Shire of Esperance

Policy Manual

SHIRE OF ESPERANCE USE ONLY
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FORWARD

This publication is a “living” document, which has been designed to serve as a tool for Council, staff and any other person who wishes to use it in their dealings with Council. It is only one of several reference guides to assist in conducting daily business with the Shire.

For operational purposes this document should be used in conjunction with the Management Practices Guidebook and the Delegations Register. Users should be mindful in the fact that in simple terms:

- Policy provides what can be done;
- Practices provide how to do it;
- Delegations provide who can do it.

It is important to note that Council’s adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

DEFINITIONS

POLICY: *“A course or principle of action”*

Policies will generally only be developed if they will further the achievement of the Shire’s strategic goals or contribute to the fulfilment of mandatory obligations. They are defined courses of action that should be followed in particular circumstances and are intended to give guidance to staff on what is permissible when dealing with certain matters. They guide the discretionary part of Council’s decision making and form an essential step in the delegation of Council powers.

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995.*

All Policies shall be reviewed at least once every two (2) years.

MANAGEMENT PRACTICE: *“A series of actions conducted in a certain order or manner to perform a task”*

Management practices represent the strategies and actions by which a policy is to be implemented and shall detail the steps and processes to be observed by staff.

Management Practices are a function of management and are subject to review at any time according to circumstances, to ensure that policies are being implemented in a correct, efficient and effective manner

COUNCIL POLICY

POL 0070: Private Connections to Shire Drainage

Purpose

To ensure suitable engineering details of a proposed drainage connection are submitted for consideration prior to any approval being issued by the Shire.

Water Sensitive Urban Design (USUD) and on-site retention of stormwater run-off is preferred by the Manager Asset Development if the site conditions are appropriate in relation to technical and amenity considerations, with the retention of run-off reducing the peak discharge of the downstream drainage system.

Scope

Document defines design requirements and method of determination of costs involved, for the connection of private properties or new developments to the Shire of Esperance stormwater drainage system. Policy affects any private landowner or developer wishing to link property drainage infrastructure in to the Shire's Stormwater drainage system.

Definitions

N/A

Practice

Any approval for private connection to Shire Drainage shall be subject to the following conditions -

1. The Shire must be given forty-eight (48) hours' notice by the applicant of the intention to undertake works within the road reserve. Shire inspection is required.
2. The applicant shall be responsible for determining and obtaining the necessary permits, etc. if required, to excavate near to or adjacent to any existing services. The applicant is fully responsible for contacting relevant service authorities to determine the exact location of services and will be responsible for any damage caused to services during the course of construction.
3. During the course of the works the applicant/property owner shall ensure the works are carried out by a suitably qualified tradesperson, and shall be responsible for all aspects of the works, including public safety. Traffic Management is to be in accordance with *AS 1742.3* and *MRWA Code of Practice for Traffic Management for Works on Roads*.
4. All works required pursuant to the conditions of approval shall be designed and constructed, at the applicant's cost, in accordance with the requirements of Shire of Esperance and *Australian Rainfall and Runoff*.
   Certified engineering design plans by a registered professional engineer will be required to be submitted for approval by the Manager Asset Development if requested by the Shire. Alternatively, the applicant may request Council to carry out the design and/or construction of the works subject to Shire resource

availability. Work undertaken by the Shire of Esperance shall be costed at Private Works rates.

5. All road verge areas, kerbing or footpaths/dual use paths affected by the works shall be reinstated to the satisfaction of the Manager Asset Development following completion of the drainage connection works. In the event of the work being considered unsatisfactory by the Manager Asset Development, the Shire will reinstate at the applicant's cost to Shire standards. Such cost shall be at Private Works rates.
6. A head works fee, paid by the applicant, for a connection to existing Shire of Esperance drainage shall be on the basis of the impervious area being added to the existing drainage system in relation to the total catchment area. The headworks fee is to be as per Council's annual schedule of fees and charges.
7. Where downstream stormwater drainage will require upgrading as a direct result of a proposed connection, the applicant will be responsible for a portion of the associated augmentation costs as determined by the Shire. In determining such costs the Shire will consider the anticipated stormwater runoff from the relevant fully developed catchment and the proportion of runoff contributed to the system by the proposed connection. The Shire reserves the right to refuse connection or stage augmentation works of downstream drainage to accommodate a specific connection.
   Contributions of actual works, in lieu of cash, may be acceptable subject to the discretion of the Shire.
8. Where stormwater drainage systems deemed necessary to serve a development by the Manager Asset Development do not exist, the applicant will be responsible for a proportion of the design and construction costs of the required system to a nominated legal point of discharge. The applicant's contribution shall comprise the lesser of the following:
   a. The relevant proportion of the cost to design and construct a suitable drainage system for the fully developed catchment as determined in accordance with Shire of Esperance drainage guidelines, *Water Sensitive Urban Design (USUD)* and current *Australian Rainfall and Runoff*. In determining such costs the Shire will consider the anticipated design discharge from the fully developed catchment and the proportion of runoff contributed by the proposed development; or
   b. The cost of the design and construction of a suitable stormwater drainage system from the proposed development to a legal point of discharge as nominated by Council. The subject stormwater drainage system shall be constructed in accordance with Shire' drainage guidelines and *Australian Rainfall and Runoff*.

Council reserves the right to refuse connection or staged construction of the downstream drainage to serve a proposed development. Contributions of actual works in lieu of cash may be acceptable subject to the discretion of Council.

.....End.....

Document Information

Responsible Position	Manager Asset Planning & Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *AS 1742.3*
- *MRWA Code of Practice for Traffic Management for Works on Roads*
- *Water Sensitive Urban Design (USUD)*
- *Australian Rainfall and Runoff*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 1994	1		New policy	O0194-164	Jan 1996
Sept 2007	2	D12/60			Sept 2009
Feb 2016	3	D16/28964	Update to current names and titles. Changes to some wording to match current practices, guidelines and standards.	O0216-042	Feb 2018
Aug 2018	4	D16/28964[v2]	Minor changes.	O0818-091	Aug 2020
Dec 2019	5	D16/28964[v3]	Minor amendments to wording.	O1219-268	Dec 2021
Mar 2022	6	D16/28964[v4]	No change.	O0322-062	Mar 2024
Mar 2024	7	D16/28964[v5]	Added scope.	O0324-023	Mar 2026
Mar 2026	8	D16/28964[v6]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0072: Permanent Road Closures

Purpose

To allow the Shire to consider applications from adjacent landowners to have a road reserve closed.

Scope

Document details points for consideration upon receival of a request from an adjacent landowner for the permanent closure of a road reserve. Policy affects property owners with lots adjacent to road reserves who wish to have said road reserve closed permanently as well as Shire staff required to assess these requests.

Definitions

N/A

Practice

The Shire will consider, on representation from adjacent landowners, to approach the relevant authorities to have a road reserve closed.

Processing of such an application will be considered on the following basis -

1. That the closure is consistent with the Shire of Esperance Functional Road Hierarchy.
2. That the road reserve is not required for reasons of planning, particularly in relation to future land development and access.
3. That road reserves containing native vegetation should be retained to preserve the existing flora and fauna within the reserve.
4. That the road reserve has potential for future native vegetation offsets/land swaps in pursuit of natural resources.

That if a road is closed the land within the reserve may be annexed to adjacent holdings.

.....End.....

Document Information

Responsible Position	Manager Asset Planning & Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2004	1		New policy.	O1004-0967	Oct 2006
Sept 2007	2	D12/57			Sept 2009
Feb 2016	3	D16/28966	Change 'Council' to 'the Shire'. Additional bullet point regarding native vegetation offsets/land swaps.	O0216-042	Feb 2018
Aug 2018	4	D16/28966[v2]	No change.	O0818-091	Aug 2020
Dec 2019	5	D16/28966[v3]	Minor amendments to wording and removal of some wording in points 1 and 3.	O1219-268	Dec 2021
Mar 2022	6	D16/28966[v4]	No change.	O0322-062	Mar 2024
Mar 2024	7	D16/28966[v5]	Added scope.	O0324-023	Mar 2026
Mar 2026	8	D16/28966[v6]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0073: Street Verge Development

Purpose

To provide an opportunity for residents to develop and maintain street verges and to ensure that street verges within the Shire of Esperance are managed and developed to an appropriate and consistent standard, with due regard to streetscape amenity, aesthetics and public safety.

Scope

This policy applies to townsite street verges within the Shire of Esperance.

Definitions

N/A

Practice

Background

Street verges make an important contribution to the aesthetic nature of the Shire of Esperance. A street verge can provide amenity value and add character whilst providing a range of environmental, social and economic benefits. Street verges are typically described as the area of land between a road edge and the adjacent property boundary.

The Shire recognises that the appearance of a verge is important to property owners/ occupiers because of the significant aesthetic impact on their dwellings. The Shire maintains street verges with available resources with a priority on verges adjacent to public sites, community assets and infrastructure or based on broader community benefit. The Shire encourages property owners/ occupiers to maintain and develop verges adjacent to properties in line with this policy.

Policy

Street verge development and maintenance may be undertaken by adjacent landowners in accordance with the relevant conditions.

Conditions

1. A person shall not plant and maintain a garden or lawn on a street verge -
    a. such that it extends beyond the frontage of the adjoining/abutting property in respect of which the approval is granted;
    b. such that it encroaches on the pavement of the carriageway or a constructed path or adversely impacts on Shire infrastructure;
    c. such that it encompasses earth mounding, rocks, retaining walls or built structures, i.e. fountains, ponds; or
    d. to the exclusion of any public pedestrian access.
2. The owner or occupier of land abutting a street verge, in which a lawn or garden is to be planted and maintained, shall make arrangements to determine the

location of public utilities which may be located within the road reserve, prior to installation and shall be liable for damage to any utilities or shire infrastructure.

3. Street verge development in line with this policy does not give the person the right to clear native vegetation or alter or damage any street trees.

Permissible Treatments

The owner or occupier of land abutting onto a street verge may, on the street verge in front of such land, install one of the following five treatments:

Treatment One – Lawn

1. Plant and maintain a lawn subject to -
    a. The owner of land abutting a portion of a street verge in which a lawn is planted, ensuring that any water pipe laid to that lawn:
    b. Is kept beneath the surface of the road reserve, at a depth of not more than 300mm no less than 150mm and so that any fitting connected to a pipe does not project above the surface of the lawn or garden.
    c. If connected to a public water supply, complies with the requirements of the Water Corporation being the body constituted for, and having control of water in the district.
    d. If connected to a private water supply, where passing under road, pavement, made footpaths, or crossings, is of at least class 12 PVC piping.
    e. Has approved valves, located within the private property where they are connected to the water supply and is fitted so as to give complete control of the flow and isolation of water for that supply.
    f. Irrigation sprinklers must be positioned to minimise water spraying on either pedestrian pathways or vehicle carriageways and adjacent properties.

Treatment Two – Native Verge Garden

Plant and maintain a garden subject to -

1. The Shire encourages the residents to plant native species that are drought tolerant and water saving verge treatments. The Shire permits a native verge garden to be mulched.
2. No part of the garden (plant, or other vegetation making up the garden) exceeding a height of 750mm (excluding approved street trees).
3. No plant or other vegetation making up the garden being of an invasive, thorny or poisonous nature or otherwise creating a hazard.
4. Where there is no footpath, a 2.0m wide strip parallel and adjacent to the kerb being provided and this area being sufficiently stable for pedestrian traffic and as approved by the Manager Asset Development.
5. In the event that portion of the garden being lawn or involving the installation of irrigation infrastructure, that development complying with Treatment One as described above.

Treatment Three – Hard Surface and Part Paved Areas

Portion of a street verge may be treated with an ‘acceptable material’ subject to -

1. The area of hard surface being limited to a maximum of 33% of the total area of the verge (excluding any crossover).
2. Hard surface treatments being installed to accommodate vehicle loadings in compliance with the Shire’s specifications for the construction of residential crossovers.
3. The remainder of the street verge being developed with lawn or garden.
4. In the event that lawn or garden is planted on the remaining portion of the road reserve, that development complying with Treatment One and or Treatment Two described above.

Treatment Four – Complete Hard Surface and Paved Area

The Shire at its discretion may approve the paving of an area which is greater than 33% of the total verge (excluding existing crossovers) with an ‘acceptable material’ subject to -

1. A proven need
2. In the opinion of the Shire, not constituting a negative impact on the aesthetic and amenity value of the existing streetscape.
3. An appropriate storm water drain disposing of excess water into an approved soak well system.
4. The construction of the drain and soak well being installed to specifications approved by the Shire.

Treatment Five – Verge Stabilisation

The street verge may be stabilized with a 50mm thick permeable layer of gravel, crushed limestone material or scalps to stabilize sandy surfaces. It is the landowner’s responsibility to maintain the surface to a smooth uniform finish.

<u>Obligations of Owner or Occupier</u>

Maintenance of street verge landscaping (apart from a street tree if present) is the responsibility of the owner and/or occupier of the property adjoining the street verge.

An owner or occupier who installs or maintains an approved verge treatment shall -

1. Keep the approved verge treatment in a good and tidy condition and ensure, where the verge treatment is a native garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment.
2. Not place any obstruction on or around the verge treatment.
3. Not disturb a footpath on the verge.

<u>Interpretation</u>

This Policy is to be read in conjunction with the Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2016* and Shire *Street Tree Policy*.

The term 'acceptable material' includes mulch, brick paving, bitumen, concrete, compacted metal dust/scalps/crushed limestone and paving slabs. Materials not classified as acceptable include crushed brick rubble, pea gravel or any other material deemed by Council to be unstable or unsuitable.

Implementation

1. Verge development in accordance with Treatments Two, Three and Four require written approval of the Shire.
2. Applications for verge development in accordance Treatments Two, Three and Four are to include a plan detailing the proposed verge development, including the portions of any proposed garden beds, trees, shrubs and paved areas.
3. Applications must include details of any proposed plant species, noting that unsuitable species, such as those of an invasive, thorny or poisonous nature will not be approved.

.....End.....

Document Information

Responsible Position	Manager Parks and Environment
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016*
- *Street Tree Policy*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2003	1		New policy	O0203-0509	Feb 2005
Sept 2007	2	D12/71			Sept 2009
Feb 2016	3	D16/28968	Remove statement of intent – covered under objective. Remove item 3 under associated procedure and move to 'Treatment Two – Garden' item 5. Addition of fifth permissible treatment – Verge Stabilisation	O0216-042	Feb 2018
Aug 2018	4	D16/28968[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	5	D16/28968[v3]	Change responsible officer, minor wording changes, inclusion of landowner responsibility to maintain verges adjacent to their property.	O1219-268	Dec 2021

Mar 2022	6	D16/28968[v4]	Update background to specify Shire responsibilities. Include paragraph in Obligations of Owners and Occupiers to specify responsibilities. Minor wording updates throughout.	O0322-062	Mar 2024
Mar 2024	7	D16/28968[v5]	Change title to Street Verge Development, amend scope, add point 3 under conditions.	O0324-023	Mar 2026
Mar 2026	8	D16/28968[v6]	Include provision for owners/occupiers to maintain verges adjacent to their properties. In Conditions section, include shire infrastructure to point 2 and 'alter or damage street trees' to point 3. Include reference to native verge garden, and hard surface treatments. Include mulch and crushed limestone as acceptable materials.	O0326-053	Mar 2028

COUNCIL POLICY

POL 0074: Mineral Exploration Within Land & Road Reserves Managed by the Shire of Esperance

Purpose

To allow consideration of applications from mining companies to undertake exploratory drilling in reserves, freehold land and road reserves under the management of the Shire.

Scope

This policy applies to all mineral exploration within land and road reserves managed by the Shire of Esperance.

Definitions

N/A

Practice

The Shire will consider application from mining companies to undertake exploratory drilling in reserves, freehold land and road reserves under the management of the Shire. Approval will generally be granted subject to applicant agreeing to and undertaking the conditions and requirements as outlined in the below section, excluding the following areas (and adjacent areas) -

1. Within any town site boundaries.
2. Rural residential, rural small holdings and industrial zoned land as defined by the latest Local Planning Scheme.
3. Coastal reserves, conservation reserves, waterways or sensitive area deemed to have social, cultural, commercial, local economic or environmental value.

A breach of any of the conditions and requirements by the applicant (or their contractor or sub-contractor or agent etc.) will result in their approval being revoked, with exploration to immediately cease within any land managed by the Shire. The applicant will need to reapply for approval demonstrating how they will not breach the conditions and requirements again.

<u>Conditions and Requirements</u>

The following are the conditions and requirements relating to applications for Mineral Exploration within reserves, freehold land and road reserves under the management of the Shire -

1. The Shire is to be provided with a plan showing the sites of all proposed drilling operations prior to commencement.
2. No drilling is permitted within the running surface or shoulder of any road unless explicitly approved by the Shire of Esperance. This will only be considered on minor tracks outside the farming land.

3. Exploration to proceed with minimal interference with flora and fauna contained within the area under exploration. Any removal of native vegetation to be in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
4. The applicant must, where necessary, rehabilitate exploration sites where native vegetation is disturbed.
5. Exploration to be in accordance with the requirements under the current Aboriginal Cultural Heritage Act, Regulations and associated Guidelines.
6. Drilling operation to cease during periods when there is a total fire ban declared or a harvesting and vehicle movement issued in the area of exploration.
7. The Shire is to be provided with detail of any gravel reserves or potable water supplies which may be discovered during the drilling operation.
8. The holder of the Exploration License must undertake drilling operations in such a manner so as to -
    a. prevent the interaction of aquifers (this may require casing of drill holes); and
    b. avoid interference with aquifers tapped by private water supplies.
9. Where the exploration is within a road reserve or near a public road, a Traffic Management Plan (TMP) is required to be submitted as part of the application. The TMP is to be undertaken by a qualified person be in accordance with -
    a. AS 1742.3:2019 Manual of uniform traffic control devices Part 3 Traffic control for works on roads;
    b. MRWA Code of Practice for “Traffic Management for Works on Roads”; and
    c. Austroads Guide to Temporary Traffic Management (AGTTM).
10. The applicant must indemnify the Shire against any claims for injury and property damage that may be sustained by members of the public as a result of drilling operations.
11. All drill holes in the road reserve are to be maintained to ensure public and animal safety. All drill holes are to be reinstated upon completion of the exploration.
12. Any surfaces disturbed during the operations to be reinstated to the satisfaction of the Director of Asset Management. In the event of the work being considered unsatisfactory by the Director of Asset Management the Shire will reinstate at the applicant’s cost to Council standards. Such cost will include the Shire of Esperance Private Works On-Cost.
13. A breach of any of the conditions and requirements by the applicant (or their contractor or sub-contractor or agent etc.) will result in their approval being revoked, with exploration to immediately cease within any land managed by the Shire.

The applicants must provide the Shire with correspondence agreeing to or addressing the 13 dot points above.

This Policy does not remove the need for any approvals required under relevant legislation, including the *Mining Act 1978* and the *Environmental Protection Act 1986*.

.....End.....

Document Information

Responsible Position	Manager Asset Planning & Development
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Mining Act 1978*
- *Environmental Protection Act 1986*
- MRWA Code of Practice for “Traffic Management for Works on Roads"
- AS 1742.3:2019 Manual of uniform traffic control devices Part 3 Traffic control for works on roads
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- Aboriginal Cultural Heritage Act, Regulations and associated Guidelines
- Austroads Guide to Temporary Traffic Management (AGTTM)

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2004	1		New policy	O1004-0967	Oct 2006
Sept 2007	2	D12/50			Sept 2009
Feb 2016	3	D16/28969	Addition of current standards and Code of Practice for Traffic Management purposes and guidelines regarding drill holes in road reserve. Update to current names and titles. Remove prescriptive descriptions regarding Private Works on costs.	O0216-042	Feb 2018
Aug 2018	4	D16/28969[v2]	No change	O0818-091	Aug 2020
Dec 2019	5	D16/28969[v3]	No change to wording.	O1219-268	Dec 2021
Mar 2022	6	D16/28969[v4]	No change	O0322-062	Mar 2024
Aug 2023	7	D16/28969[v5]	Include land managed by the Shire instead of just road reserves, exclusion of specific areas, revocation of approval if breaches occur, and provision that drilling within road running surface or shoulder is only allowed upon explicit approval by the Shire. Changes to reflect current terminology and references.	O0823-150	Aug 2025
Mar 2024	8	D16/28969[v6]	Biennial review, no change.	O0324-023	Mar 2026
Mar 2026	9	D16/28969[v7]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0075: Delegated Authority to Approve Off-Site Signage on Main Roads

Purpose

To allow the Shire to consider applications for off-site signage, under delegation of authority on Main Roads.

Scope

Document details the principles to be considered when approving signage which is visible from the road carriageway but is located within private property. Policy affects land and business owners wishing to install signage on private property and Shire required to assess these requests.

Definitions

Off site: refers to locations outside the road reserve.

Practice

The following principles are to be applied when using delegated authority relating to applications for off-site signage on main roads.

Delegated Authority Relating to Main Roads Sign Categories 2, 3 and 4.

The following principles will form the basis of the Shire's consideration of applications for off-site signage, under Delegation of Authority relating to Main Roads.

1. Farm signage of a directional, non-commercial nature will be permitted in road reserves in compliance with relevant Main Roads General Permission Criteria. Wherever possible, directional farm signage will be positioned adjacent to the farm property entrance.
2. All approved signage must be kept in a well maintained condition and remain relevant to the advertised business name and activity, or farm locality.
3. Approved signage will be licensed for a five (5) year period, with common expiry date of 31 December.
4. To assist the Shire to comply with Main Roads General Permission Criteria Chapter 9.1.2 (Traffic Hazard Potential), private landowners are permitted one (1) commercial sign only per lot/location.
5. Failure to comply with Statement of Principles or maintain Main Roads General Permission Criteria will terminate the license and require removal of signage by owner.

Under these arrangements, approved commercial advertising is restricted to private property and directional signage only may be permitted in road reserves.

The Chief Executive Officer is authorised to convey the requirements to existing off-site owners and ensure compliance is maintained with Main Roads General Permission Criteria.

Council first accepted Mains Roads delegated authority for the management of Category 2 signs within the Shire in 1997.

In 1998 Council accepted Main Roads delegated authority for the control and management of Category 3 and 4 type signage within the Shire.

.....End.....

Document Information

Responsible Position	Manager Asset Planning & Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2003	1		New policy	O1203-0751	Dec 2005
Sept 2007	2	D12/27			Sept 2009
Feb 2016	3	D16/28971	Change 'Council' to 'the Shire'	O0216-042	Feb 2018
Aug 2018	4	D16/28971[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	5	D16/28971[v3]	Point one deleted as this forms part of the Signage Local Planning Policy.	O1219-268	Dec 2021
Mar 2022	6	D16/28971[v4]	No change	O0322-062	Mar 2024
Mar 2024	7	D16/28971[v5]	Added scope and definition.	O0324-023	Mar 2026
Mar 2026	8	D16/28971[v6]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0076: Guidelines for Subdivisional Development

Purpose

To provide a guide to assist the Shire and the development industry in managing the assessment and approval processes relating to the installation of roads, drainage, footpaths, earthworks, streetscapes and public open space in new subdivisions and developments.

Scope

Document intended to provide Shire staff and Developers information on the required standards/specifications on roads, drainage, footpaths, earthworks, streetscapes and public open space in new subdivisions and developments.

Definitions

N/A

Practice

The Shire will use the latest versions of the *Local Government Guidelines for Subdivisional Development* document produced by the Institute of Public Works Engineers Australia (WA Division Inc.) (IPWEA) as the base guidelines for assessing and approving subdivisions and developments in relation to asset infrastructure requirements.

.....End.....

Document Information

Responsible Position	Manager Asset Planning & Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government Guidelines for Subdivisional Development*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2010	1	D12/43	New policy	O0310-1426	Mar 2012
Feb 2016	2	D16/28973	Remove prescriptive descriptions regarding Regional Road Development Strategy. Change 'Council' to 'the Shire'	O0216-042	Feb 2018
Aug 2018	3	D16/28973[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	4	D16/28973[v3]	Removal of operational wording which is contained within the Guidelines.	O1219-268	Dec 2021
Mar 2022	5	D16/28973[v4]	No change	O0322-062	Mar 2024

Mar 2024	6	D16/28973[v5]	Added scope.	O0324-023	Mar 2026
Mar 2026	7	D16/28973[v6]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0077: On-Farm Drainage

Purpose

To ensure guidelines are in place for the placement of drainage infrastructure within Shire controlled road reserves for the management of On-Farm Drainage.

Scope

Document provides guidance on the requirements for land owners and Shire officers involved in the process of obtaining/approving on farm drainage modifications where this drainage discharges into shire reserves.

Definitions

N/A

Practice

Where appropriate, Council may allow drainage infrastructure to be placed within the road reserve to control and direct the disposal of on farm drainage from a rural property.

This policy will deal with the two main types of drainage being subsurface drainage and overland flow drainage.

Subsurface Drainage

The following conditions need to be met for approval of drainage infrastructure within the road reserve –

1. All pipes are to be class 4 concrete pipes unless otherwise agreed by the Director Asset Management.
2. Pipes are to be installed from property boundary to property boundary unless otherwise agreed by the Director Asset Management.
3. Pipes are to have a minimum of 300mm of compacted gravel as coverage.
4. The minimum pipe size for drains over 1m deep will be 600mm.
5. The minimum pipe size for drains less than 1m deep will be 450mm.
6. End walls are to be installed on both ends of the pipe including concrete foot and toe walls.
7. Overland flows should be excluded through the use of bunding or embankments on the channels.

Overland Flow Drainage

The following conditions need to be met for approval of drainage infrastructure within the road reserve –

1. The applicant shall engage a suitable qualified engineer to provide all details including the upstream catchment area, natural catchment characteristics, design discharge calculations and the size and type of drainage structure

required to cater for the catchment discharges based on design storms as defined in Council's Subdivisional Design requirements for Rural Subdivisions.
2. Catchment information provided shall accurately define the contributing areas and include contour information at a maximum of 1m intervals.

Common

The following conditions are common to both the Subsurface and Overland Flow drainage requirements for infrastructure within the road reserve –

1. All appropriate permits and approvals need to be obtained by the applicant. The approvals must be sited by shire staff prior to works commencing on site.
2. The applicant must provide written approval from all downstream property owners within the subject discharge area.
3. All works within the road reserve are to be carried out by the shire or its nominated sub- contractor and shall be charged at private works rates.

Applicants will be required to complete a Rural Drainage Management application form and address all of the above requirements, dependent on the type of drainage discharge to be directed across the road reserve, prior to approvals being issued.

Council reserves the right to pursue payment of compensation from any landowner for damage to Council infrastructure caused by drainage operations that have occurred without adherence to this policy or Council approved conditions.

.....End.....

Document Information

Responsible Position	Manager Asset Operations
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2009	1		New policy	O0709-1264	Jul 2011
Feb 2016	2	D16/28974	Change to reflect approval requirements and minimum sizing of pipes.	O0216-042	Feb 2018
Aug 2018	3	D16/28974[v2]	No Change	O0818-091	Aug 2020
Dec 2019	4	D16/28974[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	5	D16/28974[v4]	No change	O0322-062	Mar 2024
Mar 2024	6	D16/28974[v5]	Added scope.	O0324-023	Mar 2026
Mar 2026	7	D16/28974[v6]	Biennial review, no change.	O0326-053	Mar 2028

COUNCIL POLICY

POL 0078: Street Tree

Purpose

This policy is designed to protect and preserve trees in streets and public open space. It provides rules to determine what species can be planted, circumstances under which they can be removed or pruned, and their ongoing management.

Scope

This policy applies to all street trees within the Shire of Esperance.

Definitions

Tree: is defined in the Shire's Thoroughfares and Public Places Local Law as a woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 4 metres or more.

Naturally Occurring Tree: has developed through the Shire's Parks and Reserves' practices to mean a remnant of a natural area (e.g. Bushland, wetland, and coastal dune) that was originally intact but subsequently cleared for development as recreational parkland, residential lot, road reserve etc.

Practice

The Shire recognises the significance of street trees within the urban setting in terms of creating functional and aesthetic streetscapes and has the responsibility of planning, establishment and maintenance of all street trees in the town site. The Shire recognises street trees as a Shire asset and the retention of street trees will be considered as a priority.

In general, the Shire will plan for the retention and protection of suitable trees within public open space, verges and proposed road reservations, and for urban enhancement by the planting of selected trees. Specifically -

1. The Shire shall give consideration to the use or retention of street trees as a priority as part of any streetscape in its planning process.
2. Naturally occurring trees, where appropriate, shall be retained within the streetscape.
3. Selection of new varieties shall be in accordance with landscape requirements, taking into account local conditions and circumstances.
4. Public utility providers and land owners shall consult with the Shire prior to undertaking any work on public open space, verges and road reservations containing street trees and any works within tree protection zone.

<u>Street Tree Planting</u>

The Shire is responsible for the planting of all street trees, specifically -

1. The Shire shall undertake tree planting on streets, as identified under its long term programme.

2. Subject to Shire approval Residents/occupants may be permitted to plant their own street tree in accordance with the Shire specifications.
3. The following serve only as guidelines for all street tree plantings. Variations under exceptional circumstances shall be at the discretion of the Director Asset Management.
    a. Plant at least three metres away from any public utility junction box, manhole, pole or aerial feeder line.
    b. Plant in accordance with utility providers *Code of Practice* relating to the street tree alignment.
    c. Generally plant trees on a spacing interval of one tree per property frontage with similar spacing being maintained on large frontage lots.
    d. Plantings near road intersections and driveway crossover will be subject to pedestrian and motorist safety assessment.

Street Tree Watering

The Shire is responsible for the post planting care and maintenance of all street trees. However, residents/occupants are encouraged to assist with street tree watering. Specifically -

1. Council shall undertake the watering of all new street trees, as and when required, until the trees are established.
2. Street tree watering shall include all Council's programmed plantings.
3. Residents/occupants shall be encouraged to water their street tree during the establishment period.
4. Council shall adopt appropriate practices of post planting care to ensure the survival of all trees planted.

Pruning of Street Trees under Power Lines

The Shire is responsible for the pruning of all street trees under power lines.

1. The Shire shall undertake the pruning of all street trees under powerlines on a programmed basis.
2. Programmed street tree pruning shall include trees on the side of the street affected by overhead powerlines as well as trees affected by electrical feeder lines to individual properties on the opposite side of the street.
3. Programmed pruning shall not normally include trees on the opposite side of the street to powerlines.
4. Programmed pruning is to be planned each year, on a needs basis.
5. Pruning will be undertaken in accordance with *Australian Standard 4373 – Pruning Amenity Trees*
6. Programmed street tree pruning shall be to normally fulfil any of the following requirements -
    a. To clear the canopy from interference with overhead powerlines and other essential services
    b. To remove overhanging branches considered hazardous to traffic, buildings or structures

c. To under-prune low growing branches considered hazardous to traffic or pedestrians
d. To form the shape of developing trees
e. To re-define the framework of mature trees
f. To rejuvenate vigour into unthrifty growth
g. To reduce crown density or to redistribute growth to lateral branches
h. To remove dead, dying, diseased or pest infested limbs and branches
i. Other as required based on tree inspections by shire staff

Pruning of Street Tress not Affected by Powerlines

The Shire is responsible for the pruning of all street trees not affected by powerlines. Landowners are not permitted to directly prune street trees.

The Shire will investigate requests for pruning street tree not under power lines and respond in accordance with adopted procedures. Specifically -

1. Under its programmed pruning schedule, the Shire shall crown thin, under prune, property line prune and remedial prune selected street trees unaffected by power lines, this pruning will be undertaken in the interests of -
    a. Public safety
    b. Reducing structural risk to the tree
    c. Removing growth abnormality or disease, from the tree
    d. Other as required based on tree inspections by shire staff
2. Where residents/occupants contact the Shire with a request to prune a tree unaffected by power lines, the following procedure is to be followed -
    a. The tree is physically inspected. An inspection report is to be completed, containing relevant statistical details.
    b. All results and recommendations from these inspections and reports are to be considered prior to any discussion and a final decision on action to be taken with the tree.
    c. In the event of a specific issue relating to pruning of significant trees, unaffected by power lines not being adequately covered by this policy/procedure, the matter is to be referred to Council for consideration and determination.
3. The following are not considered sufficient reasons for pruning trees -
    a. The tree obscures or may potentially obscure views (other than traffic / pedestrian sight lines).
    b. The tree variety is a nuisance by way of leaf, fruit and bark shedding or the like.
    c. The tree shades private gardens, solar hot water systems or the like.
4. Ownership and maintenance of all street trees is the responsibility of the Shire; Residents are not permitted to prune any street tree without prior approval.

Unauthorised Street Tree Planting

Street trees planted without the Shire's approval are considered unauthorised plantings, but may be retained subject to certain conditions being met. Specifically -

1. An unauthorised street tree planting shall constitute any one of the following -

a. A tree planted without the authority of the Shire
b. A tree planted of an inappropriate variety for verge planting or under powerlines

2. Where an unauthorised street tree planting is identified, the Shire shall determine whether the planting can be retained if it conforms to the Shire's Specifications.
3. Where the planting is of a recent origin and the tree is of a conforming variety but on the wrong alignment or spacing, the Shire shall appropriately relocate the tree after the resident/occupant has been notified and providing the variety lends itself to transplanting.
4. All unauthorised street tree plantings that are retained will become the ownership of the Shire.

Street Tree Removal

The Shire recognises the significant contribution made by street trees to both the aesthetic and environment aspects of existing streetscapes within the Shire. The Shire recognises street trees as a Shire asset and the retention of street trees will be considered as a priority. Landowners are not permitted to directly remove street trees.

It also recognises that in some cases, tree retention may not be desirable, feasible or reasonable, owing to condition, location or species of the tree, its implications for development on an abutting site and/or the achievement of other Council objectives. The Shire will not remove street trees except where retention is considered undesirable, such as where: exceptional circumstances exist relating to public risk and safety; the tree species is not an approved variety and is not acceptable to the Shire; or the tree precludes redevelopment of an adjoining site, with no other reasonable design alternative to removal.

The Shire is responsible for the removal of street trees. Unauthorised removal of any street tree is not permitted. Owing to the hazardous nature of the task, residents/occupants will not be permitted to remove any street trees themselves. All approved removals shall be undertaken by the Shire or its nominated contractor.

Specifically -

The Council shall normally undertake the removal of trees (based on quotation from its preferred contractor) under the following circumstances -

1. The tree is diseased and beyond remedial treatment, or dead; The tree has been assessed by the Shire as structurally weak and dangerous, placing the public at risk;
2. The tree has been irreparably damaged by a storm;
3. The tree is hazardous to motorists/pedestrians owing to interference in suitable sightlines presented by the trees alignment or spacing;
4. The tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the tree have been deemed by the Shire to be inappropriate;

5. The tree is dangerously in contact with overhead powerlines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping;
6. The tree impinges on the development potential of the abutting property(s) with no reasonable design alternatives existing. A 'reasonable design alternative' may involve -
    a. Deletion of second/additional crossovers to development sites and the requirement for shared access;
    b. The altering of development design to relocate crossovers out of the way of street trees;
    c. The tapering of driveways to a maximum of 1 in 5 to avoid the street tree.
7. Driveways/crossovers should be located a minimum of 1.0m away from a street tree depending on tree type and location, sight lines and traffic safety, and the capacity to avoid future damage to the crossover through the installation of root barriers.
8. Redesign to retain street trees involving the following will not normally be required of applicants -
    a. Access design not meeting the Shire's traffic safety requirements;
    b. Changes affecting the number of dwellings the lot is capable of sustaining under the zoning;
    c. For developments involving 3 or fewer dwellings, the relocation of infrastructure/services costing more than $5,000, or, in other circumstances, an unreasonable cost impost. Redesign costs will not be taken into account as the R-Codes clearly require avoidance of street trees as a routine requirement;
9. Where street tree removal is approved as part of a development approval, this will be noted as advice on the approval. The approval will also be conditioned to require the applicant to meet the cost of removal by the Shire or authorised contractor and the replacement of the tree(s) with a 45L (or as otherwise approved) tree of a species acceptable to the Shire. The applicant will also be required to maintain (water) the new trees for the first two summers.
10. Relevant planning approvals may include the following advice note: *"The vehicular access shown in this application has been assessed and determined based upon the location of street trees as shown on the submitted plans. It is the responsibility of the applicant to ensure this information is correct as any inaccuracy of the plans will not be considered justification for removal of the trees in the event that their positions incorrectly shown. Removal of street trees without written approval of the Council is an offence."*
11. Significant conflict with another planning objective of the Shire.
12. The following are not considered sufficient reason for the removal of trees -
    a. The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
    b. The tree variety is disliked;
    c. The tree variety is a nuisance by way of leaf, fruit and/or bark shedding or the like;
    d. The tree causes allergy and/or health problems;

e. The tree is in the way of a non-essential crossover or verge paving option;
f. The tree shades private gardens, solar hot water installations or the like.

.....End.....

Document Information

Responsible Position	Manager Parks and Environment
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Street Tree Strategy 2023*
- *Shire Road Verge Development Policy*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2013	1		New policy	O0913-005	Sept 2015
Feb 2016	2	D16/28976	Update to current names and titles. Remove prescriptive description regarding street tree planting and change to reflect utility providers Code of Practice. Additional section regarding non-sufficient reasons for tree pruning.	O0216-042	Feb 2018
Aug 2018	3	D16/28976[v2]	Rewording to determine Shire's responsibility, minor formatting.	O0818-091	Aug 2020
Dec 2019	4	D16/28976[v3]	Change responsible officer, minor wording amendments, inclusion of trees being shire assets and retention being priority, to be read in conjunction with Verge Development Policy.	O1219-268	Dec 2021
Mar 2022			Laid on table for further review	O0322-062	Mar 2024
Aug 2023	5	D16/28976[v4]	minor updates to better reflect the policies application and the inclusion of the policy apply to public open spaces.	O0823-148	Aug 2025
Mar 2024	6	D16/28976[v5]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	7	D16/28976[v6]	Include references to specify that landowners are not permitted to prune or remove street trees.	O0326-053	Mar 2028

COUNCIL POLICY

POL 0079: Commercial Wildflower Harvesting and Native Seed Collecting

Purpose

To maintain control of the number of commercial wildflower picking and native seed collecting operations via licensing.

Scope

The Council may approve applications from persons licensed as Commercial Wildflower Pickers and Native Seed Collectors by the Department of Biodiversity, Conservation and Attractions to pick flora, or seeds of flora, from road and crown reserves under the control and management of the Shire of Esperance.

Definitions

N/A

Practice

Applications shall be considered on the following basis -

1. The applicant shall hold a current Commercial Wildflower Pickers and Native Seed Collectors Licence issued by the Department Biodiversity, Conservation and Attractions.
2. The applicant shall submit a Commercial Wildflower Harvesting and Native Seed Collectors permit application form to the Shire for consideration.
3. The applicant shall nominate the specific roads, portions of roads or reserves from which they seek permission to pick and harvest from.
4. The applicant shall supply detail of the vehicle/s they will be using for picking activities.
5. All permit applications will be assessed by the Shire Environmental Services Team in Asset Management to determine if the nominated site/s are suitable and to ensure the proposed activities will not cause any long term environmental impact.
6. The permit holder shall maintain records of the quantity of all varieties picked and harvested and provide an annual report to the Shire.
7. The permit holder shall not clear any portion of a road or reserve to gain access to flora, only existing access tracks may be used.
8. The permit holder shall comply with all conditions imposed by the Department Biodiversity, Conservation and Attractions in accordance with their Commercial Pickers and Seed Collectors Licence, failure to comply with these conditions may result in the Shire permit being revoked.
9. The permit holder shall comply with all traffic management requirements in accordance with AS 1742.3 and the relevant Main Roads WA Code of Practice whilst undertaking picking and harvesting activities within a road reserve.

10. The permit holder shall comply with any Dieback or invasive species hygiene management practices imposed as part of the permit conditions.
11. Permits will be issued on a standard form.
12. An annual fee as determined by Council or part thereof is payable.
13. Permits to have a common expiry date being 30th June.
14. Permits are not transferable.

.....End.....

Document Information

Responsible Position	Manager Parks and Environment
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 1998	1		New policy	O0998-094	Sept 2000
Sept 2007	2	D12/21			Sept 2009
Feb 2016	3	D16/28978	Changes to reflect updated department name.	O0216-042	Feb 2018
Aug 2018	4	D16/28978[v2]	Rewording to amend Department Title, additional points to include adherence to practices and conditions	O0818-091	Aug 2020
Dec 2019	5	D16/28978[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	6	D16/28978[v4]	Amend title to include Native Seed Collecting. Include references to native seed collecting/collectors throughout. Minor wording updates throughout.	O0322-062	Mar 2024
Mar 2024	7	D16/28978[v5]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	8	D16/28978[v6]	Biennial review, no change	O0326-053	Mar 2028

COUNCIL POLICY

POL 0080: Asset Management

Purpose

To set out Shire of Esperance's approach to managing its assets in a sustainable manner which meets the needs of the community, considering the balance between service levels and costs.

Scope

This policy directs how the integration of asset management and long term financial planning will deliver sustainable management of assets for the provision of community services.

Definitions

Infrastructure Asset: in accordance with the *International Infrastructure Management Manual*, is a physical component of a facility which has value, enables services to be provided and has an economic life of greater than 12 months. Dynamic assets have some moving parts, while passive assets have none.

Practice

The Shire of Esperance's physical infrastructure includes transport, buildings, parks and open reserves, coastal marine, drainage, fleet asset and commercial asset classes. The infrastructure is essential for delivering the services provided by Council.

We are committed to -

1. Satisfying applicable legal and regulatory requirements
2. Delivering financial sustainability by making decisions that lead to a cost effective asset base, by focussing on whole of life costs, asset renewal, rationalising under-utilised assets and limiting asset expansion unless justified;
3. Providing a level of service to the community that responds to community needs;
4. Ensuring the services currently provided are available for future generations;
5. Providing infrastructure in a condition that supports the services provided;
6. Identifying funding to support and maintain our infrastructure; and
7. Continual improvement of asset management and the asset management system.
8. Council will set strategic priorities for Asset Management including timelines, responsibilities and resources required for implementation, which will be detailed in Council's Strategic Asset Management Plan.

<u>Asset Management Framework</u>

Asset Management underpins Council's other strategic frameworks by ensuring that appropriate infrastructure is developed and maintained enabling the delivery of programs, services and activities to the community.

The structure of Asset Management within the Shire of Esperance works through association with various plans and documents as represented in the following diagram.

Where a plan or document does not currently exist it shall be developed to comply with this policy.

Each document has a specific purpose and represents a different level of detail relevant to Asset Management practices and processes within Council.

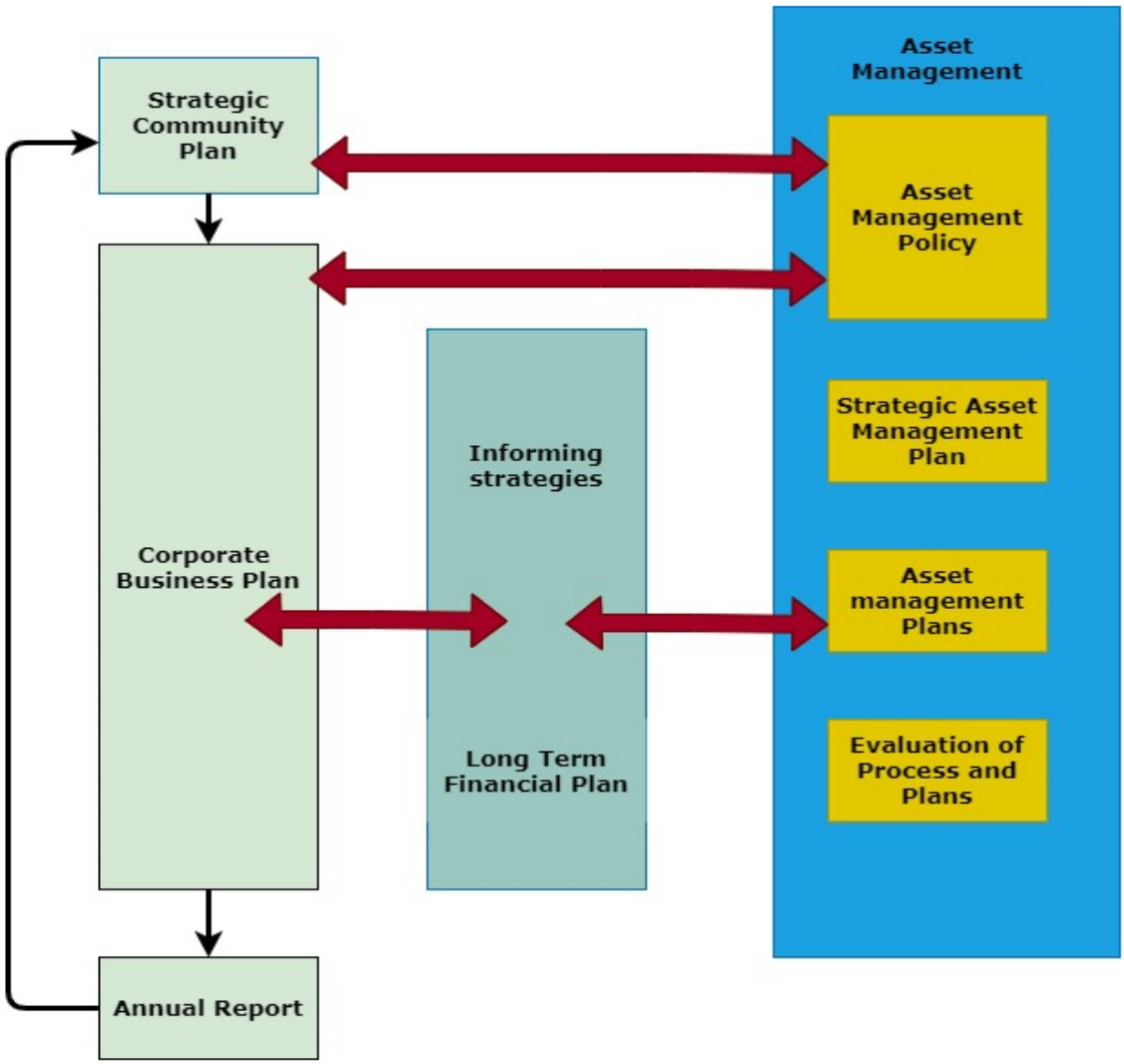


Figure 01 Council Asset Management Framework

(Source from Government of Western Australia Department of Local government, Asset Management Frame Work and Guidelines

Policy Commitment

Asset management and related financial planning will be a 'whole of organisation' function. To achieve this Council will -

1. Conduct regular reviews of the Strategic Asset Management Plan
2. Include the preparation and regular review of Asset Management Plans for all major asset classes and using these plans to assist in determining the priorities for operational and maintenance expenditure, together with renewal, upgrade and new works in the capital works program.

3. Complete financial valuations in accordance with Australian Accounting Standard Board standards and Department of Local Government.
4. Review internal asset management skills, identify gaps between asset management capability and needs, and implement training programs for both Councillors and Council personnel as required
5. Participate in and contribute to Regional and Industry Asset Management forums
6. Achieve financial sustainability over a period of time through -
    a. Adopting a funding strategy for asset operations, maintenance, renewal, upgrade and new assets;
    b. Ensuring that the asset base is not increased (upgrade and new assets) without considering the ability to fund future operations, maintenance and renewal;
    c. Increasing grant and other funding opportunities, particularly for renewal;
    d. Rationalising assets if appropriate. This would be subject to consultation with the community and determining the impact of non-replacement;
    e. Improving its maintenance and renewal practices, including consideration of new technological advances.
7. Maintain and renew existing assets in a manner which is fit and safe for the purpose for which they have been provided, including prioritisation of forward programs to ensure optimised delivery of available funding.
8. Develop Levels of Service that deliver community needs, ensuring appropriate community consultation.
9. Include regular condition survey of asset classes to assist in prioritising renewal works.
10. Utilise corporate information systems to support the implementation of this policy and deliver core asset management functions.

Key Outputs

Council will set strategic priorities for Asset Management development including timelines, responsibilities and resources required for implementation, which will be detailed in Council's Strategic Asset Management Plan.

1. An adopted Strategic Asset Management Plan including timelines, responsibilities and resources required for implementation;
2. Completed Asset Management Plans for all major asset classes;
3. Use of Asset Management Plans as a core input to development of Council's Long Term Financial Plan; and
4. Documented business processes for managing assets.

Responsibilities

The following key roles, positions and groups have defined asset management and financial planning functions as follows.

Council:

To act as stewards for infrastructure assets and to -

1. Set corporate Asset Management Policy and vision;

2. Approve Council's Asset Management Plans and monitor their outcomes;
3. Approve Council's Long Term Financial Plan; and
4. Provide appropriate resources for Asset Management activities.

Chief Executive and Executive Management Team:

To provide support for implementation of the asset management improvement program, as detailed in the Strategic Asset Management Plan

Director Asset Management:

The Director Asset Management will provide leadership and direction to support the -

1. Development of Asset Management Plans for major asset classes, using principles of lifecycle analysis;
2. Implementation of improvement plans for individual asset groups;
3. Implementation of maintenance programs, capital works programs, operational plans etc. in accordance with Asset Management Plans, the Long Term Financial Plan and the Annual Budget;
4. Reporting to the Council and Chief Executive with respect to ongoing infrastructure performance, as measured against defined Levels of Service; and
5. Ensure community consultation occurs in development of policy and practices.

Director Corporate and Community Services:

The Director Corporate and Community Services will provide leadership and direction to -

1. Work with the asset managers to align the asset management and financial management practices within council;
2. Support the development of a Long Term Financial Plan that recognises asset consumption;
3. Support the development of a Long Term Financial Plan that is linked to Service Strategies and Asset Management Plans;
4. Provide guidance and direction to asset managers where asset management and financial management requirements overlap e.g. financial valuations; and
5. Structure the accounts and related business processes to recognise lifecycle costs and support asset management practices.

Managers and Staff:

1. To implement the corporate Strategic Asset Management Plan with agreed resources;
2. To develop and implement improvement plans for individual asset groups;
3. To develop and implement maintenance, refurbishment and capital works programs in accordance with Asset Management Plans and the Annual Budget;
4. To deliver levels of service to agreed risk and cost standards; and

To manage infrastructure assets in consideration of long term sustainability.

