2. Purchase of goods and services that are subject to the Local Government (Functions and General) Regulations 1996 are to be dealt with accordingly, but also giving preference of 5% variation to local contractors.
3. The purchase of all other goods and services to be left to the responsible officer's judgment having regard to Council's desire to where possible, purchase goods and services from local suppliers.
4. A local supplier of goods or services is considered to be one residing in and actively carrying on business within the Shire District.

### **2.2 TENDERS PROCEDURE**

That in relation to the inviting of any tenders, the following policy procedures are to apply:

- i) advertisements or specifications are to contain the words "delivery to Northampton" and "canvassing of Councillors will disqualify;"
- ii) for each tender invited, a tender reference number shall be allocated by the Chief Executive Officer and such number shall be quoted in the heading of all tender advertisements;
- iii) such aforementioned tender number shall be quoted in all references to the particular tender, ie on the Council correspondence, files, Council Minutes, Agendas, etc;

- iv) no member, employee or agent of Council's shall barter or negotiate with tenderers, albeit perhaps in good faith, in writing and equally with all tenderers, except where full Council has so resolved;
  
- xii) Formal tender procedures will be followed for plant acquisition where the purchase price is above the amount set by regulation. For plant items costing less than the amount set by regulation, the Chief Executive Officer may elect to use quotation procedures, provided -
  - a) plant specifications are approved by the Council;
  - b) the purchase price does not exceed the budgeted allowance;
  - c) at least three written quotations are received. A copy of all quotations received is to be provided to the Chief Executive Officer and shall be retained as a formal record;
  - d) the quotation accepted is within 5% of the lowest quote received (normal preference to purchase locally to apply).

## **2.3 PURCHASING AND TENDER GUIDE MODEL PURCHASING POLICY**

### **2.3.1 OBJECTIVES**

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Northampton.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Northampton operational areas.

### **2.3.2 WHY DO WE NEED A PURCHASING POLICY**

The Shire of Northampton is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Northampton with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.

- Ensures that the Shire of Northampton receives value for money in its purchasing.
- Ensures that the Shire of Northampton considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Northampton is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Northampton's purchasing practices that withstands probity.

### **2.3.3 ETHICS & INTEGRITY**

All officers and employees of the Shire of Northampton shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Northampton.

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

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Northampton policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Northampton by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

### **2.3.4 VALUE FOR MONEY**

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Northampton. It is important to note that compliance with the specification is more important than



obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

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

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

### **2.3.5 SUSTAINABLE PROCUREMENT**

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Northampton is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Northampton's sustainability objectives.

Practically, sustainable procurement means the Shire of Northampton shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labeling.
- Demonstrate environmental best practice in water efficiency.

- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range, where practicable;
- For new buildings and refurbishments – where available use renewable energy and technologies.

### 2.3.6 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

Amount of Purchase	Model Policy
Up to \$5,000	No quotations required prior to purchase if expenditure is approved in Council budget.
\$5,001 - \$19,999	Obtain two verbal quotes and these quotes to be recorded by the relevant officer.
\$20,000 - \$149,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$150,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$150,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

#### 2.3.6.1 Up to \$5,000

Where the value of procurement of goods or services does not exceed \$5,000 and provision is made within the current budget no quotations are required as such quotes are obtained to assist in the budget process. However it is recommended to use professional discretion and

occasionally undertake market testing to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

#### **2.3.6.2 \$5,001 to \$19,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$5,001 and \$19,999.

Two verbal quotes are required and these quotes are to be recorded by the relevant officer. Two written quotes can also be obtained if deemed necessary. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies.

#### **2.3.6.3 \$20,000 to \$149,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

## **2.4 REGULATORY COMPLIANCE**

### **2.4.1 Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

### **2.4.2 Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

**Note:** The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

### **2.4.3 Anti-Avoidance**

The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

### **2.4.4 Tender Criteria**

The Local Government shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

An evaluation panel is to be established, consisting of at least three elected members, prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

#### **2.4.5 Advertising Tenders**

Tenders are to be advertised in a state wide publication e.g. “The West Australian” newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 **full** days are provided as a minimum.

The notice must include;

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;
- detailed information shall include;
  - such information as the Shire of Northampton decides should be disclosed to those interested in submitting a tender;
  - detailed specifications of the goods or services required;
  - the criteria for deciding which tender should be accepted;
  - whether or not the Shire of Northampton has decided to submit a tender; and
  - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

#### **2.4.6 Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Northampton not to compromise its Duty to be Fair.

#### **2.4.7 Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

#### **2.4.8 Opening of Tenders**

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Local Government. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least one of the Local Government Officers present at the opening of tenders.

#### **2.4.9 No Tenders Received**

Where the Local Government has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$20,000 & \$99,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

#### **2.4.10 Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Local Government by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

#### **2.4.11 Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Northampton may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

#### **2.4.12 Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Northampton and tenderer have entered into a Contract, a minor variation may be made by the Local Government.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

#### **2.4.13 Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

#### **2.4.14 Records Management**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Northampton internal records management policy.

## **2.5 INVESTMENT OF SURPLUS FUNDS**

The Chief Executive Officer and the Deputy Chief Executive Officer are authorised to invest money held in any Council fund, from time to time, and not required for immediate use, by fixed deposit or other short term Trustee authorised investment; provided that sufficient working funds are retained for operating expenses at all times. Investments made are to be submitted in reports to Council. Council approves investments with authorised banking institutions only.

When investing money as per the Local Government (Financial Management) Regulations 1996 section 6.14(1), a local government may not do any of the following —

- (i) deposit with an institution except an authorized institution;
- (ii) deposit for a fixed term of more than 12 months;
- (iii) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (iv) invest in bonds with a term to maturity of more than 3 years;
- (v) invest in a foreign currency.

## **2.6 IMMATERIALITY BASE FOR FINANCIAL REPORTING**

It is the policy of Council that in accordance with Accounting Standards as issued by the Australian Accounting Standards board, that a value of \$5,000 be the immateriality base for financial reporting.

## **2.7 GIFTS**

- (a) Members and staff are not to accept a gift, other than a gift of or below \$200 from a person who is undertaking, or is likely to undertake, business-
  - that requires the person to obtain any authorization from the Shire of Northampton;
  - by way of contract between the person and the Shire of Northampton; or
  - by way of providing any service to the Shire of Northampton.
- (b) Members and staff who accept a gift of or below \$200 from a person referred to in (a) above are to record in a register of token gifts-
- (c)
  - the names of the persons who gave and received the gift;
  - the date of receipt of the gift; and
  - a description, and the estimated value of the gift;

unless the Shire of Northampton decided that —



- specified gifts given by way of hospitality; or
- specified classes of gift given by way of hospitality,

need not be recorded.

- (d) This clause does not apply to gifts received from a relative (as defined in section 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).

## **2.8 FUNDING FOR ONGOING COMMUNITY EVENTS**

Where Council funds a community group for the operation of a community event and that funding is for more than one year, then it is the policy of Council that no further funding after three years will be provided as it is considered that over that period the event should have reached an income level to allow the continuation of that event on its own finances.

## **2.9 CORPORATE CREDIT CARD USE POLICY**

### **2.9.1 Introduction**

A corporate credit card will be issued to the Chief Executive Officer and Deputy Chief Executive Officer of the Shire of Northampton to expedite authorised business expenditures on behalf of the shire, therefore improving administrative practices and the effective cash management of the shire.

### **2.9.2 Definitions**

Credit Cards – Is defined as a facility allowing the card holder to pay for goods and services on credit.

Business Expenses – Is defined as any expense necessary to the conduct of the business or is allowed under the terms of the employee's contractive employment with the shire or relevant Council policies.

Personal Expense – Is defined as any expense not of a business nature.

### **2.9.3 Corporate Credit Card Purchasing**

The Chief Executive Officer and Deputy Chief Executive Officer are only to use the corporate credit card for business expense purchasing of goods and services on behalf of the Shire of Northampton.

**2.9.3.1** Cash withdrawals are strictly prohibited.

**2.9.3.2** The corporate credit card credit limit will be set by Council and reviewed at least once a year at the time all policies and procedures are reviewed. The current limit on the Shire of Northampton corporate credit card is \$10,000 with \$5,000 allocated to the Chief Executive Officer and \$5,000 allocated to the Deputy Chief Executive Officer.

**2.9.3.3** Personal expenditure on the Shire of Northampton's corporate credit card is strictly prohibited.

**2.9.3.4** All purchases by the Shire of Northampton corporate credit card must be accompanied by an appropriate tax invoice/receipt to ensure the shire is able to claim all input tax credits in accordance with the requirements with the Australian Taxation Office.

**2.9.3.5** In the event individual invoices/receipts are not available then the corporate credit card statement of expenditure is to be utilised to claim income tax credits under the condition that this statement complies with the Australian Taxation Office requirements.

#### **2.9.4 Reporting Requirements**

**2.9.4.1** The Shire of Northampton corporate credit card statement of expenditure is to be endorsed by the Chief Executive Officer and/or Deputy Chief Executive Officer as all expenditure items listed on the statement being authorised and undertaken by them.

**2.9.4.2** The endorsed credit card statement of expenditure is to be included with the financial reports presented to Council in the Agenda's for the ordinary meetings of Council for Council information.

#### **2.9.5 General Conditions**

**2.9.5.1** The Chief Executive Officer and Deputy Chief Executive Officer must surrender the Shire of Northampton credit card upon termination of his/her services within the Shire of Northampton or when resolved to do so by Council.

**2.9.5.2** All Corporate credit card incentives (e.g. fly buys) are not to be acquired or accumulated by the Chief Executive Officer and Deputy Chief Executive Officer for their personal use or gain.

Any such credit card incentives associated with the Shire of Northampton corporate credit are to be utilised for the benefit of the Shire of Northampton's business expense operations only.

