

*A progressive, diverse and caring community,
with access to modern services and infrastructure,
in a unique part of the world*

MINUTES

of the

Ordinary Meeting of Council

held

THURSDAY 21st DECEMBER 2017

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

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1. **DECLARATION OF OPENING:**

The Shire President, Cr Conley, declared the meeting open at 2.00 pm.

2. **ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

2.1.1 Attendance

Cr Mark Conley
Cr Eliza Dowling
Cr Scott Ballantyne
Cr Dawson Bradford
Cr Tim Haslam
Cr Roger Newman

President
Deputy President
(in at 2:04pm)

Mr Gary Sherry
Ms Tonya Williams
Mr Bruce Brennan

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Works & Services

Mr Greg Hemsill
Ms Judy Hemsill

Lazeaway Caravan Park, Popanyinning
Lazeaway Caravan Park, Popanyinning

2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Nil

3. **STANDING ORDERS:**

COUNCIL DECISION – 2017/124:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Haslam

Seconded: Cr Dowling

Carried 6/0

4. **PUBLIC QUESTION TIME:**

4.1 **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:**

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

4.3.1 Camping at Yornaning Dam

The Shire President, Cr Conley, welcomed Mr Greg and Ms Judy Hemsill, of Lazeaway Caravan Park, Popanyinning, and thanked them for their attendance. Cr Conley acknowledged that the Hemsill's had provided a detailed question to Council just prior to the finalisation of the agenda and while this was not included in the agenda, Council would provide a formal response in January.

Cr Conley explained that he was very happy that Mr and Ms Hemsill had attended the Council meeting and look forward to the opportunity to discuss the issue of Yornaning Dam and free camping with them. He explained that his previous meeting with the Hemsill's was an attempt to open up a conversation and this appeared to have been misconstrued. Cr Conley explained that Council were at the start of a public consultation process that included adoption of Local Government Property Local Laws and decisions about camping at Yornaning Dam. Cr Conley outlined that he personally didn't think that free camping at Yornaning made sense, but this was the start of a process.

Cr Ballantyne entered the Council Chamber at 2:04pm.

Ms Judy Hemsill outlined that the Lazeaway Caravan Park had been operating for 40 years, of which the Hemsill's had been owners for the last 20 years. The Hemsill's believe that the illegal camping at Yornaning Dam is killing their business. Further the damage to the environment at Yornaning Dam that Council is seeking to repair is caused by the irresponsible actions of the illegal campers.

Ms Hemsill noted that Lazeaway Caravan Park had consistently paid their Caravan Park licence fee and received little in return from the Shire. Ms Hemsill believes that the Shire of Cuballing should be doing more to end the practice of illegal camping at Yornaning Dam. Ms Hemsill outlined that the free camping at Yornaning Dam was advertised on a range of websites and Facebook pages and the Shire could contact these sites to require amendments. Ms Hemsill said the Shire could update signage and do more to enforce the law.

Mr Greg Hemsill outlined that Lazeaway Caravan Park receives regular overnight campers at their park in addition to longer stay clientele. Lazeaway Caravan Park charge \$30 per night and have 3 or 4 such overnight travelling customers each week.

Mr Hemsill outlined that Lazeaway Caravan Park operates as the Popanyinning Tourism Bureau with a range of tourism information. The Park also has significant areas of remnant natural vegetation with a range of orchids.

Mr Hemsill also referred to a tourism meeting held recently in Popanyinning that the Lazeaway Caravan Park proprietors had not been advised of. Cr Conley outlined that, while not specifically aware of the exact meeting, the only meeting of that nature conducted by Council was the Enterprising Communities Film Night, which sought to energise communities. At this event in September, tourism was raised as a future opportunity for Popanyinning.

Mr and Ms Hemsill left the Council Chamber at 2:29pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Thursday 16th November 2017

COUNCIL DECISION – 2017/125:

That the minutes of the Ordinary Meeting of Council held on Thursday 16th November 2017 be confirmed as a true record of proceedings.

Moved: Cr Ballantyne

Seconded: Cr Dowling

Carried 6/0

6.1.2 Annual Electors Meeting held on Thursday 16th November 2017

COUNCIL DECISION – 2017/126:

That the minutes of the Annual Electors Meeting held on Thursday 16th November 2017 be confirmed as a true record of proceedings.

Moved: Cr Newman

Seconded: Cr Dowling

Carried 6/0

6.1.3 Special Meeting of Council held on Friday 8th December 2017

COUNCIL DECISION – 2017/127:

That the minutes of the Special Meeting of Council held on Friday 8th December 2017 be confirmed as a true record of proceedings.

Moved: Cr Bradford

Seconded: Cr Newman

Carried 6/0

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:**

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

Nil.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1	List of Accounts Submitted for Council Approval and Payment – November 2017
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File Ref. No: NA
Disclosure of Interest: Nil
Date: 12th December 2017
Author: Nichole Gould
Attachments: 9.1.1A List of November 2017 Trust Accounts
9.1.1B List of November 2017 Municipal Accounts

Summary

Council is to consider the November 2017 List of Accounts.

Background – Nil

Comment

Council is provided at Attachments 9.1.1A and 9.1.1B with a list of payments made from each of Council's bank accounts during the month of November 2017.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. to not note the list of accounts.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017/128:

That Council receives the List of Accounts for November 2017 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 payments including payments from Council's:

- 1. Trust Fund in November 2017 totalling \$23,855.20 included at Attachment 9.1.1A; and**
- 2. Municipal Fund in November 2017 totalling \$212,264.42 included at Attachment 9.1.1B.**

Moved: Cr Haslam

Seconded: Cr Dowling

Carried 6/0

**LIST OF TRUST FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
NOVEMBER 2017**

Chq/EFT	Name	Description	Amount
01112017	Licensing Payments	Police Licensing Payments	197.45
16112017	Licensing Payments	Police Licensing Payments	1,190.45
17112017	Licensing Payments	Police Licensing Payments	732.20
20112017	Licensing Payments	Police Licensing Payments	61.15
21112017	Licensing Payments	Police Licensing Payments	4,103.75
22112017	Licensing Payments	Police Licensing Payments	133.50
23112017	Licensing Payments	Police Licensing Payments	317.90
24112017	Licensing Payments	Police Licensing Payments	2,140.85
27112017	Licensing Payments	Police Licensing Payments	1,701.60
28112017	Licensing Payments	Police Licensing Payments	397.60
30112017	Licensing Payments	Police Licensing Payments	562.85
02112017	Licensing Payments	Police Licensing Payments	2,805.30
06112017	Licensing Payments	Police Licensing Payments	437.35
07112017	Licensing Payments	Police Licensing Payments	113.70
08112017	Licensing Payments	Police Licensing Payments	848.40
09112017	Licensing Payments	Police Licensing Payments	2,308.40
10112017	Licensing Payments	Police Licensing Payments	595.75
13112017	Licensing Payments	Police Licensing Payments	606.60
15112017	Licensing Payments	Police Licensing Payments	4,600.40
Total			23,855.20

**LIST OF MUNICIPAL FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
NOVEMBER 2017**

Chq/EFT	Creditor No.	Description	Amount
01112017	GJ15	Rent For Grader Driver House	360.00
17112017	GJ13	ATO Clearing Account Bas	27,280.00
27112017	GJ14	Rent On Forrest Street	600.00
29112017	GJ15	Rent For Grader Driver House	360.00
06112017	GJ13	ATO Clearing Account Bas	4,244.00
07112017	GJ11	Interest On Graders	645.02
07112017	GJ12	Loan Repayment No. 63 Graders	3,069.26
14112017	GJ14	Rent On Forrest Street	600.00
15112017	GJ15	Rent For Grader Driver House	360.00
EFT3184	557	September Account – Bulk Diesel	7,507.54
EFT3185	107	Accommodation, Food & Parking 1/08/2017	544.00
EFT3186	530	Replace Windsceen	1,731.02
EFT3188	395	Legal Fees – PSSO Landgate T/C Fees, Price Sierakowski General Professional Fees, Legal Disbursements	3,413.75
EFT3189	570	Carry Out CEO Review, Travel Expenses & Consultants Costs	5,500.00
EFT3190	19	Copyright for Screening of The Boss Baby 9/12/17	440.00
EFT3191	569	Australian Local Government Association National Local Roads & Transport Congress 2017 Conference 6–8 November 2017 – Cr Scott Ballantyne	990.00
EFT3192	28	Puncture Repair Grader Tyre & Materials	95.47
EFT3193	341	Install RCD to Popo School, Exit Light, Supply Log Books & Test Results	2,538.80
EFT3194	407	50% Reimbursement Synergy – B Brennan	101.22
EFT3195	37	October 2017 Building Forms	736.45
EFT3196	38	Water Usage – 14/08/17 to 12/10/17	21.04
EFT3197	35	1,000 Litres of Emulsion	1,210.00
EFT3198	375	Final Audit Fees for Year Ending 30 June 2017	2,660.90
EFT3199	548	Speed Limit Signs 60 & 80, Workman Symbol Signs	986.81
EFT3200	55	Postage & Freight	1,269.01
EFT3201	45	Removal of Waste Drums from Yornaning Compound – 15 x Steel, 342 x Plastic <20L & 812 x Plastic 20/25L	594.39
EFT3202	58	Hire of Excavator for Culvert Extention, Clean Out & Drainage 4hrs	484.00
EFT3203	59	Financial Support Dryandra Country Visitor Centre 2017	7,000.00
EFT3204	179	Supply & Push 2,000m3 of Gravel	5,500.00
EFT3205	337	Interim Invoice – October 2017	1,581.25
EFT3206	568	Pallet of Postcrete 20kg bags	587.40
EFT3207	518	Accommodation on the 25/10/17 & 26/10/17 Building Surveyor.	278.00
EFT3208	74	October 17 Account – Bulk Diesel	9,413.76

Chq/EFT	Creditor No.	Description	Amount
EFT3209	75	Rubbish Service 26/09/17 to 31/10/17 – Recycling Service x 255	6,690.60
EFT3210	80	10mm Washed Granite Single Size 97.54 tonne @ \$28.60	8,732.15
EFT3211	572	Install Hydraulic Oil Cooler Pack on Truck for Water Tank	2,880.35
EFT3212	195	Install Purchase Order Module to SynergySoft System including Annual License Fee	7,292.73
EFT3213	331	Cartage of Blue Metal from Hansen Quarry to Job Site	5,101.61
EFT3214	91	5 x Shirts & 3 x Pants – D Marwick, 3 x Shirts & 3 x Pants – P Lawrence, 1 x Boots – P Tourle, 5 x Shirts – E Western, 2 x Pants & 3 x Shirts – A Mort, 1 x Boots – A Mort, 2 x Shirts – B Brennan	4,140.97
EFT3215	93	Service Kevrek 550S Crane on Hino Truck	2,607.99
EFT3216	573	Supply & Push 144m3 of Gravel	364.32
EFT3217	279	500hr Service & Wash Coolers Out	3,320.25
EFT3218	95	Slip Subscription Services Annual Charge	2,304.50
EFT3219	103	Bolts & Entrance Sets	436.20
EFT3220	106	159,045kms Service, Supply & Fit Front Shock Absorbers, Labour	3,052.50
EFT3221	396	Backup in the Cloud October 2017	519.57
EFT3222	428	Local Govt Notices – Advert – The West Australian 30/09/17 – DCEO Position	1,187.45
EFT3223	112	Spindle for Ride on Mower	155.00
EFT3224	121	Pizzas, Rolls, Sandwiches, Potato Salad, Platter, Fruit – Seniors Day Event 1 November 17	445.00
EFT3225	256	Council Meeting – 12 x Scotch Fillet Steaks & 12 x Chicken Kebabs	105.44
EFT3226	123	Toilet Rolls & Towelettes	465.60
EFT3227	137	Push Gravel – Shaddick Rd Pit 5,000m3	17,710.00
EFT3228	370	Clean & Calibrate Lazer Level	161.70
EFT3229	571	Consulting on Wandering–Narrogin Rd & Springhill Rd Blackspot Intersection Including Travel & Mapping	920.29
EFT3230	333	Water Consumption – 1 Forrest St Cuballing – 14/08/17 to 17/10/17	31.94
EFT3231	161	Bin Collection Service Cuballing Transfer Station September 7.02tonne @ \$77.50 per Tonne – Transferred to Shire of Narrogin Landfill Site	2,392.10
EFT3233	284	Photocopier Meter Reading DCVC4475 – 24/09/17 to 26/10/17	1,051.47
EFT3234	437	1 x Razor Shirt BLK/GLD WP405MS	82.50
EFT3235	159	Freight Charges – Corsign Pty Ltd	334.18
EFT3236	163	Tree Pruning & Mulching	6,503.75
EFT3237	383	50% Reimbursement Synergy – T Williams	58.88
EFT3238	166	Procurement & Contract Management Fundamentals Training 24 October 17 – Staff x 4 Wickepin Shire, Staff x 4 Williams & Staff x 4 Wandering	7,307.67
EFT3239	174	New Wiring Compressor, Air Bag & others	753.15

Chq/EFT	Creditor No.	Description	Amount
EFT3240	373	Use of Weighbridge – October 5 x Rubbish Truck Weighs	88.00
EFT3241	154	Expander Case for Purchase Orders	118.45
DD1423.1	Hostplus	Superannuation contributions	216.77
DD1423.2	LGSP	Payroll deductions	5,433.72
DD1423.3	560	Superannuation contributions	422.01
DD1423.4	292	Superannuation contributions	422.01
DD1423.5	Westscheme	Superannuation contributions	216.56
DD1423.6	192	Superannuation contributions	76.58
DD1423.7	502	Superannuation contributions	186.47
DD1436.1	551	Internet Service November 17	138.63
DD1436.2	524	NBN Wireless Limitless Boost Internet Inc LNM Calls	92.49
DD1438.1	Hostplus	Superannuation contributions	216.77
DD1438.2	LGSP	Payroll deductions	5,576.40
DD1438.3	560	Superannuation contributions	241.19
DD1438.4	292	Superannuation contributions	422.01
DD1438.5	Westscheme	Superannuation contributions	216.56
DD1438.6	192	Superannuation contributions	84.46
DD1438.7	502	Superannuation contributions	186.47
DD1444.1	Hostplus	Superannuation contributions	216.77
DD1444.2	LGSP	Payroll deductions	5,406.96
DD1444.3	560	Superannuation contributions	422.01
DD1444.4	292	Superannuation contributions	422.01
DD1444.5	Westscheme	Superannuation contributions	216.56
DD1444.6	192	Superannuation contributions	74.33
DD1444.7	502	Superannuation contributions	186.47
DD1446.1	47	MWS Credit Card – Ergonomic Office Chair & Adjustable Desk	4,451.99
14593	36	BCITF Forms October 2017	63.75
14594	54	Salads Council Meeting 8/09/17, 1 x Carton Calton Dry & Salads Council Meeting 10/10/17	440.00
14595	158	Electricity Charges – U 3 22 Campbell St Cuballing	3,435.30
14596	197	Building Services October 2017 – 13hrs Labour @ \$110 & 178kms Travel @ \$0.95	1,599.10
14597	182	Service Charges – Shire Office	1,071.00
14598	169	Water Charges – Hall Francis St Popanyinning	89.67
			212,264.42

9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	12 th December 2017
Author:	Tonya Williams, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity 9.1.2A

Summary

Council is to consider the Statement of Financial Activity for November 2017.

Background

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail:

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment

Governance

Permanent difference due to an incorrectly paid account that was reimbursed for \$2,659.80 and Regional Resource Sharing funds not budgeted for of \$2,962.59. Profit on asset disposal has gone here for a DFES Trade that will have no net impact.

Computer upgrades were budgeted for and are not yet expended. Council Election costs will be permanently under budget (no election run).

Law, Order & Public Safety

An advance was paid in June for the Quarter 1 payment of the Emergency Services Levy Grant (\$6,875). Vehicle maintenance and insurance costs are under budget.

Community Amenities

Local Planning Strategy has no expenditure recorded against it, though it was budgeted. Tip maintenance costs are slightly under budget.

Recreation and Culture

Recreation complex income is slightly under budget. Halls, Parks and Oval maintenance are all over budget.

Transport

Permanent difference due to changes in Main Roads Direct Grant from budgeted \$99,902 to \$57,535. Permanent difference as FAGS Road Grant will be under budget.

Road maintenance is over budget due to delays in the Capital Works program. Road depreciation is higher than budgeted.

Economic Services

Building expenses less than budgeted (\$7,570.73). Tourism expenses less than budgeted as Event signs have not yet gone ahead. Community Functions slightly over budget due to un budgeted events that were grant funded. Standpipe expenses slightly under budget, with expenses expected in coming months.

Other Property and Services

Private Works income is under budget, balanced by expenditure also coming in under budget for both Building and Works. Workers compensation claims are also higher than budgeted, balanced by reimbursement by LGIS.

Capital Expenditure

Capital Roads Program has been delayed due to road clearing permit difficulties. Work has commenced and is expected to be completed on time.

Permanent difference on roller changeover as it came in under budget.

Detailed breakdown of all variances provided in Note 2 of the Statement of Financial Activity.

Administration Allocations are complete to November 2017.

Depreciation expenses are calculated to November 2017.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. not to receive the Statement of Financial Activity.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017/129:

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 30th November 2017 be received.

Moved: Cr Bradford

Seconded: Cr Newman

Carried 6/0

SHIRE OF CUBALLING

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 November 2017

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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Key Information

Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*.

Overview

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 30 November 2017 of \$1,298,225.

Items of Significance

The material variance adopted by the Shire of Cuballing for the 2016/17 year is \$5,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

Capital Expenditure

Land and Buildings	▲	\$ 26,521	Expenditure on the Cuballing
Infrastructure - Roads	▲	\$ 190,533	Capital works program has
Plant and Equipment		\$ 10,000	Saving in total cost of Roller

Capital Revenue

Grants, Subsidies and Contributions	▼	(\$81,084)	Roads to Recovery expected
Proceeds from Disposal of Assets	▲	\$35,000	No material variance.

	Collected / Complete	Annual Budget	YTD Budget	YTD Actual
Significant Projects				
DREC Weather Shelter	106%	\$ 21,182	\$ 21,182	\$ 22,384
Cuballing Transfer Station	3%	\$ 28,711	\$ 28,711	\$ 988
RRG - Wandering Narrogin Road 16/17	8%	\$ 140,072	\$ 60,031	\$ 11,429
Grants, Subsidies and Contributions				
Operating Grants, Subsidies and Contributions	47%	\$ 588,375	\$ 351,076	\$ 278,896
Non-operating Grants, Subsidies and Contributions:	22%	\$ 686,271	\$ 233,728	\$ 152,644
	34%	\$ 1,274,646	\$ 584,804	\$ 431,540
Rates Levied	100%	\$ 1,070,995	\$ 1,070,994	\$ 1,073,325

% Compares current ytd actuals to annual budget

Financial Position		Prior Year	Current Year
Adjusted Net Current Assets	98%	\$ 1,331,299	\$ 1,298,225
Cash and Equivalent - Unrestricted	104%	\$ 1,027,203	\$ 1,063,846
Cash and Equivalent - Restricted	99%	\$ 1,308,821	\$ 1,301,640
Receivables - Rates	45%	\$ 339,581	\$ 153,234
Receivables - Other	335%	\$ 14,784	\$ 49,553
Payables	18%	\$ 36,751	\$ 6,788

% Compares current ytd actuals to prior year actuals at the same time

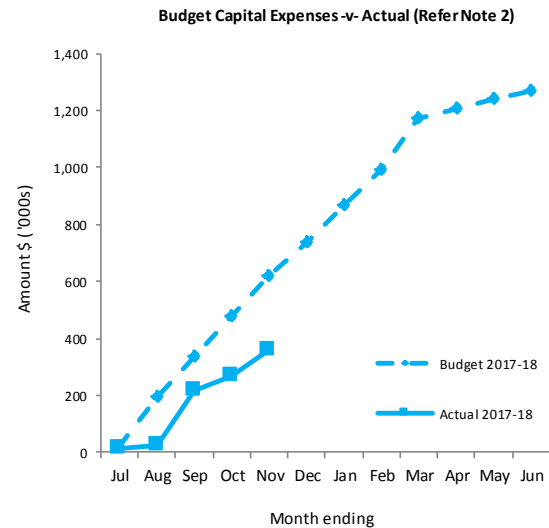
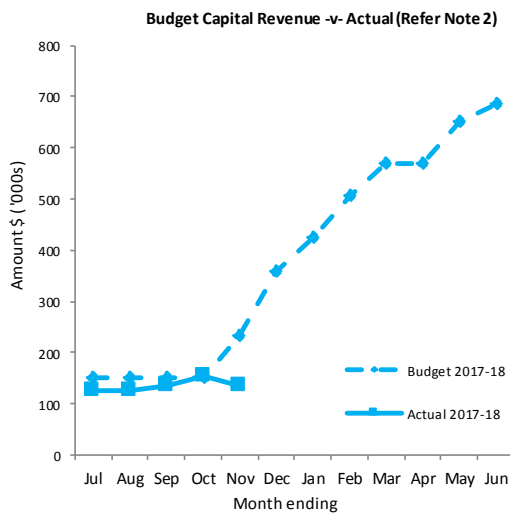
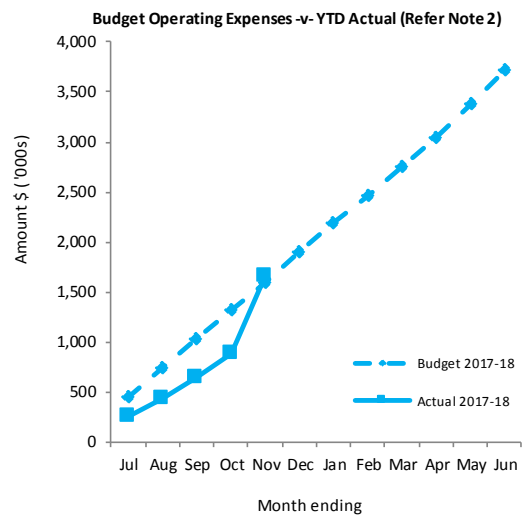
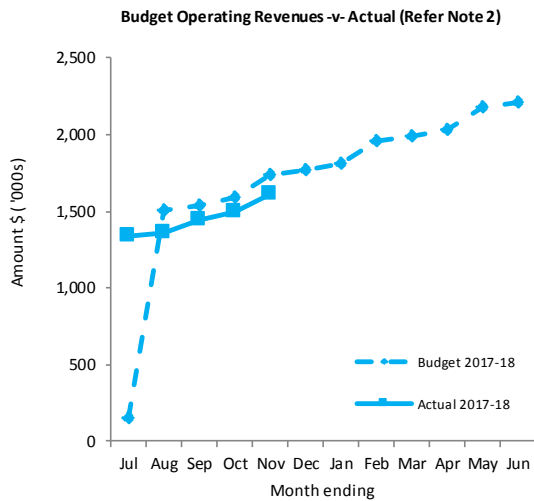
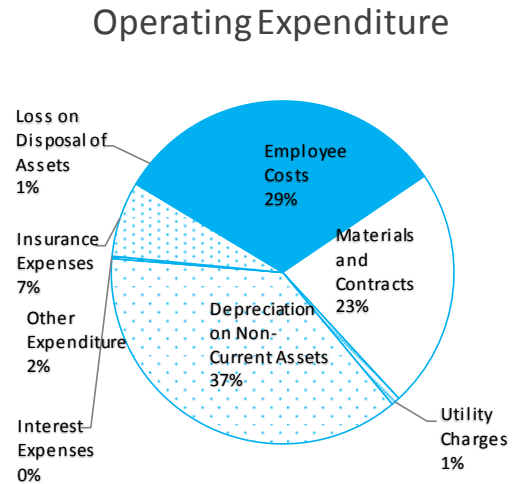
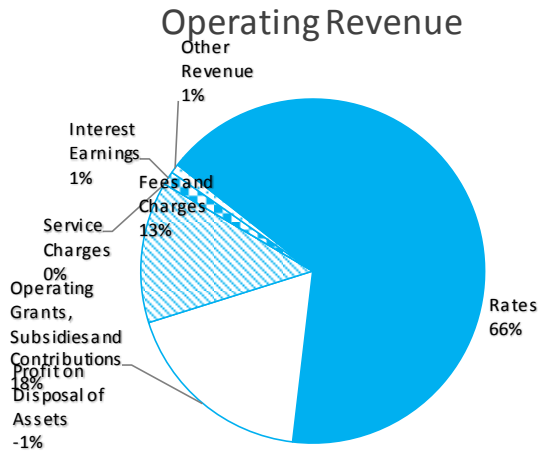
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of

Preparation

Prepared by: Tonya Williams, DCEO

Reviewed by: Gary Sherry, CEO

Shire of Cuballing
Information Summary
For the Period Ended 30 November 2017



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 November 2017

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)- (a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus(Deficit)	3	916,109	916,109	907,867	(8,242)	(1%)	
Revenue from operating activities							
Governance		1,845	1,104	(12,269)	(13,373)	(1211%)	▼
General Purpose Funding	9	1,397,106	1,232,761	1,227,784	(4,977)	(0%)	
Law, Order and Public Safety		35,000	21,250	18,736	(2,514)	(12%)	
Health		1,200	300	576	276	92%	
Education and Welfare		0	0	0	0		
Housing		4,680	1,950	1,980	30	2%	
Community Amenities		59,100	58,988	60,142	1,154	2%	
Recreation and Culture		8,795	8,795	7,451	(1,345)	(15%)	
Transport		282,561	190,564	134,987	(55,577)	(29%)	▼
Economic Services		47,500	17,458	22,977	5,519	32%	▲
Other Property and Services		309,757	124,122	138,181	14,058	11%	▲
		2,147,545	1,657,293	1,600,545			
Expenditure from operating activities							
Governance		(134,068)	(60,719)	(66,466)	(5,748)	(9%)	
General Purpose Funding		(70,759)	(25,170)	(21,780)	3,390	13%	▲
Law, Order and Public Safety		(128,909)	(62,307)	(58,206)	4,100	7%	
Health		(48,935)	(20,723)	(16,378)	4,344	21%	▲
Education and Welfare		(53,073)	(5,239)	(5,301)	(63)	(1%)	
Housing		(55,115)	(22,965)	(21,511)	1,454	6%	
Community Amenities		(316,955)	(131,106)	(119,567)	11,540	9%	
Recreation and Culture		(278,481)	(113,863)	(122,522)	(8,659)	(8%)	
Transport		(2,219,575)	(924,615)	(1,092,352)	(167,737)	(18%)	▼
Economic Services		(167,639)	(69,916)	(61,109)	8,807	13%	▲
Other Property and Services		(251,711)	(145,970)	(67,133)	78,837	54%	▲
		(3,725,220)	(1,582,591)	(1,652,327)			
Operating activities excluded from budget							
Add back Depreciation		1,429,950	595,812	621,588	25,776	4%	
Adjust (Profit)/Loss on Asset Disposal	8	(11,863)	(11,863)	25,652	37,515	(316%)	
Adjust Provisions and Accruals		0	0	0	0		
Amount attributable to operating activities		(159,587)	658,651	595,459			
Investing Activities							
Non-operating Grants, Subsidies and Contributions	11	686,271	233,728	152,644	(81,084)	(35%)	▼
Proceeds from Disposal of Assets	8	32,000	0	35,000	35,000		▲
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(241,131)	(49,893)	(23,372)	26,521	53%	▲
Infrastructure Assets	13	(864,211)	(367,224)	(176,691)	190,533	52%	▲
Plant and Equipment	13	(170,000)	(170,000)	(160,000)	10,000	6%	
Furniture and Equipment	13	0	0	0	0		
Amount attributable to investing activities		(557,071)	(353,389)	(172,419)			
Financing Activities							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	152,210	152,210	0	(152,210)	(100%)	▼
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(71,146)	(23,551)	(23,551)	0	0%	
Transfer to Reserves	7	(280,515)	(9,131)	(9,131)	0	0%	
Amount attributable to financing activities		(199,451)	119,528	(32,682)			
Closing Funding Surplus(Deficit)	3	0	1,340,899	1,298,225			