.....End.....

Document Information

Responsible Position	Manager Asset Planning & Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
May 2009	1	D12/12	New policy	O0509-1613	May 2011
Feb 2016	2	D16/28979	Policy removed from Corporate Services. Policy rewritten to reflect current practices.	O0216-042	Feb 2018
Aug 2018	3	D16/28979[v2]	No Change	O0818-091	Aug 2020
Dec 2019	4	D16/28979[v3]	Minor change to wording in introduction and Policy Commitment paragraphs	O1219-268	Dec 2020
Nov 2020	5	D16/28979[v4]	minor updating to reflect the Strategic Asset Management Plan and ISO 55000 Asset Management requirements	O1120-354	Nov 2022
Mar 2022	6	D16/28979[v5]	No change	O0322-062	Mar 2024
Mar 2024	7	D16/28979[v6]	Added scope and replaced Director Corporate Resources with Director Corporate & Community Services.	O0324-023	Mar 2026
Mar 2026	8	D16/28979[v6]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0081: Esperance Rural Public Toilet Cleaning

Purpose

To ensure that Council owned toilet facilities in rural areas are maintained to an acceptable standard.

Scope

This policy applies to Council owned toilet facilities in rural areas.

Definitions

N/A

Practice

Council will be responsible for the cost of cleaning and maintenance of all Council owned toilet facilities within the Shire of Esperance that are open to the public for at least 8 hours during the day. Council will provide a set contribution to each relevant Community Development Association at the beginning of each financial year. This contribution is to cover cleaning and product costs.

That Council, at its discretion, shall upon receiving application for funding, decide upon the amount necessary to ensure public toilet facilities are maintained in a satisfactory manner.

All Council contributions are to be paid directly to the Community Development Associations and these moneys are to be used by the associations for the betterment of the community.

Each group shall, at the end of each financial year provide an audit document detailing worked hours and product allocation.

.....End.....

Document Information

Responsible Position	Manager Projects & Buildings
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 1999	1		New policy	O1199-207	Nov 2001
Sept 2007	2	D12/34			Sept 2009
Mar 2010	3			O0310-1426	Mar 2012

Feb 2016	4	D16/28980	Policy redirected from Building Services to Asset Management.	O0216-042	Feb 2018
Aug 2018	5	D16/28980[v2]	No change	O0818-091	Aug 2020
Dec 2019	6	D16/28980[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	7	D16/28980[v4]	No change	O0322-062	Mar 2024
Mar 2024	8	D16/28980[v5]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	9	D16/28980[v6]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0082: Crossover Construction

Purpose

To ensure all crossovers within the Shire of Esperance are constructed to an acceptable standard.

To ensure the Shire of Esperance obligation is fulfilled under, the *Local Government Act 1995*, Schedule 9.1, Clause 7 and the *Local Government (Uniform Local Provisions) Regulations 1996*, Regulations 12, 13, 14 and 15.

Scope

Document details the requirements for and process involved in obtaining a crossover permit. It is intended to provide guidance to property owners wishing to construct access to properties as well as officers involved in the issuing of permits and assessing of completed crossovers for compliance and the approval of refunds.

Definitions

Crossover: The area of land occupied by a property access road between the edge of the road carriageway and the property boundary.

Standard Crossover: Determined by council as the standard sized crossover for each property category. Dimension details can be found in the *Shire Crossover Management Practice*.

Practice

When a crossover is constructed within the Shire of Esperance, a permit is required detailing construction standards, levels and permission to connect to a public thoroughfare prior to construction starting. Upon completion of the compliant crossover the property owner will be reimbursed 50% of the value of a standard crossover as defined by the Shire of Esperance if it is the first constructed crossover to the property.

This policy is applicable to Residential, Industrial/Commercial Areas, Semi Rural and Rural properties.

Please refer to the *Crossover Management Practice* for specific implementation standards and details.

<u>Objective</u>

1. To ensure crossovers are constructed with consideration to existing or proposed road infrastructure including footpaths, roads and drainage in relation vertical and horizontal alignment.
2. Have a uniform and practical design along the street verge to provide a negotiable footpath to the public and compatibility within the streetscape.
3. Reduce drainage problems caused by silt contaminated runoff.
4. Prevent traffic hazards by controlling the location of crossovers, particularly at intersections on corner blocks.

5. Improve access to properties.
6. To ensure stormwater does not enter properties from the road

Permit Responsibility

Application for a crossover is the responsibility of the property owner. A person must not carry out any work on road reserve unless a permit has been issued.

Securing a Permit

A crossover application is lodged by the property owner / owner's representative. A permit is normally issued within five (5) working days unless detailed design investigation is required. Processed permits are mailed to the property owner however upon request can be emailed, faxed or obtained from the Asset Management Department.

A permit is valid for 6 months and needs to be renewed if construction is not completed within that period.

Non Compliance

Crossovers, constructed without a permit or not in accordance with the Shire's *Crossover Specification* or not in accordance with the conditions stated on the permit, may be required to be removed and replaced correctly at the expense of the owner.

The Shire contribution will not be paid for non-compliant crossovers or crossovers constructed prior to the permit being issued.

Maintenance

Owners are responsible for all maintenance of a crossover between the edge of the carriageway and their property boundary.

Strata Titled Properties

In the case of Strata-titled properties, the Shire contribution referred to in this Policy shall apply only to the parent lot and the refund will be payable to the body corporate.

A Shire contribution will only be paid for the first crossover to be constructed on the parent lot.

Council Contribution

Upon completion of the compliant crossover the property owner will be reimbursed 50% of the value of a "standard crossover" of the relevant category as defined by the Shire of Esperance if it is the first constructed crossover to the property.

The square meter rate for each crossover category will be set in the *Crossover Management Practice*.

.....End.....

Document Information

Responsible Position	Manager Asset Planning & Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Crossover Management Practice*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 1991	1		New policy	O0191-178	Jan 1993
Feb 2016	2	D16/28981	Rewrite of footpath construction policy, change title.	O0216-042	Feb 2018
Aug 2018	3	D16/28981[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	4	D16/28981[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	5	D16/28981[v4]	No change	O0322-062	Mar 2024
Mar 2024	6	D16/28981[v5]	Add scope and definitions.	O0324-023	Mar 2026
Mar 2026	7	D16/28981[v6]	Update responsible position title	O0326-053	Mar 2028

COUNCIL POLICY

POL 0083: GPS Fleet Tracking

Purpose

To allow for the installation and use of GPS tracking devices in any of Shire's fleet, for the purpose of operator safety, fleet management, and best practice utilisation.

Scope

To allow for the installation and use of GPS tracking devices in any of Shire's fleet.

Definitions

GPS: Global Positioning System; a system that utilises satellite transmissions to determine the geographical location in all weather conditions.

Tracking: The use of a GPS device to collect, interpret, and record data such as geographical location, movements, speed, and/or vehicle/plant activity

Practice

That Council authorise the installation and use of GPS tracking in any of Shire's fleet in accordance with the Shire's GPS tracking Management Practice.

.....End.....

Document Information

Responsible Position	Manager Asset Planning
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *GPS Fleet Tracking Management Practice*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2016	1	D16/28984	New policy.	O0816-050	Aug 2018
Aug 2018	2	D16/28984[v2]	No Change	O0818-091	Aug 2020
Dec 2019	3	D16/28984[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	4	D16/28984[v4]	No change	O0322-062	Mar 2024
Mar 2024	5	D16/28984[v5]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	6	D16/28984[v6]	Biennial review, no change	O0326-053	Mar 2028

COUNCIL POLICY

POL 0084: Internal Drone (Remotely Piloted Aircraft System) Use

Purpose

The purpose of this policy is to ensure that all legislated requirements for the use of Shire of Esperance owned and/or managed drone technology, which is also referred to as 'remotely piloted aircraft system' (RPAS) technology, is applied and adhered to by Shire staff, as well as the management and use of data collected by the RPA.

Scope

This policy applies to all Shire owned and/or managed drone technology.

Definitions

CASA: Civil Aviation Safety Australia

CASR: Civil Aviation Safety Regulations

Drone: in a technological context, is an unmanned aircraft. This term is used interchangeably with 'remotely piloted aircraft system'.

RPAS: 'Remotely piloted aircraft system' is the common term used to reference an unmanned aircraft. This term is used interchangeably with drone.

Shire: Shire of Esperance

Practice

Remote Piloted Aircraft System will increase the efficiency of Shires corporate and operational activity across the municipality. The below parameters are to be adhered to when operating a RPAS.

1. The primary purposes of a Shire owned RPAS is to -
    a. Collect data of Shire owned assets
    b. Collect data relating to Asset Management projects
    c. To assist with emergency services operations at the request of the emergency services Incident Controller
    d. To collect data for Shire promotions and events.

    Any application of the RPAS outside of these purposes will require written authorisation from the CEO or if relevant, the private property owner. This will occur only where a clear benefit to Council or the community can be demonstrated.
2. The operation of the RPAS is controlled by the Shires RPAS Operation Manual, is governed by the Civil Aviation Safety Authority (CASA) and determined by the Civil Aviation Safety Regulations Part 101 (CASR101). All CASA regulations and guidelines are to be adhered to at all times when piloting an RPAS.
3. RPAS flight paths should avoid transit over private property unless impractical.

4. Any and all data collected or recorded by the RPAS, including geospatial data is owned by Council and subject to the *Privacy Act 1988*, *Surveillance Devices Act 1988* and Shire of Esperance Code of Conduct. Recordings are subject to the legislated Information Privacy Principles that determine the storage and retention of data.
5. Data is considered and managed by -
    a. Collecting (or recording) only for a specific purpose in support of a Council function;
    b. Reviewing to redact inadvertently collected personal data; and
    c. Editing to dispose of data that is not required.
6. During assistance with emergency services operations, the RPAS operations are directed by the emergency services Incident Controller and the requirements stipulated in section 2.

.....End.....

Document Information

Responsible Position	Director Asset Management
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Privacy Act 1988*
- *Surveillance Devices Act 1988*
- Shire of Esperance Code of Conduct
- Civil Aviation Safety Regulations

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2017	1	D17/25903	New policy.	O0917-228	Sept 2019
Aug 2018	2	D17/25903[v2]	No change.	O0818-091	Aug 2020
Dec 2019	3	D17/25903[v3]	No change to wording	O1219-268	Dec 2021
Oct 2020	4	D17/25903[v4]	Change to name of policy for consistency with the Operation Manual. Update to include provisions around emergency service operations.	O1020-317	Oct 2022
Mar 2022	5	D17/25903[v5]	No change	O0322-062	Mar 2024
Mar 2024	6	D17/25903[v6]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	7	D17/25903[v7]	Biennial review, no change	O0326-053	Mar 2028

COUNCIL POLICY

POL 0085: Public Art

Purpose

To guide the delivery of public art projects that contribute to creating a sense of place, promote the expression of local identity, and reflect on the shared values of the community.

Scope

The policy provides guidance to Shire officers on incorporating public art into projects and to the public on the donation of public art.

Definitions

Public Art: means art work located on public land that contributes to the public realm and is situated so as to be clearly visible to the general public.

Professional Artist: refers to a person who is actively engaged in and conducts a professional artistic practice, and has industry recognition for their work.

Public Space: includes parks, foreshores, city squares, streets, indoor spaces of public buildings such as entry foyers, and outdoor spaces of public buildings.

Practice

The Shire acknowledges the important role played by public art in shaping and developing a sense of community and identity. To fulfil these roles and to enable a culturally-enriched environment of publicly accessible visual art, the Shire actively engages with professional artists through the commissioning of public art for the Shire of Esperance.

The Shire uses the following resources as a guide for public art work -

1. Code of Practice by the National Association of Visual Arts; and
2. Western Australian State Government Percent for Art Scheme Guidelines

<u>Major Projects</u>

The Shire will consider contributing up to one percent of the project budget for Public Art for all Major Projects.

<u>Renewal / Refurbishment Projects</u>

The Shire will consider incorporating Public Art into Renewal / Refurbishment of assets in high profile public spaces.

<u>Donations and Gifts</u>

The Shire will consider suitable donations and gifts of artworks intended for public display at the discretion of Council subject to the following consideration -

1. Artistic Merit;

2. Public safety;
3. Certification as required;
4. Maintenance requirements;
5. Suitability of the location; and
6. Deaccession plan.

.....End.....

Document Information

Responsible Position	Director Asset Management
Risk Rating	Low

Referencing Documents

- NAVA – Code of Practice for Visual Arts, Craft and Design
- Western Australian State Government – Percent for Art Scheme Guidelines

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
May 2013	1	D13/14400	New policy.	O0513-037	May 2015
Mar 2016	2	D16/29051	Change to description regarding seclusion and public safety.	O0316-008	Mar 2018
Aug 2018	3	D16/29051[v2]	Policy rewritten as Asset Management policy	O0818-091	Aug 2020
Dec 2019	4	D16/29051[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	5	D16/29051[v4]	No change	O0322-062	Mar 2024
Mar 2026	6	D16/29051[v5]	Biennial review, no change	O0326-053	Mar 2028

COUNCIL POLICY

POL 0086: CCTV

Purpose

To set out the Shire of Esperance's requirements in relation to the operation of Closed Circuit Television systems that it owns and operates.

Scope

This policy does not apply to the capture of videos or photos not linked to the Shire's internal CCTV system or public CCTV system, i.e. live streaming of Council Meetings.

Definitions

MOU: Memorandum of Understanding regarding the supply and use of public CCTV between the Shire of Esperance and the WA Police.

Internal CCTV: Closed Circuit Television recording staff and public internally and externally of the Shire of Esperance buildings.

Public CCTV: Closed Circuit Television covering public open spaces and streets including linked mobile systems.

Practice

Introduction

The Shire owns and operates both an internal CCTV system and a public CCTV system. Digital images are recorded from both systems twenty four (24) hours, seven (7) days a week and are retained for a period of not less than thirty one (31) days.

The internal CCTV system monitors the Shire of Esperance building assets, the purpose of the Internal CCTV system is to -

1. Assist in deterring antisocial and criminal behaviour
2. Assist in deterring offences against persons and/or property.
3. Assist staff with providing improved customer service.
4. Assist staff with providing operational services.

The Public CCTV System monitors public open spaces and streets. The purpose of the Public CCTV system is to -

1. Assist in deterring antisocial and criminal behaviour
2. Assist in deterring offences against persons and/or property.
3. Facilitate rapid response by WA Police and other emergency services as determined by WA Police when detecting instances of crime and anti-social behaviour.
4. Capture footage of suitable quality (ideally facial identification) to ensure that recorded footage of crimes can be used by WA Police or their legal representative for effective prosecution.
5. Reduce the public's perception of crime and the fear of crime.

Ownership and Control

1. Internal CCTV system -
   The Shire of Esperance Internal CCTV system is owned by and is the sole property of the Shire of Esperance, who ensure that the CCTV system is maintained in efficient working order. The Shire of Esperance have exclusive access to and control of all recorded footage.
   The Shire of Esperance may allow access, only to the external building cameras, to WA Police as part of the Public CCTV system. The footage and data from these cameras would be available to WA Police without restriction.
2. Public CCTV system -
   The Public CCTV system is owned by and is the sole property of the Shire of Esperance, who ensure that the CCTV system is maintained in efficient working order. The Shire of Esperance provides the CCTV system to WA Police who have exclusive access to, and control of, all recorded footage. These ownerships and controls reference the MOU between the Shire of Esperance and WA Police.

Viewing and requesting CCTV images/recordings

1. Internal CCTV system -
   a. Live viewing of Internal CCTV Footage -
      i. Shire staff, contractors and volunteers are able to view live internal CCTV footage that is operational required as part of their role.
   b. Downloading Historic Internal CCTV Footage -
      i. Shire of Esperance staff -
         An Internal CCTV Data Request form, must be filled in and signed by the requesting officers Manager before lodging it with the Manager Information Services who will verify and approve the request.
         The Manager Information Services or their delegate will assess and provide the data as requested based on priority (urgency and importance), ensuring that the request does not contravene governing standards before providing the data.
      ii. WA Police -
         WA Police may request footage from the Shire of Esperance Internal CCTV in order to supplement or assist with criminal investigations.
         Any and all requests for such data will need to be made in writing to the Shire of Esperance, the Manager Information Services will assess and provide the requested footage as required.
      iii. General Public -
         Members of the Public may request footage from the Shire of Esperance Internal CCTV through a Freedom of Information Request. Request will be governed by the requirements under the *Freedom of Information Act 1992*.

2. Public CCTV system -
    a. The police have the sole viewing rights to the Public CCTV system. Request for viewing and requesting images/recordings from public system can only be done through WA Police. The Shire of Esperance does not have access to the images and recordings from the Public CCTV System.

.....End.....

Document Information

Responsible Position	Manager Projects & Buildings
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *AS/NZS 62676:2020 Video Surveillance Systems for use in Security Application*
- *WA Criminal Code Act Compilation Act 1913*
- *Criminal Procedures Act 2004*
- *State Records Act 2000*
- *Freedom of Information Act 1992*
- *Memorandum of Understanding – Western Australia Police Force and Shire of Esperance*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2021	1	D21/20129	New policy.	O0621-142	Jun 2023
Mar 2022	2	D21/20129[v2]	No change.	O0322-062	Mar 2024
Mar 2024	3	D21/20129[v3]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	4	D21/20129[v4]	Update responsible position title	O0326-053	Mar 2028

Memorandum of Understanding

0594-2021

The Provision of CCTV Access/Sharing – located within Esperance Police Station.

Shire of Esperance

Western Australia Police Force

1. INTRODUCTION

The purpose of this Memorandum of Understanding (MOU) will be to record an agreement between the Shire of Esperance and the Western Australia Police Force (WA Police Force) with respect to Public Closed-Circuit Television (CCTV) systems in the Shire of Esperance. It will clearly explain each party's responsibilities in regard to the operation, use and maintenance of public CCTV throughout the Shire of Esperance.

The public CCTV system has been established by the Shire of Esperance to contribute to the safety and security of persons and property within the Shire of Esperance.

WA Police Force are concerned with enhancing quality of life and well-being of the community by contributing to safety and security of the communities they operate within.

The purpose of this agreement is to facilitate a collaborative approach to enhancing the safety and security of persons and property with the Shire of Esperance.

2. NATURE OF MEMORANDUM

This MOU does not obligate funds and does not create a legally binding commitment for any party.

3. DEFINITIONS

Parties to this agreement include:

1. Shire of Esperance (the Shire)
2. Western Australia Police Force (WA Police Force)

4. LIMITATIONS

Parties can withdraw from the agreement at any time. Where formal agreements are negotiated between the parties, these will be negotiated separately to the MOU and will take priority over the MOU.

5. TERM OF AGREEMENT

This agreement will remain current for the duration of the life of the public CCTV network, unless requested to be terminated in writing by either party

6. THE AGREEMENT

Parties to this agreement undertake the following provisions;

Concerning the Shire of Esperance

The role of the Shire is to provide public CCTV infrastructure, namely hardware and software for use by the WA Police Force. The role of the public CCTV is to act as a deterrent to anti-social behaviour and crime, and in the event of crimes, provide evidence for the purposes of successful prosecutions.

This includes:

- *Supply and installation of all CCTV hardware and software across key locations as agreed upon by key stakeholders.*
- *Periodic and reactive maintenance of all CCTV hardware, software and licences including all costs associated with this maintenance.*
- *Providing full and exclusive access to all footage and image data held on the secure server to WA Police Force, ensuring that there is 24/7 coverage for all cameras for a period of not less than 31 days.*
- *Provide 24/7 digital monitoring of all CCTV assets to ensure their optimal functioning. This monitoring will alert key personnel in real time of any issue or outage and the Shire of Esperance will undertake work to rectify as soon as possible.*
- *Provide access to WA Police Force for all external cameras located on Shire of Esperance buildings and assets.*

Concerning the Western Australia Police Force

The responsibility of the WA Police Force includes:

- *Monitor CCTV as required for preventing or responding to anti-social behaviour or crime. This includes the real time use of Pan/Tilt/Zoom cameras to track areas or items of interest to the WA Police Force in their role of preventing and prosecuting crime.*
- *Retrieve CCTV footage as required to fulfil their obligations under state and federal law.*
- *Report any issues with the public CCTV system or its functionality as soon as possible to the Authorised Officer at the Shire of Esperance.*
- *Assess and action requests from the General Public, Businesses or Legal Representatives for CCTV footage, in consultation with the Shire of Esperance and in accordance with state and federal laws, governing the dissemination of such data.*

7. LIAISON OFFICERS

The following positions are the first point of contact for any queries relating to this Memorandum of Understanding.

WA Police Force Senior Sergeant Peter Arancini – Officer in Charge Esperance Police Station – Goldfields / Esperance District (08) 9079 8999 – Esperance.police.station@police.wa.gov.au
Shire of Esperance Ben Fetherston – Property / Building Coordinator Shire of Esperance Asset Management (08) 9071 0604 - Ben.Fetherston@esperance.wa.gov.au or shire@esperance.wa.gov.au

8. DISPUTE RESOLUTION

Any dispute or issue that arises between the Parties in relation to the content or operation of this MOU will be referred to the respective Liaison Officers for resolution. Where the Liaison Officers are unable to resolve the issue, the matter may be referred to the signatories of this MOU for resolution.

9. SIGNING

Signed on behalf of the

Shire of Esperance

..... Shane Burge

Chief Executive Officer

15/12/2021

Date

Signed on behalf of the

WA Police Force

.....

Acting Commander Brad Jackson

Date: 8 December 2021

COUNCIL POLICY

POL 0087: Esperance Tanker Jetty Timber

Purpose

To set out the Shire of Esperance's requirements in relation to gifting and selling Historic Esperance Tanker Jetty Timber.

Scope

As part of the deconstruction of the Esperance Tanker Jetty, there was historic timber that was recovered. This policy sets out how the timber will be distributed for the community.

Definitions

Timber Grade: Timber grading is as per the grading matrix developed by H+H Architects

Community Group: A not for profit group, organisation or school /TAFE that is located in the Shire of Esperance

Public Project: A project that is located in the Shire of Esperance, which is readily accessible to members of the public

Practice

Historic Esperance Tanker Jetty Timber

The recovered historic Esperance Tanker Jetty timber was graded into four categories based on it condition once salvaged. There is only grade 1 to 2 timber remaining. None of the timber recovered is suitable for structural purposes.

Distribution of Esperance Tanker Jetty Timber

1. Shire of Esperance Projects

The Shire of Esperance internally may use any grade and quantity of Esperance Tanker Jetty Timber for any public projects.

2. Community Group Projects

Community groups may apply for access to grade 2 Esperance Tanker Jetty Timber, at no cost, for a specific public project. Community Groups may make multiple requests for different public projects.

Applications must address the following criteria -

a. A sketch or diagram of the use for the timber
b. The quantity of timber required, including grade and specimen
c. The projects connection to the Esperance Tanker Jetty
d. How the project will be accessible to the community
e. Engineering or design certification if being incorporated into a building project

The CEO has the authority to approve a project that are requesting up to 50 lineal meters of timber excluding the piles. Note multiple requests for similar projects will be treated as one request.

Projects requesting timber over these amounts or access to grade 1 timber, will be presented to Council for consideration.

3. Other

Request for historic Tanker Jetty Timber outside the above uses or quantities i.e. private businesses, may be possible, these requests will be required to be presented to Council for consideration. There will be a cost to access the timber based on the timber grade and specimen.

Applications must address the following criteria -

a. A sketch or diagram of the use for the timber
b. The quantity of timber required, including grade and specimen
c. The projects connection to the Esperance Tanker Jetty
d. How the project will be accessible to the community
e. Engineering or design certification if being incorporated into a building project

Review of Policy

This policy may be reviewed or revoked at any time given the finite supply of Tanker Jetty Timber.

.....End.....

Document Information

Responsible Position	Director Asset Management
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2021	1	D21/28743	New policy.	O0821-135	Aug 2023
Mar 2022	2	D21/28743[v2]	No change	O0322-062	Mar 2024
Mar 2024	3	D21/28743[v3]	Remove General Public section and definition. Remove reference to grade 3 timber.	O0324-023	Mar 2026
Mar 2026	4	D21/28743[v4]	Biennial review, no change.	O0326-053	Mar 2028

COUNCIL POLICY

POL 0088: Reserve Funding for Community Halls

Purpose

To provide consistency in financial assistance, and equity in terms and conditions between the various community halls and centres for replacement, or major extensions and upgrades.

To accumulate funds that will be used for structural components in the replacement, extension or upgrade of the community halls and centres in the Shire, by allocating sufficient funds to the Building Maintenance Reserve each year to ensure that the Shire has adequate funds available to meet funding requests.

Scope

The policy set out the process and conditions for Community Hall Management Committees to access financial assistance from the Shire to undertake building works at a Community Hall.

Definitions

Community Halls: Condingup, Cascade, Grass Patch, Salmon Gums, Beaumont, Dalyup and Scaddan

Standard Community Halls: the size of 305m^2

Practice

Fund Management

The Council will ensure funds are available within the Building Maintenance Reserve.

To access funding, the various management committees are required to apply for funding in a similar method as the Community Grants Program, and the Council would assess the merit of each application.

What will be funded

Structural component costs only - being defined as such parts of a building as walls, roof, floors, ceilings, windows and doors; in-wall and under floor plumbing; septic or sewerage; electric wiring; stairs; and fire escapes.

Eligibility Criteria

Applications for funding to replace, extend or upgrade a community hall will need to -

1. be for an identified and recognised hall or community centre- only one centre/hall per location.
2. demonstrate a substantial degree of community support and representation
3. demonstrate clear community benefit
4. be an incorporated body
5. identified funding or in-kind contribution to complete the project

6. have a valid lease with the Shire of Esperance if funding is related to a building which is on a Reserve vested in the Shire of Esperance. (Organisations that operate from buildings on Shire Reserves will have to comply with insurance and lease conditions).

Fund Allocation

To strive for equity across all communities, the funding for each project is calculated on a percentage based on the size of each hall/centre compared to the size of a standard hall of 305 m^2. This percentage is applied to the cost of the structural component of the renovation or replacement. It is the management committee that is responsible for all maintenance of the building and any requirements over and above the funding offered by the Shire.

Example for Renovation

If the Grass Patch Committee requested assistance to renovate the Grass Patch Hall then the level of support would be calculated as follows:

'Average Hall Area' divided by 'Actual Hall Area' multiplied by 'Cost of New Roof'

305 m2 / 330 m2 x $50,000 = $46,000

Example for Replacement

If the Grass Patch Committee requested to replace the Grass Patch Hall then the level of support would be calculated as follows:

'Average Hall Area' divided by 'New Hall Area' multiplied by 'Cost of New Hall

Structural Component'

305 m2 / 1000 m2 x $1,000,000 = $305,000

Accessing Reserve Funding

Applications must be submitted as part of the annual Community Grants Program.

Applications to include -

1. Plans
2. Quotations
3. Certificate of Incorporation
4. Evidence of community consultation and support
5. Proposed funding avenues

The Council will assess each application on its merit.

Conditions of Funding

By accepting funding, the community agrees -

1. That funds will only be used for the agreed purpose

2. Applicants successful in securing funding will need to comply with a number of conditions. These conditions will be detailed in a funding letter of offer to the organisation. Conditions relate to -
    a. general operations
    b. financial reporting
    c. providing documentation.

.....End.....

Document Information

Responsible Position	Director Asset Management
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Apr 2013	1		New policy.	O0413-014	Apr 2015
Aug 2015	2		Change to program name	O0815-010	Aug 2017
Mar 2018	3	D16/28994	Update document controller title, minor formatting.	O0318-073	Mar 2020
Feb 2022	4	D16/28994[v2]	Update responsible officer and transfer to Asset Management. Include definitions. Remove paragraphs 2 & 3 under Fund Management section. Update examples. Minor changes to wording throughout.	O0222-033	Feb 2024
Mar 2024	5	D16/28994[v3]	Add scope, amend definition of Standard Community Halls and relevant references.	O0324-023	Mar 2026
Mar 2026	6	D16/28994[v4]	Removed 'accessing additional funding' section and included reference to community grants in the 'accessing reserve funding' section.	O0326-053	Mar 2028

COUNCIL POLICY

POL 0089: Memorials in Public Places

Purpose

The policy seeks to establish the processes and procedures by which Council govern and assess members of the community and residents' requests to memorialise family, friends and members of the Shire of Esperance community within public places.

Scope

The policy sets out the requirements for the public to place Memorials in Public Places.

This policy does not extend to the following areas -

1. Any Cemetery or Niche Wall;
2. Lost at Sea memorial; or
3. Roadside memorials near the location of a fatality – in these situations the Shire will follow the principals set out in Main Roads Western Australia Roadside Memorials Policy and Guidelines.

Definitions

N/A

Practice

Subject to the provisions within this policy, the Shire will only support the community to memorialise family, friends and community members, within public places, at the discretion and approval of Council. If Council so determines the memorial is appropriate, practical and that the individual being memorialised has been a long standing resident of the Shire and has contributed in a positive way to the community.

The Council will consider and may approve eligible applications for memorials in accordance with this Policy.

Memorials in Public Places Requirements -

1. Community members may apply to the Shire to memorialise a family member, close friend or community member who has been a long standing resident of the Shire and has made a positive contribution to the community, through a request to Council for the installation of a memorial plaque in a location deemed suitable and appropriate by Council.
2. Memorials shall only be installed at locations deemed appropriate by Council and under the requirements detailed below. With the following excluded areas -
    a. The Foreshore reserve from the headland to the skate park
    b. The Esperance Jetty
3. Council will consider any eligible formal request and determine the request considering the merits of the request.
4. All applications for permanent memorials will only be considered where the person to be commemorated has been deceased for a minimum of 12 months.

5. All applications for permanent memorials made by community members must be supported by a family member of the deceased person and shall include the signature of the spouse or children of the deceased.
6. Only one memorial per person shall be approved.
7. Statues, street furniture, artwork, plaques and other artefacts may be considered or accepted by Council as a suitable interpretation as part of a memorial plaque installation, subject to approval by Council.
8. Should for any reason, the applicant or family of the deceased seek the removal of an installed memorial, an application from the family must be submitted to the Shire for officers to remove the memorial and return it to the family.
9. Decisions around the location, type, size and the construction of the memorial and the subsequent positioning of the memorial plaques will be at the sole discretion of Council and in accordance with items 11 - 14 below.
10. The inscription on the plaque is to be approved by the Council and shall include as a minimum the person's name including first name and surname. The wording of the memorial plaque shall be included in the application to be approved by the Council.
11. The costs associated with the plaque with the approved inscription, installation costs and any costs associated with the purchase of street furniture/ artwork/ or similar will be borne by the applicant.
12. Any proposal for artwork shall meet the requirement of policy ASS 026: Public Art
13. The plaque is to meet the following specifications -
    a. Maximum size 150mm x 150mm.
    b. Minimum size 100mm x 100mm.
    c. Constructed from bronze.
    d. A minimum of 2 holes at the extremities of the plaque for attaching to the memorial.
14. If it is necessary for the Shire to remove the plaques because of vandalism, deterioration or for other operational reasons then the Shire gives no undertaking that it will be replaced.

A formal written application shall be submitted to the Chief Executive Officer requesting the installation of the memorial plaque, outlining how the application meets the requirements.

.....End.....

Document Information

Responsible Position	Director Asset Management
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- Main Roads WA – Policy and Guidelines – Roadside Memorials

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2022	1	D22/8388	New policy	O0322-062	Mar 2024
Mar 2024	2	D22/8388[v2]	Include first line into scope	O0324-023	Mar 2026
Mar 2026	3	D22/8388[v3]	Remove point 3 and move requirement for written application to be submitted to CEO to the end of document.	O0326-053	Mar 2028

COUNCIL POLICY

POL 0091: Lost at Sea Memorial Web Page

Purpose

The policy seeks to establish the processes and procedures by which Council govern and assess members of the community and residents' requests to memorialise family, friends and members of the Shire of Esperance community individuals who were lost at sea, on the Shire's online platform, providing a place of remembrance for families, friends and the community to grieve, reflect and pay tribute.

Scope

The Policy sets out the requirements for the public to place Memorials on the Shire of Esperance Lost at Sea Memorial web page. The platform allows individuals to create a memorial page for lost loved ones, share stories, images and tributes. This will be available to the general public by way of a QR Code on the Lost at Sea sculpture located on the Esperance foreshore.

This policy does not extend to the following areas –

1. Any Cemetery or Niche Wall;
2. Roadside memorials near the location of a fatality; or
3. Memorials in Public Places.

Definitions

Individuals must have been lost at sea within the Shire of Esperance coastal jurisdiction.

Evidence of the circumstances of their loss (e.g. incident reports, death certificates).

Practice

Subject to the provisions within this policy, the Shire will only support the community to memorialise family, friends and community members that have been lost at sea within Shire of Esperance waters. Approval will be at the discretion and approval of Council. The Council will consider and may approve eligible applications for memorials in accordance with this Policy.

<u>Application Process</u>

The Application process for inclusion on the Lost at Sea memorial must be completed for individuals or families to apply for a name or tribute to be added to the memorial.

Details included on application must be able to be verified before approved.

Applications for inclusion on the Shire of Esperance Lost at Sea Memorial Webpage must be submitted on the appropriate form and include all relevant information.

.....End.....

Document Information

Responsible Position	Director Asset Management
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- Application for Inclusion on the Shire of Esperance Lost at Sea Memorial Webpage form

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2025	1	D25/17120	New policy	O1125-048	Nov 2027

COUNCIL POLICY

POL 0016: Building and Property Agreements

Purpose

To determine a set of property classifications that can be applied to all Council's properties providing for consistency in documentation for building and property agreements such as leases, licences and memorandum of understanding for equity in terms and conditions within and between various property classifications.

Scope

All land owned or managed by the Shire of Esperance must have a valid agreement in place if –

1. a third party wishes to establish improvements on the land; or
2. a third party wishes to utilise the land or a Shire owned structure located on the land.

Definitions

N/A

Practice

This policy recognises the variety and diversity of agreements and that no one particular style of agreement is appropriate for all purposes; consequently a set of template agreement documents have been developed in consultation with McLeods Barristers and Solicitors to be used for each particular requirement.

1. Property Classifications

All properties are classified using specific principles as detailed within this policy.

a. Commercial Premises – Open Market
   i. Commercial sites offered by tender or disposed by section 3.58 of the *Local Government Act 1995*.
   ii. Market rent determined by valuation with individual rent as determined by Council.
   iii. All outgoings for these sites is recouped or supplied direct to the Tenant.
   iv. CEO approval required prior to any sub-letting of premises.
   v. Council may charge rates, emergency services levy (ESL), insurance and valuation costs on these properties.
   vi. Council will collect a bond of 3 months' rent for these properties, excluding land only agreements.
   vii. Properties in this classification will utilise the Commercial Agreement (Non-Retail Shop) Template.

Examples of properties within this classification are:

RAC Caravan Park	Esperance Lots 316 & 430, Res 26967
Esperance Mini Golf	Portion of Res 28207
BP Australia	Part Lot 15, Esperance Airport
Car Hire Desks (4)	Gibson – Portion Lot 15, Esperance Airport
Airport Hangars (8)	Gibson – Portion Lot 15, Esperance Airport
Communication Tower – Helms Drive	Esperance Loc 2112, Res 45368
Communication Tower – Howick Hill	Lot 524, Res 47555
Communication Tower – Salmon Gums	Part of Salmon Gums Lot 123

b. Commercial Premises – Retail Shops
    i. All outgoings are recouped or charged direct to the Tenant
    ii. Rent determined by Council in conjunction with market rental valuation
    iii. Disposal to be in accordance with section 3.58 *Local Government Act 1995*, noting exemptions that apply via Regulation 30 of *Local Government (Functions and General) Regulations 1996*.
    iv. CEO approval required prior to any sub-letting of the premises.
    v. Council may charge rates, emergency services levy (ESL), insurance and valuation costs on these properties.
    vi. Leases within The Market Village will be charged rates.
    vii. Council will collect a bond of 3 months' rent for these properties, excluding land only agreements.
    viii. Properties in this classification will utilise the Commercial Agreement (Retail Shop) Template.

Examples of properties within this classification are:

The Market Village Buildings (11)	Esperance Lots 56,57,58,61,62, Res 2815
Jetty Headland Sites (4)	Esperance – Portion Lot 991, Res 27318

c. Specific Sports Facilities
    i. Development of facilities by Shire or Club on Council land often with capital cost shared between Shire, Department of Sport and Recreation and Club or any combination of this mix of funding.
    ii. Exclusive use of the premises for a specific sport.

iii. All outgoings (excluding rates) are recouped or charged direct to the Tenant.
iv. CEO approval required prior to any sub-letting of the premises.
v. Groups, Clubs and Organisations are encouraged to submit applications via the Community Grants Program when requesting Council's financial assistance.
vi. Council may charge emergency services levy (ESL) costs on these properties.
vii. Properties in this classification will utilise the Community Agreement Template.

Examples of properties within this classification are:

Clay Target Club	Fisheries Rd, Res 28099
Equestrian Club	Res 31708
Esperance Speedway	Myrup Rd, Res 35037
Golf Club - Pink Lake	Res 34829
Netball Pavilion, Esperance	L500 Black Street
Pistol Club – Skrolys Park	Skrolys Park
Surf Lifesaving Club House	Res 41860
Tennis Club, Esperance	L500 Black St
Esperance Bay Turf Club	Lot 202 Fisheries Rd, Bandy Creek
Esperance Golf Club	Res 38227
Multi Sports Pavilion	L500 Black St

d. Halls and Community Centres
   i. Developed facilities with mostly Council funding assistance, grants or self-supporting loans for the capital costs.
   ii. Available for general community use and income retained for this casual hire to offset minor expenses, i.e. the agreement allows for casual hire.
   iii. All outgoings (excluding rates) are recouped or charged direct to the Tenant.
   iv. Groups, Clubs or Organisations would be encouraged to submit applications via the Community Grants Program when requesting Council's financial assistance.
   v. Funding may also be available under the Shire's Reserve Funding for Community Halls Policy.
   vi. Council may charge emergency services levy (ESL) costs on these properties.

vii. Properties in this classification will utilise the Community Agreement Template.

Examples of properties within this classification are:

Community Hall – Beaumont	Parmango Rd
Community Hall – Cascade	L49 Mitten Watson Rd
Community Hall – Dalyup	Res 26309 South Coast H'way
Community Hall – Grass Patch	Shepherd St
Community Hall – Salmon Gums	Res 30224 John & Moore Sts
Community Hall – Condingup	L1 Sutcliffe St, Condingup

e. Community Services – Category 1
   i. Exclusive use or special purpose community funded facilities with minimal Council capital contribution, however located on Council controlled land.
   ii. All outgoings (excluding rates) are recouped or charged direct to the Tenant.
   iii. Groups, Clubs or Organisations would be encouraged to submit applications via the Community Grants Program when requesting Council's financial assistance.
   iv. Council may charge emergency services levy (ESL) costs on these properties.
   v. Properties in this classification will utilise the Community Agreement Template.

Examples of properties within this classification are:

Agricultural Society Facilities	L500 Black St
Cannery Arts Centre (Gallery Only)	Norseman Road
Community Hall – Scouts	L686 The Esplanade
Hospital Hostel	L241 Hicks St
Playgroup	Esperance Lot 388, R31633 & Lot 389, R34556

f. Community Services – Category 2
    i. Development of facilities mainly by Government funds on land controlled/vested to Shire of Esperance.
    ii. Facilities are operated by government agencies or community based incorporated business.
    iii. All outgoings are charged directly to Tenants.
    iv. Council may charge rates, emergency services levy (ESL) and insurance costs on these properties.
    v. Properties in this classification will utilise the Community Agreement Template.

Examples of properties within this classification are:

Recherche Aged Welfare Committee	Esperance Lot 893, Eyre St
Esperance Child Care Centre (Lingalonga)	Esperance Town Lots 171 &172 Randell St
Esperance Lotteries House	Part Esperance Lot 3 Forrest St
Old Station Master's Office	Part Lot 103 Dempster Street

2. Property Agreement Register

The Chief Executive Officer will maintain a register of all Council properties that have agreements in place. Details within the Register will include; name of the Tenant, description of the property, term of the agreement and fees.

3. Lease Preparation Fees

A Lease Preparation Fee shall be charged to all leases and licences as set within the Annual Schedule of Fees & Charges upon commencement.

Leases bound by the *Commercial Tenancy (Retail Shops) Agreements Act 1985* will not be charged lease preparation fees in accordance with section 14(b) of the Act.

Memorandum of Understanding (MOU) agreements will not be charged preparation fees.

4. Agreement Fees

In relation to establishing a guide for the calculation of fees the following shall be applied to the particular property classifications as detailed within this policy, for example -

a. Commercial Premises – Open Market – As determined by Council after obtaining a market rental valuation.
b. Commercial Premises – Retail Shops – As determined by Council after obtaining a market rental valuation.
c. All other classifications would generally be $100 ex GST per annum for community groups, clubs, not for profit organisations.

5. The Market Village
    a. Usage

The commercial properties within The Market Village will provide services or retail goods. Applications will be assessed using the following criteria –

- Contributes goods and/or services for tourists and the Esperance community;
- Provides diverse locally produced goods and services that promote local and regional tourism;
- Provides a unique product or service which is not currently available;
- Attracts an increase in visitation to The Market Village;
- Supports further activation of the area.

    b. Agreement Fees

Fees for The Market Village will be calculated on the average of the base commercial rental (obtained from local real estate) for the town centre. This figure will be discounted by 20% to recognise the condition and setback location of the Market Village from Dempster Street.

    c. Management Group

Tenants at The Market Village will be encouraged to establish an informal management group to -

    i. Oversee the needs of The Market Village tenants
    ii. Pursue marketing and promotional opportunities
    iii. Encourage local arts, crafts and other appropriate industries to become involved
    iv. Activities within the precinct

6. Maintenance Obligations

Maintenance obligations of each Tenant will be specified in each agreement document.

Generally this will be determined as follows;

a. Land Only
   Agreements for those properties which have no structures located on the site, or structures not owned by the Shire, will require the Tenant to be responsible for all maintenance, repair and renewal of any structures.
b. Shire Owned Structures
   Agreements for those properties which have Shire owned structures located on the site will require the Tenant to be responsible for minor maintenance of the structures. Minor maintenance will include items such as repair or replacement of door handles, door locks, light fittings, globe replacement, internal glass breakage and general cleaning etc.
   The Shire will be responsible for structural repairs and will have a building maintenance budget allocation and renewal schedule for the premises.

7. Implementation

Any amendments to the standard lease documentation including maintenance and cleaning schedules is to be negotiated with individual groups, clubs or organisations and introduced on the following timetable -

a. when an existing agreement expires and the Tenant requests a renewal; and
b. when new agreements are considered and approved by the Council.

8. Agreement Types

All property agreements will be subject to terms and conditions outlined within the document as determined by the property classifications within this policy.

The Shire of Esperance currently utilises the following types of agreements -

a. Lease
   Provides the Tenant (Lessee) with exclusive use of the premises.
b. Licence
   Provides the Tenant (Licensee) with non-exclusive use of the premises. Licenced properties must remain open and accessible to members of the public.
c. Memorandum of Understanding
   A Memorandum of Understanding (MOU) will be used in cases where the Tenant is not an incorporated group, or for short term arrangements.

.....End.....

Document Information

Responsible Position	Coordinator Governance and Corporate Support
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*
- *Local Government (Functions and General) Regulations 1996*
- Shire of Esperance Schedule of Fees and Charges

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2007	1		New policy	O0207-0987	
Sept 2007	2	D12/15			
Aug 2015	3		Removal of unnecessary background wording	O0815-010	
Sept 2015	4		Amend museum village provisions to include new rent calculation and require rates to be charged on village premises.	O0915-022	

Mar 2018	5	D16/28987	Update document controller title Minor wording changes Amend museum village buildings to (11) Remove Bob Stevens from classification (ii) example Rename 2. to be Lease Register Remove reference to order register by property classification Insert 'ex GST' in 4. (iii) Insert 'from 2015' in museum village lease fees paragraph, Remove reference to supplementary document in 5.	O0318-073	Mar 2020
Jan 2020	6	D16/28987[v2]	Include rates charge information in various categories, exempt CTA leases from being charged lease preparation fees, remove irrelevant information and amend implementation paragraph	O0120-013	Jan 2022
Feb 2022	7	D16/28987[v3]	Update policy to include all agreements, not just leases. Update responsible officer title. Include relevant information from COR 003 Museum Park Building Lease Arrangements and COR 014 Public Land Improvement Licence. Update property classification criteria and update examples as necessary. Reword sections 2-8.	O0222-033	Feb 2024
Dec 2023	8	D16/28987[v4]	Update classification tables, amend title for classification B, include separate use for Station Master's Ticket Box and minor wording/formatting changes.	O1223-203	Dec 2025
Dec 2024	9	D16/28987[v5]	Update to remove Old Station Master's Office from Museum Village section and include as part of Community Service Category 2.	O1224-099	Dec 2026
Mar 2026	10	D16/28987[v6]	Added information to Purpose section for greater clarity. Updated classification example information. Updated Market Village references following name change in Feb 2026. Updated section 5.a. regarding the Market Village Purpose and application criteria.	O0326-055	Mar 2028

COUNCIL POLICY

POL 0017: Procurement

Purpose

1. To ensure compliance with all relevant legislation including the *Local Government Act 1995* (Act) and the *Local Government (Functions and General) Regulations 1996* (Regulations);
2. To ensure all purchasing activities are recorded in compliance with the State *Records Act 2000* and internal record management practices of the Shire of Esperance (Shire);
3. To demonstrate that best value for money is attained for the Shire;
4. To mitigate probity risk, by establishing processes that promote openness, transparency, fairness and equity to all potential suppliers;
5. To ensure that sustainable benefits such as environmental, social and local economic factors are considered in the overall value for money assessment; and
6. To ensure all purchasing activities are conducted in a consistent and efficient manner organisational-wide, and that ethical decision making is demonstrated.

Scope

This policy is to be followed by all Shire employees.

Definitions

N/A

Practice

The Shire is committed to delivering best practice in procurement, aligned with the principles of transparency, probity and good governance, and in compliance with all statutory requirements.

All purchasing activities undertaken at the Shire are to be in accordance with this Policy.

1. Ethics and Integrity

All officers and employees of the Shire undertaking purchasing activities must have regard for the Code of Conduct and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in an honest and professional manner at all times which supports the standing of the Shire.

2. Value for Money

Value for money is an overarching principle governing procurement that allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

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

a. All relevant whole-of-life costs and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, holding costs, consumables, deployment, maintenance and disposal;
b. The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
c. Financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
d. A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
e. Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

3. Local Purchasing

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs and degree of urgency, the Shire officers are encouraged to purchase locally.

4. Purchasing from Aboriginal Businesses

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs and degree of urgency, Shire officers are encouraged to purchase from Aboriginal Businesses.

5. Sustainable Procurement

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs and degree of urgency, Shire officers are encouraged to consider purchase that minimise negative environmental and social impacts.

6. Purchasing Value and Thresholds

Purchasing value is to be based on the following considerations -

a. Exclusive of Goods and Services Tax (GST); and
b. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. If a purchasing threshold is reached within three years for a particular category of goods, services or

works (including low value, repetitive contracts), then the purchasing requirement under the relevant threshold (including the tender threshold) must apply; and

c. Must incorporate any variation to the scope of the purchase and be limited to a 10% tolerance of the original purchasing value.

The table below prescribes the procurement practices the Shire must adhere to, based on purchasing value:

Purchasing Value	Procurement Practice
< $5,000	Direct purchase from suppliers. The Officers' professional discretion is required to ensure best value is maintained.
$5,000 - $75,000	Seek a sufficient number of written quotes, minimum of two (2), containing price and a sufficient amount of information relating to the specification of the goods or services being purchased. Procurement decision to be based on all value for money considerations. Record keeping requirements must be maintained in accordance with Shire policies and procedures. Alternative process: A Selective or Public Request for Quote process is undertaken and an evaluation panel is established to assess the submissions.
$75,000 - $250,000	Seek a sufficient number of written quotes, minimum of three (3), containing price and a sufficient amount of information relating to the specification of the goods or services being purchased. For this purchasing value range, the procurement decision should not be based on price alone. It is strongly recommended that consideration be given to qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors. Alternative process: A Selective or Public Request for Quote process is undertaken

	and an evaluation panel is established to assess the submissions.
> $250,000	Conduct a public tender process unless exempt by Part 4, Division 2, Section 11 (2) of *Local Government (Functions and General) Regulations 1996*.

Where it is considered beneficial, tenders may be called for contracts with an anticipated purchasing value < $250,000. In this is the preferred option, a public tender process shall be undertaken in accordance with Part 4, Division 2 of the Regulations.

Exemptions to Procurement Practice

An exemption to procurement practice may apply in the following instances -

a. The purchase is to be obtained from expenditure authorised in an emergency
b. The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supplier Program or Common Use Arrangements
c. The purchase is supplied from a government of the State or the Commonwealth or any of its agencies, or by a Local Government or a Regional Local Government
d. The purchase is from a sole supplier of the goods or services
e. The purchase is petrol or oil, or any other liquid or any gas used for internal combustion engines
f. The purchase is from a pre-qualified supplier under a Panel established by the Shire
g. The following purchases where the value does not exceed $250,000 ex GST over 3 consecutive years -
    i. Primary road building materials
    ii. Memberships and subscriptions
    iii. Legal services
    iv. Professional Memberships, Conferences, seminars and training
    v. Software maintenance, support or the renewal of licensing fees
    vi. Purchasing from the original manufacturer whereby any other purchase may void the warranty
    vii. Arts or cultural performances
    viii. Aboriginal cultural services
    ix. Procurement as determined by a Director up to $150,000 ex GST or the CEO up to $250,000 ex GST exempted in writing.

7. Evaluation Panel

An evaluation panel shall be established prior to a Request for Tender or Request for Quote process and include a mix of skills and experience relevant to the nature of the procurement. For contracts with an anticipated purchasing value of -

a. $10,000 - $150,000 - the panel must contain a minimum of two (2) members; or

b. >$150,000 - the panel must contain a minimum of three (3) members.