**2.9.5.3** All expired Shire of Northampton corporate credit cards are to be destroyed by the Chief Executive Officer and Deputy Chief Executive Officer upon receipt of a new or replacement card.

**2.9.5.4** Any breach of this policy is to be reported to Council for information and action if deemed necessary.

### **3. MEMBERS**

#### **3.1 COUNCILLORS OUT OF POCKET EXPENSES – TRAVEL EXPENSES**

It is the policy of Council to pay to Councillors traveling expenses for attending ordinary and special meetings of Council and for attending meetings of Committees in the capacity of a member of that committee, in accordance with the provisions of the Local Government Act 1995. The committees of Council are:

Housing/Building Committee  
Disability Services Committee  
Audit Committee  
And any other Council Advisory Committee formulated throughout the year

The expenses are to be paid only on receipt of a formal claim from a Councillor and is to be calculated on the number of kilometers between the Councillors principal place of residence or work within the Shire to the meeting venue and back. If the person does not live or work in the district the provisions of the Local Government (Administration) Regulations apply. The rate per kilometer is to reflect actual cost and is as specified in the Local Government Officers' (WA) Award from time to time.

A suitable claim form for this purpose will be provided by the Chief Executive Officer to all Councillors and will contain a declaration to the effect that the travel expense was incurred.

#### **3.2 FACSIMILE EXPENSES**

It is the policy of Council that all Councillors are to be paid \$500 per annum to cover costs for communication/facsimile expenses.

#### **3.3 ATTENDANCE TO LOCAL GOVERNMENT WEEK CONFERENCE**

It is the policy of Council that the number of Councillors to attend the annual Local Government Week conference be limited to five (5) with the President and Deputy president being given the first options to attend and then new Councillors and those who have attended Local Government Week the least be given the next option of attending.

## **4. STAFF**

### **4.1 SENIOR STAFF**

It is Council policy that "senior employees" for the purposes of Section 5.37 of the Local Government Act 1995 shall consist of the officers of Chief Executive Officer, Deputy Chief Executive Officer, Environmental Health/Building Surveyor, Principal Planner and Manager of Works and Technical Services.

### **4.2 STAFF TRAINING**

Council has adopted the following as its policy on staff training:

1. Council has a responsibility to organise its labor resources in the most efficient manner possible so as to maximise the services provided in an effective, economic and efficient manner.
2. Council's workforce is its most important resource necessary for the achievement of Council's objectives and the skills of the workforce are of the most fundamental significance.
3.
  - a) Education (being the acquisition of general tertiary and professional skills and qualifications) is the responsibility of the individual employee. This does not preclude Council from assisting an employee (eg study leave) but such assistance extended at the discretion of the Council is not an employee right.
  - b) Training (being an extension and/or enhancement of skills and knowledge to enable employees to be more effective in their jobs and/or to provide for future progression) is the joint responsibility of Council and the employee.
4. Council recognises the need for attention to and investment in staff training and authorises an allocation in each year's draft budget.
5. The Chief Executive Officer is responsible for the management of the funds allocated for staff training in each department and any expenditure may, subject to provision being made in the budget, be endorsed by the Chief Executive Officer without reference to the Council.
6. Funds allocated by Council for staff training may be directed towards any "training expenditure" and without limiting the generality of this clause, may include:
  - a) Cost of salaries, registration fees, traveling and accommodation involved in attending training courses and where appropriate seminars or conferences.

- b) 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.
- c) Purchase of videos, books and other appropriate training aids.
- d) Other appropriate training initiatives at the Chief Executive Officer's discretion.

7. As a general guide Council's preferences for staff training activities are:

- a) utilisation of any local courses.
- b) Co-ordination with other local training exercises (eg with local businesses and with government departments).
- c) In-house training activities.

#### 4.3 STAFF & COUNCILLORS ATTENDANCE AT CONFERENCES, TRAINING SEMINARS ETC

Council's policy is to apply the following criteria when determining which expenses it will meet, with the application of the policy to be at the discretion of the Chief Executive Officer.

	Del	Spouse	Observer	Spouse
Laundry < 3 nights	N	N	N	N
Laundry > 3 nights	Y	Y	N	N
<b>Councillors &amp; Senior staff</b>				
at conferences, training courses				
Minibar Sums >\$20 per day per room	N	N	N	N
Minibar sums <\$20 per day per room	Y	Y	Y	Y
<b>Other Staff at Training Courses, Conferences etc.</b>				
Minibar Sums >\$20 per day per room	N	N/A	N/A	N/A
Minibar Sums <\$20 per day per room	N	N/A	N	N/A
Telephone - Work + 1 call home per day only	Y	N	Y	N
Room Service - when meals otherwise already paid for	Y	Y	Y	Y
Taxi fares - only where these are conference related and no other transport is provided	Y	Y	Y	Y
Alcohol with meals-staff at Seminar, Training etc (excludes Councillors & senior staff)	N	N/A	N/A	N/A

Evening meals for staff at Seminars, Training etc (Chief Executive Officer discretion)	Y	Y	N/A	N/A
Social/sports events	Y	Y	Y	Y
Conference dinners and meals Snr Staff & Councillors - includes night of arrival and morning of departure.	Y	Y	Y	Y
Staff who find alternative accommodation to be paid \$50 per night for each night spent at that arranged accommodation	Y	N/A	N/A	N/A

#### Staff Travel Costs for use of Private Vehicle

Where it is determined that a rate per kilometer, to be paid to an individual employee, for work related travel, is greater than a Geraldton-Perth return flight; and a Council vehicle is unavailable; then the employee is to be booked on a return flight with Council to pay all associated flight costs and taxi/hire car fees. Council will not pay flight and other associated costs for the employee's family members to travel at the same time;

Where the employee elects to take their own vehicle, then Council is to pay associated fuel costs upon production of relevant receipts by the employee.

#### Councillors Travel Costs for use of Private Vehicle

- When Councillors utilise their personal vehicle to attend an approved conference/seminar/meeting on behalf of the Council, they are eligible to claim for reimbursement a rate of 50 cents per kilometer via the most direct route as determined by latest mapping data with an additional 100km of travel provided for use within the metropolitan area to allow for travel to and from place residing to the seminar/meeting/conference venue within the metropolitan region.
- Councillors when attending an approved conference/seminar/meeting on behalf of the Council within the metropolitan region, that they be given the option of a return airfare in preference to utilising their personal vehicle.
- Council will not pay flight and other associated costs for the Councillors family members to travel at the same time.

#### **4.4 STAFF TELEPHONES IN RESIDENCES**

It is Council policy that telephones be installed in the residences occupied by the Chief Executive Officer, Deputy Chief Executive Officer, Environmental Health/Building Surveyor, Principal Planner, Manager of Works and Technical Services, Leading Hands and Rangers.

#### **4.5 STAFF - BANK ACCOUNTS**

It is a policy of Council that all future employees are to open a Bank Account for direct deposit of wages and salaries.

#### **4.6 STAFF - OCCUPATIONAL SAFETY & HEALTH POLICY**

The Shire of Northampton is committed to providing a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors. To achieve this, Council allocates responsibilities and accountabilities to all levels of persons within the organization to ensure that the maintenance of Occupational Health and Safety is optimal.

The objectives of the organization in the matter of Occupational Health and Safety is to:

- ✓ Avoid workplace injury or disease.
- ✓ Provide and Maintain a safe workplace, and safe systems of work.
- ✓ Identify, eliminate and/or control workplace hazards.
- ✓ Provide appropriate information, supervision and training to ensure work is performed safely and to a high standard.
- ✓ Instill a Safety culture where best practice initiatives are entrenched in the daily business activities of the Council.
- ✓ Comply with the relevant Occupational Health and Safety Legislation, Standards and Codes of Practice.

The Shire of Northampton encourages a consultative approach to improve safety within the workplace and will provide the time and resources required to minimize the risk of injury, harm or damage to the Council's employees and property.

#### **4.7 FITNESS FOR WORK POLICY**

The Shire of Northampton is committed to the safety and health of its employees and has a duty of care under the Occupational Safety and Health Act, 1984 to provide a safe working environment. The Shire of Northampton also recognizes that this duty is incumbent on all employees, and that it also extends to co-workers and individuals alike in order to prevent their safety and health from being jeopardized through an act or omission of an employee who is unfit for work.

##### Illegal Drugs and Alcohol

For meeting our duty of care, employees who attend work under the influence of, in possession of or found to be cultivating, selling or supplying illegal drugs and / or alcohol, or being in any other way impaired for work due to illegal drugs or alcohol, is condemned by the Shire of Northampton. Any employee found to be in breach of the above



shall, if necessary, be removed from the workplace and will be subject to disciplinary action.

#### Impairment of Fitness to work for reasons other than Illegal Drug and Alcohol Use

If for any reason not involving the use of illicit drugs or alcohol, an employee is impaired or may be impaired in his work performance that employee is required to discuss the same with his/her direct supervisor so that appropriate arrangements can be made to avoid any hazard arising in the workplace.

#### Employee Responsibility

It is the responsibility of individual employees to ensure they do not attend work in a condition, that will affect their work performance and that could endanger work colleagues, members of the public or cause damage to council equipment.

#### Confidentiality

All matters pertaining to fitness for work will be treated with the utmost confidentiality and any employee of the Shire of Northampton who is interested in receiving counseling services should seek approval from the Chief Executive Officer or Manager of Works and Technical Services.

#### Detection of impaired work performance

It is the responsibility of the direct supervisor or manager to detect if an employee is displaying signs of impaired work performance and carry out the requirements of this policy.

### **4.8 EQUAL OPPORTUNITY**

Council recognises its legal obligations under the Equal Opportunity Act, 1984, and actively promotes equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, sexual orientation, religious or political convictions.

All employment training with this Council is directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability to meet the minimum requirements for such training.

