



Shire of Narembeen Council Policy Manual

Updated June 2023

**SHIRE OF NAREMBEEN
COUNCIL POLICY MANUAL INDEX**

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Council Policy

Strategic Policy Framework



POLICY OBJECTIVES

To ensure that all policies created within the Shire are relevant, clear, consistent, authorised at the correct level and reflective of good governance across the district.

POLICY SCOPE

This policy applies to all employees and Councillors involved in the development, preparation and adoption of policies to manage the operations of the Shire.

POLICY DETAIL

The Shire of Narembeen will operate with three layers of documentation to govern its operations and practices to maintain longevity and ensure standardised service delivery to the community in line with conventional best practice.

These layers are:

- Council Policy
- Executive Policy
- Procedures/Manuals

Council Policy

Council Policies must be adopted by Council and provide the Chief Executive Officer (CEO) with high level rules/limits/boundaries in respect to decision making and actions to be undertaken by the local government.

With the exception of a Council Policy established under a Town Planning Scheme, legislative framework or Australian Standard which determines the policy format, all policies must use the below format:

1. Council Policy Title – this is to be included within the header with the Shire logo to ensure it carries across all pages of the Policy.
2. Policy Objective – this is to outline the key reason why the policy is being developed in the first place and the benefit of having it in place.
3. Policy Scope – this determines who the policy is to apply to i.e. is it being set to govern councillor actions or employee actions
4. Policy Detail – this is where the actual content of the policy is to be included.
5. Definitions – if any acronyms or technical terminology is used within the policy then it should be defined within this section.
6. Related Legislation – this is where any Act or legislative framework that is linked to the Policy would be listed and where possible specific sections should be referenced.
7. Other Related Policies/Key Documents – this will detail and other related council or executive policies or key documents that guide the implementation of the policy.
8. Delegated Authority – detail any delegated authorities that need to align with the policy.
9. Review Date – the date the Council Policy is due for review.
10. History – details of original adoption date and previous revisions.

All Council Policies must be recorded in ADM541 and reviewed at a minimum every 3 years.

Council Policy



Strategic Policy Framework

All Council Policies are to be considered in their own right and the Shire must maintain a list of all adopted policies and when they are next due for review.

Once a Council Policy has been adopted it must be published on the Shire website to improve transparency and understanding of Shire practices.

In order to add rigour to the Council Policy process the Shire will implement a public consultation process for the adoption of new or significantly amended council policies. Public consultation will be for a minimum of 14 days and the Shire will notify the community via a notice placed on the Shire's website, in the Fencepost and where appropriate on the Shire's social media platforms.

Outlined below is a standard process that will be followed by the Shire for the development and adoption of new or substantially amended Council Policies:

- i. Need for Policy or review identified
- ii. Draft Policy developed
- iii. Draft Policy reviewed by CEO
- iv. Draft Policy submitted to Council with a report outlining the reasoning behind the policy and requesting approval to develop further/undergo public consultation
- v. Draft Policy revised based on public consultation
- vi. Report submitted to Council outlining the results of public consultation, any changes made since the initial draft and requesting formal adoption.
- vii. After adoption the list of Council Policies must be updated to keep an accurate measure of what policies are in place or due for review.

Executive Policy

An Executive Policy must be adopted by the CEO and establish a whole of organisation approach to operational practices. Executive Policies may be used to:

- Specify in detail how the administration will carry out, apply or action a Council Policy
- Establish a minimum standard or rule to be applied across the organisation in areas such as Information Communication Technology and Human Resources to ensure there is a consistent approach.

Executive Policies are created as internal documents for operational purposes and do not require Council adoption, however Councillors can request a list of Executive Policies in place at any time and for the CEO to provide guidance on the rules in place, if necessary.

The CEO is to determine the format and content of Executive Policies but they must be reviewed at a minimum every 3 years.

Procedures/Manuals

The CEO is to encourage all employees to establish and keep up to date, appropriate procedures/manuals that detail the key processes, operations and activities conducted within their position on a day to day basis. This will provide the Shire with a record of operational practices and allow for an open transfer of knowledge and business continuity where necessary.

Council Policy

Strategic Policy Framework



DEFINITIONS

Nil

RELATED LEGISLATION

Local Government Act 1995 – Section 2.7 and Section 5.41

DEFINITIONS

Nil

RELATED LEGISLATION

Not applicable

DELEGATED AUTHORITY

Nil

REVIEW DATE

August 2024

HISTORY

Adopted:	17 April 2019	MIN: 6826/19
Reviewed:	16 August 2022	MIN: 7483/22
Reviewed:	xxxxxxxx	MIN: xxxx/xx

Council Policy

Procurement Framework



POLICY OBJECTIVES

To ensure the procurement functions of the Shire of Narembeen are statutorily compliant and in line with the principles of the Council.

POLICY SCOPE

This policy applies to all Shire employees involved in procurement processes.

POLICY DETAIL

The procurement of goods and services for the Shire of Narembeen is a critically important business process. All Shire employees involved in procurement practices must have regard for the Shire's Code of Conduct requirements and display the highest standards of ethics and integrity, acting in an honest and professional manner at all times.

The Chief Executive Officer (CEO) must develop executive policies and procedures to ensure the Shire's procurement practices are legislatively compliant, specifically meeting the requirements set out in the Local Government (Function and General) Regulations 11-24AJ, and adhere to the Council's overarching principles, as detailed below:

1. **Best Value** – employees shall balance factors such as price, quality, timeliness of service, experience, lifetime management costs and other relevant selection criteria to ensure best value for the Shire

The table below summarises the purchasing and quotation requirements at different consideration value thresholds:

Consideration Value	Minimum Quote Requirements	Minimum Assessment Requirements
Up to \$1,500	One verbal quote. A purchase order is considered evidence of the verbal quote received.	One employee
\$1,500 to \$7,499	One written quote	
\$7,500 to \$29,999	*Request two written quotes, receive at least one quote.	
\$30,000 to \$49,999	*Request three written quotes, receive at least two quotes.	Two employees
\$50,000 to \$249,999	Three quotes with formal quote process and pre-determined selection criteria	
\$250,000 and above	Tender or WALGA eQuote unless classified as tender exempt – see Executive Policy – Tender Management	A responsible manager and one other employee.

*Staff must record evidence of all efforts to seek quotes as well as quotes in the Council's procurement system.

Council Policy

Procurement Framework



Exemptions

1. Quote Exemptions

When seeking an exemption from using the required quote or assessment process, employees must submit a request in writing to the Chief Executive Officer (CEO) or the Executive Manager Corporate Services (EMCS). The CEO and EMCS must not exempt their own transactions and should receive approval from each other for exemptions to apply i.e. the EMCS is required to approve exemptions relating to the CEO and vice versa. As an example, the CEO or EMCS may accept exemptions when:

- An emergency exists
- It is well established that only one supplier will be able to perform the work, given the Shire's remote nature.
- Delays caused by meeting the purchasing requirements or the cost of obtaining quotes might create a significant financial penalty for the Shire.
- Vehicles are under warranties requiring genuine parts and it can be established that only one provider is able to deliver genuine parts to the area.

2. Fuel Exemptions

Fuel is a tender exempt item under Local Government (Functions and General) Regulations 1996 11(g). As such the Shire's purchasing of bulk fuel will follow an alternate process whereby, each time bulk fuel is required the Works Manager will email three bulk fuel providers and request a written price per litre by a specific date. The Works Manager is authorised to assess and authorise the purchase of bulk fuel regardless of the purchase value.

The purchase of unleaded fuel from the Narembreen Roadhouse is also an exempt purchase. When purchasing fuel, employees must clearly write on the roadhouse receipt - their name, a description of the equipment or a licence/plant number, and where applicable a job/GL number.

Any employees found to be abusing the nature of this exemption will receive immediate disciplinary action.

3. Courier Exemption

Given the rural/remote nature of Narembreen, an exemption is being applied to courier/freight services. At this time the town only has Cody Express and Toll that will delivery to town and have service agreements in place with local drop off points.

The supply of courier services is deemed to be contract and quote exempt so the purchasing officer is able to choose whichever supplier is able to meet their delivery requirements without encountering operational inefficiencies by searching for quotes.