8. Panels of Pre-Qualified Suppliers

In accordance with regulation 24AC of the Regulations, a local government may select to establish a panel of pre-qualified suppliers (Panel) when -

i. it has a written policy that makes provision in respect of the matters set out in sub-regulation 24AC (2) of the Regulations (this Policy); and

ii. the local government is satisfied that there is, or will be, a continuing need for the particular goods or services to be supplied by pre-qualified suppliers.

a. Objective

The Shire will consider establishing a Panel for purchasing activity when most of the following factors apply -

i. it determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;

ii. there are numerous potential suppliers in the local and regional procurement-related market sector(s) that offer ‘value for money’;

iii. the purchasing activity under the intended Panel is of a low to medium risk;

iv. the Panel will streamline and improve procurement processes; and

v. it has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

b. Panel Establishment

i. Should the Shire determine it is advantageous to establish a Panel, it must do so in accordance with Part 4, Division 3 of the Regulations and its internal procurement procedures.

ii. A Panel may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

iii. Where a Panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to the Panel, or to each category within the Panel, on the basis of best ‘value for money’.

c. Panel Purpose

The Shire will generally establish a Panel to deliver its agreed level of service to the community, as the Shire often requires additional labour and/or plant to support the efficient operation of its permanent workforce. The establishment of a Panel allows the Shire to sub-contract its additional operational requirements on an as-needed basis, at an hourly rated fixed for the term of the Panel.

d. Purchasing from a Panel

Purchasing from a Panel	
Direct Purchase	The Shire may award any quantity of work to any Supplier on the basis of the principals set out in Distributing Work Amongst a Panel. All purchases will be undertaken via a purchase order or the provision of Recipient Created Tax Invoice (RCTI) as per the accepted schedule of rates by the Shire as part of their appointment to the Panel.
Quotation Process	Selected Suppliers will be invited to quote for each item of work available under the Panel and afforded a minimum response period of seven (7) calendar days. In every instance, all responses received will be assessed against pre-determined evaluation criteria to determine the best value for money response.

e. Distributing Work Amongst a Panel

In considering the distribution of work amongst a Panel, the Shire will take into account the Supplier's -

i. Accepted Schedule;

ii. Performance during the term of the Panel;

iii. Equipment, plant, or capability relative to the particular item of work;

iv. Response time and/or availability; and

v. Vicinity to the work location.

f. Panel Communication Agreement

To ensure clear, consistent, and regular communication between all parties to a Panel, the Shire agrees to -

i. Utilise its eProcurement portal for all Panel initiation processes; and

ii. Allocate each Panel a dedicated contact person for the term of the Panel.

9. Authorising Officer

An Authorising Officer is a Shire employee who is authorised to incur expenditure and claims for payment, within a set monetary limit.

10. Purchase Orders

The Shire requires purchase orders to be raised and issued prior to the goods or services being supplied. The Authorising Officer will ensure expenditure incurred is within their set monetary limit.

Exemptions to raising a purchase order

While its best practice to raise purchase orders they, are not a requirement for the following –

a. Utility accounts
b. Telephone accounts
c. Fuel accounts
d. Lease accounts
e. Rent accounts
f. Recipient Created Tax Invoices
g. Transaction Cards
h. Any other purchase at the discretion of Manager Financial Services or Director Corporate and Community Services

11. Fleet Fuel Cards and Fuel Bowser Fobs

All appropriate fleet vehicles will be issued with a fleet fuel card and/or a fuel bowser fob for fuel purchases only and/or to be used at the fuel bowser at the depot. If a fleet vehicle is allocated to a Shire officer, that officer is responsible for the security and appropriate use of the fleet fuel card and/or a fuel bowser fob. The fleet fuel card and/or fuel bowser fob is only to be used for the fleet vehicle to which it is issued.

12. Records Management

All activities associated with procurement at the Shire must be recorded and retained. For a Request for Tender, Request for Quote, or Panels of Pre-Qualified Suppliers process this includes -

a. tender documentation;
b. internal documentation;
c. evaluation documentation;
d. enquiry and response documentation; and
e. notification and award documentation.

For a direct purchasing process this includes -

a. quotation documentation;
b. internal documentation; and
c. order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire's internal *Records Management Policy*.

13. Breach of Procurement Policy

Officers found to have breached this Policy may, at the discretion of the Chief Executive Officer -

a. have their purchasing rights revoked;
b. be subject to disciplinary action, including possible termination without notice; and
c. be required to reimburse the Shire for the amount of the unauthorised expenditure.

.....End.....

Document Information

Responsible Position	Director Corporate and Community Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2007	1		New policy	O0207-0987	Feb 2009
Sept 2007	2	D12/80		O0907-1121	Sept 2009
Jun 2013	3		Title change, include buy local section, add purchasing threshold of $2000 requiring 1 quote, define authorised officers, include fuel cards and credit cards, reduce tender section, include breach information.	O0613-011	Jun 2015
Aug 2015	4		Removal of wording from 'Authorising Officer' paragraph	O0815-010	Aug 2017
Nov 2015	5		Update in line with change of regulations to require at least 3 quotes for purchases between $100,000 and $150,000.	O1115-024	Nov 2017
Apr 2016	6		Include prequalified supplier panel information, adjustments to reflect WALGA best-practice	S0416-001	Apr 2018

			model and minor corrections and formatting.		
Mar 2018	7	D16/28989	Change to position titles in credit card limit section, update document controller	O0318-073	Mar 2020
Jan 2020	8	D16/28989[v2]	Inclusion of Aboriginal purchasing and exemptions. Minor wording, credit card limit changes.	O0120-013	Jan 2022
Apr 2020	9	D16/28989[v3]	Include more focus on buying local	O0420-110	Apr 2022
Feb 2022	10	D16/28989[v4]	Update responsible officer. Add section for sustainable procurement. Reword procurement practice table. Include Common Use Agreements and final dot point in exemptions section. Reword 11 to include reference to Fuel Bowser Fobs. Remove Corporate Credit Card section.	O0222-033	Feb 2024
Dec 2023	11	D16/28989[v5]	Biennial review. No change.	O1223-203	Dec 2025
Mar 2026	12	D16/28989[v6]	Include reference to professional memberships and exemptions being in writing. Add recipient created tax invoices and transaction cards to purchase order exemptions. Minor rewording for clarity.	O0326-055	Mar 2028

COUNCIL POLICY

POL 0018: Records Management

Purpose

To ensure that the Shire meets the statutory requirements of the *State Records Act 2000* and associated legislation.

To provide record keeping principles and processes that identify, capture, and protect the Shire's corporate records of continuing value for legal, financial, administrative, accountability, and historical purposes.

Scope

This policy applies to all Shire of Esperance employees, elected members, volunteers, and contractors performing services on behalf of the Shire of Esperance. It ensures that all records, regardless of format, which are created or received in the course of their duties for the organisation are captured accurately.

Roles and Responsibilities

1. Chief Executive Officer: Is to ensure that an organisational system for the capture and management of corporate records is maintained by the Shire which is compliant with current legislative requirements and best practice standards.
2. Directors, Managers, and other Supervisors: Are to ensure record keeping policy and procedures are known and adhered to within their area of responsibility.
3. All Employees and Volunteers: Are required to create, collect, and retain records relating to the business activities they perform on behalf of the Shire. These records shall be handled in a manner appropriate with the Shire's record keeping requirements and captured into the Shire's record keeping systems.
4. Elected Members: Elected members are required, as representatives of the Shire of Esperance, to capture or create records of any significant activities, interactions and advice or commitments they provide to, or receive from, the community and forward these records onto the Shire.
5. Contractors and Outsourcing: Contractors and organisations performing outsourced functions on behalf of the Shire are to create full and accurate records, as directed by specific contractual arrangements.

Definitions

Corporate Record: A record that holds ongoing administrative, fiscal, legal, evidential, or historical value for the organisation.

Ephemeral Records: A record that only has short-term value to the Shire of Esperance, with little or no on-going administrative, fiscal, legal, evidential, or historic value. This may include insignificant drafts and rough notes, duplicated records or routine enquiries.

Employees and contractors may dispose of ephemeral records when reference to them ceases.

General Retention and Disposal Authority (GRDA): A list of mandatory minimum retention periods for different classes of corporate records which has been approved by the State Records Commission. This document identifies the minimum periods of time different classes of electronic and/or hardcopy records must be kept (retention periods) before they may be appropriately disposed.

Records: Information recorded in any format, created or received, and maintained by an organisation in the transaction of business and kept as evidence of such activity.

Practice

Corporate records provide fundamental evidence of the decisions and actions undertaken by the Shire whilst also serving as a tool for planning for the future. It is for these reasons that legislation exists to ensure that records are properly maintained and preserved for future generations. The most significant legislation impacting the management of Shire corporate records is the *State Records Act 2000*. Other legislation governing records management include the:

1. *Electronic Transactions Act 2011;*
2. *Evidence Act 1906;*
3. *Financial Management Act 2006;*
4. *Freedom of Information Act 1992;*
5. *Limitation Act 1935;*
6. *Local Government Act 1995*; and
7. State Records Commission Standards.

Corporate records are recognised as an important information resource for the Shire of Esperance, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire.

The Shire's corporate records are to be managed in accordance with the Shire's Record Keeping Plan. All elected members, employees, volunteers and contractors are responsible for maintaining complete, accurate, and reliable records as evidence of the actions, decisions, and transactions they make or undertake whilst performing their duties on behalf of the Shire.

All records created or received (including those from outsourced bodies or contractors), belong to the Shire of Esperance and not to the individuals who created them.

Ephemeral records are recognised only as short term in value and may be destroyed when reference ceases. If an ephemeral record is confidential in nature, it must be disposed in a provided confidential bin.

<u>Capture and Control of Corporate Records</u>

Corporate records are to be captured with required metadata into the Shire's recordkeeping systems and maintained to be kept current and accurate.

Elected members are required to forward hardcopy records on a monthly basis to the Shire Records Team, and electronic records as created or received to the Records team at shire@esperance.wa.gov.au.

Appraisal and Retention of Records

Records are assessed and categorised according to their functional classification as they are captured into the Shire's records management system.

Where permitted, all records held by the Shire of Esperance will be retained and disposed in accordance with the General Retention and Disposal Authority for Local Government Information, following authorisation from the Chief Executive Officer.

Security and Access to Records

All records held by the Shire of Esperance shall be stored in electronic and/or hardcopy formats in accordance with legislative requirements and protected from violation, unauthorised access, or destruction.

Access to Shire of Esperance records will be controlled in accordance with the level of security and classification of the record, regardless of format (electronic or hardcopy).

It is the responsibility of the employee capturing the record to advise if additional security may be applicable to the record.

.....End.....

Document Information

Responsible Position	Information Management Coordinator
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- State Records Act 2000
- *Electronic Transactions Act 2011*;
- *Evidence Act 1906*;
- *Financial Management Act 2006*;
- *Freedom of Information Act 1992*;
- *Limitation Act 1935*; and
- *State Records Commission Standards*
- General Retention and Disposal Authority for Local Government Information

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2010	1	D12/64	New policy	O0710-1481	Jul 2012
Aug 2015	2		Rewrite of policy	O0815-010	Aug 2017
Mar 2018	3	D16/28991	Update document status and controller, minor formatting changes.	O0318-073	Mar 2020
Jan 2020	4	D16/28991[v2]	Biennial review, no change	O0120-013	Jan 2022
Feb 2022	5	D16/28991[v3]	Biennial review, no change – to be reviewed following release of new state records commission standards	O0222-033	Feb 2024

Dec 2023	6	D16/28991[v4]	Inclusion of the ownership of records, document flow and readability improved, impacting legislation and standards updated, and migrated to new corporate template.	O1223-202	Dec 2025
Jan 2026	7	D16/28991[v5]	Biennial review, Removed redundant sections and updated wording for better readability.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0019: Complaint Handling

Purpose

The policy sets the guidelines with regard to handling customer complaints ensuring that the Shire of Esperance -

1. Recognises, promotes and protects the customer's right to comment on their dealings with the Shire of Esperance;
2. Provides for natural justice and procedural fairness to ensure that the Shire officer is able to respond to any complaint and is not subject to unfair, unfounded or inappropriate allegations;
3. Provides an efficient, fair and accessible framework for resolving customer complaints;
4. Sets standard for dealing with customer complaints;
5. Increases the level of satisfaction among customers through the delivery of effective and consistent services; and
6. Enhances the Shire's image and reputation, particularly its reputation for customer service.

Scope

This policy relates to customer complaints only.

The Shire's Dealing with Difficult People policy provides a guide for handling behavioural incidents.

Definitions

Complaint: a grievance against a process or the quality of service that a customer receives when dealing with the Shire (i.e. poor customer service, inappropriate staff behaviour etc.)

Service Request: a request for the Shire to undertake certain works or rectify a particular problem (i.e. notification of a pot hole in road; dangerous tree branches; stray dogs/livestock etc.).

*Service requests are lodged through the Customer Request Management (CRM) system and directed to the relevant Officer for action as soon as they are received.

Practice

A complaint can be received either -

1. in writing;
2. in person;
3. by telephone; or
4. by email.

All complaints must be recorded in the Shire's record management system for record keeping purposes.

Anonymous and vexatious complaints may not be investigated as it is not possible to undertake due process to ensure procedural fairness.

Commitment

1. All complaints will be handled quickly, fairly, effectively and courteously and in a manner which ensures natural justice and due process.
2. Responses should always be in positive terms and never retaliatory.
3. The rights of complainants are protected as are those of staff who receive a complaint, or who may be subject of a complaint.

Record Keeping

1. The Shire's record management system will be used to record all Customer complaints.
2. As soon as a complaint is received, a copy of the complaint must be forwarded to the relevant Manager who will monitor the process.
3. The physical record of all complaints and supporting documentation will be recorded in the Shire's Records Management System to allow for accountability and audit.

Responsibility

1. All staff are charged with the responsibility of dealing with customer complaints in a courteous manner and to provide customers with information on the Shire of Esperance's complaint handling policy.
2. Staff have a responsibility to record all customer complaints and incidents in compliance with this policy.
3. All issues should be referred to the relevant Manager/Director who will assign the investigation to an appropriate Officer. In some instances it may be appropriate to engage someone external to the organisation to conduct the investigation. This will be a decision of the Executive Management Team.
4. All complaints will be acknowledged in writing, detailing the action to be taken, within 5 working days.
5. Complaints which are unresolved after 5 working days will be referred back to the relevant Manager.
6. Complaints which are unresolved after 15 working days will be referred to the Chief Executive Officer.

Verbal Complaints

Complaints received in person or by telephone will be handled by the staff member receiving the complaint if possible, or be referred to someone who can resolve the matter. Verbal complaints which are resolved immediately must be recorded in the Shire's record management system and actioned to the relevant Manager/Director.

When the complaint cannot be resolved immediately, the complaint will be managed as for a written complaint.

Written Complaints

Complaints received by letter, email or feedback form will be forwarded to the relevant Manager or Director for resolution. The Chief Executive Officer will be notified of any complaint of a serious nature involving inappropriate behaviour of staff (rudeness, discrimination or harassment).

Response to the Complainant

The complainant will be advised of receipt of the complaint within 5 working days. After the complaint has been investigated and a resolution agreed to, the complainant will be notified.

Empowering Staff

All staff will have access to the complaint handling policy.

All staff will be made aware of updates to the policy.

Where possible staff will receive training in aspects of customer service relevant to this policy, including the differentiation between complaints and service requests.

Monitoring Customer Complaints

The Records Coordinator shall be responsible for -

1. Monitoring all Customer complaints and ensuring their completion.
2. Reporting to the Executive Management Team monthly on complaints lodged.

.....End.....

Document Information

Responsible Position	Manager Financial Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2010	1	D12/23	New policy	O0810-1498	Aug 2012
Aug 2015	2		Removal of Customer Feedback Form (to be included in Supplementary Management Practices document.	O0815-010	Aug 2017
Mar 2018	3	D16/28992	Minor changes, update document controller	O0318-073	Mar 2020
Aug 2018	4	D16/28992[v2]	Change title name and rewording to include unacceptable behaviour	O0818-091	Aug 2020
Jan 2020	5	D16/28992[v3]	Remove references to behavioural incidents as this is included in the new Dealing	O0120-013	Jan 2022

			with Difficult People policy. Wording changes to make clear and remove reference to feedback form as this is not used.		
Jan 2022	6	D16/28992[v4]	Update responsible officer. Minor grammatical changes.	O0222-033	Jan 2024
Dec 2023	7	D16/28992[v5]	Biennial Review. No change.	O1223-202	Dec 2025
Jan 2026	8	D16/28992[v6]	Biennial Review. No change.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0020: Debt Collection

Purpose

The Shire of Esperance will actively pursue all outstanding rates and sundry debtors. All outstanding rates and sundry debtors will be collected in accordance with the *Local Government Act 1995* and associated regulations.

Scope

This Policy will be applied to all -

1. Ratepayers with balances outstanding 14 days after the due date of rates (excluding ratepayers that have elected the instalment option)
2. Sundry debtors with balances greater than 30 days

Definitions

N/A

Practice

The *Debt Collection Policy* will be administered in accordance with the *Debt Collection Guidelines* contained in the *Debt Collection Management Practice*.

.....End.....

Document Information

Responsible Position	Manager Financial Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2014	1	D14/2205	New policy	O0214—033	Feb 2016
Aug 2015	2		Biennial review, no change	O0815-010	Aug 2017
Mar 2018	3	D16/28995	Multiple changes to bring in line with current processes	O0318-073	Mar 2018
Jan 2020	4	D16/28995[v2]	Minor changes to wording, amendment of pensioners and seniors point 4	O0120-013	Jan 2022
Feb 2022	5	D16/28995[v3]	Remove guidelines and include reference to management practice.	O0222-033	Feb 2024
Dec 2023	6	D16/28995[v4]	Remove ‘corporate’ from document references in Practice section.	O1223-202	Dec 2025

Jan 2026	7	D16/28995[v5]	Amend reference to Debt Collection Policy to remove 'corporate'. Update risk rating to medium.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0021: Computer and Mobile Devices

Purpose

To provide guidelines for the acceptable usage of all of the Shire of Esperance's Information Technology Systems including Mobile Devices.

To ensure the security and integrity of the Shire's electronic data and technology infrastructure.

Scope

All Shire employees, Elected Members, contract personnel, and volunteers, including workplace students.

Definitions

N/A

Practice

All Shire employees, Elected Members, contract personnel, and volunteers who access computer resources provided by, facilitated by, or funded by the Shire, or is made available through equipment owned or leased by the Shire; must abide by the document located in the supplementary *Management Practices: Computer System Usage - Code of Practice*

Additionally, all Shire employees, Elected Members, contract personnel, and volunteers who have been provided a mobile device by the Shire, or are using a personal mobile device to access the Shire's electronic resources via internal or external networks; must abide by the document located in the supplementary *Management Practices: Mobile Devices - Code of Practice*.

.....End.....

Document Information

Responsible Position	Manager Information Services
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Mobile Devices - Code of Practice*
- *Computer System Usage - Code of Practice*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2015	1		New policy	O0815-010	Aug 2017
Mar 2018	2	D16/28997	Minor rewording to make it easier to read	O0318-073	Mar 2020

Jan 2020	3	D16/28997[v2]	Biennial review, no change	O0120-013	Jan 2022
Feb 2022	4	D16/28997[v3]	Biennial review, no change	O0222-033	Feb 2024
Dec 2023	5	D16/28997[v4]	Include scope paragraph and comma after first word of second paragraph in Practice section.	O1223-203	Dec 2025
Jan 2026	6	D16/28997[v5]	Biennial review, no change.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0022: Centenarian Waiver of Rates

Purpose

To provide criteria for when to waiver rates and service charges for a ratepayer who is 100 years of age or older.

Scope

This policy was created as Council considered it a respectful gesture to provide a waiver of rates for any ratepayer who reaches the hundred year milestone. This policy provides a guide to the rates officers and finance manager.

Definitions

Centenarian: a person who is hundred or more years old

Ratebook: a listing of all Shire of Esperance rate assessments

Rate Zone: this is the classification of rate assessments

Practice

Waiver of rates to be provided to a ratepayer if they are a centenarian and meet the following criteria -

1. Proof of centenarian status
2. The centenarian's name is on the title of the property
3. Determine what percentage of the property is the centenarian's ownership
4. The centenarian resides at the property
5. Rate Zone for property must be GRV Residential

<u>Criteria</u>

Proof of Centenarian status – this can be in the form of one of the following; birth certificate, passport, letter of congratulations from the King or something similar.

Centenarian's name on the title of the property – the Ratebook will have the name of all property owners on the property title as per Landgate.

Centenarian's ownership percentage – percentage of ownership of property is as per the Ratebook.

Centenarian resides at the property – centenarian to sign a declaration stating they reside at the property. Centenarian is only eligible for waiver of rates whilst they are residing at the property.

Rate Zone for property – the rate zone for the property must be GRV Residential.

Waiver applies to all rates and service charges on rate notice.

Effective Date

Effective date for waiver is the next annual rates due date post the centenarian's birthday.

No pro-rata waiving of rates is to occur.

If centenarian no longer lives at the property or dies after the annual rates due date and before the end of the next financial year there will be no requirement to refund the waiver of rates to the Shire.

Each subsequent year after the first year's waiver, the centenarian must inform the Shire, in writing, they are still residing at the property and of any changes to the other criteria to continue to receive a waiver of rates. This needs to be done prior to the annual rates due date.

Pension and Senior Card Holders

Current Pension and Senior Card holders are eligible for a rebate on property rates if the property is their residence at the 1 July of each year.

When calculating the waiver of rates the Shire will continue to claim the rebate from the Office of State Revenue and waiver the remaining balance of rates.

Multiple Owners

In instances of multiple owners the centenarian will only receive a waiver for their portion of rates in accordance to the *Rates and Charges (Rebates and Deferments) Act 1992*.

.....End.....

Document Information

Responsible Position	Manager Financial Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2018	1	D18/8063	New policy	O0318-082	Mar 2020
Jan 2020	2	D18/8063[v2]	Biennial review, no change	O0120-013	Jan 2022
Feb 2022	3	D18/8063[v3]	Update to include reference to service charges	O0222-033	Feb 2024
Dec 2023	4	D18/8063[v4]	Inclusion of scope and definitions.	O1223-203	Dec 2025
Jan 2026	5	D18/8063[v5]	Remove reference to Queen and replace with King.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0024: Asset Disposal

Purpose

To ensure that assets surplus to Council's needs are disposed of in an appropriate manner.

Scope

This policy was created to provide guidance to all Shire employees to ensure that disposal of any Council property is disposed appropriately and within the Council's objectives.

Definitions

Assets: any property owned by Council

Obsolescence: outdated and no longer used

Practice

The following principles apply to disposal of assets -

1. Assets surplus to Council's needs are disposed promptly
2. That Council achieves the best value for money
3. Ensure that transparency and accountability is achieved

This policy does not apply to sale of land, refer to *Local Government Act 1995* s.3.59 Commercial Enterprises by Local Governments

<u>Reasons for Disposal</u>

1. Obsolescence
2. Operationally inefficient
3. Uneconomical to repair
4. Surplus to current and foreseeable future needs
5. Non-compliance with occupational health and safety standards
6. Technologically obsolete
7. Part of an asset replacement plan
8. Unsustainable costs associated with the retaining of goods such as storage, insurance, security and management
9. Confiscated, impounded or uncollected goods

<u>Preparing assets for Disposal</u>

Prior to disposal a check must be carried out to ensure assets do not contain -

1. Additional items not intended for sale
2. Confidential documents
3. Documents on Council letterhead which may be used for fraudulent purposes
4. Council owned software

5. Hazardous materials
6. Any Shire of Esperance identifying mark if practical and/or possible

Methods of Disposal of Assets

The method of disposal chosen must be appropriate to the value, nature, quantity, location and any grant conditions made at purchase time of the assets. One of the following methods are to be utilised -

1. $0 - $500 internal estimated value of assets
    a. Donation to a registered charity or community group
    b. Destruction to landfill
    c. CEO discretion
    d. Manager/Coordinator discretion for sale of stock purchased for resale. Recommended retail price (RRP) to be considered
2. $501 - $19,999 internal estimated value of assets
    a. Trade-in
    b. Auction (including on-line auction)
    c. Advertised for sale
    d. Minimum of two quotes to be obtained from different parties
    e. Public tender
    f. CEO discretion
3. >$20,000
    a. Refer to Delegated Authority Register 1.12 Disposing of Property
    b. Refer to Local Government Act 1995 s.3.58 - Disposing of Property

Authority to Dispose of Assets

1. Refer to Delegated Authority Register 1.12 Disposing of Property
2. CEO has delegated authority to dispose of assets <$20,000

Record Keeping

If a person is exercising a delegated power of duty, r.19 of the *Local Government (Administration) Regulations 1996* requires records be kept relating to the exercise of the power or discharge of the duty. The written record is to contain -

1. how the person exercised the power or discharged the duty; and
2. when the person exercised the power or discharged the duty; and
3. the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

(Note: All amounts are GST exclusive)

.....End.....

Document Information

Responsible Position	Manager Financial Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 2020	1	D20/1092	New policy	O0120-013	Jan 2022
Feb 2022	2	D20/1092[v2]	Biennial review, no change	O0222-033	Feb 2024
Dec 2023	3	D20/1092[v3]	Include scope and definitions	O1223-203	Dec 2025
Jan 2026	4	D20/1092[v4]	Biennial review, no change	O0126-016	Jan 2028

COUNCIL POLICY

POL 0025: Financial Hardship

Purpose

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from financial hardship.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding financial difficulties.

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 the financial year.

It is a reasonable community expectation, as we deal with the effects of financial hardship that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

Definitions

N/A

Practice

1. Payment difficulties, hardship and vulnerability

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. 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. Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations -

a. Recent unemployment or under-employment
b. Sickness or recovery from sickness
c. Low income or loss of income

d. 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 arrangement. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

3. Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following -

a. That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
b. The payment arrangement will establish a known end date that is realistic and achievable;
c. The ratepayer will be responsible for informing the Shire of Esperance of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

4. Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

5. Deferment of Rates

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

a. Remains as a debt on the property until paid;
b. 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;
c. 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
d. Does not incur penalty interest charges.

6. Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. 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 third 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, 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 financial year.

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

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.

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.

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.

.....End.....

Document Information

Responsible Position	Director Corporate and Community Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Apr 2020	1	D20/10271	New policy	O0420-114	Apr 2022
Feb 2022	2	D20/10271[v2]	Update responsible officer title and dates throughout	O0222-033	Feb 2024
Dec 2023	3	D20/10271[v3]	Amend title and remove references to COVID. Amend ‘payment proposal’ to ‘payment arrangement’ in section 2.	O1223-203	Dec 2025
Jan 2026	4	D20/10271[v4]	Biennial review, no change	O0126-016	Jan 2028

COUNCIL POLICY

POL 0026: Regional Price Preference

Purpose

To encourage the use of local businesses in goods and services purchased or contracted on behalf of the Shire of Esperance.

Scope

This policy will apply to quotations of $250,000 value or greater unless Council resolves otherwise.

Definitions

Prescribed Area: means within the boundaries of the Shire of Esperance.

Regional Price Preference: involves assessing a tender as if the proposed tender price were discounted in accordance with this policy.

Regional Tenderer: means a supplier of goods or services who meets criteria 1 of the Applicable Criteria listed within this policy.

Practice

Levels of Price Preferences to be applied

A price preference may be given to a Regional Tenderer by assessing their tender as if the price bids were reduced by -

1. Goods and Services

Up to 10% where the contract is for goods or services, up to a maximum price reduction of $50,000;

2. Construction

Up to 5% where the contract is for construction (building) services, up to a maximum price reduction of $50,000; or

3. Outsourcing

Up to 10% where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of $500,000, if the Shire is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been until then undertaken by the Shire.

Applicable Criteria

In order to be eligible for consideration under this policy, a supplier must meet the following criteria -

1. The supplier must have been operating a business continuously out of premises located within the Prescribed Area for at least 6 months before the time after which further offers cannot be submitted; or

2. Some or all of the goods or services are to be supplied from regional sources

Although goods or services that form part of a tender submitted by a supplier may be wholly or partly supplied from regional sources, only those goods or services identified as being obtained from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when this policy is in operation.

Conditions

Suppliers who claim the regional price preference should indicate their intention to claim in their tender and identify on which criteria they wish to claim.

Price is only one factor the Shire considers when evaluating a tender. There is nothing contained within this policy that compels acceptance of the lowest price.

The tender that is determined to offer the best value for money to the Shire will be the most likely to be accepted.

If, in the opinion of the Shire, a supplier has deliberately provided false or misleading information in order to benefit from this policy, their tender may be disqualified.

Roles and Responsibilities

Shire Employees will use a competitive market for their local requirements and encourage the development of suppliers and local industry. Local suppliers with the capacity to compete should be provided with the opportunity to bid for work with the Shire.

Employees are to ensure the application of a Regional Price Preference is clearly identified within tender documents to which the preference is to be applied and that this policy be available to businesses as part of the tender process.

Examples of Application

1. The following three tenders, to supply goods or services, are received by a local government that has chosen a 10% rate of price preference.
    a. Tender 1 is from a regional tenderer (as defined by the Council in its policy).
    b. Tender 2 is from a metropolitan based firm and uses goods and services sourced from the metropolitan area.
    c. Tender 3 is from a metropolitan based firm but uses $60,000 worth of goods and services sourced from the region defined in the local government's regional price preference policy.

Tender Received	Tendered Price	Price Reduction	Adjusted price for evaluation
Tender 1	$260,000	$26,000 (10% of $260,000)	$234,000 ($260,000 less $26,000)
Tender 2	$255,000	No preference available	$255,000

Tender 3	$258,000	$6,000 (10% of $60,000)	$252,000 ($258,000 less $6,000)

As shown in the table above, Tender 1 (Regional Tenderer) is the most cost effective once the price preference has been applied.

2. This example determines how the maximum price reduction is applied in accordance with this policy.

The following two tenders, to supply construction (building) services, are received by a local government that has chosen a 5% rate of price preference.

a. Tender 1 is from a regional tenderer
b. Tender 2 is from a metropolitan based firm that sources materials from the metropolitan area

Tender Received	Tendered Price	Price Reduction	Adjusted price for evaluation
Tender 1	$1,500,000	5% of $1,500,000 = $75,000. Maximum price reduction limited to $50,000.	$1,450,000 ($1,500,000 less $50,000)
Tender 2	$1,445,000	No preference available	$1,445,000

As shown in the table above, Tender 2 is the most cost effective once the price preference has been applied.

Note: price is only one criteria used to determine a successful tenderer, however the adjusted price, following the application of any preference, shall be used when evaluating tender criteria.

.....End.....

Document Information

Responsible Position	Director Corporate and Community Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2020	1	D20/6972	New policy	O0620-188	Jun 2022
Feb 2022	2	D20/6972[v2]	Amend responsible officer	O0222-033	Feb 2024
Dec 2023	3	D20/6972[v3]	Biennial review, no change.	O1223-203	Dec 2025
Jan 2026	4	D20/6972[v4]	Update quote limit within scope section from $75,000 to $250,000 in line with tender threshold value. Updated examples accordingly.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0028: Budget Control

Purpose

1. To ensure that shire officers work within set annual budget parameters
2. To outline parameters for efficient and effective budget management in relation to interim overdraft conditions which prevail in the early and closing parts of each financial year
3. To outline when a budget amendment is required to be presented to Council

Scope

This policy is for shire officers who have budget responsibility to provide them with direction and guidance regarding budget matters.

Definitions

Responsible officer: a shire employee who has a general ledger or work order assigned to them

Account: a general ledger or work order

Cost centre: a shire department

Practice

Budget Control

All officers are to be instructed that where any account, for which they are responsible to keep expenditure within budget limits, becomes overspent or will evidently become overspent, the officer concerned must halt spending until a report is made to the departmental manager for appropriate action.

Owing to interim overdraft conditions which may prevail in the early and closing parts of the financial year, officers will give regard to cash flow imperatives in the timing of procurement of high cost plant items, and fixed assets.

Budget Review

1. A budget review is to be conducted for the first six months of the financial year, as per the Local Government (Financial Management) Regulation 1996 – 33(a) Review of Budget. To be presented to Council by end of March of each year for their adoption.
2. Responsible officers will review their accounts and recommend adjustments (budget increases/decreases or additions/deletions) as necessary.
3. The Chief Executive Officer and Directors may approve expenditure in excess of that estimated for any expenditure item listed in the adopted budget provided that -
    a. the expenditure does not exceed the adopted budget by more than $100,000 or 10% of expenditure, whichever is the lesser amount;

b. there is an off-setting saving in budget over actual expenditure within the same budget cost centre is also identified; or
c. such approvals are ratified by Council via the budget review process.

Budget Amendments

For any variations to budget that exceed the adopted budget by more than $100,000 or 10% of expenditure whichever is the lesser amount will be required to be presented to Council as a budget amendment. This will need to be done via an agenda report to Council.

.....End.....

Document Information

Responsible Position	Manager Financial Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2022	1	D22/5420	New policy	O0222-033	Feb 2024
Dec 2023	2	D22/5420[v2]	Include scope and definitions	O1223-203	Dec 2025
Jan 2026	3	D22/5420[v3]	Biennial review, no change	O0126-016	Jan 2028

COUNCIL POLICY

POL 0029: Corporate Credit Card

Purpose

To provide clear direction on appropriate use of the Shire's corporate credit cards to approved cardholders.

Scope

This policy affects all officers who have a shire corporate credit card and outlines the general practices and obligations for those officers.

Definitions

N/A

Practice

The issue and use of corporate credit cards should be strictly in accordance with this policy and the *Procurement Policy*.

The procurement of goods or services using corporate credit cards is limited to low value, high volume purchases or instances when the standard method of raising purchase orders/invoices and/or manual EFT/cheque practices are not available from the preferred supplier.

The overall limit of the Shire's corporate credit card facility shall not exceed $80,000.

General Practices

1. Corporate credit cards will only be issued to employees of the Shire of Esperance on approval of the Chief Executive Officer (CEO).
2. In the case of the CEO, Council may approve the issuing of a corporate credit card as provided for in the contract of employment.
3. The maximum credit limit on any card shall not exceed $5,000, unless specifically approved by the Chief Executive Officer (CEO) for sound demonstrable purposes.
4. The corporate credit cards are to be used for official shire business only and may not be used for personal or private purposes under any circumstances.
5. The corporate credit cards are not to be linked to a reward points program.
6. Corporate credit cards are not to be used for cash advances and this facility will be barred on all cards with the shire's financial institution.
7. It is the cardholder's responsibility to ensure, prior to any purchase, that there are sufficient funds/credit limit available on their corporate credit card so as not to exceed the card's limit.
8. The remaining credit limit can be ascertained at any time by contacting the Finance Department.
9. A tax invoice is required to be obtained for every purchase made.
10. At the end of each month, each credit card statement is authorised by -
    a. In the case of the Chief Executive Officer, the Shire President;

b. In the case of the Directors, the Chief Executive Officer;
c. In the case of other officers, the supervising Director.

11. All purchases using a corporate credit card shall be included in the monthly list of accounts paid by delegated authority that is presented to Council.

Restrictions on Use

Purchasing cards must not be used for the following:

1. Personal, non-work-related expenditure.
2. Splitting purchases in order to negate purchasing delegation limits.
3. To purchase goods and services where the Cardholder will gain private advantage through the transaction (e.g. special offers that benefit individuals such as loyalty reward schemes).
4. To purchase goods and/or services which are higher in value than the cardholder's purchasing delegation limit.

Terms of Corporate Credit Card Use by Cardholder

1. An agreement between the cardholder and the Shire of Esperance shall be signed prior to the issue of corporate credit card.
2. The agreement will outline the cardholder's responsibilities as follows -
    a. Acknowledges receipt of the Shire of Esperance corporate credit card
    b. Confirmation of knowledge and understanding of the Corporate Credit Card Policy.
    c. Will use the corporate credit card for official shire business only
    d. Will ensure the security of the corporate credit card at all times
    e. Will immediately report to the Financial Institution and Manager Financial Services if corporate credit card is lost, damaged or stolen
    f. Notification of disputed transactions.
    g. If position at the Shire of Esperance changes, or employment terminates or there is a request to surrender the corporate credit card, the card will be immediately returned to Finance Department
    h. Retain all original tax invoices supporting purchases made on corporate credit card
    i. Reconciling monthly statements, with supporting documentation and provide cost codes for processing to Finance Department in a timely manner
    j. Any misuse of the Corporate Credit Card may lead to disciplinary action.

Administration

1. Finance will have a delegated card administrator who will be the main point of contact for and card related issues/queries.
2. The outstanding balance of each corporate credit card will be automatically debited to Shire's municipal bank account at the end of each month.
3. Monthly statements listing all transactions will be provided to each cardholder for their review. They will provide to the Finance Department tax invoices and cost accounts for processing.

4. The Finance Department will ensure that corporate credit card agreements are signed and returned before providing the card to the cardholder.
5. Cardholder is responsible to correct any disputes with the merchant.
6. Finance Department will report fraudulent transactions to the Commonwealth Bank.

.....End.....

Document Information

Responsible Position	Manager Financial Services
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2022	1	D22/5421	New policy	O0222-033	Feb 2024
Dec 2023	2	D22/5421[v2]	Include scope, remove procurement policy reference number	O1223-203	Dec 2025
Jan 2026	3	D22/5421[v3]	Include reference to low value, high volume purchases. Add restrictions section. Add b and f to cardholder terms section. Add 1 to administration section.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0030: Investment

Purpose

The objective of this policy is to -

1. Take a conservative approach to investments, but with a focus to adding value through prudent investment of funds.
2. Achieve an adequate level of diversification to spread risk.
3. Achieve a high level of security by using recognised ratings criteria.
4. Have ready access to funds for day to day requirements without penalty.

Scope

This policy provides guidance to the finance manager and assistant accountant when investing Council surplus funds.

Definitions

Authorised investments: funds held in term deposits or bonds. Does not include funds held in savings accounts with the Council's preferred banking service provider.

Standard & Poor: large credit rating agency

More definitions have been provided in Attachment A and B.

Practice

Delegated Authority to Invest

Officers authorised to make investment decisions and sign investment lodgements and withdrawals, having full delegated authority are -

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Manager Financial Services

Authorised Institutions

Investments are limited to authorised institutions, in accordance with *Local Government (Financial Management) Regulations 1996* Section 19C, being -

1. Authorised deposit taking institution (ADI) as defined in the *Banking Act 1959* (Cth) section 5 or (See attachment A for example of Banks)
2. Western Australian Treasury Corporation

Authorised Investments

Authorised investments shall be limited to Australian currency (AUD)

1. Term Deposit
2. Bonds guaranteed by the Commonwealth Government, or a State or Territory government

3. Fixed term no longer than 1 year
4. Investments to be equal to or above the Shire's minimum credit rating based on Standard & Poor's classification

Risk Management Controls

Risk management controls include -

1. Delegated Authority to invest
2. Documented investment procedures
3. Management reporting (monthly investment reports)
4. Utilisation of Standard & Poor's credit rating

Risk Profile

To control the credit risk the following table limits the percentage of the portfolio exposed to any particular credit rating category.

Investment Type	Minimum Credit Rating*	Maximum Term	Minimum %	Maximum %
Term Deposits	A-1	1 year	0	80
Government Bonds	A-1	1 year	0	100

* Based on Standard & Poor's credit ratings

"A-1" rating is the highest category for short term investing (up to 1 year). The obligor's capacity to meets its financial commitments on the obligation is strong. (See attachment B for Standard and Poor's short term credit ratings classifications.)

Council recognises its obligations under the "Prudent Person" rule by seeking to adhere to an investment policy with a conservative bias. Council also seeks to add value to the investment portfolio through product selection and diversification.

Diversification

No more than 80% of Shire funds are to be invested in one Authorised Institution.

Prohibited Investments

This investment policy prohibits any investment in the following -

1. Deposits with an institution except an authorised institution
2. Deposits for a fixed term of more than 1 year
3. Investment in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government
4. Investment in bonds with a maturity of more than 1 year
5. Investment in foreign currency
6. Investment in crypto currency (includes Bitcoin and CoinDesk)

Management Reporting

Each month an investment report, including details of the Authorised Institution, maturity date, interest rate, and actual return vs budget.

A report will be provided to Council in support of the monthly Financial Activity Statement. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, and changes in value.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register retained in the Shire's Corporate Record Keeping Systems.

Certificates must be obtained from the financial institutions and retained in the Shire's Corporate Record Keeping Systems, confirming the amounts of investments held on the Shire's behalf as at 30 June each year and reconciled to the Investment Register.

Liquidity

Cash flow report to be monitored at least weekly to ensure cash funds are available to meet commitments.

Maturity analysis report to be monitored at least monthly.

Any surplus cash not required for operating needs will be maintained in an interest earning account with Council's preferred banking service provider if not in a long term investment.

Attachment A

Examples of ADI (Banks) are:

Australia & New Zealand Bank Ltd.

Bendigo and Adelaide Bank.

Bank of Queensland Ltd.

Bank of Sydney Ltd.

Bank of Western Australia Ltd (New Statutory Deposits unavailable)

Commonwealth Bank of Australia.

Greater Bank Ltd.

Macquarie Bank Ltd.

National Australia Bank Ltd

St George Bank Ltd

Westpac Banking Corporation

Attachment B

Standard and Poor's Short Term Issue Credit Ratings

A-1: A short-term obligation rated "A-1" is rated in the highest category by S&P Global Ratings. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2: A short-term obligation rated "A-2" is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

A-3: A short-term obligation rated "A-3" exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

B: A short-term obligation rated "B" is regarded as vulnerable and has significant speculative characteristics. The obligor currently has the capacity to meets its financial commitments, however it faces major ongoing uncertainties which could lead to the obligor's inadequate capacity to meets its financial commitments.

C: A short-term obligation rates "C" is currently vulnerable to non-payment and is dependent upon favourable business, financial and economic conditions for the obligor to meets its financial commitment on the obligation.

D: A short-term obligation rated "D" is in default or in breach of an imputed promise. For non-hybrid capital instruments, the "D" rating category is used when payments on an obligation are not made of the date due, unless S&P Global Ratings believes that such payments will be made within any stated grace period. However, any stated grace period longer than five business days will be treated as five business days. The "D" rating also will be used upon the filing of a bankruptcy petition or the taking of a similar action and where default on an obligation is a virtual certainty, for example due to automatic stay provisions. An obligation's rating is lowered to "D" it if subject to a distressed exchange offer.

.....End.....

Document Information

Responsible Position	Manager Financial Services
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2022	1	D22/5422	New policy	O0222-033	Feb 2024

Dec 2023	2	D22/5422[v2]	Include scope and definitions, minor spelling change in attachment B, section D.	O1223-203	Dec 2025
Jan 2026	3	D22/5422[v3]	Biennial review, no change	O0126-016	Jan 2028

COUNCIL POLICY

POL 0031: Small Grants Approval

Purpose

This policy aims to ensure the transparency of funding decisions made in relation to the Small Grants funding which forms part of the Shire of Esperance's Community Grants Program.

Scope

This policy applies to all eligible applications as determined by the Community Grants Program Guidelines.

Definitions

N/A

Practice

A Small Grants budget will be set as part of the budget approval process.

The CEO shall shortlist a Small Grants panel. The panel will be responsible for receiving and assessing Small Grant applications with reference to Community Grants Guidelines which are to be made publicly available.

No less than two panel members shall assess each individual application.

The CEO and Shire President, or their delegate, will be jointly responsible for the final approval.

For the purpose of this policy, the CEO's delegate may be any Director position and the Shire President's delegate is the Deputy Shire President. Delegates may approve Small Grants when the CEO or Shire President are absent or have a declarable interest.

Following approval, outgoing grant agreements are to be executed in line with Council Policy: Execution of Documents and Common Seal Usage

Approved grants will be reported back to Council monthly through the Information Bulletin.

.....End.....

Document Information

Responsible Position	Manager Community Development and Events
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- Community Grants Program Guidelines

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2022	1	D22/18876	New policy	O0622-148	Jun 2024
Dec 2022	2	D22/18876[v2]	Amend responsible officer title and include reference to CEO and Shire President delegates.	O1222-113	Dec 2024
Dec 2023	3	D22/18876[v3]	Update responsible officer title, remove policy number referenced in Practice section.	O1223-203	Dec 2025
Jan 2026	4	D22/18876[v4]	Biennial review, no change.	O0126-016	Jan 2028

COUNCIL POLICY

POL 0032: Public Land Asset Strategy

Purpose

This Policy provides a framework to guide Council in the effective management of its land and property assets with the view to increasing the future economic capacity of the Shire of Esperance and assisting the delivery of Objectives outlined in the *Council Plan*.

Specifically, the Shire's land and property assets will be used to achieve the following -

1. The delivery of strategic projects as identified in the *Council Plan*;
2. The facilitation of environmental, economic and social benefits to the Community;
3. The stimulation and regeneration of areas within the Shire of Esperance;
4. Where appropriate enable the adoption of a commercial approach to the management of land and property assets capable of producing a recurrent income; and
5. Development of non-operational land and property assets that will facilitate additional income streams for the Council.

Scope

This policy relates to all property owned or under the control of the Shire of Esperance.

Definitions

Surplus Properties: Surplus properties are considered to be of no benefit to either the community through the delivery of services or to the Shire as part of a more strategic land holding, part of a land bank of property assets or for any other purpose. i.e. surplus to requirements.

Civic Properties: Civic properties are used for the delivery of services provided by the Shire to the Community. These properties differentiate from Public Open Space and Other Reserves in that they may be held in freehold title by the Council.

Commercial Properties: Commercial properties are held by the Shire purely for the commercial return provided through the lease of the property to other entities. Such properties are not anticipated to provide services to the community but will yield an appropriate rate of return (on the capital value of the property) as a commercial proposition subject to appropriate levels of risk as determined by the Council.

Investment Properties: Investment properties differ from Commercial Properties in that they have the potential to contribute towards the achievement of broader planning, social or strategic objectives of the Shire. Whilst such properties may include a commercial undertaking, subject to a commercial agreement between a third party and the Council, the purpose of the Shire's ownership of the property is as a contributory factor towards other outcomes rather than purely for commercial returns on the property investment. i.e. Urban Renewal Projects.

Residential Properties: Residential properties are designed to provide residential facilities only. Such properties may be provided directly by the Shire to the end user, or as part of an agreement with another agency or residential service provider.

Utility Properties: Utility properties are used to deliver utility services such as drainage or other key utility functions. The delivery of utility services should be subject to review to ensure that the location from which the service is being delivered is suitable, the need for the utility service can be validated and the tenure of the property does not result in the Shire having a significant value of freehold assets set aside for such uses with little opportunity to realise the value of these assets at any time in the future.

Public Open Space and Other Reserves: Public Open Space and others reserved properties are most often held as reserves vested in the care, control and management of the Shire. Such properties may provide an active service but may also include properties that have little activation but provide other tangible community benefits through environmental protection or community recreational amenity.

Practice

Principles

The Council will manage its property assets with the view to -

1. Increasing the Shire's social, economic and environmental sustainability;
2. Increasing the Shire's financial capacity;
3. Providing essential services and facilities; and
4. Developing an investment portfolio capable of providing income generation.

Use of proceeds

1. The proceeds from the effective management of Council land and property assets are to be used in the delivery of essential services, facilities and projects which provide for a community benefit.
2. The allocation of such proceeds will have due regard to the Council's *Council Plan*, *Long Term Financial Plan* and relevant council Policies.
3. The Council will consider the use of funds in the development of its land and property assets where an appropriate community, social, environmental or economic benefits can be demonstrated.
4. The proceeds derived from the application of this Policy will be allocated in accordance with the prevailing Financial Management Policies of the Council and in accordance with any Reserve Fund established for that purpose.

Policy

In applying this Policy, the Council will -

1. Ensure all statutory and applicable governance requirements required by the *Local Government Act 1995*, associated Regulations and any other applicable legislation are adhered to.
2. Ensure that this Policy complies with all other relevant Council Policies and practices.

3. Ensure that suitable community engagement is undertaken as a fundamental component of any proposal to dispose of land and property assets in accordance with the *Local Government Act 1995*.

Acquisition and Disposal of Land and Property Assets

The Council will only consider the acquisition and disposal of land after the following steps have been taken -

1. A thorough analysis of applicable financial, social and/or environmental benefits, undertaken in accordance with the established Procedure or any other endorsed template or methodology.
2. Consideration has been given to the disposal of land and property by means of auction, tender or private treaty dependent upon the specific circumstances of the proposed disposal and in accordance with the provisions of the *Local Government Act 1995*.
3. The acquisition or disposal follows a strategic approach to all land and property assets owned or controlled by the Shire of Esperance in preference to considering properties only on a case by case basis.
4. Appropriate risk management strategies have been applied in accordance with any adopted Risk Management Policy.

Performance Management

The Council will give consideration to the establishment of a Business Plan and specific performance management indicators to guide its property asset development.

Such performance management indicators will provide the means by which the performance of land and property assets can be monitored and reported to the community and will enable the Council to consider acquisitions and disposals of land and property assets cognisant of these indicators and the benefit or dis-benefit such acquisitions and disposals may generate.

.....End.....

Document Information

Responsible Position	Manager Economic Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2014	1		New policy	O0614-029	
Mar 2018	2	D16/29036	Updated document controller title	O0318-073	Mar 2020
Nov 2019	3	D16/29036[v2]	Biennial review, no change	O1119-248	Nov 2021

Jan 2022	4	D16/29036[v3]	Biennial review, no change to wording, moved to corporate.	O0122-012	Jan 2024
Jan 2024	5	D16/29036[v4]	Amend Council Plan references throughout and responsible officer position title.	O0124-004	Jan 2026
Dec 2025	6	D16/29036[v5]	Biennial review, no change.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0033: Approval to Hold a Civic Reception

Purpose

To ensure that any requests received for a Council hosted civic reception is to be referred to the Shire President for consideration.

Scope

This policy outlines the requirements for arranging a civic reception and the approvals that need to be taken to proceed.

Definitions

Council Reception: a formal function hosted by Council to mark a special event or achievement.