All promotional policies and opportunities with this Council are directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion.

All offers of employment within this Council are directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagements.

This Council does not tolerate harassment within its workforce. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, sex, colour, language, ethnicity, political or religious convictions, gender, sexual orientation, marital status or disability.

The equal employment opportunity goals of this Council are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability. Council in no way deems the adoption of this policy as meaning that Council's current attitude, or those of its current employees, as requiring to be changed or modified.

#### **4.9 SEXUAL HARASSMENT AND COMPLAINTS/GRIEVANCE PROCEDURE**

Council strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment, including sexual orientation as per the provisions of the Gay and Lesbian Provisions, and the Council is committed to providing such an environment.

Council considers sexual harassment to be an unacceptable form of behavior that will not be tolerated and recognises that sexual harassment is unlawful.

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal), which is unwelcome and unsolicited, and/or rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered and expressed as being 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, including sexual orientation.
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
- Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.

Council recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council 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 any person associated with the Council 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, as a result thereof.

A formal complaints/grievance procedure follows and will be utilised to effectively resolve complaints of sexual harassment.

#### Complaints/Grievance Procedure

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 are victimised.

It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.

1 A complaint of sexual harassment may be lodged with any of the following persons:-

- Immediate Supervisor/Manager (except where this person is the alleged harasser)
- Chief Executive Officer (if the alleged harasser is a Supervisor/Manager or the Shire President)
- Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor)

2. A person 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 and ensure follow up reports are provided until the matter is resolved.
  - Ensure no information regarding the complaint is discussed outside this procedure.
3. The person handling the complaint, whether it is the person who received the complaint or a more senior person will, with the approval of the complainant:-
  - 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 his/her 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.
4. If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:-
  - The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union may 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.
5. During the period of the investigation of a case of serious sexual harassment:-

- The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case, to have witnesses in attendance and to respond to any proposed adverse findings that may be made against them.
  - If requested by either party or by management, alternative working arrangements may be made.
  - Any reasonable request by either party for legal or union representation shall not be denied.
6. If, following investigation and resolution, a complaint is judged to have been proved:-
- Remedial action will be taken.
  - A record of the detail of the remedial action will remain on the employee's personal file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.
7. If, following investigation, a complaint is judged to have been unproven:-
- The complainant will be counseled 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.
8. While it is Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing this complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.

#### **4.10 STAFF - PROTECTION FROM THE SUN FOR OUTDOOR WORK**

##### **4.10.1 Clothing**

It is Council's Policy that employees exposed to long periods of ultra violet radiation from the sun be encouraged to take adequate precautions against its harmful effects. Clothing and protection levels recommended are as follows:

- wide brimmed sun hat
- sunglasses
- approved sunscreen cream/lotion be provided and applied to the manufacturers specifications

- long sleeve or short sleeve, light weight shirt, shirt must have a collar
- trousers or shorts
- 

Council will issue all of the above including allowing the purchase and issue of shorts and short sleeved shirts, on the condition that adequate sun screen cream/lotion is provided and applied to the manufacturers specifications.

The type of equipment to be selected will be after consultation with all employees and each employee will be provided with four (4) pairs of protective clothing per year.

No less than the minimum standard of UV protection apply to all clothing and protective equipment selected.

#### **4.10.2 Sunglasses**

It is Council policy that Council will provide one issue of standard sunglasses to all permanent full time works staff, with replacement of sunglasses to occur when the current issue is deemed by the Manager of Works and Technical Services to be unserviceable.

Should a works staff member require prescription sunglasses while working, then Council, in lieu of providing sunglasses, will cover the cost of tinting on the prescription lens only.

#### **4.10.3 Prescription Glasses**

It is Council Policy that Council will reimburse 50% of the cost of prescription safety glasses, up to a maximum of \$300, should a works staff member make a written approach to Council for the provision of such glasses for use during the course of their normal duties.

### **4.11 SEVERANCE PAY POLICY**

1. The purpose of this policy is to set down the maximum severance payable to terminating employees for the purpose of section 5.50 (1) of the local Government Act 1995 (the "Act"). Note however these severance payments may be exceeded in accordance with clause 7 at the discretion of Council.
2. A terminating employee is entitled to severance pay and benefits in accordance with:
  - a) Any federal or state award or industrial agreement applicable to that employee;
  - b) Any applicable provisions within the employee's contract of employment;

- c) Any applicable award or order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
  - d) Where Council so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner;
3. Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, Council may decide to settle to avoid expensive litigation.

Matters to be taken into consideration by Council as to whether it will seek settlement and if so, the extent of any financial offers may include:

- the strength of the respective cases in any litigation;
- the cost of legal advocacy and support;
- the cost of witnesses;
- the cost of travel and accommodation in running the case;
- the cost of having staff tied up in the preparation and hearing of the case; and
- the disruption to operation.

#### 4. REDUNDANCY

Redundancy benefits shall be pursuant to Council's Redundancy Policy, refer policy 4.12. This does not preclude Council from agreeing to a higher severance benefit where clauses 2 or 3 above apply.

Redundancy benefits are:

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks;
- b) Payment of 2 weeks pay;
- c) Plus 2 weeks pay for each completed year of service with the Shire of Northampton;
- d) The maximum payable under (b) and (c) shall be 26 weeks pay;
- e) Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations;

- f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee;
  - g) Where the circumstances of a retrenched employee are such that it will be extremely difficult for that employee to find another job, Council may exercise its discretion to provide additional benefits to such employees. In this event details of the total redundancy package for such an employee shall be published in accordance with section 5.50(2) of the Act.
5. Council may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

Matters to be taken into consideration by Council in determining the extent of any financial offer may include:

- the length of service;
  - the conscientiousness of the employee over the past employment;
  - the value of the employee's service having regard to position(s) held and the regard given by Council to the employee's contribution;
  - the length of time to retirement;
  - the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
  - possible exposure to litigation if the employee was dismissed having regard to obligations of Council under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.
6. The term "weekly pay" means the normal weekly salary or wage payable to employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation provided to all employees etc).
7. Nothing in this Policy prevent Council from determining that in special circumstances, terminating employees may be paid additional monies or provided additional benefits where justified. If Council so determines, details of the severance pay and benefits shall be published in accordance with section 5.50(2) of the Act.



## 4.12 REDUNDANCY POLICY

### 1. CONSULTATION

- a) Council is to consult employees likely to be affected by any proposed changes as to the need for and/or reason for the change and no definite decision will be made until this process has been followed up.
- b) Where Council has made a definite decision that they no longer wish the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour and that decision may lead to the termination of employment, Council shall hold discussions with the employees directly affected and with their union or unions.
- c) The discussions shall take place as soon as is practicable after Council has made a definite decision which will invoke the provisions of paragraph (b) hereof, and shall cover, inter alia, any reasons for the proposed termination's, measures to avoid or minimise the termination's and measures to mitigate any adverse effects of any termination's on the employees concerned.
- d) For the purposes of the discussion the Council shall as soon as practicable provide in writing to the employees concerned and their union(s), all relevant information about the proposed termination's including the reasons for the proposed termination's, the number and categories of employees likely to be affected and the number of workers normally employed and the period over which the termination's are likely to be carried out.

Provided that Council shall not be required to disclose confidential information, the disclosure of which would be inimical to Council's interests.

### 2. TRANSFERS WITHIN THE ORGANISATION

- a) Wherever possible and practical, appropriate employees should be offered a transfer to other positions within the enterprise and also offered the necessary and reasonable training to effect a successful transition.
- b) Where an employee is transferred to other duties for the purpose of avoiding retrenchment and those duties attract a lesser rate of pay than the incumbents previous position, Council will make up the difference between the two rates of pay for a period of twelve months (or 2 years in the case of employees covered by clause 6 below). After this time, the lesser rate will apply.

### 3. SEVERANCE BENEFITS

Where a position has been made redundant and a suitable transfer has not been possible, an employee may be retrenched on the following basis:

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks;
- b) Payment of weeks pay;
- c) Plus 2 weeks pay for each completed year of service with the local government;
- d) The maximum payable under (b) and (c) shall be 26 weeks pay provided that the severance payments shall not exceed the amount which the employee would have earned if employment with Council had proceeded to the employee's normal retirement date;
- e) Where an employee has been employed with Council for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations;
- f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee will be paid;
- g) During the notice period the employee shall be allowed reasonable time off from the job without loss of pay to attend employment interviews or other similar activities to assist the employee find employment;
- h) Where the circumstances of a retrenched employee are such that it will be extremely difficult for that employee to find another job, Council may exercise its discretion to provide additional benefits to such employees. In this event, details of the total redundancy package for such an employee shall be published in accordance with section 5.50(2) of the Local Government Act;
- i) The term "weeks pay" means the normal weekly salary or wage payable to the employee including penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation contribution provided to all employees etc).

4. LOCAL GOVERNMENT BOUNDARY CHANGES, AMALGAMATIONS AND BREAK-UPS

- a) Where a restructuring of Local Government boundaries (such as a break up of a Local Government or an amalgamation of Local Governments) results in a surplus of employees, Schedule 2.1 clause 11(4) of the Local Government Act provides for two years guaranteed employment except where employer and employee are able to agree to a mutually acceptable severance package.
- b) Clauses 1 and 2 above will apply. If a transfer is arranged, the "no reduction" provision in clause 2(b) will apply for two years.
- c) Where a transfer is not possible, retrenchment will be offered on the basis of clause 3 above. Additional benefits may be offered in accordance with clause 3(h) in an endeavour to reach a mutually acceptable severance package.
- d) If agreement on a severance package is not possible, the employee will be offered work for two years on conditions no less favorable than the existing contract of employment.
- e) At any time during the two years additional employment the Council and employee may re-open negotiations in an endeavour to reach agreement on a mutually acceptable severance package.
- f) Where an employee remains in employment for two years pursuant to schedule 2.1 of the Local Government Act and is then made redundant, there will be no entitlement to the redundancy benefits provided in clause 3. Redundancy benefits in accordance with the appropriate award will still apply.