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 November 2017

	Note	Annual Budget \$	YTD Budget (a) \$	YTD Actual (b) \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(a) %	Var.
Opening Funding Surplus (Deficit)	3	916,109	916,109	907,867	(8,242)	(1%)	
Revenue from operating activities							
Rates	9	1,070,995	1,070,994	1,073,325	2,331	0%	
Operating Grants, Subsidies and Contributions	11	611,525	357,109	299,754	(57,355)	(16%)	▼
Fees and Charges		394,161	203,439	218,006	14,567	7%	
Service Charges		0	0	0	0		
Interest Earnings		31,000	13,500	20,876	7,376	55%	▲
Other Revenue		28,000	12,250	14,236	1,986	16%	
Profit on Disposal of Assets	8	11,863	11,863	(12,970)			
		2,147,544	1,669,155	1,613,228			
Expenditure from operating activities							
Employee Costs		(902,102)	(376,162)	(484,886)	(108,724)	(29%)	▼
Materials and Contracts		(1,150,360)	(473,148)	(376,789)	96,359	20%	▲
Utility Charges		(40,508)	(16,845)	(13,571)	3,274	19%	▲
Depreciation on Non-Current Assets		(1,429,950)	(595,812)	(621,588)	(25,776)	(4%)	
Interest Expenses		(8,968)	(3,498)	(3,917)	(419)	(12%)	
Insurance Expenses		(118,762)	(105,675)	(118,384)	(12,709)	(12%)	▼
Other Expenditure		(74,570)	(23,314)	(33,191)	(9,877)	(42%)	▼
Loss on Disposal of Assets	8	0	0	(12,683)			
		(3,725,219)	(1,594,454)	(1,665,010)			
Operating activities excluded from budget							
Add back Depreciation		1,429,950	595,812	621,588	25,776	4%	
Adjust (Profit)/Loss on Asset Disposal	8	(11,863)	(11,863)	25,652	37,515	(316%)	
Amount attributable to operating activities		(159,588)	658,651	595,459			
Investing activities							
Grants, Subsidies and Contributions	11	686,271	233,728	152,644	(81,084)	(35%)	▼
Proceeds from Disposal of Assets	8	32,000	0	35,000	35,000		▲
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(241,131)	(49,893)	(23,372)	26,521	53%	▲
Infrastructure Assets	13	(864,211)	(367,224)	(176,691)	190,533	52%	▲
Plant and Equipment	13	(170,000)	(170,000)	(160,000)	10,000	6%	
Furniture and Equipment	13	0	0	0	0		
Amount attributable to investing activities		(557,071)	(353,389)	(172,419)			
Financing Activities							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	152,210	152,210	0	(152,210)	(100%)	▼
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(71,146)	(23,551)	(23,551)	0	0%	
Transfer to Reserves	7	(280,515)	(9,131)	(9,131)	0	0%	
Amount attributable to financing activities		(199,451)	119,528	(32,682)			
Closing Funding Surplus (Deficit)	3	(0)	1,340,899	1,298,225	(42,674)	(3%)	

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

**SHIRE OF CUBALLING
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 30 November 2017**

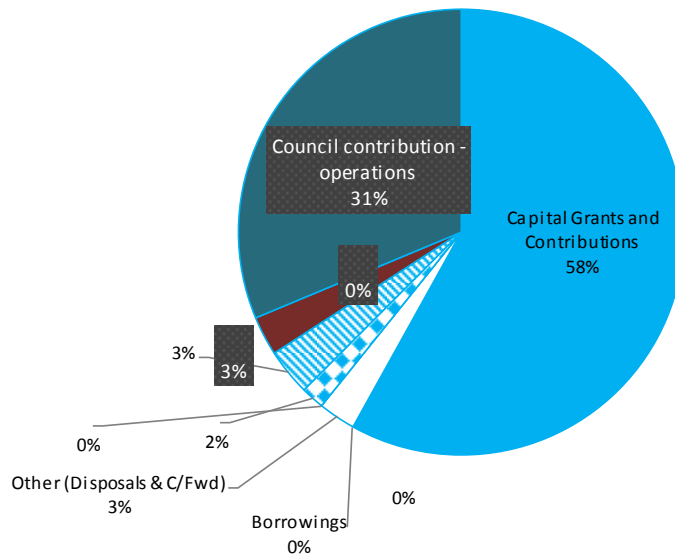
Capital Acquisitions

	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal) Expenditure (b)	YTD Budget (d)	Annual Budget	YTD Actual Total (c) = (a)+(b)	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	0	0	49,893	241,131	23,372	(26,521)
Infrastructure Assets	13	0	0	367,224	864,211	176,691	(190,533)
Plant and Equipment	13	0	0	170,000	170,000	160,000	(10,000)
Capital Expenditure Totals		0	0	587,117	1,275,342	360,063	(227,054)

Capital acquisitions funded by:

Capital Grants and Contributions				233,728	686,271	152,644	
Borrowings				0	0	0	
Other (Disposals & C/Fwd)				0	32,000	35,000	
Council contribution - Cash Backed Reserves				0	93,695	0	
Plant and Equipment Reserve				0	0	0	
Administration Building and Office Equipment Reserve				0	19,985	0	
Housing Reserve				0	40,000	0	
Recreation and Community Facility Reserve				0	0	0	
Refuse Site Reserve				0	33,710	0	
Grain Freight Reserve				0	0	0	
Equestrian Reserve				0	0	0	
Council contribution - operations				353,389	369,681	172,419	
Capital Funding Total				587,117	1,181,647	360,063	

Budgeted Capital Acquisitions Funding



SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 1: Significant Accounting Policies**(a) Basis of Accounting**

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

(c) Rounding Off Figures

All figures shown in this statement are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

(g) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(h) Inventories**General**

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed. Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point. Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(i) Fixed Assets

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined

(j) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Asset	Years
Buildings	30 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	
formation	not depreciated
pavement	50 years
seal	
bituminous seals	20 years
asphalt surfaces	25 years
Gravel Roads	
formation	not depreciated
pavement	50 years
gravel sheet	12 years
Formed roads	
formation	not depreciated
pavement	50 years
Footpaths - slab	20 years

(k) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

(l) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

(ii) Annual Leave and Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

(m) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(n) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

(o) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for

(p) Nature or Type Classifications

Rates

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on

Operating Grants, Subsidies and Contributions

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

Non-Operating Grants, Subsidies and Contributions

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies,

Profit on Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under

Fees and Charges

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

Service Charges

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest

Interest Earnings

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Other Revenue / Income

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

Employee Costs

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax,

Materials and Contracts

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information

Utilities (Gas, Electricity, Water, etc.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

Insurance

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

Other expenditure

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

(r) Program Classifications (Function/Activity)

City/Town/Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

GOVERNANCE

Objective:

To provide a decision making process for the efficient allocation of scarce resources.

Activities:

Includes the activities of members of council and the administrative support available to the council for the provision of governance of the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

GENERAL PURPOSE FUNDING

Objective:

To collect revenue to allow for the provision of services.

Activities:

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY

Objective:

To provide services to help ensure a safer and environmentally conscious community.

Activities:

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

HEALTH

Objective:

To provide an operational framework for environmental and community health.

Activities:

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal

EDUCATION AND WELFARE

Objective:

To provide services to disadvantaged persons, the elderly, children and youth.

Activities:

Maintenance of child minding centre, playgroup centre, senior citizen centre and aged care centre. Provision and maintenance of home and community care programs and youth services.

HOUSING

Objective:

To provide and maintain elderly residents housing.

Activities:

Provision and maintenance of elderly residents housing.

COMMUNITY AMENITIES

Objective:

To provide services required by the community.

Activities:

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemetery

RECREATION AND CULTURE

Objective:

To establish and effectively manage infrastructure and resource which will help the social well being of the

Activities:

Maintenance of public halls, civic centres, aquatic centre, beaches, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library, museum and other

TRANSPORT

Objective:

To provide safe, effective and efficient transport services to the community.

Activities:

Construction and maintenance of roads, streets, footpaths, depots, cycle ways, parking facilities and traffic control. Cleaning of streets and maintenance of street trees, street lighting etc.

ECONOMIC SERVICES

Objective:

To help promote the shire and its economic wellbeing.

Activities:

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, vermin control and standpipes. Building Control.

OTHER PROPERTY AND SERVICES

Objective:

To monitor and control City/Town/Shire overheads operating accounts.

Activities:

Private works operation, plant repair and operation costs and engineering operation costs.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 2: Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2016/17 year is \$5,000 or 10% whichever is the greater.

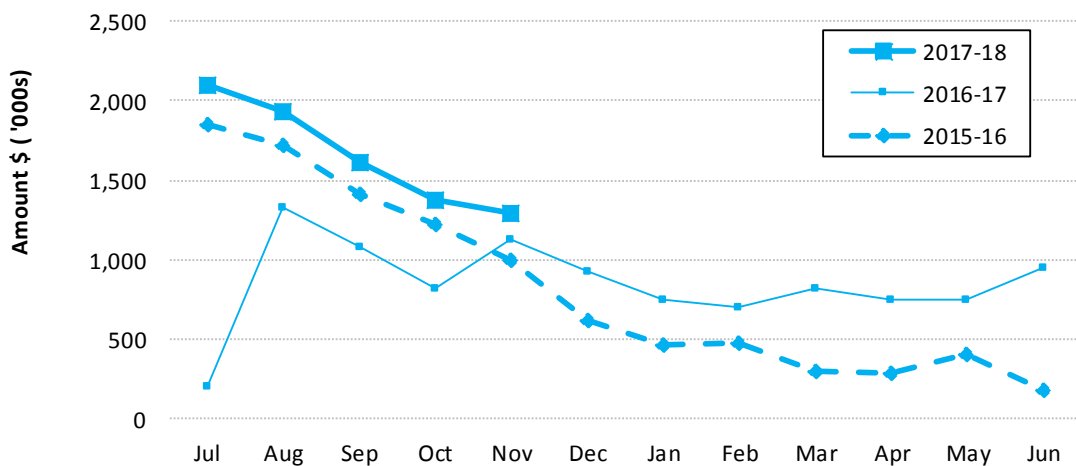
Reporting Program	Var. \$	Var. %	Variance	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
General Purpose Funding	(4,977)	(0%)			No material variance. Profit on asset disposal runs through this account, there is a current impact from a DFES Trade that will be moved (\$18,000). Permanent difference due to an incorrectly paid account that was reimbursed for \$2,659.80 and Regional Resource Sharing funds not budgeted for of \$2,962.59.
Governance	(13,373)	(1211%)	▼	Timing	
Law, Order and Public Safety	(2,514)	(12%)		Timing	Advance on ESL Grant for Quarter 1 was paid in June (\$6,810).
Health	276	92%			Additional septic tank licences received.
Housing	30	2%			No material variance.
Community Amenities	1,154	2%			No material variance.
Recreation and Culture	(1,345)	(15%)			Recreation complex income slightly under budget.
Transport	(55,577)	(29%)	▼		Permanent difference due to changes in Main Roads Direct Grant from budgetd \$99,902 to \$57,535 (variance of \$42,367). Permanent difference as FAGS Road Grant allocation will be less than budgeted in financial year.
Economic Services	5,519	32%	▲	Permanent	LGIS Broking refund paid, not budgeted. Private Works income slightly over Budget for Building. Workers compensation claims over budget, net off by expense.
Other Property and Services	14,058	11%	▲	Timing	
Operating Expense					
General Purpose Funding	3,390	13%	▲	Timing	Legal Fees invoice posted, not yet allocated out to Rates accounts. Computer upgrades budgeted and not yet completed (\$3,382). Council Election cost permanently under budget.
Governance	(5,748)	(9%)		Timing	
Law, Order and Public Safety	4,100	7%		Timing	Vehicle maintenance and insurance costs under budget.
Health	4,344	21%	▲		EHO Salary under budget.
Education & Welfare	(63)	(1%)			No material variance.
Housing	1,454	6%		Timing	Maintenance work at CEO & DCEO house under budget. Depreciation slightly under budget. Local Planning strategy has not yet had any expenses against it (\$3,375 expected). Tip Maintenance costs slightly under budget.
Community Amenities	11,540	9%		Timing	Hall Maintenance over budget (\$6,018.09), Parks Maintenance and Recreation Oval maintenance slightly over budget.
Recreation and Culture	(8,659)	(8%)		Timing	Road Maintenance is over budget (\$163,504.01), due to delays in Capital Works program. Road depreciation is slightly higher than budgeted.
Transport	(167,737)	(18%)	▼	Timing	Building expenses less than budgeted (\$7,570.73). Tourism expenses less than budgeted as Event signs have not yet gone ahead. Community Functions slughtly over budget due to un budgeted events that were grant funded. Standpipe expenses slightly under budget, with exepnses expected in coming months.
Economic Services	8,807	13%	▲	Timing	Private Works expenditure (Works and Building) slightly under budget, plant costs under budget with further expenditure expected as vehicle licences are corrected in the coming months.
Other Property and Services	78,837	54%	▲	Timing	
Capital Revenues					
Grants, Subsidies and Contributions	(81,084)	(35%)	▼	Timing	Roads to Recovery expected to receive funds, this has been delayed (\$81,084).
Proceeds from Disposal of Assets	35,000		▲		No material variance.
Capital Expenses					
Land and Buildings	26,521	53%	▲	Timing	Expenditure on the Cuballing Transfer Station for the Fence and Waste Oil Facility were expected to be completed. Fence is underway and will be completed in coming months. Waste Oil Facility has been delayed, possibly for this financial year.
Infrastructure - Roads	190,533	52%	▲		Capital works program has been delayed by the road clearing permits. Work is expected to be completed in coming months.
Plant and Equipment	10,000	6%		Permanent	Saving in total cost of Roller replacement.
Furniture and Equipment	0				No material variance
Financing					
Loan Principal	0	0%			No material variance

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 3: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

		Last Years Closing	This Time Last Year	Current
	Note	30 June 2017	29 Nov 2016	30 Nov 2017
		\$	\$	\$
Current Assets				
Cash Unrestricted	4	814,001	1,027,203	1,080,319
Cash Restricted	11	0	0	0
Cash Reserves	4	1,292,509	1,308,821	1,301,640
Receivables - Rates	6	65,448	339,581	153,234
Receivables - Other	6	57,907	14,784	49,553
Interest / ATO Receivable/Trust		0	23,112	14,645
Inventories		7,262	3,619	7,262
		2,237,126	2,717,120	2,606,654
Less: Current Liabilities				
Payables and Provisions		(36,751)	(77,000)	(6,788)
		(36,751)	(77,000)	(6,788)
Less: Cash Reserves	7	(1,292,509)	(1,308,821)	(1,301,640)
Net Current Funding Position		907,867	1,331,299	1,298,225

Note 3 - Liquidity Over the Year**Comments - Net Current Funding Position**

FAGS Allocation in 16/17 is paid in quarterly installments, in 15/16 there was an advance.

FAGS Allocation in 16/17 there was a 50% Advance of 17/18 payments in June 2017

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 4: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	15,816			15,816	CBA	0.00%	At Call
Investment Account	1,047,330			1,047,330	CBA	1.25%	At Call
Trust Bank Account			20,948	20,948	CBA	0.00%	At Call
Cash On Hand	700			700	N/A	Nil	On Hand
Reserves Account		2,904		2,904	CBA	0.00%	At Call
(b) Term Deposits							
Reserves Term Deposit 1		431,561		431,561	CBA	1.77%	01-Dec-17
Reserves Term Deposit 2		433,591		433,591	CBA	2.01%	02-Feb-18
Reserves Term Deposit 3		433,584		433,584	CBA	2.01%	02-Feb-18
Total	1,063,846	1,301,640	20,948	2,386,434			

Comments/Notes - Investments

Reserve Funds are on a rolling maturity schedule to maximise interest, linked to a Reserve transaction account.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

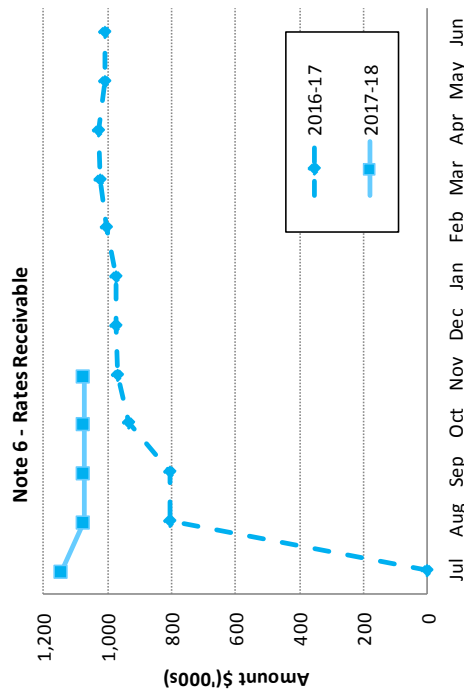
Note 5: Budget Amendments
Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget Adoption						0
	Permanent Changes						0
	Changes Due to Timing						0
				0	0	0	0

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 November 2017

Note 6: Receivables

Receivables - Rates Receivable	30 Nov 2017	30 June 2017
Opening Arrears Previous Years	\$ 70,590	\$ 47,139
Levied this year	1,073,288	1,031,115
Less Collections to date	(1,065,792)	(1,007,664)
Equals Current Outstanding	78,087	70,590
Net Rates Collectable	78,087	70,590
% Collected	93.17%	93.45%

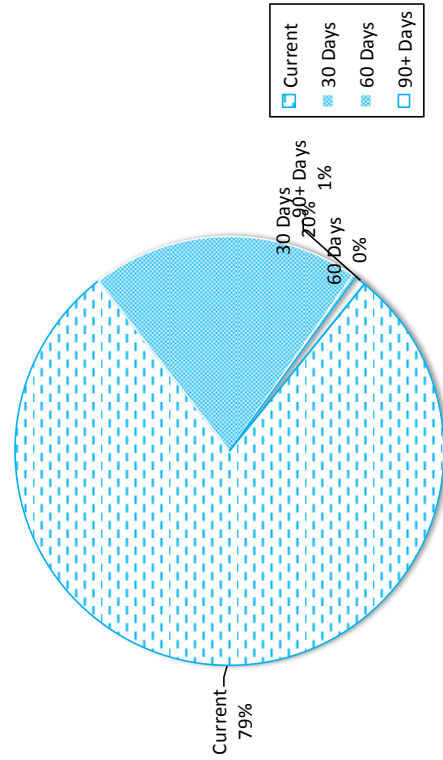


Comments/Notes - Receivables Rates
 Rates Issue Date - 4 August 2016
 Discount Period Ends - 25 August 2016
 Rates Due - 8 September 2016

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
Receivables - General	\$ 39,004	\$ 10,011	\$ 120	\$ 418	\$ 49,553
Balance per Trial Balance					49,553
Sundry Debtors					14,641
Receivables - Other					14,641
Total Receivables General Outstanding					64,194

Amounts shown above include GST (where applicable)

Note 6 - Accounts Receivable (non-rates)

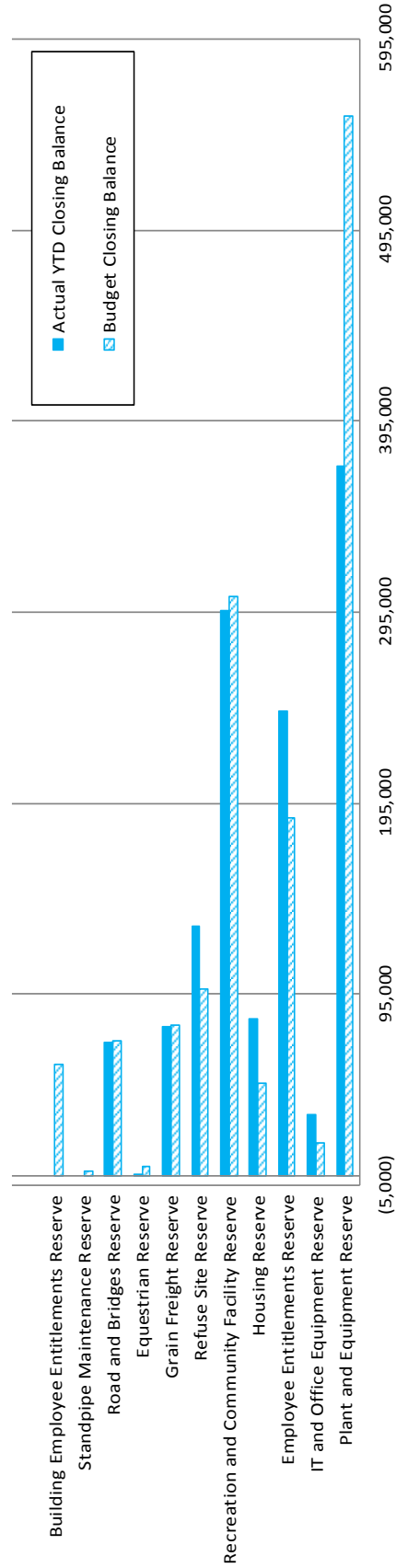


SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 7: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
Plant and Equipment Reserve	\$ 368,717	\$ 5,719	\$ 2,605	\$ 180,000	\$ 0	\$ 0	\$ 0	\$ 554,436	\$ 371,322
IT and Office Equipment Reserve	31,339	486	221	5,000	0	(19,985)	0	16,840	31,561
Employee Entitlements Reserve	241,665	3,750	1,707	0	0	(58,515)	0	186,900	243,372
Housing Reserve	81,720	1,267	577	5,000	0	(40,000)	0	47,987	82,298
Recreation and Community Facility Reserve	293,306	4,548	2,072	5,000	0	0	0	302,854	295,378
Refuse Site Reserve	129,255	1,952	913	0	0	(33,710)	0	97,497	130,168
Grain Freight Reserve	77,219	1,196	546	0	0	0	0	78,415	77,765
Equestrian Reserve	26	8	0	5,000	0	0	0	5,034	26
Road and Bridges Reserve	69,261	1,074	489	0	0	0	0	70,335	69,750
Standpipe Maintenance Reserve	0	0	0	2,000	0	0	0	2,000	0
Building Employee Entitlements Reserve	0	0	0	58,515	0	0	0	58,515	0
	1,292,509	20,000	9,131	260,515	0	(152,210)	0	1,420,814	1,301,640

Note 7 - Year To Date Reserve Balance to End of Year Estimate



SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 8: Disposal of Assets

Asset Number	Asset Description	YTD Actual			Amended Budget		
		Net Book Value	Proceeds	Profit (Loss)	Net Book Value	Proceeds	Profit (Loss)
		\$	\$	\$	\$	\$	\$
	Plant and Equipment						
10,054	CN151 Multi pac Mutli Tyre Roller	47,254	35,000	(12,254)	20,137	32,000	11,863
11007	1CFP607 Isuzu Fire Truck	0	0				
11001	1DPW118 Toyota Landcruiser Fire	0	0				
		47,254	35,000	0	20,137	32,000	11,863
				(12,254)			0

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 9: Rating Information	Rate in \$	Number of Properties	YTD Actual			Amended Budget			Total Revenue \$	
			Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Rate Revenue \$	Interim Rate \$		Back Rate \$
Differential General Rate										
GRV	7.0866	166	2,138,942	151,578	0	0	151,578	151,578	0	151,578
UV	0.7142	186	103,070,000	736,126	1,380	0	737,506	736,126	0	736,126
Sub-Totals		352	105,208,942	887,704	1,380	0	889,084	887,704	0	887,704
Minimum Payment										
GRV	\$ 690.00	161	805,991	111,090	0	0	111,090	111,090	0	111,090
UV	900.00	158	14,017,700	142,200	0	0	142,200	142,200	0	142,200
Sub-Totals		319	14,823,691	253,290	0	0	253,290	253,290	0	253,290
Discount		671	120,032,633	1,140,994	1,380	0	1,142,374	1,140,994	0	1,140,994
Write Off							(69,001)			(70,000)
Amount from General Rates							(85)			
Ex-Gratia Rates							1,073,288			1,070,994
Specified Area Rates							0			0
Totals							1,073,288			1,070,994

Comments - Rating Information

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townships or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2016/17 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 10: Information on Borrowings

(a) Debenture Repayments

Particulars	Loan Date	Years	Principal at 1/07/2017	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Actual	Amended Budget	Actual	Amended Budget	Actual	Amended Budget
Transport					\$	\$	\$	\$	\$	\$
Loan 62 - Loader	11/08/2008	10	34,109		8,317	34,109	25,792	0	569	1,434
Loan 63 - Graders	7/02/2014	8	187,681		15,234	37,037	172,447	150,644	3,337	7,534
			221,790	0	23,551	71,146	198,239	150,644	3,906	8,968

All debenture repayments were financed by general purpose revenue.

(b) New Debentures

No new debentures were raised during the reporting period.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 11: Grants and Contributions

Grant Provider	Type	Opening Balance (a)	Budget Operating	Budget Capital	YTD Budget	Annual Budget (d)	Post Variations (e)	Expected (d)+(e)	YTD Actual Revenue
		\$	\$	\$	\$				\$
General Purpose Funding									
Grants Commission - General	Operating	0	292,191	0	146,096	292,191		292,191	130,018
Grants Commission - Roads	Operating	0	174,657	0	87,329	174,657		174,657	73,830
Law, Order and Public Safety									
DFES Grant - Operating Bush Fire Brigade	Operating	0	20,625	0	17,750	20,625		20,625	16,513
Recreation and Culture									
Grants - Kidsport	Operating	0	0	0	0	0		0	0
DREC Weather Shelter	Non-operating	0	0	26,369	26,369	26,369		26,369	26,369
Yornaning Dam Upgrades	Non-operating	0	0	34,723	0	34,723		34,723	0
Transport									
Direct Grant - Main Roads	Operating	0	99,902	0	99,902	99,902		99,902	57,535
Roads To Recovery Grant - Cap	Non-operating	0	0	243,253	81,084	243,253		243,253	0
RRG Grants - Capital Projects	Non-operating	0	0	381,926	126,274	381,926		381,926	126,275
Economic Services									
Youth Day Grant	Operating	0	1,000	0	0	1,000		1,000	0
Volunteer Day Grant	Operating	0	1,000	0	1,000	1,000		1,000	1,000
Kid's Day Go for 2&5	Operating	0	0	0	0	0		0	2,500
Seniors Day Grant	Operating	0	0	0	0	0		0	1,000
TOTALS		0	589,375	686,271	585,804	1,275,646	0	1,275,646	431,540
SUMMARY									
Operating	Operating Grants, Subsidies and Contributions	0	588,375	0	351,076	588,375	0	588,375	278,896
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions	0	0	0	0	0	0	0	0
Non-operating	Non-operating Grants, Subsidies and Contributions	0	0	686,271	233,728	686,271	0	686,271	152,644
TOTALS		0	588,375	686,271	584,804	1,274,646	0	1,274,646	431,540

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 12: Trust Fund

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 01 Jul 2017	Amount Received	Amount Paid	Closing Balance 30 Nov 2017
	\$	\$	\$	\$
Bonds - Building	6,889	0	0	6,889
Bonds - Hall Hire	1,150	0	0	1,150
Badmington Club	20	0	0	20
Commodine Tennis Club	2,990	0	0	2,990
Cuballing Country Festival	1,099	0	0	1,099
Cuballing Cricket Club	200	0	0	200
Yornaning Dam	0	0	0	0
Cuballing Football Association	566	0	0	566
Environment and Townscape Trust Fund	6,362	0	0	6,362
Police Licensing	1,573	96,658	(96,587)	1,644
Swipe Cards	1,605	0	0	1,605
Reimbursements	320	240	(240)	320
	22,774	96,898	(96,827)	22,846

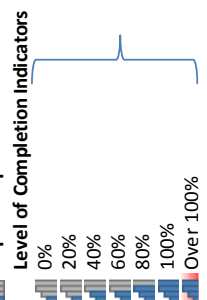
SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 November 2017

Note 13: Capital Acquisitions

Assets	Account	YTD Actual			Total YTD	Annual Budget	YTD Budget	YTD Variance	Strategic Reference / Comment
		New/Upgrade	Renewal	YTD Budget					
		\$	\$	\$	\$	\$	\$		
<i>Level of completion indicator, please see table at the end of this note for further detail.</i>									
Land & Buildings									
Recreation And Culture									
	11048	0	0	0	(10,190)	0	0	C162	
	11048	0	0	0	(6,090)	0	0	C164	
	11230	0	0	0	(52,948)	0	0	C176	
	11230	0	0	0	(9,985)	0	0	C165	
	11230	0	0	0	(80,951)	0	0	C187	
	11310	(22,384)	0	(22,384)	(21,182)	(21,182)	(1,202)	Final works from 2016/17	
		(22,384)	0	(22,384)	(181,346)	(21,182)	(1,202)		
Community Amenities									
	10742	(28,711)	0	(988)	(28,711)	(28,711)	27,723	J601 - Fence	
	10742	(31,074)	0	0	(31,074)	(31,074)	31,074	C158 - Waste Oil Facility	
		(28,711)	0	(988)	(59,785)	(28,711)	27,723		
		(51,095)	0	(23,372)	(241,131)	(49,893)	26,521		
Other Infrastructure									
Economic Services									
	13605	0	0	(3,326)	(7,356)	0	(3,326)		
		0	0	(3,326)	(7,356)	0	(3,326)		
		0	0	(3,326)	(7,356)	0	(3,326)		
Plant, Equip. & Vehicles									
	12405	(170,000)	0	(160,000)	(170,000)	(170,000)	10,000	Budget - purchase Aug	
		(170,000)	0	(160,000)	(170,000)	(170,000)	10,000		
		(170,000)	0	(160,000)	(170,000)	(170,000)	10,000		

Roads										
Transport										
RRG - Wandering Narragin Road 16/17	12115	(60,031)	0	(11,429)	(140,072)	(60,031)	48,602	J600		
RRG - Wandering Narragin Road	12115	(139,228)	0	(101,467)	(324,865)	(139,228)	37,761	R129		
RRG - Stratherne Road	12115	(63,713)	0	(36,768)	(148,664)	(63,713)	26,945	R001		
R2R - Popanyinning West Road Widening	12120	(72,738)	0	(19,576)	(169,721)	(72,738)	53,162	R002		
R2R - Popanyinning West Road Reseal	12120	0	(17,322)	(3,569)	(40,418)	(17,322)	13,753	R002C		
R2R - Yornaning West Road Reseal	12120	0	(6,531)	0	(15,239)	(6,531)	6,531	R005A		
R2R - Cuballing East Road Reseals	12120	0	(2,177)	0	(5,080)	(2,177)	2,177	R006		
R2R - Victoria Road Reseal	12120	0	(5,484)	(557)	(12,796)	(5,484)	4,927	R122		
Transport Total		(335,710)	(31,514)	(173,365)	(856,855)	(367,224)	193,859			
Roads Total		(335,710)	(31,514)	(173,365)	(856,855)	(367,224)	193,859			

Capital Expenditure Total



9.1.3 Sundry Debtor Write Off

Applicant: Nil
File Ref. No: ADM19
Disclosure of Interest: Nil
Date: 17th November 2017
Author: Tonya Williams, Deputy Chief Executive Officer
Attachments: Nil

Summary

Council is to consider writing off a sundry debtor for Private Works that was raised in error.