Practice

Any request for a civic reception is to be referred to the Shire President who is empowered to approve or deny the request provided that a specific or general budget authority exists.

All arrangements for civic receptions may be made by the Shire President and Chief Executive Officer jointly without referral to Council.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2003	1		New policy	O1103-0727	
Sept 2007	2	D12/10			
Mar 2018	3	D16/28998	Biennial review, no change	O0318-073	Mar 2020
Nov 2019	4	D16/28998[v2]	Biennial review, no change	O1119-248	Nov 2021
Jan 2022	5	D16/28998[v3]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	6	D16/28998[v4]	Include scope and definition, replace reject with deny in first paragraph, begin second paragraph with 'All', remove (format, invitation list, etc.) from second paragraph.	O0124-004	Jan 2026
Dec 2025	7	D16/28998[v5]	Biennial review, no change.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0034: Elected Member Uniform Entitlements

Purpose

To define the parameters under which Elected Members may have access to uniforms.

Scope

This policy applies to all Elected Members at the Shire of Esperance.

Definitions

N/A

Practice

Shire Uniforms

The Shire will provide Elected Members with $495.00 (Inc GST) towards a uniform allocation, from the Shire's clothing supplier, in every new two year election term.

Additional items may be purchased by Elected Members from the Shire's clothing supplier by contacting the Executive Assistant. Additional items will be paid for by the purchaser.

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- Elected Member Professional Development Policy

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2010	1	D12/30	New policy	O0310-1426	
Jul 2015	2		Travelling Expenses c/km change as per award, Shire Uniform wording change - providing choice, Change from Executive Manager to Director, Local Govt Week – superfluous phrase removal	O0715-014	Jul 2017
Apr 2018	3	D16/28999	Update document controller. Update travel, meals and child care allowances as per Salaries and Allowances	O0418-083	Apr 2020

			Tribunal. Include paragraph for training and amend conference and seminar section.		
Nov 2019	4	D16/28999[v2]	Change responsible officer, amend wording of meal allowance paragraph and amend child care allowance in line with SAT allowance amount.	O1119-248	Nov 2021
Jun 2021	5	D16/28999[v3]	Amend to remove professional development information due to separate policy for this.	O0621-149	Jun 2023
Jan 2022	6	D16/28999[v4]	Update Communications Allowance section in line with current practice	O0122-012	Jan 2024
Jan 2024	7	D16/28999[v5]	Include scope, remove references to removed sections and replace with reference to professional development policy in travelling expenses section, replace semicolon with full stop in first paragraph of uniform section.	O0124-004	Jan 2026
Mar 2026	8	D16/28999[v6]	Remove any entitlements covered under Regulation and Salaries and Allowances Tribunal. Change Policy name to reflect uniforms.	O0326-054	Mar 2028

COUNCIL POLICY

POL 0035: Senior Employees

Purpose

To nominate the positions within the Shire of Esperance that are “Senior Employees” pursuant to the *Local Government Act 1995*.

Scope

This policy relates to Chief Executive Officer and Director positions within the Shire of Esperance.

Definitions

N/A

Practice

For the purpose of Section 5.37 of the *Local Government Act 1995*, Council designates the following employees to be Senior Employees -

1. Chief Executive Officer
2. All Director Positions

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 1998	1		New policy	O0398-254	
Jan 2011	2	D12/73	Amend to reflect title change from Executive Managers to Directors.	O0111-1559	Jan 2013
Jul 2015	3		Change director titles.	O0715-014	Jul 2017
Mar 2018	4	D23/29000	Biennial review, no change	O0318-073	Mar 2020
Nov 2019	5	D23/29000[v2]	Biennial review, no change	O1119-248	Nov 2021
Jan 2022	6	D23/29000[v3]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	7	D23/29000[v4]	Include scope.	O0124-004	Jan 2026
Dec 2025	8	D23/29000[v5]	Biennial review, no change.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0036: Execution of Documents and Common Seal Usage

Purpose

To establish, in accordance with the requirements of section 9.49A of the *Local Government Act 1995*:

1. Protocols for affixing and administration of the Shire of Esperance's common seal; and
2. Authority for the Chief Executive Officer, another employee or agent to execute documents on behalf of the Shire.

Scope

This Policy outlines the terms of use for the Shire of Esperance Common Seal.

Definitions

Common Seal: a stamped imprint of a company's legal name. It is affixed on agreements and documents that act as evidence that an agreement, contract or document was executed by its authorised agents or officers on behalf of the company.

Authorised Officer: an authorised officer within the Shire of Esperance is determined by Appendix A in this Policy and include -

a. Chief Executive Officer;

b. Shire President; and

c. Director

Practice

A document is considered to have been duly executed when signed in the following ways -

1. By affixing the common seal; or
2. By the Chief Executive Officer, another employee or agent of the local government who has been authorised by resolution of the Council to sign documents on behalf of the local government.

If any of the following specify a particular way that a document is to be executed, it will take precedence over this Policy.

1. Legislation;
2. The formal requirements of a commonwealth or state department, authority or agency (as described in a policy or procedure); or
3. A Council decision.

Affixing Common Seal

The common seal is not to be affixed unless authorised by Council and may only be affixed in the presence of the Shire President and Chief Executive Officer, each of whom is to sign the document to attest that the common seal was so affixed.

In the absence of the Shire President and/or the Chief Executive Officer, the Deputy Shire President and Acting Chief Executive Officer are authorised to affix the common seal.

Council authorisation may be in the form of a specific Council resolution or as detailed within this policy.

Common Seal Register

Details of all instances where the common seal has been affixed will be recorded in a signed register and on an electronic register, which shall be available for inspection by Councillors during normal office hours.

The common seal register will be presented to Council twice yearly to be reviewed.

Execution by Authorised Officers

Officers identified in Appendix A of this Policy are authorised for the purposes of section 9.49A of the *Local Government Act 1995* to sign those documents on behalf of the Shire of Esperance.

Officers are restricted to executing documents, in accordance with this Policy, that are directly related to their area of responsibility.

In the absence of an authorised officer, another officer may only execute the document where they have been appointed to act in the authorised officer's position.

It is the responsibility of the authorised officer to ensure they fully understand what they are executing on behalf of the Council and to assess the document to ensure it is appropriate for signing. Any queries must be addressed before this process is completed.

Documents and communications which relate to day-to-day routine communications or transactions do not require specific authorisation through this policy as they are the subject of Section 5.41(d) of the Act prescribing the Chief Executive Officer's duty to manage the day to day operations of the Shire of Esperance. Such duties are undertaken by "acting through" officers.

Appendix A – Authorised Signatories in Accordance with s.9.49A of the *Local Government Act 1995*

Document Type (✓) Common Seal only to be applied where specified in the relevant document.	**Common Seal**	**EXECUTION BY SIGNATURE ONLY**			
		Shire President	**CEO**	**Director**	**Other Officer**
(1) **Local Laws** – made and amended	✓	×	×	×	×
(2) **Planning Schemes** – adopted and amended	✓	×	×	×	×
(3) **Land Transaction documents**, including: • sale; Note: a Council resolution is required for sale of Council real estate expressly stating that the final document is signed and sealed and the transaction finalised. • purchase; • vesting; • contributed assets; • Notifications of factors affecting land under 70A of the *Land Transfer Act 1893* –lodge or withdraw • Easements – by land transfer o Rights of carriage way; o Rights of support to land burdened by buildings; o Rights to erect a party wall; o Rights to light and air (Property Law Act 1969); o Rights to take water from wells or bores; o Rights to install and operate drains and drainage works; o Rights to install, maintain and operate oil, gas or other pipelines; o Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. • Restrictive Covenants – by land transfer • Deeds – land transfer for public purposes	✓ ✓	 ×	 ✓	 ×	 ×

Document Type (✓) Common Seal only to be applied where specified in the relevant document.	**Common Seal**	**EXECUTION BY SIGNATURE ONLY**			
		Shire President	**CEO**	**Director**	**Other Officer**
(4) **Mortgages, Loans and Debentures**	✓	×	×	×	×
(5) **Power of Attorney** to act for the Shire Note: requires both Shire President and Chief Executive Officer signature	×	✓	✓	×	×
(6) **Land Transaction documents**, including: • Caveats - registering or removing • Leases/Licences • Easements – by deed, deposited plan or other legal instrument o Rights of carriage way; o Rights of support to land burdened by buildings; o Rights to erect a party wall; o Rights to light and air (Property Law Act 1969); o Rights to take water from wells or bores; o Rights to install and operate drains and drainage works; o Rights to install, maintain and operate oil, gas or other pipelines; and o Rights to install, maintain and operate electric power lines, telephone andother cables and supporting pylons. • Restrictive Covenants – lodge, modify or withdraw (other than by land transfer) • Deeds • Legal agreements	(✓)	×	✓	×	×
(7) **State or Commonwealth Government Funding Agreements** Note: subject to relevant delegated authority, any of the identified authorised officers can execute	(✓)	×	✓	✓	×

Document Type (✓) Common Seal only to be applied where specified in the relevant document.	**Common Seal**	**EXECUTION BY SIGNATURE ONLY**			
		Shire President	**CEO**	**Director**	**Other Officer**
(8) **Grants and Funding Agreements** with private agencies (incoming and outgoing) Note: subject to relevant delegated authority, any of the identified authorised officers can execute	(✓)	×	✓	✓	✓
(9) **Memorandum of Understanding**	(✓)	×	✓	✓	×
(10) **Contracts and legal instruments**, including contract variations, related to: • Procurement Contracts* • Goods and/or Service Agreements (incoming or outgoing services)* • Heritage Agreements • Acquittal of planning conditions • Maintenance of the public realm *Limit: documents that arise from the exercise of purchasing authority delegated from/authorised by the Chief Executive Officer to the role	(✓)	×	✓	✓	Managers
(11) **Development, subdivision** and **strata-title approvals** for Shire Land	×	×	✓	✓	×
(12) **Memorial** • Deed Poll Registration: *A document lodged under the Registration of Deeds Act1856, notifying the change of name of a person.* • Memorial of Advertisement: *A document lodged at the Office of Titles by a Local Authority evidencing that the legal requirements necessary to sell land forthe non-payment of rates, have been attended to.* • Prohibiting dealings in land: *A document lodged at the Office of Titles under oneof a number of statutes, which*	×	×	✓	✓	×

Document Type (✓) Common Seal only to be applied where specified in the relevant document.		Common Seal	EXECUTION BY SIGNATURE ONLY			
			Shire President	CEO	Director	Other Officer
when noted on a Certificate of Title acts as a caveat.						
(13) Documents that fulfil a **statutory local government duty or power**, for which thereis no power of delegation or authorisation and is a matter which constitutes a potential risk to the Shire.		×	×	✓	✓	×
(14) **Communications** on behalf of the Shire, with: • Commonwealth or State Ministers • Political or government leaders	**Note**: *Officers are authorised to sign routine day to day operational communications where the recipient is of a similar organisational level as the Shire Officer.*	×	✓	✓	×	×
(15) **Communications** on behalf of the Shire, with CEO's of: • Commonwealth or State GovernmentDepartments • Industry representative bodies		×	×	✓	✓	×
(16) **Communications** on behalf of the Shire, relevant to the day-to-day operations of the Shire and which are subject of a level of political sensitivity or potential risk to the Shire.		×	×	✓	✓	Marketing & Communications
(17) **Ceremonial Certificates** - Common Seal may be affixed at the Shire President's discretion: • Honorary Freeman • Honorary Citizenship		✓	✓	✓	×	×
(18) **Deeds of Settlement** – Employee matters		×	×	✓	×	×
(19) **Enterprise Bargaining Agreements**		×	×	✓	×	×

Document Type (✓) Common Seal only to be applied where specified in the relevant document.	**Common Seal**	**EXECUTION BY SIGNATURE ONLY**			
		Shire President	**CEO**	**Director**	**Other Officer**
(20) Documents where Shire of Esperance is **required to sign as landowner**	×	×	✓	×	×
(21) **Prosecution notices and court documents** Note: subject to relevant delegated authority, any of the identified authorised officers can execute	×	×	✓	✓	✓
(22) **Lease/Licence documentation** limited to; • Residential tenancy leases for employee housing • Disclosure Statements • Notices • Property Condition Reports	×	×	✓	✓	Governance & Corporate Support
(23) Issuance of Section 30 and 40 certificates **(statements of compliance)** under the *Liquor Control Act 1988*	×	×	✓	✓	Development Services
(24) Facility Agreements, including variations	×	×	✓	✓	Manager Recreation & Culture, Coordinator Sport & Recreation

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2003	1		New policy	O090-0697	Sept 2005
Sept 2007	2	D12/22			Sept 2009
Jul 2015	3		Change of wording to include Deputy President & Acting CEO	O0715-014	Jul 2017
Mar 2018	4	D16/29002	Addition of the wording 'and on an electronic register,' to recognise the digital version that is maintained Minor grammar changes	O0318-073	Mar 2020
Nov 2019	5	D16/29002[v2]	Change responsible officer, include register to be received by Council twice yearly.	O1119-248	Nov 2021
Feb 2022	6	D16/29002[v3]	Amend title of policy and rewrite to include document signing authority along with Common Seal usage.	O0222-033	Feb 2024
Jan 2024	7	D16/29002[v4]	Include scope and definitions, minor wording changes, include disclosure statements, notices and property condition reports to item 22 and add item 23 to table.	O0124-004	Jan 2026
Sept 2024	8	D16/29002[v5]	Update signing authority table to include Managers into (10) and include authority for facility agreements as (24) .	O0924-037	Sept 2026
Dec 2025	9	D16/29002[v6]	Minor adjustment to Authorised Officer definition	O1225-098	Dec 2027

COUNCIL POLICY

POL 0037: Legal Representation Cost Indemnification

Purpose

To define a process for meeting reasonable expenses incurred for legal representation that arises from being a member of council or staff in the course of their official functions.

Scope

This policy applies to all elected members or staff, including past members and former employees.

Definitions

N/A

Practice

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

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

General Principles

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.

The local government may provide such assistance in the following types of legal proceedings -

1. 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);
2. proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)]; and
3. statutory or other inquiries where representation of members or employees is justified.

Once a court hearing or enquiry has been completed and an adverse finding has been determined in respect to an elected member or officer no further payment or refund of legal representation costs would be considered by Council.

The Local Government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded however, from taking their own private action. Further, the Local Government may seek its own advice on any aspect relating to such comments and criticisms considered to be of relevance against the Local Government.

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

All applications for Financial Assistance and Repayment of Assistance will be made in accordance with the procedure outlined below.

Associated Procedure

Applications for Financial Assistance

1. Subject to item (5), decisions as to financial assistance under this policy are to be made by the Council.
2. An elected 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.
3. 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).
4. An elected 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*.
5. 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 up to the value of $5,000.
6. Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

Repayment of Assistance

Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the Local Government.

Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonable, illegally, dishonestly, against the interest of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

Where assistance is so withdrawn, the person who obtained financial support is to repay any monies already provided. The Local Government may take action to recover any such monies in a court of competent jurisdiction.

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2000	1		New policy	O1100-629	Nov 2002
Nov 2003	2			O1103-0727	Nov 2005
Sept 2007	3	D12/47			
Jul 2015	4		Change of wording to refine Policy Objective	O0715-014	Jul 2017
Mar 2018	5	D16/29006	Removed the word emanates and replaced it with arises in the objective. Changed General Principles d) to read Further, the Local Government may seek its own advice on any aspect relating to such comments and criticisms considered to be of relevance against the Local Government.	O0318-073	Mar 2020
Nov 2019	6	D16/29006[v2]	Biennial review, no change	O1119-248	Nov 2021
Jan 2022	7	D16/29006[v3]	Remove reference to delegation as this is not a statutory requirement.	O0122-012	Jan 2024
Jan 2024	8	D16/29006[v4]	No change	O0124-004	Jan 2026
Dec 2025	9	D16/29006[v5]	Biennial review, no change.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0038: Conferring of Honours

Purpose

To provide guidelines for the bestowing of Honours by the Shire of Esperance including

1. Freedom of Entry;
2. Keys to the Shire; and
3. Freeman of the Shire of Esperance.

Scope

This Policy outlines the bestowing of honours to community members within the Shire of Esperance, and outlines the difference between each category.

Definitions

Freedom of Entry: a formal ceremonial event involving a parade and the ceremonial handing over of documentation to signify the bestowing of Freedom of the Shire.

Keys to the Shire: a symbolic presentation that represents the highest honour that the Shire can confer on an individual or an organisation.

Freeman of the Shire: the highest honour that the Shire can bestow on a person and is awarded to a recipient that meets the highest threshold of contribution to the community.

Practice

The following are high honours, which may be bestowed by the Shire of Esperance and bestow no legal right or privilege -

Freedom of Entry to the Shire of Esperance

The Freedom of Entry is to be granted to units of the Defence Forces, which have a significant attachment to the Shire of Esperance, as, determined by Council.

Key to the Shire of Esperance

The Key to the Shire of Esperance recognises the outstanding achievements by either an individual or organisation, as per the following guidelines -

1. an individual or group must be considered to have reached a high level of achievement and service in their chosen field.
2. individuals or groups must have been considered to have made a significant and meritorious contribution to the community of the Shire of Esperance, Western Australian, Australian or World Affairs.

Freeman of the Shire

The Freeman of the Shire is to be granted to Elected Members or Senior Staff of the Shire of Esperance

1. who have served the Shire for at least 12 years, although length of service is not the only criterion; and
2. whose outstanding contribution to the community is recognisable through recorded achievements, which can be seen to stand above the contributions of most other persons; and
3. who have consistently displayed commendable conduct; and
4. who are no longer a serving elected member or staff member of the Council.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2002	1		New policy	O0202-0249	Feb 2004
Sept 2007	2	D12/24			
Mar 2018	3	D16/29007	Biennial review, no change	O0318-073	Mar 2020
Nov 2019	4	D16/29007[v2]	Change responsible officer, minor wording change	O1119-248	Nov 2021
Jan 2022	5	D16/29007[v3]	Minor change - Formatting and wording of d)	O0122-012	Jan 2024
Jan 2024	6	D16/29007[v4]	Include scope and definitions	O0124-004	Jan 2026
Dec 2025	7	D16/29007[v5]	Minor adjustment to Freeman of the Shire definition	O1225-098	Dec 2027

COUNCIL POLICY

POL 0039: Presentation of a Shire Plaque of the Council Crest

Purpose

To provide standard guidelines for acknowledging the service of an individual, group or organisation with the presentation of a Shire Plaque of the Council Crest.

Scope

Presentation of a Shire Plaque of the Council Crest may be given to retiring Elected Members, senior Shire employees, community members/organisations, other local authorities and visiting naval ships/defence forces/dignitaries.

Definitions

Council Crest: a heraldic symbol of the Shire of Esperance which embodies the rich history and identity of the shire.

Practice

That the Esperance Shire Council presents a Shire Plaque of the Council Crest at the agreement of the Shire President and Chief Executive Officer. All Elected Members must be notified of the awarding of the Shire Plaque of the Council Crest prior to the presentation occurring.

The plaques shall be presented by the Shire President at a special function, either Council or community orientated.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2001	1		New policy	O0201-0078	Feb 2003
Sept 2007	2	D12/59			
Jul 2015	3		Change wording indicating when a plaque of the crest can be presented	O0715-014	Jul 2017
Mar 2018	4	D16/29008	Very minor grammar changes	O0318-073	Mar 2020
Nov 2019	5	D16/29008[v2]	Change responsible officer	O1119-248	Nov 2021
Jan 2022	6	D16/29008[v3]	Biennial review, no change.	O0122-012	Jan 2024
Jan 2024	7	D16/29008[v4]	Rewording of purpose and scope, removal of duplicate paragraph in practice section.	O0124-004	Jan 2026
Dec 2025	8	D16/29008[v5]	Biennial review, no change	O1225-098	Dec 2027

COUNCIL POLICY

POL 0040: Vandalism Information Reward

Purpose

To enable the CEO to offer a reward for information given in relation to wilful vandalism to Council property.

Scope

This policy applies to vandalism to Shire owned or managed property.

Members of the Police Force are not eligible for the reward.

Definitions

N/A

Practice

That Council may pay a reward to any person or persons giving information that leads to a successful conviction of persons who have wilfully damaged Council property. The amount of the reward is to be determined by the Chief Executive Officer when deliberating the matter.

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 1987	1		New policy	O0187-111	Jan 1989
Sept 2007	2	D12/85			
Jul 2015	3		Council may wish to consider determining a maximum	O0715-014	Jul 2017
Mar 2018	4	D16/29009	Biennial review, no change	O0318-073	Mar 2020
Nov 2019	5	D16/29009[v2]	Change responsible officer	O1119-248	Nov 2021
Jan 2022	6	D16/29009[v3]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	7	D16/29009[v4]	Include scope.	O0124-004	Jan 2026
Dec 2025	8	D16/29009[v5]	Update title to Vandalism Information Reward.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0041: External Committee Representation

Purpose

To provide a clear direction as to the role and responsibilities of Councillors appointed to external committees as a Council representative

Scope

This policy applies to Councillors appointed to represent Council on external committees.

Definitions

N/A

Practice

Any Councillor appointed to an external committee as a representative of Council is to represent Council's interests at all times when involved in the business of the external committee. The Councillor also plays an important role by providing a conduit for information between the Council and the external committee.

Key duties of the Councillor are -

1. To vote in accordance with any formally established position of Council.
2. To vote with the best interests of Council and the community in mind when any issue is being considered that no formal position of Council has been established.
3. Provide all committee minutes for inclusion in the Council records at the first available opportunity following any meeting of the external committee.
4. Provide an informal briefing of the external committee's activities if requested.

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2013	1		New policy	O1113-019	Nov 2015
Mar 2018	2	D16/29034	Biennial review, no change	O0318-073	Mar 2020
Nov 2019	3	D16/29034[v2]	Change responsible officer	O1119-248	Nov 2021
Jan 2022	4	D16/29034[v3]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	5	D16/29034[v4]	Include scope	O0124-004	Jan 2026
Dec 2025	6	D16/29034[v5]	Biennial review, no change.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0042: Community Engagement

Purpose

Through meaningful engagement, the Shire seeks to build trust, strengthen relationships, improve decision-making, and uphold the principles of local democracy.

This policy ensures the Shire of Esperance and Council engage authentically, consistently, and effectively with the community in developing strategies, plans, policies, and decisions that affect them.

This commitment aligns with Outcome 16 of the Shire of Esperance Council Plan 2022–2032: "*A well-informed and engaged community.*"

Scope

This policy applies to all Council Members and Shire staff involved in planning, developing, reviewing, or delivering projects, services, or documents that may impact the community.

It covers all corporate documents and activities except those governed by statutory engagement requirements under the *Planning and Development Act 2005*, *Land Administration Act 1997*, *Town Planning Regulations 1967*, or *Local Planning Scheme No. 24*.

Definitions

Community: People who live, work, own property, or recreate within the Shire of Esperance.

Community Engagement: Any process that involves the public in problem-solving or decision-making and uses public input to guide outcomes.

Corporate Documents: Strategies, policies, procedures, business plans, and associated documents, including guidelines and forms.

Council Plan: a governing document which delivers instructions from the community to the Esperance Council and Shire staff.

Statutory Documents: Corporate documents whose format and layout is guided by legislative requirements i.e. budgets, town planning schemes, annual reports.

Strategy / Policy / Procedure / Guide: Documents that establish direction, set principles, prescribe actions, or provide operational tools for implementation.

Practice

The Shire and Council are committed to open, inclusive, and accessible engagement that values community input.

Engagement is guided by the Shire of Esperance Communications & Engagement Strategy and the Engagement Institute (formally IAP2) Spectrum of Public Participation.

When Engagement Occurs

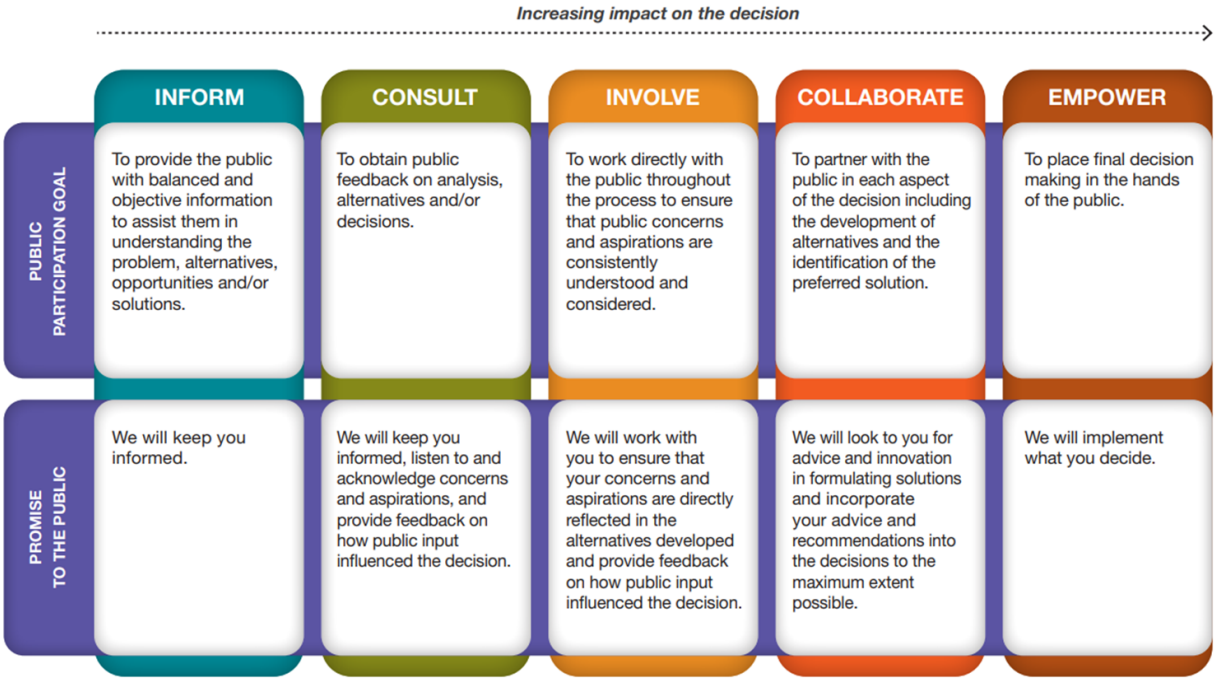
Engagement may be undertaken for (but not limited to) –

- Strategic planning and policy development
- Projects requiring stakeholder or community input
- Major service delivery or by-law changes
- Issues raised by the community with significant public interest
- Impending legislative or statutory changes with major local impact
- Major developments, re-zoning or land-use changes

The Community Engagement Policy provides a broad framework and policy direction for engagement. Shire staff will utilise the Shire of Esperance Community Engagement Guide on when and how community engagement should occur.

The Council and Shire's approach to community engagement is based on the spectrum of engagement activities as advocated by the Engagement Institute (formally IAP2).

Figure 1: Engagement Institute (formally IAP2) Public Participation Spectrum



Roles and Responsibilities

Council's commitment to community engagement is supported by the *Local Government Act 1995* which outlines the essential role of a councillor.

2.10 A Councillor –

a. represents the interests of electors, ratepayers and residents of the district; and

b. provides leadership and guidance to the community in the district; and
c. facilitates communication between the community and the council; and
d. participates in the local government's decision-making processes at council and committee meetings; and
e. performs such other functions as are given to a councillor by this Act or any other written law.

***Council*:** Makes final decisions, informed by community input.

***Shire Officers*:** Plan, deliver, and report on engagement activities, ensuring Councillors are briefed before significant engagements occur.

Principles of Engagement

The Shire of Esperance's Community Engagement Policy is based on a set of core values adapted from the Engagement Institute (formally IAP2). These principles are used to guide the development, implementation and evaluation of Council and the Shire's engagement process.

Engagement will –

- Be representative and inclusive of all affected groups.
- Seek out and encourage contributions from community members who may be affected by or interested in a decision.
- Encourage participation and active listening.
- Provide relevant, balanced and timely information.
- Clearly communicate how feedback influenced decisions.
- Inform the community about decisions, and how their input was considered.
- Be appropriately planned, resourced and accessible.
- The timing of community activities should take into account key dates (school holidays, special events etc.) to ensure that maximum opportunity is given to encourage community input.
- Align with legislative and strategic requirements.

Reporting and Evaluation

Community engagement activities will be reviewed quarterly and reported to Council through the Pulse Report or equivalent.

.....End.....

Document Information

Responsible Position	Manager Marketing and Communications
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*

- *Communications & Engagement Strategy 2021-2024*
- Shire of Esperance Community Engagement Guide

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2013	1	D13/10249	New policy	O1213-010	Dec 2015
Mar 2018	2	D16/29035	Updated the reference to the new Strategic Community Plan, identified how we will report to Council and made minor grammar changes	O0318-073	Mar 2020
Nov 2019	3	D16/29035[v2]	Minor wording changes, inclusion of point 2 for developing an engagement strategy, amended responsible officer title.	O1119-248	Nov 2021
Jan 2022	4	D16/29035[v3]	Amend Strategic Community Plan and Pulse references, include communication and engagement strategy information,	O0122-012	Jan 2024
Jan 2024	5	D16/29035[v4]	Adjust reference for Council Plan, add scope and definitions, adjust remove matrix and replace with guide, amend IAP2 table, minor wording amendments.	O0124-004	Jan 2026
Dec 2025	6	D16/29035[v5]	Rewrite purpose and scope sections. Amend definitions for Community, Community Engagement and Strategy. Delete policy, procedure, guide definitions. Rewrite practice section, including insertion of new engagement spectrum.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0043: Use and Storage of Presidential Chain

Purpose

To provide guidelines for the use and storage of the Presidential Chain.

Scope

This Policy summarises responsibilities associated with the use and storage of the Presidential Chain for the Shire President and Executive Services Staff.

Definitions

N/A

Practice

The Shire President in Office will have the discretion to determine when and where the Presidential Chain will be worn, with the following limitations -

1. Official Swearing in of the Shire President and Councillors in the Council Chamber;
2. Citizenship ceremonies held in the Shire of Esperance;
3. Formal functions at which the Shire President has been invited to make an address;
4. As a representative of the Shire of Esperance at official functions organised by Local, State and Federal Government representatives, the Prime Minister, Governor General, WA Governor, Premier, Ambassadors of State, Foreign Dignitaries, Business Groups and Associations as may be deemed appropriate;
5. As a representative of the Esperance Shire Council at graduations and dedication ceremonies held by universities and institutes of education, schools, charitable organisations, churches, sporting and community groups;
6. Ceremonies associated with state or national Local Government Association Conferences and/or Assemblies;
7. Any Civic ceremonies that require the formality for the Presidential Chain to be worn by the Shire President;
8. Presentation of Citizen of the Year Awards and other Awards of Honor, issued by the Shire of Esperance;
9. For the purpose of official portraits of the Shire President;
10. As a representative of Esperance Shire Council as part of a delegation travelling outside Australia approved by Council resolution;
11. Any occasion agreed to from time to time by a Council resolution;
12. At full Council meetings and other approved meetings/receptions.

Relevant procedures in the policy are as follows;

1. The Presidential Chain is not to be worn by any other elected member, Esperance Shire staff or citizens except by the Acting Shire President where necessary, with the approval of the Shire President.
2. The Presidential Chain is to be regarded as an “asset of the Shire of Esperance.”
3. The Presidential Chain must be kept in a secure area within the Shire of Esperance Office and the Executive Assistant will be the custodian for its safe keeping.
4. The Shire President will be responsible for the safe keeping of the Presidential Chain whilst in his/her possession.
5. All subsequent Shire Presidents, on the completion of their time with Council, will have their full name and period held office as President inscribed on the links of the Chain; this task will be the responsibly of the CEO or his staff.
6. The Chief Executive Officer and/or their delegate will be responsible for ensuring the maintenance of the Presidential Chain, log of use, insurance and safe storage of the item.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2016	1	D16/29037 (rev 1)	New policy	O1016-015	Oct 2018
Mar 2018	2	D16/29037 (rev 2)	Minor grammar changes to wording	O03/18-073	Mar 2020
Nov 2019	3	D16/29037[v2]	Change responsible officer	O1119-248	Nov 2021
Jan 2022	4	D16/29037[v3]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	5	D16/29037[v4]	Include scope, remove Australia Day Ceremonies from limitations list, minor wording updates to second list.	O0124-004	Jan 2026
Dec 2025	6	D16/29037[v5]	Biennial review, no change.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0044: Live Streaming and Recording of Meetings

Purpose

To provide guidance for employees, Councillors and the community with regard to the live streaming and/or recording of Meetings of Council at the Shire of Esperance.

To improve the accessibility and transparency of Council's decision making process.

Scope

This policy applies to -

1. Ordinary and Special Meetings of Council, plus any other public forums or meetings as authorised by the Chief Executive Officer;
2. Councillors and officers; and
3. Members of the public, both as visitors in the public gallery and as contributors to any Meeting of Council held in the Council Chamber.

This policy does not apply to any parts of a Meeting of Council closed to the public in accordance with section 5.23 of the *Local Government Act 1995*.

Definitions

CEO: means the Chief Executive Officer of the Shire of Esperance.

Live Stream: means transmitting live audio or video coverage of a Meeting over the internet.

Meeting: means Meetings of Council, plus any other public forums or meetings as authorised by the CEO.

Meetings of Council: means any Ordinary Council Meeting or Special Council Meeting.

Officers: means an employee of the Shire of Esperance.

Practice

Meetings to be streamed live and recorded

All Meetings of Council will be recorded and live streamed. The CEO may authorise the recording or streaming of other public meetings and/or forums held in Council Chambers at their discretion. Recordings will be made publicly available as soon as practical following the meeting.

Where a meeting or part of a meeting is closed to the public, these need to be recorded, however will not be live streamed or made available to the public. The recorded contents will need to be kept in a confidential folder in our records system.

A sign will be prominently displayed at the Council Chambers notifying attendees that the meeting will be live streamed and recorded.

The presiding member will make an announcement at the start of every meeting, drawing attention to the fact that the meeting will be live streamed and recorded on the Shire's website and that those in attendance should refrain from making comments that are deemed to be inappropriate under this Policy.

The presiding member of a meeting may at any time, direct the live streaming to be terminated if the content of discussion is determined to be inappropriate to be published.

Material that is inappropriate to be published may include, but is not limited to that which is -

1. An infringement of copyright;
2. A breach of privacy or discloses personal information;
3. Is defamatory, offensive, abusive or discriminatory in nature;
4. Misinformation;
5. Incites hatred or vilifies another person; or
6. Is confidential or privileged council information.

Positioning of cameras during the live streaming of a Council meeting

Cameras will be positioned so that members of the public are not visible, as far as practically possible. It is not intended that there be either live or visual recorded footage of the public, however, it is recognised that there may be incidental capture, for example in the background behind a Councillor.

It is intended that the camera positions will provide live and recorded vision of all Councillors who are present at a Meeting of Council. There will be live and recorded audio of Councillors when they speak for the duration of the meeting (other than for confidential items or meetings). Officers who address Council may be seen and heard on the live stream.

Opinions or statements made during a meeting

Unless set out in a resolution of Council, the Shire of Esperance does not support the opinions views, standards or statements made by individuals during a meeting, which may be contained in the live streaming/recording of the meeting.

The Shire does not accept any responsibility or liability for any loss, damage, cost or expense a person might incur as a result of the viewing, use, or reliance of information or statements provided in the live streaming/recording of meetings. Endorsed Council minutes provide the definitive record of Council's resolutions.

Public Participation at Meetings

The full content of the meeting will be recorded including questioners from the public gallery; a person's full name and where they are from may be read out and recorded.

Any person/s invited to speak at a meeting, will be invited to a designated location within the Council Chamber, from where they will be audio recorded but not seen on the live stream footage.

Members of the public wishing to speak at a meeting will be advised that the meeting will be live streamed and that the recording will be made publicly available on the Shire's website.

By participating in a meeting, the person/s attending consent to being audio recorded. If the person/s do not wish to be audio recorded, they are to notify the presiding member at the commencement of their submission.

Technical disclaimer

Whilst every effort will be made to ensure the live stream is running smoothly, the Shire takes no responsibility for and cannot be held liable for, the live stream being temporarily unavailable due to technical issues beyond its control.

Technical issues may include, but are not limited to -

1. the availability of the internet connection;
2. device failure or malfunction;
3. unavailability of social media platforms; or
4. power outages.

Copyright Terms

Copyright in the recording of proceedings vests in the Shire of Esperance, and permission must be sought to copy, communicate or transmit a recording of the proceedings, or a part of a recording of the proceedings.

The following conditions apply to the use of recordings of Meetings of Council or any other meetings or forums and will be placed on Shire's website -

1. Copying or use of recordings of meetings is expressly prohibited unless specifically authorised in writing by the CEO;
2. The user acknowledges that the Shire is the owner of the copyright in the recording of a meeting, and that the Shire has reserved all of its legal rights; and
3. Users must not make or copy single images from the recordings.

Disclaimer

A disclaimer has been prepared and will be published in the public gallery, meeting agenda, on the Shire's website and announced by the presiding member of the meeting to ensure that members in the public gallery are aware of the live streaming of the meeting.

Record Keeping

The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any regulations.

Recordings of Meetings of Council will be accessible on the Shire's website for a period of at least one (1) year.

All recordings will be retained as part of the Shire's records in accordance with the *State Records Act 2000*.

Responsibilities

Councillors and staff are required to act in accordance with the *Local Government Act 1995* (and regulations), *Code of Conduct* and other relevant policies.

Members of the public are required to extend due courtesy and respect to the Council, staff and other members of the public in attendance.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *State Records Act 2000*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Council Members, Committee Members and Candidates Code of Conduct*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2020	1	D20/27916	New policy	O0920-324	Sept 2022
Jan 2022	2	D20/27916[v2]	Biennial review, no change.	O0122-012	Jan 2024
Jan 2024	3	D20/27916[v3]	Include officer's definition, remove ('Act') after first reference of LG Act, minor wording changes.	O0124-004	Jan 2026
Dec 2025	4	D20/27916[v4]	Update second paragraph of 'Meetings to be streamed live and recorded' section to clarify storage of closed meeting recordings	O1225-098	Dec 2027

COUNCIL POLICY

POL 0046: Cultural Protocols

Purpose

To establish protocols for Shire staff with regard to appropriate and consistent recognition and acknowledgement of Kepa Kurl Wudjari People of the Nyungar Nation and Ngadju People as the Traditional Custodians of the land, on which the Shire of Esperance is situated.

Scope

This Policy outlines cultural protocols of “Welcome to Country”, “Acknowledgement of People and Country”, and “Cultural Performances”, and provides guidance as to their appropriate use.

Definitions

Welcome to Country: a formal welcome onto Nyungar and Ngadju land given by an Elder or Traditional Custodian of that land.

Acknowledgement of People and Country: a statement of recognition of the Traditional Custodian of the land. An Acknowledgement can be given by any person.

Cultural Performance: includes but is not limited to, dance, song or musical performance, and/or other means of artistic expression.

Elder: is defined as someone who has gained recognition as a custodian of knowledge and lore, and who has permission to disclose knowledge and beliefs. It is important to understand that age alone doesn't necessarily mean that one is recognised as an Elder.

Practice

The Shire of Esperance recognises the Kepa Kurl Wudjari people of the Nyungar Nation and Ngadju people’s custodianship of country, and is committed to observing appropriate protocols for acknowledging this custodianship at formal Shire events, to which members of the public and external stakeholder groups attend.

The Shire of Esperance is committed to greater visibility and promotion of First Nation people’s culture and connection to country.

Welcome to Country

A Welcome to Country can only be performed by Elders who are recognised as Traditional Custodians of Nyungar or Ngadju country, as this gives Traditional Custodians the opportunity to formally welcome people to their land.

The Welcome to Country should be the first item on the order of proceedings for the event and may comprise of a single speech with or without an accompanying cultural performance.

Events where it is appropriate for a Welcome to Country to be performed include:

1. Official civic receptions by invitation;
2. Where visiting dignitaries are being hosted by Shire staff or Elected Members. These can include Members of Parliament, state and federal government Ministers, Heads of State and their representatives, and/or visiting persons of high renown or esteem;
3. Openings of significant new public buildings or facilities;
4. NAIDOC and Reconciliation Week events hosted by the Shire or Council;
5. Openings or official launches of large public events;
6. Shire of Esperance civic and significant awards presentations; and
7. Conferences organised or hosted by the Shire, where people from outside the municipality are in attendance.

Where it is identified that a Welcome to Country should be performed, the following should occur -

1. The Shire employee (project leader, manager) should record that a Welcome to Country is required and forward a request to the Executive Assistant to the Chief Executive Officer (Executive Assistant) no less than four weeks prior to the event.
2. The Executive Assistant will inform the Shire President and the CEO of the event details and requirement for a Welcome to Country.
3. The Executive Assistant will organise arrangements for the Welcome to Country inclusive of sourcing an appropriate Elder or Traditional Custodian, liaising with the recognised Traditional Custodian's body corporate for the area where the Welcome to Country will take place.

Acknowledgement of People and Country

An Acknowledgement of People and Country can be performed by anyone, and is a respectful public acknowledgement of the Traditional Custodians of the land. Generally, an acknowledgement will be performed by the host or Master of Ceremonies of the event or gathering, unless a specific person has been requested to perform this.

Events where an Acknowledgment should be considered include -

1. Preceding Council or Committee meetings;
2. Citizenship ceremonies;
3. Large meetings where external stakeholders are present;

4. Official openings or launches of intimate public events, either by invitation or not and;
5. Special events as determined by staff managing the event.

Where it is identified that an Acknowledgement of People and Country should be performed, the following should occur -

1. The Shire employee (project leader, manager) should prepare suitable agendas and/or speech notes and insert the requirement for an Acknowledgement of People and Country.
2. The preferred Acknowledgement of People and Country is as follows:
   "I'd like to begin by acknowledging the Kepa Kurl Wudjari people of the Nyungar nation and Ngadju people, who are the Traditional Custodians of this Land, and their continuing connection to land, waters and community. We pay our respect to their Elders past, present and emerging and we extend that respect to other Aboriginal Australians today."

Cultural Performance

Cultural Performances include dance, song, artistic expression and music, and are an optional addition to a Welcome to Country or Acknowledgement of People and Country.

Cultural Performances will most commonly accompany a Welcome to Country, however can also be considered to accompany an Acknowledgment of People and Country.

Where it is identified that a Cultural Performance is necessary or possible the following should occur -

1. The Shire employee (project leader, manager) should record that in addition to a Welcome to Country or Acknowledgement of People and Country, an opportunity to include a Cultural Performance with the program is necessary or possible. This should be forwarded to the Executive Assistant no less than four weeks prior to the event.
2. On confirmation from the Executive Assistant that the event has been approved, the Shire employee (project leader, manager) should discuss options for a Cultural Performance.
3. The Executive Assistant will organise arrangements for the Cultural Performance inclusive of sourcing an appropriate program and liaising with the event coordinator regarding run sheets, logistics and the management of honorarium payments.

The determination of whether a Cultural Performance is necessary or possible shall be made by the Chief Executive Officer, Shire President and Project Manager. Contingent factors shall be accounted for including but not limited to -

1. Logistical constraints of the event or function – including physical and time constraints; project budgets; and appropriateness.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2020	1	D20/34718	New policy	O1120-360	Nov 2022
Jan 2022	2	D20/34718[v2]	Move citizenship ceremonies from Welcome to Country section to Acknowledgement section	O0122-012	Jan 2024
May 2022	3	D20/34718[v3]	Change references to Traditional Owner to be Traditional Custodian, change Nyungar identification to be 'Kepa Kurl Wudjari people of the Nyungar Nation'.	O0522-114	May 2024
Jan 2024	4	D20/34718[v4]	Include scope, move second sentence in Welcome to Country definition to the welcome to country section, remove third paragraph under practice section, minor grammar and wording updates.	O0124-004	Jan 2026
Dec 2025	5	D20/34718[v5]	Biennial review, no change	O1225-098	Dec 2027

COUNCIL POLICY

POL 0047: Attendance at Events

Purpose

To address Elected Members and the Chief Executive Officer's (CEO) attendance at events, whether free of charge, a sponsorship agreement, or paid by the Shire of Esperance.

The purpose of this Policy is to provide transparency for Elected Member and CEO attendance at events.

Scope

This document summarises the protocols for Elected Members and CEO of the Shire of Esperance when attending events.

Definitions

Event: an occasion hosted by an individual or organisation, including concerts, conferences, functions, sporting events or any other activity in accordance with 5.90A(1)(e) of the Act.

Act: *Local Government Act 1995*.

Practice

Invitations

A ticket or invitation received by a person not in their capacity as an Elected Member or CEO will not be captured by this Policy. The requirement to disclose a financial interest where the amount exceeds the amount prescribed under the *Local Government (Administration) Regulation* 20A applies in this case.

A ticket or invitation provided to an individual in their capacity as an Elected Member or CEO is to be treated as a gift to that person, unless the ticket or invitation is referred to the local government for consideration with regard to this Policy.

The following events and attendees are pre-approved for the purposes of this policy;

Event	Event Organiser or Date	Approved Attendee/s
Local Government Week	Western Australian Local Government Association (WALGA)	All Elected Members Chief Executive Officer
Local Events (within the Shire of Esperance)	Sporting Cultural Industry	Shire President Deputy Shire President

WALGA Annual General Meeting	Western Australian Local Government Association (WALGA)	Shire President Deputy Shire President Chief Executive Officer

Approval of attendance

In deciding on attendance at an event, Council must consider:

1. who is providing the invitation or ticket to the event;
2. the location of the event in relation to the Shire (within the region or out of the region);
3. the role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
4. whether the event is sponsored by the Shire of Esperance;
5. the benefit of Shire of Esperance representation at the event;
6. the number of invitations / tickets received; and
7. the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

Decisions to attend events in accordance with this Policy will be made by simple majority of Council or by the Shire President.

In addition to invitations or tickets provided by event organisers, the CEO, in consultation with the Shire President, may purchase tickets for an event where Shire attendance is deemed to be beneficial and appropriate.

Where attendance at an event is approved in accordance with this Policy, the requirement to disclose a financial interest under the Act will not apply.

Payments of attendance

Where an invitation or ticket to an event is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, and for events outside the region, if Council determine attendance to be of value to the organisation.

For any events where a member of the public is required to pay, unless previously approved or listed in this Policy as a pre-approved event, Council will determine whether it is in the best interest of the Shire for an Elected Member, the CEO or another officer to attend on behalf of Council.

If Council determines that an Elected Member or CEO in consultation with the Shire President should attend a paid event, the Shire will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Where partners of an authorised Shire representative attend an event, any tickets for that person, if paid by the local government, must be reimbursed by the representative, unless expressly authorised by Council.

This policy does not apply where a Councillor or the CEO attends an event at their own cost and in a personal capacity.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2020	1	D20/34719	New policy	O1120-355	Nov 2022
Jan 2022	2	D20/34719[v2]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	3	D20/34719[v3]	Minor rewording, include scope.	O0124-004	Jan 2026
Dec 2025	4	D20/34719[v4]	Biennial review, no change.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0049: Elected Member Professional Development

Purpose

To give effect to the Shire of Esperance's commitment to facilitate continuing professional development of Council Members, which enhances their knowledge and develops their skills, thus augmenting Council's capacity for well-informed decision-making and the provision of good government for our community.

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

This policy supports compliance with sections 5.127 and 5.128 of the *Local Government Act 1995*, which require Local Governments to prepare and adopt a policy in relation to the continuing professional development of Council Members, and to provide annual reports on training.

Scope

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

Definitions

Act: means the *Local Government Act 1995.*

Practice

1. Budget Allocations

The Shire of Esperance Annual Budget will include –

a. Whole of Council Training and Development

An allocation for Council as a whole, to be used for –

- Council Member Induction, dealt with under Part 2 of this Policy;
- Mandatory Council Member Training, dealt with under Part 3 of this Policy, and
- Council Capacity Building, dealt with under Part 4 of this Policy.

b. Council Member Professional Development

An annual allocation of $6,000 for each Council Member to be used for individual Continuing Professional Development, as specified under Part 5 of this Policy. Council Members may select training and professional development to be funded from this allocation, subject to approval in accordance with this Policy.

Unexpended allocations at the end of a financial year will be carried forward for a maximum of two financial years, after which any unspent funds will be returned to general funds.

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

2. Council Member Induction

Following each election, the Shire of Esperance will conduct a comprehensive induction program, providing newly elected Council Members with information that will support them to understand Council Member roles and responsibilities; legislative obligations; personal responsibilities; and strategic direction of the Local Government. Continuing/previously elected Council Members are encouraged to participate in nominated elements of the induction program, to assist in fostering a team culture and to refresh their understanding.

3. 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 Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

The Shire of Esperance's preferred provider is WALGA, and course delivery is available both on-line and face to face. Council Members will be provided with enrolment options, and the Shire of Esperance will coordinate bookings and arrangements to implement their selection.

Where a majority of Council Members would prefer face to face training, the Shire of Esperance may arrange on-site delivery and may coordinate this in cooperation with neighbouring Local Governments to achieve cost savings.

Council Members who are not yet required to complete the Mandatory Training may still choose to participate, with associated costs attributed to the Whole of Council Training and Development budget allocation.

4. Council Capacity Building

Within a reasonable period after an election, a Council Workshop will be convened to enable Council Members to collaboratively develop a program of Council Capacity Building.

The program developed at the workshop will form the basis for regular training provided to all Council Members as a group, to encourage Council to focus on continuous improvement in its function as a governing body and to address the outcomes set out in Part 8 of this policy.

The CEO will coordinate training in accordance with the agreed program, with details of dates and delivery modes to be determined in consultation with Council Members.

5. Continuing Professional Development Formats

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

- Short courses;
- Training courses;
- Workshops;
- Seminars;
- Conferences;
- Formal qualifications, or individual units or modules as components of formal qualifications; and
- Membership of professional development organisation, where the membership incorporates access to Continuing Professional Development.

Providers

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

Outcomes

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

This includes Continuing Professional Development that –

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

Eligible Continuing Professional Development activities include –

- WA Local Government Association Council (WALGA) and Australian Local Government Association (ALGA) conferences.
- Special ‘one off’ conferences called for or sponsored by WALGA and/or ALGA on important Local Government issues.
- Annual conferences of the major professions in Local Government and other institutions of relevance to Local Government activities.
- Other Local Government-specific training courses, workshops and forums, relating to the outcomes listed above.
- Training relevant to the outcomes listed above offered by accredited organisations.