5. TERMINATION DURING NOTICE

An employee who has given notice of retrenchment in accordance with clause 3 may terminate during the period of notice and shall be entitled to the same benefits and payments as if he/she had remained until the expiry of the notice. Provided that in such circumstances, the employee shall not be entitled to payments in lieu of notice.

6. ALTERNATIVE WORK

- a) Should Council have made suitable arrangements for alternative employment and the employee is not consequently unduly prejudiced, the additional benefits over and above the appropriate award arising from this Policy shall not apply.

- b) In addition Council may make application to the Industrial Relations Commission to have the award severance pay prescription varied in the case of such an employee according to the particular circumstances.

#### 7. EXCLUSIONS

- a) Benefits provided under this Policy, which go beyond the appropriate award, shall not apply where employment is terminated as a consequence of conduct that justifies instant dismissal, including malingering, inefficiency or neglect of duty.
- b) This Policy does not apply in the case of casual or temporary employees who were engaged for a specific time period of for a specific reason or specific task, project or program.
- c) This policy also does not apply to an employee engaged on a fixed term contract where the term of the contract expires.

#### 4.13 SUPERANNUATION CONTRIBUTION

It is the policy of Council that for all staff, Council to pay the 9.5% compulsory amount and will match employees own contribution to a maximum of 6%.

#### 4.14 SENIOR STAFF CAR POLICY

It is the policy of Council that designated Senior Staff officers are entitled to the use of Council fuel card for private vehicle when it is the officers preference to utilise his private vehicle during periods of annual leave and long service leave.”

For all designated Senior Staff they have the use of the Council fuel card for all private use when utilising the Council owned vehicle within Western Australia.

#### 4.15 LONG SERVICE RECOGNITION – GIFT VALUE

That to recognise long serving staff an appropriate gift or cash is to presented to long serving staff in Council’s employ on the following basis, and that the presentation be made either at the annual end of year Christmas function/wind up or other date as determined by the CEO in association with the relevant staff member to receive this reward.

10 years service	\$100
20 years service	\$500
30 years service	\$1,000
40 years service	\$1,500

<b>5. PROPERTIES</b>
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**5.1 STAFF HOUSING - APPLIANCES**

It is Council policy that if staff replaces appliances in Council owned housing because of personal preference for a particular type of appliance they do so at their own expense and reinstate the Council appliance on departure unless the Chief Executive Officer approves special arrangements in advance.

**5.2 TENANCY AGREEMENTS**

It is the policy of Council that tenants of all Council dwellings be required to enter into a tenancy agreement.

## **6. ENGINEERING/WORKS/PLANT**

### **6.1 VEHICLE EMBLEMS**

It is the policy of Council that all vehicles, except those within employment contracts, have the Shire emblem placed on them at the Chief Executive Officers discretion and that all emblems to be removed prior to any vehicle leaving the depot when it has been sold or disposed of.

### **6.2 OPERATIONS OF PLANT BY STAFF ONLY**

It is the policy of Council that all items of major plant are to be operated by employed staff only and further that the operations of that plant are to be operated by the employee assigned to the item of plant or to another employee who has been trained to operate that item of plant, as directed by the Chief Executive Officer or the Manger for Works and Technical Services.

### **6.3 PRIVATE WORKS**

It is the policy of Council that where possible local contractors be encouraged to carry out private works but when not available Council undertake the works at rates determined when framing each years budget. Such works to be authorised by the Chief Executive Office and/or Manager of Works and Technical Services.

### **6.4 ROAD DRAINAGE**

It is the policy of Council that the landowner who constructs contours on their property be responsible for the material and labour cost for the construction of a culvert/crossing where it is required on a road reserve and the landowner be responsible for clearing the culvert/crossing and that prior notice and discussion be held with Council and adjacent landowners prior to any contouring being done that affects road drainage.

### **6.5 GRAVEL CONSTRUCTION OF RURAL ROADS**

It is the policy of Council that a road pavement width of nine metres is to apply when constructing gravel or unsealed rural roads.

## **6.6 CROSSOVERS**

The following is Council's policy in relation to crossovers.

### **Urban Areas**

All crossovers shall be constructed to Council approved standard specifications. Owner/agent to arrange for construction.

The crossover shall be paved utilising sprayed bitumen, bituminous concrete, insitu concrete, paving bricks or blocks.

Council will contribute (or subsidize) a maximum of \$500 towards the cost of a standard crossover (one crossover to a property, unless where more than one crossover is required as a result of an approved multi residential or commercial development) subject to the crossover being deemed to conform with the specifications.

The subsidy applies to industrial, commercial and grouped dwellings as well as single residential. In the case of strata titles, a subsidy will apply to each crossover up to the number of dwellings.

Crossovers, eligible for subsidy, may be claimed for at the subsidy rate within twelve months completion of the crossover.

Reconstruction of one crossover to a property will attract a second subsidy where that crossover has exceeded its expected life (taken as 15 years) as determined by the Manager of Works and Technical Services.

The reference a "standard crossover" shall mean a sealed or paved construction to a size conforming with Council's standard widths, referred to in specifications.

### **Rural and Special Rural Areas**

Council will contribute storm water pipes (if required) or deliver five m<sup>3</sup> of gravel, as its half contribution towards the cost of first crossover off a gravel road to the property, upon approval from the Works Department. Where a crossover is proposed off a sealed road, the crossover shall also be sealed and drained and the subsidy will be as per gravel crossovers. All special rural developments require a sealed crossover where a sealed road frontage exists.

### **Crossover Maintenance**

Council will not be responsible for maintenance of crossovers.

## **Bonds**

Bonds for the construction or reconstruction of crossovers will be required to be paid at time of issue of building licence. The Chief Executive Officer will set the amount of the bond.

Crossover construction or reconstruction is required as a condition of subdivision, development and/or as a condition of issue of building licence where it is deemed by the Chief Executive Officer that the construction is necessary. Construction/reconstruction of a crossover as a condition of the building licence will not be required if the value of the licence is less than \$5,000 or the building works involve only minor works (e.g. pergola, shed, pool, patio, toilet) but will apply to all building licences for structures accessible to vehicles.

Council may construct the crossover in concrete if not constructed by the owner/agent within 6 months of practical complete or occupation of the building, where payment of a crossover bond has been made.

## **6.7 RURAL ROAD TREE PLANTING**

1. No trees are to be planted on road reserves without Council approval.
2. Tree planting on twenty metre wide road reserves will not be encouraged.
3. Trees must not be planted under or over any electricity, water, sewer or telecommunication services, where the size or location of the tree will interfere with those services.
4. Trees should not be planted within five metres of the top of the back cut of the table drain.
5. Trees planted on road reserves become Council property and may be removed at any time at Councils discretion if the trees become a hazard or interfere with future road works.
6. Where trees are planted on a private basis the planting, watering and maintenance of the trees is entirely the responsibility of the adjoining landholder who undertakes the planting.
7. No tree planting will be allowed on the inside of a corner nor within 50 metres of any intersection.



## **6.8 ADVERTISING COSTS FOR ROAD CLOSURES**

It is the policy of Council that where landowners request for the closure of a road reserve and that road reserve is to be transferred to the ownership of that landowner, then that landowners/applicant is to pay for all advertising cost related to the road closure.

## **6.9 ROADSIDE VEGETATION CLEARING – FENCE LINE CLEARING**

It is the policy of Council that it will receive applications for clearing of areas, outside farmers' fence lines immediately adjacent to the fence, for a maximum of 1.5 metres, regardless of the road reserve width. All works are to be carried out in accordance with Department of Environment Act and Regulations. The costs for such works to be applied as follows:

- Any plant that is used outside of Council plant (ie dozer) be hired by and paid for entirely by the landholder.
- All Council plant that is used and tied in with local road works is cost shared equally 50/50 between the landholder and Council.
- Each application is to be considered by management staff in terms of road engineering and timing.

## **6.10 GRAVEL/SAND ROYALTIES**

Following is the policy and procedures Council Staff will undertake when attempting to secure road building materials from private land: -

- a) The Chief Executive Officer and/or Manager for Works shall approach landowners and request acquisition from their property by way of right of entry to search for materials.
- b) If suitable materials are located a written agreement (as attached) is to be reached with the landowner for compensation for materials removed.
- c) Payment for road building materials acquired from the landowner will be at a rate of \$1.50 per cubic material for all materials and this fee to be reviewed annually by Council. Prior to any payment a written agreement is to be entered into with Council and the land owner. This will be in the format of a standard form.
- d) Should agreement for the removal of road building not be reached with the landowner, procedures to take such materials in accordance with the Legislation detailed in the Local Government Act, 1995 will be considered by Council prior to commencement.
- e) Once gravel has been pushed it legally becomes the property of the Shire and will be paid for in accordance with the measurements undertaken by the Manager for Works at the time gravel is removed from the property.

## **6.11 ROAD SIDE MEMORIALS**

*(Adopted 1 June 2011)*

This policy only applies to roads under the control of the Northampton Shire Council.

### **Definition of a Roadside Memorial**

A roadside memorial can be described as an object or image constructed, erected, planted, painted or placed within the road reserve in honour of family or friends whose lives have been lost on the road or road reserve.

### **Statement of Policy**

The Northampton Shire Council (NSC) has an obligation to provide a safe and efficient road network.

The NSC will:

- Be considerate and respectful of the needs of persons wishing to install roadside memorials;
- Approve the placement of roadside memorials;
- Assist in the installation of roadside memorials at suitable locations as detailed in this policy;
- Not accept responsibility for the security or maintenance of roadside memorials;
- Remove any roadside memorials not conforming to this policy;
- Not approve or provide roadside memorials for animals; and
- Will only approve or provide roadside memorials for accident sites where fatalities have occurred.