4. Sole Supplier Exemption

The below table outlines the list of known sole supplier arrangements in place at the Shire where quotations or contracts are not required:

Council Policy

Procurement Framework



Company	Good or Service Provided	Reason for exemption
Telstra	Phone or Internet Services	This is the only provider with service within the Shire
Synergy	Electricity	Sole supplier
Water Corporation	Water	Sole Supplier
Narembeen Post Office	General Postal Services	It is impractical and implausible to use another town's post office and essentially Australia Post is a sole supplier for postal services.
Landgate	Rates Valuations and other land enquiry services	Sole Supplier
WALGA	Subscriptions and councillor training	Industry body supplier
LGIS	Insurance and insurance related services	Although other insurance suppliers exist they do not offer the same level of local government specific services available through LGIS. As such they are being deemed a sole supplier.
IT Vision	Financial Management Software provision	Although a number of Local Government Financial Management system providers exist, the Shire has implemented the Synergy Soft system through IT Vision a number of years ago. It is unfeasible to change this sort of system on a regular basis given the large amount of data contained within the system. As such Annual Licences etc. with IT Vision are to be classed as sole supplier as they are the only company able to provide a licence for the Synergy Soft system.

Other organisations may be given a sole supplier exemption by the Chief Executive Officer, however a sole source of supply arrangement may only be approved where:

- The purchasing requirement has been documented with a detailed specification
- The specification has been market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement
- The market testing process and outcomes of supplier assessments have been documented and provided to the CEO, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.

Council Policy



Procurement Framework

Market testing must be conducted at least once every three years to confirm the goods or services required cannot be sourced elsewhere, where possible employees should look to establish a contractual arrangement with suppliers.

1. **Uniformity** – suppliers, contractors and persons dealing with the Shire must be treated consistently in a fair and equitable manner
2. **Accountability** – any policy put in place by the CEO must ensure procurement decisions are open and transparent to ensure full accountability can be taken for purchasing decisions and the efficient use of Shire funds. Records of all procurement based activities must be retained in compliance with the State Records Act 2000 and the Shire's record keeping plan.
3. **Full disclosure** - any actual or perceived conflicts of interest must be identified, disclosed and appropriately managed
4. **Confidentiality** - Any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and must not be released unless authorised by the supplier or relevant legislation.
5. **Local Economy** – whilst consideration must always be given to principle one (Best Value), Shire employees should seek where possible to engage in procurement practices to promote local economic development.
6. **Organisational Awareness** – all employees undertaking procurement activities must be adequately trained on how to conduct themselves
7. **Method** – where possible the Shire's procurement should be conducted by way of an electronic transaction with full accountability such as EFT or credit card. The CEO must ensure policies govern all payment methods to ensure they are fully traceable, accountable and auditable.
 - The CEO must develop suitable executive policies to govern the various purchasing methods to ensure adequate controls and authorisation processes are in place so all transactions can be clearly identified as being for legitimate business purposes in line with the Local Government (Financial Management) Regulations 11, 12 and 13.
8. **Authority** – the purchasing authority of senior officers is set by this policy, as shown below, the purchasing authority of all other officers is to be determined by the CEO but no purchasing authority given by the CEO can be in excess of \$25,000.
 - CEO Purchasing Authority - \$250,000
 - Executive Manager Corporate Services Purchasing Authority - \$100,000
 - Works Manager Purchasing Authority - \$100,000
9. **Council Working Group** – The use of a councillor working group may be considered to help establish key quote criteria and performance requirements for certain projects. These groups may also help to review quotations to aid the CEO or Council in their decision-making process.

DEFINITIONS

Procurement – the overarching function that describes the activities and processes to acquire goods and services. Importantly, and distinct from “purchasing”, procurement involves the activities involved in establishing fundamental requirements and criteria, sourcing suppliers, conducting tenders, developing performance standards, performance evaluation and negotiation of contracts. It also includes purchasing activities required to order and receive goods.

Council Policy

Procurement Framework



RELATED LEGISLATION

Local Government Act 1995
State Records Act 2000
Local Government (Functions and General) Regulations 1996
Local Government (Financial Management) Regulations 1996

OTHER RELATED POLICIES/KEY DOCUMENTS

Executive Policy – Purchasing Goods and Services

DELEGATED AUTHORITY

Delegated Authority 01 – Payments from Municipal and Trust Funds

REVIEW DATE

16 August 2023

HISTORY

Adopted:	17 July 2019	MIN:	6887/19
Reviewed:	16 August 2022	MIN:	7483/22
Reviewed:	xxxxxxx	MIN:	xxxx/xx

Council Policy

Freeman – Guidelines for Appointment



POLICY OBJECTIVES

To inform the process regarding the appointment of honorary Freeman by Council.

POLICY SCOPE

This policy applies to community members that meet the criteria below. It is not seen desirable that the award of Freeman is presented to a sitting member of Council.

POLICY DETAIL

The award of Freeman is intended to recognise outstanding community service over a significant period of time and in a diversity of activities within the Shire of Narembreen.

The award would not usually be presented for excellent service in only one activity.

The award is intended to recognise service within the local community.

The award of Freeman is to be seen as independent of any other award.

This award is to be recognised as the highest honour that the local community, through its elected Council, can confer on one of its citizens. It therefore follows that the award will be conferred sparingly.

For the award to have the desired standing within the community, it should only be conferred where there is a great measure of public approval.

It is suggested that the Minister for Local Government be consulted with regard to each candidate prior to Councils formal resolution conferring the award.

DEFINITIONS

Council – the Shire of Narembreen Council

Councillor – a person duly elected to the office of Councillor on a Council by way of a free election

RELATED LEGISLATION

Local Government Act 1995

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

November 2024

Council Policy

Freeman – Guidelines for Appointment



HISTORY

Adopted:	xxxxxxx	MIN:	xxxx/xx
Reviewed:	18/02/2015	MIN:	5896/15
Reviewed:	15/02/2017	MIN:	6367/17
Reviewed:	18/11/2021	MIN:	7290/21

Council Policy

Council Member Professional Development



POLICY OBJECTIVES

To ensure that Council Members meet and comply with the prescribed professional development requirements under the Local Government Act 1995, and to further encourage participation in other conferences and training specifically designed to enhance skills and knowledge relating to roles and responsibilities, as a Council Member.

POLICY SCOPE

Provides a framework to facilitate continuing professional development of Council Members.

POLICY DETAIL

Council Member Professional Development

An annual budget allocation will be made for:

- Each Council Member to be used for individual Continuing Professional Development
- **Training specifically aimed at the development of the Shire President**
- Mandatory training for newly elected Council Members will be budgeted for outside of regular annual allocations.

Unexpended allocations at the end of a financial year will not be carried forward to the next financial year.

Council Members may select training and professional development to be funded from this allocation, subject to approval in accordance with this Policy.

Requests for Continuing Professional Development may be initiated by the Councillor and should be forwarded to the CEO prior to enrolment or registration.

Any professional development proposal that exceeds an individual Council Member's allocation will be referred to Council for a decision. Alternatively, the Council Member may choose to privately fund any shortfall. This will not be eligible for reimbursement from a future budget allocation.

Mandatory Council Member Training

Council Members are required to complete the Council Member Essentials Course within 12-months from the day on which they are elected, unless exempt under Regulation 36 of the Local Government (Administration) Regulations 1996.

Council's preferred provider for the training is WALGA (WA Local Government Association). It is Council's preference that the training is undertaken via the eLearning method, which is the most cost-efficient form of delivery.

All mandatory training units and associated costs will be paid for by the Shire.

Council Policy

Council Member Professional Development



It is acknowledged that there may be Councillors who prefer to undertake the mandatory training units face-to-face and/or opportunities to attend training, which is being delivered in the region or in the Perth metropolitan area, this training must be authorised by the CEO as being within budgetary constraints and practical.

Formats and providers

The continuing professional development format must be reasonable and provided by a relevant industry recognised training provider, peak body, or professional organisation.

Continuing Professional Development must be relevant to the role of a Council Member and offer demonstrable benefit to the Council as a governing body, the Shire as an organisation, and the broader community.

Request for Approval

Council Members who wish to attend training or professional development (not conferences) may make an application by providing the following details to the CEO in writing:

- Course or event title, provider or organiser name, location, and date.
- Copy of, or link to program, course outline or other summary of content.
- Total estimated costs including accommodation, travel, and sundry expenses.

Applications are to be submitted in reasonable time for registration. The Shire will seek to take advantage of reduced prices for early registration.

Approval

Approval for Council Member attendance may be granted by the Chief Executive Officer where:

- the application complies with this policy.
- the event is to be held within Western Australia; and
- Council Member has sufficient funds available in their professional development allocation to meet all costs of attendance.