Background

The introduction of the Quote system has been effective in keeping track of Private Works jobs and ensuring that invoicing has happened efficiently and accurately. Quote Books consist of a triplicate where the white copy is provided to the customer, yellow to the office for invoicing and blue stays in the book for record keeping.

Comment

Mr O'Neill rang the Shire to query the bill he received for November Private Works as he believed he had paid one of the quotes listed. Investigation by staff discovered that slips had been provided twice for this private works job and so it had been raised on two separate occasions.

The invoice for Loader hire of \$1,513.00 was raised in error. The original invoice was paid promptly and in full.

Strategic Implications – Nil

Statutory Environment

Council's Delegation Register provides limited delegated authority for the Chief Executive Officer

F1: Outstanding Debtors

The Chief Executive Officer is delegated the authority to write off uncollectable, economically uncollectable or erroneously created debts, in the following manner:

1. Where a Sundry Debtor invoice has:
 - a. a value of less than two hundred and fifty dollars;
 - b. has been outstanding for at least 90 days; and
 - c. in the Chief Executive Officer's opinion, will not be economically practical to pursue payment of the account through the court system;the Chief Executive Officer may approve that the invoice be written off.
2. Where a Sundry Debtor invoice, less than two hundred and fifty dollars in value, has been raised in error, the Chief Executive Officer may approve that the invoice be written off.
3. Where Rates Debtor accounts have a balance less than ten dollars and, in the Chief Executive Officer's opinion, it will not be economically practical to pursue payment of the

account through the court system, the Chief Executive Officer may approve that the amount be written off.

4. Where a Rates debtor amount, less than ten dollars, was raised in error, the Chief Executive Officer may approve that the amount be written off.

Policy Implications – Nil

Financial Implications

The Officer's Recommendation suggests writing off income of \$1,513.00.

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

The Council can resolve:

1. the Officer's Recommendation;
2. an amended Officer's Recommendation; or
3. to not write off any income.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017/130:

That Council write off Invoice 4080 for Debtor 623 being an amount of \$1,513.00 for Private Works as it was raised in error.

Moved: Cr Dowling

Seconded: Cr Haslam

Carried 6/0

9.1.4 Rubbish Collection Charges

Applicant: N/A
File Ref. No: ADM214
Disclosure of Interest: Nil
Date: 20th November 2017
Author: Tonya Williams
Attachments: Nil

Summary

Council is to consider an amendment to the 2017/18 Budget to reflect the authority to raise a rubbish collection charge under the Waste Avoidance and Resource Recovery Act 2007.

Background

Rubbish Collection charges were included on Rates Notices for the first time in 2016/17.

Council passed the 2017/18 Budget at the July Ordinary Council Meeting. Council is required to submit for review by the Department of Local Government, Sport and Cultural Industries (DLGSCI) the annual budget once it has been adopted. Shire staff completed this on 26th July 2017.

In September 2017 the DLGSCI identified that rubbish collection charges should be raised in Fees and Charges in Council's 2017/18 Budget but had been shown in the Service Charges section of the Budget.

Comment

The DLGSCI has advised that Council should review and clarify the raising of waste collection charges to ensure the correct authority to raise rubbish charges.

Section 67 of the Waste Avoidance and Resource Recovery Act 2007 gives Council the authority to charge a fee for waste services provided.

As part of the 2017/18 Budget, the rubbish collection charge was included as a Service Charge (Note 11). The rubbish collection charge should have been included in Fees and Charges Revenue (Note 14) as it does not meet the criteria for a service charge. A Service Charge is defined as a charge in one of four areas; property surveillance and security, television and radio rebroadcasting, underground electricity and, water.

Rubbish Collection charges are currently included as part of Council's adopted Fees & Charges in 2017/18. All rubbish collection charges in 2016/17 were raised and recorded as Fees and Charges income. Rubbish collection charges in 2017/18 were raised as Fees and Charges income in the accounting system.

Strategic Implications – Nil

Statutory Environment

Waste Avoidance and Resource Recovery Act (2007)
67. Local government may impose receptacle charge

- (1) A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by

making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.

- (2) The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.
- (3) The provisions of the *Local Government Act 1995* relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).
- (4) In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.
- (5) Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the *Local Government Act 1995*, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.
- (6) A charge may be limited to premises in a particular portion of the area under the control of the local government.
- (7) Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.
- (8) A local government may make different charges for waste services rendered in different portions of its district.

Local Government Act (1995)

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* Absolute majority required.

Local Government (Financial Management) Regulations (1996)

54. Works etc. prescribed for service charges on land (Act s. 6.38(1))

For the purposes of section 6.38(1), the following are prescribed as works, services and facilities —

- (a) property surveillance and security;
- (b) television and radio rebroadcasting;
- (c) underground electricity;
- (d) water.

Policy Implications – Nil

Financial Implications

Council budgeted for \$58,950.41 in Service Charges income.

Economic Implication – Nil

Environmental Considerations – Nil

Consultation

Department of Local Government, Sport and Cultural Industries

Options

Council may resolve:

- 1. the Officer's Recommendation; or
- 2. to defer a decision and seek further information.

Voting Requirements – Absolutely Majority

COUNCIL DECISION – 2017/131:

That Council amend the 2017/18 Budget to reflect the \$58,950.41 of Rubbish Collection Charges as Fees & Charges income as per the Waste Avoidance and Resource Recovery Act (2007) and not as Service Charge income under the Local Government Act (1995).

Moved: Cr Haslam

Seconded: Cr Newman

Carried 6/0

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Council Meeting Schedule 2017

Applicant:	N/A
File Ref. No:	ADM239
Disclosure of Interest:	Nil
Date:	21 st November 2017
Author:	Gary Sherry
Attachments:	Nil

Summary

Council is to consider Ordinary/Special/Elector's Meeting dates, locations and starting time for 2017.

Background

It is a legislative requirement for the public in general to be advised in advance of all meeting dates, place and starting times to facilitate attendance or participation in Council Meetings. Unforeseen circumstances may dictate a change to this schedule and local advertising will inform Electors accordingly.

Comment

This current meeting schedule has Council's Ordinary meetings held on a regular monthly interval with no meeting held in January.

For some considerable time Council has held their Ordinary Meetings on the Thursday of the third week of each month, to fit with public holidays. The day on which the meeting would be held can be altered, but the draft schedule continues with Thursday as the Ordinary Meeting day for Council.

During 2017 Council amended the start time of Council's Ordinary meetings to commence at 2pm. This timing allows the informal Council Forum to commence after the Ordinary Meeting is completed.

Council currently holds all its meetings at the Council Chambers at the Cuballing Administration Centre. It would be relatively easy to hold a Council meeting in a different location as a one-off event if Council thought there was benefit in such a move.

This proposed schedule includes 11 Ordinary Council Meetings. This schedule includes:

- most meetings are held four weeks after the preceding meeting with the exceptions of April 2018, June 2018, September 2018 and December 2018 which are held five weeks after the preceding meeting;
- an Annual Electors Meeting has been scheduled to be held on Thursday 15th November 2018 at the Council Chambers. While this date is staff's goal for holding the annual electors, the exact timing for this meeting is dictated by the speed of receiving Council's Audit Report and preparation of the Annual Report. This date is likely to be reviewed during 2018; and
- meetings starting at 2pm. This time could be separately altered to allow Council to make Council meetings more accessible to electors.

The proposed meeting schedule is included below:

No	Date	Type	Time
1	Thursday 15 February 2018	Ordinary Meeting	2:00 PM
2	Thursday 15 March 2018	Ordinary Meeting	2:00 PM
3	Thursday 19 April 2018	Ordinary Meeting	2:00 PM
4	Thursday 17 May 2018	Ordinary Meeting	2:00 PM
5	Thursday 21 June 2018	Ordinary Meeting	2:00 PM
6	Thursday 19 July 2018	Ordinary Meeting	2:00 PM
7	Thursday 16 August 2018	Ordinary Meeting	2:00 PM
8	Thursday 20 September 2018	Ordinary Meeting	2:00 PM
9	Thursday 18 October 2018	Ordinary Meeting	2:00 PM
10	Thursday 15 November 2018	Ordinary Meeting	2:00 PM
11	Thursday 15 November 2018	Annual Electors Meeting	6.30 PM
12	Thursday 20 December 2018	Ordinary Meeting	2:00 PM

Separate to the monthly meeting schedule, it is anticipated that Councillors will still meet on occasions to review or workshop individual matters.

Strategic Implications – Nil

Statutory Environment

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications – Nil

Financial Implications

Local advertising in the Narrogin Observer will occur a relatively small charge that can be met with Council's budget allocation.

Economic Implication – Nil

Social Implications

Council has had a number of local residents and interested people attend Council's meetings in 2017. Council should allow for this to occur in 2018 if there is community interest in a matter before Council.

Environmental Considerations – Nil

Consultation – Nil

Options

The Council can resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments to times or venues; or
3. a different schedule of meetings, giving reasons for not accepting the Officer's Recommendation.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017/132:

That Council adopt the following Schedule of Council Meetings for 2018:

Thursday 15 February 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 15 March 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 19 April 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 17 May 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 21 June 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 19 July 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 16 August 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 20 September 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 18 October 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 15 November 2018	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 15 November 2018	Electors Meeting	6:30 PM	Council Chambers
Thursday 20 December 2018	Ordinary Meeting	2:00 PM	Council Chambers

Moved: Cr Ballantyne

Seconded: Cr Dowling

Carried 6/0

9.2.2 Shire of Cuballing Policy Manual

Applicant: N/A
File Ref. No: ADM118
Disclosure of Interest: Nil
Date: 23rd November 2017
Author: Gary Sherry
Attachments: 9.2.1A Draft Shire of Cuballing Policy Manual

Summary

Council is to consider adoption of a revised Shire of Cuballing Policy Manual.

Background

Policies set guiding direction for Council staff to manage the operations of the Shire on a daily basis without the need to present matters to Council for consideration.

Council completed a comprehensive review of Council policies in April 2016. This was first comprehensive review for some considerable time. Council has completed individual additions and amendments for specific purposes to the Policy Manual since April 2016.

Comment

It is generally considered appropriate to review Council's entire Policy Manual once between each local government election. Such a two year review will ensure that Council's policies remain current and in keeping with current management practices and Council's position.

Staff completed a review of the draft Policy Manual included at Attachment 9.2.1A. Amendments or additions to the draft Policy Manual are completed in red and/or strikethrough font for easy appearance.

In the draft Policy Manual included at Attachment 9.2.1A the following policies are suggested for amendment:

POLICY NO	POLICY NAME	COMMENT
2.3	Rates Debtor Collection	Additions to procedure in collection of outstanding rates to reflect better practice
2.7	Purpose & Funding of Reserve Accounts	Include Building Employee Entitlements Reserve to reflect decision made in 2017/18 Budget
2.9	Credit Cards	Amendment to reflect current practice and ensure independent oversight of credit card expenditure.
2.14	Creditor Names on Online Documents	New policy to reduce fraud risk suggest by Council's auditor. Creditors names will be available to the public on all copies of agenda/minutes not published on the internet.
3.9	Council Meetings	Change to reflect change in start time of meetings.
3.10	Councillor Expenses	New policy to clarify policy relating to expenses. Policy includes <ul style="list-style-type: none">• reimbursement of car travel;• payment of other travel by Council;• Council to pay accommodation and expenses up to a limit at accommodation; and• other expenses to be reimbursed by claim.

POLICY NO	POLICY NAME	COMMENT
3.11	Councillor and Staff Allowances (Daily Meal & Expense Allowance)	New policy to clarify policy relating to Councillors attending conferences, seminars, training courses or meetings. Policy includes: <ul style="list-style-type: none"> • preferences for Councillors to attend certain events; • CEO to decide on suitable events; • how the CEO will prioritise events; • Councillors may request Council to approve; • Council to approve interstate events; and • Councillors to provide a verbal report.
3.12	Tablet Devices for Councillor Use	New policy including provision and conditions of use, replacement, provision of support and record management procedures.
4.5	Conference Attendance – Staff	Amendment to improve clarity. Amendments include: <ul style="list-style-type: none"> • the CEO or Shire President approve staff attendance at events • factors in approval are value of professional development and cost; • Council to approve interstate events; • at least verbal report to be provided.
4.10	Administrative Staff Uniforms	Amendment to improve clarity and reflect current practice.
4.12	Works Staff Uniform	Amendment to reflect change in procedure. Shorts no longer permitted.
4.13	Conference Expenses – Staff	New policy to clarify position with staff conference expenses. Policy includes <ul style="list-style-type: none"> • reimbursement of car travel; • payment of other travel by Council; • Council to pay accommodation and expenses up to a limit at accommodation; and • other expenses to be reimbursed by claim.
5.4	Private Works	Change to reflect improvements in procedure/current practice. Written acceptance of quote by client now required.
11.5	Dash Cam Use	New policy to guide use of Dashcam data.
11.6	CCTV Cameras	New policy to guide use of CCTV camera data.

Strategic Implications

Shire of Cuballing – Strategic Community Plan 2017–2027
GOVERNANCE & ORGANISATION – Our Council, Services, Policies and Engagement

	Strategy	Outcome
4.1	Councillors provide strong and visionary leadership.	A clear direction for the future.

Statutory Environment

Local Government Act (1995)

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

- (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Policy Implications

Council is setting policy for future application.

Financial Implications – Nil at this time

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. resolve to adopt the attached Draft Policy Manual with amendment or in part;
3. defer and seek additional information

Voting Requirements – Simple Majority

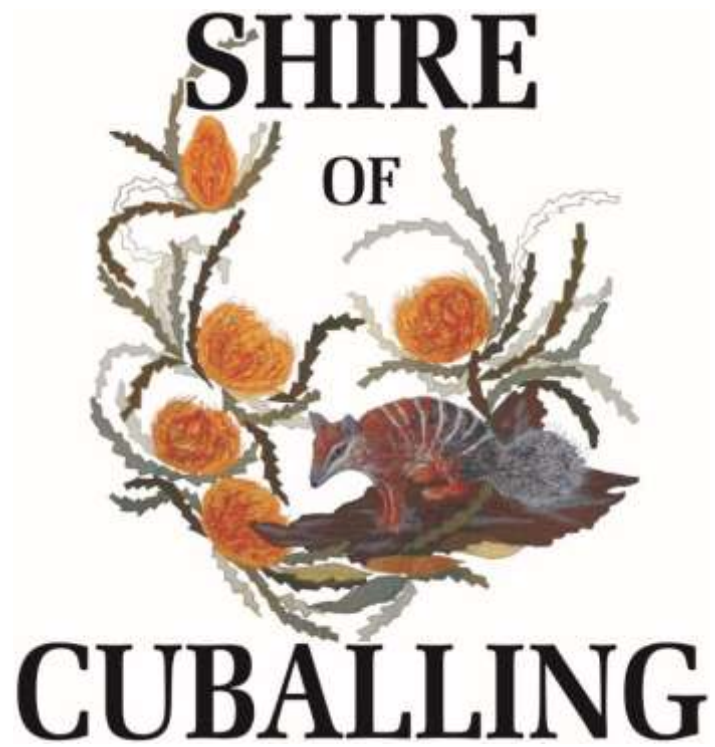
COUNCIL DECISION – 2017/133:

That Council adopt the Draft Shire of Cuballing Policy Manual included at Attachment 9.2.2A.

Moved: Cr Dowling

Seconded: Cr Haslam

Carried 6/0



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1. GENERAL ADMINISTRATION

1.1 Agreements, Documents and Seal – Safekeeping

Policy Statement:

All agreements and documents as mentioned in the Local Government Accounting Regulations be deposited in a fire–proof safe on Council’s premises and an accurate and current register shall be kept.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

1.2 Agreements and Documents – Council Seal

Policy Statement:

1. The CEO is to have charge of the common seal of the Shire of Cuballing, and is responsible for the safe custody and proper use of it.
2. The common seal of the Shire of Cuballing may only be used on the authority of the Council given either generally, retrospectively or specifically and every document to which the seal is affixed must be signed by the President and the Chief Executive Officer or a senior employee authorised by him or her.
3. The common seal of the Shire of Cuballing is to be affixed to:
 - a. Any local law adopted by Council
 - b. Any transfer of land document
 - c. Any document which confers a lease of land
 - d. Any document from another party which specifically requires the seal.

Objective:

Under section 2.5(2) of the Local Government Act 1995 – “The local government is a body corporate with perpetual succession and a Common Seal”.

Section 9.49 states – “A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without it’s Common Seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.”

The Local Government Department advises that the Act does not provide any circumstances where the Common Seal shall be used. Section 9.49 provides that a common seal is not needed to authenticate documents if they are signed by the CEO or an officer authorised by the CEO.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

1.3 Policy on Alcohol Consumption

Policy Statement:

When arranging Council and Staff functions and meetings, the organiser of the function/meeting will ensure that sufficient non-alcoholic beverages are available for those attending who do not wish to partake of alcoholic beverages.

Councillors and Staff who choose to partake of alcoholic beverages when attending Council organised functions/meetings agree, upon receipt of this policy, that they are responsible for ensuring that they have made prior arrangements for their safe return home at the end of the function/meeting, should they be considered to be over the legal blood alcohol limit when they leave the function/meeting, which would render them legally unfit to drive a motor vehicle

Objective:

To ensure safety of Councillors and Staff

Resolution No: 9.2.6
Resolution Date: 21st April 2016

1.4 Social Media Policy

Policy Statement:

1. INTRODUCTION

Purpose

The purpose of this guideline is to provide assistance to Shire of Cuballing staff to interact with the community through official social media channels using a risk-management approach.

Scope

This document is primarily to provide guidance to staff that are using social media as a community engagement tool on behalf of the Shire of Cuballing. This guideline relates to the Official Use of Social Media Policy. This guide also provides advice to staff on personal use of social media in relation to Shire activities, decisions and policies.

The following are out of scope of the guideline

- Political use of social media by elected representatives and candidates
- Personal access to social media where the individual is representing themselves and not the Shire of Cuballing, on issues unrelated to Shire activities
- Use of social media for internal purposes (staff engagement and internal communications)

2. BACKGROUND

The Shire of Cuballing is committed to implementing e-government technologies, utilizing online platforms to enhance the conduct of Shire Business. As part of this suite of tools the Shire supports the use of social media platforms as a means of communicating and interacting with the community.

The significant uptake and innovative functionality of social media offers many benefits, however its uncontrolled use also presents many risks. This guideline has been developed to

assist staff to realise the benefits of social media use while identifying the risks and potential mitigation measures.

3. WHAT IS SOCIAL MEDIA?

Social media is an umbrella term covering websites, technology, applications or tools that enable active and participatory publishing and interaction between individuals over the internet.

Social media can be characterized by:

- Relationships
- User participation
- User-generated content
- Collaboration
- Multi-directional conversations
- Highly accessible and scalable publishing
- 24/7 operation and availability

How social media can be used at the Shire of Cuballing

Social media can be used as a channel by the community to access the Shire and vice versa. For the Shire of Cuballing, social media represents a channel by which audiences can be harnessed to support or deliver a wide range of activities including:

- Community engagement
- Marketing and communications
- Policy development and implementation
- Service delivery
- Market/community research

Risks

The official use of social media has the potential to compromise compliance with the Shire's legislative obligations, particularly with respect to accessibility, privacy and record keeping. Content contributed to official social media pages may infringe upon the rights of others in areas such as defamation, intellectual property and fraud. Due to the seriousness of these risks, the official use of social media could be subject to a risk assessment if deemed necessary by the Management team. Appendix A provides an implementation checklist which covers the major risk factors identified in this guideline. Prior to the establishment of official social media accounts, officers must conduct a risk assessment, ensure appropriate documentation of requirements is in place and mitigating actions are established.

4 TYPES OF SOCIAL MEDIA USE

Official use of social media

The document provides guidance on the selection, establishment and management of official social media accounts. Official use of social media is any use of a Shire of Cuballing managed social media account, profile or presence by an authorised user. Comments made through official social media accounts are representative of the Shire of Cuballing and are made only by those authorized to do so. Uses can include: publishing messages, uploading content (text, images, video) and responding to communications from others.

Professional use of social media

Professional use of social media is based on an individual's area of expertise and association with other practitioners in that field. The acceptable standard of behaviour for professional

use of social media can be likened to that for officers who have been invited to speak at conferences for professional organisations or other networking events.

Personal use of social media

Personal use of social media is defined as individual or private use and not attributable as an official or professional use.

Further guidance

The Shire of Cuballing Code of Conduct provides general guidance on standards of behaviour for Shire staff. Shire of Cuballing *Policy 4.2 Use of Shire Information Technology (IT) Facilities for Staff* document provides guidance on the acceptable use of IT facilities provided by the Shire of Cuballing, including use of the internet. This document provides more specific guidance related to social media and does not in any way alter the contents or effect of the aforementioned documents.

5 WHAT IS ONLINE COMMUNITY ENGAGEMENT?

Online community engagement is any form of community engagement that occurs in an online channel. Opportunities to engage online are shaped by the technologies available and community preferences for how they want to be engaged. Currently, members of the Shire of Cuballing community have demonstrated a strong appetite for engagement on Facebook. The evolution of the online environment means that individuals are now creators of content rather than passive receivers giving rise to numerous new ways of consulting and interacting with citizens and communities in ways that can facilitate dialogue, creativity, collaboration and participation.

6 SOCIAL MEDIA GOVERNANCE

Official agency accounts using social media tools represent the public face of the Shire in those environments. Consequently, it is recommended that the selection, establishment and use of social media accounts has strategic, tactical or operational intent and is subject to the following checks prior to approval by the Chief Executive Officer:

- The social media tool proposed is suitable for the circumstances and is capable of delivering the outcomes required.
- Appropriate security precautions have been adopted.
- The creation of, access to and closure of official social media accounts is governed by the Corporate Services team and access details are listed in the social media register.
- Social media activities will be monitored appropriately, including out of hours, where it is required.
- House rules governing the site have been developed with respect to the ability of the owner to respond to and interact with the public, appropriateness of content and deletion/banning of inappropriate content or behaviour.

From an access and equity perspective, social media should not be used as the sole means of communication. Use of social media should be built into communication plans or strategies for the particular event, project or policy that is being promoted. Social media should be treated the same as other communication channels and incorporated in strategies as one of a suite of effective communication tools.

Content posted to social media should undergo the same checks and balances as content in other channels including:

- Risk assessments.
- Adherence to communications strategies and community engagement guidelines.

- Privacy and defamation legislation.
- Information security and confidentiality rules.
- Shire communications style guide and tone.

Success measures

Social media accounts should be subject to the same measures of success as other communication activities with respect to whether or not they are achieving the business objectives. Those who are carrying out the social media activities on behalf of the organisation are responsible for gathering those metrics which have been agreed for their specific channel and providing that data regularly.

7 ESTABLISHING MEANINGFUL, MANAGEABLE SOCIAL MEDIA PRESENCES

Social media presences must have clear business objectives. The focus of the Shire's social media presence is to strategically build a strong social media footprint with a focus on fostering ongoing relationships with general customer groups.

The Shire's social media accounts should broadly complement each other in terms of audience reach and messaging. Where multiple accounts are proposed with similar audiences and posts, they will be denied and merged or included in the general Shire page. Where a separate account is approved, its messages will not be duplicated on the Shire of Cuballing page.

8 COMMITTING TO ONGOING RELATIONSHIPS

Establishing an official social media account creates an expectation of ongoing dialogue and engagement with the Shire. Before establishing social media accounts, departments must assign appropriate resources in preparation for the continuing relationship expectations of the community. Officers with access to official social media accounts should be appropriately skilled in the use of social media and briefed on their role and responsibilities.

Using social media successfully requires strong relationship management through a consistent approach in the way in which the Shire conducts itself through social media accounts. This means having an understanding of the Shire's reputation and reputational risks, always presenting the same persona and using a consistent voice when speaking on behalf of the Shire. When multiple officers are representing the Shire through the same account they must share an understanding of the Shire's style and tone.

Consideration should be given to the potential issues and discussion that may arise when engaging with the community through official social media accounts. Officers representing the agency should be equipped with the knowledge, skills and understanding of their role in representing the agency. Officers should be aware of issues including privacy, defamation, online bullying, trolling, and intellectual property before activating official social media accounts.

Managing expectations

When establishing social media presences, officers must clearly define the way in which the pages will and will not be used. To be clear and transparent in the operation of social media pages, clear statements of service levels in the form of "house rules" should be included on the sites. Standard House Rules for Shire of Cuballing Facebook pages are included in Appendix B.

Some things to consider in managing the expectations of users include

- Be timely and consistent with responses

- Where individual responses on social media are not appropriate develop standard responses directing people to other channels such as phone numbers, complaints processes, or web feedback forms.
- Develop standard responses in support of moderation, for example “Posts containing offensive language are deleted as they breach the terms and conditions of this service.”
- Use account settings that limit the opportunities for contributors to submit offensive materials, such as blocking posts containing offensive words and preventing posting of hyperlinks and video.
- Ensure that even if the responsible officer is away that social media sites are updated and monitored in line with the stated House Rules

Responding within social media

Responding to comments within social media is an official communication from the Shire and the choice to respond should be based on deliberate decision making that considers the expectations of users of the service as well as the risks associated with individual instances and issues.

In addition to considering the risk of responding, officers should also consider the risks of not responding. Social media is an inherently interactive medium and user expectations will likely be high in terms of responsive access to the Shire via social media. Whilst these expectations can be mitigated to some degree by clear statements, actions and house rules, there is often a benefit to engaging early and directly when issues emerge in order to clarify and diffuse issues.

As a general rule, officers responsible should provide information to customers where asked on social media. Where comments are in breach of the house rules or terms and conditions (e.g. defamatory, offensive etc.) the responsible officer should delete them and post the standard response. For comments that are negative, raise difficult issues or may be considered official complaints, the Corporate Services team should be notified and will provide an appropriate response through the Shire of Cuballing avatar.

Moderation

Agencies have a responsibility to moderate content or messages submitted through social media to protect against issues like offensive language, bullying or that may breach service terms and conditions and the law. Agencies also have a responsibility to ensure social media is used in a genuine way, meaning that where users are empowered to make comment or publish content, their posts should not be edited where valid criticism or an alternate point of view (e.g. political or ideological) is expressed.

Facebook now has very strong moderation and profanity blocklists that can be implemented. This does not reduce the need for staff moderation to prevent bullying, privacy breaches and defamation issues.

Monitoring social media activities

Responding in a timely manner, particularly to critical issues, requires that staff monitor the activities on their official accounts, tools and websites (similar to the way mainstream media is monitored). The Corporate Services team will monitor all accounts to some extent during business and after hours, as well as monitoring the key opinion pages in the region.

The management of all issues on social media will be conducted by the Corporate Services team and will be documented in a social media issues register to maintain consistency of response and to support record keeping.

9 TRANSPARENCY WHEN USING SOCIAL MEDIA

The Shire must be fully transparent in its interactions within social media, including the addition and removal of content. Any officer responding to or posting new comments should identify the comment as an official response from the Shire.

When publishing using social media, agencies should identify the account as an official Shire presence. For example, an officer seeking to respond to a post on an official account should not do so using a personal account. The response should come either directly from the page or from the Shire of Cuballing avatar.

Other ways to identify and convey the official status of Shire social media presences include:

- Use of Shire of Cuballing corporate identity and branding.
- Links between the Shire website and the social media account.