### **Requests for Roadside Memorials**

Persons wishing to erect a Roadside Memorial are required to submit their request in writing to the Chief Executive Officer (CEO). When a request has been received the CEO will assist to ensure the applicants understand the requirements of this policy and install or assist in the installation of a suitable roadside memorial at the safest location. It should be noted that this policy is intended to provide guidance to NSC Officers and each case is to be dealt with on an individual basis.

### **Recording Requests for Roadside Memorials**

NSC will maintain a record of requests for roadside memorials. The details will be documented so the person/s responsible for the roadside memorial can be contacted if necessary.

### **Memorial Requirements to Maximise Road Safety**

NSC will approve and assist with the installation of a cross, paver, or decal as per the specifications below, depending on the family and/or friends preference. Alternatively, the applicant may purchase a plant compliant with this policy.

## **Roadside Memorials – Types and Structure**

In consideration of safety to all, the following specifications are recommended. Note these specifications should be used as a guide only. Common sense should prevail when assessing specific locations for placement of roadside memorials.

### 1. Cross

Crosses are to be constructed from timber and be:

- 850mm long (600mm out of the ground) and 400mm wide;
- Built from pieces 40mm x 18mm; and
- Painted white and be non-reflective.

Crosses shall be located:

- No closer than 3 metres from the edge of any bitumen/road seal;
- No closer than 1 metre from behind the line of guideposts; and
- No closer than 1 metre from the edge of any shared path.

Crosses shall not be located:

- Where they may interfere with the role of any traffic control item;
- In close proximity to residential dwellings where they may cause concern to the occupants;

### 2. Paver

Pavers to be of concrete and to be 600mm long and 300mm wide unless otherwise approved by the CEO. Pavers should be flush with the existing surface and are to be located:

- No closer than 1 metre from behind the line of guideposts;
- No closer than 3 metres from the edge of any bitumen/road seal;
- No closer than 1 metre from the edge of any shared path;
- On traffic islands and medians where the landscaping permits.

Pavers shall not be located:

- Within the area which is regularly graded during shoulder grading or drain maintenance;
- In close proximity to residential dwellings where they may cause concern to the occupants;
- On landscaped verges; and
- On roundabouts.

### 3. Decals

Decals are to be adhesive labels, 160mm long and 130mm wide, which display a white cross on a black background. No other decal design is allowed.

Decals are to be located:

- At the base of traffic signal poles; and
- At the base of street light columns.

Decals shall not be located:

- On any traffic signs; and
- On street name signs.

### Plants

The planting of plants is at the discretion of the NSC Officer's. A request for a plant type must be stated as part of the application/approval process and NSC Officers' to verify the appropriateness of the plant type for the location. Only locally/native occurring plants are permitted, ie Geraldton Wax.

Plants are to be located:

- Outside of the maintenance clearing zone;
- No closer than 1 metre from the edge of any shared path;
- On traffic islands and medians where the landscaping permits.

Plants shall not be located:

- Where they may interfere with the role of any traffic control item;
- In close proximity to residential dwellings where they may cause concern to the occupants; and
- On landscaped verges.

### 5. Memorial Options

If a cross is not suitable an application for an alternative is to be submitted to the CEO for consideration and determination.

### 6. Memorabilia and Personalisation

In the interest of preserving safety for all, items such as flowers, toys and other personal effects must be firmly secured to the memorial. Where possible, memorabilia should not exceed the dimensions outlined in the memorial requirements, the reason being that such items may be a visual distraction to road users. Physical objects could harm road users and the possible movement of personal items onto the road could be a potential road safety hazard.

Only one (1) roadside memorial shall be allowed per life lost.

Some items that are considered a safety hazard and are not be used include:

- Reflective material such as foil and cellophane
- Solar lights
- Rocks, bricks or other non frangible items

Personalisation of crosses should be limited to non-reflective material.

### **Installation of Roadside Memorials**

A NSC Officer representative will assist in the installation of approved roadside memorials

The Officer is to ensure its placement is in accordance with this policy and take into consideration the safety of road users. The Officer is to consider safety issues such as where the road geometry is less than optimum i.e. road crests, bends and high-speed locations.

### **Maintenance of Roadside Memorials**

If the condition of a memorial has deteriorated, the NSC will endeavour to contact the owners of a memorial to discuss its condition and to confirm their wish for the memorial to remain in place.

### **Roadworks / Maintenance Near Approved Roadside Memorials**

The NSC will continue to perform all construction and maintenance works required within road reserves that contain roadside memorials.

Where works are required to the ground on which an approved roadside memorial is located, the memorial will be carefully shifted away from the work area for the duration of works and then re-installed as close as practical to the original location at the conclusion of works unless otherwise advised by the memorial owner. Care will be taken to minimise damage to the roadside memorial.

For unregistered memorials, the NSC will make every effort to locate the owners of the memorial before the removal. The NSC will store removed memorials for 4 months or the period of the roadworks (whichever is the greater).

### **Roadside Memorial Removal Procedure**

Any roadside memorial presenting a safety hazard will be removed without notice. Every effort is to be made to contact the responsible person/s regarding the removal of the roadside memorial.

Person/s responsible for roadside memorials that comply with this policy but require removal because of their poor state of repair or concerns raised by the local community is to be contacted by the NSC. If the NSC is unsuccessful in contacting the appropriate person then the memorial is to be removed and stored for a period of 4months.

### **Existing Memorials**

The NSC will treat all existing roadside memorials in a sensitive manner and will address each one on an individual basis with the aim of making all roadside memorials compliant with this policy.

## **7. BUSH FIRE**

### **7.1 ATTENDANCE AT ADVISORY COMMITTEE MEETINGS**

It is Council's policy that the Chief Executive Officer is to encourage representatives from appropriate Government Departments to attend each Annual General Meeting of Council's Bush Fire Advisory Committee.

### **7.2 AUTHORITY TO BURN**

It is Council's policy that Fire Control Officers satisfy themselves that any person seeking a burning permit have authority from the owner or manager of the property.

### **7.3 BURNING ON PUBLIC HOLIDAYS**

It is Council's policy that all Fire Control Officers are to refrain from issuing permit to burn off on public holidays owing to the fact that there are generally more people away from home on these days than on Sunday thus creating a consequent shortage of Brigade personnel.

### **7.4 BUSHFIRE TRAINING COURSES**

It is Council's policy that the fares of those persons who are members of a Bush Fire Brigade within the Shire of Northampton, attending residential courses conducted by the Bush Fires Service of WA, may be paid for, prior to the member attending the course, by Council, subject to Council approval.

### **7.5 BANNING OF CAMPFIRES**

It is the policy of Council that the lighting of campfires be banned within the Shire during the prohibited burning period.

### **7.6 FIRE REPORTS**

It is the policy of Council that Fire Control Officers be requested to recommend prosecuting where considered desirable when submitting fire reports, with the knowledge that they will be called upon to give evidence.

### **7.7 AERIAL INSPECTION OF FIREBREAKS**

It is Council policy that an aerial inspection of firebreaks is to be undertaken each year, as soon as possible after the last day for the provision of firebreaks. The inspection is to be carried out by the Chief Fire Control Officer and/or the Deputy Fire Control Officer and that these officer may co-opt others, as appropriate, to assist with the inspection.

## **8. BUILDING & HEALTH CONTROL**

### **8.1 BUILDING ON KALBARRI FORESHORE**

It is the policy of Council that the construction of buildings, other than those present and Council owned ablution facilities/community amenities, are not permitted on the Kalbarri Foreshore area, being all foreshore reserve riverside of Grey Street, Kalbarri.

### **8.2 TRADING IN PUBLIC PLACES POLICY**

#### Policy Objective

To guide the application of the Council's Local Law relating to Trading in Public Places.

This Policy does not apply to Itinerant Food Vendors as covered under Part 10 of the Shire of Northampton Health Local Laws 2007 and Policy 8.5 – Conditions of Approval of Itinerant Food Vendors.

#### Desirability of Trading Activity

Generally, the offering of a service, product or merchandise that is freely available through normal business outlets within a town will not be considered a desirable trading activity, and therefore will not have a licence issued.

However if the trading site is so isolated from those businesses it is deemed that it is not likely to have any significant effect on those businesses, then a licence may still be issued for the activity.

A general test of desirability will be applied to each application in the context of the service or goods to be provided and overall benefit that may be realized from allowing the trade.

#### Relationship to other Local Laws and Town Planning Scheme

Issue of a Licence under these Local Laws is deemed to also meet the requirements under any other Local Law or the Town Planning Scheme.

#### Application for Licence

An application shall be in writing and is to include the following information:

- Applicants name and address,
- Details of goods, wares, merchandise and or services to be offered,
- Details of van/vehicle intended to be used for trading. Such vehicle or van will be subject to assessment to see of if it of a suitable standard for the purpose proposed,



- Details of area(s) where licence to trade is sought,
- Details of public indemnity insurance provider.

#### Trading at approved Public Events

The Local Law relating to Trading in Public Places will not apply to events such as market days or similar events approved by the Council.

#### Approval of places where Trading will be Permitted

A place will only be approved if:

- It affords suitable access and parking for customers;
- It is not going to interfere with access to other facilities and/or businesses, or unduly vehicle parking; and
- Only one licensee is to be approved to operate at any one time.

In Kalbarri, the only site where a licence to trade general merchandise and/or services, but not food, in a public place will be issued is in the North-East portion of the Car park opposite the Black Rock Cafe and Murchison Caravan Park.

In the case of Food Vendors they will not be permitted to trade within 300m of any location that is deemed to sell the same or similar product in any locality in the Shire.