A resolution of the Council where:

- the application has been refused by the Chief Executive Officer.
- the application does not comply with this policy.
- the estimated costs of attendance exceed the available balance of the Council Member's annual professional development allocation; or
- the event is to be held outside of Western Australia.
- The application is for attendance at a conference.

Council Policy

Council Member Professional Development



Event Registration and Bookings

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

Travel

Where travel is involved, the actual costs of travel to and from the event venue are to be met by the Shire in accordance with the current WA Salaries and Allowances Tribunal Determination for Local Government CEOs and Elected Members (the Determination).

Travel arrangements are to be by the most cost effective and reasonably convenient mode. Air travel is to be by Economy Class at a time that is convenient to the Council Member. As far as is practicable, tickets will be purchased well in advance, and take advantage of available discount fares.

A Council Member may seek approval to travel within Western Australia by private motor vehicle and be reimbursed for vehicle costs in accordance with the Determination. Approval may only be granted where the cost is approximately equivalent to the most cost-effective mode of travel.

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

Accommodation

Reasonable accommodation will be booked for the Council Member at, or in proximity, to the event venue. If it is not reasonable to expect travel to occur on the day of the event, the booking may allow for arrival the day prior to commencement, and departure the day following the close of the event.

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

Meals and Incidental Expenses

Meals and incidental expenses will be paid by the Shire with reasonable meal expenses including the purchase of breakfast, lunch, and dinner where these meals are not provided otherwise provided. When meals are included and have been paid for as part of the registration

Council Policy

Council Member Professional Development



fee or accommodation costs, claims for alternative meals at venues other than the event will not to be paid by the Shire.

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

Incidental expenses incurred from accessing products in the accommodation /room mini bar will not be paid by the Shire and should be paid for by the Council Member on departing the venue.

Travel Insurance – Intrastate and Interstate

Subject to policy wording and conditions, Council Members are covered by the Shire's corporate travel protection for the duration of their travel relevant to attendance at the approved event, including any incidental private travel taken either side or during the event.

Council Members should review the conditions of the Shire's corporate travel protection policy and member certificate to determine whether it is adequate for their personal needs and circumstances, and so that the Shire and/or the Council Member can make any necessary alternative arrangements.

Accompanying persons/entertainment costs

Where partners accompany the Council Member the Shire will cover the cost of accommodation, breakfast, lunch and dinners and conference related dinners attended by partners. Costs associated with attendance at 'partners program' events will not be paid for by the Shire, with the Council Member reimbursing the Shire these costs.

Loyalty Program and Reward Points

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

WALGA Conference

Council wishes to have representation at the WALGA Annual Local Government Week Conference each year. It is Council's preference that this conference is attended by the President, Deputy President, CEO and one other councillor to ensure representation but limit costs to a reasonable level, however actual attendees will be determined each year. Councillors are encouraged to attend the WALGA Annual Local Government Week Conference at least once during their four (4) year term.

Council Policy

Council Member Professional Development



Report on training

The Shire is required to produce a report detailing the training completed by Council Members during each financial year, in accordance with s.5.127 of the Act. And place it on the Shire's website within one month of the end of the financial year.

Policy Review

In accordance with s.5.128 of the Act, this policy will be provided for the Council's review following each ordinary election. The Shire will ensure the policy review occurs within the first six (6) months following each ordinary election.

DEFINITIONS

CEO – the Shire of Narembreen's Chief Executive Officer or an officer subsequently delegated to manage this function by the Chief Executive Officer.

Council – the Shire of Narembreen Council

Council Member – a person duly elected to the office of Councillor for the Shire of Narembreen.

RELATED LEGISLATION

Local Government Act 1995

Local Government Legislation Amendment Act 2019 Section 5.127 & 5.128

OTHER RELATED POLICIES/KEY DOCUMENTS

- Councillor Code of Conduct April 2021
- Councillor, Chief Executive Officer, and Employee Attendance at Events

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

December 2023

HISTORY

Adopted:	15 July 2020	MIN: 7079/20
Reviewed:	16 May 2023	MIN: 7596/23
Reviewed:		MIN:

Council Policy

CEO Standards for Recruitment, Performance and Termination



POLICY OBJECTIVES

To ensure Council complies with the legislative standards for the recruitment, selection, performance review and termination of employment of the Chief Executive Officer.

POLICY SCOPE

This policy applies to all councillors, committee members, consultants and employees involved in the processes related to the recruitment, section, performance review and termination of employment of the CEO.

POLICY DETAIL

Section 5.39B of the *Local Government Act* requires a local government to prepare and adopt standards to be observed by the local government that incorporate the model standards for CEO recruitment, performance and termination.

To comply with the above requirements, Council adopts the model standards as prescribed in Schedule 2 of the *Local Government (Administration) Regulations 1996*.

Model standards for CEO Recruitment, Performance and Termination

Division 1 — Preliminary provisions

1. Citation

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

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

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

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

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

Council Policy

CEO Standards for Recruitment, Performance and Termination



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

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

local government means the Shire of Narembreen;

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

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

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

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

4. Application of Division

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

Council Policy

CEO Standards for Recruitment, Performance and Termination



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

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

6. Advertising requirements

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

7. Job description form to be made available by local government

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

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

8. Establishment of selection panel for employment of CEO

- (1) In this clause —

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

 - (a) a council member;
 - (b) an employee of the local government;

Council Policy

CEO Standards for Recruitment, Performance and Termination



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

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

Council Policy

CEO Standards for Recruitment, Performance and Termination



- (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

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

11. Offer of employment in position of CEO

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

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

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the **negotiated contract**) containing terms different to the proposed terms approved by the local government under clause 11(b).

Council Policy

CEO Standards for Recruitment, Performance and Termination



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

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

- (1) In this clause —

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

- (2) This clause applies if —

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

- i. the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
- ii. a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;

and

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

- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

Council Policy

CEO Standards for Recruitment, Performance and Termination



14. Confidentiality of information

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

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

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

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

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

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

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

19. CEO to be notified of results of performance review

Council Policy

CEO Standards for Recruitment, Performance and Termination



After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

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

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

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

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - b) notifying the CEO of any allegations against the CEO; and
 - c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the **performance issues**) related to the performance of the CEO; and
 - b) informed the CEO of the performance issues; and
 - c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and

Council Policy

CEO Standards for Recruitment, Performance and Termination



- d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

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

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

DEFINITIONS

CEO – Chief Executive Officer of the Shire of Narembreen.

RELATED LEGISLATION

Local Government Act 1995 Section 5.39B

Local Government (Administration) Regulations 1996 18FA and Schedule 2

OTHER RELATED POLICIES/KEY DOCUMENTS

Nil

REVIEW DATE

November 2024

HISTORY

Adopted: 15 November 2022	MIN: 7522/22
Reviewed:	MIN:
Reviewed:	MIN:

POLICY OBJECTIVES

The purpose of this policy is to establish guidelines to manage matters relating to the attendance of Councillors, the CEO, and employees at events.

POLICY SCOPE

This policy applies to Councillors, CEO and other employees invited to attend events on behalf of the Shire of Narembreen.

This policy does not deal with attendance at events where full payment is required or no invitation is received. These events are to be managed by an alternate policy, decision of Council relating to Councillors or the CEO relating to employees.

It does not provide guidance on the acceptance of a tangible gift or travel contribution.

Travel and accommodation excluded: This policy does not apply to tangible gifts or money, travel, or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the Local Government Act 1995 (the Act), must be disclosed in writing to the CEO within 10 days of receipt of the contribution.

Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of a gift.

POLICY DETAIL

The Shire of Narembreen, pursuant to section 5.90A of the Local Government Act 1995, is mandated to adopt a policy that deals with matters relating to the attendance of council members and the CEO at events.

This policy is required to help manage the disclosure of interests relating to gifts in matters affecting local government decisions – specifically this policy will aim to establish a means by which the Shire can determine when a gift related to attendance at an event is an excluded gift and does not require disclosure. Any invitations that are not approved for exclusion under this policy must follow the normal gift declaration and disclosure practices associated with the Local Government Act.

In order for a ticket to or attendance at an event to be considered for exclusion under this policy it must be addressed to the Shire office via mail or email and be addressed to an individual or group (i.e. Council) as part of their role with the Shire. Any tickets or invitations extended directly to an individual by means of personal communication must always be managed in line with existing gift provisions and disclosure of interest provisions.

Any payment offered to a Councillor or employee for attendance at an event must be disclosed to the CEO. In general payments for attendance should not be accepted or should be paid to the Shire of Narembreen if a function is being performed as part of the event for which payment would normally be expected.