10 POLICY AND LEGISLATIVE REQUIREMENTS

Information Security

Information security is a necessary part of managing social media use at the Shire. To ensure proper management of Shire social media presences, a central register of social media accounts will be maintained and will include the account's purpose, officers with access permission and password and access details. Accounts will be set up to allow a range of user's access to the same account in order to schedule posts and monitor activities.

Intellectual property

The Shire owns all work produced by Shire employees and most work produced by contractors. As such Shire documents that are available to the public can be freely published and shared on social media. There are a number of potential intellectual property risks with respect to publishing the work of others on Shire social media pages which include:

- Sharing content without acknowledging the original author.
- Posting photos without consent from the photographer, participants or photo agency.
- Copying work such as songs, movies, software or articles without authorization to do so.

Record Keeping

Official communications and interactions by the Shire may be considered to be public record, irrespective of the technology or medium used to generate, capture, manage, preserve and access those records. Records created through the social media are required to be captured and saved in accordance with the legislative requirements of the State Records Act 2000.

The same standards of record keeping apply to social media activities as to other methods of communication. The general records management process for social media shall be:

- Posts on a Shire page that result in an action being required by the shire shall be documented by screenshot and saved, including any commentary that results.
- Important responses to a member of the public via social media will be documented by screenshot and saved.
- Each Facebook presence will be given its own records folder in which to save screenshots.

Information management

It is to be expected that Shire social media accounts will be relied upon as authoritative sources of Shire information. Accordingly, it is vital that social media content aligns with that which is available through other official channels.

It is preferable that social media is not the primary information source. Instead, social media broadcasts or discussions should be based upon or direct users to a Shire managed point of

truth. Shire websites, customer service points or collateral are the preferred points of truth and social media posts relating to specific departmental information should reflect or direct users to the best source of truth. Until the source of truth is public (i.e. published on the Shire website or via another channel) social media posts should only refer to the issue in limited circumstances. Some examples of these circumstances are:

- Emergency management situations where other channels are not accessible
- Launches and project/program information where there is a communications plan that specifically identifies social media as the lead channel either for a soft launch or because of evidence based market research
- Giveaways and competitions being run solely on social media

Defamation

Defamation is the injury to another person's reputation either directly or implied through the publication of words or sounds. It does not matter if the defamation was unintentional. Some of the potential risks are

- Making false accusations about an individual on a public forum which cannot be substantiated "e.g. the owner of XYZ business is corrupt and their products are rubbish".
- Defamation action may be brought not only against the original publisher but also against anyone who takes part in the publication or re-publication of the material.

Avoiding defamation

- Do not post information online that is a rumour, confidential or negative in relation to a business or individual.
- Monitor official social media sites for posts that may be defamatory, particularly when individuals (including Shire staff) are named.
- Avoid re-posting or sharing posts that pertain to individuals or businesses that may be unsubstantiated, rumour or are negative.

Privacy

Social media by its nature can result in the disclosure of personal information in a public way. Privacy is a major concern for social media users and is subject to significant amounts of legislation.

Photos

If photos are to be used on social media accounts, consent must be obtained previously from the individuals depicted (or their parent or guardian). This can be through a general opt-out consent statement on RSVPs, event registration forms and other materials; however the statement must specifically reference social media.

Consultation

Social media should not be relied upon to be the sole method of consultation and gathering feedback for Shire activities. Many users will prefer methods of consultation that maintain some anonymity, whether that be responding by private message, contributing to an online forum, filling in a feedback form or by another mechanism. Social media sites should provide links to these other means of consultation so as not to exclude people, in the same way that at a public meeting, other options for contributing to the discussion are offered.

Things to remember about social media

Posts are viewable around the world instantly. Posts on social media are immediate and visible around the world. The Shire's credibility is at stake and as such all posts should be accurate, approved and proof read for spelling and grammar errors. To assist with this, a process of scheduling posts in advance should be adopted, giving the Corporate Services team the opportunity to vet the content and tone prior to the post going live.

Advertising and uncontrolled content may be placed around official Shire content

Viewers may associate advertising appearing around Shire content as Shire endorsed products. Similarly, content submitted by other parties may appear alongside Shire content, even if it is contrary to or inconsistent with Shire messages.

Other users

There is no way to control other users' content or what they will do with Shire content. It is neither practical nor desirable for the Shire to approve all posts to its social media sites. As such, content needs to be monitored frequently to ensure inappropriate content is not placed on Shire sites and that Shire content is not hijacked by users. Where users have taken Shire content and used it in a negative way or out of context, the Corporate Services team should be notified to take action.

Deleting content

Removed or deleted content may remain in searches or backup files indefinitely. Except in cases where House Rules have been breached, deletion may not always be the best option as content may have already been viewed by users. Furthermore, there are many examples of organisations that have deleted content which has then made the issue at hand go viral.

11 BUSINESS PLAN

Business plans for the use of social media tools should be added to existing marketing, communications and engagement plans. The following issues should be broached in a social media business plan

Finding the right audience

- What aspects of your message will attract the target audience and what will they want to know from you?
- What type of language does the target audience use and how do they communicate with each other?
- Understand how the particular social media tool works, what functionalities will and will not be used, how users respond and what is acceptable behaviour on that site.
- Ensure you have an understanding of the terms of use for the social media site before creating an account.

Predicting the audience's problems

- Be aware of what issues may come up or questions the audience may ask and answer these questions through your message. Being ahead of the audience will build numbers.
- Providing evidence or further information to your message will allow the audience to investigate and interact more thoroughly with the message (e.g. link to website/source documentation).
- Find creative ways to carry the message and show the audience why the message is important or relevant to them.

Plan who is responsible and schedule content

Decide who will be responsible for

- Maintenance of each account.
- Updating.
- Monitoring.
- Developing and approving content.

Schedule time for these duties – do not assume that they will just happen

Develop a content plan

- The key to a successful social media presence is having constant, relevant and engaging content.
- For a social media page to be effective there should be a minimum of three content posts and a maximum of eight content posts during the business week. Where important events occur outside of business hours arrangements should be made for scheduled posts or live posts from the event.
- The schedule of content updates should be devised on a weekly basis and should be flexible to allow for posts on emergent issues.
- Content that invites users to offer comment or content of their own is important to maintain users; however posts of this kind should be spaced appropriately.
- Facebook analytics should be monitored regularly to assess the types of posts that gain the most and least traction.
- A content planning template with example posts is attached in Appendix D.

12 RESOURCES

Each social media presence should have at least one officer dedicated to its content production, monitoring and upkeep. It is preferable to have more than one officer assigned to each site. Facebook now has the capacity to allow multiple authors to post to a single account which can assist in spreading the resources throughout the organisation. Those posting to social media sites should be trained in the Shire's tone, style and social media etiquette.

APPENDIX A – SOCIAL MEDIA IMPLEMENTATION CHECKLIST

The Official Use of Social Media Policy requires that the following is completed and signed off by the Chief Executive Officer prior to the creation of official social media presences.

Social media tool selection:

Formal governance arrangements for official use of social media
How does the social media tool align with the organisation's strategic direction (operational plans etc)?
What is the purpose of the social media account?
How will the Shire of Cuballing corporate identity be represented?
What are the measures of the success for the account?
How does the proposed account fit within any community engagement or communications plans?
Creation of and access to social media accounts
Has the site been registered with Community Services and entered into the social media register (including access details)?
Who has authority to represent the Shire through the site?
Has a content calendar been developed for approval by the CEO?
How often will content be posted?
Who will add new content?
Who will administer comments and responses? (must occur at least once per day)
How will posts and comments be records managed?
Monitoring of social media activities
What critical topics or issues could be expected to arise when engaging the community through this channel?
What level of oversight do you expect the CEO to have of your social media presence?
What is your out of hours response plan?
Do you have procedures in place for dealing with <ul style="list-style-type: none"> • Moderation of posts (including timely removal of breaches of house rules). • Record keeping. • Intellectual property infringements. • Bullying/trolling.
Do you have a system in place to ensure all images used on the site are free from copyright and have full consent from all persons depicted, especially children?
Equity considerations
What other channels will be used in conjunction with social media to ensure an equitable distribution of information?

APPENDIX B – SHIRE OF CUBALLING FACEBOOK HOUSE RULES

Introduction

Welcome to the Shire of Cuballing's official Facebook page. We are now using social media platforms such as Facebook to share news events and information with our community. Our aim is to engage with our residents and to deliver relevant information in a fast and cost effective way.

Respecting Other Users

These Guidelines are to help foster a community dialogue that is respectful and that allows everyone visiting our page to share and express their opinions in a constructive way. Posts or comments which do not comply with these Guidelines and Facebook's Terms, will be deleted and the instigator may also be banned from further posts on our page.

The Shire of Cuballing and the Administrators of our page, reserve the right to remove without notice or justification any posts which are deemed

- Discriminatory in any way.
- Obscene or offensive.
- Defamatory.
- Overtly sexual or explicit.
- Threatening or describing violent events or behaviours.
- Refers to or encourages the use of illegal drugs.
- Illegal or encouraging of illegal behaviours (including the violation of current Australian copyright laws).
- Harassing or hateful to an organisation or person, including the Shire of Cuballing, our employees, stakeholders, associates and suppliers.
- Discusses Local Government Elections and candidates.
- Spam, repetitive and non-relevant.
- Selling or advertising by commercial enterprises.

Responding to You

The Shire's Admins regulate our pages. However, at the Shire's discretion not every individual post will be responded to and we reserve the right to respond within one working day. Comments will be responded to during normal business hours between 9am and 4:30pm Monday to Friday.

If you are posting queries or information that requires a formal response or action from the Shire, please either use our email or postal address to contact us.

Disclaimer

The Shire of Cuballing, its staff and contractors are not liable for the accuracy or authenticity of the content of our Facebook page.

The information provided is for information purposes only and visitors to the page are responsible for assessing the relevance and accuracy of our site as well as any external linked sites.

The Shire of Cuballing, its staff and its contractors are not liable for any financial or other consequences arising from the inappropriate, improper or fraudulent use of the information or data on this page.

Modifying the material on this page in any way by unauthorised persons is strictly prohibited. Authorised persons include current Shire appointed admins.

Under Australian copyright legislation, apart from the purposes of study and research, no material on the page may be reused or redistributed without acknowledgement and without first obtaining the written permission of the Shire.

The act of the Shire of Cuballing 'following' or 'liking' an individual person, group, organisation, business, event or location through the social media platforms does not indicate the Council or the Shire of Cuballing endorses the views, products, services or activities pertaining to the 'followed' or 'liked' group, business or entity. We are not necessarily directly affiliated with and do not endorse any advertisement that may appear when viewing our page, unless stated otherwise.

For more information about these guidelines and posting on our page, please telephone the Shire Office on 08 9883 6031 or email cdo@cuballing.wa.gov.au.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

1.5 Records Management Policy

Policy Statement

Documents, images and other media created, received or used by Council staff, Volunteers and external service providers in the normal course of business are the property of the Council. The Council's official Records constitute its corporate memory, and as such are a vital asset for ongoing operations, and for providing evidence of business activities and transactions.

Under current records-related legislation such as the *State Records Act*, the *Freedom of Information Act* and the accredited standard ISO 9001:2000 the Shire of Cuballing is obliged to maintain record keeping systems that are dedicated to the creation and control of Council's records. The systems have to ensure that Council's records accurately and adequately record the performance of its functions and are able to contribute towards informed decision-making at the Shire of Cuballing.

The policy applies to all government records, which are created or received by the Shire of Cuballing (or on behalf of), regardless of their media, date of creation or storage location. Complete and accurate records of all business decisions and transactions are to be recorded in the Shire's records keeping system both in respect to their content and context. The records are to be managed in accordance with the relevant legislation, the Shire's Recordkeeping Plan and Council policy and procedures.

Records Protection and Security

All records are to be managed and adequately protected and stored according to whether they are significant or insignificant records or vital records, and in accordance with their security classification definitions

Retention / Disposal actions

All records within record keeping system maintained by the Shire of Cuballing are to be disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records;

Records transfer

Records are only to be transferred according to legislative requirements and the transfer is to be recorded in the relevant record keeping system.

RESPONSIBILITIES

All employees, external service providers and volunteers have a responsibility to create, capture and manage appropriately the complete and accurate records of the Shire of Cuballing business, including records of decisions made, actions taken and transactions of daily business in accordance with the records management program, this policy and Council's records management procedures and processes.

The Records Officers:

- Ensure the Keyword Master File Program is properly utilised, including training to other staff where needed;
- advise the CEO and DCEO on the management, storage, classification, retention and disposal of records according to standards and Disposal Authorities issued by the State Records Office of Western Australia (SRO); and
- manage the transfer of hardcopy and electronic records such as images, plans and web based content, and the capture and preservation of The Shire of Cuballing.

External service providers will be responsible for:

- Ensuring that complete records are accurately created and managed that properly and adequately record evidence of the business activities of the work functions for which they are responsible. This applies to both hardcopy and electronic information, including email, images, plans and web based content;
- Complying with the requirements of the Act, and any other applicable legislation with requirements pertaining to recordkeeping;
- Respecting and protecting the confidentiality of these Records from unauthorised access and release of information, and
- Ensuring that these Records are returned to Council upon completion or termination of the Contract or work.

Objective

This policy establishes a framework for best practice management and consistency in the keeping of information in the form of documents, images, plans and web based content in both hard copy and electronic environment, in order to meet evidentiary, legislative and good governance accountabilities.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

1.6 Legal Representation Costs Indemnification

Policy Statement:

Introduction

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

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

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 (eg 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 (eg. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg. defending defamation actions)]; and
3. Statutory or other inquiries where representation of members or employees is justified.

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

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.

Applications for Financial Assistance

Subject to a requirement for urgent legal services, decisions as to financial assistance under this policy are to be made by Council.

A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.

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).

A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.

Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.

Where it is the CEO who is seeking financial support for the 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 moneys paid or payable by the local government.

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

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

Objective:

The Department of Local Government in Circular No. 11/2000 recommended that local governments adopt a policy on legal representation and costs indemnification, to assist where a member or employee is threatened with legal action, taken to court or where they require court action to carry out their functions

Resolution No: 9.2.6
Resolution Date: 21st April 2016

1.7 Shire Administration Services – Christmas New Year Period

Policy Statement:

Council will not provide services from the Shire Administration Centre from the period commencing on Christmas Day each year until and including the New Years Day public holiday.

In addition should there be only 1 day following the New Years Day Public Holiday to a weekend, Council will extend the closure to include that day.

Guidelines

For this extended period, Council will require that staff use leave allocations in the following order:

1. approved Public Holidays;
2. any rostered days off if available or other types of accrued leave that exists; and then
3. accrued annual leave.

Objective:

Council is seeking to balance the reduced demand from the public for administration services over the Christmas/New Year period and the high staff demand for leave at this time.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2. FINANCE

2.1 Local Purchasing Policy

Policy Statement:

1. The region referred to in this policy relates to include the district of the Shires of Wandering, Williams, Narrogin, Pingelly, Brookton, Wickepin and Wagin and the Town of Narrogin.
2. A price preference will apply to all tenders invited by the Shire of Cuballing for the supply of goods and services and construction (building) services, unless Council resolves that this policy not apply to a particular tender.
3. The following levels of preference will be applied under this policy:

Where purchase is less than < \$10,000 (excluding GST)
 - 3% – to businesses located within the Shire of Cuballing
 - 2% – to businesses located within region specified in Policy Statement No. 1.
Where purchase is > \$10,000 but < \$50,000 (excluding GST)
 - 2.5% – to businesses located within the Shire of Cuballing.
 - 1.5% – to businesses located within region.
Where purchase is > \$50,000 (excluding GST)
 - 2% – to businesses located within the Shire of Cuballing.
 - 1% – to businesses located within the region.
4. The maximum price reduction allowed for the levels of preference in paragraph 3 above will be \$50,000.
5. The levels of preference outlined in paragraph 2 above, will only apply to businesses that have been located within region as specified for at least six (6) months prior to the date of seeking quotations.
6. Only those goods and services identified in the quotation as being supplied locally or regionally (regardless of their origin) will be included in the discounted calculation that forms a part of the assessment of a quotation.
7. It should be noted that price is only one factor to be considered when the Shire of Cuballing assesses quotations. Value for money principles will be used to achieve the best possible outcome for every dollar spent by the Shire. This is achieved by assessing all costs and benefits rather than simply selecting the lowest purchase price.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.2 Purchasing Policy

Policy Statement:

Purchase Threshold	Policy
Up to \$3,000	<p>Goods and services may be purchased with a single verbal quotation.</p> <p>Quotations will be documented.</p>
\$3,001 – \$20,000	<p>Obtain 3 verbal or written quotations from 3 alternative suppliers.</p> <p>If the officer is unable to obtain 3 quotes this should be documented and purchase approved by a superior officer or the CEO.</p> <p>All quotations will be documented.</p>
\$20,001– \$150,000	<p>Obtain 3 written quotations from alternative suppliers, with the following conditions applying:</p> <ul style="list-style-type: none"> • Staff will allow a minimum of 10 working days for a quote to be provided. If more than 10 working days is provided, all suppliers will be allowed the same time to respond. Shorter periods will only be permitted with CEO approval should circumstances require. • The request for quotation should include as a minimum the following: <ul style="list-style-type: none"> ○ Written specification ○ Price schedule ○ Conditions of responding ○ Validity period of offer. • Offer to all prospective suppliers at the same time any new information that is likely to change the requirements. • Respondents should be advised by writing as soon as possible after the final determination is made approved. • If officer unable to obtain 3 written quotes this should be documented and the purchase approved by the CEO. • Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold.
\$150,001 and above	<p>Conduct a public tender process in accordance with the provisions for the Local Government (Functions and General) Regulations 1996.</p> <p>Council will also enforce the following additional requirements:</p> <ul style="list-style-type: none"> • Acceptance of a tender for construction projects will be subject to the execution of a contract based on the standard contract supplied by the Master Builders' Association; and • Any decision not to call tenders for goods and services valued at more than \$100,000 because of one of the exceptions listed in Regulation 11(2) shall be by Council resolution.

Staff engaged in procurement should ensure that they obtain value for money and be accountable for their actions. If staff have any doubt about whether value for money is being obtained, additional quotes should be sought.

Where it is considered beneficial to the Shire of Cuballing, the following may occur:

- tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold;
- written quotations may be called in lieu of seeking verbal quotations for purchases under the \$20,000 threshold; or
- more than one quotation or written quotation may be sought in lieu of seeking a single verbal quotation.

Objective:

This policy seeks to

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

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.3 Rates Debtor Collection

Policy Statement:

1. Final Notice

Final Notices are issued during a period about 14 days after the due date of a notice for payment of rates. Such notices are issued where no or insufficient payment has been received, or where there is no current valid instalment option.

Final Notices indicate that:

- rates are now in arrears;
- penalty interest is being charged at the rate adopted by Council; and
- if payment is not received within 7 days legal action may be taken without further notice, which will add extra costs onto the outstanding amount.

Ratepayers with rates remaining unpaid after the expiry period shown on the Final Notice will be sent a final demand letter, requiring payment in full in seven days or entry into a written payment agreement with seven days or the debt will be referred to Council's collection agency.

Ratepayers who have made contact with Council seeking deferment of payment of rates and/or payment by instalment method or are the subject of a Written Payment Agreement, be exempt from legal action for recovery of outstanding monies unless the payment schedule has been defaulted.

2. Written Payment Agreements Instalments

There are ratepayers who have not paid their rates in total, or the first instalment by the due date and have not paid their outstanding rates within 7 days of the final notice.

The Shire will accept by application a written alternative payment schedules where a written agreements specifying the dates and the amounts that are to be paid may be made is prepared.

Failure by the ratepayer to adhere to the payment schedule will result in the issue of a correspondence advising that a payment has been missed and requiring either payment in full in seven days or entry into a new written payment agreement with seven days or the debt will be referred to Council's collection agency.

Where a ratepayer fails to adhere to a payment schedule on more than two occasions in one financial year, the opportunity to enter into a third written payment agreement will not be offered again.

3. Issue of Summons or Referral to Debt Collection Agency

Rates remaining unpaid after the expiry period shown on the Final Notice or correspondence will either have a summons issued by Council's Rates Officer or be referred to Council's Debt Collection Agency for recovery.

4. Subsequent Legal Proceedings for Debt Recovery

Where a summons has been issued and remains outstanding, action will be taken to pursue that summons by whatever means necessary to secure satisfaction of the debt.

The steps to be followed for legal proceedings will be to

1. issue a General Procedure Claim (summons),
2. if not paid then a Property Sale and Seizure Order (PSSO) will be issued.

If a debt is unable to be cleared through these steps, Council approval will be sought to pursue a PSSO for Land.

Where a PSSO for Land is unsuccessful or unviable, a 3 year Land Sale as per the Local Government Act 1995 (LGA) will be pursued.

The costs of any court proceedings incurred as a result of recovery will be applied to the rates account.

Legal proceedings will cease if a ratepayer pays all of the outstanding debt or enters into a written payment plan that is accepted by Shire staff. Council will accept a payment plan where the payment plan will result in the timely discharge of a debtors' total account.

5. Right to Appeal

Each ratepayer's right to appeal in accordance with the provisions of the ~~Local Government Act 1995~~ LGA shall not be relinquished by anything in ~~the~~ this policy.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.4 Sundry Debtor Collection

Policy Statement:

1. Invoice/Infringement Notices

An invoice/infringement notice will be issued requiring payment within at most 30 days by the due date from the date of issue.

The Shire will accept a written alternative payment schedule where a written agreements specifying the dates and the amounts that are to be paid is prepared. Failure by the applicant to adhere to the payment schedule will result in the issue of a letter requiring the total amount outstanding to be paid immediately.

2. Final Statement

A final statement will be issued for all sundry debtor accounts in arrears 30 days requesting payment within 7 days.

3. Letter of Demand

Should debts remain unpaid after the expiry date shown on the Final Statement, a letter of demand will be issued requiring payment within 7 days.

4. Legal Action

Should the debt still remain unpaid, it will be examined for the purpose of determining whether a summons will be issued. Costs incurred as a result of the issue of a summons will be applied to the debtors' account. Following the issue of a summons, a reasonable offer to discharge a debtors' account will not be refused. Where a summons has been issued and remains outstanding, action will be taken to pursue that summons by whatever means necessary to secure satisfaction of the debt. This may include the issue of a Warrant of Execution against goods if necessary.

5. Further Works or Sales

Where a debt remains outstanding over 30 days, Council will not complete further works or sales with that debtor until the outstanding debt is paid.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.5 Self Supporting Loans

Policy Statement:

Each request for self supporting loans will be considered on its merits and, if deemed necessary, the organisation may be asked to provide guarantors or other acceptable security

In the event of Council agreeing to make available loan funds on a self-supporting basis to any district organisation Council reserves the right to control and/or carry out any of the following:

1. The preparation of the plans and specifications of the proposed works.
2. The calling of tenders for the proposed works.
3. The letting of the Contract.
4. The preparation and signing of the contract documents.
5. Sole supervision of the proposed works.

6. Sole authorisation of the expenditure of funds for the proposed works, whether it be to the contractor or sub-contractor.
7. Any other condition that Council sees necessary to apply to the proposed works, because of some curious circumstances which may exist.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.6 Investment Policy

Policy Statement:

1 Purpose of Policy

- 1.1 The purpose of this policy is to ensure that:
 - a. The Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act and Section 18 (1)(a) of the Trustees Act 1962 (the 'Prudent Person' rule);
 - b. At all times, the Council has in place a current set of policies and delegations for its Investments Officers (Delegation number F2); and
 - c. Adherence to the guidelines by all officers with delegated authority to invest / control surplus funds.
- 1.2 This Policy is to be made available to all employees involved in daily investment decisions.
- 1.3 Notwithstanding the provisions of this Policy, the general financial management obligations imposed under the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 should at all times be complied with.

2 Prudent Person Rule

- 2.1 The investment options available to local government authorities in Western Australia were altered in June 1997 with changes to the Trustees Act. With the passage of changes to the Trustees Act, the list of prescribed investments has been removed and replaced by the Prudent Person rule.
- 2.2 The main features of the prudent person rule include:
 - a. Exercising the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons; and
 - b. A duty to invest funds in investments that are not speculative or hazardous.
- 2.3 In exercising powers of investment, there are important matters for consideration:
 - a. The purpose of the investment and the needs and circumstances;
 - b. The desirability of diversifying investments and the nature of and risk associated with existing investments;
 - c. The need to maintain the real value of capital and income; The risk of capital or income loss or depreciation;
 - d. The potential for capital appreciation;
 - e. The likely income return and timing of the income return;
 - f. The length of the term of the proposed investment;
 - g. The liquidity and marketability of the proposed investment;

- h. The aggregate value of the investment;
- i. The effect of the proposed investment in relation to the tax liability (if any);
- j. The likelihood of inflation affecting the value of the proposed investment; and
- k. The costs of making the proposed investment; the results of a review of existing investments.

3 Investment Objectives

- 3.1 To add value through prudent investment of funds.
- 3.2 To have ready access to funds for day-to-day requirements, without penalty.

4 Authority to Invest

- 4.1 The Shire of Cuballing's surplus funds are to be invested in term deposits or negotiable certificates of deposit with the following banks in Australia including:
 - a. Commonwealth Bank of Australia
 - b. National Australia Bank
 - c. Westpac Bank
 - d. ANZ Bank; and
 - e. Bankwest

Any proposal to invest funds in another institution, for whatever reason, is to be referred to the Council.

- 4.2 For ease of operations, the bank holding Council's operational funds will be the preferred institution for investment activities.
- 4.3 Investments from the municipal, loan, reserve and trust accounts are to be kept separate and distinct.
- 4.4 Funds may be invested for a term of up to twelve (12) months based on predicted cash flow requirements.
- 4.5 The Deputy Chief Executive Officer places, withdraws or re-invests surplus funds jointly with the Chief Executive Officer in accordance with the Chief Executive Officer's delegation.
- 4.6 The Council elects to pay for the cost of securing the Federal Government Guarantee on funds if such a guarantee is available.
- 4.7 In accordance with Financial Management Regulation 19C the Shire of Cuballing will not undertake any of the following investment activities:
 - a. Lodge deposits with an institution except an authorised institution;
 - b. deposit funds for a fixed term of more than 12 months;
 - c. invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - d. invest in bonds with a term to maturity of more than 3 years; or
 - e. invest in a foreign currency.

5 Review and Reporting

- 5.1 A cash flow report is to be monitored by the Deputy Chief Executive Officer at least weekly to ensure cash funds are available to meet commitments.

- 5.2 Investments will be managed actively as they mature with reviews by the Deputy Chief Executive Officer on a monthly basis.
- 5.3 For audit purposes, certificates must be obtained from the bank confirming the amounts of investment held on the Council's behalf at 30 June each year.

Objective:

To document and provide the necessary information for the delegated officers to invest surplus funds.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.7 Purpose & Funding of Reserve Accounts

Policy Statement:

The following Reserve Accounts shall be maintained by Council and shall be for the purpose indicated and funded as detailed:

1. **PLANT & EQUIPMENT RESERVE**
PURPOSE: Purchase of new or second-hand plant and equipment as per Council's Plant Replacement Policy.
FUNDING: Transfer an amount included in Council's Plant Replacement Policy.
2. **IT & OFFICE EQUIPMENT RESERVE**
PURPOSE: Funding of Office Equipment upgrades.
FUNDING: Council to consider a transfer from Council's Municipal Fund each year.
3. **EMPLOYEE ENTITLEMENTS RESERVE**
PURPOSE: Funding of employees Annual & Long Service Leave entitlement.
FUNDING: Annual and Long Service Leave Liability and Long Service Leave Reserve is to be equal i.e. Reserve fully cash backed. Transfers to effect this to be carried out by 30 June each year.
4. **HOUSING RESERVE FUND**
PURPOSE: To purchase new and provide capital maintenance of existing Council owned housing.
FUNDING: Council to make a transfer \$5, 000 from Council's Municipal Fund each year.
5. **RECREATION AND COMMUNITY FACILITY RESERVE**
PURPOSE: To assist in the purchase new and provide capital maintenance of existing Recreation and Community facilities.
FUNDING: Council to make a transfer \$5, 000 from Council's Municipal Fund each year.
6. **REFUSE SITE RESERVE**
PURPOSE: To purchase new and provide capital maintenance to Refuse Site and Transfer Stations and to rehabilitate the former Refuse Sites in Cuballing and Popanyinning.

FUNDING: Transfer from the Municipal Fund the net surplus of refuse site income less maintenance and capital expenditure.

7. GRAIN FREIGHT RESERVE FUND

PURPOSE: to maintain the grain freight route through the district.

FUNDING: Council to consider a transfer from Council's Municipal Fund each year.

8. EQUESTRIAN CENTRE RESERVE FUND

PURPOSE: to maintain the standard of the Dryandra Regional Equestrian Centre facilities.