#### Period during which trading will be permitted

Licences will not be issued where it is for periods of greater than;

1. Three days consecutively, in any consecutive period of seven days, and where the period of trading does not exceed 10 hours on any of those days, or
2. For more than 2 hours in any one locality per day over consecutive days.

#### Certificate of Currency of Insurance

The applicant before the issue of a trading licence will provide a copy of the certificate of currency of public indemnity insurance.

### General Conditions of Licence

All licences will have the following conditions applied unless approval is granted otherwise;

1. The Licensee shall not display any sign except that incorporated as part of the vehicle. If additional signage is required, only a single sandwich board sign or similar to be located in the immediate vicinity of the approved trading site will be approved.
2. A trader shall:
  - Not cause any nuisance,
  - Not obstruct pedestrians or vehicles
  - Not use any amplification system unless specifically approved by Council
  - Keep the immediate trading area in a clean and orderly condition
  - Provide receptacles to appropriately dispose of any refuse or other waste generated during the course of trading
  - Not keep any vehicle or other materials on the trading site outside the hours approved for trading unless specific approval has been granted otherwise.
3. A trading Licence is not Transferable.
4. The licence can be cancelled at any time by Council if there are any breaches of the conditions on the licence or breach of any Local Law of the Council.

### **8.3 INFRINGEMENT NOTICES – BREACHES OF SWIMMING POOL REGULATIONS**

Council adopts as a policy that authority be issued to the person appointed to the position of EHO/Building Surveyor to issue Infringement Notices for the breach of Section 38B(1) of the Building Regulations 1989.

#### **8.4 PROTECTION OF KERBS/VERGES AND PATHWAYS**

Where a Building licence is to be issued for a dwelling/house or other building within a Townsite, and the proposed works are assessed by the Building Surveyor as requiring heavy vehicles to enter or make deliveries to the site or requiring above normal vehicular activity over the roadway, kerb, verge or pathway during the construction of the dwelling/house or building, Council requires that a refundable sum of \$500.00 be deposited with the Council prior to the issuing of the Building Licence. These funds are to serve as a guarantee to ensure that the person to whom the Building Licence has been issued restores the roadway, kerb, verge or pathway to the satisfaction of the Manager of Works and Technical services prior to the return of the deposit.

In the case of a Registered Professional Builder who undertakes more than one building project within the Shire of Northampton at any one time that person or Company may lodge a perpetual guarantee of \$2,000.00 with the Council in lieu of the abovementioned individual deposit.

It shall be the responsibility of the person or Company from whom the deposit has been obtained to notify the Council that the building works have been completed and that the roadway, kerb, verge and pathway are ready for inspection and that they therefore are seeking a refund of the deposit. This deposit shall not be released without the authority of the Manager of Works and Technical Services.

If at the completion of the building works the person or Company to whom the Building Licence to restore the roadway, kerb, verge or pathway fails to restore the roadway kerb, verge or pathway to the satisfaction of the Manager of Works and Technical Services then the Builder is to be notified in writing giving them 14 days in which to undertake the restoration or repairs as detailed in the letter. If at the expiry of the 14 days the restoration or repair has not been undertaken to the satisfaction of the Manager of Works and Technical Services then the deposit held by the Council shall be used to undertake these works.

In the event that the deposit is insufficient to cover the cost of the restoration or repair then the Manager of Works and Technical Services shall arrange for an account to be issued to the person or Company holding the Building Licence to recover the shortfall. In the instance that the person or Company is a Registered Professional Builder who has provided a perpetual guarantee of \$2,000.00 then in the instance where these funds are used partly or wholly to undertake the prescribed works then the Manager for Works and Technical Services shall arrange for an account to be issued to reinstate the perpetual deposit to the \$2,000.

## **8.5 CONDITIONS OF APPROVAL OF ITINERANT FOOD VENDORS**

An application under the Shire of Northampton Health Local Laws 2007 Part 10 Section 10.1.2 Itinerant Food Vendor's Licence shall only be approved subject to the following:

- (i) excepting where specifically approved by Council so that the proprietor or proprietors do not operate within 500 Metres of any business within the Shire offering similar produce for sale;
- (ii) excepting where specifically approved by Council the proprietor or proprietors shall not operate within a Townsite during the normal trading hours of any business within that Townsite which is offering similar produce for sale;
- (iii) the proprietor or proprietors shall not park in any Car Park, Rest Area, Roadside or Verge excepting for the period it takes to serve his immediate customer after which he/they must move on;
- (iv) the proprietor or proprietors only offering for sale foods for which they have been specifically approved and licensed by the Council;
- (v) the Itinerant Food Vendors vehicle meeting the requirement of the Health Act 1911 and any associated Regulations; and
- (vi) the proprietor or proprietors meeting any other conditions which the Council may from time to time impose."

## **8.6 ISSUING OF SECTION 23 CERTIFICATES UNDER THE STRATA TITLES ACT 1985.**

To satisfy the requirements of Section 23 of the Strata Titles Act 1985 the person or persons wishing to Strata Title a property upon which there are existing buildings is to provide at their expense the appropriate certification that the building shown on the plan has been inspected and that it is consistent with the building plans and specifications that have been approved in respect of the building by the Shire of Northampton.

The comprehensive inspection is to be undertaken by a consulting structural engineer, mechanical and hydraulic engineer or other person qualified and authorised to undertake these inspections and shall be addressed to the Shire of Northampton.

## **8.7 INDEPENDENT INSPECTION OF COUNCIL OWNED ASSETS - BUILDINGS**

That commencing from 2008 and in order to protect its assets, Council requires that all Council owned buildings, including dwellings, with a value of \$500,000 or more be independently inspected and reported upon by a Structural Engineer as to their structural soundness. The frequency of such inspections to be:-

Complexes	every Five (5) Years.
Major Public Facilities	every Five (5) Years.
Residences	every Ten (10) Years.

That these inspections be co-coordinated by the EHO/Building Surveyor who shall provide copies of the received reports to the Ordinary Meeting of Council immediately following their receipt.

## **9. TOWN PLANNING**

### **9.1 LANDSCAPING BOND – DEVELOPMENTS**

Should an Applicant/Owner request early clearance of a subdivision condition relating to landscaping works, the Council will require the Applicant/Owner to enter into a legal agreement (prepared by Council's appointed solicitors at the subdivider's cost) and pay a bond/bank guarantee of 100% or other arrangements of the total value of landscaping works.

**Modified Policy adopted by Council on 20 June 2008.**

### **9.2 REQUIREMENTS FOR LICENCE AGREEMENTS TO USE CROWN RESERVES FOR COMMERCIAL, RECREATIONAL AND TOURISM ACTIVITIES.**

#### **9.2.1 Purpose**

This Policy relates to the exercise of Council's discretion, as management body, to approve activities on reserves under its care, control and management.

#### **9.2.2 Policy requirements**

- (a) The proposed use be consistent with the purpose for which the reserve is vested in the Shire, unless otherwise approved by the Minister;
- (b) The proposed use be consistent with any Management Plan adopted in respect of the reserve pursuant to section 49 of the Land Management Act 1997;
- (c) Council's approval of the use and the agreement with the service provider is subject to endorsement and consent of the Minister of Lands in accordance with the provisions of the Land Administration Act 1997;
- (d) The proposed use shall have been separately granted planning consent under the Scheme prior to the Shire's approval of that use as management body of the reserve.

#### **9.2.3 General Licence Agreement Terms**

9.2.3.1 All Agreement terms will be valid for a maximum of 3 years, coinciding with the nearest financial year.

9.2.3.2 Existing Agreement holders and other applicants must apply for renewal of the Agreement no later than 31 March of the application year.

9.2.3.3 At the end of the second year, a new application (and advertising) will be required. Council will not automatically re-issue Agreements and activities will be reviewed upon expiry of the permitted period, and where agreement numbers are limited for a particular activity or area, renewal may be subject to a competitive application process.

9.2.3.4 An operator must ensure that the Agreement is not held inactive and will be expected to carry out the approved activity during the peak tourist season. Failure to commence the activity by January 01 each year of the Agreement will result in immediate revocation of the Agreement and agreements may be entered into with other applicants to ensure that the approval is utilised.

9.2.3.5 The Agreement holder must continue to operate until the end of peak season in each year (eg Christmas school holidays and Easter holidays) or the Agreement could be cancelled for the next year or used as a factor not favoring renewal.

#### **9.2.4 Licence Agreements**

9.2.4.1 Council will prepare all Agreements.

9.2.4.2 All Agreements will commence on 01 July and terminate on 30 June the third year.

9.2.4.3 A draft Agreement will be forwarded to the Department for Planning & Infrastructure (DPI) for consent prior to execution.

9.2.4.4 Three (3) copies of the Agreement will be prepared and stamped with 1 copy to be forwarded to the applicant, 1 copy to be forwarded to the DPI and 1 copy to be retained by Council.

9.2.4.5 The Agreement should be signed prior to the commencement of the permitted period to which the agreement relates.

9.2.4.6 The Agreement will include an automatic termination clause, if the activity is found to breach any of the conditions of the Agreement.

#### **9.2.5 Fees**

9.2.5.1 Licence Agreement Preparation Fees and other costs

9.2.5.1.1 \$150

9.2.5.1.2 Standard 'template' Agreements should cover most 'simple' applications however, should Council consider that an application is 'complex' and warrants legal preparation of the Agreement then these legal costs will be additionally charged to the applicant.

9.2.5.1.3 Any mapping required to be undertaken to support the Licence Agreement will be at the Applicant's cost.

9.2.5.2 Reserve User Fee

9.2.5.2.1 \$500 (per year)

9.2.5.2.2 As commercial activity will increase the number of visitors on reserves, and as these commercial operators will benefit by commercial gain from the use of the reserve or UCL, Council considers it appropriate to charge a fee for the use of the land.

9.2.5.2.3 Revenue collected from these fees will be used for management, including the improvement of visitor services and facilities and the protection of the natural environment.