If an invitation to attend an event is received and attendance is expected to incur costs to the Shire of Narembeen then regardless of whether the event type is pre-approved the invitation must go through an approval process to ensure the expenditure is appropriately budgeted for.

If there are more Councillors than tickets/invitations provided, the Shire President shall allocate the tickets appropriately.

Employees, other than the CEO, are not entitled to accept any gifts greater than \$300 and all discounted or gifted tickets to employees valued at \$50 - \$300 must be declared as gifts unless the employee is requested to attend the event as part of their employment and to the benefit of the Shire of Narembeen by the CEO or their appropriate manager. The CEO is to set appropriate policies and procedures to manage this process.

Pre-Approved Events

In line with the objectives of this policy, the below events have been pre-approved and attendance at these events will not need to be disclosed if invitations are received. Nothing in this section mandates attendance at any of these events or raises an expectation of free or discounted tickets to these events.

- a) Any public event which is free
- b) Invitations to attend events being hosted by other Local Governments, State Government or Federal Government/Ministerial agencies.
- c) Meetings of clubs or organisations within the Shire of Narembeen;
- d) Australian or West Australian Local Government Association events;
- e) Events hosted by sporting clubs, schools or not for profit organisations within the Shire of Narembeen or the District
- f) All Shire hosted, run or sponsored events
- g) Events run by professional associations of which employees are members or to which membership is encourage by the CEO for the benefit of the Shire.
- h) Opening or launch of an event or facility within the Shire of Narembeen or District.
- i) Recognition of Service events within the Shire of Narembeen or District.

Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event as follows:

- Events for the Shire President may be approved by the Deputy Shire President.
- Events for Councillors may be approved by the Shire President.
- Events for the Chief Executive Officer may be approved by the Shire President.
- Events for employees may be approved by the Chief Executive Officer.

Considerations for approval of the invitation to the event as being excluded include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Shire of Narembeen of the person attending.
- Alignment to the Shire of Narembeen Strategic Objectives.

- The number of Shire representatives already approved to attend.
- The overall cost in attending the event, inclusive of travel or accommodation
- availability of representatives
- The expected role of the relevant Councillor or employee or potential perceived conflicts of interest
- The type of organisation extending the invitation and the purpose of the event – in general invitations from commercial providers will require disclosure

Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event and is not excluded from gift and disclosure provisions.

If the event is ticketed and the Councillor, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, then no action is required.

If the event is ticketed and the Councillor, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s), with a discount value, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days to the Chief Executive Officer (or President if the CEO) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Councillors and the CEO

Dispute Resolution

All disputes regarding the approval of attendance at events are to be resolved by the Shire President and the CEO in relation to Councillors and the CEO in relation to other employees.

Other

Organisations that desire attendance at an event by a particular person(s), such as the President, Deputy President, Councillors, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together what is expected of that individual, should they be available, and whether the invite / offer or ticket is transferable to another Shire of Narembeen representative.

Free or discounted invitations / offers or tickets that are provided to the Shire of Narembeen without denotation as to who they are for, are be provided to the Chief Executive Officer and attendance will be determined based on the approval process associated with this Policy and in liaison with the Shire President.

DEFINITIONS

CEO – the Shire of Narembeen's Chief Executive Officer or an officer subsequently delegated to manage this function by the Chief Executive Officer.

Council – the Shire of Narembeen Council

Councillor – a person duly elected to the office of Councillor on a Council by way of a free election

District: is defined as the Wheatbelt Region of Western Australia.

In accordance with the Local Government Act 1995 s 5.90A, an event is defined as a:

- Concert
- Conference
- Function
- Sporting event
- Occasions prescribed by the Local Government (Administration) Regulations 1996.

RELATED LEGISLATION

Local Government Act 1995

5.90A. Policy for attendance at events

(1) In this section — event includes the following — (a) a concert; (b) a conference; (c) a function; (d) a sporting event; (e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events, including — (a) the provision of tickets to events; and (b) payments in respect of attendance; and (c) approval of attendance by the local government and criteria for approval; and (d) any prescribed matte*

Subdivision 1 – Disclosure of financial interest in matters affecting local government decisions - Section 5.59 – 5.73

Specifically, section 5.62 part (1B)

A gift is an excluded gift — (a) if — (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event; or (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

- s 5.87A and 5.87B Council members and CEOs are required to disclose gifts that are received in their capacity as a Council member (or CEO) and
- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

Local Government (Administration) Regulations 1996 –

- r.34B – required code of conduct contents about gifts to employees

Local Government (Rules of Conduct) Regulations 2007.

OTHER RELATED POLICIES/KEY DOCUMENTS

Department Circular No 11-2019 – New Gifts Framework

Department of Local Government, Sport and Cultural Industries - Gifts and Conflicts of Interests - Frequently Asked Questions

Council Policy – Continuing Professional Development of Council Members

DELEGATED AUTHORITY

NA

REVIEW DATE

July 2022

HISTORY

Adopted:	19 August 2020	MIN: 7088/20
Reviewed:		MIN:
Reviewed:		MIN:

Council Policy



Fraud and Corruption Prevention

POLICY OBJECTIVES

The objective of this policy is to make clear Council's commitment to the prevention, deterrence, detection, and investigation of all forms of fraud or corruption. This policy defines and establishes a commitment to the identification and management of the risk of fraud and corruption within the Shire of Narembeen and in its dealings with key stakeholders.

POLICY SCOPE

This policy applies to all employees, Councillors, and contractors working for the Shire of Narembeen.

POLICY DETAIL

The procurement of goods and services for the Shire of Narembeen is a critically important business process. All Shire employees involved in procurement practices must have regard for the Shire's Code of Conduct requirements and display the highest standards of ethics and integrity, acting in an honest and professional manner at all times.

The Chief Executive Officer (CEO) must develop executive policies and procedures to ensure the Shire's procurement practices are legislatively compliant, specifically meeting the requirements set out in the Local Government (Function and General) Regulations 11-24AJ, and adhere to the Council's overarching principles, as detailed below:

1. The Shire of Narembeen is committed to good governance and ethical behaviour.
2. The Shire recognises that fraud and corruption are illegal and contrary to the Shire's organisational values. A proactive stance is taken to prevent fraudulent or corrupt activities and behaviours.
3. Fraud and corruption constitute a significant risk to any organization, and a culture of ethical conduct must exist to recognise and avoid fraud.
4. Fraud and corruption can lead to financial loss, negative publicity, and a loss of public confidence. Robust systems and procedures must be in place to ensure that the risk of impropriety is minimised and there is a prompt and effective response where instances do occur.
5. All employees are accountable for and have a role to play in fraud and corruption prevention and control. The Shire requires employees to disclose actual or suspected fraudulent or corrupt activity to the Chief Executive Officer.
6. The Shire will ensure that employees are made aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

Council Policy



Fraud and Corruption Prevention

7. When identified, all suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate, legal remedies available under the law will be pursued. Wherever possible, the Shire will protect the anonymity of those responsible for reporting the activity.

DEFINITIONS

In Australian Standard 8001-2008 the following definitions apply - Corruption is dishonest activity in which an employee or contractor of an organisation acts contrary to the interests of the organisation and abuses his/her position of trust to achieve some personal gain or advantage for themselves, or another person or organisation. Fraud is dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position for personal financial benefit. The Shire of Narembeen considers fraud to be a deliberate act by an individual or group that is always intentional and dishonest.

RELATED LEGISLATION

Local Government Act 1995

Corruption Crime and Misconduct Act 2003

Public Interest Disclosure Act 2003

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

15 November 2024

HISTORY

Adopted:	15/11/2021	MIN: 7290/21
Reviewed:		MIN:
Reviewed:		MIN:

Council Policy

Debt Management



POLICY OBJECTIVES

To ensure the Shire conducts debt collection in a clear, efficient and consistent manner to improve transparency and reduce the likelihood of unrecoverable debts.

This policy provides scope for recovery procedures to facilitate effective and flexible payment arrangements in order to achieve Council's budgetary objectives, whilst giving all due consideration and assistance to ratepayers and debtors who display a genuine commitment to clearing their debt.

POLICY SCOPE

This policy applies to any person or organisation owing rates, charges, fees or other debts to the Shire of Narembeen.

POLICY DETAIL

In order for the Shire of Narembeen to operate effectively it must manage and control overdue accounts to reduce the likely occurrence of unrecoverable debts and to ensure consistency across all debt collection activities.

Council directs the CEO to administer debt recovery practices in line legislation and with due regard to ensuring that debt collection is carried out in a fair and equitable manner.