- Conferences, training, workshops or seminars that address the initiatives and projects identified in the Shire of Esperance's Strategic Community Plan, Corporate Business Plan or other strategic documents.

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

5.1 Application and Approval

Request for approval

Council Members who wish to attend training or professional development may make application by providing the following details to the CEO in writing –

a. Course or event title, provider or organiser name, location and date;

b. Copy of, or link to program, course outline or other summary of content;

c. An outline of the anticipated benefits of attendance, with reference to the eligibility criteria in this policy; and

d. Total estimated costs including accommodation, travel and sundry expenses.

Applications, including all required details, are to be submitted in reasonable time for registration. Where possible, the Shire of Esperance will seek to take advantage of reduced prices for early registration.

Approval

Approval for Council Member attendance may be granted by –

a. the Chief Executive Officer where the –

   i. application complies with this policy;

   ii. event is to be held within Australia; and

   iii. the Council Member has sufficient funds available in their professional development allocation to meet all costs of attendance.

b. resolution of Council where the –

   i. application has been refused by the Chief Executive Officer;

   ii. application does not comply with this policy;

   iii. estimated costs of attendance exceed the available balance of the Council Member's professional development allocation; or

   iv. event is to be held outside of Australia.

Limitations

Training and continuing professional development is for the purpose of enhancing a Council Member's performance of their role. Therefore, in some instances, approval

may not be granted where attendance conflicts with scheduled Council or Committee meetings (i.e. a meeting where important strategic decisions are required or where the meeting may lack a quorum), unless Council has otherwise resolved.

Where attendance at a particular training or professional development event would require an extended absence, no more than two Council Members may attend, unless Council has otherwise resolved.

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

5.2 Sharing of Knowledge

In order to realise the maximum benefit for the Shire of Esperance, Council Members will provide a report on their attendance, key features and benefits of the training or professional development within a reasonable period after completion. Council Members may include ideas and innovations identified through the professional development for discussion at future Council Member workshops, where the matter relates to the Shire of Esperance's strategic objectives.

Knowledge sharing may be provided as a presentation or verbal update to an informal Council workshop, or a written report provided to the Chief Executive Officer and circulated to all Council Members. Where relevant, copies of resources obtained at the event may also be provided to the Chief Executive Officer for circulation to all Council Members.

6. Registration, travel and expenses

The Shire of Esperance will be responsible for the costs associated with training or professional development approved in accordance with this policy, as detailed in this section.

Event Registration and Bookings
Travel, registration fees and accommodation are to be arranged directly by the Shire of Esperance's administration.

Council Members are not to pay such costs and seek reimbursement, except in the case of an emergency or unique circumstances and subject to the Chief Executive Officer's prior approval.

Travel
Where travel is involved, the actual costs of travel to and from the event venue are to be met by the Shire of Esperance 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 of Esperance by the Council Member before the Shire of Esperance confirms the booking/s.

Registration

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

Accommodation

Reasonable accommodation will be booked for the Council Member for a room at or in close proximity to the event venue and within the expenditure limitations prescribed in the Determination.

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 of Esperance by the Council Member (including any additional associated or travel costs) prior to the Shire of Esperance confirming the booking.

Loyalty Program and Reward Points

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

Meals and Incidental Expenses

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

Meal expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch and dinner where these meals are not provided at the event or in travel. When meals are included and have been paid for as part of the registration fee or accommodation costs, claims for alternative meals at venues other than the event will not to be paid by the Shire of Esperance.

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.

Accompanying persons/entertainment costs

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

The Shire of Esperance may coordinate accompanying person bookings and registrations for travel, accommodation and the event / function, with costs incurred to be paid to the Shire of Esperance by the Council Member prior to the Shire of Esperance confirming the booking/s.

Booking Change / Modification Costs

Costs incurred for changing or modifying a booking for travel or accommodation, where the change or modification is –

a. At the request of the Council Member, are to be paid by the Council Member; or

b. A requirement or for the convenience of the Shire of Esperance, are to be paid by the Shire of Esperance.

Cancellations

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

a. At the request of the Council Member, are to be attributed to the Council Member's individual allocation; or

b. A requirement or for the convenience of the Shire of Esperance, are to be paid by the Shire of Esperance.

7. Report on training

The Shire of Esperance 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.

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

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

The report will be provided to Council Members for their information, before being published on the Shire of Esperance's website within one month of the end of the financial year.

8. Council Member Commitment

Council Members are committed to –

a. Take a positive approach to identifying opportunities for improvement and professional development.

b. Prepare for, participate in and complete professional development and training approved/booked under this policy.

c. Apply the benefits of professional development to fulfilling their Council Member role, including by sharing their knowledge with other Council Members.

d. Make reasonable efforts to confirm their availability, or otherwise, to the CEO before booking deadlines.

e. When requested, advise the CEO of alternative dates / times that they would be available to facilitate their participation in training.

f. Advise the CEO, at the earliest opportunity, if they are unable to attend planned / booked training. Where training costs are unable to be refunded, applicable costs will be debited to the individual Council Member's allocation.

9. Policy Review

In accordance with s.5.128 of the Act, this policy will be provided for Council's review following each ordinary election. The Shire of Esperance will ensure the policy review occurs within the first 12-months following each ordinary election.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Public Service Award 1992*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2021	1	D21/20126	New policy	O0621-149	Jun 2022
Jan 2022	2	D21/20126[v2]	Biennial review, no change.	O0122-012	Jan 2024
Jun 2022	3	D21/20126[v3]	Include provisions for high level qualifications.	O0622-148	Jun 2024
Jan 2024	4	D21/20126[v4]	Change references of conferences and training to be professional development, minor rewording and formatting.	O0124-004	Jan 2026
Mar 2026	5	D21/20126[v5]	Full re-write based upon WALGA model template	O0326-054	Mar 2028

COUNCIL POLICY

POL 0050: Elected Member Social Media

Purpose

The purpose of this policy is to guide Elected Members in their use of social media to ensure communication with the community is professional, respectful, and aligned with the values and standards of the Shire of Esperance.

It promotes responsible use of social media that upholds the integrity of Council, supports transparency, and fosters positive engagement with the community.

Scope

This policy applies to all Elected Members of the Shire of Esperance when using social media in any capacity that may identify them as a Council Member or relate to their role.

Social media is an important tool for communication, engagement, and collaboration with the community. The Council recognises its value in strengthening transparency, accessibility, and connection between Elected Members and the public.

This policy ensures that all social media use by Elected Members is thoughtful, respectful, well-reasoned, and responsible, reflecting their professional position and community standing, and remaining consistent with the Code of Conduct and adopted Council policies.

Definitions

Code of Conduct: refers to the Code of Conduct - Council Members, Committee Members and Candidates.

The Guide: refers to the Elected Member Use of Social Media Guide document.

Shire: refers to the Shire of Esperance as an organisation/governing body.

Social Media: includes any online platform that enables users to create and share information. Some examples of social media are –

a. Social networking sites (e.g. Facebook, LinkedIn, Google+)
b. Blog posts including video and podcasts
c. Video hosts (e.g. YouTube, Vimeo)
d. Image sharing sites (e.g. Flickr, Instagram and Pinterest)
e. Text or voice chat
f. Forums or discussion groups Geolocation based media (e.g. Discord)
g. Wikis and online collaborations (e.g. Wikipedia)

Practice

Social media is a powerful way for Elected Members to connect with the community, share information, and encourage participation in local issues. It can break down barriers, increase transparency, and strengthen public discussion about Council matters.

However, with this opportunity comes responsibility. The community expects Elected Members to communicate in a way that is thoughtful, respectful, well-reasoned, and responsible, regardless of the platform used. While social media often encourages short or informal posts, the same professional standards apply online as they do in person or within Council Chambers.

All Elected Members must comply with the Code of Conduct and the *Local Government Act 1995* when engaging on social media. The Elected Member Use of Social Media Guide provides a practical framework that sets out clear expectations for respectful communication, confidentiality, and integrity in public comment.

As part of the Elected Member induction process, a training session will be provided to outline best practice for social media use and reinforce responsibilities under this Policy. The Guide should be read in conjunction with the Code of Conduct and forms part of Council's broader governance framework.

A breach of this Policy or the Guide may be considered a breach of the Code of Conduct. Members are expected to ensure that all online communication reflects the dignity of their role, maintains public trust, and protects the reputation of both Council and the Shire of Esperance.

Recordkeeping

Social media posts and comments made by the Shire of Esperance and Elected Members are classified as "official public records". It is a statutory requirement for the Shire to monitor relevant social media posts and retain them in the Shire's document management system for record keeping purposes, as per the *State Records Act 2002.*

Use of Social Media During Local Government Elections

During local government elections, social media posts may be considered 'election material'.

Election material is any material which is published in any format which is intended to affect the result of the election.

All election material must contain the name and the home address of the person who authorises the material. Therefore, any social media which may in some way comment on Candidates or Council during an election campaign must meet the requirements of the *Local Government (Elections) Regulations 1997* and associated Regulations. Elected Members and Candidates should understand these rules. If in doubt, act on the side of caution and refrain from using social media to make comment. Advice can be obtained from the WA Electoral Commissioner's delegate or the WA Electoral Commission website.

.....End.....

Document Information

Responsible Position	Manager Marketing and Communications
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Elections) Regulations 1997*
- *Code of Conduct - Council Members, Committee Members and Candidates*
- *Elected Member Use of Social Media Guide*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2021	1	D21/28773	New policy	O0821-143	Aug 2023
Jan 2022	2	D21/28773[v2]	Biennial review, no change	O0122-012	Jan 2024
Jan 2024	3	D21/28773[v3]	Removed Guidelines from policy and created the Elected Member Use of Social Media Guide which is now referenced, minor rewording.	O0124-004	Jan 2026
Dec 2025	4	D21/28773[v4]	Rewrite purpose and scope sections. Amend Social Media definition. Rewrite practice section, with minor amendments to recordkeeping and local government elections sections.	O1225-098	Dec 2027

COUNCIL POLICY

POL 0092: Complaint Resolution and Investigation

Purpose

To establish the additional complaint resolution and investigation procedures to support the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates.

Scope

This policy applies to council members, committee members and candidates where a complaint has been received by the Shire, or referred to the Shire by the Local Government Inspector, under the Shire's Code of Conduct of Council Members, Committee Members and Candidates.

This policy does not apply to the investigation of complaints involving allegations of serious improper conduct, corruption, fraud, misconduct or other criminal conduct which must be referred to the appropriate authority.

Definitions

Act means the *Local Government Act 1995*.

Approved Investigator means a person appointed as an Investigator under clause 14B of the Code with prior Council endorsement.

Authorised Officer means the CEO and any employee authorised by Council in accordance with clause 11(3) of the Code.

candidate means a candidate for election as a council member.

CEO means the Chief Executive Officer of the Shire.

Code means the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

committee member includes any council member, the CEO, employee or unelected member of the community in any of those cases, who has been appointed by Council to be a member of a committee.

complaint means a complaint made under clause 11(1) of the Code.

complainant means a person complaining of a breach by a council member, committee member or candidate under clause 11(1) of the Code.

Council means the Council of the Shire.

Council member means the Shire's elected President or an elected Councillor.

employee means a person:

a. employed by the Shire under section 5.36(1) of the Act; or
b. engaged by the Shire under a contract for services.

Local Government Inspector means the person holding the office of Local Government Inspector established by section 8B.1 of the Act.

Respondent means the person whom the complaint relates to.

Shire means the Shire of Esperance, being a local government established as a body corporate under section 2.5 of the Act.

Practice

In accordance with section 5.104 of the Act every Western Australian local government is to adopt a code of conduct to be observed by council members, committee members and candidates. A local government's code of conduct is to reflect the model code of conduct prescribed by section 5.103(2) of the Act which includes –

- general principles to guide behaviour;
- requirements relating to behaviour; and
- provisions specified to be rules of conduct.

The Shire's Code has been adopted for this purpose and ensures the roles and responsibilities of council members, committee members and candidates are understood and respected. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity and good government for the community.

The Code sets out principles and standards of behaviour council members, committee members and candidates must observe, and is intended to promote accountable and ethical decision-making and conduct.

The purpose of this policy is to detail the high-level complaint resolution and investigation considerations in support of the mechanisms for dealing with complaints detailed in the Code. It is intended to –

- contribute to fairness, integrity and good governance; and
- provide guidance on the key matters to be considered in the preparation, and in the course of an investigation in relation to breaches of the Code.

<u>Authorised persons to receive complaints and withdrawals</u>

In accordance with clause 11(3) of the Code –

a. the CEO is authorised to receive complaints and withdrawal of complaints under the Code; or
b. where the complainant is the CEO, the Director Corporate & Community Services is authorised to receive complaints and withdrawal of complaints under the Code.

<u>Dismissal of complaint</u>

In accordance with clause 13 of the Code, Council must dismiss a complaint where –

a. the behaviour occurred at a council or committee meeting, and the behaviour was dealt with at that meeting; and

b. either –
    i. the behaviour was dealt with by the person presiding at the meeting; or
    ii. the person responsible for the behaviour has taken remedial action in accordance with the Shire's *Standing Orders Local Law 2015*.

Withdrawal of complaint

In accordance with clause 14 of the Code, a complainant may withdraw their complaint any time before it is considered by Council.

The withdrawal of a complaint must be –

a. in writing; and
b. given to an Authorised Officer.

Nature of investigation

In accordance with clause 14B of the Code, an investigation into a complaint must be conducted by an external person, engaged under a contract for service, with prior Council endorsement.

A person appointed as an Approved Investigator must be suitably qualified and experienced to perform the function to review and consider the complaint of a breach made under the Code.

A person appointed as an Approved Investigator of a complaint must be impartial and have no close association with any member of Council or any employee of the Shire.

All investigations must be conducted without bias and in an impartial and objective manner without any actual or perceived conflict of interest. Any conflict of interest will deem the external person ineligible to be appointed.

Powers of investigation

The person or persons appointed under clause 11(3) of the Code may be assisted by any employee of the Shire, in relation to the performance of a function, any advice or other assistance (in accordance with clause 14B(5) of the Code), to oversee an investigation process under the Code and in line with this policy and other supporting complaint resolution and investigation internal policies.

Any external person appointed to perform an investigation into a complaint under the Code has the necessary powers to –

a. inquire with all parties relevant to a complaint to provide any evidence or statements relevant to the matter the subject of the complaint
b. obtain any information from other parties in relation to policies, procedures and practices including access to relevant records or witness statements.

Evidence

For the purposes of an investigation into a complaint, evidence can take the form of –

a. oral or written evidence (recollections)
b. documentary evidence (records)
c. expert evidence (technical advice)
d. site inspections.

The person or persons appointed under clause 11(3) of the Code are to maintain a central investigation file detailing any documentary evidence or records obtained, and that file is to be maintained in the Shire's record-keeping system with restricted access to ensure confidentiality.

If legal proceedings might arise at some future stage, evidence should be gathered in accordance with the rules of evidence.

Appropriate standard of proof

In any investigation into a complaint, all allegations must be proved 'on the balance of probabilities' that is it must be more probable than not that the allegations the subject of the complaint are made out.

Procedural fairness

All investigations of a complaint are to observe due process and procedural fairness.

Procedural fairness for an investigation shall include –

a. ability for a person or persons the subject of a complaint an opportunity to respond
b. all parties given a reasonable opportunity to put their case, whether in writing, in person, or otherwise
c. the careful consideration of all evidence obtained during the course of the investigation
d. reasonable inquiries or an investigation being made before the making of a decision
e. taking into account all relevant factors and not irrelevant factors
f. ensuring any conflicts of interest are managed appropriately
g. acting fairly and without bias
h. conducting the investigation without undue delay.

Investigation report

At the conclusion of the investigation a confidential report is to be prepared detailing –

a. an executive summary of the investigation.
b. details of the complaint and the names of the complainant and the person the subject of the complaint.
c. action taken to investigate the matter.
d. information revealed and relevant facts and evidence established, including statements from the complainant, respondent and any witness(es).
e. any mitigating circumstances revealed.

f. summary or conclusions as to whether the complaint on the alleged breach is substantiated on the evidence obtained in relation to the complaint.
g. any other general issues raised by the investigation that might also be addressed, including any recommendations for systems improvements or the introduction or alternation of policies or protocols.
h. a recommendation on the question whether or not a breach has been determined to have occurred.
i. a recommendation as to whether any, and if so what, further action is required as detailed in any associated action plan.
j. if further action is required, a recommendation must be provided to Council on an action plan to address the behaviour of the person to whom the complaint relates.
k. a declaration that the Approved Investigator has no close association with any member of Council or any employee of the Shire.

Findings

A finding of Council that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

Based on the Approved Investigator's report, the evidence and any further comments or submissions by the parties, Council may decide to –

a. dismiss the complaint in accordance with clause 13 of the Code; or
b. find that the alleged breach has occurred; or
c. find that the alleged breach has not occurred and take no further action.

If the decision is that a breach has occurred, Council may decide –

a. that no further action is required; or
b. that further action is required and consider the adoption of an action plan as recommended by the Approved Investigator with or without modifications.

In accordance with section 5.65 of the Act, the person to whom the complaint relates must disclose the nature of the interest, and as such, in accordance with section 5.67 of the Act must not participate in, or be present during, any discussion or decision making procedure relating to the matter.

In accordance with section 5.65 of the Act, if the complainant is a council member, they must disclose the nature of the interest, and as such, in accordance with section 5.67 of the Act must not participate in, or be present during, any discussion or decision making procedure relating to the matter.

If the complainant is an employee who is required to attend the Council meeting as part of their normal work responsibilities, they cannot attend the part of the Council meeting where the report is being considered.

Management of actions

All findings made in contravention of the Code, and any associated actions, will be monitored and managed by persons authorised under clause 11(3) of the Code.

Reporting

The Shire will maintain a register of substantiated complaints lodged with those persons authorised to receive complaints and withdrawals, or referred to the Shire by the Local Government Inspector, and dealt with under the Code. The register will be available on the Shire's website for public inspection.

The number of substantiated complaints received during a financial year, and a reference to the register on the Shire's website are to be reported annually in the Shire's Annual Report.

Confidentiality of complaints

Under section 8A.36 of the Act, individuals involved in a complaint process must not disclose or use any information about the existence or details of a complaint unless authorised.

This includes –

- complainants.
- the person who is the subject of a complaint.
- anyone dealing with a complaint.
- a person who, as a result of necessary process, becomes aware of any relevant details of a complaint.

Exceptions apply where disclosure is –

- required by law.
- necessary for legal advice or proceedings.
- directed by the Local Government Inspector in the public interest.
- related to a sanction or outcome already made public.
- statistical or anonymised information that cannot identify individuals.

These provisions are designed to protect the integrity of investigations and the privacy of all parties involved. Complainants are expected to maintain confidentiality until the complaint is dealt with.

.....End.....

Document Information

Responsible Position	Director Corporate & Community Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Model Code of Conduct) Regulations 2021*

- *Shire of Esperance Code of Conduct for Council Members, Committee Members and Candidates*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
May 2026	1	D26/14101	New policy	O0526-101	May 2028

Code of Conduct Behavioural Complaint

How to make a complaint about an alleged breach of the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates.

Behavioural Complaint

Please read the Shire of Esperance's Complaint Resolution and Investigation Policy on our website www.esperance.wa.gov.au before submitting a complaint. This Policy details –

- How the Shire of Esperance will process and determine a Behavioural Complaint; and
- How confidentiality of the complaint will be handled.

To make a valid *Behavioural Complaint* –

1. The allegation must relate to a breach of the behaviour standards in *Division 3* of the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates.
2. Complete all sections of the Behavioural Complaint Form attached, including any additional information that will support assessment of the complaint. The Complaints Officer may contact you to clarify or ask for more information.
3. The completed Behavioural Complaint Form MUST be lodged with the Shire of Esperance's Complaints Officer **within one (1) month of the alleged behaviour breach**.

Rules of Conduct complaint

A *Conduct Complaint* refers to a beach of the Rules of Conduct outlined in *Division 4* of the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates, including Council Members when acting as a Committee Member. This type of complaint is determined by the Local Government Inspector, administered through the Department of Local Government. Further information about Rules of Conduct Complaints may be obtained from –

- Department of Local Government: (08) 6552 7300 or https://www.dlgsc.wa.gov.au/local-government or
- The Shire of Esperance's Complaints Officer: (08) 9071 0621 or shire@esperance.wa.gov.au

Need Advice?

If you require advice in making a Behavioural Complaint, please contact the Shire of Esperance's Complaints Officer.

Complainant Details

Full Name	
Contact Number	
Residential Address	
Postal Address	
Email	

Complaint Details

Name (person in breach)	
Date Breach Occurred	
Location of Breach	

Position that the person was fulfilling at the time of the breach

☐ Council Member ☐ Committee Member ☐ Candidate for Election

Which of the behaviours prescribed in Division 3 of the Shire of Esperance's Code of Conduct do you allege this person has breached?

Clause 8 Personal Integrity

A Council member, committee member or candidate –

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

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

A Council member or committee member –

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

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

Clause 9 Relationship with Others

A Council member, committee member or candidate –

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

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

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

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

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

Clause 10 council or Committee Meetings

A Council member, committee member or candidate –

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

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

☐ (c) must not repeatedly disrupt the meeting; and

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

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

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

State the full details of the alleged breach

List any additional information *(Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.)*

Have you made any efforts to resolve the complaint with the respondent? (you MUST complete this section)

☐ Yes ☐ No

If yes, please describe the efforts you have made

If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the respondent.

The Shire of Esperance has a policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution process, that if agreed to by both parties, will be undertaken before the complaint is dealt with.

The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the Complainant, you will have absolute discretion to withdraw or continue with this complaint.

Please contact the Complaints Officer if you would like more information.

Would you agree to participate in an Alternative Dispute Resolution process?

☐ Yes ☐ No

Desired outcome of the complaint *Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution).*

Signature *Complainant* **Date**

Please submit the completed Behavioural Complaint Form to the Shire of Esperance's Complaints Officer:

Mail – PO Box 507, Esperance WA 6450

In Person – 77 Windich Street, Esperance WA 6450

Email – shire@esperance.wa.gov.au

Complaint Details

☐ Entered into CM Date Received

Received By

Signature *Complaints Officer* **Date**

Statutory Declaration

Oaths, Affidavits and Statutory Declarations Act 2005

Must be completed and submitted with the completed Behavioural Complaints Form

Statutory Declaration

I, _____ (Name)

of _____ (Address)

_____ (Occupation)

Sincerely declare that the information I have provided in the attached Behavioural Complaint dated _____ is a true and accurate representation of the alleged behaviour breach.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

at _____ (Place)

_____

Signature *Person Making the Declaration* **Date**

In the presence of:

(see over page for list of authorised witnesses prescribed in the Oaths, Affidavits and Statutory Declarations Act 2005)

Name _____

Qualification as Such a Witness _____

_____

Signature *Authorised Witness* **Date**

Schedule 2 — Authorised witnesses for statutory declarations

[s. 12(6)(a)]

Item	Formal description	Informal description
1.	A member of the academic staff of an institution established under any of the following Acts — • *Curtin University Act 1966*; • *Edith Cowan University Act 1984*; • *Murdoch University Act 1973*; • *University of Notre Dame Australia Act 1989*; • *University of Western Australia Act 1911*; • *Vocational Education and Training Act 1996*.	Academic (post-secondary institution)
2.	A member of any of the following bodies — • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Australia (ARBN 084 642 571); • Institute of Public Accountants (ACN 004 130 643); • National Tax & Accountants' Association Limited (ACN 057 551 854).	Accountant
3.	A person who is registered under the *Architects Act 2004*.	Architect
4.	An Australian Consular Officer within the meaning of the *Consular Fees Act 1955* of the Commonwealth.	Australian Consular Officer
5.	An Australian Diplomatic Officer within the meaning of the *Consular Fees Act 1955* of the Commonwealth.	Australian Diplomatic Officer
6.	A bailiff appointed under the *Civil Judgments Enforcement Act 2004*.	Bailiff

Item	Formal description	Informal description
7.	A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the *Banking Act 1959* of the Commonwealth.	Bank manager
8.	A member of Governance Institute of Australia Ltd (ACN 008 615 950).	Chartered secretary, governance adviser or risk manager
9.	A person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the pharmacy profession.	Chemist
10.	A person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the chiropractic profession.	Chiropractor
11.	A person registered as an auditor or a liquidator under the *Corporations Act 2001* of the Commonwealth.	Company auditor or liquidator
12.	A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer
13.	A member of the Australian Defence Force who is — • an officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth; or • a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or • a warrant officer within the meaning of that Act.	Defence force officer
14.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law.	Dentist

Item	Formal description	Informal description
15.	A person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession.	Doctor
15A.	A person appointed under the *Parliamentary and Electorate Staff (Employment) Act 1992* section 4(1)(b)(i) or (2)(b)(i)	Electorate officer of a member of State Parliament
16.	A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
17.	The secretary of an organisation of employees or employers that is registered under one of the following Acts — • *Industrial Relations Act 1979*; • *Workplace Relations Act 1996* of the Commonwealth.	Industrial organisation secretary
18.	A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
19.	A Justice of the Peace.	Justice of the Peace
19A.	A person who is a member of the Authority's staff within the meaning given to that term by the *Land Information Authority Act 2006* section 3.	Landgate officer
20.	A lawyer.	Lawyer
21.	The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
22.	A member of the council of a local government within the meaning of the *Local Government Act 1995*.	Local government councillor
23.	A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
24.	An authorised celebrant within the meaning of the *Marriage Act 1961* of the Commonwealth.	Marriage celebrant
25.	A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament
25A.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the midwifery profession.	Midwife

Item	Formal description	Informal description
26.	A minister of religion registered under Part IV Division 1 of the *Marriage Act 1961* of the Commonwealth.	Minister of religion
27.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession.	Nurse
28.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the optometry profession.	Optometrist
28A.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the paramedicine profession.	Paramedic
29.	A registered patent attorney under the *Patents Act 1990* of the Commonwealth.	Patent attorney
30.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the physiotherapy profession.	Physiotherapist
31.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the podiatry profession.	Podiatrist
32.	A police officer.	Police officer
33.	The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the *Australian Postal Corporation Act 1989* of the Commonwealth.	Post office manager
34.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the psychology profession.	Psychologist
35.	A public notary within the meaning of the *Public Notaries Act 1979*.	Public notary
36.	An officer of the Commonwealth public service.	Public servant (Commonwealth)
37.	A person who is employed under the *Public Sector Management Act 1994* Part 3.	Public servant (State)

Item	Formal description	Informal description
38.	The holder of a licence under the *Real Estate and Business Agents Act 1978*.	Real estate agent
39.	The holder of a licence under the *Settlement Agents Act 1981*.	Settlement agent
40.	The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
41.	A licensed surveyor within the meaning of the *Licensed Surveyors Act 1909.*	Surveyor
42.	A person registered under the *Teacher Registration Act 2012*.	Registered teacher
43.	A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
44.	A veterinarian as defined in the *Veterinary Practice Act 2021* section 3.	Veterinarian

[Schedule 2 amended: Gazette 9 Jun 2006 p. 2030; 21 Dec 2007 p. 6328; 9 Dec 2011 p. 5235; 17 Apr 2014 p. 1076; amended: No. 21 of 2008 s. 684(5); No. 22 of 2008 Sch. 3 cl. 39; No. 35 of 2010 s. 120; No. 16 of 2012 s. 165; No. 32 of 2016 s. 188; No. 4 of 2018 s. 115; No. 19 of 2021 s. 233(2); No. 9 of 2022 s. 424.]

COUNCIL POLICY

POL 0023: Dealing with Difficult People

Purpose

Customer satisfaction is one of the Shire's values however, at times, a customer's demands or expectations may exceed the Shire's ability to deliver. This policy explains how the Shire will deal with customers who -

1. Cannot be satisfied;
2. Make unreasonable demands;
3. Constantly raise the same issue with different staff; and/or
4. Are rude, abusive, inappropriate or aggressive/intimidating.

The intent is to ensure Shire services are available to all and that resources are being used efficiently and effectively when interacting with ratepayers, residents and community members.

Scope

This policy is a guideline for all Shire employees.

Definitions

N/A

Practice

Service Commitment

Councillors and staff will -

1. Treat each person as a valued customer;
2. Provide a safe, accessible and inclusive environment for all members of the community;
3. Provide customers with as much relevant information as possible, ensuring it is accurate and timely;
4. Acknowledge and apologise for mistakes that have been made or excessive time that has been taken in responding to a customer enquiry;
5. Always express appropriate concern and empathy for a customer's problem or situation;
6. Understand and empathise with the customer's position and try to see the situation from their perspective;
7. Explain the rationale of any Council Policy, Protocol or Procedure that guides the actions the Shire must adhere to; and,
8. Where possible, identify and offer alternative options/solutions.

Policy Threshold Considerations

Prior to enacting this Policy, Councillors and staff must ensure they have complied with the provisions of the Council Policies listed below -

1. *Code of Conduct*;
2. *Customer Service Charter* – Organisation minimum expectations in relation to customer service;
3. *Complaints Handling Policy* outlining the actions to be followed when a complaint is received; and,
4. *Records Management Policy* – all interactions being recorded.

Other items that must be considered prior to provisions of this Policy being implemented are as follows -

1. Has the complaints policy been correctly implemented and no material element of the complaint overlooked or inadequately addressed?
2. Has the behaviour of the person become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on Shire resources?
3. Have staff and/or members of the public been made to feel threatened or uncomfortable by behaviours exhibited requiring an immediate response?

Where a Shire staff member feels threatened or intimidated, the staff member must remove themselves from the situation in the safest way possible and immediately report their experience to their Supervisor.

It is not appropriate to limit access to services purely due to a complaint being made about Council, Shire staff or Shire services. An investigation is required to determine the veracity of the complaint and any subsequent actions.

Internal Review or appeal procedures must be exhausted before service or access restrictions are placed on the person/s (for an ongoing occurrence). The potential cessation or restriction of a service must be recorded and a full report provided to the CEO for approval.

<u>Difficult People Categories</u>

1. A person who cannot be satisfied

Despite the best efforts of Council and/or Shire staff, some members of the public may not be satisfied with the action taken or the service provided by the Shire in the resolution of a complaint or service request.

If, in the opinion of the Chief Executive Officer, a member of the public cannot be satisfied where all appropriate avenues of internal review or appeal have been exhausted and the person continues to write, telephone and/or visit the Shire, the following actions may be taken.

The Chief Executive Officer will notify the person in writing advising that if the person continues to contact the Shire regarding the matter, the Shire may -

a. Not accept any further calls from the person;
b. Not grant any further interviews;
c. Require all further communication to be put in writing; and
d. Continue to receive, read and file correspondence but only acknowledge or otherwise respond to it, if -

i. The person provides significant new information relating to their complaint or concern; or
ii. The person raises new issues which, in the Chief Executive Officer's opinion, warrant fresh action.

2. A person who makes unreasonable demands

Demands or levels of contact are deemed to be unreasonable when the matter begins to impact excessively on the work of Staff and Councillors or the time dealing with the issue impacts on service levels available to other customers. This can be due to -

a. The quantity of information the customer is requesting;
b. The nature and scale of service the customer is seeking; or
c. The number of approaches the customer makes.

If a customer is seen to be making unreasonable demands, the following actions may be taken.

The Chief Executive Officer will notify the person in writing advising them of the Shire's concerns, and ask that they limit and focus their requests. If the customer continues to place unreasonable demands on the organisation, the Shire may -

a. Not respond to any future correspondence and only take action where, in the opinion of the Chief Executive Officer, the correspondence raises specific, substantial and serious issues; or
b. Only respond to a certain number of requests in a given period.

3. A person who constantly raises the same issue with different staff

A person who is dissatisfied with the action taken or service provided and continues to raise the same issue with different staff.

If, in the opinion of the Chief Executive Officer, a person is continually raising the same issue with different staff, the following actions may be taken.

The Chief Executive Officer will notify the person in writing that -

a. Only a nominated person will discuss their concerns in the future;
b. An appointment must be made with the nominated person if they wish to discuss their matter; and
c. All future contact with the Shire must be in writing.

4. A person who is rude, inappropriate, intimidating, angry, threatening or harassing

For a range of reasons, a person may display inappropriate, rude, angry, harassing or intimidating behaviour whilst using Shire facilities, attending a Shire activity, or during other interactions with Councillors, Shire staff, customers and/ or clients.

Shire staff can take the following actions when subjected to a person who displays the above behaviour during the course of their duties -

a. Ask the person to stop their current behaviour and warn the person that if the behaviour continues the conversation, interview or access to the facility/activity will be terminated;

b. Cease the conversation or interview if the rude, angry or harassing behaviour continues after a warning has been given;
c. Where this behaviour continues to occur at a Shire facility/activity, the person will be asked to leave; and
d. Call the Police, should the situation require.

Where a conversation or interaction is terminated, or a person is asked to leave a facility, in accordance with this Policy, the staff member must notify the relevant Director/Manager as soon as practicable with a report on the matter. It is the responsibility of the relevant Director/Manager to notify the Chief Executive Officer of any reported incident.

Where a person or persons have been asked to leave a Shire facility or activity, the Chief Executive Officer may notify the person in writing, advising them of Council's concerns and that they could be banned from Shire facilities and future functions if the behaviour continues to occur.

If, in the opinion of the Chief Executive Officer, correspondence received by the Shire contains personal abuse, inflammatory comments or material clearly intended to intimidate, this correspondence will be returned to the sender and not otherwise acted upon.

General Management of Policy

If the Chief Executive Officer determines that service or access restrictions are necessary in line with this policy, the customer must be notified accordingly and given an opportunity to make representations about the proposed course of action to the Chief Executive Officer and, if applicable, the Director of the appropriate Directorate.

The Chief Executive Officer must advise the Council as soon as practicable of the relevant circumstances and action taken if a decision is made to withdraw service or limit/refuse access in accordance with this policy.

In circumstances related to 'difficult people' which have not reached a point of service being withdrawn, which may present a risk of reputational damage or other detriment being suffered by the Shire, the Chief Executive Officer will inform Council.

The duration of any service or access restrictions will be at the discretion of the Chief Executive Officer.

.....End.....

Document Information

Responsible Position	Director Corporate & Community Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 2020	1	D19/9389	New policy	O0120-013	Jan 2022
Feb 2022	2	D19/9389[v2]	Update responsible officer. Minor changes to grammar throughout.	O0222-033	Feb 2024
Mar 2024	3	D19/9389[v3]	Change responsible officer, remove policy references in threshold section, and include a paragraph within the General Management of Policy section to ensure that Council is made aware of circumstances which may present a risk of reputational damage or other detriment to the Shire	O0324-025	Mar 2026
Feb 2026	4	D19/9389[v4]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0051: Bushfire Management

Purpose

1. Imposing, managing and reviewing harvesting, machinery and vehicle movement bans within the district of the Shire of Esperance.
2. Exemptions to Harvest and Vehicle Movement Bans on non TFB days.
3. To ensure Bushfire Control Officers have the necessary experience and training to hold these positions.
4. Minimum standard requirements for Bush Fire Brigade Volunteers.

Scope

To ensure adequate measures are in place to reduce the risk and spread of fire in the community.

Definitions

Harvest and Vehicle Movement Ban (Harvest Ban) - A ban on all harvesting, machinery and vehicle movements within a Shire, or part of the Shire, when the Fire Behaviour Index (FBI) reaches 50 or above.

Fire Behaviour Index (FBI) – Is a scale of potential fire behaviour. Fire agencies use the FBI to inform decisions about fire danger ratings for the district, along with information about other conditions.

Practice

Management of District for Harvest Bans and Burning Permits

That for the purposes of fire incident management and imposing and reviewing Harvest Bans and the district of the Shire of Esperance be divided into six zones – West Coast Zone, West Zone, North Zone, East Zone, East Coast Zone and Urban Rural Zone and include the following sub-zones -

1. West and West Coast Zones be divided into two sub-zones down the Lort River, which provides a natural boundary.
2. East and East Coast Zones to be divided into two sub-zones from Mt Ridley, along Bronzewing Road, Kau Rocks Road, Kettles Road and Daniels Road.
3. North Zone be divided into two by the Brigade boundaries of Southern Mallee and Salmon Gums.
4. Naming of the sub-zones be by numbering 1 and 2 within each existing Zone, using Esperance town as a “hub” and numbering away from town.

Each zone is to have a 'senior' control officer referred to as a Senior Bushfire Control Officer. It is accepted that the Chief Bushfire Control Officer may also be appointed a Senior in control of a zone.

The Chief Bushfire Control Officer shall have ultimate authority for fire control imposing of and reviewing Harvest Bans. When managing Harvest Bans every effort to liaise and consult with the Senior Control Officers in each zone should be made. Senior Control

Officers should make every effort to be available to assist the Chief Bushfire Control Officer with implementation and review of Harvest Bans.

Guidelines for Harvest and Vehicle Movement Bans

On non-Total Fire Ban (TFB) days, a Harvesting, Machinery and Vehicle Movement Ban will be put in place when the Fire Behaviour Index (FBI) reached 50 on the Fire Behaviour Index calculator – Grassland Model.

The Senior Fire Control Officers will use WHATSAPP as the primary communication method to discuss fire weather condition. On days a High fire danger or above is forecast by the Bureau of Meteorology, a radio sched may take place, to discuss weather conditions and a plan for the day will be established by the Senior Fire Control officers across the Shire.

A Harvest and Vehicle Movement Ban will be implemented when the FBI of 50 is reached, or is requested by Fire Control Officers to the Chief Bush Fire Control Officer. A Ban can be in place across the whole Shire or individual Zones.

Lifting the Ban, will occur when weather conditions are deemed appropriate by the CBFCO for harvesting operations to resume.

When a Ban is implemented, it will be communicated by text message, updates on the Harvest Ban Hotline, Social Media, the Shire Website and ABC Radio.

There will be an automatic Harvest and Vehicle Movement Ban in place on Christmas Day and New Year's Day annually. Other days may be considered by the Chief Bush Fire Control Officer depending on seasonal conditions.

Exemptions to Harvest and Vehicle Movement Bans

There are some examples of operations whereby the requirements of Harvest Bans can be exempt.

1. Loading and offloading of grain, fertiliser and feed is only permitted on sites which are approved and registered by Council on an annual basis and which are clear of all inflammable material save live standing trees to a radius of at least 25 metres. A mobile firefighting unit shall be in attendance at all times and accompany the grain carting vehicle when travelling on a laneway between the registered site and a made gazetted road.
2. Water carting for stock and domestic purposes provided it is accompanied by a mobile firefighting unit, or alternatively, the water carting vehicle acts as the mobile firefighting unit and meets minimum specifications (this also requires the retention of 400 litre of water at all times).
3. All necessary travel within piggeries, sheep or cattle feed lots, provided this is undertaken in a mobile firefighting unit.
4. All necessary carting of livestock provided that such a vehicle is accompanied by a mobile firefighting unit.
5. Essential Services such as power, water, telecommunications disruption provided that a vehicle is accompanied by a mobile fire fighting unit.

6. All other activities or operations may only be undertaken during Harvest and Vehicle Movement Bans after approval has been granted by the Chief Executive Officer. Approval has to be sought on an individual basis. Approval may be subject to specified conditions. It should be noted that approval may not be granted.

Post-Harvest Stubble Slashing

As per Regulation 38A of the *Bush Fires Regulations 1954,* that post-harvest stubble slashing can only be undertaken during the Restricted and Prohibited Burning Periods under the following conditions -

1. A mobile firefighting unit of not less than 800 litres capacity be situated in the paddock whilst stubble slashing is in progress.
2. A minimum of 2 x 9 litre fire extinguishers must be carried on all slashers.
3. A 2-way radio communications unit must be installed on all vehicles.

There is to be a total ban on stubble slashing between 23 December and 2 January annually.

Qualifications of Bushfire Control Officers

That a person being nominated and elected to the position of Bushfire Control Officer is required to have practical firefighting experience and to have successfully completed the Fire and Emergency Service Authority Fire Control Officers (FCO) Course within twelve (12) months of being appointed and to undergo subsequent refresher training every 5 years.

Minimum Standard Requirements for Bush Fire Brigade Volunteers

Any person responding to an incident upon a Shire of Esperance bush fire appliance must;

1. Be registered to a shire of Esperance Bush Fire Brigade;
2. wear minimum Personal Protective Clothing/Equipment, as provided by the Shire; and
3. must have completed the Bushfire Safety Awareness and Firefighting Skills training.

.....End.....

Document Information

Responsible Position	Manager Community Support
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Bush Fires Act 1954*
- *Bush Fires Regulations 1954*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Apr 2008	1	D12/16	New policy.		Apr 2010
May 2012	2			O0512-029	May 2014
May 2014	3		Include burning of blue gum provisions.	O0514-100	May 2016
Mar 2016	4		Move from COR to EXT. Policy rewritten to reflect current practices.	O0316-008	Mar 2018
Apr 2018	5	D16/29062	Update document controller title, minor formatting changes	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table.	O0320-073	
Jun 2020	7	D16/29062[v2]	Amendment to exemption/variation paragraph, update department name to Department of Biodiversity, Conservation and Attractions (DBCA), remove Facebook and replace with social media and removal of a form from policy.	O0620-183	Jun 2022
Dec 2021	8	D16/29062[v3]	Update to Exemption/Variation and Machinery Movement Ban sections. Remove form from policy.	O1221-225	Dec 2023
Nov 2023	9	D16/29062[v4]	Remove Management Practice information, include minimum training and operational requirements for volunteers, update to reflect change in new fire danger rating system.	O1123-193	Nov 2025
Feb 2026	10	D16/29062[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0052: Waste Management Services

Purpose

The purpose of this policy is to provide an efficient and sustainable waste management services with an aim to improve environmental, public health and operational outcomes for the Shire, its residents and businesses.

Scope

All properties able to be serviced by the waste and recycling collection service are required in accordance with the provisions of the *Waste Avoidance and Resource Recovery Act 2007* to have a refuse and recycling Mobile Garbage Bin (MGB) and will be charged in accordance with the Council's schedule of fees and charges.

Waste collection services can also extend to commercial organisations and when events are held, upon request to the Shire.

Definitions

MGB: mobile garbage bin

Practice

Strategic Context

This policy links to Planet - Outcome 5 Shared responsibility for climate and sustainability within the Shire's Council Plan 2022-2032 and specifically the following outcome:

5.2 Develop a sustainable, low waste, circular economy.

Residential Waste (Refuse) Collection

The Shire will provide a weekly domestic waste collection service to every residential property, with adequate access, within the district for the removal of domestic waste. The Shire will provide the waste receptacle. All residential premises, including 'holiday homes', shall be subject to the residential rates charge and waste levy. The refuse collection charge is to be set as part of the annual budget each financial year.

Residential Recycling Collection

The Shire will provide a fortnightly recycling collection service to all properties able to be serviced by the waste and recycling collection contractor. The Shire will provide the recycling receptacle. The recycling collection charge is to be set as part of the annual budget each financial year.

Street Bins and Public Place Collection

The Shire will provide litter receptacles in appropriate streets, parks and reserves and at buildings under the care, control and management of Council. These will be emptied on a regular basis dependent on usage. Bins with dog poo bags will only be installed at the approaches to approved dog beaches and public open spaces within the Shire.

Bin Weight

MGBs weighing more than 70kg will not be collected by the Contractor. In such an event the Contractor shall place a notification sticker on the MGB, and the occupant shall be required to empty the MGB to bring it under the 70kg limit before the bin can be collected by arrangement. This clause does not apply for larger bins collected by front or rear loading collection

Commercial Collection Options

Commercial premises can also request larger recycling bins for collection by a rear /or front-loading vehicle. Available sizes include 1.5 cubic metre, 3 cubic metre, and 4.5 cubic metre commercial bulk recycling bins, the 70kg weight limit will not apply. The refuse and recycling collection charge is to be set as part of the annual budget each financial.

Rural properties without access to recycling may be eligible for 360 litre MGB.

Contamination

The Shire maintains a three-strike policy regarding the contamination of a recycling bin. On the first occurrence the Contractor or authorised shire staff will place a warning sticker on the receptacle stating “not to collect’ until the unacceptable items (contamination) are removed. The removal of unacceptable items (contamination) from the MGB is the responsibility of the occupant, after which the MGB can be placed back out for collection on the next recycling collection day for that premises or by special arrangement. For a second occurrence of contamination, the occupant will also be contacted in writing by a Shire representative to communicate the appropriate use of the service. The recycling MGB will be removed on a third occurrence with fees and charges for the service remaining. The occupant can apply to have the recycling service reinstated after a 30-day cooling off period. When the MGB is returned the occupant will be provided with accompanying education material.

The Shire will promote waste reduction and recycling in the community. The Shire will work with the Keep Australia Beautiful Council and other approved agencies to promote and encourage litter reduction

Waste Vouchers

The Shire shall issue four waste vouchers to each rateable assessment property. The vouchers will be issued with the first rate notice each financial year. New properties or change of ownerships coming onto the domestic waste service shall be issued with pro-rata waste vouchers on written application by ratepayer or authorised property manager. Lost waste vouchers may be reprinted following written application by ratepayer or authorised representative and payment made in accordance with the schedule of fees and charges. Claims for non-receipt of waste vouchers will only be recognised, if made in writing. Waste Vouchers will expire on the 31 August each year and cannot be extended or transferred. A record will be kept of replacement vouchers issued. Conditions apply for acceptable waste when using a waste voucher as payment for waste disposal.

.....End.....

Document Information

Responsible Position	Manager Sustainability & Resource Recovery
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Waste Avoidance and Resource Recovery Act 2007*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
July 2007	1		New policy.	O0707-1081	July 2009
Dec 2007	2			O1207-1187	Dec 2009
Mar 2010	3	D12/68		O0310-1426	Mar 2012
Mar 2016	4		Updates to reflect current legislation.	O0316-008	Mar 2018
April 2018	5	D16/29039	Minor formatting	O0418-075	April 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	7	D16/29039[v2]	No change to wording. Policy mandates that All properties able to be serviced by the waste and recycling collection service are required in accordance with the provisions of the Waste Avoidance and Resource Recovery Act 2007 to have a refuse and recycling bin and will be charged accordingly.	O0620-183	June 2022
Dec 2021	8	D16/29039[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	9	D16/29039[v4]	Change title, rewrite of policy for consistency with proposed local law.	O0224-018	Feb 2026
Feb 2026	10	D16/29039[v5]	Update responsible officer.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0053: Applications Lodged by Planning Staff, Senior Employees or Elected Members

Purpose

To ensure that all applications for development, land use or subdivision lodged by a Planning Employee, Senior Employee or Elected Member are referred to Council or the Shire CEO for consideration.

Scope

This policy applies to any application for development approval, land use or subdivision lodged by or on behalf of a member of the Planning Staff, a Senior Employee or Elected Member.

Definitions

development means the development or use of any land, including —

a. any demolition, erection, construction, alteration of or addition to any building or structure on the land;
b. the carrying out on the land of any excavation or other works;
c. the case of a place to which a protection order made under the *Heritage Act 2018* Part 4 Division 1 applies, any act or thing that —
    i. is likely to change the character of that place or the external appearance of any building; or
    ii. would constitute an irreversible alteration of the fabric of any building;

Practice

Notwithstanding any delegation of Council functions, any development application or subdivision application lodged by a member of the Planning Staff or Senior Employees (as defined in POL 0035: Senior Employees) or Elected Member is to be referred to the Council for determination, except for an application -

2. That is for the expansion/upgrading of a place of business that was previously approved and satisfies the objectives and development standards in -
    a. Local Planning Scheme;
    b. The Acceptable Development provisions of the Residential Design Codes, and
    c. Any relevant adopted Planning Strategy, Local Planning Policy and/or Local Law.
3. For a minor modification to an approved plan;
4. An extension of time for a planning consent when there has been no circumstantial change other than the expiration of time; or
5. For amalgamation of lots or realignment of boundaries.
6. For a single house irrespective of any objections being received.

Where an application is for one of the above exceptions, the application is to be referred to the Shire CEO, or in the case an application by the Shire CEO the application is to be referred to the Director External Services for determination.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2004	1		New policy	O0704-0928	Jun 2006
Dec 2007	2			O1207-1187	Dec 2009
Mar 2010	3	D12/9		O0310-1426	Mar 2012
Mar 2016	4		Removal of condition regarding certification of clearance of subdivision and strata title conditions.	O0316-008	Mar 2018
Apr 2018	5	D16/29041	Change document controller title, remove planning scheme number.	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	7	D16/29041[v2]	Amend policy title. Change to wording in line with current terminology. Clarified wording and removed details regarding exemptions that are provided for by Local Planning Scheme No. 24.	O0620-183	Jun 2022
Dec 2021	8	D16/29041[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	9	D16/29041[v4]	Remove old policy reference number, amend responsible position title.	O0224-018	Feb 2026
Nov 2024	10	D16/29041[v5]	Update in line with legislative change. Include reference to Planning staff. Insert definition of ‘development’. Delete ‘that person’s own place of residence, proposed place of residence’ reference. Add exception ‘For a single house irrespective of any objections being received’. Add referral to CEO or Director External Services for determination for exceptions.	O1124-073	Nov 2026
Feb 2026	11	D16/29041[v6]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0054: Refusal of Planning Applications

Purpose

To provide guidance as to when a development application can be refused without referral to Council.

Scope

This Policy applies within the Shire of Esperance and provides guidance as to when a development application can be refused without referral to Council.

Definitions

N/A

Practice

Applications for Prohibited or "X" Uses

Where a development application is received that is classified as an "X' use (that is a use that is not permitted) or prohibited in accordance with the provisions of Local Planning Scheme No. 24, the application is to be refused as approval to an "X" use can only proceed by way of an amendment to the Planning Scheme.

Applications Prohibited by Scheme Provision

Where a development application is received that is inconsistent with a Scheme provision that does not have any discretion it will be refused, with the primary grounds of refusal being -

"The proposed development is inconsistent with 'Specify Clause' of the Scheme."