## **10 MISCELLANEOUS**

### **10.1 PARKING ON KALBARRI FORESHORE RESERVE**

It is the policy of Council that where market days or alike are conducted on the Kalbarri foreshore grassed areas that:

- no vehicles are to be parked on the grassed area at Sally's Tree, with the exception of stall holders whilst conducting market day events or similar
- The permit holder to conduct such events be required to control public parking off grassed areas.

### **10.2 SIDE SHOWS ON COUNCIL CONTROLLED LAND**

It is the policy of Council that all groups/organisations that conduct fun/fair/market days etc that includes operations such as food vans, side show entertainment etc, then those operations can enter the land earlier than the eve of the event upon application to the CEO to set up on any Council controlled land and are to vacate the area immediately on the day at the conclusion of the event or the day after the event and can only operate on the day of the event unless otherwise approved by Council.

### **10.3 COMMUNITY BUS**

Council adopts the following policy in relation to the use of the Community Bus:

- (a) A \$200 bond is to be charged to every hirer of the Community Bus unless this policy states otherwise:
  - (i) All groups who regularly hire the bus can pay a bond of \$200 at the beginning of their season to be reimbursed at the end of their season.
- (b) A formal list of dishonored debtors is to be formulated with Council to refuse hire to those individual organisations.
- (c) If the hire occurs concurrently on a weekend and the bus is not provided to the second hirer in a suitable condition, then the Shire is to be notified immediately.
- (d) Council's decision on cleanliness of the bus upon return is final.

Further to the above policy, Council adopted a set of rules for the operation of the bus which are given to all users prior to hire.

Where the community bus is to be hired by seniors groups based in Kalbarri, then the cost to transport the bus to and from Kalbarri to allow commencement of the bus use, to be at the cost of the Council

#### **10.4 MEMORIAL SEATS**

Policy to allow for interested person to place memorial seats on land/reserves under the control of Council.

- The administration of all Memorial Seats and the purchase of all Memorial Plaques will be through the Chief Executive Officer.
- All Memorial Plaques are to be purchased through Council with the applicant to reimburse all costs associated with the purchase of the Memorial Plaque.
- All Memorial Seats are to be purchased through Council with the applicant to reimburse all costs associated with the purchase of the Memorial Seat.
- The purchaser of the Memorial Seat can request a location of the seat and all effort will be taken to accommodate the request but the final decision for the location of the Memorial Seat will be decided by the Chief Executive Officer.
- All care will be taken to maintain and care for the seats and plaques but if the seats or plaques are vandalised or damaged no responsibility will be taken for the damage and further should a seat or plaque be required to be removed from the site due to damage inflicted rendering the seat or plaque to be a safety concern, Council takes no responsibility in replacing the seat or plaque.
- Personal items are not to be fixed to the Memorial Seat or placed at the base of the seat.
- No ashes will be placed in or near the Memorial Seat
- Military niches are allowed on seats providing they conform to other plaques.
- No more than one plaque will be allowed per Memorial Seat.

#### **10.5 KALBARRI MARQUEE**

Policy Subject: Event Marquee - Community Access and Usage Policy

Objectives: To provide fair and equitable arrangement for the use of the community marquee by local community or commercial/private groups.

Policy Statement: The use of the Event Marquee as follows:

Not for profit community groups located within the Shire of Northampton will be allowed free use of the marquee for community events as outlined in the funding agreement with Lotterywest.

Guidelines:

### **Administration**

All marquee bookings are to be undertaken by Shire Staff in the Kalbarri Shire Office. Shire Staff will manage booking dates/times, collection of any fees or charges and are to advise the Kalbarri Sports and Recreation Club Inc of booking details.

### **Bookings and Charges**

Bookings of the marquee will be taken during normal Shire Office (Kalbarri) hours of business.

Bookings are not confirmed until the relevant hire form with all necessary information is returned along with payment of the appropriate hire and bond.

Hire fee and bond to be determined by the Kalbarri Sport and Recreation Club Inc and to be revised on annual basis and any change to be provided in writing to the Shire CEO.

The first confirmed booking of the marquee for any date will take priority.

It is the responsibility of the hirer wishing to book their intended future use of the marquee to register their booking details in good time.

All income received from the hire, erection or dismantling of the marquee is to be forwarded to the Kalbarri Sport and Recreation Club Inc.

### **Erection of Marquee**

The hirer is responsible for the erection and dismantling of the marquee however if the marquee is to be erected and dismantled by the Kalbarri Sport and Recreation Club Inc, then a fee as determined by the Kalbarri Sport and Recreation Club will apply.

### **Bond**

Should the marquee be returned in an unsatisfactory condition or be damaged in any manner than forfeiture of the bond will occur.

The Kalbarri Sport and Recreation Club Inc are to advise the Kalbarri Shire office staff if a bond is to be refunded or not.

### **Storage and Maintenance**

The Event Marquee will be stored and maintained by the Kalbarri Sport and Recreation Club Inc.

## **10.6 SPORTING AND NON SPORTING ACHIEVEMENT SCHOLARSHIP PROGRAM**

It is the policy of Council to provide funding assistance to youths of the Shire of Northampton to assist them in achieving their potential in their chosen sport or non sporting endeavours at a state or national level.

Each applicant is required to complete the attached documentation for assessment by management prior to presentation to Council for consideration.

# **Sporting and non Sporting Achievement Scholarship Program**

## **Purpose of Scholarship**

To support selected persons, who are aged 13 to 17 and who have shown potential to reach State or National selection, to excel and achieve their potential in their chosen sport or non sporting endeavours.

Scholarships will also be consider for persons who are 18 years of age who are either attending full time secondary education or enrolled in full time university.

Scholarships are awarded to assist with travel and accommodation expenses whilst representing the state or the nation, not for personal costs.

Scholarships will only be awarded once to each applicant.

Scholarships are allocated on assessment of each individual application as determined by the Northampton Shire Council.

## **Eligibility**

- The person should be aged between 13 and 17 years at the time of application and be a resident of the Shire of Northampton. Resident includes a person who is currently boarding outside the shire for education purposes.
- The person must be recognised by a relevant state or regional sporting association or other non sporting association, as performing at a state or national competition level. This must be supported by a reference from such an association.
- Sportspersons in receipt of other sources of funding, ie Ministry of Sport, WA Institute of Sport, or private businesses/organisations that adequately cover the costs to be incurred for the individual are not eligible for the scholarship.

## **Ineligibility**

- School competitions/activities.
- Travel for training or participating in session in preparation for the main event that the individual is participating in.
- Previously been granted a scholarship by Council.

## **Conditions of support**

- Scholarships are not provided in retrospect. Funding must be applied for prior to the commencement of any program/activity, unless otherwise approved by the Northampton Shire council.

- Scholarships will be paid to the guardian of the applicant or the applicant sporting or non sporting organisation.
- Each scholarship must be acquitted by providing proof of having attended the activity as outlined in the program proposal. This may be a letter from the organisation verifying attendance.
- Each scholarship must be acquitted prior to any further application being received on behalf of the applicant.

### **Process information**

Applications can only be received on the endorsed application form and must be lodged to the Chief Executive Officer of the Shire of Northampton, PO Box 61, Northampton 6535.

The application must be endorsed by the state/regional/local sporting or non sporting group and have all sections complete.

Only one scholarship per person will be approved per funding year

The scholarship may cover more than one or multiple activities, but only one application per year will be approved.

The maximum level of a scholarship is \$1,000 in each financial year.

# Application Form

## APPLICATION FORM

### PART 1

**To be completed by an office bearer from the applicant organisation**

#### **1. Applicant**

Name of Applicant \_\_\_\_\_

Name of Applicant Organisation \_\_\_\_\_

Postal Address \_\_\_\_\_

\_\_\_\_\_ P/C \_\_\_\_\_

Telephone (Home/Mob) \_\_\_\_\_ (Work) \_\_\_\_\_

(Fax) \_\_\_\_\_ (Email) \_\_\_\_\_

Please make a brief statement of what the applicant is participating in a state or national competition:

\_\_\_\_\_  
\_\_\_\_\_

#### **2. Other Support Being Sought or Already Agreed for this Program**

Please provide other funding sources to be received by the applicant as per the following:

Source	Type of Support	\$ Value	Sought (S) or Agreed (A)
WAIS Scholarship			
State Team Scholarship			
State Association			
Private Sponsorship			
Personal/Family Contributions			
Other (please specify)			

### **3. Declaration by Applicant Organisation**

I hereby certify that to the best of my knowledge, the information given above and in the attached documentation is correct.

I also certify that the financial support being sought is for a program that commences after the submission of this application.

I acknowledge that the sponsorship support places obligations on the applicant **and** on the applicant organisation and I agree on their behalf to meet all such obligations, acknowledging that failure to meet these obligations might place further funding in jeopardy.

Signature \_\_\_\_\_ Date\_\_\_\_\_

Position \_\_\_\_\_

### **4. Attachments**

**Please ensure that the following documentation is attached.**

- A letter of endorsement from your State Sporting or non Sporting Association for the level of activities the applicant will be participating in.  
Any other documentation that will support the application.