The Shire of Narembeen must separate practices used for the collection of general debts and those attributed to outstanding rates.

General Debts

The CEO must establish an Executive Policy related to debtor management outlining the Shire's credit terms and debt collection practices. The Shire must make at least two attempts to contact a debtor before submitting the debt to the Shire's debt collection agency.

All general debts older than 180 days and over \$5,000 must be presented to Council with a report outlining actions taken by the administration to recover the debt and proposing a way forward in terms of debt recovery.

Outstanding Rates

Rates notices are due 35 days from the issue date in accordance with the Local Government Act 1995.

Amounts that remain outstanding past the prescribed due date will have daily interest applied as detailed on the rates notice.

The CEO must set a policy to allow the administration to determine what portion of the full rates bill being paid would constitute a rate payers intention to pay by instalments if they have not paid the full first instalment amount by the due date – this portion must be at least 20% of the first instalment amount listed on the rates notice.

Council Policy

Debt Management



Ratepayers who have provided evidence of their pensioner or seniors rebate eligibility have until 30 June to make payment on their rates without incurring any interest penalties under the Rates and Charges (Rebates and Deferments) Act 1992, however their ESL and waste service charges must still be paid in full by the due date.

If it is determined that the ratepayer is not a pensioner/senior and has not made a suitable payment to be deemed to be paying by instalments, and rates remain outstanding then:

- I. 14 days after the rates notice due date, the ratepayer must be issued with a final notice requesting they contact the Shire to make payment or enter into a payment arrangement.
- II. 30 days after issuing final notices the Shire must review all outstanding rates and issue a letter of demand to all ratepayers with no payment arrangement or evidence of suitable payments being made to the Shire.
- III. Within 14 days of issuing letters of demand the Shire must attempt to make contact with the ratepayer via phone, email or another method that may involve consulting other agencies, to try and facilitate payment.
- IV. 60 days after the rates being due the Shire must instruct their debt collection agency to issue letters of demand to all ratepayers with overdue rates and no approved payment arrangement.

The CEO must develop an Executive Policy to manage how the Shire will pursue rates overdue for more than 60 days.

Council directs the CEO to issue notices to lessees/tenants, where the property owner of a leased or rented property on which rates and service charges have been outstanding for more than 90 days, cannot be located or refuses to settle rates and service charges owed. This is in line with the provisions under Section 6.60 of the Local Government Act 1995. The lessee or tenant would be required to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

Details of outstanding rates do not need to be presented to Council each month.

The CEO must present a report to Council on all rates that are overdue by more than 36 months or in excess of \$5,000. This report must detail all actions taken by the Shire to recover the debt and provide Council with a proposed way forward, noting that provisions exist under Section 6.64 of the Local Government Act 1995 for the recovery of unpaid rates.

DEFINITIONS

Debt – a sum of money owed or due to the Shire

Rates – amounts owed to a local government based on charges laid upon the rateable land within its district

Payment Arrangement – a bilateral agreement between the Shire and an individual/organisation to facilitate the repayment of overdue money owed to the Shire.

ESL – emergency services levy

Council Policy

Debt Management



RELATED LEGISLATION

Local Government Act 1995: Part 6, Division 4, Clause 6.13 – Interest on money owing to local governments

Local Government Act 1995: Part 6, Division 6, Subdivision 4, Clause 6.45 – Options for payment of rates and service charges

Local Government Act 1995: Part 6, Division 6, Subdivision 4, Clause 6.51 - Accrual of interest on overdue rates or service charges

Local Government Act 1995: Part 6, Division 6, Subdivision 5, Clause 6.56 - Rates or service charges recoverable in court

Local Government Act 1995: Part 6, Division 6, Subdivision 5, Clause 6.60 - Local government may require lessee to pay rent

Local Government Act 1995: Part 6, Division 6, Subdivision 6, Clause 6.64 - Actions to be taken

Local Government (Financial Management) Regulations 1996

Rates and Charges (Rebates and Deferments) Act 1992

OTHER RELATED POLICIES/KEY DOCUMENTS

Executive Policies to be developed

DELEGATED AUTHORITY

Delegated Authority 04 – Writing Off Debts

REVIEW DATE

August 2024

HISTORY

Adopted:	19 June 2019	MIN:	6864/19
Reviewed:	17 August 2022	MIN:	7483/22
Reviewed:	xxxxxxx	MIN:	xxxx/xx

Council Policy



Financial Hardship

POLICY OBJECTIVES

To provide a mechanism by which ratepayers and community members may apply to the Shire of Narembeen for dispensations relating to financial hardship.

POLICY SCOPE

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for future financial years as determined by Council.

It is a reasonable community expectation, that those with the capacity to pay rates will continue to do so in line with the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

For this reason, the Policy is not intended to provide rate relief to ratepayers but provide avenues through which debtors can clear debts in a considerate manner.

POLICY STATEMENT

1 Payment difficulties, hardship and vulnerability¹

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Narembeen recognises the likelihood that the effect of COVID-19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

2 Anticipated Financial Hardship due to COVID19

We recognise that many ratepayers may already be experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

If a ratepayer is experiencing considerable financial hardship due to COVID-19, the ratepayer will be advised of the terms of this policy and eligible ratepayers will be encouraged to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

¹ Adapted from the Ombudsman Western Australia publication, **Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:**
<http://www.ombudsman.wa.gov.au/>

Council Policy



Financial Hardship

3 COVID-19 Excluded Person Criteria

In order to be considered an excluded person under the Local Government (COVID-19 Response) Ministerial Order 2020, evidence of financial hardship being caused by COVID-19 will be required. The Shire recognises that not all circumstances are alike, and we will take a flexible approach to a range of individual circumstances caused by COVID-19 that have led to a loss of income greater than 20% of the previous years income, including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4 Payment Arrangements

The Chief Executive Officer has established an Executive Policy to govern the way payment arrangements will be applied and mutually agreed upon, in line with the existing Council Policy – Debt Management. Through this framework all ratepayers experiencing financial difficulties and problems paying rates and other debts will be able to form a suitable arrangement with the Chief Executive Officer to meet their debts.

5 Interest Charges

A ratepayer that meets the COVID-19 Excluded Person Criteria will, under the Local Government (COVID-19 Response) Ministerial Order 2020, not attract interest or penalty charges on rates / service charge debt in the 2020/2021 financial year. This is subject to the period that the Local Government (COVID-19 Response) Ministerial Order 2020 remains effective (SL 2020/67 – Gazetted 8 May 2020). In the case of severe financial hardship related to COVID-19, the Shire of Narembreen Council may consider writing off interest applicable to the Emergency Services Levy and / or interest previously accrued on rates and service charge debts.

Ratepayers not affected by COVID-19 but experiencing severe financial hardship from other circumstances may apply to Council for the suspension of interest on overdue rates or service charges, these requests will be reviewed on a case by case basis.

6 Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property.

The deferred rates balance:

Council Policy



Financial Hardship

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, but the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

7 Debt recovery

If a ratepayer is determined to meet the COVID-19 excluded person criteria, then the Shire of Narembreen will suspend debt recovery processes relating to the Council Policy – Debt Management and its subsidiary Executive Policies on rates and debtor management. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes. Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

For all debt recovery outside of the COVID-19 excluded person criteria, the Council Policy – Debt Management and subsidiary Executive Policies will apply. The Chief Executive Officer will work with all debtors facing financial hardship to ensure appropriate payment plans are entered into that meet the needs of the individual and the Shire.

8 Review

We will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

9 Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt where we think the debts may be linked to the implications of COVID-19.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

Council Policy



Financial Hardship

DEFINITIONS

Financial Hardship - refers to a situation in which a person cannot keep up with debt payments and bills to point where it is affecting their ability to meet their basic living needs and the living needs of their dependants.

COVID-19 - also called coronavirus disease is the name of the disease caused by a newly discovered coronavirus which causes acute respiratory illnesses.

RELATED LEGISLATION

Local Government Act 1996 - Part 6, Division 6, Subdivision 4-6

Local Government Financial Management Regulations

OTHER RELATED POLICIES/KEY DOCUMENTS

Council Policy - Debt Management

Executive Policy - Rates Debt Management

Executive Policy - Debtor Management

DELEGATED AUTHORITY

NA

REVIEW DATE

July 2021

HISTORY

Adopted:	17 June 2020	MIN:	7061/20
Reviewed:		MIN:	
Reviewed:		MIN:	

Council Policy

Legal Representation



POLICY OBJECTIVES

This policy provides guidance in determining when it is appropriate for the Shire to pay the cost of legal representation.