Applications Requiring Provision of Further Information

Where a request for further information has been made for a development application, the following procedure is to be followed -

1. A letter requesting more information is to be forwarded to the applicant.
2. If after the expiration of one (1) month no information is received, a further request for the outstanding information is to be sent to the applicant. This letter is to stipulate that should the information not be forwarded to the Shire within one (1) month of the date of the letter the application will be refused.
3. A Development Refusal be issued, with the primary ground for refusal being:

"Insufficient information has been supplied to enable assessment of the application to occur."

Applications for Unspecified Land Uses that are inconsistent with Objective of the Zone

Where a development application is received that is for a land use that is not defined it will be refused where the use is not consistent with the objective of the zone, with the primary ground for refusal being:

"The proposed land use is inconsistent with the objectives of the 'specify zone' zone."

Applications not acceptable to a Government Department

Where a development application is received that is referred to a government department it will be refused where the government department identifies that it cannot be approved.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- Local Planning Scheme No. 24

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2008	1		New policy	O0308-1287	Mar 2010
Mar 2010	2	D12/67		O0310-1426	Mar 2012
Mar 2016	3		Changes to timeframes regarding requests for outstanding information.	O0316-008	Mar 2018
Apr 2018	4	D16/29042	Change document controller title. Added Land Use and Government Department paragraphs	O0418-075	Apr 2020
Mar 2020	5		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	6	D16/29042[v2]	Include information regarding applications prohibited by Scheme Provision. Amend information regarding timeframes and change 'Planning' applications to 'Development' applications.	O0620-183	Jun 2022
Dec 2021	7	D16/29042[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	8	D16/29042[v4]	Amend responsible position title.	O0224-018	Feb 2026
Feb 2026	9	D16/29042[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0055: Non-Refundable External Services Application Fees

Purpose

To ensure that time spent on the processing of Planning, Health and Building applications is remitted.

Scope

This policy applies to all Planning, Health and Building applications lodged with the Shire of Esperance.

Definitions

N/A

Practice

That where an application for Planning, Health and/or Building approval has been submitted, no part of the application fee shall be refunded if withdrawn after a period of 7 calendar days from the date received.

Applications withdrawn within the 7 day period are eligible to receive a refund of 50% of the original fee.

Builders Registration Board (BRB) and Building & Construction Industry Training Fund (BCITF) levies, if applicable, will be refunded in full.

If an applicant claims exceptional circumstances, they may apply in writing to the CEO for consideration.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2009	1		New policy	O0209-1539	Feb 2011
Dec 2009	2				
Mar 2010	3	D12/54		O0310-1426	Mar 2012
Mar 2016	4		Note: Policy not applicable to Statutory Requirements as	O0316-008	Mar 2018

			outlined in Building Legislation regarding return of fees.		
Apr 2018	5	D16/29043	Change document controller title	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	7	D16/29043[v2]	Change to wording regarding BRB and BCITF levies and how they are refunded when an application is withdrawn and specify calendar days.	O0620-183	Jun 2022
Dec 2021	8	D16/29043[v3]	Amend policy title	O1221-225	Dec 2023
Feb 2024	9	D16/29043[v4]	Amend responsible position title.	O0224-018	Feb 2026
Feb 2026	10	D16/29043[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0056: Outdoor Eating Facilities in Public Places

Purpose

The Shire recognises that appropriately located and designed outdoor eating facilities (alfresco dining area) can make a significant contribution to the vitality and ambience of public places and urban lifestyles. They offer opportunities for spontaneous and arranged social interactions or quiet reflection while introducing a visual vibrancy that can make a place memorable.

This Policy aims to provide a framework and urban design guidelines to promote the establishment of outdoor eating facilities in public places for the purpose of alfresco dining.

Policy aims are -

1. To ensure that alfresco dining does not interfere with the safe and reasonable movement of pedestrian and vehicular traffic;
2. To encourage high quality alfresco dining which enhances the amenity and vitality of the Shire of Esperance;
3. To provide a comprehensive framework for the development, management and control of alfresco dining throughout the Shire of Esperance; and,
4. To ensure that alfresco dining areas are accessible to all patrons, including people with disabilities.

Scope

This policy applies throughout the Shire of Esperance district.

Definitions

N/A

Practice

<u>Alfresco Dining</u>

1. Policy Application Area

Alfresco dining areas will only be permitted to be established on a public place adjacent to a food business that has been issued with a Certificate of Registration of a Food Business by the Shire of Esperance.

2. Development Requirements
    a. Pedestrian Access;
        i. A minimum footpath width of 2.0 metres must be provided directly adjacent to the building or running parallel to the street, unless otherwise approved by the Manager Waste and Environmental Health for an alfresco dining area to be considered;

ii. In areas of heavy pedestrian traffic, the Shire of Esperance may require a wider pedestrian thoroughfare or may prohibit alfresco dining altogether; and,
iii. Pedestrians must be able to make normal use of the footpath without being obliged to step into the road at any point or make other unwarranted detours.

b. Distance from Kerb

A minimum 0.6 metre setback from the alfresco dining area to any kerb line is required to provide an appropriate separation distance from vehicles using kerbside or parallel parking adjacent to an alfresco dining area, and for the safety of diners

c. Vehicle Sight Lines

Alfresco dining must not obstruct sight lines for either vehicles or pedestrians, both at road junctions and vehicle access crossovers.

d. Demarcation of Outdoor Eating Facilities / Alfresco Dining

The Shire may provide footpath identification of the approved alfresco dining area utilising coloured bricks, small brass plaques or the like, placed at regular intervals (approximately every 2.0m) along the alfresco dining boundary.

3. Furniture
   a. Placement of Furniture
      i. All furniture, including barriers must be placed and kept within the alfresco dining area and at all times must not compromise the access and safety of patrons or pedestrians;
      ii. All furniture must be free-standing and removable, unless specific written approval has been given by the Shire;
      iii. Where umbrellas or similar sun protection is provided, they must be adequately secured, contained within the alfresco dining area and of sufficient height (minimum 2.1 metres) above the ground to prevent injury to patrons and pedestrians. Depending upon the structure proposed, structural certification from a practising Structural Engineer may be required.
   b. Number of Chairs

A maximum of one chair per square metre may be located in an alfresco dining area. Other items of furniture such as tables and umbrellas can be incorporated as necessary. Note: Number of patrons may be restricted by numbers of toilet facilities available.

c. Design and Materials
   i. The design of the furniture, including barriers used for the alfresco activity should be in keeping with the style and character of the host building and reflect the interior of the business;
   ii. White tabletops and white chairs are not permitted in alfresco dining areas adjacent to public roads due to the possibility of glare;
   iii. Plastic tables and chairs are not permitted;

iv. All furniture should be durable, waterproof, rust proof and weather resistant and should fold or stack for storage; and,
v. All furniture, including barriers must be maintained in a physically sound and aesthetically acceptable condition and in a good state of repair and be designed so that corners and fastenings do not create a potential hazard for patrons and pedestrian traffic to the satisfaction of the Shire.

d. Removal and storage of furniture
    i. All furniture must be removed from the alfresco dining area at the close of business each day, unless otherwise permitted by the Shire of Esperance; and
    ii. The Shire of Esperance may require the removal of any furniture or structure from public areas at any time to allow the undertaking of street or footpath works, maintenance, cleaning or other works as necessary.
e. Advertising
    i. Advertising on furniture and structures may only bear the name of the associated establishment and/or the name of a commercial product sold within the premises; and,
    ii. Any additional signage must be approved by the Shire of Esperance, and must not restrict access to any public thoroughfare as required by this Policy.

4. Operating Requirements
    a. Hours of Operation
        i. Unless otherwise specified by the Shire, hours of operation of the alfresco dining area may be determined at the discretion of the permit holder for the alfresco dining area;
        ii. Alfresco dining areas serving alcoholic beverages will be limited to the hours stipulated in the liquor licence; and,
        iii. The permit holder must ensure that no noise nuisance is created by the alfresco dining activity, and that any music complies in all respects with the *Environmental Protection (Noise) Regulations 1997*.
    b. Consumption of Alcohol
        i. The consumption of alcohol within alfresco dining areas is only permitted subject to compliance with the proprietor obtaining the necessary approvals from the Shire of Esperance and Department of Racing Gaming and Liquor, and must ensure ongoing compliance with all Liquor Licence conditions; and,
        ii. Where alcohol is served, regular table service is mandatory and patrons must be seated at all times.
    c. Cleanliness and Hygiene

The permit holder is responsible for maintaining the alfresco dining area in a clean and sanitary condition free of visible dirt and food material at all times. This includes removing grease stains, keeping the vicinity clear of litter and waste materials and the

high pressure cleaning of the pavement, as and when required. No material from sweeping of the pavement is permitted onto the road or into the stormwater system.

d. Maintenance

The permit holder for the alfresco dining area is responsible for maintenance of the area over which the dining activity takes place and shall make good, to the Shire's satisfaction, any damage or staining to the surface

e. Lighting
    i. Where alfresco dining occurs outside daylight hours, the permit holder for the alfresco dining area must provide adequate, clear and well distributed lighting to ensure the safety and amenity of both patrons and the public; and,
    ii. Outdoor lighting shall not cause a nuisance by way of light spill to any nearby premises.
f. Electrical Wiring
    i. All electrical wiring connected to lights, devices or appliances situated in or about the alfresco dining area shall not be placed -
        1. On or under the alfresco dining area;
        2. Above any part of a public place so as to interfere or obstruct the passage of vehicles or pedestrians; and,
        3. In any manner or in any place which maybe prejudicial to safety.
    ii. Any electrical wiring must be approved by the appropriate authority and must not be placed across any thoroughfare.
g. Heating
    i. Heaters must be Australian Gas Association (AGA) approved and be used in accordance with manufacturer's instructions, particularly in relation to required clearances from other combustible objects.
    ii. Fixed gas heaters are not permitted without the express written consent of the Shire.
        1. Any fixed or portable gas heater within the outdoor eating area is to be installed and regularly checked by a registered gas fitter to ensure they comply with all relevant Australian Standards
h. Dogs are only permitted in the outdoor eating area under the following conditions:
    i. Area is to be sufficiently signed to advise patrons that dogs are permitted in the alfresco dining area;
    ii. Food premises to develop a dog management plan
    iii. Dogs do not enter the inside of the food premises
    iv. Area is to be kept clean at all times
    v. Pedestrian access ways remain unobstructed at all times.
i. Smoking
    i. The Shire of Esperance supports any State Government initiative to introduce state wide smoking bans in alfresco dining areas

ii. Smoking is not permitted within the alfresco dining area and the use of appropriate non-smoking signage by the permit holder is required.

5. Application and Administration Procedure
    a. Assessment and compliance
        i. All applications shall be assessed in accordance with the requirements of this Policy and the Shire of Esperance Activities in Thoroughfares and Public Places and Trading Local Law 2016 and Local Government Property Local Law 2009, by the Shire's Health Services. The Shire's Planning Services shall be consulted during the assessment process.
        ii. Once an alfresco dining area has been approved and established, the Shire's Environmental Health Department is responsible for ensuring the permit holder complies with all imposed conditions of approval.
    b. Application for Permit
    c. Notwithstanding the requirements of the Shire of Esperance Activities in Thoroughfares and Public Places and Trading Local Law 2016 and Local Government Property Local Law 2009, a proprietor of a food business seeking the issue of an Outdoor Eating Facility Permit shall make application to the Shire in writing on the prescribed form (Application for Traders License) and such application shall be accompanied by –
        i. The appropriate fee
        ii. A set of plans of the proposed alfresco dining area to a scale of 1:50 showing –
            1. the location and dimensions of the proposed alfresco dining area and the means by which the eating area is to be separated from the balance of the street or public place;
            2. the position of all tables, chairs and all other structures proposed to be provided in the alfresco dining area;
            3. a description of the type and make of all tables, chairs and all other structures proposed to be provided in the alfresco dining area;
        iii. A set of plans at a scale of 1:200 depicting the alfresco dining area and all land improvements thereon within 30 metres of the boundaries of the alfresco dining area.
        iv. Photograph(s) or images of the proposed furniture and other structures to be set up in the alfresco dining area.
        v. Additional information as required.
    d. Renewal of Permit

On or by the 30 June each year the permit holder may apply to the Shire in writing, or submit an application form (Application for Traders Permit), for a renewal of their Outdoor Eating Facility Permit. This written request must be accompanied by the prescribed fee and certificate of currency confirming public liability insurance.

6. Cancellation of Permit

The CEO may, by notice in writing, cancel a permit at any time if the requirements of this policy or any specific condition of approval are not complied with.

7. Fees

Fees and charges are established in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*, listed in the Shire of Esperance Schedule of Fees and Charges.

.....End.....

Document Information

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Environmental Protection (Noise) Regulations 1997*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016*
- *Local Government Property Local Law 2009*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2012	1		New policy	O0912-022	Sept 2014
Mar 2016	2		Update to current names and titles. Addition of fifth point: No smoking permitted in outdoor eating areas. Additional note outlining patron numbers are subject to number of available toilet facilities.	O0316-008	Mar 2018
Apr 2018	3	D16/29050	Change document controller title and Manager title in 2.1.1	O0418-075	April 2020
Mar 2020	4		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	5	D16/29050[v2]	Remove 'outdoor eating facility' and replace with 'alfresco dining area', minor wording changes, formatting changes to numbering throughout, Amended wording to allow alfresco development adjacent to a building. Addition of dogs and smoking paragraphs to section 4, addition of sections 5-7 relating to the Application and Administration Procedure, Cancellation Procedure and Fees.	O0620-183	June 2022
Dec 2021	6	D16/29050[v3]	Remove reference to officer in 3(v)(b) and replace with Shire of Esperance. Adjust	O1221-225	Dec 2023

			numbering for consistency throughout. Minor grammar adjustment to 4(viii)		
Feb 2024	7	D16/29050[v4]	Amend references to Manager Development & Statutory Services to Manager Waste & Environmental Health. Remove specific standards and include general reference. Remove requirement for two sets of plans, proof of public liability insurance and indemnity from ‘Application and Administration Procedure’. Amend ‘renewal of permit’ section to simplify insurance requirements.	O0224-018	Feb 2026
Feb 2026	8	D16/29050[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0057: Dividing Fences

Purpose

To establish a position on Shire contributions towards dividing fences.

Scope

This Policy applies with the Shire of Esperance and establishes a position on Shire contributions towards dividing fences

Definitions

N/A

Practice

The Shire will only contribute towards the cost of dividing fences on land adjoining reserves or land being used for civic purposes where it sees a municipal need for the fence.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 1993	1		New policy	O0293-172	Feb 1995
Dec 2007	2			O1207-1187	Dec 2009
Mar 2010	3	D12/29		O0310-1426	Mar 2012
Mar 2016	4		Biennial review, no change.	O0316-008	Mar 2018
Apr 2018	5	D16/29053	Change document controller title	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2020
Jun 2020	7	D16/29053[v2]	Amend wording to make clear, remove reference to Council residential lots as these are regulated by the Dividing Fences Act 1961.	O0620-183	Jun 2022
Dec 2021	8	D16/29053[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	9	D16/29053[v4]	Amend responsible position title.	O0224-018	Feb 2026
Feb 2026	10	D16/29053[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0058: Arts Collection

Purpose

To manage, conserve and document the Shire of Esperance Art Collection.

Scope

To ensure processes are in place for the acquisition and management of art works for the Shire of Esperance Art Collection.

Definitions

N/A

Practice

Management

1. The Shire of Esperance aims to manage and maintain the Art Collection appropriately.
2. The Shire of Esperance ensures the conservation of the collection's holdings and aims for industry standards of environmental control and monitored secure collection storage and exhibition spaces.
3. The Shire of Esperance ensures that the collection is subject to regular valuation and appropriate insurance.
4. The Shire of Esperance maintains a complete catalogue including photographic, location and registration records, detailed provenance and artist's biography

Acquisition

The Shire of Esperance is not bound to accept any works.

The Council may -

1. Acquire works of art which build upon strengths of existing holdings of the collection.
2. Acquire original, excellent and significant works by Esperance artists living and/or working in the Esperance region.
3. Acquire works of art which relate to the experience of people living and/or working in the Esperance region.
4. Acquire those works of art which are of regional and aesthetic significance to the existing holdings and relevant to current acquisition priorities.
5. Acquire works by way of purchase, bequest or gift.
6. Not acquire art works which duplicate existing holdings.
7. Acquire art works with due consideration to cost, public safety, display, storage and transport issues at the time of acquisition.
8. Not acquire commercial prints or reproductions.
9. Accept donations that are the sole property of the donor and which accord with the acquisition policy with no conditions attached.

Loans

The Shire of Esperance does not accept permanent or indefinite loans. The collection may accept loans from time to time for exhibition purposes only.

Public Access

1. The Shire of Esperance, from time to time, will present appropriately documented exhibitions from the collection, and public programs to enhance the appreciation of the collection. Exhibitions may be of a physical or digital nature.
2. Where appropriate, works from the Shire of Esperance Art Collection may be considered for travelling exhibitions subject to appropriate loan agreements being negotiated.

De-accessioning and Disposal

1. Works from the collection may be considered for removal from the collection if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation; duplicate or do not meet with the requirements of the collections policy statement. This process is known as de- accession.
2. From time to time, staff may recommend works for de-accessioning for Council endorsement to proceed.
3. Any funds raised by the sale of a de-accessioned art work will be set aside for maintenance and management of the collection.

.....End.....

Document Information

Responsible Position	Manager Community Support
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Apr 2009	1	D12/11	New policy	O0409-1590	Apr 2011
Mar 2016	2	D16/29058 (rev 02)	Policy updated to reflect current practices.	O0316-008	Mar 2018
Apr 2018	3	D16/29058 (rev 04)	Change document controller title	O0418-075	Apr 2020
Mar 2020	4		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	5	D16/29058[v2]	Removal of reference to the defunct Shire of Esperance Art Advisory Committee and removed reference to rescinded policy.	O0620-183	Jun 2022
Dec 2021	6	D16/29058[v3]	Remove Committee and replace with Staff in De-	O1221-225	Dec 2023

			accessioning and Disposal section		
Feb 2024	7	D16/29053[v4]	Update wording to remove aspirational information to better reflect current practices.	O0224-018	Feb 2026
Feb 2026	8	D16/29053[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0059: Museum Village Markets

Purpose

To regulate the operation of the Museum Village Markets within the Shire of Esperance. The objectives of this Policy are -

1. To encourage a mixture of commercial and non-commercial stall holders to increase the vibrancy and attraction of the Museum Village Markets to tourists and locals.
2. To encourage the participation of local community groups in the operation of the markets.

Scope

This policy applies to Markets convened in the Museum Village Precinct or on a Reserve as approved by the Chief Executive Officer (CEO).

Definitions

Food Vendor: A person or persons preparing food on site for sale direct to the public.

Stall holder: A person or persons conducting a trading undertaking whom is authorised to do so by the Market Permit Holder.

Practice

Policy Statement (refer Council resolution O0710-1479)

1. From time to time the CEO will call for expressions of interest to operate markets at the Museum Village for a term of up to three years.
2. The CEO is delegated the authority to issue a permit to conduct a market to the person or organisation (the Permit Holder) offering the most advantageous proposition to grow the Museum Village precinct as a tourism focal point on the following conditions -
    a. The Permit Holder will maintain a Public Liability Insurance Policy for a minimum amount of $20 million and absolve council and its officers of any liability in relation to the Markets.
    b. The Market Permit will be reviewed after each 12 month period and will be renewed annually pending satisfactory performance as determined by the CEO. (Local Government Property Local Law 2016 Section 3.13(h))
    c. The Permit Holder must allow access to each stall area by statutory authorities whenever required to inspect stalls and products offered for sale for statutory compliance requirements.
3. The Permit Holder is authorised to charge a fee to market participants (stall holders, buskers, food vendors etc.). Such fees collected may be retained by the 'Permit Holder". (*Local Government Property Local Law 2016* Section 3.13 (i))

4. Stall holders participating in the Markets will be exempt from the requirement to obtain individual stall holders permits from the Shire. (*Activities in Thoroughfares and Public Places and Trading Local Law 2016* Section 6.7(3))
5. Stall holders and food vendors intending to sell or distribute food products must notify the Shire's Environmental Health Services prior to doing so. (*Food Act 2008*) A permit to operate a temporary food premise must be displayed in a prominent location at the point of sale or distribution. The Permit Holder will not allow any stall holders or food vendors to operate in the Museum Village Markets without the required permit.
6. Market stalls may only be located on the grassed areas of the Museum Village precinct unless approval to occupy portions of built premises is obtained from either the occupier of the premise or the Shire of Esperance.
7. Market activities shall not be conducted within the road reserve or on footpaths and must not block or impede direct access to Museum Village businesses.
8. On designated market days Museum Village business proprietors may display and sell products and services from any part of their built premises, including non-leased verandas and decking. This condition is provided to increase the vibrancy and attraction of the Museum Village Markets to tourists and locals in accordance with objective 2 of this Policy. The Museum Village business proprietors will not be required to pay a stall holders fee to the Market permit holder.
9. The Permit Holder shall ensure the market site is cleared of all refuse when trading has ceased.
10. Failure to comply with any of the terms and conditions of this Policy may result in withdrawal of the Market Permit and/or refusal to renew or reissue the Market permit.
11. Any damage to Shire of Esperance infrastructure due to the activity is to be reinstated by the Permit Holder to the satisfaction of Council.

.....End.....

Document Information

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government Property Local Law 2016 Section 3.13(h)*
- *Local Government Property Local Law 2016 Section 3.13 (i)*
- *Food Act 2008*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016 Section 6.7(3)*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2010	1	D12/53	New policy.	O1210-1546	Dec 2012
Mar 2016	2		Removal of key words and statute. Removal of objective to develop the Museum Village Precinct as the tourism focal point of Esperance	O0316-008	Mar 2018
April 2018	3	D16/29059	Insert document controller title. Minor formatting. Amend reference to Thoroughfare local law in point 4	O0418-075	April 2020
Mar 2020	4		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	5	D16/29059[v2]	Minor wording changes, formatting to number Objective section	O0620-183	June 2022
Dec 2021	6	D16/29059[v3]	Remove numbering in Objective section. Include 2016 for references to Local Government Property Local Law throughout.	O1221-225	Dec 2023
Feb 2024	7	D16/29059[v4]	Increase public liability insurance required.	O0224-018	Feb 2026
Feb 2026	8	D16/29059[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0060: Fire Management – Roadside Burning

Purpose

To ensure roadside burning within the Shire of Esperance is only undertaken with prior written approval issued in accordance with applicable bushfire, environmental, and local government legislation.

Scope

This policy applies to all roadside burning activities within the Shire of Esperance district.

Definitions

Firebreak - A strip of land cleared of flammable material to prevent or slow the spread of fire, as defined under the *Bush Fires Act 1954*.

Fire Management Plan - A documented plan outlining proposed fire management activities and objectives, including risk mitigation measures, prepared to support the assessment and approval of works.

Roadside burning - The intentional burning of vegetation within a road reserve or roadside verge for the purposes of fire hazard management, vegetation management, or ecological outcomes.

Practice

Roadside burning within the Shire of Esperance is a regulated activity and must not be undertaken without prior written approval issued by the Shire.

Shire assessment of roadside burning is subject to, but not limited to, the following -

1. Approval will only be granted where the burn is to be supervised by the relevant Bush Fire Brigade or other approved authority,
2. Roadside burning will only be considered where it forms part of a broader fire management plan or program,
3. Burning will generally be restricted to one side of a road in any given year to minimise cumulative impact,
4. Firebreaks to facilitate roadside burning will only be permitted where the roadside vegetation strip is greater than 20 metres wide and the Shire considers the firebreak necessary for the protection of roadside vegetation. Any such firebreak must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. where applicable,
5. Where required, proposals will be referred to relevant State agencies, including the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions, to inform assessment and approval,
6. The applicant must advise the Shire of the actual burning date to enable monitoring of burn frequency and intensity, and to inform assessment of ecological impacts on individual roadsides.

.....End.....

Document Information

Responsible Position	Manager Ranger and Emergency Services
Risk Rating	Medium

Referencing Documents

- *Bush Fires Act 1954*
- *Local Government Act 1995*
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2004	1		New policy	O1004-0967	Oct 2006
Sept 2007	2	D12/38			
Feb 2016	3			O0216-042	Feb 2018
Mar 2016	4		Policy moved from Asset Management to External Services.	O0316-008	Mar 2018
April 2018	5	D16/29060	Update document controller title. Minor formatting and amend department name in point 6.	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	7	D16/29060[v2]	Minor wording changes, replace ‘Council’ with ‘the Shire’	O0620-183	Jun 2022
Dec 2021	8	D16/29060[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	9	D16/29060[v4]	Update responsible position. Replace ‘Council’ with ‘the Shire’ in point 5.	O0224-018	Feb 2026
Feb 2026	10	D16/29060[v5]	Minor terminology updates in points 1, 2, 4 and 6. No change to intent or application.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0061: Museum Collection

Purpose

To provide a clear and consistent framework for the acquisition, management and development of the Shire of Esperance Museum Collection. The purpose of the Collection is to -

1. Create a sense of place
2. Build a unique historical resource available to the public
3. Conserve heritage for the benefit of the community and future generations
4. Provide a supportive role for education and research for the community

Scope

The aim of the collection is to provide a range of materials reflecting the rich diverse heritage of the region. The collection will include -

1. Physical objects
2. Paper based records
3. Digital based records

The Collection -

1. Will cover a time frame from the earliest recorded information about the area to the present day
2. Should contain both current and retrospective materials in a range of formats
3. Will reflect the diversity of the community including collecting items relating to First Nations and multicultural people

Definitions

Accession: refers to the process of documenting an item for inclusion in a museum collection.

Acquisition: refers to the process of obtaining legal possession of an item for accessioning into a collection. Acquisitions can be by donation, purchase and bequest.

Collection: includes physical objects and archives. Archive material includes items such as photographs, documents, audio files, digital files artworks, published items, community organisation records.

Deaccessioning: refers to the process of removing an item from a museum collection and the recording of the disposal of this item from a collection.

Item: can be a physical object or archive material.

Ownership: refers to an item or collection where a clear legal title, without restrictions or conditions, has been established. The Esperance Museum seeks to obtain clear legal title for all items acquired for its collections.

Provenance: The origin and/or subsequent history of the material can be thoroughly documented and authenticated. Assessment of museum collection material includes documentation of its known chain of ownership.

Significance: refers to the historic, aesthetic, scientific and social values that an item or collection has for past, present and future generations.

Practice

Acquisition Principles

The Museum Collection will acquire material through purchase, copying, donation, gifting or creation.

No conditional donations will be accepted. Materials will only be accepted and included into the collection where it is open for public access after processing.

All materials acquired will become the property of the Shire of Esperance.

All materials will be assessed against the following criteria -

1. Relevance to the region
2. Significance including rarity, aesthetics, social/spiritual. Historic and technical values
3. Establishment of provenance
4. Representation of Collection themes
5. Maintenance, conservation and storage limitations

All materials will be assessed and processed in accordance with the Collection Management Practices.

Deaccessioning

As part of the ongoing collection management, there may be situations where it is necessary to remove materials from the collection. Deaccessioning may be required if -

1. it does not comply with current collection policy
2. It is damaged beyond repair or the conservation costs are beyond the means of the collection budget
3. It is a lesser quality duplicate of another item
4. It lacks any supporting information to enable proper identification to establish relevance to the collection
5. A substantiated request of the return of the item to its original owner/donor is received

Method of Disposal

The methods of disposal in order of desirability are -

1. Return to the donor or donor descendants.
2. Transfer or exchange to another appropriate organisation.
3. Sale with proceeds retained by the Museum.
4. Destroy or recycle.

Loan Principles

From time to time, items from within the Museum Collection may be loaned to other organisations on a temporary basis.

Council may also seek to borrow items from other organisations or individuals.

Items of the Shire of Esperance Museum Collection will not be loaned to individuals.

All loan requests will be reviewed on a case by case basis and approved by the CEO.

Loans will be subject to the Terms and Conditions as set out in the Loan Agreement.

Ethics

The Esperance Museum will only acquire items having a legal and ethical provenance and in accordance with State and Federal law and international agreements between Australia and other countries.

The collection of items will always be conducted in accordance with the standards of the Code of Ethics of Museums Australia Inc. or its subsequent review and National Standards for Australian Museums and Galleries.

.....End.....

Document Information

Responsible Position	Manager Community Support
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- Code of Ethics of Museums Australia Inc.
- National Standards for Australian Museums and Galleries

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2017	1		New policy	O0917-214	Sept 2019
Apr 2018	2	D17/25901	Biennial review, no change.	O0418-075	Apr 2020
Mar 2020	3		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	4	D17/25901[v2]	Minor change reflecting that the Code of Ethics of Museums Australia is currently under review.	O0620-183	Jun 2022
Dec 2021	5	D17/25901[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	6	D17/25901[v4]	Update purpose, include scope, rewrite Practice sections to reflect current practice.	O0224-018	Feb 2026
Feb 2026	7	D17/25901[v5]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0062: Advertising Signage in a Thoroughfare or Public Place

Purpose

The purpose of this policy is to provide a regulatory framework for the design and placement of portable advertising signs within the Local Government. Council supports the need for signage to promote tourism, business, public events and community groups and services but also supports the need for regulation so that signage does not adversely impact the amenity and streetscapes of the Shire.

Scope

This policy will guide the Shire, local business and the community on circumstances where portable advertising signs may be displayed in public places within the District; and also circumstances where signs may be removed from public places if displayed contrary to this policy and/or our Local Law.

This policy does not cover -

1. fixed directional tourism signs or signs promoting public events;
2. signs and advertising devices on or in the vicinity of highways and main roads that come under the control of the Commissioner of Main Roads; or
3. signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the local planning scheme.

Definitions

General Definitions

Advertising Sign: A sign that is used for the purpose of advertisement or to draw attention to a product, business, person or event and includes a home open sign and garage sale sign. In the case of signs advertising a business or commercial venture they shall only display material which advertises the business or the products available from the business to which the sign relates.

Local Government: means the Shire of Esperance

Carriageway: A portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayment's, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of these portions divided by a median strip, the expression means each of those portions separately.

Event: An occurrence proposed to be held within the Local Government on private or public land, either indoor or outdoor by a person(s) / group / organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to -

1. concerts and music festivals;
2. motorsport events, motor vehicle rallies and displays;

3. sporting events;
4. cultural and community events;
5. shows and fairs; and,
6. exhibitions, wine and food festivals.

Footpath: An area that is open to the public that is designated for, or has as one of its main uses, as use by pedestrians and includes dual use or shared paths.

Local Law: The Shire of Esperance, Activities in Thoroughfares and Public Places and Trading Local Law 2016.

Median Strip: Any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two one-way carriageways for vehicular traffic proceeding in opposing directions.

Portable Sign: Includes ‘A’ frame or inverted ‘T’ signs, garage sale signs, home open signs, horizontal and vertical banner signs, and variable message signs (including trailer mounted).

Public Place: Any thoroughfare or place the public is allowed to use, whether or not the thoroughfare is on private property, and includes local government land/property but does not include premises on private property from which trading is lawfully conducted.

Sporting and Community Sign: A portable advertising sign erected by not-for-profit sporting, or community groups or services for the purpose of advertising a sporting or community event (e.g. cultural activities, sporting registration days, arts and craft fairs, market days or other events of public interest).

Thoroughfare: A road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Traffic Controlled Intersection: An intersection that has traffic control lights, stop signs, or give way signs directing traffic.

Traffic Island: Any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection to guide vehicular traffic.

Sign Types

'A' Frame of 'T' Frame: A self-supporting sign of rigid, lightweight material that is capable of being easily moved by hand, in ‘A’ or ‘T’ frame configuration.

Garage Sale: A sign made from cardboard/corflute, paper or other lightweight material that is used to direct persons to a garage sale at residential premises.

Home Open: A sign made from cardboard/corflute or other lightweight material used to direct persons to a home for sale that is open for inspection and includes display homes.

Horizontal Banner: A sign made of lightweight, non-rigid material such as cloth, canvas or similar attached by rope or similar material to poles or other vertical anchoring points.

Shire Project: A sign made from cardboard/corflute or other lightweight material used to promote constructions projects being undertaken by the Shire.

Verandah: an advertisement above, on or under a verandah, cantilever awning, cantilever verandah and balcony over a public thoroughfare and maybe either of -

1. be a verandah sign – verandah facia, where the verandah sign is fixed to the outer or facia of a verandah and shall not project beyond the outer frame or surround of the facia; or,
2. be a Verandah sign – under verandah, where the verandah sign is fixed at right angles to the front wall of the building to which it is to be affixed, except at the corner of a building at a thoroughfare intersection, where the sign maybe placed at an angle with the wall so as to be visible from both thoroughfares

Vertical Banner: A fabric or similar material sign with a single mast constructed of carbon- fibre or similar flexible material attached to a weighted base or otherwise anchored to the ground. These are typically marketed as 'teardrop', 'feather' or 'blade wing' signs.

Variable Message: An electronic sign that is capable of displaying a single message, or a series of messages

Practice

Strategic Context

This policy links to Growth – outcome 12. A prosperous and diverse economy within the Shire's Council Plan 2022-2032, and specifically the following outcome:

12.1 Attract and retain diverse industries and enterprises to grow the economy and local jobs.

Policy Statement

Portable advertising signs are not to be -

1. erected, placed or maintained on roundabouts, traffic islands, median strips, or within 10m of traffic controlled intersections at or around the following locations -
    a. Norseman / Harbour Road / Coolgardie Esperance Highway;
    b. Dempster & Andrew Street;
    c. Andrew & Windich Street;
    d. Dempster & William Street;

Note: Harbour Road come under the control of Main Roads Western Australia (MRWA) and as such, the control and placement of signs at those locations requires MRWA approval. Where there are compliance issues regarding the placement of signs at those locations, the Shire and MRWA work closely together to resolve those issues; or

2. attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, or on or between trees or other vegetation; or
3. electronically illuminated or have an electronic or animated display; or

4. placed on any footpath where the speed limit on the road abutting the footpath is 60 kilometres per hour or greater; or
5. mounted to a vehicle and/or trailer.

Portable advertising signs in public places shall -

1. have no moving parts once the sign is in place;
2. be placed on the property boundary and provide a minimum of 1.2 metres clearance from the abutting thoroughfare;
3. be weighted or anchored to retain their position in all weather conditions other than the circumstance in (d) below;
4. be removed by the owner during periods of severe weather warnings issued by the Bureau of Meteorology;
5. be manufactured from high quality materials (metal, plastic, wood or fabric) and have professional sign writing and/or graphics (including blackboards that are professionally presented);
6. be designed and supported in a manner that ensures there is no risk of injury to the public through sharp edges, projections, potential trip hazards or similar and
7. in the case of signs that advertise a business or other commercial venture, only be displayed when the business or other commercial venture to which it relates is attended by a representative of the business or commercial venture.

Signs requiring a permit

The Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2016* establishes the need for a permit to display certain types of portable advertising signs.

Subject to clause 2.2, permits are required for ‘A’ or ‘T’ frame signs, verandah, horizontal and vertical banner signs; and variable message signs that -

1. promote or advertise a business or any other commercial venture; and
2. promote or advertise a sporting event, community event, community group or community service.

A permit application fee will be charged for signs that advertise a business or commercial venture, but will not be charged for signs promoting charitable not-for-profit sporting or community events or services. To not be charged a fee, an organisation or individual is required to be a not-for-profit organisation (with an incorporation certificate) or a charitable organisation. The permit application fee is prescribed in Council’s adopted Schedule of Fees and Charges.

The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current broad form public liability insurance to the minimum value of $10,000,000

Portable advertising signs for which a permit is required and has been issued will be required to indelibly display, the current permit number at the top right hand corner on one external face of the sign. Permits will be issued annually, unless the sign is only required for a short duration, or unless this policy requires otherwise; after which the permit holder will be required to apply for a permit renewal.

‘A’ or ‘T’ frame signs shall -

1. be limited to a maximum of one sign per business premises and placed directly in front of, or as near as is practically possible to the business to which it relates;
2. be placed with a set back from the carriageway of no less than 0.5m, and placed to maintain a clear thoroughfare (footpath) width of no less than 1.8m; and
3. have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m2 on either side.

Horizontal banner signs -

1. will only be approved when promoting or advertising sporting or community events or services;
2. shall have a maximum height of 1.5m;
3. shall have a maximum width of 2.5m; and
4. may be displayed for a maximum period of 14 days before an event and removed by the owner no later than one day after the event.

Vertical banner signs shall -

1. be a fabric sign with a single mast;
2. have a maximum flag size of 2.8m by 1.0m with a maximum height, including the stand, of 3.5m (when placed on an open verge);
3. have a maximum flag size of 2.0m by 1m with a maximum height, including the stand, of 2.5m (when placed on a footpath);
4. be no more than 60cm wide below 2m high; and
5. have no more than one vertical banner per 4m of street frontage (with a maximum of four banners per business) and excludes the use of an ‘A’ or ‘T’ frame sign (where more than one vertical banner is displayed, each banner shall display a different product or message).

Verandah sign shall -

1. where illuminated have any boxing or casing in which it is enclosed constructed of non-combustible material;
2. not have a light of such intensity of colour as to cause annoyance to the general public or to owners and patrons of adjacent land
3. not comprise flashing or intermittent or running lights;
4. have a minimum clearance of 2.75m from finished ground level

The Shire will not approve the use of variable message signs in a public place for the purpose of advertising a business or commercial venture.

Owners of approved business or commercial ventures that have no fixed business location may apply to use up to two portable advertising signs (‘A’ or ‘T’ frame, or other lightweight signs but not including banner or variable message signs) to advertise the location from which the business is currently being undertaken. The first sign to be at the approved trading location, the second is to be located within 500 metres driving distance of that location and shall otherwise comply with the requirements of this policy and the Local Law.

Signs not requiring a permit

Permits are not required for garage sale signs or home open signs. The owner of the signs is responsible for their placement and removal in accordance with this policy and the Local Law. Removal of the signs includes all materials from which the sign is constructed, and all materials used to secure the signs in place.

Garage sale signs are to include the address details, street number and street name, of the premises in which the garage sale is being held.

Restrictions -

1. no more than six separate signs shall be used to advertise or promote the same garage sale, or home open;
2. signs are not to be displayed more than one kilometre from the garage sale or home open, (two kilometres in rural and rural residential areas), within 250m of any other sign advertising or promoting the same garage sale or home open, or within 50m of any other portable advertising sign; and
3. signs should not delineate any more than two alternative routes to the garage sale, or home open.

Garage sale signs, and home open signs shall -

1. be free standing and not affixed to any sign, post, power or streetlight pole, or similar structure (including trees and other vegetation);
2. not exceed 500mm in height or 0.5m2 in area;
3. not obstruct the vision of a driver of a vehicle entering or leaving a street or other public place; and
4. not interfere with the safe and convenient passage of pedestrians.

Government, Public Authority or Local Government Signage

Despite any other provision of this policy a government, public authority or local government in the carrying out of their respective duties are exempt for the requirement to gain a permit,

Refusal of applications

Applications that do not comply with the requirements of the Local Law and this Policy will be refused by the Shire.

Removal of unauthorised signs

Portable advertising signs placed contrary to this policy and/or the Local Law may be impounded by the Shire.

Impounded signs may be claimed by the owner following payment of an impound fee as prescribed in Council's Schedule of Fees and Charges. In addition to the impound fee, owners of impounded signs may also receive a written caution and/or an infringement.

.....End.....

Document Information

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 2018	1		New policy	O0118-013	Jan 2020
Apr 2018	2	D18/374	New Policy Res O0118-013, amend point 1 under 'size, structure and stability of signs' section.	O0418-075	April 2020
Dec 2021	3	D18/374[v2]	Rewrite of policy	O1221-225	Dec 2023
Feb 2024	4	D18/374[v3]	Update strategic context section. Increase public liability required to $10 million. Amend responsible position title.	O0224-018	Feb 2026
Feb 2026	5	D18/374[v4]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0063: Trading in Public Places and Local Government Property

Purpose

The Shire of Esperance is committed to promoting small business initiatives in a sustainable and fair manner.

The purpose of this policy is -

1. To provide direction to Shire staff in the processing of applications for trading in public places in accordance with the Shire of Esperance's *Activities in Thoroughfares and Public Places and Trading Local Law 2016*; and,
2. To provide a clear set of conditions for operators to trade under.

Scope

This policy applies to all public land within the Shire of Esperance as well as private land used for public purposes, and all businesses and individuals seeking to use public land to operate a business or for financial gain.

Definitions

Approved Fixed Locations: means locations from which vendors can trade with Shire approval.

Approved Event: means an event that has been approved under the Shire of Esperance event approval process.

Community Service Organisation: means an organisation which can demonstrate that its objectives are charitable, benevolent, religious, cultural, educational, recreational or sporting.

Food Stall: means a stall from which any perishable or high risk foods, other than fruit or vegetables, is sold or offered for sale, unless approved by the Shire of Esperance

Food Van: means a form of Street Trader being any vehicle, caravan, trailer or other similar mobile structure selling or offering for sale any food and or drink (excluding alcoholic beverages).

Itinerant Food Vendor: means a form of Street Trader who sells food from a vehicle parked temporarily on the road to customers who stop them or come to them while they are so parked.

High Risk Foods: means all prepared or cooked food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, crustaceans, molluscs, gravy, cooked rice and pasta or ingredients capable of supporting the growth of infectious or toxigenic micro-organisms.

Local Government Property: means anything except a thoroughfare -

1. Which belongs to the local government;

2. Of which the local government is the management body under the *Land Administration Act 1997*; or
3. Which is an 'otherwise unvested facility' within section 3.53 of the *Local Government Act 1995*.

Public Place: Includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include -

1. premises on private property from which trading is lawfully conducted under a written law; and
2. local government property;

Stall: means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire.

Stallholder: means a person in charge of a stall.

Street Trader: means a person who sells food, goods and/or services from a vehicle parked temporarily on the road/public place while they are parked.

Trader's Permit: means a permit issued to a Street Trader or stall holder.

Trading in Public Places: refers to long-term or periodic occupation of Shire controlled land for the purposes of either selling or displaying goods or providing services to customers.

Practice

The Shire supports Street Traders operating on a regulated basis to ensure equity and fairness to all business proprietors.

The Shire's *Activities in Thoroughfares and Public Places and Trading Local Law 2016* provides regulation for the management of public property and the activities that may be conducted on public property that is owned or managed by the Shire, including Shire halls, carparks, parks and reserves.

This also applies to private property, if being used for public purposes such as fetes and markets.

Assessment of an application considers the proposed location and impact the activity may have on established businesses close by, other traders, traffic flow and the amenities at the desired location.

The Shire reserves the right to refuse any application for any reason.

<u>Trading – General Requirement applicable to all Street Traders</u>

1. All Stallholders and Street Traders (Traders) must ensure that the trading location is kept clean and tidy at all times. Traders are responsible for the disposal of all litter associated with the provision of the goods or services and the cleaning of the permit location.

2. Traders shall depart from a trading location upon the direction of any person or body authorised to carry out any works in the street, thoroughfare, local government property or public place in which the Trader is situated.
3. Traders shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to an event, market, parade, thoroughfare works or any other contingency.
4. The Shire is under no obligation to relocate the Trader or Stallholder, however, an alternate location may be offered if an appropriate location is available.
5. Trading shall only take place in a suitable area with landowner permission where it does not cause a safety or nuisance concern, or in a car parking area/space where it complies with local parking restrictions unless otherwise approved.
6. To ensure public safety, trading must be conducted in areas that are serviced by adequate lighting.
7. Advertising signs are restricted to the vehicle/stall from which the business is conducted unless otherwise approved.
8. If trading is selling food, the trading is not to occur within 300m (unless it occurs on Reserve 27318 or adjacent area) of a permanent food business during its normal hours of operation.
9. To apply for permission to operate a mobile trading vehicle within the Shire, the following documentation will be required -
    a. A copy of current public liability insurance;
    b. A complete application for a Trader's Permit including proposed payment details; and
    c. If food is sold, a current copy of your *Food Act 2008* Certificate of Registration (noting the vehicles internal fit out must comply with the requirements of the Food Regulations 2009, applicable ASNZ Food Standards Codes and the Shire of Esperance Health Local Law 2009 (as amended)) is required.
10. Fees will be applied as per Council's Fees and Charges Schedule
11. Where power, water or other services are supplied by the Shire to a Trader, the Trader is responsible for all costs accrued relating to usage and supply.

<u>Trading – Approved Events and Markets</u>

Subject to approval from event holders -

1. If a business, that is registered as a food business outside of the Shire of Esperance and is a stall holder at an event or market, a Temporary Food Permit is required in order to trade.
2. If your business is located outside of the Shire of Esperance an Application for a Temporary Food Stall Approval will be required (unless proof of appropriate registration in another local government area is provided).

<u>Trading Approved Fixed Locations</u>

1. The Shire of Esperance has identified Approved Fixed Trading locations and Reserve 27318 and adjoining areas where trading may be permitted only by the approved Street Traders in accordance with their permit.

2. A Street Trader operating within an Approved Fixed Location as identified in Annexure A may be issued for a maximum fixed term of 3 years.
3. A maximum of two (2) Street Traders are allowed at any one Approved Fixed Location at the same time.
4. A fixed trading location becomes available for reallocation if the Street Trader ceases trading for a period of six (6) months or advises that they wish to cease trading.
5. The Shire of Esperance will call for applications from Street Traders to operate at an Approved Fixed Location prior to the expiry of a Trader's Permit or when an Approved Trading Location becomes available.
6. Annual trading site hire fees will be set each year by Council through the budget process and fees may differ depending on the location/desirability of the site (as shown in Annexure A). The desirability rating is based on the proximity, attractiveness of the locality and/or potential for passing trade.
7. Trader's Permits for these sites are determined at the discretion of the Shire, on their individual merit and against the following criteria -
    a. How the business will benefit the community (i.e. authenticity, unique culinary experience and celebrating local produce);
    b. Experience of the Street Trader (e.g. food van or restaurant that is currently operating);
    c. Already in possession of a well-designed and well-maintained vehicle that is aesthetically pleasing and complies with the Shire's environmental health requirements;
    d. Vehicle size or layout, utility requirements, public access, circulation, safety or other street or public place activities;
    e. Historic use of a specific location by the Street Trader and existing patronage by the community;
    f. Risk management plans provided by the Street Trader.
    g. Knowledge of food safety principles;
    h. Litter management plan.

<u>Trading – Itinerant Varied Locations</u>

Itinerant Traders, such as ice-cream vans or the like that stop for customers on public property when hailed, are permitted to trade outside of Approved Fixed Locations under the following conditions -

1. Hold a valid Trader's Permit;
2. Hold a current *Food Act 2008* Certificate of Registration from a Western Australian Local Government;
3. Comply with the overall provisions and intent of this Policy;
4. Serve only approved foods;
5. Only trade between the hours of 9am to 5pm, Monday to Sunday;
6. Must not trade within -
    a. 100 metres of a permanent food business of the same food type; or
    b. 300 metres of a school between the hours of 8.00am and 9.00am and 3.00pm and 4.00pm during school days

7. Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the permit holder must move on from that location within a reasonable time of the last purchase having been made; and
8. Music, or any other forms of noise to attract customers, is not permitted to be played whilst the van is parked.

Trading – Special Permit

Street Traders may apply for a special permit to trade under the following conditions -

1. Reserve 2815 is designated for Community Service Organisations trading food only operating between the months of December to February and other peak holiday periods i.e. Easter one night per week.
2. A permit maybe issued to allow a Community Service Organisation to trade outside of the designated trading zones if selling low risk food on an infrequent basis.

Please note the Shire is not obliged to issue any special permits and reserves the right to apply additional conditions of operation.

Stallholder

1. Approval for stalls, other than stalls which are part of an approved market or extend the service area of an existing business onto the adjacent footpath, will be restricted to Community Service Organisations.
2. A stallholder proposing to operate a food stall, which will offer for sale to the public high risk foods (e.g. sausage sizzles) is required to submit an application for approval (unless proof of appropriate registration is provided) to the Shire's Environmental Health team
3. All food products that are not for immediate consumption must be labelled in accordance with the relevant food regulations

Market Operators

1. Operators of markets on public land are required to hold a market operator's permit under the provisions of *the Activities in Thoroughfares and Public Places and Trading Local Law*. Please note, Development Approval may be required for a Market on private land.
2. Individual stalls, other than stalls selling food, are covered by the market operator's permit - individual licencing fees will not be charged.
3. Stallholders proposing to operate a food stall, which will offer for sale to the public high risk foods (e.g. sausage sizzles) are required to be registered/hold registration under the provisions of the *Food Act 2008*.
4. All food products that are not for immediate consumption must be labelled in accordance with the relevant health regulations.

Legislative and Strategic Context

Both the *Food Act 2008* and the Shire's *Activities on Thoroughfares and Public Places and Trading Local Law 2016* require Street Traders to obtain a permit for trading and selling food.

This policy aims to provide direction and guidance for Shire officers assessing applications and to ensure equity for all commercial outlets.

Annexure A

Goldfields Road – Adjacent to Seafront Caravan Park

Portion of Reserve 36993 & 36994

Twilight Beach Carpark (Reserve 50765)

Reserve 3287

Reserve 2815

Use of Reserve 2815 is subject to conditions as specified in section E – Trading – Special Permit.