FUNDING: Council to make a transfer \$5, 000 from Council's Municipal Fund each year

9. ROAD AND BRIDGES RESERVE FUND

PURPOSE: to maintain and fund road and bridge projects throughout the district.

FUNDING: Council to consider a transfer from Council's Municipal Fund each year.

10. BUILDING EMPLOYEE ENTITLEMENTS RESERVE

PURPOSE: Funding of Building employees' Annual & Long Service Leave entitlement.

FUNDING: Annual and Long Service Leave Liability and Long Service Leave Reserve is to be equal i.e. Reserve fully cash backed. Transfers to effect this to be carried out by 30 June each year.

Resolution No: 9.2.6

Resolution Date: 21st April 2016

2.8 Early Payment Rates Discount

Policy Statement:

Council will provide an Early Payment Discount for rates paid before the close of business 21 days after the date of issue of Rates Notices.

Guidelines:

A discount on rates will be given in the following circumstances;

1. Payments by cheque, cash, eftpos or credit card received and receipted before close of business on the due date;
2. BPAY payments processed before close of business on the due date by the merchant; and
3. Other direct debits cleared to the Shire of Cuballing's bank account before close of business on the due date.

Council will set the rate discount percentage when adopting Council's Annual Budget.

Council's close of business is 4.30 pm.

Resolution No: 9.2.6

Resolution Date: 21st April 2016

2.9 Credit Cards

Policy Definitions:

- “Credit Card” is defined as a facility allowing the cardholder to pay for goods and services on credit.
- “Business Expense” is defined as any expense necessary to the conduct of the business or is allowed under the terms of the employee’s contract of employment with the Shire or relevant Council policies.
- “Personal Expense” is defined as any expense not of a business nature.

Policy Statement:

Shire of Cuballing Corporate Credit Cards may be used where it is inappropriate or inconvenient to use the Shire’s normal payment systems.

The preference should always be to use the Shire’s normal payment systems including purchase systems established with local businesses for purchases of fuel.

The maximum credit limits shall be based on the cardholder’s need with Council holding a \$20,000 maximum credit card facility.

All new and existing cardholders shall be provided with a copy of the policies in relation to the use of Corporate Credit and Fuel Cards.

An agreement shall be signed by the cardholder and the local government which sets out the cardholder’s responsibilities and legal obligations when using Corporate Credit. A copy of the agreement is included as an appendix to this policy.

Guidelines:

Authority for Approval of Corporate Credit and Fuel Cards

The Chief Executive Officer will approve the issue of all Corporate Credit Cards and Fuel Cards. The Corporate Credit Card limits are:

1. \$10,000 for the Chief Executive Officer;
2. \$ 5,000 for the Deputy Chief Executive Officer;
3. \$ 5,000 for the Manager Works and Services.

The Deputy Chief Executive Officer is responsible for arranging the issue of the Corporate Credit Card on advice from the Chief Executive Officer

Approved Bankers

The Shire of Cuballing’s Corporate Credit Cards are to be issued by its transactional banker.

Purchases and Use of Corporate Credit Cards

The Shire’s Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision.

Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made by facsimile, over the telephone or on the internet, an invoice should be requested to support the purchase.

If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. (Date, Company, Address, ABN, amount, any GST included).

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Cuballing's employees in that number.

Accounts and Settlement

The provider of the credit card will supply the Finance Department area with a statement of account each month.

The monthly statement of account from the provider of the corporate credit card will be forwarded to each cardholder for certification and for the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained.

Cardholders are to certify that the account details are correct. ~~The Deputy Chief Executive Officer, or in the case of the Deputy Chief Executive Officer the Chief Executive Officer, will then review the expenditure approve but must have their supervisors approve the expenses by signing the statement~~ before it is returned to Finance Department area for payment.

A credit card transaction slip is not acceptable to support the claim. A tax invoice should provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

The cardholder's certification must be provided within 7 days of receipt and prior to the end of the credit cards settlement period.

Any disputed amounts on the Corporate Credit Card statement should be brought to the attention of the Chief Executive Officer at the first opportunity by the Deputy Chief Executive Officer.

Card Lost or Stolen

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Deputy Chief Executive Officer.

Misuse of Corporate Credit Cards

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.

Recovery of Unauthorised Expenditure

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

Internal Audit of the Corporate Credit Card System

From time to time an internal audit will provide a report on the control, use, viability and adherence to authorised policy and procedures to the Deputy Chief Executive Officer.

Reward/Bonus Points

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Cuballing. The Shire's management (Chief Executive Officer) will decide how these points are to be utilised. Under no circumstances are rewards or bonus points to be redeemed for any officer's private benefit.

Return of Cards

When the Chief Executive Officer or other Officer cease to occupy a position that is authorised to be issued with a corporate credit card (either through internal transfer, retirement, resignation or conclusion of service contract) they must return the card to the Deputy Chief Executive Officer (or in the case of the Deputy Chief Executive Officer to the Chief Executive Officer) at least one week prior to vacating the position so that the card may be cancelled and the account settled.

Finance Department Responsibilities

The Finance Department area's responsibilities in relation to the Shire's Corporate Credit Cards include:

1. Maintaining a Card Register of all cardholders including the card number, expiry date of the credit card, credit limit and details of any limits on the goods and services the cardholder has authority to purchase.
2. Arranging the issue/cancellation of the Corporate Cards.
3. Arranging for all cardholders to sign the Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Card Register.
4. Processing payment of card expenditure on receipt of the card statement from the Bank after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

Cardholders Responsibilities

Officers who are issued with Corporate Cards must –

1. Ensure the care and safe keeping of the card.
2. Adhere to the policy and procedures in relation to use of the card and its financial limits.
3. Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
4. Ensure the monthly card statement is certified correct and approved for payment when received from the Finance Department area and return to Finance Department together with the receipts and tax invoices within seven (7) days of receipt.
5. Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
6. To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

Objective:

To provide details for the use, allocation, control and safe custody of corporate credit cards.

The policy looks to ensure that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

Appendix A

To: _____

Title: _____

From: Deputy Chief Executive Officer

Date: _____

CORPORATE CARD USER INSTRUCTIONS

You have been provided with a Shire of Cuballing sponsored Corporate Credit Card in line with your official duties. The limit of this card is \$ _____.

The following guidelines are provided for your information.

1. The card is issued in your name. It is a corporate card and all transactions made with it are the responsibility of the Shire of Cuballing.
2. The card is to be used for official expenditure in the performance of official duties for which there is Budget provision. Under no circumstances is it to be used for personal or private purposes.
3. Being in your name, you are responsible for the care and safe keeping of the card and therefore held accountable to the Shire of Cuballing for its proper use.
4. The card is not to be used to withdraw cash even for official functions.
5. Any unauthorised, excessive or unreasonable use of the card will result in an enquiry and appropriate disciplinary action.
6. When using the card, the holder is required to obtain Tax Invoices to support all purchases. A credit card statement or credit card transaction slip is not acceptable as support for purchases. (Only a Tax Invoice allows the Shire to reclaim the GST component of purchases from the Australian Taxation Office). A Tax Invoice should provide a description of the goods or services supplied, the suppliers Australian Business Number and identifies any GST component of the amount paid.
7. When a Statement of Account is provided, you are required to certify the correctness of the expenditure and return the Statement to the Deputy Chief Executive Officer together with all supporting Tax Invoices and appropriate expense accounts to charge the costs.
8. If the card is lost or stolen, you must immediately notify the Commonwealth Bank of Australia Card Service Centre by phone on 13 2221 (24 hour service). The Deputy Chief Executive Officer should be notified on the next working day.
9. The card must be returned to the Deputy Chief Executive Officer if you vacate the position either through resignation, retirement or the conclusion of the Service Contract.
10. Please acknowledge the above by signing and returning this statement to the Deputy Chief Executive Officer.

Name

Title

Signature

Date

2.10 Fuel Cards

Policy Statement:

Shire of Cuballing Corporate Fuel Cards may be used to purchase fuel where it is inappropriate or inconvenient to use the Shire's normal payment systems.

The preference should always be to use the Shire's normal payment systems including purchase systems established with local businesses for purchases of fuel.

Guidelines

Approved Fuel Card Provider

The Shire of Cuballing's Fuel Cards are to be issued by its local, bulk fuel supplier.

Authority for Approval of Corporate Credit and Fuel Cards

The Chief Executive Officer will approve the issue of all Corporate Credit Cards and Fuel Cards.

Issue of Fuel Cards

Fuel Cards may be issued to the following members of staff:

1. Chief Executive Officer
2. Deputy Chief Executive Officer
3. Manager Works and Services
4. Building Surveyor

A fuel card may be issued for the specific use of individual vehicle by volunteers or staff when that Shire vehicle is used for official duties.

Use of Fuel Cards

The use of fuel cards by employees is restricted to fuel purchases only.

Objective:

To provide details for the use, allocation, control and safe custody of corporate fuel cards.

The policy looks to ensure that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.11 Asset Management

Policy Statement:

Council is committed to implementing a systematic asset management methodology in order to apply best case practices across all areas of the local government. Asset maintenance,

acquisition and disposal should be managed in accordance with Council's service delivery priorities and ensure long term sustainability.

When considering Asset Management, Council will be guided by the following key principles:

- Prior to purchase, renewal or major works on an Asset, critically consider Council's need and the viability of the expenditure
- Consider "whole life" cost of the Asset and its incorporation into Council's Long Term Financial and Asset Management Plans
- Ensure that Asset Management decisions are financially sustainable for Council's reality
- Consult with community and key stakeholders to ensure that service levels being delivered are as desired
- Ensure all Asset information is up to date to ensure that all planning and decision making is based on accurate information in both the short and long term
- Allocate appropriate resources to ensure that the maximum life is achieved for each asset and represents value for money
- Continually seek opportunities to maximise asset use and value to the community

Objective:

To provide an overall framework to guide the consistent strategic management of Council's Assets. This Policy will be complimented by an Infrastructure Management Plan.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.12 Reserve Fund Interest

Policy Statement:

Council shall accumulate any interest earned on a reserve fund balance in that Reserve Fund Account.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

2.13 Contiguous Valuations

Policy Statement:

Definitions

"Contiguous" means:

- a) Where survey boundaries abut or adjoin;
- b) Where locations or lots are separated by a road, drain or watercourse reserve, they may be deemed contiguous; or
- c) In exceptional circumstances, some properties may be deemed by the Valuer General to be contiguous, even though their boundaries do not strictly adjoin. In such cases the matter should be referred to the Valuer General or appropriate Chief Valuer, who may be guided by advice provided by the local government.

"Same Ownership" means

- a) Same names as per Certificate of Title; and/or
- b) Ratepayers name for recording on the Valuation Rolls, advised by the local government authority

Principles

Group Valuations for Contiguous Unimproved Valuation (UV) Properties

That where a ratepayer applies to have their currently separately valued properties assessed for contiguous valuation, application be made to the Valuer Generals Office on land/location/lots that meet all of the following requirements;

1. That land/location/lots are contiguous;
2. That the land/location/lots are used for one purpose; and
3. That the land/location/lots are under the same ownership/ management.

and must provide the following documentation:

1. A statutory declaration detailing the land is used for one purpose, ownership details, and a statement of who the ratepayer will be in the rate book; and
2. Copies of Certificates of Titles, Lease Documents or a statement from all "Title Holders" confirming that the land is under one management.

Group Valuations for Contiguous Gross Rental Valuation (GRV) Properties

That where a ratepayer applies to have their currently separately valued properties assessed for contiguous valuation, application be made to the Valuer Generals Office on land/location/lots that meet all of the following requirements;

1. That land/location/lots are contiguous;
2. That the land/location/lots are used for one purpose; and
3. That the land/location/lots are under the same ownership/ management

And must provide the following documentation:

1. A statutory declaration detailing the land is used for one purpose; and
2. Copies of Certificates of Titles.

Guidelines:

To be exercised in accordance with the valuation of Land Act 1978, Sections 4 (1), 18, 23 and that final approval is granted by the Chief Executive Officer.

Objective:

This policy provides guidance and clarity on the treatment of contiguous valuation of land requests for UV and GRV of properties made to the Valuer Generals Office.

Resolution No: 9.1.4
Resolution Date: 15 December 2016

2.14 Creditor Names on Online Documents

Policy Statement:

The names of all Creditors shall be removed from online copies of the List of Accounts Submitted for Council Approval and Payment Monthly Report in Agendas and Minutes and replaced with creditor numbers for identification.

All hardcopies will show full creditor names and will be available at the Shire Administration Office for the general public to review any payment made as part of the monthly report to Council.

Objective:

To reduce Council risk of fraudulent behaviour through impersonation of legitimate suppliers.

Resolution No:

Resolution Date:

3. COUNCIL

3.1 West Australian Wildflower Floral Emblem

Policy Statement:

The Shire has adopted “Dryandra” as a plant representative of this area.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.2 Use of the Shire of Cuballing Logo

Policy Statement:

That local community groups and business entities be permitted to use the Shire of Cuballing emblem for the promotion of Cuballing provided it is used in its original design and its original colour or black and white format.

Permission must first be obtained from the Chief Executive Officer, who shall ensure that the item to be endorsed is acceptable.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.3 Participation in local ANZAC Day Ceremonies

Policy Statement:

Representatives of the Shire of Cuballing will lay wreathes on behalf of Council at the Cuballing and Popanyinning Anzac Day Dawn Memorial Services held on 25th April each year.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.4 Australian Flag

Policy Statement:

The Australian Flag will be flown on the Council Administration Centre flagpole every working day of the year.

On any day of any funeral held within the Shire or on the day of the funeral of a present or former Cuballing resident, or any other proclaimed day, the Chief Executive Officer will authorise the flag to be flown at half-mast.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.5 Council Meeting Agenda

Policy Statement:

No business shall be included on an agenda, or dealt with by Council at a Council meeting, unless accompanied by a written report from the appropriate officer together with a recommendation(s).

1. The Officers' reports are to substantially follow the recommended format in the guide prepared by the Department of Local Government for the Preparation of Agendas & Minutes.
2. The Officers' reports and recommendations are to be included in the minutes of the meeting at which they are presented.
3. It Council agendas will be available for Councillors by 2pm on the Friday preceding the Council meeting day.

Matters that require a Council Resolution will be received not less than ten working days prior to the next Ordinary Council Meeting for inclusion in that Meeting's agenda.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.6 Use of Council Chambers

Policy Statement:

The Council Chambers shall be used for Council and Committee meetings and Management Committees of the Council and other times at the discretion of the Shire President or Chief Executive Officer.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.7 Functions upon Retirement of Councillors

Policy Statement:

Council will recognise Councillors who have completed at least six years service as a Councillor of the Shire of Cuballing by way of a reception or official dinner.

Should two or more Councillors retire at the same time, a single reception or official dinner will recognise the service of all of the retiring Councillors.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.8 Presentations for Elected Member Service

Policy Statement:

Council will recognise Councillors who have completed service as a Councillor of the Shire of Cuballing by way of an appropriate gift costing up to

1. \$150 for retiring or defeated Councillors who have completed at least six years service; and
2. \$300 for retiring or defeated Councillors who have completed at least ten years service

Upon retirement all Councillors, regardless of length served, shall be presented with their name plate.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

3.9 Council Meetings

Policy Statement:

The Ordinary Council Meetings of the Shire of Cuballing will be held on the third Thursday of each month, commencing at 3.00-2pm.

No meeting will be held in January

Resolution No: 9.2.6
Resolution Date: 21st April 2016

~~3.10 Councillor Expenses~~

~~Policy Statement:~~

- ~~• Council will only reimburse travel costs incurred by members for attendance at duly convened Council meetings; attendance at duly convened Committee meetings where that member has been officially appointed as a member and it is a Councillor only Committee (no members of the public); and attendance at functions/meetings/seminars where that Councillor has been appointed to attend by Council resolution and that resolution provides for travel costs to be reimbursed.~~
- ~~• Council will pay accommodation costs of authorised delegates and their partners to conferences and functions as approved by Council.~~
- ~~• Council will pay meal costs for authorised delegates and their partners to conferences and functions approved by Council.~~
- ~~• Council will pay expenses (eg: phone, taxi fares for local government business) for authorised delegates only to conferences and functions approved by Council.~~

~~Council will reimburse the costs incurred by members in using their private vehicles to attend meetings/functions/seminars as defined within this policy, that are held at the Shire Office. If~~

~~Councillors are required to represent the Shire at a meeting/function/seminar not held in Cuballing and Shire vehicle is unavailable, Council will reimburse the costs incurred by the member in using their private vehicle to attend that meeting/function/seminar.~~

~~A Shire vehicle will be made available wherever possible for councillors to attend functions/meetings/seminars as representatives of the Shire of Cuballing. Members may choose to provide their own transport, however where a Shire vehicle is made available and not utilised or is used for the purpose by another councillor and councillors choose not to travel together, travel costs will not be paid for the private transport.~~

~~Reimbursing the costs incurred by members for using their private vehicles on Council business shall be by paying to the member an amount as determined by Statute, on receipt of a duly completed and signed claim form.~~

~~For payment of meeting attendance fees or reimbursement of travelling and other expenses or allowances provided for, members shall complete the appropriate claim form when payment is sought.~~

~~Other expenses which may be approved by Council for reimbursement are:~~

- ~~1. an expense incurred by a councillor in performing a function under the express authority of Council~~
- ~~2. an expense incurred by a councillor in performing a function in his/her capacity as a Council member.~~

~~The extent to which an expense referred to in 1 or 2 can be reimbursed is the actual amount, verified by support information.~~

~~Objective:~~

~~The Local Government Act 1995 provides for the fees, expenses and allowances which may be paid or reimbursed to Council Members (currently fax/telephone rental and child care) or as approved by resolution of Council where members attend functions/meetings/seminars as representatives of the Shire of Cuballing.~~

~~Resolution No: 9.2.6~~

~~Resolution Date: 21st April 2016~~

3.10 Councillor Expenses

Policy Statement:

1. Where a Councillor is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay for travel costs incurred in attendance. The costs of travel include:
 - in a Councillors vehicle can be reimbursed by Councillors through their quarterly meeting expense claim forms;
 - will be paid directly by Council where specific bookings and/or reservation are required. Examples of this would be travel by airline.
2. Where a Councillor is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay for suitable accommodation. This accommodation:
 - will be at the conference venue where ever possible; and
 - may be jointly used by the partner and/or family of Councillor where there is to be no extra charge for doing so;

If a Councillor chooses to stay with relatives or friends in lieu of accommodation at a hotel or motel, an allowance of \$100 per night may be provided. Councillors shall claim this allowance in writing, in advance if required.

3. Where a Councillor is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay expenses incurred at the Council provided accommodation venue up to \$150 per day. These expenses may include, but is not limited to including, but not limited to meals, telephone expenses and parking;
4. Where a Councillor is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay incidental expenses incurred as part of the attendance. These expenses may include but is not limited to expenses including taxi, train or bus fares or expenses incurred outside an accommodation venue. A Councillor will provide written justification of the cost and/or necessity of the expense and a receipt of purchase of the expense.

Resolution No:

Resolution Date:

~~3.11 Councillor and Staff Allowances (Daily Meal & Expense Allowance)~~

~~Policy Statement:~~

~~When Councillors or staff are absent from the Shire of Cuballing on training courses, meetings, conferences or other Shire business, they have the opportunity to claim a daily allowance of \$100.00 to cover meals not provided for in accommodation tariff and other expenses such as (but not limited to) phone calls and parking. The allowance is to be paid on the basis of \$100.00 for each night spent away from the Shire of Cuballing.~~

~~The allowance may also be claimed when a Councillor or staff member stays in private accommodation.~~

~~Councillors and officers are not required to produce receipts for expenditure associated with this policy, however, in recognition of prepayment, are required to pay the full amount of the hotel/motel expenses in excess of the accommodation component at the time of checking out.~~

~~The allowance may be prepaid, at the discretion of the Chief Executive Officer.~~

~~Objective:~~

~~When Councillors and staff are required to be away, the options are for them to be accommodated at hotels or motels where the Shire meets the entire cost of accommodation, meals, phone calls, parking and other incidental expenses, (daily cost in the range of \$300.00 – \$400.00) or to stay in private accommodation, where no cost is incurred by the Shire.~~

~~This policy makes provision for those Councillors and staff making their own accommodation arrangements to be reimbursed for the meals and incidental expenses they incur even though they are saving the Shire significant costs in not incurring accommodation expenses.~~

~~Resolution No: 9.2.6~~

~~Resolution Date: 21st April 2016~~

3.11 Councillor Attendance at Conferences, Seminars or Workshops

Guideline

Council supports and, wherever possible, will take advantage of appropriate training and networking opportunities for Councillors

Policy Statement:

In attending Conferences, Seminars or Workshops priority is to be given to:

1. the attendance of any new Councillor at any induction or training course specifically organised for the benefit of new Councillors.
2. any course or seminar that is specifically relevant to Councillors and the Shire of Cuballing;
3. Conference, seminars, courses or meetings organised by organisations of which Council is a member or has an interest in. Priority for attendance of these events will given to Council's appointed representatives to those organisations.
4. All Councillors and the CEO and their partners are entitled to attend the WALGA State Conference.

The CEO will determine the attendance of a Councillor at a conference, seminar, training course or meeting. In making this determination, the CEO will consider:

1. the perceived value of the attendance of a Councillor to the Shire of Cuballing; and
2. the costs of a conference, seminar, training course or meetings and the availability of a budget allocation. All costs including travel (motor vehicle, air fares, train, etc.), accommodation, meals, related conference registration and any other costs will be considered; and
3. any other matter deemed significant by the CEO.

After the decision of a CEO on attendance, a Councillor may request that Council make a determination on a Councillors attendance. Attendance at conferences in other States requires the prior approval of Council.

A verbal report on the conference attendance is to be provided to Council during the next Council Briefing Session, with this report to be in writing if requested by the Shire President.

Resolution No:

Resolution Date:

3.12 Tablet Devices for Councillor Use

Policy Statement:

Provision of Digital Tablet Devices to Councillors

The Shire of Cuballing is committed to providing efficient and effective means of supporting elected members in the decision making processes of the Council. Council business papers are provided to Councillors in hard copy paper format as a primary source of advice and information.

The Shire also maintains a digital business paper system which delivers agendas, minutes and other business papers via digital tablet devices. Tablet devices may be provided to

Councillors for the purpose of accessing Council business papers through the Shire's specified digital business paper system.

Councillors may receive business papers in three ways –

- a. Paper only.
- b. Both Paper and the digital business paper system.
- c. Digital business paper system only.

Where a Councillor elects to receive only digital business papers, the Councillor must demonstrate to the satisfaction of the Chief Executive Officer a moderate level of competency in using both the allocated digital tablet device and the digital business paper system.

A Councillor vacating office after serving at least one 4 year term of office may either assume ownership of the device or hand the device back to the Shire.

Conditions of Use

1. At all times the Shire issued tablet shall remain the property of the Shire of Cuballing and is subject to this tablet usage policy, Council IT Usage Policy and the Code of Conduct.
2. The Shire reserves the right to require the return of a tablet at any time for any reason. If the return of a tablet is requested it must be returned within 24 hours of the request being made.
3. Councillors issued with a tablet are expected to understand the conditions of use, exercise the same care, security and careful use of the tablet as if it were their own property.
4. Tablets must not be left unattended in motor vehicles at any time.
5. Tablets must never be checked-in as baggage on an aircraft and must always be taken on board as hand luggage.
6. Malfunctions or any other technical problems with tablets should be reported immediately by the user to the Deputy Chief Executive Officer so that steps can be taken to have the problem rectified by an approved technician as quickly as possible. Under no circumstances is the user of a tablet to organise repairs to a tablet directly with the manufacturer.
7. Lending a tablet to any third party is strictly prohibited.
8. The Shire of Cuballing will supply and maintain appropriate virus scanning software on the device. The use of unauthorised software is strictly prohibited. Unauthorised software may be deleted from an individual's iPad.
9. The misuse or serious abuse of the tablet will result in it being returned to the Shire, this includes activities such as:
 - a. Violating copyright
 - b. Intentionally sending viruses or destructive content
 - c. Sending and/or disclosing of inappropriate content (i.e. illegal, immoral, offensive or obscene material, pornographic, erotic images, race or religious based material),
 - d. Sending material that uses offensive language, sending, disclosing and/or distributing personal or confidential information held by Council.
 - e. Sending, disclosing and/or distributing slanderous and/or defamatory material.
 - f. Sending emails as a form of harassment, bullying or threatening behaviour.
 - g. Make disparaging or any adverse comment about Council, any policy or decision of Council or any of Council's related employees, contractors and other Councillors.
 - h. Any act that contravenes a law or is a criminal offence.
 - i. Any act that may have a negative impact to Council.

Use of Digital Tablet Devices by Councillors

A Councillor provided with a Shire owned digital tablet device is responsible for keeping the device in good working order. A Councillor is to use his or her own personal account to access the tablet operating system platform supported by the Shire, e.g. iTunes, Microsoft account, Google account.

With the exception of accessing the Shire's wireless internet system which is available at the Administration Office, a Councillor is responsible for the cost of accessing wireless internet at his or her home and other locations.

Replacement of Digital Tablet Devices for Councillors

The tablet device is provided for the Councillor's continuous term of office and will only be replaced –

- a. when a change in City business systems or technology warrants; or
- b. when the functionality of the device and applications impairs effective communication; or
- c. through accidental loss or breakage.

A Councillor must ensure that any personal information or software applications on the digital tablet device is removed or backed up prior to replacement.

Personal use of the tablet by Councillors is permitted so long as local government business takes precedence.

Support of digital tablet devices allocated to Councillors

A Councillor provided with a Shire owned digital tablet device is responsible for keeping the device in good working order. Any loss of, or damage to the device must be reported immediately to the Deputy Chief Executive Officer, who will assess whether repairs need to be undertaken and/or a replacement device arranged.

A standard suite of operational software applications will be installed on Councillor digital tablet devices. Other applications may be installed by a Councillor at his or her own cost.

The Shire will provide training to a Councillor to develop their competencies in the use of the allocated digital tablet device.

Records Management Procedures

All emails sent from a tablet are subject to the same records keeping requirements as hard copy documents. Users are to ensure that emails are managed according to the Shire's Records Keeping Plan, State Records Office guidelines and in accordance with internal records procedures. Emails that constitute a record are to be sent to the Administration (Records) Officer or the relevant administration officer for registration into the Shire's electronic records management system.

Objective:

To set guidelines on the proper use of a Shire of Cuballing issued tablet device for Councillor use.

Resolution No:

Resolution Date:

4. STAFF

4.1 Private Use of Shire Light Vehicles

Policy Statement:

Senior staff, as a part of their salary package, are able to negotiate private use of the Council vehicle assigned to their position.

This private use is to have the following restrictions:

1. The vehicle is not to be driven further east than the state border (Unless prior agreement has been granted by Council).
2. The vehicle is not to be driven further North than Carnarvon (Unless Prior agreement has been granted by Council).
3. A fuel card may be provided for every vehicle owned by Council with private use privileges. Fuel for the vehicle is to be purchased locally or using this fuel card or a Council credit card if provided.
4. Every Council vehicle is to be available for Council purposes at times when the employee is at work.
5. If the vehicle is to be used outside of working hours for private use Council's employee is to be preferred driver at all times unless due to tiredness or some other reason that may impair the judgment of the employee when driving. In this case the authorised driver may request another person to complete the journey (this person may not be an authorised officer of Council) with employee as a passenger in the vehicle.
6. Unlimited private of the vehicle extends to the Spouse or Partner of the Executive outside of work hours. All normal restrictions apply. Spouses and Partners are not however entitled to sign for fuel at Council's supplier. This must be completed by the employee.
7. Persons under the age of 21, Learner Drivers or probationary drivers are not permitted to drive a Council vehicle under any situation due to insurance, unless the driver is a "Direct Employee" of Council.
8. Should an employee reside outside the Shire of Cuballing, either upon commencement or at some other time of their employment, Council may only permit private use of a Council vehicle if the new residence is located within 50 kilometres of the Cuballing townsite.

Objective:

To establish a guideline for the use of Council Administration vehicles outside of work hours.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.2 Use of Shire Information Technology (IT) Facilities for Staff

Policy Statement:

1 General Use

The Shire of Cuballing reserves the right to, without notice, modify, upgrade, withdraw or otherwise alter any facilities provided.

The Shire of Cuballing has ownership of all files and e-mail messages stored on Shire computers and reserves the right to examine all computer data and software on its facilities and to monitor usage in order to ensure compliance with this Policy.

Users must respect the resource limitations of the IT facilities provided. Resources are not infinite.

Any facilities provided to users are for the business purposes of the Shire of Cuballing. The Shire will not be responsible for meeting any costs resulting from either the misuse of facilities or the use of facilities for non-business related purposes.