The Shire is committed to protecting the interests of Elected Members and employees (including past members and former employees) in seeking legal advice or where they become involved in civil legal proceedings in the course of their official duties.

POLICY SCOPE

This policy applies to all Councillors, former Councillors, all employees, and former employees.

POLICY DETAIL

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 (e.g. 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 of 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 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.

Council Policy

Legal Representation



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.
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.

DEFINITIONS

CEO – the Shire of Narembreen’s Chief Executive Officer or an officer subsequently delegated to manage this function by the Chief Executive Officer.

Council – the Shire of Narembreen Council

Councillor – a person duly elected to the office of Councillor on a Council by way of a free election

Council Policy

Legal Representation



RELATED LEGISLATION

Local Government Act 1995

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

November 2024

HISTORY

Reviewed:	18/02/2015	MIN:	5896/15
Reviewed:	15/02/2017	MIN:	6367/17
Reviewed:	16/11/2021	MN:	7290/21

Council Policy

Media Contact



POLICY OBJECTIVES

To clarify when persons other than those authorised under the Local Government Act 1995 (the Act) are permitted to speak on behalf of Council to the media, in public and on social media.

POLICY SCOPE

This policy applies to all Councillors, the Chief Executive Officer (CEO) and Employees.

POLICY DETAIL

1. The President and Deputy President (if the President is not available or is unable or unwilling to speak) are authorised to speak on behalf of Council by the Act (2.8(d) and 5.34).
2. The Chief Executive Officer (CEO) is only permitted to speak on behalf of Council if the President agrees and has provided written approval. This approval can be withdrawn at any time at the discretion of the President.
3. The CEO is permitted to authorise other employees (Directors and/or Managers, and possibly other staff) to speak on behalf of Council on specific matters related to their area of responsibility.
4. If a Councillor or employee is approached by the press to answer questions or make a comment on council business or a council decision, the press should be referred to the President or CEO (if authorised) for a response.
5. Nothing in this policy shall prevent a Councillor expressing his/her personal opinion to the media. However, as a general principle, Councillors approached by a representative from any form of media to make a statement or private comment on a matter of Council business, should have regard to any resolutions of the Council affecting the matter in question.
6. Authorised Officers shall use Shire of Narembreen social media platforms for the promotion of;
 - Coming events
 - Recent activities
 - General Notices
 - Achievements
 - Any other items as directed by the Chief Executive Officer

Further information regarding Councillor and Staff responsibilities with regard to social media are contained within the code of conduct document.

DEFINITIONS

CEO – the Shire of Narembreen’s Chief Executive Officer or an officer subsequently delegated to manage this function by the Chief Executive Officer.

Council – the Shire of Narembreen Council

Council Policy

Media Contact



Councillor – a person duly elected to the office of Councillor on a Council by way of a free election

RELATED LEGISLATION

Local Government Act 1995 Sections 2.8(d) and 5.34

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

November 2024

HISTORY

Adopted: 15/11/21	MIN: 7290/21
Reviewed:	MIN:
Reviewed:	MIN:

POLICY OBJECTIVES

For Council to set a clear framework for the structure of Human Resource Management and ensure a clear understanding for all.

POLICY SCOPE

This policy applies to all Councillors, the Chief Executive Officer (CEO) and Senior Employees.

The CEO is expected to manage the implementation of the provisions of this policy for all employees.

POLICY DETAIL

The Council and the Shire are committed to establishing a respectful, harmonious, and effective working relationship between the Councillors and employees of the Shire of Narembeen.

Whilst the provisions of the Local Government Act 1995 provides that the CEO is the primary point of contact between Elected Members and the Administration, the CEO has delegated that communication may also be channelled through the Senior Employees of the Shire. Where possible Councillors should refrain from communicating with other employees regarding the operations of the Shire without the express permission of the CEO.

Council understand that they only directly employ the CEO and that the CEO is responsible for the recruitment, retention, and management of all other employees. By way of this Policy, Council set the below parameters as a framework for the CEO to establish human resource management practices within.

Senior Employees

The following positions are classified as Senior Employees for the purposes of Section 5.37 (1) of the Local Government Act 1995.

- Executive Manager Corporate Services
- Works Manager

Acting CEO and Acting Senior Employee Roles

In the absence of the Chief Executive Officer for a period of five (5) consecutive working days or greater, the Council adopts the position that the Executive Manager Corporate Services (EMCS) is to assume the role of 'Acting Chief Executive Officer'. Council will review this position if the CEO's period of absence is planned to be or is more than 30 days.

The remuneration to be paid to the Acting Chief Executive Officer will be decided by agreement between the Chief Executive Officer and the Shire President up to 100% of the CEO's normal cash salary depending on the duties and responsibilities to be conferred upon the Acting CEO. In the event that the CEO's absence is unplanned, or an appointment is to paid to an individual other than the EMCS the determination of the pay rate for the Acting period will be decided upon by Council at their next ordinary meeting, a back pay for the period will be authorised by the Shire President if required.

If a senior employee is absent for a period of five (5) consecutive working days or greater the CEO has the authority to appoint someone to act in their role. The CEO has the authority to make the decision of how much the Acting Senior Employee will be remunerated up to a maximum of 100% of the usual officer's salary.

Council draws the differentiation between "Acting" and higher duties, such that to be acting the employee must be performing all duties associated with the higher level including all delegations and authorisations assigned to that position. If the employee is only performing a portion of the duties associated with the higher level then this will be considered higher duties and the CEO must set a suitable salary increase tied to the number or level of duties that will be performed.

Superannuation

Council sets a maximum contribution for all Superannuation contributions for current and future employees of the statutory Superannuation Guarantee Contribution plus up to 5% as a co-contribution matching an employee's contribution. i.e. the additional 5% is conditional on the employee matching it with a 5% contribution.

Council reserve the right to reserves the right to alter this position for the CEO and Senior Employees if otherwise negotiated during the contract development process.

Milestones

Any employee who serves ten or more continuous years and 10 years thereafter will be provided with a gift to the value of \$100 and will be invited to a meal after an Ordinary Meeting of Council.

The Council will maintain a separate Council Policy relating to Gratuity Payments to Finishing Employees ending their employment with the Shire with a substantial length of service and exemplary record.

Removal Expenses

Council will cover new employees' removal expenses up to the following

- Chief Executive Officer - up to a maximum of \$6,000
- Senior Employees - up to a maximum of \$4,000
- Other staff – up to a maximum of \$ 2000

The amounts payable for the relocation of a CEO or Senior Employee to Narembeen may be amended or negotiated with the preferred applicant and any modifications will be reflected in the contract of employment.

Actual amounts and payment conditions for other staff will be determined by the CEO

If the employee voluntarily leaves or is dismissed by the Shire before they have completed 12 months of continuous service, they will be expected to repay removal expenses.

The below stated percentage (%) amounts will be taken from the employees' final pay or if greater than the final pay then invoiced to the employee upon them giving notice:

<u>Employee leaving within:</u>	<u>Removal expense to be reimbursed:</u>
First three (3) months of employment	100%
First three to six (3-6) months of employment	75%
First six to nine (6-9) months of employment	50%
First nine to twelve (9-12) months of employment	25%

Staff Functions

Functions with staff will be managed by the CEO within budgetary constraints. Council acknowledges professional boundaries with staff must be maintained and that they must refrain from attending staff functions unless invited to attend by the CEO.

Other HR Matters

The CEO is empowered by Council to manage the day to day operations of the Shire including the management of employees within set budgetary constraints. Council entrusts the CEO to establish suitable executive policies and procedures to manage human resource matters and ensure the Shire operates in an efficient and equitable manner.

The areas under the management of the CEO include but are not limited to:

- Allowances, including but not limited to, housing, uniform, gym membership etc.
- Professional Development including training, conferences, accommodation, study, and study leave related to the employee's role with the Shire
- Occupational health and safety policies and procedures to meet the obligations under the Occupational Safety and Health Act (WA) 1984
- Hours of work, rostered days off and leave
- Staff Grievance and management frameworks
- Higher Duties
- Employee onboarding and termination

DEFINITIONS

CEO – the Shire of Narembeen's Chief Executive Officer or an officer subsequently delegated to manage this function by the Chief Executive Officer.