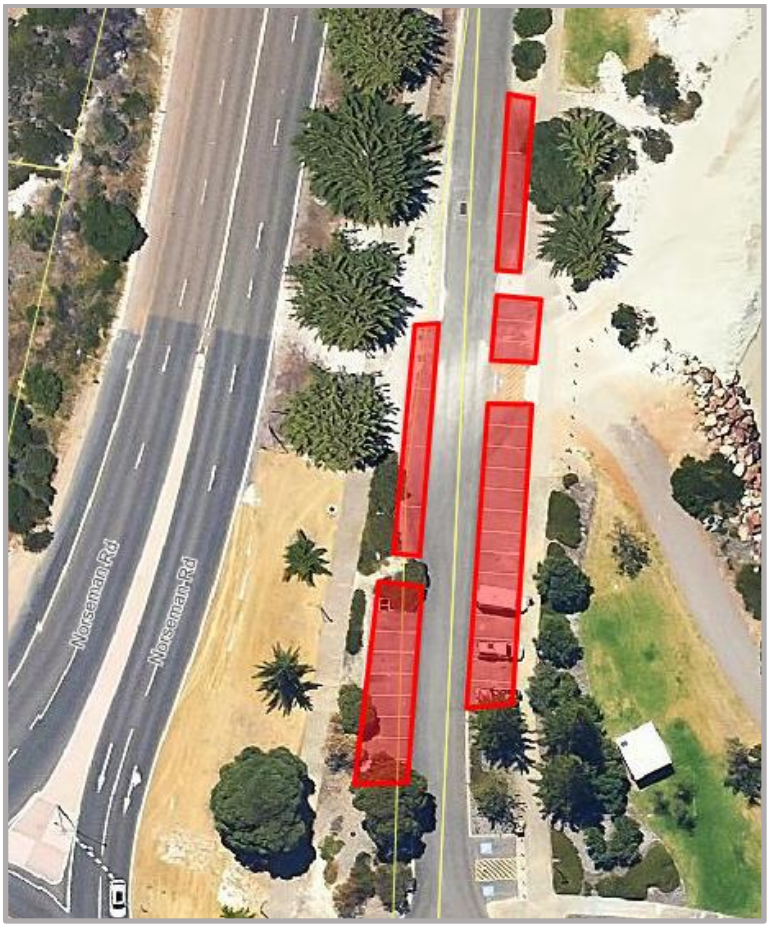
Adjoining areas to Reserve 27318

The Esplanade

The Esplanade

The Esplanade
James St

The Esplanade


Norseman Rd
Norseman Rd

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Food Act 2008*
- *Food Regulations 2009*
- *Australia New Zealand Food Standards Code*
- *Activities on Thoroughfares and Public Places and Trading Local Law 2016*
- *Local Government Property Local Law 2009* (as amended)
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection (Unauthorised Discharge) Regulations 2004*
- *National Competition Policy*: Noting Australia's National Reform Agenda is the successor program to the National Competition Policy. Clause 7 of the Competition Principles Agreement extended elements of the National Competition Policy reform agenda to local government.

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
April 2018	1	D18/376	New policy	O0418-074	April 2020
Oct 2020			No change, Council resolved to undertake 30 day advertising period.	O1020-317	Oct 2022
Dec 2020	2	D18/376[v2]	Minor wording changes throughout, removal of Jetty Headland and Twilight permit areas. Inclusion of applications not complying with Policy being put to Council for consideration.	O1220-399	Dec 2022
April 2021	3	D18/376[v3]	Include two additional locations where a food van may trade, those being Reserve 2815 (grassed area adjacent to Museum Village) and Reserve 50765 (Twilight Beach).	O0421-105	April 2023
Dec 2021	4	D18/376[v4]	Include Stall Holder in definition for Trader's Permit, minor wording update to point 1 in Part F.	O1221-225	Dec 2023
Mar 2023	5	D18/376[v5]	Allow a trader to only occupy a car parking space where it complies with local parking restrictions unless otherwise approved. Exclude the 300m separation within Reserve 27318 (the foreshore). Approved fixed locations has	O0323-048	Dec 2025

			been amended to include Reserve 27318.		
Feb 2024	6	D18/376[v6]	Amend title. Include local government property definition, amend public place definition. Include provision for water/power use costs. Minor wording changes. Include more specific map areas for the foreshore and remove areas vested to other agencies.	O0224-018	Feb 2026

COUNCIL POLICY

POL 0064: Shark Hazard Response

Purpose

The purpose of this policy is to –

1. Provide direction for responding to shark interactions and shark sightings, as well as the broader approach to water safety warnings and information provided to the public.
2. Guide the administration of the Shire of Esperance Property Local Law 2009, under which a sign may be erected to regulate, prohibit or restrict specific activities on the beach or in the water and the giving of directions to swimmers to leave the water if a shark is suspected of being in the vicinity of the beach.

Scope

This policy applies to beach areas under the care, control or management of the Shire of Esperance.

Definitions

Authorised Person: means the Chief Executive Officer or a person or class of persons appointed under section 9.10 of the *Local Government Act 1995* for the purpose of administering the Shire of Esperance Property Local Law 2009

DPIRD: mean Department of Primary Industries and Regional Development

DBCA: means Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service

Patrolled Beach: means a beach that has a SLSWA beach safety and surveillance service in operation.

Shark Interaction: means an incident where a shark bumps, nudges, chases or attacks or person

SLSWA: means Surf Life Saving Western Australia

Unverified Shark Sighting: means a shark sighting reported to the Shire from Water Police WA and forwarded to the Shire from the Water Police WA.

Verified Shark Sighting: means a shark sighting reported to the Shire from WA Government Shark Monitoring Network, that is tagged shark detected through the shark monitoring network

In determining the level of shark response, the following Beach Categories and summary response protocols have been established.

<u>Beach Categories</u>

Category 1: Patrolled by SLSWA, Beach Life Guards (during vacation swimming lessons) or VacSwim educators

Response: Evacuate / close beach – re-open 1 hour post last sighting. Warning sign in place for 24 hours.

Category 2: Not patrolled, easy road access, regularly populated, car parking and amenities provided.

Response: Notify beach goers as soon as practicable. Post signage indicating recent shark sighting / activity. If frequency > 4 times/annum, consider permanently beach signage. Remove signage 2 hours post last sighting. Warning sign in place for 24 hours.

Category 3: Not patrolled. Access available but not regularly occupied by crowds, no amenities.

Response: As soon as practicable, post signage indicating recent shark sighting/activity. If frequency > 4 times/annum, consider permanently sign beach.

Category 4: Not patrolled. Remote, limited access, no amenities, not thought to have crowds of 10 persons or more.

Response: If practicable, post signage indicating recent shark sighting/activity. If frequency > 4 times/annum, consider permanently sign beach.

Practice

The Chief Executive Officer will prepare a more detailed internal procedures/protocol to supplement this policy and to guide operational staff in the exercise of their functions. The Chief Executive Officer will consult with Councillors as appropriate in the development of those procedures/protocol.

The policy acknowledges the length of the Esperance coastline. Beaches have been categorized using factors such as SLSWA patrols, vacation swimming, access and use. Response to shark sightings at the different categories are reflective of these factors.

This policy recognises that at a beach patrolled by SLSWA, the on duty life saver will be responsible for implementing shark sighting response in accordance with the SLSWA standard operating procedures. In addition Rangers will respond advising beach users and the shark sighting and place signs (warning or beach closed) 1kilometre either side of the sighting.

The Shire will be responsible for activation of Shark Warning Towers (Spectur) at Kelp Beds, West and Twilight Beaches where an unverified shark sighting has been reported. (Note: Verified (detected) shark triggers an automatic activation of the Shark Warning Tower at the relevant beaches).

Surfcomm will be notified by Rangers when Shark Warning Tower is activated on SLSWA patrolled beaches when they are patrolled.

The Shire will engage with SLSWA with the aim of updating coastal risk and safety signage.

Shark sighting reports received by the Shire through the Shark Monitoring Network generally provide details about the location of the shark, species, size and in some instances direction of travel, which are essential for making decisions about swimmer

safety. The Shark Monitoring Network service available will inform the Shire's response to a shark sighting.

Shark sighting reports received by the Shire from the WA Water Police will be assessed acknowledging the source of the information i.e. a public report.

In the event of a shark attack fatality, WA Police are the lead agency. The Shire will provide assistance with the management of the shark attack and implement beach safety measures as considered necessary and under the direction of the WA Police.

Where a direction is given to swimmers to leave the water following a shark attack, the decision to re-opening a beach for swimming shall occur after consultation with lead agencies.

Policy recognizes the need for improving community awareness and education about the shared responsibility of risk. The Shire will actively promote -

1. Report Shark Sightings to Water Police on 9442 8600;
2. WA Governments Shark Smart website; and,
3. Other communication mechanisms to inform the community of recent reports of shark activity/management.

Policy Content

At a Patrolled Beach, when the beach is patrolled, an SLSWA life guard is the authorised person for responding to a shark sighting and for implementing the SLSWA response procedure which may include sounding alarms* to alert swimmers, clearing the water of swimmers and monitoring shark presence.

* Note – this alarm is separate to the Shark Warning Tower (Spectur) system managed by Shire Rangers.

All shark sightings are to be reported to Water Police on 9442 8600.

Due to the minimal risk associated, if the shark sighted is less than 2 metres in total length, the Shire will monitor but maintain normal operations and not take any action.

The Shire may also mobilise as outlined below in the event of an Unverified Shark Sighting to minimize risk to the community -

1. The Shire will be responsible for activation of Shark Warning Towers (Spectur) at Kelp Beds, West Beach and Twilight Beach
2. If the shark sighted is greater than 2 metres in total length and less than 500 meters from the shore, temporary signage is to be placed on the beach immediately adjacent to the shark sighting location, at intervals of approximately 500 metres and/or on key beach entry points, for a distance of approximately 1000 meters from a point on the beach immediately adjacent to the shark sighting location.
3. Warning Signage installed on a beach or access points to a beach will remain in place for at least 24 hours from the time of the last notification after the last shark sighting. Beach Closed signage, when installed, will remain in place for a

minimum of 1 hour post last sighting for Category 1 Beach or a minimum of 2 hour post last sighting for Category 2 Beach.

Shark Interaction at Shire Managed / Controlled Beaches) -

1. Where there is a shark interaction i.e. bump/nudge/chase, the beach maybe closed by Authorised Persons.
2. Where a shark attack fatality occurs, the beach will be closed by Shire Authorised Person(s) under the direction of the Incident Controller. The beach will re-open 48 hours post incident.
3. Incident Controller, managing the incident, will provide direction to Shire response activity, (i.e. beach closure, manned or unmanned) until responsibility of land management is returned to the Shire.
4. The Shire will consult with relevant agencies in the consideration of activities that may include the re-opening of beaches after an incident has occurred.
5. Shark Warning Tower activated (Mode 2 – Evacuation) by Shire authorised persons.
6. In the event that the Twilight Beach Shark Warning Tower is activated an authorised person will notify SurfCom on 137873.
7. Beach closed signs will be erected at critical locations car park / beach entry points as soon as practicable to notify beach goers of the potential danger and beach closure.
8. An Authorised Person or support agencies will also patrol the relevant beach area one kilometre each side of the attack to notify beach goers of the potential danger.
9. Where it is identified that the public is in clear immediate danger from shark threat, an Authorised Person will endeavour to notify the public via the use of a vehicle horn, air siren or whistle, where available and practical.
10. Where a shark interaction occurs, the Shire may consider installing permanent static signs to notify the public of the potential risk.
11. Permanent signage may contain relevant information provided by DPIRD and Surf Life Saving WA outlining safer water use practices / considerations.
12. If a shark interaction occurs between Bandy Creek Boat Harbour and Cape Le Grand National Park an authorised person will notify DBCA on 9083 2100.

Community awareness of shark hazard will be promoted by -

1. Providing information on the Shire website about how to access recent reports of shark activity from the WA Government information and encourage swimmers to SLSWA patrolled beaches.
2. Installing permanent signage at key beach car parks to inform and promote to beach users, how to access the most recent information on local shark activity.
3. Temporary signage installed in accordance with this policy shall be used to inform beach users and swimmers that a shark has been sighted in the vicinity and provide information on how to access the latest shark sighting report information from the WA Government information and communication platforms.

Prioritisation of response activities

Shire Rangers / Authorised Persons will respond to shark sightings as a matter of priority, except where currently engaged in or mobilised to respond to the following -

1. Fire / emergency;
2. Dog attack on person; or
3. Stock on road.

Where priority activities divert Shire resources from dealing with immediate shark matters, secondary support resources will be activated as soon as possible to assist from the following -

1. Other on-duty Shire Ranger / other Authorised Persons;
2. WA Police and other Emergency Service agencies (where relevant);
3. Other Shire Services as required.

Record Management

Responding Authorised Persons are required to collate and archive records containing the following -

1. Date, location, type, size and time of shark sighting / attack and summary of activities undertaken in each instance.

The Rangers will also collate and maintain a record of -

1. Number of shark related activations within each financial year;
2. Number of shark related closures within each financial year;
3. Number of shark attacks in each financial year.

.....End.....

Document Information

Responsible Position	Manager Ranger and Emergency Services
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- Shire of Esperance Property Local Law 2009

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2020	1	D20/15285	New policy	O02620-184	Jun 2022
Dec 2021	2	D20/15285[v2]	Remove attacks and replace with interactions in 1.1 under Purpose. Include definition of interaction. Updates to wording throughout.	O1221-225	Dec 2023
Feb 2024	3	D20/15285[v3]	Simplify scope. Include definitions of DPIRD, DBCA	O0224-018	Feb 2026

			and beach categories. Include ‘shark interactions at Shire managed/controlled beaches’, ‘prioritisation of response activities’ and ‘record management’ sections. Amend responsible officer position.		
Feb 2026	4	D20/15285[v4]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0066: Compliance

Purpose

To enable a standardised approach to compliance and enforcement, by -

1. Ensuring a consistent and proportionate approach to compliance and enforcement related matters;
2. Providing transparency, applying procedural fairness and upholding natural justice for all compliance and enforcement related matters;
3. Providing an educational, cooperative and collaborative process, aimed at achieving voluntary compliance; and
4. Guiding decision-making processes and subsequent actions to be taken.

To outline the Shire's approach to addressing compliance related issues and to ensure any decisions made for enforcement action are timely, consistent and reasonable. This Policy will apply to the Shire's compliance responsibilities with respect to the following Acts (and any subsidiary legislation made under the Acts) -

1. *Building Act 2011*;
2. *Bush Fires Act 1954*;
3. *Caravan Parks and Camping Grounds Act 1995*;
4. *Cat Act 2011*;
5. *Cemeteries Act 1986*;
6. *Dog Act 1976*;
7. *Emergency Management Act 2005*;
8. *Environmental Protection Act 1986* (Public Health component only);
9. *Food Act 2008*;
10. *Health (Miscellaneous Provisions) Act 1911*;
11. *Litter Act 1979*;
12. *Local Government Act 1995*;
13. *Local Government (Miscellaneous Provisions) Act 1960*;
14. *Planning and Development Act 2005*; and
15. *Public Health Act 2016*.

Responsible officers are not limited by this Policy in their use of discretion and the exercise of their functions. The full circumstances of each case will be considered and a decision made on the merits of each individual matter.

The Policy is intended to complement (not substitute) the below external references -

1. Compliance and Enforcement Guideline for Enforcement Agencies published by the Western Australian Department of Health for compliance and enforcement of the *Food Act 2008*, *Food Regulations 2009* and *Australia New Zealand Food Standards Code*; and
2. Compliance and Enforcement Policy published by the Department of Water and Environmental Regulation applicable to the *Environmental Protection Act 1986*, *Litter Act 1979* and related legislation.

Scope

This Policy applies to all compliance and enforcement actions by any Officer with responsibilities under statutory or delegated authority for ensuring compliance with Western Australia state legislation and Shire of Esperance (the Shire) local laws.

Definitions

Authorised Person: a person or a member of a class of persons who have statutory (including delegated) power or who are otherwise authorised to commence and carry out legal proceedings relating to an offence, as provided in the relevant legislation.

Compliance: acting in accordance with relevant legislation and lawful directions.

Enforcement: both action taken against parties in response to evidence of unlawful activity, and to the processes preceding such action: responding to allegations of breaches, inspecting, assessing and investigating potential unlawful activity. Enforcement also includes processes prior to making a decision not to enforce the law in particular circumstances, despite evidence or allegations of non-compliance.

Investigation: the process of establishing and analysing facts and applying fair and reasonable interpretations to determine whether a non-compliance or an offence have occurred and the person most likely responsible.

Offence: a form of non-compliance that is classified as an offence in legislation.

Officer: an employee of the Shire of Esperance.

Proactive Compliance: the commencement of compliance investigations into an activity without a written compliant.

Shire: the Shire of Esperance.

Standard of Proof: the desired standard of proof, to be applied to all relevant facts, is 'beyond a reasonable doubt', as required for a successful prosecution in criminal proceedings.

Practice

<u>Compliance and Enforcement Action</u>

The Shire is required to administer its statutory responsibilities under applicable legislation in a transparent and fair manner in the interest of public health, safety, and amenity. The Compliance Matrix contained in this Policy is not a complete list of compliance matters the Shire may investigate under its responsibilities.

Each investigation into an alleged offence undertaken by the Shire will be assessed on a case-by-case basis as per this Policy. An Offence Category may be varied to ensure the response is appropriate under the circumstances and is proportionate to the nature of the offence, and the harm caused or likely to be caused. Where there is a deviation, the responsible Manager or Director will be informed to confirm the divergence from the Policy and proposed actions.

Conflict of Interest

Where a real or perceived conflict of interest may exist, the Officer affected will ensure the responsibility to investigate and respond is transferred to another appropriately-authorised person.

Investigation Process

Process of investigation -

1. Assess the information/allegation of alleged breach;
2. Determine the appropriate investigative approach;
3. Ensure the Officer has the appropriate powers and authority;
4. Plan the investigation;
5. Collect information and evidence;
6. Apply standard of proof;
7. Record all relevant information;
8. Prepare investigation documentation with any recommendation for enforcement action; then
9. Close investigation.

The investigation process must be read in conjunction with any statutory provisions and guidelines applicable to a particular investigation being undertaken.

Reactive Compliance Investigations

Reactive compliance investigations will be undertaken and prioritised based on the Offence Categories set out in this Policy.

In some circumstances compliance issues may be the result of neighbourhood disputes. The Shire may discontinue an investigation of a complaint where it can be reasonably ascertained the complaint is unsubstantiated or pertains to a civil matter. The Shire will not provide advice in relation to civil matters.

Proactive Compliance

Proactive compliance may be carried out in the following circumstances -

1. Audits of Approvals, Permits and/or Refusals;
2. Assessments conducted in response to Pre-Sale Report requests;
3. Education and awareness raising to encourage voluntary compliance;
4. Investigation of issues observed by officers during the course of work-related activities; and
5. Investigation of issues identified through annual work programs in which the principles outlined in the Policy will also be applied.

Conclusion of Investigation

At the conclusion of an investigation, officers shall use the most appropriate action based on this Policy in conjunction with the Compliance and Enforcement Matrix, unless approved otherwise by the appropriate Manager or Director.

Complainants and alleged offenders will be advised in writing, or another appropriate form of communication, of the investigation outcome (subject to confidentiality requirements) and the matter closed.

Offence Categories

Where an investigation is undertaken, and it is considered there is sufficient evidence to substantiate an allegation of a breach, the Shire will take the appropriate enforcement action. The action will be based on the specific circumstances of each individual case, with considerations to the Offence Categories.

Offence Categories

Minor: A breach of legislation, which has a minimal impact on the community, a person or the environment. The breach may be able to be resolved in a relatively short timeframe without any further impact once compliance has been reached.

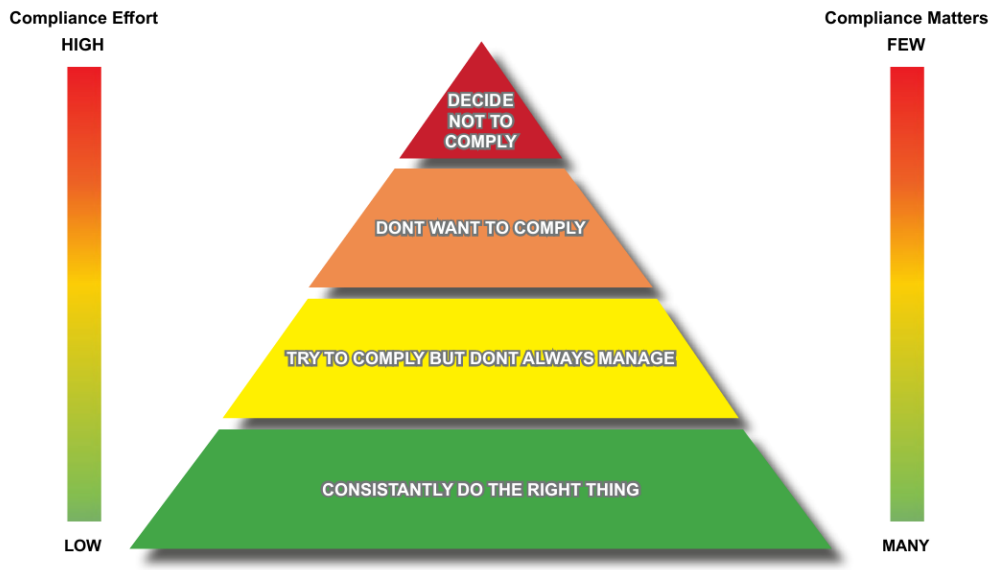
Moderate: A breach of legislation that may initially have minimal impact on the community, life, critical infrastructure, property, or the environment but if allowed to continue the impact may have a major or more significant impact. The breach may initially be able to be resolved with a formal warning, infringement, directions notice or order under relevant legislation.

Major: A breach of legislation that significantly affects or risks the health and safety of the community, life, critical infrastructure, property, or the environment. It may also be a case where the issue cannot be resolved in a short timeframe, or where the alleged offender is not willing to cooperate or negotiate in order to achieve compliance, which may lead to a prosecution action.

Offence Categories are a guide only and are subject to review during the investigation process. Enforcement actions contained in the above definitions are not exhaustive or limiting to each particular definition.

Enforcement Options

The Shire will apply a graduated and proportionate approach consistent with the below diagram:



Any enforcement action commenced is to be timely in order to provide the best chance of achieving a desired outcome.

Enforcement Options

At the conclusion of an investigation, officers shall use the most appropriate action. This may include one or more of the following enforcement options (listed in increasing order of severity) -

1. No enforcement action taken, or information provided on how to achieve compliance;
2. Referral to an external agency or relevant authority;
3. Request for retrospective approval (if applicable), or remedy in accordance with relevant legislation;
4. Formal Warning issued;
5. Penalty Infringement Notice issued;
6. Statutory Notices, Orders, or Declarations issued *;
7. Prosecution action commenced; or
8. A combination of the above.

* Notices, Directions or Orders may require, amongst other things, the land owner, occupier, or recipient to obtain subsequent approvals, cease the unapproved development, remove unapproved structures or undertake prescribed work.

Enforcement Action

Decisions on enforcement action may have regard to any or all of the following factors -

1. Whether there has been a failure to comply with any request, direction or notice;
2. Internal recommendations, including those made by the Development Coordination Unit;
3. Whether the breach or offence was committed wilfully or unknowingly;
4. Whether the breach or offence is ongoing;
5. Any mitigating or aggravating circumstances;

6. Any demonstrated history of non-compliance;
7. The length of time since the incident (including statutory time frames);
8. The potential short and long-term consequences of non-compliance; and
9. Legal precedents, advice received or the existence of an estoppel situation.

Circumstances Where No Enforcement Action Necessary

The Shire may take no enforcement action after an investigation, where -

1. It is considered that an educative approach through issuance of a written warning or verbal instruction to prevent continuance or reoccurrence of the matter is most appropriate;
2. There is insufficient evidence to prove non-compliance after reasonable attempts have been made to investigate the matter;
3. The individual or entity has remedied the alleged breach, discontinued or removed the unauthorised development or has obtained the relevant approval(s);
4. Having regard for the capacity of the alleged offender, it is determined that an alternative approach to achieving compliance is more appropriate;
5. The matter is considered trivial in nature, or would be an unreasonable use of the Shire's resources;
6. It is likely a consent would have been given for the activity if it had been sought; and
7. Considerable time has elapsed since the breach occurred, in circumstances where the potential for harm is minimal and the matter is minor in nature.

Acting in Default of Notices or Orders

Legislation may permit the Shire to undertake works as specified in a Notice or Order to restore the land as nearly as practicable to its condition immediately before the development started, or execute that work as it directed that person. The Shire may be entitled to recover its expenses in a court of competent jurisdiction.

Prosecution Actions

Initiation of Proceedings

The Shire may instigate prosecution proceedings under an Act, regulation or local law where the Shire considers the offence warrants such action. The Shire may also become involved in prosecution proceedings if -

1. At the election of the alleged offender;
2. Escalation following a court decision; or
3. Escalation following a State Administrative Tribunal (SAT) decision.

The Shire may consider the following when determining whether to initiate prosecution proceedings -

1. The seriousness and nature of the offence;
2. Legal advice received including the prospects of success;
3. Any evidence of contempt or disregard for the law;

4. Any public health or safety impacts resulting from the offence; and
5. Whether the prosecution is in the public interest.

Withdrawal of Proceedings

The Shire may consider the following factors when determining whether to withdraw from prosecution proceedings -

1. Legal advice received; or
2. The Chief Executive believes an appropriate level of compliance has been achieved; or
3. The matter has been settled out of court; or
4. An error of law or fact occurs; or
5. The owner or occupier of the land is deceased or cannot be located.

Right of Review and Appeals

Offenders will be notified in writing of their right to appeal a direction or decision of the Shire when applicable. Where a right of review is lodged with the State Administrative Tribunal or Shire, no further enforcement action will be taken until a determination has been made.

This does not prevent the Shire from pursuing other matters in instances where numerous non-compliances relate to the offender.

Disclosure of Information

Requests for information from members of the public in relation to compliance or enforcement matters will be handled in accordance with the Shire's Freedom of Information Statement.

Requests made pursuant to the Freedom of Information Act 1992 (FOI Act) will be handled in accordance with the processes set out in the FOI Act. Any decision to release or refuse to release information will be considered on a case-by-case basis in accordance with the provisions of the FOI Act.

Officers shall not release information on specific compliance and enforcement activities, such as active investigations to the public.

Delegations

Refer to Register of Delegations and Sub-delegations (as amended).

Compliance Matrix

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
Building Services				
Building Regulations 2012				
Non-compliant pool barrier – non-compliant barrier	r50			X
Unauthorised building work	s9		X	
No Notice of Completion	s33	X		
Occupying a building without Occupancy Permit	s41		X	
Planning Services				
Planning & Development Act 2005				
Unauthorised land use1	s218		X	
Unauthorised development1	s218		X	
Extractive Industries				
No approval / major breach of conditions	s218			X
Ranger Services				
Dog Act 1976 & Cat Act 2011				
Unregistered animal (dog / cat)	Dog s7(1) Cats 5(1)	X		
Dog Act 1976				
Wandering dogs - private property (dog in a place without consent)	s33A(3)		X	
Dog attack - causing physical injury	s33D(1)			X
Dog attack - causing no physical injury	s33D(2A)		X	
Restricted breed or declared Dangerous Dog offences	s33E		X	
Dog causing a nuisance by barking	s38(5)		X	
Local Government (Miscellaneous Provisions) Act 1960				
Livestock - wandering at large – thoroughfare	s.484(1)			X

Litter Act 1979				
Illegal dumping	s 23		X	
Private Property Local Law				
Unsightly / untidy properties	Local Law		X	
Bush Fires Act 1954				
Fire – offences relating to fires in the open air during a Total Fire Ban	s22(B)2		X	
Failure to meet Fire Hazard Reduction Notice requirements	s33(3)		X	
Local Government (Uniform Local Provisions) Regulations 1996				
Interfering with, or taking anything from, land that is local government property without lawful authority	r. 5(1)		X	
Placing on a public thoroughfare anything that obstructs it without lawful authority	r. 6(1))		X	
Constructing anything on, over, or under a public thoroughfare or other public place that is local government property without lawful authority	r. 17(1))		X	
Cat Local Law 2024				
Cat not to be nuisance	2.1(4)		X	
Cat in cat prohibited area	2.2		X	
Keeping more than prescribed number of cats without a permit	3.2(1)(a) & (b)		X	
Keeping a cattery without a permit	3.2(1)(c)		X	
Failure to comply with permit condition	3.7(3)		X	
Environmental Health Services				
Health (Miscellaneous Provisions) Act 1911				
Construction or installation of apparatus for the treatment of sewage without the approval of the local government or Chief Health Officer	s107(2)		X	

Inhabiting or occupying a house that has been declared unfit for human habitation	s136F		X	
Failure to comply with a notice issued under Part V of the Health Act	s140(1)		X	
Open or use a public building without a valid certificate of approval	s178(4)		X	
Causing a nuisance and allowing it to continue	s182		X	
Carrying out an offensive trade in breach of the Health Act	s189		X	
Food Act 2008				
Handling and sale of unsuitable food	s18		X	
Failure to comply with requirements of authorised officers	s45		X	
Contravention of a prohibition order	s68			X
Failure to provide notification of conduct of food business	s107		X	
Environmental Protection Act 1986				
Unreasonable noise emissions from premises	s79		X	
Failure to comply with a Noise Abatement Direction	s81(2)		X	
Caravan Parks and Camping Grounds Act 1995				
Caravan park or camping ground not to be operated without licence	s6		X	
Failure to maintain a register of occupiers, copies of the act and regulations and facility rules if any on the premises	s13(1)(b) & (c)	X		
Failure to display a licence, conditions if any, a plan of the facility, facility rules if any and name, address and telephone number of a person to be contacted in an emergency.	s14(2)	X		
Obstructing an authorised Officer	s19		X	

Failure to comply with a works specification notice	s21		X	
Local Laws				
Shire of Esperance Local Laws				
Contravenes a provision of the local laws	Local Law	X		

[1] Where a non-compliant use or development (excluding signage) has occurred in Special Control Area (SCA)4, or SCA5, the offence automatically moves up one category.

The offences contained in the above Compliance Matrix are indicative only and do not form a complete list of compliance matters the Shire may investigate under its regulatory responsibilities.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- Acts and subsidiary legislation as listed in Purpose.

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2022	1	D17/11724	New policy	O0322-059	Mar 2024
May 2024	2	D17/11724[v2]	Update title, update responsible position, minor change to wording in Purpose and Enforcement Options sections and Compliance Matrix table.	O0524-052	May 2026
Feb 2026	3	D17/11724[v3]	Biennial review, no change.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0067: Body Worn Camera

Purpose

The objective of this policy is to formalise the use of by Body Worn Cameras (BWC) and manage the records generated through their use.

The use of a Body Worn Camera provides a means to document law enforcement activity through contemporaneous audio and visual recording. The purpose of using a BWC is to reduce aggression and complaints against compliance and regulatory officers, increase officer safety and provide corroborating evidence to support prosecutions.

Scope

Body Worn Cameras are intended to be worn routinely by Rangers and compliance officers completing investigations, inspections, or assessments.

Definitions

Body Worn Camera - A wearable camera providing high definition and high-quality audio used to record interactions between local government officers and community members.

Recording – Any audio, visual, or audio-visual data captured by a Body Worn Camera, including associated metadata, that constitutes a record for the purposes of the *State Records Act 2000,* subject to access, disclosure, and evidentiary requirements.

Practice

1. Use of BWC by officers to assist in the administration of their duties and dealings with the public is to be authorised by the Chief Executive Officer or authorised delegate.

2. Visual and sound records captured by Body Worn Cameras will be stored, accessed and disposed of in accordance with the Shire's Records Management Policy , *Freedom of Information Act 1992*, *State Records Act 2000*, *Surveillance Devices Act 1998*, and the *Evidence Act 1906*.

3. Authorised staff who use BWC devices are to follow Shire procedures to ensure the appropriate and proper use of BWC devices in the performance of their duties and dealings with the public where recordings are consistent with this policy and the law.

4. BWC devices will be stored in a secure location when not in use. Loss or theft of any BWC is to be reported immediately.

5. BWC devices will only be used by on-duty officers wearing a Shire uniform or displaying formal identification.

6. BWC devices will be used in an overt manner and attached in a prominent location on the officer's body, uniform, or clothing in a manner that maximises the camera's ability to capture video footage.

7. Where reasonably practicable, officers will identify themselves to any person, or group of persons, likely to be captured in the field of view and give notice that the BWC is switched on and actively recording. Notice is not required where there is a real or perceived danger to the officer or another person that precludes the giving of notice. A written record is to be created to justify that decision.

8. Recordings (data) must not be deleted from the BWC by an officer in the field. All recordings captured must be retained for assessment and classification in accordance with Shire records management requirements.

9. Requests for access to, or copies of, BWC data will be assessed and managed in accordance with Shire Policy and applicable privacy and records legislation.

.....End.....

Document Information

Responsible Position	Manager Rangers and Emergency Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995,*
- *Evidence Act 1906,*
- *Freedom of Information Act 1992*,
- *State Records Act 2000*,
- *Surveillance Devices Act 1998*,
- Records Management Policy

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2023	1	D23/3062	New policy	O0223-028	Feb 2025
Feb 2024	2	D23/3062[v2]	Include definition and scope.	O0224-018	Feb 2026
Feb 2026	3	D23/3062[v3]	Added clause 9 to clarify record governance. Minor terminology, and reference updates for currency.	O0226-031	Feb 2028

COUNCIL POLICY

POL 0068: Sporting Association Ground Fees

Purpose

This policy provides the methodology for utilising the Sporting Association Ground Fees "Charge per Unit" as specified within the Annual Shire of Esperance *Schedule of Fees and Charges*.

Scope

This policy applies to seasonal users of Shire of Esperance sporting grounds.

Definitions

N/A

Practice

Council will set a 'unit' charge for the seasonal use of Shire of Esperance sporting fields. Seasonal sporting association fees will be calculated based on the following formula:

Number of Grounds x Field Size x Length of Season x Impact x Junior Discount = No. of units.

The number of units is then multiplied by the "charge per unit" to determine the total owing by each seasonal user.

Notes:

Field size is determined per 5000m2 (approximately). All football/cricket ovals are rated as being 20,000m2.

Season Length is measured either as ½ year or full year.

Impact of each sport on the grounds is measured as either high or low.

The Junior Discount (at a rate of 75%) is only applied in instances where there is no senior competition with regards to that particular sport.

Allowance is for 1 day of competition or club day per sport per field. No charge for training however competition/club days have priority. Additional days attract an additional charge, although discretion is available where a full day's activity is split across two days without impacting on other sports and/or resulting in a lower impact on the sporting grounds.

Sports will not have their fee increase by more than $300 or 10% (whichever is greater) in a single year (unless they add an additional ground or day to their previous booking).

.....End.....

Document Information

Responsible Position	Director External Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2017	1	D17/20732 (rev 03)	New policy	O0717-169	Jul 2019
Apr 2018	2	D17/20732 (rev 05)	Biennial review, no change.	O0418-075	Apr 2020
Mar 2020	3		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	4	D17/20732[v2]	Policy moved to Executive Services area reflecting the reporting line under the organisational structure.	O0620-183	Jun 2022
Jan 2022	5	D17/20732[v3]	No change to wording – move to Corporate & Community Services.	O0122-012	Jan 2024
Feb 2024	6	D17/20732[v4]	Update responsible officer.	O0224-018	Feb 2026
Feb 2026	7	D17/20732[v5]	Biennial review, no change	O0226-031	Feb 2028

COUNCIL POLICY

POL 0069: Local Planning Scheme No. 24 Advertising Requirements

Purpose

To ensure consistency when advertising Development Applications that are an A use under the Shire of Esperance Local Planning Scheme.

Scope

This policy applies to all development that requires advertising as an A use under the provisions of the Shire of Esperance Local Planning Scheme.

Definitions

development: means the development or use of any land, including –

1. Any demolition, erection, construction, alteration of or addition to any building or structure on the land;
2. The carrying out on the land of any excavation or other works;
3. In the case of a place to which a protection order made under the *Heritage Act 2018* Part 4 Division 1 applies, any act or thing that –
    a. Is likely to change the character of that place or the external appearance of any building; or
    b. Would constitute an irreversible alteration of the fabric of any building.

A use: means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after advertising the proposal.

Practice

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Abattoir	X	Webpage & Social Media	X	X	X	X	Webpage	X	X	X	X	X
Aged care facility	Letter	X	X	X	X	X	X	X	X	X	X	X
Agriculture – Intensive	X	D	X	Letter & Webpage	X	X	X	X	X	X	X	
Amusement parlour	X	X	X	X	X	X	X	D	Webpage	Webpage	D	D
Animal establishment	X	D	Letter	D	Letter	X	X	X	X	X	X	X
Animal husbandry – intensive	X	D	X	Letter	X	X	X	X	X	X	X	X
Art gallery	I	D	Webpage & Social Media	X	Webpage	X	X	D	Webpage	Webpage	D	D
Betting agency	X	X	X	X	X	X	X	X	Webpage & Social Media	Webpage & Social Media	X	Letter & Webpage
Brewery	X	D	X	Letter & Webpage	Letter & Webpage	D	D	I	I	I	D	X
Caravan park	X	Letter, Webpage & Social Media	X	Letter & Webpage	Letter & Webpage	X	X	X	X	X	D	X
Child care premises	Letter	X	X	X	Letter	X	X	D	D	D	X	D
Civic use	X	D	X	X	Webpage	D	D	D	D	D	X	D
Club premises	X	Letter & Webpage	X	X	D	D	X	D	D	D	X	D
Commercial vehicle parking	Letter	D	Letter	D	Letter	D	D	X	X	X	X	X
Community purpose	X	X	X	X	Webpage	D	D	D	D	D	X	D

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Consulting rooms	Letter & Webpage	X	X	X	D	X	X	D	D	D	X	X
Convenience Store	X	X	X	X	Letter & Webpage	Webpage	X	P	D	D	Webpage	X
Corrective institution	X	Letter & Webpage	X	X	X	X	X	X	X	X	X	X
Educational establishment	Webpage & Sign	Webpage & Social Media	X	Letter & Webpage	Webpage & Sign	X	X	Webpage	Webpage	Webpage	X	Letter & Webpage
Exhibition centre	X	D	Letter & Webpage	Letter & Webpage	D	X	X	D	D	D	Webpage	X
Fuel depot	X	D	X	X	Webpage	D	D	X	X	X	X	X
Funeral parlour	X	X	X	X	Webpage & Sign	Webpage	D	Webpage	X	X	X	X
Garden centre	X	D	X	D	X	D	D	X	Webpage	Webpage	X	X
Holiday accommodation	X	Webpage & Social Media	X	X	Letter & Webpage	X	X	D	X	X	D	X
Holiday house	Letter	D	Letter	D	Letter	X	X	X	X	X	P	X
Home store	X	D	X	Webpage	Letter & Webpage	X	X	X	X	X	X	X
Hostel	Letter	Letter or Webpage	X	X	X	X	X	X	X	X	Webpage	Letter & Webpage
Hotel	X	X	X	X	Letter & Webpage	X	X	D	X	X	D	X
Industry – Cottage	X	D	D	D	Letter & Webpage	X	X	X	X	X	X	X
Industry Extractive	X	D	X	Letter & Webpage	X	X	D	X	X	X	X	X

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Liquor store – large	X	X	X	X	X	D	X	D	Webpage	Webpage	Webpage	X
Liquor store – small	X	X	X	X	Letter & Webpage	D	X	P	D	D	D	X
Marina	X	X	X	X	X	X	X	X	X	X	Webpage & Social Media	Letter & Webpage
Market	X	X	X	X	Letter & Webpage	D	X	D	D	D	D	X
Medical centre	X	X	X	X	Letter & Webpage	X	X	D	D	D	X	X
Motel	X	X	X	X	Letter & Webpage & Sign	X	X	D	Webpage	Letter & Webpage	D	X
Nightclub	X	X	X	X	X	Webpage	X	Webpage	X	X	Webpage	X
Place of worship	Webpage, Social Media & Sign	Letter & Webpage	X	X	Letter & Webpage	Webpage	X	Webpage	Webpage	Webpage	X	D
Reception centre	X	Letter & Webpage	X	Letter & Webpage	D	X	D	D	D	D	D	Webpage
Renewable energy facility	X	D	Letter & Webpage	D	Letter & Webpage	D	D	D	Letter & Webpage	Letter & Webpage	X	X
Recreation – private	X	D	Letter & Webpage	Letter & Webpage	X	D	D	D	X	X	X	D
Repurposed dwelling	X	D	D	D	X	X	X	X	X	X	X	X
Resource recovery centre	X	Letter & Webpage	X	X	X	X	Webpage & Social Media	X	X	X	X	X
Restaurant/café	X	Webpage	X	Letter & Webpage	D	X	X	P	D	D	Webpage	D

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Restricted premises	X	X	X	X	X	Webpage & Social Media	D	Webpage	X	X	X	X
Road house	X	X	X	X	Webpage	D	D	Webpage	X	X	X	X
Rural home business	X	D	Letter	D	Letter	X	X	X	X	X	X	X
Serviced apartment	Webpage & Sign	X	X	X	X	X	X	Webpage	Webpage	Webpage	Webpage	X
Service station	X	X	X	X	D	D	D	D	D	D	Webpage	X
Small bar	Letter & Webpage	X	X	X	Letter & Webpage	X	X	D	D	D	D	Webpage
Supermarket	X	X	X	X	X	X	X	D	Webpage	Webpage	X	X
Tavern	X	X	X	X	Letter & Webpage	X	X	Webpage	Webpage & Social Media	Webpage & Social Media	Webpage	Letter & Webpage
Telecommunications infrastructure	P	P	P	D	P	P	P	P	P	P	P	P
Tourist development	X	X	X	X	X	X	X	Webpage & Social Media	X	X	Webpage	X
Transport depot	X	D	X	Webpage & Social Media	Letter & Webpage	D	P	X	X	X	X	X
Tree farm	X	D	X	Webpage	X	X	X	X	X	X	X	X
Veterinary centre	X	Webpage	X	X	Webpage & Social Media	D	D	X	X	X	X	X
Workforce accommodation	X	D	X	X	Letter & Webpage	X	X	X	X	X	X	X

Note: The above table only shows land uses that have mandatory advertising as a consequence of the Zoning and Land Use Table.

For reference:

X = the use is not permitted by the Local Planning Scheme.

D = the use is not permitted unless the local government has exercised its discretion by granting development approval;

P = the use is permitted if it complies with all relevant development standards and requirements of this Scheme;

I = the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.

Note - None of these categories have a mandatory advertising requirement, however variations to other provisions of the Local Planning Scheme may trigger a separate requirement for advertising.

COUNCIL POLICY

Additional Uses (Schedule 3)

Additional Use Area	Land Use	Advertising
A4	Motor Vehicle Repair	Sign
A6	Amusement Parlour	Webpage & Social Media
	Caravan Park	Letter & Webpage
	Club Premises	Webpage & Social Media
	Fast Food Outlet	Webpage & Sign
	Holiday Accommodation	Webpage
	Hotel	Webpage & Sign
	Lunch Bar	Webpage
	Nightclub	Letter, Webpage, Social Media & Sign
	Reception Centre	Webpage
	Serviced Apartment	Webpage
	Shop	Webpage & Social Media
	Tavern	Letter, Webpage & Sign
	Tourist Development	Webpage
A7	Educational Establishment	Webpage
	Home Store	Webpage
	Place of Worship	Letter & Webpage
	Restaurant/Cafe	Letter, Webpage & Sign
A10	Reception Centre	Letter, Webpage & Sign
A17	Aged Care Facility	Webpage
A19	Holiday accommodation	Webpage
	Tourist development	Webpage & Social Media
A22	Tourist development	Webpage & Social Media
A24	Community Purpose	Letter
A25	Workforce accommodation	Letter

Restricted Use (Schedule 4)

Restricted Use Area	Land Use	Advertising
R3	Agriculture - Intensive	Webpage
	Caretaker's dwelling	Webpage
	Dwelling	Webpage
	Holiday accommodation	Webpage
	Tourist development	Webpage
	Motor Vehicle Repair	Webpage

Special Use (Schedule 5)

Special Use Area	Land Use	Advertising
SU1	Restaurant/cafe	Letter, Webpage & Sign

Letter is to all adjoining landowners except in relation to a complex application in which owners and occupiers of every property that is within 200 m of the proposed development are sent a letter.

Webpage is advertised on the Shire Webpage.

Webpage and social media is advertised on the Shire Webpage and Facebook Page.

Sign is a sign or signs placed in a prominent location on the development site.

Extract from the Deemed Provisions.

64. Advertising applications

(1) The local government —

(a) must advertise a complex application for development approval in accordance with subclause (3); and

(b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —

(i) relates to development that is a class A use in relation to the zone in which the development is located; or

(ii) relates to the extension of a non-conforming use; or

(iii) relates to development that does not comply with the requirements of this Scheme; or

(iv) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or

(v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised;

and

(c) may advertise any other application for development approval in accordance with subclause (4).

(2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.

(3) For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following —

(a) publishing in accordance with clause 87 —

(i) a notice of the proposed development in the form set out in clause 86(3); and

(ii) the application for development approval; and

(iii) any accompanying material in relation to the application that the local government considers should be published;

(b) giving notice of the proposed development —

(i) to the owners and occupiers of every property that is within 200 m of the proposed development; and

(ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;

(c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

Note for this subclause:

Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).

(4) For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —

(a) publishing in accordance with clause 87 —

(i) a notice of the proposed development in the form set out in clause 86(3); and

(ii) the application for development approval; and

(iii) any accompanying material in relation to the application that the local government considers should be published;

(b) giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;

(c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

(5) A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify —

(a) the manner and form in which submissions may be made; and

(b) the applicable period under subclause (6) or (7) for making submissions and the last day of that period.

(6) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is —

(a) the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or

(b) a longer period agreed in writing between the applicant and the local government.

(7) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —

(a) the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or

(b) a longer period agreed in writing between the applicant and the local government.

complex application means —

(a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or

(b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval;

The Default advertising for a variation the R-Codes or an oversized outbuilding is by Letter except where the applicant has provided non objections from the affected landowners in which case the advertising is waived.

The relaxation of a Scheme Standard will be advertised either by Letter, Webpage or not advertised under Clause 64.(2) depending on the nature and scale of the relaxation.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Heritage Act 2018*
- Shire of Esperance Local Planning Scheme

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2021	1	D21/14011	New policy	O0821-132	Aug 2023
Dec 2021	2	D21/14011[v2]	Updates made to reflect changes in the Local Planning Scheme amendment no.7	O1221-225	Dec 2023
Mar 2024	3	D21/14011[v3]	Insert definitions Amendment advertising uses in accordance with the outcomes of Amendments 8 and 9 to Local Planning Scheme No. 24	O0324-021	Mar 2026
Feb 2026	4	D21/14011[v4]	Biennial review, no change	O0226-031	Feb 2028

COUNCIL POLICY

POL 0090: Temporary Accommodation

Purpose

This policy provides guidance to support applications seeking an approval for temporary accommodation on private property or in an area other than a caravan park.

Scope

A person may stay in temporary accommodation on a property for up to 5 nights per 28-day consecutive period without a shire approval. Any period greater than this, requires an application to the local government for assessment and possible approval for a maximum of 24 consecutive months. An applicant may reapply after 24 months to renew their application. If an applicant is seeking to camp on a state or federal reserve, approval must be obtained from the relevant authority who manages that land. If there is more than one approved application on a private lot, an additional approval may be given for up to 3 months by the local government. Any period longer than 3 months is required from the Minister for Local Government, Sport and Cultural Industries.

Practice

This policy is supported by the Shires temporary accommodation guidelines, application and assessment process. For applications to be considered, the requirements detailed in the guidelines must be adhered to.

The applicant must own or have a legal right to occupy the land and is to complete the application form (insert link) and submit to the Shire with the applicable fee.

Applications will not be considered outside the following zoned areas;

- Residential
- Rural Residential
- Rural Smallholdings
- Rural Townsite
- Rural
- Tourism

Any camp is to be located wholly on the property and be at least 1 metre from the property boundary, at least 1 metre from vehicle access areas, and at least 1.8 metres from structures.

Occupiers of adjacent properties will be notified in writing and the responses will be considered prior to the approval of any application.

Approvals will only be granted where health, safety and hygiene requirements have been met. This includes the following requirements;

- power
- potable water

- waste water management
- cooking and laundry facilities
- emergency management (fire suppression and smoke detection)
- waste and recycling (rubbish collection service or waste management plan is required)
- any other requirement at the request of the Shire.

Upon receival of an application and fee, Environmental Health will assess the application, conduct an evaluation of the site, and issue a permit where the application is approved. Follow-up site assessments may be conducted throughout the duration of the approval period.

Approval can be for a maximum period for 24 months, and any reapplication will require the completion of a new form, fee payable and be accompanied by a structural report confirming the integrity of the habitable camp.

The temporary accommodation cannot be used as holiday rental or for tourism purposes.

Should the temporary accommodation cease prior to the expiry of the permit, the local government must be notified. No refund is applicable.

The Shire reserves the right to withdraw an approval, where a breach of an approval condition has occurred.

.....End.....

Document Information

Responsible Position	Manager Waste & Environmental Health
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Caravan and Camping Ground Act 1995*
- *Caravan and Camping Ground Regulations 1997 (as amended 1 September 2024)*
- *Health (Miscellaneous Provisions) Act 1911*
- *Building Code of Australia / National Construction Code*
- *Shire of Esperance Local Planning Scheme 24*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2024	1	D24/29067	New Policy	O1024-051	Oct 2026
Feb 2026	2	D24/29067[v2]	Biennial review, no change	O0226-031	Feb 2028

COUNCIL POLICY

POL 0001: Motor Vehicles

Purpose

To provide a framework for the allocation of vehicle benefits to employees structured as a hierarchy relevant to organisational position.

To outline conditions to be applied for the private use of Shire vehicles by those employees who are issued with a Shire vehicle.

Scope

This Policy applies to all Shire of Esperance employees.

Definitions

26th Parallel – a circle of latitude located 26 degrees south of the equator exiting in WA near the coast at Shark Bay.

Authorised Officer – an officer of the Shire who has authorisation/approval for usage of a Shire vehicle. All authorised officers must sign the Motor Vehicle Authority Form as well as ensure their Manager/Supervisor sights and acknowledges your driver's licence and that of other applicable drivers.

Practice

Level One Use

Full private use within Australia. Whilst the vehicle is on private use outside the Shire boundary, the employee is to meet the cost of fuel. Private use includes periods of annual and long service leave. Private use is not permitted during periods of unpaid leave, parental leave, personal leave in excess of one month or when the employee is on extended Workers Compensation and not at work.

Level Two Use

Full private use within Western Australia, provided that, whilst the vehicle is in private use outside the Shire boundary the employee is to meet the cost of fuel and is not frequent or regular in nature. Private use is permitted during periods of annual and long service leave. Private use during periods of all other leave types in excess of one month to be approved by the CEO this also includes when the employee is on extended Workers Compensation and not at work.