The Shire of Cuballing supports only those facilities which it provides for business purposes. Hardware, software, operating systems and networking protocols not in use at, or provided and approved by, the Shire of Cuballing Deputy CEO, are not supported.

2 Storage

All corporate information including correspondence, minutes of meetings, memos, file notes and reports (other than those generated through the Shire's databases) are to be stored in the Records Keeping System. This is consistent with the legislative requirements of the State Records Act 2000.

E-mails and faxes, sent and received, and of corporate nature must be captured and stored in the Records Keeping System. This is consistent with the legislative requirements of the State Records Act 2000.

Corporate documents must not be stored on desktop computers or on portable media (i.e.: floppy disks, CDs, DVDs). There are appropriate methods for storing draft and 'working' documents within the Records Keeping System. Network drives are provided for non-corporate documents only and only limited quotas are allowed. It is the responsibility of each staff member to understand what documents should be stored in the Records Keeping System, this information can be obtained from the Records Department.

Only the network drives and corporate systems are backed up. 'C' drives and other Local drives are not backed up and users will be responsible for any loss of data stored on this drive or on portable media.

Duplication of data is to be avoided.

3 Installing Unauthorized Software or Files

Users must not purchase, install, update, copy or use any software without prior written consultation with the Deputy CEO.

All software and updates are to be evaluated by the Deputy CEO for compatibility with the Shire's existing hardware and software, software licensing agreements, copyright and other intellectual property rights, availability of budget funds, and virus protection.

The use of any files that are subject to Copyright regulations that have not been authorised in writing for use by the Copyright owner are not permitted to be used or stored on the Shire of Cuballing systems.

The installation and use of third party "screen savers" is not permitted.

4 Access to Computer Facilities

Users may use only those facilities, which they have been properly authorised to use by the relevant Manager/Director. Authorisation must be provided to IT Services in writing before access is provided and/or modified.

Users may not use any of the facilities provided by the Shire of Cuballing in such a way as to reflect negatively upon the Shire either in part or as a whole.

Users may not use any of the facilities provided to them by the Shire of Cuballing in such a way as to achieve personal gain or to earn income external to their employment at the Shire.

The playing of games on Shire computers is not permitted.

Where the use of any IT facility is governed by a password, the password must not be inappropriately divulged to any other person.

Users must take every reasonable precaution to ensure that their passwords, accounts, software and data are adequately protected. We recommend that no passwords are written down and kept at or near a user's desk.

Any computer account or facility allocated to a user is for their exclusive use. The user must not allow another person to use it without appropriate authorisation from Deputy CEO or CEO.

Users will comply with any directive (verbal, written or electronic) from Deputy CEO relating to access to IT facilities.

Users must treat IT facilities and telephones with respect. Any wilful damage sustained to equipment will result in the costs of repair being sought from the user of the equipment. Any damage sustained to equipment as a result of neglect may result in the costs of repair or replacement being sought from the user of the equipment.

Food and beverages should not be consumed in close proximity to IT equipment.

Users must be aware that the use of mobile computing facilities may result in significant communications costs. When users do not have access to local call connections to the Shire, on-line time should be kept to a minimum. The Shire of Cuballing may not be responsible for any excessive costs incurred.

Remote access to the Shire of Cuballing IT facilities is provided on a needs basis. Those seeking such access will need approval in writing from the Deputy CEO. Users with remote access must take extra care in relation to security issues and report any breaches (or perceived breaches) of security immediately to IT Services, and must use passwords with at least 8 characters and must contain a mixture of upper and lower case alpha characters and numbers.

The Shire of Cuballing reserves the right to perform system maintenance tasks outside regular Administration Centre working hours. Where abnormal maintenance tasks are planned notification of the anticipated down time will be communicated if possible. If staff has a particular need for after hour's access to IT facilities they should liaise with the Deputy CEO in advance to arrange access options.

5 Security

Regardless of the prevailing security, or lack of security, users shall not access any data or software except data or software that belongs to the user or have been provided for their use, or is stored on a shared medium for which they have been granted access.

Users must not attempt to rename, delete, or modify the data of another user without prior authorisation from the Deputy CEO, except in the following circumstances:–

- For data or files stored on a shared network facility or transferred in/out via a shared network facility.
- Under direction of their supervising officer(s) to amend data or files stored in a personal directory.

Anti-virus software protection is provided at both server and desktop level. If a user suspects that their machine has become infected with a virus (or similar type entity) it should be reported immediately to the Deputy CEO.

Users are encouraged to log out of their workstations when they are not in use.

Users should correctly shut their computer systems down before finishing work each day, unless otherwise requested by the Deputy CEO.

Users must report to the Deputy CEO, without delay, any breaches (either real or perceived) of security.

6 Voice Mail

Voice Mail is a corporate resource for business use and serves to provide a minimum level of customer service when a telephone is unattended. Where possible telephones should be diverted to another officer.

The system should be used for its intended purpose and not used as a means of avoiding answering telephone calls.

The legitimate use of Voice Mail is for cases where staff are out of their offices for short periods where phone calls would go unanswered. Voice Mail should not be used to take calls when staff is on leave.

Users must work with each other to minimise the reliance on Voice Mail as much as possible. This will serve to ensure that a high level of customer service is maintained.

7 IT Support

The Shire of Cuballing outsources the management of its IT systems on an as needed basis. Users must understand that they should not contact any IT support directly, rather refer the matter the Deputy CEO who will assess and arrange for support as required.

8 Internet and E-mail

The provision of Internet browsing facilities to a user must be authorised in writing by the Deputy CEO or CEO.

E-mail users must check their e-mail frequently, delete any unnecessary messages promptly and manage their e-mail files wisely. Limits are set on mailbox sizes; therefore users should make sure e-mails are registered into the Records Keeping System.

When commencing leave, staff should utilize the ability of the email software to forward incoming mail to the person who is acting in the position during their absence.

Outlook Calendars are regarded as a management tool and should be made available for other staff to review. Personal appointments can be marked 'Private' so reviewers may not see the details of the content.

9 What is Acceptable Use in Regards to Internet and E-Mail?

Subject to the balance of this policy, employees may use the Internet access provided by the Shire of Cuballing for:–

- Work-related purposes;
- Sending and receiving personal email messages, provided that if email messages are sent with a Shire of Cuballing email address in the from: or Reply-To: header, a disclaimer shall accompany the email to the effect that the views of the sender may not represent those of the Shire of Cuballing;
- Accessing the World Wide Web including social networking websites for limited personal purposes during an employee's normal lunch breaks;
- Utilizing any other Internet service or protocol for personal purposes after obtaining permission in writing, to do so, from the Shire's Deputy CEO; and
- E-mail messages of a corporate nature that leave the Shire of Cuballing destined for an external organisation are public records and must be captured in the Records Keeping System. Any corporate e-mail messages that officers receive must also be captured in this manner. If the user is unclear of how to capture the correspondence in the Records Keeping System themselves such messages should be forwarded to Records staff to facilitate this legislative (State Records Act 2000) requirement.

Use under Section 9 of this policy is conditional upon in each case that the personal use is moderate in time, does not incur cost for the Shire and does not interfere with the employment duties of the employee or his or her colleagues.

10 What is Not Acceptable Use in regards to Internet and E-mail?

Except in the course of an employee's duties or with the express permission of the Shire, the Internet access provided by the Shire may not be used for:–

- Personal commercial purposes;
- Sending unsolicited bulk email such as advertising or announcements that are not related to Council business to any group;

- Sending any e-mail that is inappropriate, for example, e-mails that contains pornographic material, profanity, racial and sexual discrimination, forwarding of hoaxes, chain-mail, spam, harassing colleagues or knowingly sending or forwarding virus-infected e-mails;
- Disseminating confidential information of the Shire of Cuballing;
- Any illegal purpose;
- Knowingly causing interference with or disruption to any network, information service, equipment or any user thereof;
- Disseminating personal contact information of officers or employees of the Shire without their consent;
- Knowingly causing any other person to view content which could render the Shire liable pursuant to equal opportunity or sexual discrimination legislation at the suit of that person; or
- Knowingly downloading or requesting software or media files or data streams that are not related to Shire business;
- Sending e-mails that has documents attached, to multiple users within Council. Documents of corporate value should be registered in the Records Keeping System, and can be referred to in e-mails. If a document is not of corporate value it can be stored on the Shared drive and referred to in an e-mail;
- The use of real-time messaging services such as ICQ or MSN or Yahoo.
- Web sites including but not limited to those of the following nature:–
 - Games.
 - Personal Shopping / Auctions.
 - Entertainment.
 - Adult Entertainment.
 - Pornography.
 - Personal Internet E-mail (such as GMail, Hotmail or Yahoo).
 - Chat Rooms / Channels.
 - Social networking sites for personal purposes (such as Facebook or Twitter).

11 Example of Disclaimer to be used

This e-mail message, including any attached files, is private and may contain information that is confidential. Only the intended recipient may access or use it. If you are not the intended recipient please delete this e-mail and notify the sender promptly. The views of this sender may not represent those of the Shire of Cuballing. The Shire uses virus-scanning software but exclude all liability for viruses or similar defects in any attachment.

12 Consequences of Unacceptable Use

The Shire of Cuballing may monitor logs of Internet usage which may reveal information such as which Internet servers (including World Wide Web sites) have been accessed by employees, and the email addresses of those with whom they have communicated. The Shire of Cuballing will not, however, engage in real-time surveillance of Internet usage, will not

monitor the content of email messages sent or received by its employees unless a copy of such message is sent or forwarded to the company by its recipient or sender in the ordinary way, and will not disclose any of the logged, or otherwise collected, information to a third party except under compulsion of law.

Responsibility for use of the Internet that does not comply with this policy lies with the employee so using it and such employee must indemnify the Shire of Cuballing for any direct loss and reasonably foreseeable consequential losses suffered by the Shire by reason of the breach of policy.

The Shire of Cuballing will review any alleged breach of this Acceptable Use Policy on an individual basis. If the alleged breach is of a very serious nature which breaches the employee's duty of fidelity to the Shire, the employee shall be given an opportunity to be heard in relation to the alleged breach and if it is admitted or clearly established to the satisfaction of the Shire the breach may be treated as grounds for dismissal.

Council reserves the right to refer an employee's use of Shire IT facilities to an appropriate law enforcement agency for alleged illegal use.

Otherwise, an alleged breach shall be dealt with as follows:–

- Initially, the employee shall be informed of the alleged breach, given an opportunity to respond to the allegation, and if it is not satisfactorily explained, be asked to desist from or where applicable to remedy the breach.
- If the breach is not desisted from or remedied, The Shire of Cuballing may either withdraw the employee's access to the Internet or provide a first warning to the employee, to which the employee shall have an opportunity to respond.
- If the infringing conduct continues the employee may be given a second and a third warning, to each of which he or she shall have an opportunity to respond.
- If a breach is committed after the third warning the employee may be dismissed.

Objective:

This policy outlines the conditions governing the use of all Information Technology (IT) facilities provided by the Shire of Cuballing to ensure it is used in an appropriate manner.

The policy applies to staff and to others to whom access to IT facilities has been provided.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.3 Staff – Attendance at Army Reserve

Policy Statement:

That it be the policy of Council to maintain the salaries and wages of any of its employees who are engaged on armed services reserve duties

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.4 Superannuation – Council Contribution

Policy Statement:

Council may contribute at a matching rate of 1.0 times the employees additional contributions up to a maximum of 6% for all employees who are voluntary self-contributing members of a Superannuation Scheme. This includes approved salary sacrificing arrangements between Council and an employee.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.5 Conference Attendance – Staff

Policy Statement:

~~Attendance to a conference of a regional nature by the Chief Executive Officer will be in accordance with their Contract of Employment or at the discretion of the Shire President and under conditions he/she considers outlined above will be considered by Council on their merits, appropriate in the circumstances.~~

Departmental Heads Senior Staff are permitted to attend at least one annual conference each year of their professional organisation **or other conference considered to provide appropriate professional development, within the State, at the discretion of the CEO, or in the case of the CEO, by the Shire President.** at the discretion of the CEO, ~~on the basis of nomination fees and subsistence being met by Council.~~ Applications are to be submitted to the Chief Executive Officer in writing.

~~Attendance at conference of a regional nature by staff will be at the discretion of the Chief Executive Officer and under conditions he/she considers appropriate in the circumstances.~~
The CEO, or in the case of the CEO the Shire President, will determine the attendance of a Staff Member at a conference, seminar, training course or meeting. In making this determination, the CEO, or Shire President will consider:

1. **the perceived value of the attendance of attendance to the professional development of the Staff Member and the Shire of Cuballing; and**
2. **the costs of a conference, seminar, training course or meetings. All costs including travel (motor vehicle, air fares, train, etc.), accommodation, meals, related conference registration and any other costs will be considered; and**
3. **any other matter deemed significant by the CEO or Shire President.**

Attendance at conferences in other States requires the prior approval of Council.

At least a verbal report on the conference attendance is to be provided to Council during the next Council Briefing Session, with this report to be in writing if requested by the CEO or in the case of the CEO the Shire President.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.6 Staff Gratuity Payments

Policy Statement:

Council may consider the payment of gratuity to a terminating employee who has given loyal and dedicated service to the Shire, which is in addition to that stipulated by an Award or contract with the employee. Such a payment is at the sole discretion of Council.

As a general guide, the gratuity may be in the order of –

- Over 5 and less than 10 years service – \$75 per year of service
- More than 10 years service – \$100 per year of service

The gratuity will not exceed 50% of the employee's annual salary or wage being paid at termination.

The gratuity may be in cash or in kind.

In deciding if a gratuity shall be paid, Council will take into consideration the service record of the employee, in particular the number of entitled sick days the employee has not used. Particular attention will be paid to the employee's attitude towards the Council's objectives and the willingness to contribute towards those objectives without necessarily expecting recognition or reward.

Objective:

To ensure all Local Government staff are familiar with the legislative requirements regarding gratuities for the formal recognition of satisfactory and extended service by Local Government employees.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.7 Service Allowance

Policy Statement:

All staff employed by the Shire of Cuballing shall be entitled to receive a Service Allowance, in accordance with the following:

1. Staff employed for a minimum period of six (6) months to receive a Service Allowance of \$150 per annum paid on a fortnightly basis;
2. After two (2) years' service, a bonus of \$7.00 per week;
3. After five (5) years' service, a bonus of \$10.00 per week;
4. After ten (10) years' service, a bonus of \$15.00;
5. After fifteen (15) years' service a bonus of \$20.00 per week;

All employees will receive a \$50 Christmas bonus to contribute to the Council Christmas Function whether they attend or not;

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.8 Payment of Adverse Working Conditions Allowance

Policy Statement:

That the Adverse Working Conditions Allowance – Level 1, payable under the Local Government Industry Award, be paid to eligible employees whilst on annual leave and long service leave.

Objective:

To clearly indicate when the Industrial Allowance is to be paid if employees' are absent from work due to leave entitlements.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.9 Police Clearance/Medical Examination – New Employees

Policy Statement:

That all new employees of the Shire of Cuballing be required to undergo a medical examination and obtain a Police Clearance, at the Shire's expense, prior to taking up their appointment.

Objective:

To ensure that all new employees are medically fit and are suitable to undertake the duties of the position for which they are under consideration.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.10 Administrative Staff Uniforms

Policy Statement:

That Administrative staff employed under the Local Government Industry Award, be provided uniforms, ~~after the completion of a three month probationary period,~~ in accordance with the following:

1. ~~Upon commencement Council will contribute~~ **provide uniforms selected by the employee of a value** up to \$500 ~~to the initial purchase of the uniform.~~
2. **Council will provide uniforms up to a value of \$300 annually.** ~~will be replenished thereafter on a needs basis.~~

Guideline

Only permanent full time and permanent part time employees who have satisfactorily completed any probationary period are eligible.

Administrative staff, who have a clause relating to the provision of uniforms in their contract, are excluded from this policy.

In this policy “uniforms” is defined as the FBT exempt Local Government uniform arranged by WALGA.

Nothing in this policy restricts staff from purchasing or wearing their own, additional office attire if they choose.

Objective:

To encourage ~~counter administration~~ staff to wear uniforms so that they promote an ~~acceptable uniform professional~~ appearance to the general public.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.11 Workplace Incentive – Flu Needle

Policy Statement:

That Council reimburses the difference between the amount repaid by Medicare and the doctor’s account to any employee electing to have a flu needle, on presentation of the doctor’s account and Medicare statement

Objective:

To encourage less absenteeism therefore reduce the need to employ casuals and maintain staff morale.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.12 Works Staff Uniform

Policy Statement:

That staff uniforms be provided to all works staff incorporating reflective colours that meet the Australian Standards.

Each employee is to be provided with a uniform kit that includes:

- ~~3 pair of shorts~~ – Replaced on an as needs basis
- 2 3 pairs of long pants (Safety Variety with reflectors) – Replaced on an as needs basis
- 5 long sleeve shirts (Safety Variety with reflectors) – Replaced on an as needs basis
- 2 Jumpers (Safety Variety with reflectors) – Replaced on an as needs basis
- 1 Rain Coat (Safety Variety with reflectors) – Replaced on an as needs basis
- Safety Boots issued upon start if required – Replaced on an as needs basis
- 1 Wide Brim Hat – Replaced on an as needs basis

Uniforms will be replaced upon presentation of old uniforms.

Staff who arrive at work not wearing the provided uniform will be directed to return home to change before being allowed into the workplace and this time will be considered as leave without pay on the employee's time card. Continuation of this behaviour will result in the workplace relation agreement being terminated.

An employee is allowed to enter the workplace without the required uniform where a medical certificate is provided with a reason justifying for noncompliance, or extenuating circumstances considered acceptable by the Works Supervisor.

Objective:

To have staff wear uniforms so that they promote an acceptable uniform appearance to the general public and meet safety standards

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.13 Education, Training and Development

Policy Statement:

Professional Qualifications

The Shire of Cuballing supports career path progression. Managers have an ongoing responsibility to consider the training and development needs of their employees and to identify deficiencies and emerging skills gaps.

In all instances, staff must seek approval prior to commencing studies. Subject to prior approval, the fees for relevant professional education may be met or subsidised by the Shire on the following basis:

- The course must be relevant to the employee's position and assist in achieving the objectives of the key responsibility areas of the position description.
- The course must be of benefit to the Shire either in the employee's current role or future area of work.
- The Shire is committed to providing options for permanent employees to improve their skills.
- In instances where the proposed training is deemed to have a greater benefit to the employee than the Shire, the employee will be expected to make a contribution towards the cost of the training. This contribution will be at the discretion of the CEO. For example, if it is considered that the employee and the Shire will both benefit by 50%, the employee will be expected to contribute 50% of the cost of the training.
- Employees must pay for the approved unit(s) up front and pass the unit(s) prior to requesting reimbursement of fees.
- The Shire of Cuballing may consider reimbursement of non tuition fees such as books up to a maximum of \$200 per semester.
- Student fees, parking and incidental expenses are the responsibility of the student and do not qualify for assistance under this Guideline.
- When an Employee is required to attend an examination held during normal working hours for a subject receiving assistance under this Guideline, paid leave will be granted for the time of the examination as well as one half day prior to the examination for study.
- Staff must be mindful of the fact that achieving a higher level of qualification does not automatically entitle the staff member to a higher classification.
- Termination Clause – if the Shire agrees to cover the cost of elective education, it is on the condition that the staff member undertakes to remain in the employment of the Shire

of Cuballing for a period of twelve (12) months from the successful completion of the course. All staff receiving assistance under this Guideline will be required to sign an undertaking to repay fees should the staff member leave within twelve (12) months. This undertaking will also give the Shire the right to deduct any such monies from the final payment. The reimbursement sum will be based on a sliding scale of eight percent (8%) per month.

Training

Training expenditure will be allocated according to the needs of the Shire and reviewed on an annual basis.

The CEO will have final arbitration over training priorities according to the Shire's strategic requirements.

Managers have an on-going responsibility to consider and identify the training and development needs of their employees through the performance and development review process. Any training approval must be considered in conjunction with the training plan established at the employee's performance review.

The Shire of Cuballing will actively encourage employees to attend training courses or further education to enhance skill levels, as required by the staff review process.

Guidelines

The Shire of Cuballing is supportive of reimbursing Study Expenses, within budgetary constraints, for employees who are undertaking studies relevant to their Shire of Cuballing role and responsibilities. All permanent employees are eligible for consideration for study assistance. Permanent part time employees are eligible for consideration on a pro-rata basis.

A Training Plan will be formulated each year during the Annual Performance Review process, or in the case of new appointments, proposed training will be agreed upon at the time of appointment. Training assistance required must be identified during the performance appraisal process so that budgetary allowance can be made for the following financial year.

Education (being the acquisition of general, tertiary and professional skills and qualifications) is the responsibility of the individual employee. This does not preclude the Shire from assisting an employee (eg assistance with tertiary fees) but such assistance is extended at the discretion of the Shire and is not an employee right.

Training (being the extension and/or enhancement of skills and knowledge to enable employees to be more effective in their jobs and/or to provide for future progression) is the joint responsibility of the Shire and the employee.

A maximum of \$3,000 per annum may be paid by the Shire for approved training or education.

Associated Procedure – Employee Study Assistance

1. Applications for study assistance must be submitted to the relevant Executive Manager prior to commencement of study.
2. The Executive Manager will review the application and make a recommendation to the Chief Executive Officer.
3. Approval of study assistance shall be at the discretion of the Chief Executive Officer. Approval to be provided to the staff member in writing.

Objective:

The Shire of Cuballing encourages employees to pursue professional/personal development by enhancing skills, qualifications and knowledge required to:

- Meet the key responsibilities of their position.
- Achieve the Shire's strategic and operational objectives.
- Maximise personal and professional potential.
- Reduce personnel turnover and maintain high morale levels through providing satisfying and challenging professional growth opportunities.
- Enable the Shire of Cuballing to continually improve the level of advice and standard of service provided to the Shire of Cuballing community.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.14 Staff Leave Entitlements

Policy Statement:

Employees shall be entitled to Annual and Long Service Leave consistent with the provisions of employment contracts and any relevant employment Award and Local Government (Long Service Leave) Regulations.

All employees shall take annual leave and long service leave within one year from the date in which it is accrued unless with the written permission of the Chief Executive Officer.

Objective:

To clearly indicate employee leave entitlements.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.15 Staff Time in Lieu Entitlements

Policy Statement:

Employees shall be entitled to take time off instead of paid overtime consistent with the provisions of the relevant employment Award or their employment contract with the Shire.

Employees will not accrue more than five days (38 hours) worth of Time in Lieu before taking time off.

Objective:

To clearly outline employee entitlements for the accrual and use of time in lieu.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.16 Staff Presentations on Resignation

Policy Statement:

The Shire of Cuballing will make a contribution towards the purchase of a gift and/or function for any employee voluntarily leaving the employ of Council in accordance with the following table

Years of Service	Council Contribution
0<5 years	Nil
Each subsequent year	\$50 per year

The Shire of Cuballing will upon termination will provide in provide light refreshments and drinks up to the value with the following table. Where ever possible every effort will be made to combine two or more staff members functions for cost effectiveness.

Years of Service	Council Contribution
0<2 years	Nil
2<5 years	\$100
5<10 years	\$400
10<20 years	\$1,000
>20 years	\$2,000

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.17 Job Interview Expense Reimbursement

Policy Statement:

The Shire of Cuballing will not reimburse interview expenses of job applicants.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

4.18 Smoke Free Workplace

Purpose

The Shire of Cuballing promotes good health and healthy lifestyle choices for all employees and also has an obligation to ensure compliance with legislatively imposed requirements associated with smoking restrictions.

The Shire recognises that individuals have the right to make a personal choice to smoke, however, is committed to ensuring that persons within the workplace are not exposed to the hazards of tobacco smoke.

Scope

This Policy applies to all Shire staff, volunteers, work experience students, labour hire workers and contracted services providers and extends to all enclosed workplaces, including plant and vehicles, as well as enclosed public places that are owned, rented or leased by the Shire.

Definitions

Tobacco smoke includes that generated by cigarettes, cigars, pipes or “E–cigarettes”

An enclosed workplace means that as defined in the Occupational Safety and Health Regulations 1996 (WA), Regulation 3.44AA.

An enclosed public place means that as defined in the Tobacco Products Control Regulations 2006 (WA), Regulation 8.

Policy

Smoking is prohibited within the following designated areas:

- Enclosed workplaces
- Enclosed public places
- Within five metres of any air intake, window or entrance to Shire of Cuballing buildings, owned, rented or otherwise controlled by the Shire
- Shire vehicles or mobile plant, including when there is a sole occupant
- In the presence of non–consenting persons at the workplace
- Areas identified through the display of “No Smoking” signage

The use of electronic cigarettes or other vaporising devices intended for the delivery of nicotine or other substances is considered as smoking and also subject to prohibition requirements in areas so designated.

All waste products from smoking shall be disposed in a safe manner and shall be ensured to be fully extinguished prior to disposal.

All forms of tobacco advertising, promotion, sponsorship and sale of tobacco products are prohibited at Shire workplaces.

Products that are prepared and labelled for human therapeutic use, such as nicotine replacement gum, lozenges, patches and inhalers are exempt from these guidelines.

The Shire encourages employees who are considering quitting smoking to utilise available support services including:

- Make Smoking History website
- Quitline – 13 78 48
- The Shire Employee Assistance Program
- LGIS Health and Wellness Services – (08) 9483 8826

References:

Occupational Safety and Health Act 1984 (WA)
Occupational Safety and Health Regulations 1996 (WA)
Tobacco Products Control Act 2006 (WA)
Tobacco Products Control Regulations 2006 (WA)

Resolution No: 2017–68
Resolution Date: 20th July 2017

4.19 Conference Expenses – Staff

Policy Statement:

1. Where a Staff Member is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay for travel costs incurred in attendance. The costs of travel include:
 - in a private vehicle can be reimbursed by Staff through a written claim. Priority is to use a Council vehicle for such travel;
 - will be paid directly by Council where specific bookings and/or reservation are required. Examples of this would be travel by airline or booking a hire car.

2. Where a Staff Member is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay for suitable accommodation. This accommodation:
 - will be at the conference venue where ever possible; and
 - may be jointly used by the partner and/or family of Councillor where there is to be no extra charge for doing so;

If a Staff Member chooses to stay with relatives or friends in lieu of accommodation at a hotel or motel, an allowance of \$100 per night will be provided. Staff members can submit a written claim.

3. Where a Staff Member is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay expenses incurred at the Council provided accommodation venue up to \$150 per day. These expenses may include, but is not limited to meals, telephone expenses and parking;

4. Where a Staff Member is authorised to attend a conference, meeting, course or other legitimate Council business, the Shire of Cuballing will pay incidental expenses incurred as part of the attendance. These expenses may include but is not limited to expenses including taxi, train or bus fares or expenses incurred outside an accommodation venue. A Staff Member will provide written justification of the cost and/or necessity of the expense and a receipt of purchase of the expense.

5. ROADS AND ENGINEERING

5.1 Sand Drift

Policy Statement:

Council will act to prevent, reduce or repair damage and nuisance caused by sand drift from private property by the following steps:

1. Once such a problem in any location becomes obvious, a letter will be sent to the owner of the land from which sand or loose material is originating, to deal with sand drifts and requesting that person to immediately take steps to prevent further sand drift from their property.
2. If no satisfactory action is taken by the land owner 12 months after Council has informed the owner of the seriousness of the situation, then action may be taken by Council.

Objective:

All Council actions will be aimed at preventing sand drift, as well as reducing and repairing the effects of sand drift by the co-operative actions of Council and private property owners.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.2 Pedestrian Access

Policy Statement:

No person, nor organisation shall be permitted to sell, display or offer goods or services in any public access way, street or footpath, except by prior agreement of the Chief Executive Officer or his/her nominee.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.3 Storm Water Disposal – Private Developments

Policy Statement:

Where the topography, general site conditions and/or nature of development precludes on site storm water disposal, any expense incurred by Council in providing a storm water disposal system over and above that normally required for the effective disposal of storm water collected from within the boundaries of the street will be recovered from the developer.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.4 Private Works

Policy Statement:

Council will only undertake private works as approved by the Chief Executive Officer or Manager Works and Services in the following circumstances:

1. for ratepayers where the value of works billed is likely to be under \$2,000 and does not detract from Councils normal works programming.
2. Direct requests from developers/individuals when local contractors either have not accepted the contract or are unable to do so.
3. For sporting and local non-profit organisations.
4. Direct requests from Government Departments.
5. Council employees are permitted to hire Councils Plant & Equipment for works on their own property or minor private tasks subject to it not involving commercial profit or gain. In these circumstances only duly trained personnel shall operate the hired machinery and all cost of hire be charged at normal adopted rates unless the hirer is also the trained operator. In such cases the charge to apply will be the adopted Council hire fee less the operator's hourly wage rate and overhead calculation

Council staff be permitted to use Council's gardening equipment on Council rented property without charge – provided that prior approval has been obtained from the Chief Executive Officer. The Chief Executive Officer must obtain prior approval from the Shire President if he/she wishes to utilise equipment.