Council – the Shire of Narembeen Council

Councillor – a person duly elected to the office of Councillor on a Council by way of a free election

RELATED LEGISLATION

Local Government Act 1995 Division 4 Section 5.36, 5.37, 5.40, 5.41
Occupation Safety and health Act (WA) 1984
Fair Work Act 2009

OTHER RELATED POLICIES/KEY DOCUMENTS

Policy 4.3.17 Severance pay policy
Policy 4.3.20 Sexual harassment
Policy 4.3.22 Gratuity payments
Policy 4.3.22 Drug and alcohol – fitness for work

DELEGATED AUTHORITY

NA

REVIEW DATE

December 2021

HISTORY

Adopted: 10 November 2020	MIN: 7125/20
Reviewed:	MIN:
Reviewed:	MIN:

Council Policy

Gratuity Payments to Finishing Employees



POLICY OBJECTIVES

To comply with section 5.50(1) of the Local Government Act 1995 and set out the circumstances in which the Shire may pay to an employee whose employment with the Shire is finishing, an amount in addition to any amount which the employee is entitled to under a contract of employment or Enterprise Agreement, and the manner of assessment of the additional amount.

POLICY SCOPE

All employees.

POLICY DETAIL

Gratuity Payments

This policy outlines the circumstances in which gratuity payments may be made to a finishing employee. These payments, when made, are in addition to any amount that the employee is entitled to under a contract of employment or Enterprise Agreement.

The imposition of this parameter does not form a contractual entitlement under employment relationships and as such the Council may choose to modify this position by way of resolution.

When an employee's services are ceasing with the Shire, the employee will be entitled to a gratuity as outlined below based on completed years of service. The gratuity payment identified within this policy does not apply to an employee who has been dismissed by the Shire for any reason.

The idea of a gratuity payment is that it is a way of the Shire honouring and thanking employees who have made long term contributions towards the Shire successfully meeting its objectives. Council reserves the right to resolve to increase the value of gifts to employees whose commitment and contribution to the community is of an exemplary level.

Years of Service

Amount of Gratuity

0 - 2 years' service	\$50 (gift or contribution) + function at discretion of CEO
2+ - 5 years' service	\$100 (gift or contribution) + function to value of \$200
5+ - 10 years' service	\$250 (gift or contribution) + function to value of \$250
10+ - 15 years' service	\$350 (gift or contribution) + function to value of \$500
15+ - 20 years' service	\$450 (gift or contribution) + function to value of \$750
20+ years' service	\$550 (gift or contribution) + function to value of \$1,000

For Council's designated senior employees, the value of any finishing gift will be at the above prescribed amount plus an extra \$50 for each year of service, in recognition of the level of responsibility and influence associated with their role.

Council Policy

Gratuity Payments to Finishing Employees



For the purpose of this policy, continuous service shall be deemed to include:

- a) Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
- b) Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pay or parental leave.
- c) Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of one year.

For the purpose of this policy, continuous service shall not include:

- a) Any period of unauthorised absence from duty unless the Shire determines otherwise.
- b) Any period of unpaid leave unless the Shire determines otherwise.

No gratuity payment to any employee shall exceed one year's salary or the limits set as per regulations.

This Policy at initial adoption and upon any significant amendment will be subject to a period of Local Public Notice in line with provisions of the Local Government Act.

DEFINITIONS

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Council – the Shire of Narembreen Council

Councillor – a person duly elected to the office of Councillor on a Council by way of a free election.

RELATED LEGISLATION

Local Government Act 1995 Division 4 Section 5.36, 5.37, 5.40, 5.41
Work, Health and Safety Act (WA) 1984

OTHER RELATED POLICIES/KEY DOCUMENTS

- 1. Policy 4.3.17 Severance Pay Policy

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

December 2024

Council Policy

Gratuity Payments to Finishing Employees



HISTORY

Adopted:	16/09/1998	MIN:	781/98
Reviewed:	18/02/2015	MIN:	5896/15
Reviewed:	15/02/2017	MIN:	6367/17
Reviewed:	10/11/2020	MIN:	7125/20
Amended:	18/05/2023	MIN:	7595/23

Local Planning Policy 1

Outbuilding Control



POLICY OBJECTIVES

This policy seeks to:

- a) To accommodate outbuildings that meet the needs of the residents whilst being appropriate for the zone and land use;
- b) Balance amenity issues with the varying need of residents in a regional community who lead a different lifestyle to residents in the metropolitan area.
- d) Provide guidance on the Development Approval requirements for outbuildings.

POLICY DETAIL

Outbuildings are recognised as an important addition to residential dwellings.

Existing residential areas in Narembreen differ from metropolitan areas and are characterised by relatively large (av 1000sqm) lots. Narembreen residents also tend to lead different lifestyles to those in metropolitan areas. Large lot sizes combined with a regional outdoor lifestyle has resulted in residents needing outbuildings such as sheds that exceed the deemed-to-comply criteria of the Residential Design Codes (R-Codes), particularly in respect of floor area and wall height. This is largely due to the garaging of vehicles, boats and caravans or to provide domestic workshops, games rooms and studios.

This Local Planning Policy provides further guidance on acceptable variations to the R-Codes that are appropriate to the established local character and amenity plus the needs of the Narembreen community.

Outbuildings are defined in the R Codes as 'an enclosed non-habitable structure that is detached from any dwelling'.

POLICY SCOPE

This policy applies to all outbuildings, on land zoned Residential and Town Centre, as well as Shire managed Reserves in the Shire of Narembreen.

An application for development approval is required to be lodged for all outbuildings that are not identified as exempt (i.e. not requiring development approval) in the exemption section of this policy or other Statutory Exemptions.

This policy **does not** apply to Industrial, Farming, Rural Enterprise or Special use zones.

APPLICATION REQUIREMENTS

Prior to constructing an outbuilding, the applicant must complete and submit:

- a) An Application for Development Approval form signed by the owner of the land;
- b) A Scaled site plan, floor plan and elevations. The site plan should show all existing development such as existing dwellings, and existing outbuildings, driveways, and retaining walls.

The site plan should show the existing natural ground level and proposed finished floor level for any outbuilding. If retaining walls are proposed they must be clearly shown on the plans.

- c) Any other information required by the assessing officer to assess the application against the criteria of the R Codes and/or this Local Planning Policy.

Local Planning Policy 1



Outbuilding Control

STATUTORY EXEMPTIONS

This Section provides guidance on the existing statutory development approval exemptions that apply to outbuildings. This section of the Policy has no implementation purpose, but merely highlights the exemptions of other planning instruments.

THE DEEMED PROVISIONS

The deemed provisions are contained within the Planning and Development (Local Planning Schemes) Regulations 2015 and they exempt outbuildings from development approval when the R-Codes apply, and all the applicable 'deemed-to-comply' provisions of the R-Codes are met.

The following is an extract from the R-Codes outlining the 'deemed to comply' requirements for outbuildings. Any outbuilding that complies with the R-Codes is exempt from the need for planning approval, unless the lot is a heritage protected place.

C3 Outbuildings associated with a dwelling site address either:	
i. the standards for small outbuildings (A. Small outbuilding); or	
ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).	
A. Small outbuilding	<ul style="list-style-type: none">(i) no more than one outbuilding per dwelling site;(ii) has no more than two boundary walls;(iii) does not exceed 10m² in area;(iv) does not exceed a wall and ridge height of 2.7m;(v) not located within the primary or secondary street setback area; and(vi) does not reduce open space and outdoor living area requirements in Table 1.
OR	
B. Large and multiple outbuildings	<ul style="list-style-type: none">(i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;(ii) set back in accordance with Table 2a;(iii) does not exceed a wall height of 2.4m;(iv) does not exceed a ridge height of 4.2m;(v) not located within the primary or secondary street setback area; and(vi) does not reduce the open space and outdoor living area requirements in Table 1.

POLICY PROVISIONS

Any element of an outbuilding proposal that is not considered exempt under the above clauses or is proposed on a Shire managed reserve, requires a development approval, and will be assessed using the development provisions below.

Local Planning Policy 1



Outbuilding Control

Meeting these conditions is not a guarantee for development approval and approval is subject to the discretion of the Shire of Narembeen. All outbuildings proposed by a lessee on a Shire managed reserve requires development approval.

Table 1 – Development Provisions According to Zone / Size

	Residential <1000m2	Residential >1000m2	Town Centre
Max Aggregate Floor Area	100m2 or 12% of site whichever is less	150m2 or 12% of site areas whichever is less	250m2 or 12% of site areas whichever is less
Max Wall Height	3.5m	3.5m	6m
Max Ridge Height	4.5m	5m	9m
Setbacks	As per scheme and R-codes		
Zincalume	No	No	No

Note – Applicants should be aware that land with a zoning of R17.5 or higher may be required to retain a defined portion of the lot as “open space” under R Code requirements, which may change the above requirements.