Level Three Use

Full private use within Western Australia south of the 26th parallel, provided that whilst the vehicle is on private use outside the Shire boundary, the employee is to meet the cost of fuel and is not frequent or regular in nature.

Private use is only permitted during periods of annual leave, not periods of long service leave or parental leave. Private use during periods of all other leave types in excess of one month to be approved by the CEO this also includes when the employee is on extended Workers Compensation and not at work.

Level Four Use

Restricted private use only within the Shire boundaries. Private use is not permitted whilst the employee is on leave or when the employee is on extended Workers Compensation and not at work. Limited additional usage may be approved by Directors for up to one week.

Level Five Use

Restricted private use only within a 70km radius of the Esperance Townsite. Private use is not permitted whilst the employee is on leave or when the employee is on extended Workers Compensation and not at work.

Level Six Use

Restricted private use only within the Esperance Townsite confines. Private use is not permitted whilst the employee is on leave or when the employee is on extended Workers Compensation and not at work.

Level Seven Use

Commuting or On Call use only, to and from the workplace. Private use of the vehicle is not permitted at any time.

NOTE – The CEO, in exceptional circumstances, may extend the private use of any vehicle to outside Western Australia and/or approve usage to other authorised persons.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Road Traffic Act 2020 (WA)*
- *GPS Fleet Tracking Policy (POL 0083)*
- *Vehicle Authority Form*
- *MAN# Usage of Shire Vehicles*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 1991	1		New policy	O0991-64	Sept 1993
Mar 2001	2			OCM.03.01-0086	Mar 2003
Dec 2003	3			O1203-0751	Dec 2005
Oct 2006	4		Change to usage levels 1, 2, 3 & 5	O1006-0888	Oct 2008
Dec 2006	5		Change to km radius to 70km for level 5	O1206-0927	Dec 2008
Sept 2007	6	D12/51		O0907-1121	Sept 2009
Oct 2015	7		Biennial review, no change.	O1015-019	Oct 2017
Jun 2018	8	D16/29064	Biennial review, no change.	O0618-022	Jun 2020

Feb 2020	9		No change, laid on table for further discussion	O0220-046	
Apr 2020	10	D16/29064[v2]	Remove ‘the’ from the level one use section.	O0420-109	Apr 2022
Nov 2021	11	D16/29064[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	12	D16/29064[v4]	Remove WA restriction for level 1 use. Remove requirement to keep receipts for private use. Include timeframe of 48 hours for incident reporting.	O1123-189	Nov 2025
Aug 2026	13	D16/29064[v5]	Clarification for private use clauses, included definition of Authorised Officer and 26th parallel. Detail regarding vehicle use removed and included in newly developed Management Practice.	O0826-117	Aug 2028

COUNCIL POLICY

POL 0002: Staff Entitlements

Purpose

This policy details benefits and entitlements offered to Shire of Esperance (Shire) Employees that are above or in addition to entitlements contained in the Industrial Agreement, other legislation or regulations.

Scope

This Policy applies to all Shire of Esperance employees.

Definitions

Gratuity Payments: means any payment of monies in excess of any contract or award entitlement including the disposition of Shire property to any employee.

Industrial Agreement: The Shire of Esperance Industrial Agreement 2025.

Practice

1. Health and Wellbeing

Staff Access to Bay of Isles Leisure Centre

In order to promote physical activities which will contribute to productivity in the workplace, full-time and permanent part-time Shire employees may use the Bay of Isles Leisure Centre facilities free of charge (other employees may be considered at the Chief Executive Officer's discretion. Access to the Leisure Centre to employees on long term unpaid leave may also be granted at the Chief Executive Officer's discretion).

The free use of the facilities includes -

a. Gym and aquatic area;
b. One free personal fitness assessment each financial year; and
c. Free crèche during crèche opening hours while the employee is using the facilities,

but does not include activities where an additional fee is charged, such as group fitness sessions, use of pool inflatables or birthday parties.

As per the Industrial Agreement, should an Employee wish to upgrade to a higher membership level (classes or family) the Employee will pay the difference between the value placed on staff access and the higher membership level. The value placed on the staff membership is the equivalent of a twelve-month adult wet membership at the Bay of Isles Leisure Centre. Employees cannot cash in the value of the staff access entitlement.

Sport and Recreation Staff Access to Bay of Isles Leisure Centre

All casual and permanent Sport and Recreation staff are offered free access to the Centre's facilities, including access to group fitness sessions, provided their attendance does not prevent members of the public from accessing them.

This is in line with industry standards and supports staff to maintain accreditations related to their roles.

2. Recognition of Long-Term Service

Council is committed to providing a work environment where all staff are recognised for the service that they provide to the Shire and the community. The contribution employees make to the ongoing operation of the Shire is significant and worthy of recognition both throughout their service and also upon their retirement or resignation from the Shire.

In order to recognise long serving employees with ten or more years of continuous service, employees will be presented with a certificate and a gift card to the value as listed below –

10 years of service	$250
15 years of service	$250
20 years of service	$250
25 years of service	$250
30 years of service	$500
35 years of service	$500
40 years of service	$500
45 years of service	$500
50 years of service	$500

3. Gratuity Payments and Farewell Gifts to Employees

A gratuity payment entitlement is subject to completed years of continuous service as per prescribed amounts detailed below and is only payable at the time an employee finishes their employment with the Shire for one of the following reasons –

- Resignation (not as a result of any performance management or investigation or disciplinary process being undertaken by the Shire)
- Retirement, or
- Redundancy

The CEO may approve a farewell gift or a gratuity payment to an employee who after continuous employment with the Shire ceases employment, retires or resigns. The

maximum value allowed for the gift or gratuity will accord with the length of continuous employment by the employee with the Shire, when the employee has displayed exceptional performance, initiative or commitment to the Shire.

1. Between 0 and 5 years continuous service

   No gratuity payment or gift would be made unless exceptional circumstances apply and are reported to the Council by the CEO for consideration.

2. Between 5 and 10 years continuous service

   A farewell gift up to the value of $200 may be provided.

3. Greater than 10 years continuous service

   A farewell gift up to the value of $500 may be provided.

Should exceptional circumstances apply, for example by the number of years of continuous service, then the Council, upon consideration of a report from the Chief Executive Officer, may authorise an amount greater than outlined in this Policy and Management Practice.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Shire of Esperance Industrial Agreement 2025*
- *National Employment Standards (NES)*
- *Management Practice – Gratuity Payments and Farewell gifts to Employees*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2010	1		New policy	O0310-1426	Mar 2012
Jul 2010	2	D12/76			Jul 2012
Oct 2010	3			O1009-1325	Oct 2012
Oct 2015	4		Removal of old practices, change Director titles and insertion of a relocation clause to assist with housing rental for 6 months as per current practice.	O1015-019	Oct 2017
Jun 2018	5	D16/29065	Minor rewording. Include ‘Shire pay for up to 3 counselling sessions’ and allow for 5 RDOs to be accrued. Refer to staff training and travel	O0618-022	Jun 2020

			management practice for travel allowance.		
Feb 2020	6		No change, laid on table for further discussion	O0220-046	
Apr 2020	7	D16/29065[v2]	Change from Human Services to Human Resources.	O0420-109	Apr 2022
Nov 2021	8	D16/29065[v3]	Biennial review, no change.	O1121-202	Nov 2023
Jun 2022	9	D16/29065[v4]	Include provisions for high level qualifications.	O0622-148	Jun 2024
Mar 2023	10	D16/29065[v5]	Adjust relocation allowances and remove procedural information.	O0323-052	Mar 2025
Nov 2023	11	D16/29065[v6]	Remove requirement for CEO to ensure interstate attendance is reported in HR report. Add UV & PPE section.	O1123-189	Nov 2025
Aug 2026	12	D16/29065[v7]	Many sections removed due to information included in other documents such as Industrial Agreement, legislation etc. Management Practices developed for details to be included.	O0826-117	Aug 2028

COUNCIL POLICY

POL 0005: Discrimination, Harassment and Bullying

Purpose

To ensure the Shire of Esperance provides a safe, respectful, inclusive, and discrimination-free working environment for all workers. It aims to promote fairness, dignity, and respectful conduct across the organisation while supporting a positive workplace culture and ensuring compliance with relevant legislation. The Shire of Esperance seeks to prevent discrimination, bullying, sexual harassment, and victimisation, and to uphold high standards of behaviour in all work-related interactions taking into account potential psychosocial harm.

Scope

This policy applies to all workers of the Shire of Esperance.

Definitions

Employee Assistance Program (EAP): is a confidential counselling and support service provided to workers with personal or work-related issues that may affect their wellbeing or performance.

Conflict of Interest: occurs when a worker's personal interests, relationships, or activities could improperly influence, or be perceived to influence, their ability to perform their duties impartially and in the best interests of the Shire of Esperance.

Bullying: is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating and intimidating or threatening.

Discrimination: is treating someone unfairly or less favourably than another person due to their race, sex, marital status, pregnancy, impairment, religious or political conviction, age, family responsibility or family status, physical or mental disability, criminal record, breastfeeding, gender history, impairment, national extraction or social origin or trade union activity. These grounds may change as legislation is amended.

Harassment: is defined as any unwelcome, offensive comment or action relating to the grounds of discrimination. It is behaviour towards another employee that is offending, humiliating or intimidating. It shall not be condoned and if necessary, disciplinary action shall be taken. Any individual who experiences harassment should immediately make it clear to the person(s) concerned that such behaviour is unwelcome. However, if the individual has difficulty in doing this, then assistance should be sought from others to confront the person(s) concerned.

Sexual Harassment: can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Psychosocial risk: Refers to the potential for psychological or social factors in the workplace or environment to cause harm to a person's mental or physical health.

Practice

Workers' rights and responsibilities

All workers are entitled to –

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- work free from discrimination, bullying and sexual harassment;
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs, or culture.

All workers must –

- follow the standards of behaviour outlined in this policy and the related policies listed at the end of this policy including the Code of Conduct;
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint or a grievance, intervening where appropriate when they witness such behaviour, and not victimising any person who makes a complaint, lodges a grievance or is involved in an investigation about a complaint or grievance;
- avoid gossip and respect the confidentiality of complaint and grievance resolution procedures; and
- treat everyone with dignity, courtesy, inclusivity, and respect.

Additional responsibilities of managers

Managers must also –

- model appropriate standards of behaviour;
- take steps to educate and make workers aware of their obligations under this policy and the law;
- intervene quickly and appropriately when they become aware of inappropriate behaviour whether or not a complaint or grievance has been lodged;
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- help workers resolve complaints informally;
- refer formal complaints about breaches of this policy to the appropriate member of the Human Resources team for investigation;
- provide appropriate support services or referral to support services for workers including to the employee assistance program;

- ensure workers who raise an issue or make a complaint are not victimised;
- take suitable disciplinary action which may include termination of employment against any worker who is found to have sexually harassed, discriminated, bullied, or victimised another worker;
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and
- seriously consider requests for flexible work arrangements without discrimination.

Unacceptable workplace conduct

Discrimination, bullying, and sexual harassment are unacceptable at the Local Government and are unlawful under the following legislation and regulations –

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Equal Opportunity Act 1984 (WA)
- Industrial Relations Act 1979 (WA)
- Work Health and Safety Act 2020 (WA)
- Work Health and Safety (General) Regulations 2022 (WA)

Workers (including managers) found to have engaged in such conduct may be counselled, warned, or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability.

Discrimination can occur: Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a worker is harassed and humiliated because of their race or a worker is refused promotion because of their age. Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below). For example, if redundancies are decided based on workers who have had a worker's compensation claim rather than on merit. Protected personal characteristics under law include –

- a disability, disease, or injury, including work-related injury;
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members;

- race, colour, descent, national origin, or ethnic background;
- age, whether young or old, or because of age in general;
- sex;
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- religion;
- pregnancy and breastfeeding;
- sexual orientation, intersex status, or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer, and heterosexual;
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
- political opinion;
- social origin;
- medical record; and
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability. It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Bullying

Bullying is unacceptable at the Shire of Esperance and may also be unlawful.

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Under Federal discrimination law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Bullying can adversely affect the health and safety of workers therefore it is unlawful under the Work Health and Safety Act 2020 (WA) and the Work Health and Safety (General) Regulations 2022 (WA). Bullying under industrial relations and health and safety legislation is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating, or threatening.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation, ignoring people, or unfair work practices. Behaviours that may constitute bullying include but are not limited to –

- sarcasm, threats, loud, abusive, offensive, and other forms of demeaning language;
- coercion;
- inappropriate blaming;

- ganging up;
- constant unconstructive and unjustified criticism;
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements, or acts of sabotaging another's work;
- unjustified threats of dismissal or other disciplinary action;
- spreading malicious rumours or misinformation;
- inappropriate comments about a worker's appearance, lifestyle or family;
- deliberately excluding a worker from workplace meetings or activities;
- unreasonable refusal of requests for leave, training, or other workplace benefits;
- constantly changing targets or work guidelines;
- overloading a worker with work and impossible deadlines;
- threats of or actual, assault or violence;
- teasing and practical jokes; and
- isolating or ignoring a worker on a constant basis.

Where a worker makes a threat of violence or assaults another worker, the police should be called.

Reasonable management action

The Shire of Esperance has the right to take reasonable management action to direct the way in which work is conducted and to give workers lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to –

- the establishment and regular use of performance management systems;
- the setting of reasonable performance targets and deadlines;
- providing workers with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
- issuing a lawful and reasonable direction to a worker to complete a work task;
- preparing and amending a roster for workers;
- transferring a worker to a different work location for operational reasons;
- implementing organisational change;
- informing a worker about inappropriate behaviour in a confidential manner; and
- taking disciplinary action against a worker.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated,

or intimidated. Sexual harassment can be physical, spoken, written, or communicated electronically such as by email, text, messages, or social media posts. It can include:

- comments about a person's private life or the way they look;
- sexually suggestive behaviour, such as leering or staring;
- brushing up against someone, touching, fondling, or hugging;
- sexually suggestive comments or jokes;
- displaying offensive screen savers, photos, calendars, or objects;
- repeated unwanted requests to go out;
- requests for sex;
- sexually explicit posts on social networking sites;
- insults or taunts of a sexual nature;
- intrusive questions or statements about a person's private life;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites; and
- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

The Shire of Esperance recognises that comments and behaviour that do not offend one person can offend another. This policy requires all workers to respect other people.

Sexual harassment is not an action or behaviour where there is a mutual friendship attraction and respect which is consensual. If two workers, or a worker and a customer or supplier of the Shire of Esperance are engaged in a consensual relationship, that relationship may result in a conflict of interest or perceived conflict of interest meaning that the workers concerned will need to declare the relationship to the Human Resources team.

A breach of this policy may occur even if a complaint about the behaviour has not been made (for example, offensive screen savers, photos, objects, calendars, or emails) or a complaint is withdrawn such actions may also be in breach of other Shire of Esperance policies and/or the Code of Conduct.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

The Shire of Esperance has a zero-tolerance approach to victimisation.

Appointment on Merit

All recruitment and job selection decisions at the Shire of Esperance will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Resolving issues

Lodging complaints under the Grievance Resolution Policy and Procedure

The Shire strongly encourages any worker who believes they have been discriminated against, bullied, sexually harassed, or victimised to take appropriate action by making a complaint about the inappropriate behaviour to their manager and/or Human Resources in accordance with the Grievance Resolution Management Practice. The complaint will be investigated and resolved in accordance with that practice in a confidential manner. If a breach of this policy is found to have occurred a worker will be disciplined (and if appropriate, dismissed).

Workers who do not feel safe or confident to take such action under the MAN 0005 - Grievance Resolution may seek assistance from the Equal Opportunity Commission in Western Australia or the Australian Human Rights Commission for advice and support.

Confidentiality of complaints

It is unacceptable for workers at the Shire of Esperance to talk with other workers, Councillors, customers, rate payers, or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal grievance investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to disciplinary action including termination of employment.

Records of complaints and investigations completed under this policy and the Grievance Resolution Management Practice will be kept confidential except where access to those records is required to be provided by law, for the provision of professional advice, or for the health and safety of a worker.

Employee assistance program

The Shire of Esperance workers, and their families are entitled to free, professional counselling sessions from our employee assistance provider. To access the employee assistance program employees should contact the Shire's EAP provider, TELUS Health. Employee assistance provider counselling is confidential, and nothing discussed with a counsellor will be communicated back to the Shire..

Related documents

Workers, especially managers and supervisors, are encouraged to read this policy in conjunction with other relevant policies, including -

- Code of Conduct
- Shire of Esperance Industrial Agreement 2025
- MAN 0005 - Grievance Resolution
- MAN 0028 - Recruitment and Selection
- POL 0008 - Workplace Health and Safety Policy

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Work Health and Safety Act 2020 (WHS Act)*
- *Work Health and Safety (General) Regulations 2022*
- *Equal Opportunity Act 1984;*
- *Sexual Discrimination Act 1984 (Cth).*
- *Racial Discrimination Act 1976 (Cth);*
- *Human Rights Commission Act 1986 (Cth);*
- *Disability Discrimination Act 1992 (Cth);*
- *Age Discrimination Act 2004 (Cth)*
- *MAN 0028 – Recruitment and Selection*
- *MAN 0005 – Grievance Resolution*
- *Code of Conduct*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2003	1		New policy	O1203-0751	Dec 2005

Sept 2007	2	D12/33			Sept 2009
Oct 2015	3		Clarification and improvement to Policy.	O1015-019	Oct 2017
Jun 2018	4	D16/29076	Minor formatting and rewording	O0618-022	Jun 2020
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D16/29076[v2]	Amend title to include Discrimination. Amend listed legislation in Policy section. Add sentence to procedure section regarding threat or assault. Add 'consequences' paragraph. Minor spelling amendments.	O0420-109	Apr 2022
Nov 2021	7	D16/29076[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	8	D16/29076[v4]	Amend references to WHS Act	O1123-189	Nov 2025
Aug 2026	9	D16/29076[v5]	Renamed to discrimination, harassment and bullying and updated utilising WALGA template.	O0826-117	Aug 2028

COUNCIL POLICY

POL 0008: Workplace Health and Safety

Purpose

Aim: To ensure the health and safety of all workers whilst at work.

Vision

The Shire of Esperance is committed to providing the highest standard of health and safety and to building and upholding a strong safety culture within our organisation that demonstrates a commitment to continual improvement. The Health Safety and Wellbeing of our workers is fundamental in achieving our safety message 'Work Safe Home Safe'.

Objectives

Implement the WHS framework to create and embed more positive WHS culture and behaviours for Shire employees.

This policy, driven by our Work Health and Safety Plan embraced by all workers and focused on consultation and communication, designed to promote continual improvement of our work practices and our performance.

We Believe –

1. No business objective is more important than the health and safety of our workers
2. Work related injuries are preventable
3. A task that cannot be done safely does not need to be undertaken.

Scope

This Policy applies to all Shire of Esperance workers under the Western Australian Work Health and Safety Legislation

Definitions

Hazard: A source or a situation with a potential for harm in terms of human injury or ill-health, damage to property, damage to environment, or a combination of these.

Risk: The likelihood and consequence of any potential injury or harm occurring.

Psychosocial Risk: Refers to the potential for psychological or social factors in the workplace or environment to cause harm to a person's mental or physical health.

Practice

To achieve this aim the Shire will -

1. Ensure there are sufficient resources to implement, document and regularly review all Policies and Procedures
2. Build a culture of risk awareness including psychosocial risk and proactive hazard reduction across all workplaces.

3. Commit to the training and/or adequate supervision for all workers until verified as competent in the tasks they are completing
4. Secure and retain adequate numbers of Safety Representatives and/or nominated Health and Safety Committee members to ensure consultation on Workplace health and safety matters occur.
5. Ensure all health and safety incidents are reported and investigated in a timely manner, that corrective actions identified are implemented and controls applied are continually reviewed in order to remain effective
6. Educate workers of their responsibility to their own health and safety and the health and safety of others through any act or omission at work.
7. Empower workers to stop work immediately, if they believe the work to be unsafe.
8. Promote a proactive reporting culture for all unplanned events

The Council will provide the time and resources necessary to implement this policy.

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

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- Work Health and Safety Act 2020
- *Work Health and Safety (General) Regulations 2022*
- *Workers Compensation and Injury Management Act 2023*
- *Work Health and Safety Plan June 2024*
- *Workplace Health and Safety Strategic Plan 2024-2027*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 1996	1		New policy	O0196-130	Jan 1998
Jan 2014	2	D12/55			Jan 2016
Oct 2015	3	D16/29079	Add last review date and change Objective to Aim	O1015-019	Oct 2017
Jun 2018	4	D17/1045	Biennial review, no change.	O0618-022	Jun 2020
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D17/1045[v2]	Biennial review, no change.	O0420-109	Apr 2022
Nov 2021	7	D17/1045[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	8	D17/1045[v4]	Change title to WHS, reword to reflect current aims and practice, and emphasise a positive work safe culture. Include reference to 'work	O1123-189	Nov 2025

			safe, home safe' message. Remove signature panel.		
Aug 2026	9	D17/1045[v5]	Change to wording step 8 under practice, annually changed to biennially, added further documents to referencing documents. Added reference to 'continual improvement' in the Vision. Added to definitions Hazard and Risk. Reference to wording in Council Plan and added definition of psychosocial risk.	O0826-117	Aug 2028

COUNCIL POLICY

POL 0009: Termination of Employment

Purpose

To ensure that where applicable correct procedure is followed in relation to severance payments.

To ensure that appropriate procedures are applied in instances of redundancy to employees.

To ensure that an employee is given substantiative and procedural fairness when the need arises to discipline or terminate.

Scope

This Policy covers all Shire of Esperance employees.

Definitions

Industrial Agreement – means the Shire of Esperance Industrial Agreement 2025.

Practice

For the purpose of Section 5.50(1) of the *Local Government Act 1995* (the 'Act') this policy will set down circumstances and manner of assessment upon which the Shire of Esperance will pay an employee an amount (severance payment) in addition to any amount to which the employee is entitled under a contract of employment, award, industrial agreement or order by a Court or Tribunal.

A terminating employee is entitled to severance pay and benefits in accordance with -

1. Any federal or state award or industrial agreement applicable to that employee;
2. Any applicable provisions within the employee's contract of employment;
3. Any applicable award or order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
4. Where the Local Government so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

Where a dismissed employee has taken or is proposing to take legal action, the Local Government may decide to settle to avoid expensive litigation. Matters to be taken into consideration by the Local Government as to whether it will seek a settlement and if so, the extent of any financial offers may include -

1. possible exposure to litigation;
2. the cost of legal advocacy and support;
3. the cost of witnesses;
4. the cost of travel and accommodation in running the case;
5. the cost of having staff tied up in the preparation and hearing of the case; and
6. the disruption to operations.

The Local Government may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

Matters to be taken into consideration by the Local Government in determining the extent of any financial offers may include -

1. the length of service;
2. the conscientiousness of the employee over the past employment;
3. the value of the employee's service having regard to position(s) held and the regard given by the Local Government to the employee's contribution;
4. the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
5. possible exposure to litigation if the employee was dismissed having regard to obligations of the Local Government under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.
6. circumstances of the severance

The term "weeks' pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation provided to all employees etc.).

Nothing in this Policy prevents the Local Government from determining that in special circumstances, terminating employees may be paid additional moneys or provided with additional benefits where justified. If the Local Government so determines, details of the severance pay and benefits shall be published in accordance with Section 5.50 (2) of the Act.

<u>Staff Redundancy</u>

The appropriate award provisions and adopted Procedures will apply to this Policy, which is to be read in conjunction with the Shire of Esperance Industrial Agreement.

1. Consultation
    a. The Local Government will consult employees likely to be affected by any proposed change as to the need for and/or reason for the change and no definite decision will be made until this process has been followed.
    b. Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour and that decision may lead to the termination of employment, the employer shall hold discussions with the employees directly affected and with their representative.
    c. The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provisions of paragraph (b) hereof, and shall cover, inter alia, any reasons for the

proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.

d. For the purposes of the discussion the employer shall as soon as practicable provide in writing to the employees concerned and their representative, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected and the number of workers normally employed and the period over which the terminations are likely to be carried out.
e. Provided that any employer shall not be required to disclose confidential information, the disclosure of which would be inimical to the employer's interests.

2. Transfers Within the Organisation
    a. Wherever possible and practical, appropriate employees should be offered a transfer to other positions within the enterprise and also offered the necessary and reasonable training to effect a successful transition.
    b. Where an employee is transferred to other duties for the purpose of avoiding retrenchment and those duties attract a lesser rate of pay than the incumbents' previous position, the Local Government will make up the difference between the two rates of pay for a period of twelve months (or 2 years in the case of employees covered by Clause 4 below). After this time, the lesser rate will apply.
3. Redundancy Benefits
   Where a position has been made redundant and a suitable transfer has not been possible, an employee may be retrenched on the following basis -
    a. A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks.
    b. Payment of 2 weeks' pay.
    c. Redundancy provisions in accordance with the Shire of Esperance Industrial Agreement
    d. All other pro-rata entitlements payable under the appropriate award or agreement to a terminating employee will be paid.
    e. During the notice period the employee shall be allowed reasonable time off from the job without loss of pay to attend employment interviews or other similar activities to assist the employee find employment.
    f. Where the employee was originally engaged from a distant location, reasonable relocation assistance may be provided to the place of engagement or another place (at a cost no more than relocation to original point of hire). Relocation assistance will be at the Local Government's discretion and considered according to circumstances.
    g. Where the circumstances of a retrenched employee are such that it will be extremely difficult for that employee to find another job, the Local Government may exercise its discretion to provide additional benefits to such employees. In this event, details of the total redundancy package for

such an employee shall be published in accordance with Section 5.50(2) of the *Local Government Act 1995*.

h. The term “weeks' pay” means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee’s position (such as a vehicle in the case of a senior position, the normal superannuation contribution provided to all employees etc.).

4. Local Government Boundary Changes, Amalgamations and Break-ups
    a. Where a restructuring of Local Government boundaries (such as a break up of a Local Government or an amalgamation of Local Governments) results in a surplus of employees, Schedule 2.1 clause 11(4) of the *Local Government Act 1995* provides for two years guaranteed employment except where employer and employee are able to agree to a mutually acceptable severance package.
    b. Where a transfer is not possible, retrenchment will be offered on the basis of Clause 3 above. Additional benefits may be offered in accordance with Clause 3 in an endeavour to reach a mutually acceptable severance package.
    c. If agreement on a severance package is not possible, the employee will be offered work for two years on conditions no less favourable than the existing contract of employment.
    d. At any time during the two years additional employment the Local Government and employee may re-open negotiations in an endeavour to reach agreement on a mutually acceptable severance package.
    e. Where an employee remains in employment for two years pursuant to Schedule 2.1 of the *Local Government Act 1995* and is then made redundant, there will be no entitlement to the redundancy benefits provided in Clause 3. Redundancy benefits in accordance with the appropriate award will still apply.
5. Counselling
    a. Counselling by a professional counselling service shall be available for any employee who has been or is to be retrenched.
    b. In appropriate circumstances an outplacement service may also be offered. In this event no payment in lieu of such service will be made.
6. Termination During Notice
    An employee who has been given notice of retrenchment in accordance with Clause 3 may terminate during the period of notice and shall be entitled to the same benefits and payments as if he/she had remained until the expiry of the notice. Provided that in such circumstances, the employee shall not be entitled to payments in lieu of notice.
7. Alternative Work
    a. Should the Local Government have made suitable arrangements for alternative employment and the employee is not consequently unduly

prejudiced, the additional benefits over and above the appropriate award arising from this Policy shall not apply.

b. In addition the Local Government may make application to the Commission to have the award severance pay prescription varied in the case of such an employee according to the particular circumstances.

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

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *National Employment Standards (NES)*
- *Minimum Conditions of Employment Act 1993 (WA)*
- *Shire of Esperance Industrial Agreement 2025*
- *Termination of Employment Management Practice*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2003	1		New policy	O1203-0751	Dec 2005
Sept 2007	2	D12/81			Sept 2009
Oct 2015	3		Change to match Shire of Esperance Enterprise Agreement	O1015-019	Oct 2017
Jun 2018	4	D16/29080	Rewording to read better and include current practices. Minor formatting changes.	O0618-022	Jun 2022
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D16/29080[v2]	Add full stop into point 3 of objective.	O0420-109	Apr 2022
Nov 2021	7	D16/29080[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	8	D16/29080[v4]	Biennial review, no change.	O1123-189	Nov 2025
Aug 2026	9	D16/29080[v5]	Update Council references to Local Government in accordance with *Local Government Act 1995.*	O0826-117	Aug 2028

			Discipline/dismissal information to be removed and included in new Management Practice.		

COUNCIL POLICY

POL 0011: Workplace Drug and Alcohol Use

Purpose

To ensure a safe workplace free from the effects of drugs and alcohol and that people are fit for work whilst performing duties at the Shire of Esperance.

The aim of this policy is to ensure -

1. A safe workplace, free from the effects of drugs and alcohol.
2. The Shire of Esperance meets its legal duty of care to ensure a safe workplace.

The Policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

Scope

This Policy applies to all Shire employees, contractors, employees of contractors and volunteers at all Shire of Esperance workplaces.

Definitions

Drugs means any illicit or illegal drugs including amphetamines, benzodiazepines, cocaine, methamphetamines, opiates and cannabinoids including THC (Tetrahydrocannabinol).

Medicinal Cannabis means cannabis usage (including all cannabinoids) that occurs s olely at the direction of a registered medical practitioner who has prescribed a form of medical cannabinoid to treat a diagnosed medical condition, including by alleviating its symptoms. The prescribing medical practitioner must be registered under the HPRNL (e.g. a General Practitioner or medical specialist).

Prescribed Medication means medication prescribed by a health practitioner registered under the HPRNL and includes over-the-counter pharmacy medication and Medicinal Cannabis. e.g. a General Practitioner or medical specialist).

HPRNL means the Health Practitioner Regulation National Law.

Contractor: A contractor includes any employee or subcontractor of any company who has been engaged by the Shire to perform services.

Employee: For the purpose of this policy, the term employee shall include Councillors, contractors, employees of contractors and volunteers.

Fit for Work: Not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance, or not being fatigued.

Managers: Includes Managers as well as the Executive Management Team.

Substance: Any drug that may have adverse effects causing impaired work performance.

Unfit for Work: Being impaired for work and therefore unable to perform duties in a safe manner.

Volunteer: A Volunteer is a person who performs a service willingly and without pay.

Practice

Confidentiality

All results and information in relation to drug and alcohol testing will be dealt with in the strictest confidence. The privacy and dignity of employees tested as part of this process will be protected.

Responsibilities

The Manager is accountable for -

1. Ensuring their employees are aware of their obligations under this Policy and communicating these obligations on a regular basis.
2. Ensuring their team members are Fit for Work at all times.
3. Maintaining appropriate confidentiality relating to this Policy.
4. Seeking advice from the WSH team where necessary to comply with this Policy.

Employees are accountable for -

1. Adhering to their obligations under this Policy; including attending work in a fit state. The Shire has a zero tolerance approach to drugs and alcohol in the workplace.
2. Alerting their Manager to any change in their capacity to carry out their role in a way which compromises the safety of themselves or others.
3. Informing their Manager when they suspect another employee is unfit for work.
4. Participating fully with any form of drug and/or alcohol Testing.

Testing

All Testing will be carried out in accordance with the Workplace Drug and Alcohol Management Practice.

Prescription Medication

The Shire recognises that Employees may have legitimate medical reasons for taking a Pharmacy or Prescription Medicine. Where an Employee is taking Prescription or Pharmacy Medicine/s for a legitimate medical purpose, the Employee will not be in breach of this Policy, if the Employee -

1. Takes the Prescription or Pharmacy Medicine in accordance with the instructions of their health practitioner applying to the use of those medicines.
2. Does not misuse or abuse the Prescription or Pharmacy Medicines/s.
3. Checks with their health practitioner (including pharmacists) about the effect of the medicine on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner.

4. If the Worker's ability to perform their work safely may be affected by a Prescribed or Pharmacy Medicine, the Worker must obtain advice in writing from their health practitioner (including pharmacists) and provide such advice to their Manager / Supervisor, before undertaking their work.
5. Does not work whilst adversely affected by Prescribed or Pharmacy Medicines.

Alcohol consumption at Shire functions and events

There may be some occasions where the responsible consumption of alcohol will be permitted at the Workplace as part of a function or event. Such permission must be provided by the CEO or relevant Director, as a minimum, prior to the function or event.

Where permission has been obtained, the Manager responsible for the function or event must be in attendance supervising the function and must ensure a range of drinks including low and non-alcoholic drinks are provided.

Employees must -

1. Uphold an appropriate standard of behaviour in accordance with the Shire's Code of Conduct and Corporate Values.
2. Behave in a sensible and responsible manner with due care for their own and other's safety and wellbeing.
3. Consume alcohol responsibly.
4. Not return to work on the day of the event where they have consumed alcohol.
5. Ensure a safe means of transport from such functions. Employees that choose to drive after the function must adhere to the Road Traffic Act (less than 0.05mg/ml).

Roles identified as hazardous / operating plant and equipment

Where an employee is taking Prescription or Pharmacy Medicines (including Medicinal Cannabis) that contain a warning that the person should not drive a vehicle or operate plant or machinery, the employee must not drive any vehicle or operate any plant or machinery and must immediately notify their Leader.

Further, if an Employee is taking Prescription or Pharmacy Medicines (including medicinal cannabis) and feels that their ability to safely drive a vehicle or operate plant or machinery is affected (regardless of whether or not the drug contains a relevant warning) the Employee must not drive any vehicle or operate any plant or machinery and must immediately notify their Manager.

The Shire will not accept liability for any damage to any machinery / property or any injury to any person caused by an Employee's use of a vehicle or machinery whilst impaired or under the influence of alcohol, drugs and/or medicines. The employee may be personally liable in such circumstances.

Breach of Policy

Employees must comply with this Policy at all times. If an employee is found to have breached this Policy, the Shire's Performance Management Practice will be enacted. The type and severity of the disciplinary action (if any) will depend upon the circumstances of the case and may include the termination of employment.

Should an employee refuse to participate in a drug and/or alcohol test or attempt to falsify their results, the Shire will view such action as a breach of this Policy. Should a Contractor breach this Policy, the matter will be dealt with in accordance with the provisions set out in the Service Agreement / Contract.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Work Health and Safety Act 2020 (WHS Act)*
- *Shire of Esperance Management Practice:* Workplace Drug and Alcohol
- *Shire of Esperance Management Practice:* Performance Management

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2009	1	D12/87[v1]	New policy	O0709-1268	Jul 2011
May 2013	2	D12/87[v2]		O0513-048	May 2015
Oct 2015	3		Recommend that Drug & Alcohol testing be applicable to all persons appointed to the Shire, Recommend that Oral Fluid testing be introduced as an additional option to test for drugs	O1015-019	Oct 2017
Jun 2018	4	D16/29083	Include employee definition, minor formatting and wording changes.	O0618-022	Jun 2020
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D16/29083[v2]	Minor wording changes throughout.	O0420-109	Apr 2022
Nov 2021	7	D16/29083[v3]	Biennial review, no change.	O1121-202	Nov 2023
Jul 2023	8	D16/29083[v4]	Management Practice and Procedure information removed.	O0723-137	Jul 2025
Nov 2023	9	D16/29083[v5]	Biennial review, no change.	O1123-189	Nov 2025
Aug 2026	10	D16/29083[v6]	Addition of definitions as per WALGA drug and alcohol policy template.	O0826-117	Aug 2028

COUNCIL POLICY

POL 0012: CEO Performance Review

Purpose

This policy is to provide a consistent, transparent and accountable performance review process for the Chief Executive Officer (CEO) of the Shire of Esperance.

Scope

This Policy applies to the Shire President, Councillors and the Chief Executive Officer.

Definitions

N/A

Practice

Rationale

This process is documented and adopted by Council to ensure a consistent approach to the Shire of Esperance CEO review.

The review process must be a collaborative, constructive process that is designed to enhance performance and provide guidance for the ensuing twelve months, considering -

1. The CEO's Statutory Role and Responsibilities under the *Local Government Act 1995* and other relevant legislation;
2. General Probity and Integrity requirements and expectations associated with the position of CEO;
3. Implementation of the Shire's Strategic and Corporate Business Plans, subject to resource capacity and allocations; and
4. Any specific focus areas or key performance indicators previously agreed between the Council and CEO.

Councillors must be prepared to take a corporate view of this process. The performance review process should be regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes which will improve the performance and the profile of the Shire of Esperance. Councillors and the CEO participating in the review process must -

1. Be fair and objective;
2. Use good communication skills;
3. Act in good faith;
4. Be prepared and actively participate in the process;
5. Avoid bias;
6. Base conclusions on relevant and substantiated information and/or facts;
7. Be able to concentrate on outcomes;
8. Ensure procedural fairness for all parties involved;

Independent Facilitator

Unless resolved differently by absolute majority, the CEO review process will be coordinated and overseen by an independent facilitator, endorsed by Council. The Shire will utilise its normal procurement process, in sourcing an appropriately experienced and qualified facilitator, in consultation with the Shire President. The Council will endorse the appointment prior to the Review process commencing. If the CEO has any concerns regarding the appointed Independent Facilitator, the CEO will provide the Shire President a written explanation of said concerns, which will be presented to Council when it considers endorsing said appointment.

Review Period

At the very minimum, the CEO performance is to be reviewed annually, in accordance with the requirements of *Local Government Act 1995*.

1. The Review period will correspond with the Shire's financial year.
2. For planning purposes the review should be undertaken within a month of the anniversary of the CEO's contract, with Key Result Areas to be set at this time.
3. An informal interim review may be undertaken during the year at the request of the CEO or Council, to ascertain progress during the relevant review period.
4. In the event that Council has concerns about the performance of the CEO, the Shire President will, at the request of Council, undertake an additional interim performance review.
5. The Shire President must write to the CEO if Council has requested an interim performance review, outlining the areas of concern to allow the CEO the opportunity to prepare.
6. The Shire President must allow the CEO a minimum of one week's notice prior to the commencement of an interim performance review.
7. Any changes to the CEO's employment remuneration package determined from the review will take effect at the CEO's employment anniversary date.

Review Process

The performance review process must be agreed in writing between the Council and the CEO (Sch.2 clause 16(3) of the Administration Regulations). The following process is utilised as the basis of the CEO Performance Review

1. Independent Facilitator appointed;
2. CEO performance assessment survey issued to all Councillors and CEO to complete, which includes questions on -
    a. Performance related to CEO's Statutory Role
    b. Performance related to General probity and integrity requirements
    c. Performance related to achieving Shire's Council Plan.
    d. Performance related to achieving any specific focus areas or key performance indicators (KPI's) identified in the previous performance review
3. Independent Facilitator to develop an assessment report on completed surveys for consideration of Council;

4. Independent Facilitator to investigate or research any significant negative survey result(s) to determine substance and/or reasonableness;
5. Assessment report presented to CEO for response;
6. Assessment report (including CEO response) considered by Council to determine satisfactory or unsatisfactory performance;
7. Council and CEO meet to determine:
    a. agreed specific focus areas or KRA's for next 12 month Review Period; and
    b. subject to outcome of the CEO performance review, any amendments of the CEO's employment remuneration package.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Administration) Amendment Regulations 2021*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
July 2017	1	D18/2143 (rev 02)	New policy	O0717-167	Jul 2019
June 2018	2	D18/2143	Minor rewording	O0618-022	Jun 2020
Feb 2020			No change, laid on table for further discussion	O0220-046	Apr 2020
Apr 2020	3	D18/2143[v2]	Minor wording changes	O0420-109	Apr 2022
Nov 2021	4	D18/2143[v3]	Biennial review, no change	O1121-202	Nov 2023
Nov 2023	5	D18/2143[v4]	Remove reference to Strategic Community Plan and Corporate Business Plan and replace with Council Plan.	O1123-189	Nov 2025
Aug 2026	6	D18/2143[v5]	Update wording to require performance review process to be agreed to in writing between Council and the CEO.	O0826-117	Aug 2028

COUNCIL POLICY

POL 0013: Volunteer Management

Purpose

This policy outlines the Shire of Esperance's commitment to and management of Shire volunteers.

The purpose of this policy is to ensure that Shire volunteers are valued, that their contribution is acknowledged and they are managed and supported in accordance with best practice principles and the National Standards for Volunteer Management.

Scope

The Shire is committed to the vision of volunteering within our region, recognising that volunteers are essential to many of the Shire's programs.

Volunteering provides a benefit to both the community and the volunteer by offering a legitimate and meaningful way in which volunteers can participate in the activities of the Shire and within the community.

Definitions

N/A

Practice

Shire Volunteers play an integral role supporting the delivery of services to those who live in or visit the Shire. It is important that volunteer roles are clearly defined, volunteers are well managed and volunteer management practices are continually reviewed and improved.

Volunteer involvement should be a considered and planned part of the Shire's strategic development, aligning with the Shire's strategic aims and incorporated in the Council Plan.

Volunteering is defined for the purpose of this policy as work which is –

1. Of benefit to the community
2. Of the volunteer's own free will and
3. Done without monetary reward

Volunteering should provide benefits to both the volunteer and the Shire, through enhanced services offered to the community.

The Shire and its officers are committed to the principles of volunteering -

1. Benefits the community and the volunteer
2. Work is unpaid
3. Is always a matter of choice
4. Is a legitimate way in which citizens can participate in community activities
5. Is a vehicle for individuals to address human, environmental and social needs
6. Is an activity performed in the not for profit sector only

7. Is not a substitute for paid work
8. Respects the rights, dignity and culture of others and
9. Promotes human rights and equality.

Designated volunteer roles cannot replace paid Shire staff positions or pose a threat to the job security of paid Shire staff.

All Volunteers for the Shire of Esperance must be formally registered as a Shire of Esperance Volunteer and accepted as a volunteer by the Chief Executive Officer and/or his authorised delegates. Age limitations, in relation to insurance coverage, may apply as determined by the Shire's Voluntary Workers Insurance Policy.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Volunteers Induction Manual*
- *National Standards for Volunteer Involvement*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2018	1	D18/16397	New policy	O0618-022	Jun 2020
Feb 2020			No change, laid on table for further discussion	O0220-046	Apr 2020
April 2020	2	D18/16397[v2]	Biennial review, no change.	O0420-109	Apr 2022
Nov 2021	3	D18/16397[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	4	D18/16397[v4]	Biennial review, no change.	O1123-189	Nov 2025
Aug 2026	5	D18/16397[v5]	Update reference to Council Plan.	O0826-117	Aug 2028

COUNCIL POLICY

POL 0014: Appointment of Acting or Temporary CEO

Purpose

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

Scope

This Policy applies to the Shire President, Councillors and CEO of the Shire of Esperance.

Definitions

Acting CEO: A person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.

Temporary CEO: A person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Practice

Acting and Temporary CEO Requirements and Qualification

When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.

Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive positions of Director Corporate and Community Services, Director of External Services or Director Asset Management are considered suitably qualified to perform the role of Acting or Temporary CEO.

A person appointed to act in the position of Director Corporate and Community Services, Director of External Services or Director Asset Management is not included in the determination set out in Clause 2 (2).

Appoint Acting CEO – Planned and unplanned leave for periods up to 5 weeks

The CEO is authorised to appoint the Director Corporate and Community Services, Director of External Services or Director Asset Management in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 5 weeks, subject to the CEO's consideration of the Director Corporate and Community Services, Director of External Services or Director Asset Management performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.

The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 5 weeks.

The CEO is to immediately advise all Council Members when and for what period of time the Director Corporate and Community Services, Director of External Services or Director Asset Management is appointed as Acting CEO.

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

1. The Director of Corporate and Community Services will be appointed as Acting CEO; or
2. If the Director of Corporate and Community Services is unable to act, the Director Asset Management will be appointed as Acting CEO; or
3. If the Director Asset Management is unable to act, the Director External Services will be appointed as Acting CEO.

Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 5 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

<u>Appoint Acting CEO for extended leave periods greater than 5 weeks but less than 12 months.</u>

This clause applies to the following periods of extended leave -

1. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
2. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

The Council will, by resolution, appoint an Acting CEO for periods greater than 5 weeks but less than 12 months, as follows -

1. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
2. Conduct an external recruitment process in accordance with clause 5(1)(c)(iii) of the *Local Government Act 1995*.

The Shire President will liaise with the CEO, or in their unplanned absence the Director Corporate and Community Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Director Corporate and Community Services.

<u>Appoint Temporary CEO – Substantive Vacancy</u>

In the event that the substantive CEO's employment with the Shire of Esperance is ending, the Council when determining to appoint a Temporary CEO may either -

1. by resolution, appoint an existing Director as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
2. by resolution, appoint an existing Director as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
3. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

The Shire President will liaise with the existing Directors to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Director Corporate and Community Services, Director of External Services or Director Asset Management.

Remuneration and conditions of Acting or Temporary CEO

Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 75% of the cash component only of the substantive CEO's total reward package.

Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government Amendment Act 2019*
- *Local Government (Administration) Regulations 2021*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2021	1	D21/20123	New policy	O0621-150	Jun 2023
Nov 2021	2	D21/20123[v2]	Insert clause numbering for reference	O1121-202	Nov 2023

Nov 2023	3	D21/20123[v3]	Remove reference to individual director positions and replace with an existing Director'.	O1123-189	Nov 2025
Aug 2026	4	D21/20123[v4]	Change title from Temporary Employment or Appointment of CEO to Appointment of Temporary/Acting CEO	O0826-117	Aug 2028

COUNCIL POLICY

POL 0015: Risk Management

Purpose

The Shire of Esperance's Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives. The purpose of risk management is to reduce the potential effects of risk by reducing liability, preventing litigation and improving loss control.

Scope

This policy covers all operations of the organisation including but not limited to all workers, contractors, visitors and volunteers. The key drivers for risk management are Managements responsibility.

Definitions

CEO: Chief Executive Officer

Councillor: a member of an elected group of local government representatives

Risk: a situation involving exposure to danger

Risk Appetite: the amount and type of risk that an organisation is willing to accept whilst pursuing its objectives.

SOE: Shire of Esperance

WHS: Work Health and Safety

Practice

It is the Shire's Policy to achieve best practice in the management of all risks that may affect the SOE, its customers, people, assets, functions, objectives, operations or members of the public.

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

Council shall determine the Risk Management policy for the SOE. The Shire's Executive Management Team will communicate the *Risk Management Policy* and Objectives and determine Procedures for the implementation of Risk Management, as well as direct and monitor practice and performance.

Every Councillor, worker, volunteer and contractor within the SOE is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

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

Risk Management Objectives

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

Risk Appetite

The Shire has defined its risk appetite through the development and endorsement of the Shire's *Risk Assessment Criteria*. The criteria is subjected to ongoing review in conjunction with this policy.

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

Roles, Responsibilities & Accountabilities

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

Monitor and Review

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

This policy will be kept under review by Council and will be reviewed biennially.

Appendix A – Risk Assessment Criteria

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

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year
4	Likely	The event will probably occur in most circumstances (>50% chance)	At least once per year
3	Possible	The event should occur at some time (20% chance)	At least once in 3 years
2	Unlikely	The event could occur at some time (<10% chance)	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances (<5% chance)	Less than once in 15 years

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environmental
Insignificant (1)	Near miss. Minor first aid injuries	Less than $20,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries	$20,001 - $500,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non-compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Lost time injury <30 days	$500,001 - $1.5 Million	Medium term temporary interruption – backlog cleared by additional resources	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury >30 days	$1.5 Mil - $3 Million	< 1 week	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal and external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than $3 Million	Prolonged interruption of services – additional resources; performance affected	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment and building	Uncontained, irreversible impact

Existing Controls Rating		
Rating	**Foreseeable**	**Description**
Effective	There is little scope for improvement	1. Process (controls) operating as intended and aligned to policies / procedures 2. Subject to ongoing monitoring 3. Reviewed and tested regularly
Adequate	There is some scope for improvement	1. Processes (controls) generally operating as intended, however inadequacies exist 2. Nil or limited monitoring 3. Reviewed and tested, but not regularly
Inadequate	There is a need for improvement or action	1. Processes (controls) not operating as intended 2. Processes (controls) do not exist, or are not being complied with 3. Have not been reviewed or tested for some time

Risk Acceptance Criteria			
Risk Rating	**Description**	**Criteria**	**Responsibility**
Low	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Supervisor / Team Leader
Moderate	Monitor	Risk acceptance with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Service Manager
High	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Executive Management Group
Extreme	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO and Council

Risk Treatment & Review Timeframes				
Risk Rating	**Description**	**Risk Treatment**	**Responsibility**	**Risk Review**
Low (1-4)	Acceptable	Treated within 6 months	Supervisor / Team Leader	Review every 6 months
Moderate (5-9)	Monitor	Treated within 3 months	Service Manager	Review every 3 months
High (10-16)	Urgent Attention Required	Treated within 2 weeks	Executive Management Group	Review within 2 weeks then monthly
Extreme (20-25)	Unacceptable	Treated within 1 week	CEO and Council	Review every 2 weeks

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Risk Management Framework*
- *Risk Assessment Criteria*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2013		D13/4305[v1]	Draft policy		
Apr 2013	1		New policy	O0413-017	Apr 2015
Jun 2013		D13/4305[v2]	Draft policy		
Nov 2014	2	D14/23268		O1114-022	Nov 2016
Mar 2018	3	D16/29010	Biennial review, update document controller	O0318-073	Mar 2020
Nov 2019	4	D16/29010[v2]	Biennial review, no change	O1119-248	Nov 2021
Oct 2020	5	D16/29010[v3]	Update ISO standard reference	O1020-317	Oct 2022
Jan 2022	6	D16/29010[v4]	Biennial review, no change	O0122-012	Jan 2024
Nov 2023	7	D16/29010[v5]	Biennial review, no change.	O1123-189	Nov 2025
Aug 2024	8	D16/29010[v6]	Update purpose, scope, definitions, SOE references. Replace employee references with worker in line with new legislation. Remove reference to ISO. Update Risk Assessment Criteria tables. Update referencing documents.	O0824-028	Aug 2026
Aug 2026	9	D16/29010[v7]	Biennial review, no change	O0826-117	Aug 2028