Guidelines:

Where private works are to be carried out,

1. the estimated cost of the works requested, shall be pre-assessed and provided to the resident, ratepayer or business ordering the private works; and
2. the resident, ratepayer or business will acknowledge their acceptance of that estimated cost in writing prior to the works commencing.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.5 Acquisition of Road Making Materials

Policy Statement:

Road making materials, normally gravel or sand, would be taken from reserves under Council's control whenever possible.

Where the required quantity, quality or type of material is unavailable from Council controlled areas and the materials may be more conveniently available from private properties, the following would be the normal procedure:

1. Calculate total requirement for project or yearly requirement of material from proposed pit.
2. Request authority to search for materials from owners. Use of entry powers or compulsory acquisition is to be a last resort.

3. If suitable material is located, an agreement will be reached with the owner as to compensation for materials removed and to the rehabilitation completed by Council.
4. Council will pay a royalty for material extracted from private landholders' pits rather than complete works in kind. Council will set this royalty fee as part of the budget process.
5. Works to re-habilitate the gravel pit once materials have been removed shall take place and will take the form of such works agreed on before material extraction takes place.

These works may include:

- a. fencing,
 - b. tree planting
 - c. deep ripping,
 - d. stockpiling of original topsoil and spreading after the extraction is completed,
 - e. levelling,
6. Priority must be given at all times to reasonable negotiation to reach an amicable agreement mutually acceptable to Council and the private property owner prior to the commencement of extraction.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.6 Motor Vehicle Replacements

Policy Statement:

Motor Vehicles will be replaced at the appropriate time to provide Council with maximum price advantage for the changeover of the vehicles.

Trucks and other larger plant items will be replaced in accordance with Councils Plant Replacement Program (as reviewed from time to time).

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.7 Manager Works & Services Plant Report

Policy Statement:

A summary of Mileage/hours for each major plant or vehicle shall be recorded and included in the Manager Works & Services Plant Report.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.8 Cable Laying

Policy Statement:

Where Council's reserves or road reserves are to be disturbed for cable laying, this work shall be carried out by a ditch witch and not ripped by a bulldozer

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.9 Property Access and Crossovers

Policy Statement:

1. Definition

A “crossover” is the part of a driveway between the property boundary and the edge of the road carriageway.

2. Urban (Town Site) Crossovers

Council will contribute

1. up to \$125 or 50% of the cost, whichever is the lesser, towards a new gravel crossover which requires no pipes; OR
2. up to \$250 or 50% of the cost, whichever is the lesser, towards a new gravel crossover with < 225mm diameter pipes.

All other costs shall be borne by the landowner. In new subdivisions, the total cost of crossovers shall be borne by the developer.

Documentary evidence of expenditure and digital photographic record of works required to claim subsidy.

If crossover not constructed to relevant standards as listed then no subsidy is payable. A crossover may need to be removed at the installer’s expense and replaced if not constructed to specified standards.

3. Rural Crossovers

Council will subsidise the construction of one cross-over (up to the width of 12 m) per location. The length of cross-overs; the provision of culverts; and the general standard of construction will be at the discretion of Council – with each case being treated on its merits.

Council’s subsidy shall be 50% of the cost of construction where the cost of construction includes Shire staff labour, Shire staff labour overheads, Shire plant costs and the full cost to Council of materials including, but not limited to, pipes, signs and white posts required in the construction.

Any additional cross-overs required by the property owner shall be provided at his/her own cost.

In new rural subdivisions, the total cost of crossovers shall be borne by the developer.

If required the minimum culvert pipe diameter shall be 225mm, however the Manager Works & Services will determine if a larger diameter pipe is required

When determining the location of a crossover within the property boundary, for safety reasons it is imperative that road users can see a vehicle on the crossover in time to stop in an

emergency, and that the driver of a vehicle on the crossover can see approaching road user in enough time to be able to judge whether it is safe to enter the road.

Where sight distance is restricted, the crossover shall be positioned to give the best possible sight distance.

The following factors may determine the crossover location where there is ample sight distance.

➤ Vegetation

Clearing of native vegetation shall be minimised, taking into account other factors. Clearing for safe sight distance may occur if necessary.

➤ Drainage

Drainage requirements shall be taken into account. If it is possible to locate the crossover on a crest of a hill, it may be possible to avoid the cost of drainage and also achieve maximum sight distance.

➤ Other

Other factors, such as existing services, may also be considered when determining the location of crossovers.

4. *Maintenance Costs*

Landowners are responsible for the maintenance of their crossovers. Council may require a landowner to repair a crossover by issuing a written notice. If the repairs are not carried out within a reasonable period of time, Council may arrange to have the repairs completed and recover the costs from the landowner.

5. Applications for Crossovers

Applications shall be made in writing by the landowner to Council before any crossover is constructed, and Council shall respond, either disallowing or approving the crossover, and setting conditions if appropriate. This applies to any crossover, whether a Council contribution is sought or not.

Council approval to any application shall have a two year limit, following which the landowner must reapply if the crossover is not constructed within two years from approval.

Upon completion, the landowner shall provide a copy of the invoice if they have requested a Council contribution. No contribution will be paid if the landowner has not put in an application and received Council approval prior to the crossover being constructed.

Urban crossovers shall be constructed of 150mm compacted thickness of gravel and commercial crossovers shall be constructed of 200mm compacted thickness of gravel. Compaction shall be effected by rolling the gravel in damp condition in order that it is firm enough to not be able to be kicked out or likely to cause wheel spin.

No change shall be made to the existing road drainage (alignment of levels) without prior agreement from Council.

Crossovers must be constructed to Council's standard to qualify for a Council contribution.

6. Entry Statements or Retaining Walls

All structures other than standard precast culvert headwalls, shall be approved by Council prior to construction. Following approval, the structure becomes the responsibility of the owner, i.e. Council will not accept responsibility for any liable event, costs or maintenance of this structure.

7. Cross Over Requirements

GENERAL REQUIREMENTS				
	Single Residential	Grouped Housing Multiple Dwellings	Light Industrial Commercial	Heavy Duty
Width @ property line Min Max	2.7 6m	3m (up to 4 units) 4m (4+ units)	6m 11m	6m 11m
Width @ road edge or kerb Min Max	3.7m 7m	4m 5m	7m 12m	7m 12m
Minimum setback from property line on intersecting street	6m	7.5m	10m	10m
Angle to road edge or kerb	90 degrees			
Ratio of flaring to road edge or kerb	2 : 1			
Minimum step up from road level road edge	20mm Only applies to Brick, Concrete and Bitumen driveways			
Minimum setback from light poles and boundaries	500mm			

SPECIFIC INSTALLATION REQUIREMENTS (to be read in concert with general requirements)				
Driveway Type	Single Residential	Grouped Housing – Multiple Dwellings	Light Industrial – Commercial	Heavy Traffic
Gravel Driveway	150mm gravel compacted and water bound in 50mm layers	Not permitted for ROW construction or common property Driveways in grouped or multiple dwelling development	200mm gravel compacted and water bound in 50mm layers	300mm gravel compacted and water bound in 50mm layers
Bitumen	Preparation as per gravel driveway except to be finished with two coats of sprayed bitumen with 6 to 10mm blue metal aggregate	Not permitted Common Property Driveways in grouped or multiple dwelling development	Preparation as per gravel driveway except to be finished with two coats of sprayed bitumen with 6 to 10mm blue metal aggregate	
Concrete Driveway	100mm thick mass on a minimum of a 150mm compacted sand bed (compact in layers not exceeding 75mm. Control joints to be @ maximum 3m centres at a ratio not exceeding 2:1. Expansion joints required at property boundary, at any intersection with a public pathway, concrete kerb and any service boxes (Telstra, Water Corporation that may be located in driveway)		100mm concrete reinforced with F62 mesh on a 150mm compacted road base. Expansion joints required at property boundary, at any intersection with a public pathway, and concrete kerb.	To be engineer designed
Brick	50mm block paver on 200mm compacted sand bed Compact in layers not exceeding 75mm) Header courses required at property boundary, at any intersection with a public pathway, concrete kerb and any service boxes (Telstra, Water Corporation that may be located in driveway) Expansion joint required at point of intersection between paving and street kerbs + public paths Pavers to have concreted edge restraint and at the property boundary, and junctions with paths & kerbs		To be engineer designed	To be engineer designed

Objective:

To provide details on crossover requirements and definition

Resolution No: 9.2.3
Resolution Date: 16 June 2016

5.10 Heavy Vehicle Operations

Policy Statement:

That Council supports Restricted Access Vehicles, including road trains and B Doubles, to service local industry throughout the Shire of Cuballing provided the roads to be used are deemed suitable.

Council will support the following access to roads with the Shire of Cuballing

Road Name	RAV Class	Intersection From	Intersection To	Conditions
Cuballing East Rd	6	Campbell St	Wickepin Boundary	Unconditional Access
Wandering – Narrogin Rd	4	Wandering LGA Boundary	Narrogin LGA Boundary	Unconditional Access
Cuballing West Rd	4	Campbell St & Dungog St	Wandering – Narrogin Rd	LVCA Type 1
Campbell St	4	Cuballing West Rd & Dungog St	Northam – Cranbrook Rd & Cuballing East Rd	LVCA Type 1
Gaths Rd	4	Stratherne Rd	Murbys Rd	LVCA Type 1
Murbys Rd	4	Pauley Rd	Nottles Rd	LVCA Type 1
Pauley Rd	4	Cuballing East Rd	Wickepin LGA Boundary	LVCA Type 1
Popanyinning West Rd	4	Northam – Cranbrook	Wandering LGA Boundary	LVCA Type 1
Popanyinning East Rd	4	Reed Road	Wickepin LGA Boundary	LVCA Type 1
Springhill Rd	4	Bow St & Darcy St	Wandering – Narrogin Rd	LVCA Type 1
Stratherne Rd	4	Northam – Cranbrook Rd	Wickepin LGA Boundary	LVCA Type 1
Wardering Rd	4	Cuballing East Rd	Wickepin LGA Boundary	LVCA Type 1
Webbs Rd	4	Stratherne Rd	Yornaning East Rd	LVCA Type 1
Yornaning East Rd	4	Northam – Cranbrook	Stratherne Rd	LVCA Type 1
Yornaning West Rd	4	Cowcher St No 21	Wandering – Narrogin Rd	LVCA Type 1
Congelin – Narrogin Rd	4	Nebrikinning Rd	Williams LGA Boundary	LVCA Type 1
Williams Rd	4	Northam – Cranbrook	Wandering – Narrogin Rd	LVCA Type 1
Austral Street	4	Campbell St	Brundell Street	LVCA Type 1

Road Name	RAV Class	Intersection From	Intersection To	Conditions
Cowcher Street	4	Northam – Cranbrook	For 0.75km	LVCA Type 1
Darcy Street	4	Springhill Rd	Northam – Cranbrook	LVCA Type 1
Batts Rd	4	Pennys Rd	Williams Rd	LVCA Type 2
Brands Rd	4	Wandering – Narrogin Rd	Stevens Rd	LVCA Type 2
Dents Rd	4	Northam – Cranbrook	0.75km East Of Youngs Rd	LVCA Type 2
Dews Rd	4	Bunmulling Rd	Stratherne Rd	LVCA Type 2
Forestry Rd	4	Yornaning West Rd	Pennys Rd	LVCA Type 2
Grout Rd	4	Springhill Rd	Cuballing West Rd	LVCA Type 2
Kerruish Rd	4	Pingelly – Wickepin Rd	Townsend Rd	LVCA Type 2
Leesons Rd	4	Pauley Rd	Modra Rd	LVCA Type 2
Melchiorre Rd	4	Congelin – Narrogin Rd	For 4.35 Km	LVCA Type 2
Merwanga Rd	4	Williams Rd	Pingelly LGA Boundary	LVCA Type 2
Napping Pool Rd	4	Pingelly LGA Boundary	Popanyinning West Rd	LVCA Type 2
Neamutin Rd	4	Chopping Rd	Stratherne Rd	LVCA Type 2
Nebrikinning Rd	4	Wandering – Narrogin Rd	Congelin – Narrogin Rd	LVCA Type 2
Nottles Rd	4	Wickepin LGA Boundary	Stratherne Rd	LVCA Type 2
Pennys Rd	4	Wandering – Narrogin Rd	Popanyinning West Rd	LVCA Type 2
Reeds Rd	4	Popanyinning East Rd	Pingelly LGA Boundary	LVCA Type 2
Schoolars Rd	4	Northam – Cranbrook	For 1.75 Km	LVCA Type 2
Shaddicks Rd	4	Popanyinning East Rd	Bunmulling Rd	LVCA Type 2
Short Rd	4	Cuballing East Rd	For 3.07 Km	LVCA Type 2
Stevens Rd	4	Wandering – Narrogin Rd	Wandering LGA Boundary	LVCA Type 2
Strahans Rd	4	Cuballing East Rd	Leesons Rd	LVCA Type 2
Tanners Rd	4	Pingelly LGA Boundary	Popanyinning East Rd	LVCA Type 2
Taylors Rd	4	Stratherne Rd	For 2.55 Km	LVCA Type 2
Wades Rd	4	Wardering Rd	Narrogin – Kondinin	LVCA Type 2
Walsh Rd	4	Pauley Rd	Gaths Rd	LVCA Type A
Youngs St	4	Yornaning East Rd	Dents Rd	LVCA Type 2
Dixons Rd	4	Stratherne Rd	Nottles Rd	LVCA Type 2 Intersection Nottles Rd & Dixons Rd : No Access To Or From Nottles Road
Halls Rd	4	Wardering Rd	Narrogin – Kondinin	LVCA Type 1 Intersection Wardering Rd & Halls Rd : No Access To Or From Wardering Road

Road Name	RAV Class	Intersection From	Intersection To	Conditions
Modra Rd	4	Leeson Rd & Leeson Rd	Pauley Rd	LVCA Type 2 Intersection Leeson Rd & Modra Rd: No Access To Or From Leeson Road
Parsons Rd	4	Stratherne Rd	Cuballing East Rd	LVCA Type 2 Intersection Cuballing East Rd & Parson Rd : No Access To Or From Cuballing East Road

Conditions of Use on Local Roads

The conditions that Council will seek to impose on use of local roads will be:

1. Unconditional access. Roads with these conditions would be of the higher standard and good condition. These routes would be made available to all vehicles and should be expected to be used as through routes for vehicles from outside the shire;
2. Low Volume Conditional Access Type 1. These roads would be of a decent standards and relatively good condition. It is Council's desire to have these roads made available for local traffic to allow economic freight use by local residents and ratepayers. The conditions for use of these roads include:
 - Not to be used as a through route. For local delivery and pickup only;
 - Current written approval from the Shire of Cuballing, endorsing use of the road, must be obtained, carried in the vehicle and produced upon request;
 - Direct radio contact must be maintained with other RAV's to establish their position on or near the road (suggested UHF channel 40).
3. Low Volume Condition Type 2. These roads can be of a low standard. It is Council's desire to have these roads made available for local traffic to allow economic freight use by local residents and ratepayers. The conditions for use of these roads include:
 - Not to be used as a through route. For local delivery and pickup only;
 - Driver must carry documentation as proof of local delivery or pickup and produced on demand;
 - Current written approval from the Shire of Cuballing, endorsing use of the road, must be obtained, carried in the vehicle and produced upon request.
 - Headlights must be switched on at all times.
 - Direct radio contact must be maintained with other RAV's to establish their position on or near the road (suggested UHF channel 40).
 - Road not to be entered until driver has established by radio contact that there is no other RAV on the road travelling in the oncoming direction
 - The RAV must not exceed a speed of 40 km/h

Objective:

To control the use of local roads by Restricted Access Vehicles so as to limit damage to roads and to ensure the safety of road users where possible.

Resolution No: 9.2.6
Resolution Date: 15th September 2016

5.11 Road Reserve Vegetation and Clearing

Policy Statement:

Adjoining land owners are permitted to clear trees and vegetation within one and a half (1.5) metres of the fence line to allow access, fence erection and maintenance.

Should it be desired that other trees outside of this line be cleared, they be individually marked for inspection by a Shire representative to allow consideration and submission of a clearing permit.

Objective:

The object of this Policy is to ensure representative stands of remnant vegetation remain and wherever possible long term trees, grass trees and undergrowth be left undisturbed

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.12 Provision of Business Signs

Policy Statement:

That Council will permit requests for business to erect white on blue directional signs showing the location of their business subject to:

1. The business paying for the cost of the signs, including any poles brackets;
2. The business paying for the cost of Council staff to erect the sign.

Objective:

1. To establish a direction concerning how the costs shall be shared between the applicant and the Shire.
2. To remove the necessity for each application to be referred to Council.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.13 Access to Council Reserves to Collect Flora and Fauna Specimens

Policy Statement:

Council will consider giving access to collect seed, flora specimens and fauna in land vested in Council for non-profit groups whose activities will provide a benefit to the local area.

In accessing Council's reserves, permission will be given subject to the following conditions:

- permission will only be granted for periods up to one year at any one time. This should not discourage applications for subsequent periods;
- sighting by Council of proof of current public liability insurance of at least \$5 Million;
- adherence to DPaW Guidelines on native seed collection;
- appropriate hygiene measures be followed at all times to prevent the spread of plant disease and weeds;

- all care be taken to avoid the disturbance of fauna habitat;
- all care be taken to avoid any disturbance that may lead to soil degradation;
- all staff are to wear high visibility safety clothing; and
- any stationary vehicles are to use revolving amber flashing lights.

Objective:

Council manages a range of property with natural vegetation including nature reserves vested in Council and road reserves. These plants are a valuable resource and this policy seeks to guide Council's responsible management.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.14 Use of Council Plant by Community Organisations

Policy Statement:

Council will permit the use of Council plant to be used for no cost for the purposes of local non-profit organisations subject to the following conditions:

1. that the plant is only to be operated by a suitably trained and experienced Council employee;
2. that the plant is available and is not required by Council for any other purpose.
3. Council will not transport plant for this purpose;
4. that the local non-profit organisation has sought written permission at least seven days in advance; and
5. that the use does not continue for longer than six hours.

Objective:

To establish a guideline for the use of Council Plant by non-profit organisations.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

5.15 Impounding and Disposal of Abandoned Vehicles

Policy Statement:

Council imposes the following conditions and requires the following procedures to be adhered to when dealing with "abandoned vehicles".

1. If the vehicle is on private property, the owner of that property can ask Council to remove a vehicle from their property. Council will charge a fee for this service.
2. If the vehicle is not on private property, then Council will remove the vehicle and pay for the costs of removal.
3. The vehicle will then be relocated to the Shire Depot compound until Council can determine if the vehicle is abandoned.

The procedure for handling abandoned vehicles is:

1. Staff will take photograph of the vehicle that has been identified as possibly abandoned.

2. Staff will search vehicle for owner identification, being aware of hazards, ‘sharps’, chemicals etc.
3. Place sticker on window of vehicle advising ‘Reported to Shire’,
4. Staff will arrange removal within 24 hours, noting investigation number, time and date etc.
5. After 24 hours have passed from the sticker being placed on the vehicle window, Council will remove the vehicle to the Shire Depot compound.
6. Council will contact the Police to obtain authority to search for the identity of the vehicle’s owner, by:
 - a. Registration search on the vehicle – search required of DPI Licensing system to determine owner; or
 - b. Where no registration plates are on the vehicle, obtain engine number (VIN) from the vehicle and search DPI Licensing system to determine owner.
7. If the owner is identified within 7 days from the above searches, then Council will give notice to the person advising that the vehicle may be collected from the refuse site during hours of operation and to pay the costs incurred by Council in carrying out the removal, impounding and keeping of the vehicle. (Form 10.18B)
8. If after carrying out the above searches Council is unable to determine the owner of the vehicle within 7 days, then the vehicle is declared either:
 - a. an “abandoned vehicle wreck”. Council can sell a vehicle if it has not been collected within 7 days of this declaration under S3.47(2)(b) of the Local Government Act 1995. An “abandoned vehicle wreck” means a vehicle that is under S3.40A(5) of the Local Government Act is:
 - i. “not operational” – the vehicle is not registered, or Council is not in possession of the keys for a vehicle; and
 - ii. The owner of the which has not been identified; and
 - iii. The value is less than \$200 in accordance with regulation 29A of the *Local Government (Functions and General) Regulations 1996*, the prescribed manner in which that value is to be calculated is that the value is to be based on the local private sale value of a vehicle of the same, or a similar, model, year and condition; or
 - b. An “impounded vehicle”, as it has a market value of \$200 or more and requires impoundment for a minimum of 2 months.
9. Ranger to remove plates (if any) and hand into Licensing section at Shire Office.
10. The vehicle will be disposed of as outlined in determination of the market value shown below.

Estimated Market Value	Method of Advertising	Action
\$1 – \$500	Notices seeking offers for purchases shall be displayed on the Shire of Cuballing’s notice boards, Facebook and on the website.	Any vehicle not purchased will be disposed of at the Cuballing Transfer Station.
\$501 – \$5,000	Notices seeking offers for purchases shall be advertised with local public notice and displayed on the Shire of Cuballing’s notice boards, Facebook and on the website.	Any vehicle not purchased will be disposed of at the Cuballing Transfer Station.
\$5,001 +	Items shall be tendered as per the requirements of S3.58 of the Local Government Act 1995.	Any vehicle not purchased will be disposed of at the Cuballing Transfer Station.

Objective:

To provide a policy that deals with the removal, impounding and disposal of abandoned vehicles.

Resolution No: 2017–13

Resolution Date: 16th February 2017

6. BUSH FIRE CONTROL

6.1 Fire Reports

Policy Statement:

The Chief Bush Fire Control Officer or Fire Control Officer in the area will submit written reports of any wild fires

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.2 Inspection/Prosecutions – Firebreaks

Policy Statement:

In the event of inspections of firebreaks taking place in the Shire of Cuballing the following policy of procedure is followed:

1. The Fire Break inspection to commence no later than seven days after the 1st November.
2. The Fire Break inspection is to be completed within two days, weather permitting.
3. The Fire Break inspection to be carried out in accordance with Council Policy and supply a report to the Chief Executive Officer, who will act according to Item 4 and/or Item 5. No warning or advice to be given to offenders.
4. Council will write to property owners who in the last five years have complied with Council's Fire Break Order, advising that the property does not comply with Council's fire break notice and they have seven days to have their property meet the requirements of Council's Fire Break Order.

After that seven days expires another property inspection will occur. Council will write to the property owners whose properties still do not comply stating that:

- a. The property does not comply with Council's fire break notice;
- b. Council will complete the fire breaks on the offending property and charge the property owners for that work.

Council will also issue and Infringement Notice and fine for the property owner for not complying with Council's Fire Break Notice.

5. Council will write to property owners who in the last five years have on occasion NOT complied with Council's Fire Break Order, stating that:
 - a. the property does not comply with Council's fire break notice;
 - b. Council will complete the fire breaks on the offending property and charge the property owners for that work.

Council will also issue and Infringement Notice and fine for the property owner for not complying with Council's Fire Break Notice.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.3 Harvest Ban to Include Movement of Machinery and Vehicles in Paddocks

Policy Statement:

Harvesting Bans include a Ban on the Movement of Machinery and Vehicles in Paddocks, and this is to be included on the Harvest Ban Notice.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.4 Use of Shire Plant During Harvest and Movement of Vehicle Bans

Policy Statement:

At times of harvest and movement of vehicle bans, Shire staff will cease road construction and maintenance activities other than activities deemed to be emergency.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.5 Weather Instruments

Policy Statement:

That the Chief Bush Fire Control Officer and Fire Weather Officers are to be issued with instruments to determine the weather conditions as required.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.6 Clover Burning

Policy Statement:

The permitted time for a clover burn shall be at the discretion of the Permit Issuing Officer, provided the burning shall not be commenced before 2.00 pm on the day.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.7 Breaches of Harvest and Movement of Vehicles in Paddocks Bans under the Bush Fires Act 1954 and Bush Fires Regulations 1954

Policy Statement:

Where a resident does not comply with the requirements of a Harvest and Movement of Vehicles in Paddocks Bans, Council shall:

- 1st Offence
Letter of Warning
- 2nd Offence and subsequent Offences

Infringement Notice and Fine issued under the provisions of the Bush Fires Act 1954, Bush Fires Regulations 1954 and the Bush Fires (Infringement) Regulations 1978; and

- 3rd and subsequent Offences
Infringement Notice and Fine and/or Prosecution under the provisions of the Bush Fires Act 1954, Bush Fires Regulations 1954 and the Bush Fires (Infringement) Regulations 1978.

Staff may refer to Council a recommendation that a single significant breach or a continuing repeat offender for prosecution under the provisions of the Bush Fires Act 1954, Bush Fires Regulations 1954 and the Bush Fires (Infringement) Regulations 1978.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.8 Safety and Health Relating to Volunteer Bush Fire Fighters

Policy Statement:

The Shire of Cuballing recognises the extremely valuable contribution that volunteer Fire Fighters make to the community.

It is the policy of Council to ensure that volunteer Fire Fighters are provided with safe working equipment, the safest work systems practicable and to minimise the frequency of accidents and injury.

Council recognises that both the Shire and volunteer Fire Fighters have a responsibility for safety and health.

COUNCIL RESPONSIBILITIES

The Shire of Cuballing will make all practicable efforts to:

- instruct volunteer Fire Fighters in safe working practices.
- ensure that brigade equipment is in safe working order.
- encourage the use of a proper standard of protective clothing and equipment appropriate to the task.
- ensure that volunteers have ready access to first aid facilities.
- investigate accidents and potential safety and health risks and take appropriate remedial action.
- provide a mechanism for joint Shire/Bush Fires Board/Volunteer consultation on safety matters; and
- review the effectiveness of volunteer Fire Fighters training, safety and health policies as necessary.

VOLUNTEER RESPONSIBILITIES

The Shire of Cuballing Bush Fire Volunteers will make all practicable efforts to:

- to maintain an adequate standard of physical fitness for their role in the Volunteer Bush Fire Brigade;
- to acquaint themselves with safe working procedures;
- to identify safety and health hazards and report these to senior officers;
- to observe safe working practices and avoid unnecessary risks and be responsible for their own safety.
- to ensure they dress appropriately for firefighting and make proper use of personal protective equipment whenever necessary, and when required to do so.

Council acknowledges that the occupational risks inherent in fire fighting and other emergency duties undertaken by volunteer Fire Fighters are significant and the possibility of serious injury is high. Strict adherence to safety guidelines and procedures in these circumstances is not always possible, however, it is the intention of Council to develop and implement safety and training policies to minimise the occurrence of injury to volunteer Fire Fighters both on the fire ground, and in the performance of all other duties.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.9 Fire Situations

Policy Statement:

The Shire of Cuballing will:

1. Respond to calls from the Incident Controller controlling fires in the Shire of Cuballing or within close proximity of the Shire of Cuballing;
2. Provide graders and other plant and equipment (with operators) as expediently as possible to attend fires within the Shire of Cuballing and in surrounding Shires when fires are in close proximity to the Shire boundaries;
3. Have graders and other plant and equipment fueled and prepared for immediate response during any Shire of Cuballing shutdown period over late December and January;
4. Roster staff leave arrangements to ensure that a competent grader operator is on duty during normal working hours throughout the year. This will improve the response to the call for a grader during the peak fire season;
5. Authorise overtime, at any time and when necessary, for staff using Shire plant and equipment who are adequately trained and who are willing to attend fires, to do so;
6. The Shire of Cuballing will utilise plant and equipment at fires, under the direction of the incident controller subject to the following conditions:
 - Adequate duty of care is exercised to minimise the risk of injury to staff and damage to machines; and
 - Machines are accompanied by four wheel drive support vehicles, capable of quickly evacuating the fire scene if the safety of staff is threatened.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

6.10 Employee Volunteer Input to Fire Brigades and Ambulance Services during Working Hours

Policy Statement:

The Shire of Cuballing will permit employees to leave their workplace to render voluntary emergency assistance to a fire brigade or ambulance service, and will reimburse the employee at his ordinary rate of pay for the time so absent subject to the following conditions:

1. The emergency service is a bona fide organisation, properly constituted for its function and the employee is a member of that organisation;
2. The employee is qualified to perform the functions being asked of him by the emergency service;
3. The employee recognises and acknowledges that upon leaving his workplace the Council's duty of care is suspended until such time as he returns to the workplace, and that whilst he is absent he is not afforded the protection of Council's employee indemnity insurance;
4. The Shire is indemnified against any claim which may arise by the employee out of his voluntary activities;
5. Payment of wages is only applicable for the ordinary hours of work during which the employee is absent;
6. The employee shall not leave his place of employment without notifying either the Manager of Works and Services or the Chief Executive Officer, of his impending time of departure and his time of return.
7. Any time spent away on voluntary emergency activities for which the employee's ordinary rate of pay has been applied, shall be charged out to the appropriate section of the Shire's accounts for such emergency service.