VARIATIONS TO POLICY PROVISIONS

Applications seeking variations to this Policy shall be determined in accordance with:

- The purpose and objectives of this Policy;
- The Local Planning Scheme –
 - Aims of the Scheme;
 - Reserve objectives;
 - Zone objectives; and
- Schedule 2 cl. 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 - Matters to be Considered by Local Government.
- Applications to vary from this policy may be requested to screen proposed outbuildings if visible from the street, relocating the outbuilding to another portion of the block if possible or any other condition imposed by Council to reduce the impact on the local amenity.

CONSULTATION

A proposal that is not in accordance with one or more clauses of this Policy may be advertised in accordance with the provisions of cl. 64 of the Planning and Development (Local Planning Schemes) Regulations 2015. Advertising may include:

- notification by post, email or other means of communication to property owners and occupiers that the Shire considers to be affected by the granting of development approval;
- Publication on the Shires website;

The cost of any advertising in a paper and/or signage shall be met by the applicant.

Local Planning Policy 1

Outbuilding Control



DEFINITIONS

Aggregate Floor Area means the gross total area of all floors of outbuildings on a lot. For the application of this policy this includes any roofed attachments.

Enclosed means an area bound on three or more sides by a permanent wall and covered by a water impermeable structure.

Outbuilding means an enclosed non-habitable structure that is detached from any dwelling, but not a garage. It also includes any roofed attachments.

Patio means an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.

R-codes means State Planning Policy 7.3 Residential Design Codes. These can be sourced at <https://www.dplh.wa.gov.au/rcodes>.

Roofed attachments means any roofed structure attached to, or within 500mm of, the outbuilding irrespective if they are an enclosed or unenclosed structure.

Unenclosed means an area bound on no more than two sides by a permanent wall/infilling feature.

RELATED LEGISLATION AND ADVICE

Local Government Act 1995

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Shires Scheme Maps can be located online at

<https://www.wa.gov.au/government/document-collections/shire-of-narembreen-planning-information#local-planning-scheme>

Development Application forms can be found on the Shire of Narembreen website <https://www.narembreen.wa.gov.au/the-shire/council-services/Building-and-Planning.aspx>

Questions on this policy or the Development Application process can be directed the Shire of Narembreen's Planning Consultant, Liz Bushby - Town Planning Innovations liz@tpiplanning.com.au, phone 0488910869.

DELEGATED AUTHORITY

Delegation HBP7 – Town Planning Functions allows CEO approval for applications which meet the Deemed Provisions or the parameters of this policy. However, all applications will be submitted to a meeting of Council for determination in the following circumstances:

- (a) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (b) Where written objection is received to the proposal from any statutory agency;

Local Planning Policy 1



Outbuilding Control

- (c) Where the proposal is inconsistent with the intent of the Town Planning Scheme, relevant Policies, Residential Design Codes, or any Outline Development Plan or Local Planning Strategy adopted by Council;
- (d) Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Town Planning Scheme or any Policy and written objections have been received within the time specified, unless in the opinion of the Chief Executive Officer:
 - (i) the proposal is for exercise of discretion under the R-Codes and is consistent with the intent of the Town Planning Scheme, Residential Design Codes and any relevant Policy; and
 - (ii) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
 - (iii) the objection does not relate to valid planning and development issues associated with the proposal.
- (e) Where, in the opinion of the Chief Executive Officer:
 - (i) Any of the requirements of this policy are not satisfied; or
 - (ii) There is insufficient certainty as to whether the application complies with the intent of the Scheme, Residential Design Codes or any relevant Council Policy; or
 - (iii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
 - (iv) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
 - (v) A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire.

REVIEW DATE

September 2024

HISTORY

Adopted: 20 September 2022	MIN: 7488/22
Reviewed:	MIN:
Reviewed:	MIN:

Council Policy

Significant Community Events



POLICY OBJECTIVES

To recognise Council's commitment in supporting significant annual community events.

POLICY SCOPE

Australia Day, Thank a volunteer day, ANZAC Day

POLICY DETAIL

That Australia Day be celebrated with BBQ breakfast and presentation ceremony of Citizen, Junior Citizen and Event of the Year held at the Narembeen Aquatic Centre on Australia Day with all catering and costs covered by Council.

That the Thank a Volunteer Celebrations be held by Council at a time determined by the Shire President and Chief Executive Officer each year.

That an Anzac Day ceremony be held on Anzac Day of every year with refreshments catered for by Council after the proceedings have finished. Services will be held at the Cenotaph before the town hall and refreshments will be in council Chambers

DEFINITIONS

Not applicable

RELATED LEGISLATION

Local Government Act 1995

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

November 2024

HISTORY

Adopted:	xxxxxxx	MIN:	xxxx/xx
Reviewed:	18/02/2015	MIN:	5896/15
Reviewed:	15/02/2017	MIN:	6367/17
Reviewed:	15/11/2021	MIN:	7290/21
Reviewed:	xxxxxxx	MIN:	xxxx/xx

Council Policy

Flying of Flags



POLICY OBJECTIVES

To ensure the flying of all flags are done so with the respect afforded to them.

POLICY SCOPE

This applies to flying of the National and Shire of Narembeen flag every workday.

POLICY DETAIL

The National Flag and the Shire flag are to be flown at the front of the main office daily.

The Australian Flag should always be placed to the left when looking at them from the street towards the Administration Office.

Flags are to be placed at half-mast on Remembrance Day from 10.30am to 11.02am and on national days of mourning as advised by the appropriate body.

Flags are to be placed at half-mast if there is a funeral in town.

When the flags are put up, the Australian flag **MUST** be flown first, followed by the Shire Flag.

When the flags are brought down, the Shire flag must come down first, followed by the Australian flag.

DEFINITIONS

Not applicable

RELATED LEGISLATION

Local Government Act 1995

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

November 2024

HISTORY

Adopted:	20/09/2006	MIN:	3615/06
Reviewed:	18/02/2015	MIN:	5896/15
Reviewed:	15/02/2017	MIN:	6367/17
Reviewed:	18/11/2021	MIN:	7290/21

Council Policy

Narembeen District High School – Academic Award



POLICY OBJECTIVES

Council to acknowledge the academic efforts of a local student at the end of each school year.

POLICY SCOPE

This policy applies to a student as nominated by the Narembeen District High School.

POLICY DETAIL

The Council will sponsor an Academic Award for a sum of \$300 each year to a student from the Narembeen District High School as selected by the school.

DEFINITIONS

Not applicable

RELATED LEGISLATION

Local Government Act 1995

DELEGATED AUTHORITY

Not applicable

REVIEW DATE

November 2024

HISTORY

Adopted:	xxxxxxx	MIN:	xxxx/xx
Reviewed:	18/02/2015	MIN:	5896/15
Reviewed:	15/02/2017	MIN:	6367/17
Reviewed:	16/11/2021	MIN:	7290/21

Council Policy

Child Safety Awareness



POLICY OBJECTIVES

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

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

This policy aims to:

- a) provide a framework for the provision of supportive resources to children and young people in the district.
- b) outline the Shire of Narembeen's commitment to support the safety and awareness of children and young people with a zero-tolerance approach to child abuse.
- c) reduce the risk of harm and child sexual abuse by encouraging child safe environments.

POLICY SCOPE

This Child Safe Awareness policy applies to all employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Narembeen. It applies to occupants of Shire facilities and venues, including visitors, contractors, and suppliers.

POLICY DETAIL

The Shire will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation:

- Developing a process to deliver child safe messages (for example at Shire venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

DEFINITIONS

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

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

Child Safe Organisation: means an organisation that:

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- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people.
- creates conditions that reduce the likelihood of harm to children and young people.
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm*
*in the context of the Shire, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Child safe: child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

Wellbeing: Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

POLICY PRINCIPLES

- The rights of children and young people are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

RELATED LEGISLATION

Corruption, Crime and Misconduct Act 2003

Freedom of Information Act 1997

National Principles for Child Safety Organisations

Public Interest Disclosure Act 2003r

Work Health and Safety Act 2020

Working with Children (Criminal Record Checking) Act 2004

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OTHER RELATED POLICIES

Fraud and Corruption Prevention
Legal Representation
Media Contact
Code of conduct Employees
Councillor Code of Conduct

DELEGATED AUTHORITY

NA

REVIEW DATE

March 2025

HISTORY

Adopted: 21/03/2023 MIN: 7561/23