**PART 2**

**TO BE COMPLETED BY THE APPLICANT**

**5. Sportsperson Details**

Name of Applicant \_\_\_\_\_

Name of Parent/Guardian \_\_\_\_\_

Postal Address \_\_\_\_\_

Telephone (Home/Mob) \_\_\_\_\_ (Work) \_\_\_\_\_

(Fax) \_\_\_\_\_ (Email) \_\_\_\_\_

Date of Birth \_\_\_\_\_ Gender Male / Female

**6. The Development Program**

Please tell us what you are seeking assistance for

Name of Sport/Event/Program \_\_\_\_\_

Description of proposed program \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Where will activities be held? \_\_\_\_\_

\_\_\_\_\_

What travel is involved? \_\_\_\_\_

\_\_\_\_\_

Details of higher-level competitions? \_\_\_\_\_

\_\_\_\_\_

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Level of competition. National / State / State Country / Other (specify) \_\_\_\_\_

Have you been selected in a State team or are you in a training squad? Yes / No

Have you been selected in a National team or are you in a training squad? Yes / No

If 'Yes', please provide details on the last two questions \_\_\_\_\_

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Program Period Dates (Begins) \_\_\_\_\_ (Ends) \_\_\_\_\_

Anything else? \_\_\_\_\_

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Scholarship requested \$ \_\_\_\_\_

**Please attach any relevant documentation for activities you will attend e.g. training schedules, development programs and courses.**

### **7. Achievements to Date**

Please list some of your most significant achievements to date in the above events.

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### **8. Your Future**

**Please outline your short term objectives (1 year) and how you plan to achieve them.**

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Please outline your longer term goals (beyond the next 12 months).

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**9. Budget**

What are the anticipated costs for the Scholarship period?

This may include coaching fees, travel, accommodation, necessary training manuals, specific equipment, safety gear, specific team uniforms, etc.

Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
Item _____	\$ _____
	<b>TOTAL</b> \$ _____

## 10. Declaration by the Applicant's Parent or Guardian

I hereby certify that to the best of my knowledge, the information given above and in the attached documentation is correct.

I acknowledge that the sponsorship support places obligations on myself, which I agree to meet, acknowledging that failure to meet these obligations might place further funding in jeopardy.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## **10.7 PETROLEUM, MINING & EXTRACTIVE INDUSTRIES POLICY**

### **Policy Statement**

The Shire of Northampton supports the expansion of industry that helps deliver economic prosperity to its residents however, in providing this support Council supports every effort being undertaken to ensure that the initial assessment as well as compliance and monitoring of any activity is carried out at a level that protects the amenity of the natural and built environment and that of residents.

### **Objectives**

- To ensure that local values relating to lifestyle and quality of life, including public health, amenity, biodiversity, water (both surface and ground), and other economic sectors (such as agriculture and tourism) are adequately considered and protected from the development or expansion of any extractive industry activity in the Shire of Northampton.
- To ensure that any future or existing extractive industry activity is thoroughly assessed, monitored and managed effectively to meet all conditions of development consent, and endeavour to continuously improve operational practices to reduce the environment impacts wherever practicable.
- To ensure petroleum and mining companies build a commitment to best practice standards for petroleum and mining activity in the Shire of Northampton, and actively participate in local communities.

### **Guidelines**

The principal role for Council is to advocate on behalf of the Shire of Northampton and its communities. Council is not the determining authority for mining applications.

The primary economic land use within the Shire of Northampton is food production through agriculture.

The Shire of Northampton's communities and businesses are dependent on access to clean groundwater. The protection of water resources and infrastructure (including underground aquifers, catchment and recharge areas, rivers, creeks, lakes, wetlands, dams, wells and bores) from pollution or overuse is therefore of paramount importance to the sustainability of the local economy and communities in the region.

The Shire of Northampton contains areas of natural vegetation (including the Kalbarri National Park) that are unique and of global ecological significance. These areas not only provide a basis for nature-based tourism industries, but are worthy of protection in their own right in order to support the maintenance of ecosystem services including clean air, water and biological diversity.

In respect to current and future proposal for on-shore petroleum or other extractive industries, Council will;

- a. Effectively consult communities within the Shire regarding onshore petroleum or other extractive industries development and represents the concerns and interests of these communities in decision making on all matters relating to these developments;
- b. Assume a leadership role in negotiating with the State Government and resources companies to ensure that any petroleum or mineral resource projects in the Shire provide benefit to the community, and individuals within the community where appropriate;
- c. Ensure that the protection of the health of communities and the protection of groundwater resources is afforded the highest priority in decision making by the Council;
- d. Support and advocate for the rights of communities and residents within the Shire to clean water, clean air and enjoyment of land without pollution or nuisance;
- e. Support and advocate for the existing economic land uses within the Shire to continue to operate unhindered by impacts of petroleum or extractive industries;
- f. Facilitate an open dialogue and discussion within the community of all stakeholders, based on the sharing of accurate information to encourage an informed debate about issues relating to mining;

**Council support for specific onshore petroleum development or exploration proposals**

- a. Council does not support petroleum resource development within the Shire (including exploration) which has not first undergone thorough and independent assessment of environmental, health, agricultural and socio-economic impacts (including cumulative impacts) by the Environmental Protection Authority, Department of Health and other relevant agencies.
- b. The Shire of Northampton will consider each proposal for petroleum resource development or exploration within the Shire by applying the following criteria for decisions making. To be supported by the Shire, exploration and development must:

- Undertake thorough community consultation and achieve demonstrated broad community support for development;
  - Maintain and protect the amenity and character of the Shire, and its existing communities and land uses;
  - Ensure zero impact on groundwater resources used for drinking, agriculture and other existing uses, including the catchment and recharge areas for these resources;
  - Ensure zero impact on the health of communities or individuals within the Shire;
  - Ensure that the impacts on Council infrastructure are adequately compensated for in the immediate and future life of that asset, and that the full costs are recovered for any additional infrastructure required;
  - Provide full transparency to the community regarding all environmental compliance and monitoring data, including air quality and groundwater monitoring results, chemicals used, and any other relevant information which must be disclosed in a timely manner;
  - Accept a “presumption of liability” for any groundwater pollution that is detected in the vicinity of oil and gas extraction operations and which can reasonably be associated with those operations;
  - Provide guarantees of full reparation and remediation of groundwater, land, infrastructure, public health or other unplanned impacts that arise from the development.
- c. The Shire of Northampton is not willing to provide its support or assistance to proponents or other parties (including the State Government) who seek to undertake or promote petroleum or mining activities within the Shire that do not meet these standards.

## **10.8 RESIDENTIAL VERGE SIDE RUBBISH COLLECTION**

It is the policy of Council that a residential verge side rubbish collection will be undertaken each year in the town-sites of Northampton, Kalbarri and Horrocks, the collection of the verge side rubbish is to be undertaken two weeks preceding the Easter long weekend holiday break.

A notice is to be placed in all notice boards and in both local newspapers two months prior to the proposed verge pickup and the notice to advise the following:

- Rubbish is to be placed on verges no sooner than two weekends prior to the collection date i.e. maximum 16 days before the proposed collection date.

If materials are placed on the verge before the two week period then the resident be instructed to relocate that material onto their property. Failure to adhere to the request could result in further action under the Litter Act being undertaken.

- Rubbish placed on verges after the stated collection date will not be removed by Council staff;
- The following items will not be collected:

Chemicals

Paint

Acids

Poisons

Animal carcasses

Wet or rotten refuse

Explosives

Ammunition

Asbestos or asbestos containing materials

Bricks and or pavers

Sand, rubble and rocks

Tyres

Broken glass

Used oil

Commercial or industrial waste



## **11.1 TOURISM POLICY**

### **SHIRE VISION FOR TOURISM**

The Shire of Northampton will be a tourist destination that is highly attractive to national and international visitors. To achieve this vision, the Shire will provide leadership and support to:

- Infrastructure planning and management;
- Unifying and identifying stakeholders functions;
- Strategic project initiatives;
- Cultural planning processes;
- Marketing the Northampton Shire as a tourist destination.

### **OBJECTIVES OF THE TOURISM POLICY**

The objectives of the Shire of Northampton tourism policy are:

- To recognise that tourism is a social and economic force and is a major employer within the Shire of Northampton.
- To foster and create community awareness of the benefits of tourism within the Northampton Shire.
- To ensure the Shire of Northampton guides and influences the development of tourism.
- To provide the basic facilities and infrastructure sufficient to encourage tourism development.
- To ensure that facilities within the area are adequate to cater for visitors and residents.

## **SHIRE OF NORTHAMPTON TOURISM POLICY**

1. The Shire of Northampton will liaise with the Western Australian Tourism Commission and other relevant Tourism and Government organisations and members of the public in all aspects of tourist development.
2. The Shire of Northampton will endeavour to provide adequate budget allocation for tourism expenditure.
3. The Shire of Northampton will endeavour to assist tourist organisations or events, which have the potential to develop tourism in the area.
4. The Shire of Northampton will seek representation on the Northampton and Kalbarri Tourist Associations.
5. In the formulation of its planning regulations and preparation of by-laws and other regulations, the Shire of Northampton will have regard to the requirements of tourism development.
6. The Shire of Northampton in its review of planning instruments will take into consideration policies on tourism and other leisure related issues.
7. In the preparation of local laws and regulations, the Shire of Northampton will have regard to their impact on tourism and the balanced development application process.
8. The Shire of Northampton will encourage tourism product development and investment throughout the area and will facilitate the development application process.
9. The Shire of Northampton will encourage a high standard of design and aesthetics in all forms of tourist development.
10. The Shire of Northampton will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
11. When considering tourism developments, the Shire of Northampton will consider the social, cultural, economic and environmental impact of the proposal within the area.
12. The Shire of Northampton will ensure that where sensitive environmental, historic or cultural areas exist, these areas will be adequately protected in relation to development or usage.

13. The Shire of Northampton will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.
14. The Shire of Northampton will seek financial involvement from other sources wherever possible in the provision of tourist facilities and will encourage tourism organisations to work toward financial independence.
15. The Shire of Northampton, where practicable, will promote landscaping of residential and commercial centres to make the various towns an attractive visitor destination.
16. The Shire of Northampton, where practicable, will support the enhancement of specific natural features, conservation areas of outstanding scenic beauty, and recognise items of heritage significance.
17. The Shire of Northampton will facilitate the development of scenic routes and lookouts and review signage needs in strategically important tourist areas within areas under the control of the Shire.