Objective

Council recognises that without volunteers, in country areas these important emergency services would not be delivered. It therefore considers that the community expects Shire employees, as much as any others, to have the opportunity to contribute their time to these services during as well as out of working hours.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7. COUNCIL BUILDINGS

7.1 Provision of Stoves and Refrigerators, Shire Halls

Policy Statement:

Council may provide stoves and refrigerators for Sporting Pavilions and refrigerators for Public Halls.

Council will consider requests to provide these items by community organisations, at their own cost, subject to prior approval being obtained from Council, before installation. Any such items installed will be available for all hirers of the Council facility to use.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7.2 Shire Hall Chairs

Policy Statement:

All chairs and trestles in the Shire Hall shall not to be removed without payment of rental fees by the organising body.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7.3 Liquor on Council Property

Policy Statement:

No liquor of any type shall be permitted to be consumed on Council property without the application for and granting of a permit, as decided by the Chief Executive Officer or his/her nominee. Clubs may apply for a Seasonal Liquor Permit with all dates shown on permit.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7.4 Bar Facilities in Council Buildings

Policy Statement:

Council shall will not allow the placing or construction of permanent bar or liquor dispensing facilities in any Council building

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7.5 Time Limits

Policy Statement:

The maximum time to which all halls, kitchens and supper rooms will be allowed to remain open and in use shall be 2.30 am. All lights shall be turned off by this time and all doors closed and locked

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7.6 Decorations in Halls

Policy Statement:

The fixing of posters or any other objects to furnishings or fixtures within all Halls is prohibited, except to specific fittings provided for that purpose without approval by the Shire Administration.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7.7 Deposits

Policy Statement:

All hiring shall be subject to a pre-paid bond (level of bond to be decided each year in the Budget meeting) to safeguard against the cost of repairs of any damage caused to the building or its contents, including crockery.

The return of this bond shall not occur until the Hall has been checked for damage by Council staff or nominee.

The bond shall also cover any major cleaning by the Hall caretaker above his/her normal duties after the function in the Hall has been completed.

All costs of major cleaning and repairs caused by the function in the Hall will be deducted from bond monies. Any costs over and above the bond will be debited to the persons or group having organised the function.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

7.8 Hall Hire – Use to Include Other Facilities

Policy Statement:

The hire of the Cuballing Hall and Popanyinning Hall will also cover the use of the supper room/kitchen and use of all crockery, cutlery, chairs and tables kept in both areas.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

8. RECREATION

8.1 Recreation Reserves – Ground Rental

Policy Statement:

The ground rental payable by the sporting bodies for the hire of the various recreation reserve grounds within the Shire of Cuballing will be levied on user bodies at a rate determined by Council at the annual budget deliberations

Resolution No: 9.2.6
Resolution Date: 21st April 2016

9. HEALTH

9.1 Caravan Habitation on General Agriculture Zoned Rural Land

Policy Statement:

A temporary dwelling (caravan) may be permitted on General Agriculture zoned land subject to written application being made by the landowner and approval being granted by Council. Permission will generally be limited to a three month period reviewable by Council upon request providing the request is in accordance with the Caravan Parks and Camping Ground Regulations 1997.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

9.2 Rubbish on Roads and Vacant Land

Policy Statement:

Rubbish and garden refuse dumped on private land will be investigated under the Health Act By-laws. Rubbish dumped or littered on roadways, public thoroughfares and Council reserves will be investigated under the Local Government Act and Litter Act. In both instances, where satisfactory evidence is available, action will be taken

Resolution No: 9.2.6
Resolution Date: 21st April 2016

10. BUILDING

10.1 Building License – Cancellation

Policy Statement:

Following the issue of a building license and payment of the prescribed fees thereof, upon written advice from the builder that he will not proceed with the buildings, the Shire may cancel the building license and refund one half of the prescribed fees paid.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

10.2 Building License – Expiry

Policy Statement:

Where a building is not substantially commenced within one year of the date of issue of the license and where the builder applies for an extension without the payment of further fees.

Where the extension applied for is more than six months and up to twelve months, the Council is authorised to issue a new license upon payment of the prescribed fees.

In the event of the Building Surveyor not being prepared to approve the application it shall be referred to the Building Committee (when appointed) or Council for consideration

Resolution No: 9.2.6
Resolution Date: 21st April 2016

10.3 Barn/Shed Style Homes and Relocated Homes – Bond

Policy Statement:

The Shire will levy a bond, which is to be determined annually when reviewing the Schedule of Fees and Charges, applicable to all building applications for construction of barn or shed style and/or relocated homes.

The Bond is to ensure that the homes are completed both internally and externally in accordance with the provisions of Building Code of Australia and the Health Act 1911

Resolution No: 9.2.6
Resolution Date: 21st April 2016

11. OCCUPATIONAL SAFETY AND HEALTH

11.1 Occupational Safety & Health Policy

Policy Statement:

The Shire of Cuballing is committed to continual improvement of our Occupational Safety and Health (OSH) performance with a goal of eliminating work-related injury and illness by:

- Developing and promoting a safety culture where best practice initiatives are entrenched in daily business activities and safety is considered a shared responsibility.
- Complying with all legislative obligations, all applicable standards relating to our activities, and all other regulatory requirements to which the organisation subscribes.
- Provision and maintenance of a safe workplace and associated systems of work.
- Proactive identification and control of workplace hazards.
- Including OSH responsibilities and duty of care into all activities and roles within the organisation.
- Providing all employees, contractors and site visitors with adequate resources, information, education, training and supervision to meet occupational safety and health responsibilities.
- Reporting key OSH performance measures and establishing measurable objectives to ensure effectiveness and suitability.
- Consulting and communicating with employees and other appropriate parties in order to enhance the effectiveness of the OSH management system.
- Encouraging our suppliers and service providers to make similar commitments.
- Periodically reviewing the Occupational Safety and Health policy and supporting systems.

Managers and supervisors shall ensure that people under their direction, including employees, contractors and visitors are made aware of, and comply with, all applicable requirements of legislation, appropriate standards, policies, procedures and programs. They shall ensure that any incidents, exposures, hazards and OSH concerns within the workplace are reported and addressed in a timely manner.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

11.2 Equal Opportunity in the Workplace

Policy Statement:

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

All employment training with the Shire of Cuballing will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.

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

All offers of employment within this Shire of Cuballing will be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagement.

This Shire of Cuballing will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

The equal employment opportunity goals of this Shire of Cuballing are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

This policy applies to all Councillors, employees, customers or clients, contractors, volunteers and visitors to any Shire of Cuballing work site.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

11.3 Injury Management and Rehabilitation Policy

Policy Statement:

It is a policy of the Shire of Cuballing:

- To make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability.
- To treat all workers with dignity and respect.
- To guarantee that all information is treated with sensitivity and confidentiality.
- To return the injured worker to the fullest capacity for gainful employment of which they are capable.

With this in mind, Council adopts the 'Key Principals of Injury Management', as identified by WorkCover. They are:

- Recognition that employers and injured workers are the primary stakeholders within the workers' compensation system.
- Maintenance in or a safe return to work is the expected outcome.

- Medical practitioners and employers play a central decision making role in the return to work of injured workers.
- The focus of all services should be workplace based.
- The injury management process should be transparent, cost efficient and effective.
- Early intervention and pro-active injury management is critical in achieving return to work goals.
- When vocational rehabilitation is required, all parties are involved in a process that is transparent and requires joint decision-making.

To assist in the timely and effective injury management of employees, the employer has appointed the Deputy Chief Executive Officer to the role of Workplace Injury Management Coordinator as part of their duties, to implement and monitor the injury management and rehabilitation procedures. This appointment is in the knowledge that Municipal WorkCare Scheme employs a dedicated Injury Management Advisor to assist and guide this individual. Further to this, the Scheme's claims Team Leader, appointed to the employer, is available to discuss any issues related to the management of the worker's claim.

Objective:

Resolution No: 9.2.6
Resolution Date: 21st April 2016

11.4 Risk Management Policy

Policy Statement:

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

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

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

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

Subject to budget constraints consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

DEFINITIONS (FROM AS/NZS ISO 31000:2009)

Risk: Effect of uncertainty on objectives.

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

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

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

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

RISK MANAGEMENT OBJECTIVES

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Ensure the ongoing health and safety of all employees and contractors in the workplace
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Limit loss or damage to Council's assets and limit interruption to business continuity.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

ROLES AND RESPONSIBILITIES

The level of responsibility across the Shire is as follows:

- All executives, managers and supervisors are responsible and accountable for ensuring that all staff manage the risks in their work areas. Risks should be anticipated and reasonable measures accordingly;
- All staff are encouraged to alert management to risks that exist in there are without fear of recrimination. Open and honest reporting is encouraged by all staff and reports should be escalated as needed;
- All staff will conduct risk assessments during their daily duties as required. The level of assessment required will be in proportion to the scope of the task and the level of associated risk identified;
- Staff will, with appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management; and
- Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action

MONITOR & REVIEW

The CEO 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 reviewed by the Council as required.

Objective:

The Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.

Resolution No: 9.2.6
Resolution Date: 21st April 2016

11.5 Dash Cam Use

Policy Statement:

All Council owned vehicles have been equipped with dashcams for safety in the event of an accident either involving a Shire vehicle or as a witness. Dashcam data is not intended for general covert surveillance or tracking of employees.

Where installed, all vehicles are required to have the dashcam plugged in and operating while in use.

Any errors or faults in the devices should be reported to the Manager of Works and Services for review immediately.

Data collected by the dashcam can be used for:

- In the event of an accident, the data can be reviewed to determine information for the insurance report, including at fault;
- Dangerous driving behaviour detected by other drivers and Shire employees may be provided to Police at managements discretion;
- Any other purpose as decided by Shire management.

Data recorded on the dashcam will not be kept unless needed as detailed above, where it will be stored on the Shire server. If data forms part of a police investigation, data will be kept for 7 years after investigation or court proceedings are completed whichever is later in accordance with the State Records Office General Disposal Authority. Where no further action is needed, the data will be destroyed 7 days after the footage was taken.

Data collected by the dashcams is a record of the Shire of Cuballing and can only be used by management consent. Any distribution for any other purpose, including private use, is liable for disciplinary action.

Objective:

To provide an overall framework to guide the consistent application of data collected by dashcams installed in Council plant.

Resolution No:
Resolution Date:

11.6 CCTV Use

Policy Statement:

Council may choose to install CCTV cameras outside public buildings in the interest of public safety and crime reduction. Any place where a camera may be installed will be sign posted as such to advise members of the public that they may be recorded. CCTV may capture staff performing work tasks at public buildings, but is not intended for workplace surveillance.

Any errors or faults in the devices should be reported to the Manager of Works and Services for review immediately.

Data collected by the CCTV cameras can be used for:

- In the event of an incident, the data can be reviewed to determine information for the insurance report or if further action is needed;
- In the event of a crime, the data may be provided to Police at managements discretion;
- Any other purpose as decided by Shire management.

Data recorded on the CCTV cameras will not be kept unless needed as detailed above, where it will be stored on the Shire server. If data forms part of a police investigation, data will be kept for 7 years after investigation or court proceedings are completed whichever is later in accordance with the State Records Office General Disposal Authority. Where no further action is needed, the data will be destroyed 7 days after the footage was taken.

Data collected by the CCTV cameras is a record of the Shire of Cuballing and can only be used by management consent. Any distribution for any other purpose, including private use, is liable for disciplinary action.

Objective:

To provide an overall framework to guide the consistent application of data collected by CCTV cameras that maybe installed outside Shire owned public buildings.

Resolution No:

Resolution Date:

9.2.3 Adoption of Shire of Cuballing Local Government Property Local Law 2018

Applicant:	N/A
File Ref. No:	ADM81
Disclosure of Interest:	Nil
Date:	26 th May 2017
Author:	Gary Sherry
Attachments:	9.2.2A Comment from Dept of Local Government, Sport and Cultural Industries.
	9.2.2B Updated draft Local Government Property Local Law 2018

Summary

Following public consultation, Council is recommended to adopt the Shire of Cuballing Local Government Property Local Law 2018 which incorporates the changes recommended by the Department of Local Government, Sport and Cultural Industries.

Background

At the Ordinary Council Meeting held on 21st September 2017 Council resolved:

COUNCIL DECISION – 2017/94:

That Council:

1. adopt the proposed Shire of Cuballing Local Government Property Local Law 2017 included at Attachment 9.2.5B for the purpose of advertising; and
2. pursuant to s.3.12 of the Local Government Act 1995, give local and state-wide public notice of its intention to make the Shire of Cuballing Local Government Property Local Law 2017 and within that notice advise of the following purpose and effect:

Purpose: To regulate the care, control and management of all property of the local government except thoroughfares.

Effect: To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

Moved: Cr Bradford

Seconded: Cr Ballantyne

Carried 6/0

Council gave state-wide public notice by advertising in *The West Australian* newspaper on Wednesday 11th October 2017.

Council gave local notice by advertising on Facebook, on the Shire of Cuballing website and on notices at the office of the Shire of Cuballing and notices on community notice boards in Cuballing and Popanyinning. Copies of the draft Local Government Property Local Law 2017 were made available on the Shire's website and at the Shire Administration Centre.

Copies of the draft Local Government Property Local Law were sent the Minister for Minister for Local Government; Heritage; Culture and The Arts.

Comment

Council received on comment from the Department of Local Government, Sport and Cultural Industries. This detailed comment is included at Attachment 9.2.3A. The suggested amendments have been included in the updated Draft Local Government Property Local Law included at 9.2.3B

The updated draft Local Government Property Local Law, included at 9.2.3B, has areas of amendment highlighted in red for Councillors information. Most of the changes do not amend the intent of the draft Local Government Property Local Law.

With Council adoption the draft Shire of Cuballing Local Government Property Local Law 2018, staff will complete the following additional steps to finalise the Local Law.

- Gazettal. A copy of the local law will be sent to the State Law Publisher in an acceptable format to be printed in the Government Gazette. A copy of the Gazette is to be sent to the Minister for Local Government; Heritage; Culture and The Arts.
- State-wide notice is to be given that Council has made the Local Law.
- after gazettal the WA Parliament Joint Standing Committee on Delegated Legislation is to be given an Explanatory Memorandum – sealed and signed by the Chief Executive Officer and Shire President.

Strategic Implications

Implementation of clear governance around the use of local government property will enhance the security of the community and encourage the access and use of Council recreational and leisure opportunities within the Shire of Cuballing.

Statutory Environment

Local Government Act 1995

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
 - (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

A diagram that summarises the process for formal adoption of the draft local law is included at Attachment 9.2.3C.

It is worth noting that the final stage is approval by the State Parliament's Joint Committee on Delegated Legislation. Should this committee not approve the local law, the entire process will need to be repeated.

Policy Implications – Nil

Financial Implications

Council has budgeted \$7,500 for the adoption of Local Laws in 2017/18.

Economic Implication – Nil

Environmental Considerations – Nil

Social Implication

The adoption of Local Government Property Local Law will allow Council to make Determinations that control the use of local government property. One determination that has been identified as a matter of community interest is the camping at Yornaning Dam reserve.

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. to adopt a Shire of Cuballing Local Government Property Local Law 2018 with minor amendments to the Officer's Recommendation; or
3. defer adoption of the Shire of Cuballing Local Government Property Local Law 2018 at this time and recommence the local law adoption process to ensure consultation on the significant changes that Council would like to have implemented in a future Shire of Cuballing Local Government Property Local Law.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017/134:

That Council:

- 1. adopts the Shire of Cuballing Local Government Property Local Law 2018, included at Attachment 9.2.2B, incorporating the changes recommended by the Department of Local Government, Sport and Cultural Industries;**
- 2. publishes the Shire of Cuballing Local Government Property Local Law 2018 in the Government Gazette;**
- 3. authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Shire of Cuballing Local Government Property Local Law 2018;**
- 4. pursuant to section 3.12(6) of the Local Government Act 1995, give statewide public notice of the Shire of Cuballing Local Government Property Local Law 2018:**
 - a. stating the title of the Shire of Cuballing Local Government Property Local Law 2018; and**
 - b. summarising the purpose and effect of the Shire of Cuballing Local Government Property Local Law 2018 and specifying the day on which it comes into operation; and**
 - c. advising that copies of the Shire of Cuballing Local Government Property Local Law 2018 may be inspected or obtained from the Shire of Cuballing Administration Centre.**

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

From: Courtney Allen [mailto:courtney.allen@dlgsc.wa.gov.au]
Sent: Thursday, 7 December 2017 4:30 PM
To: Gary Sherry <ceo@cuballing.wa.gov.au>; Shire of Cuballing Enquiries <enquiries@cuballing.wa.gov.au>
Subject: ATTN: Gary Sherry – Local Government Property Local Law – Department comments

Dear Gary

This email is in response to your letter dated 16 October 2017 addressed to the Minister for Local Government regarding the Shire of Cuballing’s proposed local law.

The Department’s comments are noted below. Please contact me if you have any queries regarding the comments.

Local Government Property Local Law

1. Enabling clause

The current date in the enactment clause of 21 September 2017 is incorrect.

Under section 3.12(4) of the *Local Government Act 1995*, a local law can only be made after the public submission period has closed.

The date that should appear in the enactment clause will be a date after the public submission period, when the Council considers the final copy of the proposed local law and resolves to ‘make’ that local law.

The Shire should ensure the correct date appears in the final copy of the local law when it is formally made by the Council. A failure to do this may result in the Delegated Legislation Committee requesting an undertaking to amend the local law.

2. Commencement clause

It is suggested that the local law include a commencement clause stating the day that the local law will come into operation. The standard format is as follows:

1.5 Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

3. Clause 1.4 – Application

Sea adjoining the district

Clause 1.4 establishes the area to which the local law applies. In subclause (1), the local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides.

The *Local Government Act 1995* provides under section 3.5(2) that a local law may only apply to the local government’s district. In most cases, the district boundary is interpreted to end at the low–water mark of any coastline, rivers or inland bodies of water.

The Shire should delete the following from clause 1.4(1): “and in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides.”

The Shire does not bound any sea, and if the Shire were to retain this part of the clause, the Shire would need to comply with section 3.6 of the *Local Government Act 1995* and apply to the Governor for approval to allow the local law to apply outside the district.

The Shire should retain the sentence “This local law applies throughout the district”.

Rivers and lakes

If the Shire intends the local law to apply to any inland rivers and lakes, the Shire should determine whether the river or lake is within the Shire’s district. If the rivers or lakes are outside the district boundary, the Shire will need to seek the Governor’s approval under section 3.6 of the Act to allow the local law to be applied outside the Shire’s district boundary.

The application to the Governor would need to be made after the public submission period, once the final draft of the local law is completed, and before the final copy of the local law went to Council for resolution. The Shire should contact the Department for further information on making an application to the Governor.

4. Clause 1.2 – definition of *building*

The definition of *building* is defined as applying to a jetty.

The Shire should ensure that any jetties within the Shire’s district are within the Shire’s district boundary. If the jetty extends over a body of water not within the Shire’s boundary, the Shire will be required to apply for the Governor’s approval to enable the Shire to enforce the local law on the jetty and/or body of water. Please refer to comment 3 above for more information.

5. Clause 3.7 – Agreement for building

It is suggested that this clause be deleted.

While the majority of the local law deals with the use of local government property, clause 3.7 appears to relate to private agreements with the Shire regarding the ownership of material brought onto local government property from non-local government property.

Since the Shire has the power to make such private agreements without the local law, it seems unnecessary to address the matter in clause 3.7.

6. Clause 4.4 – Intoxicated persons not to enter local government property

Clause 4.4 states that a person cannot remain on local government property while under the influence of liquor.

The local law allows the local government to issue a permit that allows the consumption of alcohol on local government property where a licence has been obtained under the *Liquor Control Act 1988*.

The Shire may like to consider amending clause 4.4 to exclude persons from being subject to this clause in situations where a permit and/or licence allows the consumption of liquor on local government property.

7. Clause 9.2 – incorrect clause reference

In this clause there is a reference to clause 11.1. Clause 11.1 does not exist. It may be the case that it is supposed to reference clause 9.1. The Shire should review this clause and ensure the correct clause is referenced to allow the Shire to enforce this clause as intended.

MINOR EDITS

Local law title: insert the shire name above the local law title as follows:

LOCAL GOVERNMENT ACT 1995
Shire of Cuballing
LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

Local law title: It is recommended that the title of the local law contain the year of its publication. Therefore throughout the document please refer to the “Local Government Property Local Law 2018”.

Contents:

- On the first page of the contents, please change the “L” in the title at the top stating *Local Government Act 1995*, to the same font as the other letters in the title.
- Please ensure the “Division” titles line up with each other perpendicularly.

Enacting clause: please italicise “Local Government Act 1995”.

Clause 1.1: please italicise “Shire of Cuballing Local Government Property Local Law 2018”.

Clause 1.2:

- All defined terms should be bolded and in italics as follows: ***aircraft***. The quotation marks should be removed from each defined term.
- Where the definitions go into the second line or more, please ensure all subsequent lines of text line up with each other perpendicularly. In the definition of ***aircraft***, insert a semicolon after “(Cth)”.
- In the definition of ***local government property*** please delete the digit “5.” as it has no apparent relevance.

The local law refers to ‘authorized person’. The Shire may like to consider changing the spelling of ‘authorized’ to be consistent with the *Local Government Act 1995* which spells ‘authorised’ with an ‘s’. All instances should be updated if the Shire changes the spelling.

Clause 2.1: please delete the bold digit “2.” After subclause (1) as it has no apparent relevance.

Clause 3.2: in subclause (1), please realign “d)” so that it follows the text above it and also delete the “1” that has no relevance. Ensure the “d)” is enclosed with 2 brackets to be consistent with the numbering in the clause, for example “(d)”.

Clause 3.8: Delete the “3. 4. & 5.” as they have no apparent purpose. Also align the text “A permit is valid...” to follow after the clause number of 3.8.

Clause 3.13 (1)(f): Please delete the digit “4” that appears under the word “conducted”.

Clause 3.13(g): please delete the space between the last word, being “property” and the semi colon.

Part 6: in the title of Part 6, delete “ON TO” and insert “ONTO”. The Contents should be updated accordingly.

Part 7 – Objections and Appeals – Clause 7.1: The reference to “Division 1 of Part 9” needs to be changed to that it reads “Part 9, Division 1” for consistency in the order of citing legislation. Please also update the contents accordingly.

Minister’s Directions – pursuant to s 3.12(7) of the *Local Government Act 1995*

Please note: once the Shire of Cuballing has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister’s *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee					Clerk
Joint Standing	Committee	on	Delegated		Legislation
Legislative	Council		Committee		Office
GPO		Box			A11
PERTH		WA			6837
Email:				delleg@parliament.wa.gov.au	
Tel:		9222			7404
Fax: 9222 7805					

A copy of the Minister’s Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at www.dlgc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire’s consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire’s policies and objectives.

Kind regards

Courtney

Allen

Senior Legislation Officer – Local Government

Department	of	Local	Government,	Sport	and	Cultural	Industries
140	William	Street,	Perth	WA			6000
GPO Box R1250, Perth WA 6844							

Telephone +61 8 6552 1437

Email courtney.allen@dlgsc.wa.gov.au

Web www.dlgsc.wa.gov.au



Our new Department combines the:

- Department of Local Government
- Department of Sport and Recreation
- Department of Culture and the Arts
- Department of Racing, Gaming and Liquor
- Office of Multicultural Interests
- Aboriginal History Research Unit (formerly with Department of Aboriginal Affairs).

During the transition phase emails sent from the dlgc.wa.gov.au, dsr.wa.gov.au, dca.wa.gov.au and rgl.wa.gov.au domains will be converted to the Department of Local Government, Sport and Cultural Industries email address. This message may contain privileged and confidential information and is intended for the exclusive use of the addressee(s). You must not disclose this communication to anyone without the prior consent of the new Department. If you have received this email in error, please notify us by return mail, delete it from your system and destroy all copies. The Department of Local Government, Sport and Cultural Industries has exercised care to avoid errors in the information contained in this email but does not warrant that it is error or omission free.

Local Government Act 1995

Shire of Cuballing

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

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SCHEDULE 2 – DETERMINATIONS

Local Government Act 1995

Shire of Cuballing

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Cuballing resolved on 21st ~~September~~ **December** 2017 to make the following local law.

PART 1 – PRELIMINARY

Citation

1.1 This local law may be cited as the Shire of Cuballing Local Government Property Local Law **2018**.

Definitions

1.2 In this local law unless the context otherwise requires –

Act means the *Local Government Act 1995*;

aircraft has the meaning given to it in the *Civil Aviation Act 1988* (Cth);

applicant means a person who applies for a permit under clause 3.2;

authorized person means a person authoris**ed** by the local government under section 9.10 of the Act to perform any of the functions of an authoris**ed** person under this local law;

boat means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

building means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

CEO means the chief executive officer of the local government;

commencement day means the day on which this local law comes into operation;

Council means the council of the local government;

date of publication means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

determination means a determination made under clause 2.1;

district means the district of the local government;

function means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

liquor has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;

local government means the Shire of Cuballing;

local government property means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

Manager means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

pool area means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

trading means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or

- (d) carrying out any other transaction in relation to them; and

vehicle includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

Interpretation

- 1.3 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

Application

- 1.4 (1) ~~This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides.~~
- (2) Notwithstanding anything to the contrary in this local law, the local government may –
 - (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

Commencement

- 1.5 ~~This local law comes into operation 14 days after the date of its publication in the Government Gazette.~~

PART 2 – DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 – Determinations

Determinations as to use of local government property

- 2.1 (1) The local government may make a determination in accordance with clause 2.2 –
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;

- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2 –
- (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

Procedure for making a determination

- 2.2 (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
- (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –

- (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

Discretion to erect sign

- 2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

Determination to be complied with

- 2.4 A person shall comply with a determination.

Register of determinations

- 2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of a determination

- 2.6 (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 – Activities which may be pursued or prohibited under a determination

Activities which may be pursued on specified local government property

- 2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may –
- (a) bring, ride or drive an animal;

- (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aircraft;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

Activities which may be prohibited on specified local government property

- 2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –

- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle or a particular class of vehicle on the property;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of –
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.
- (3) In this clause –

premises means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 – Transitional

Signs taken to be determinations

- 2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken

to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 – PERMITS

Division 1 – Preliminary

Application of Part

- 3.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 – Applying for a permit

Application for permit

- 3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
- (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

Decision on application for permit

- 3.3 (1) The local government may –
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.

- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

Division 3 – Conditions

Conditions which may be imposed on a permit

- 3.4 (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to –
- (a) the payment of a fee;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
- (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;

- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

Imposing conditions under a policy

3.5 (1) In this clause –

policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

Compliance with and variation of conditions

- 3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 – General

Agreement for building

~~3.7—Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.~~

Duration of permit

3.78 A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

Renewal of permit

3.89 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

- (2) The provisions of this Part shall apply to an application for the renewal of a permit as though it were an application for a permit.

Transfer of permit

3.940(1) An application for the transfer of a valid permit is to –

- (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
 - (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
 - (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

3.104A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

Cancellation of permit

3.112(1) Subject to clause 9.1, a permit may be cancelled by the local government if the permit holder has not complied with a –

- (a) condition of the permit; or
- (b) determination or a provision of any written law which may relate to the activity regulated by the permit.

- (2) On the cancellation of a permit the permit holder –
- (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 – When a permit is required

Activities needing a permit

- 3.123(1) A person shall not without a permit –
- (a) subject to subclause 3, hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted –
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (h) conduct a function on local government property;
 - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (j) light a fire on local government property except in a facility provided for that purpose;
 - (k) parachute, hang glide, abseil or base jump from or on to local government property;
 - (l) erect a building or a refuelling site on local government property;

- (m) make any excavation on or erect or remove any fence on local government property;
 - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
 - (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

Permit required to camp outside a facility

3.134(1) In this clause –

facility has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit –
 - (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

Permit required for possession and consumption of liquor

- 3.145(1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
- (a) that is permitted under the *Liquor Control Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 – Responsibilities of permit holder

Responsibilities of permit holder

3.156 A holder of a permit shall in respect of local government property to which the permit relates –

- (a) ensure that an authorized person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

PART 4 – BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 – Behaviour on and interference with local government property

Behaviour which interferes with others

- 4.1 A person shall not in or on any local government property behave in a manner which –
- (a) is likely to interfere with the enjoyment of a person who might use the property; or
 - (b) interferes with the enjoyment of a person using the property.

Behaviour detrimental to property

- 4.2 (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –

'detrimental to the property' includes –

- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

Taking or injuring any fauna

- 4.3 (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorized under a written law to do so.
- (2) In this clause –

animal means any living thing that is not a human being or plant; and

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

Intoxicated persons not to enter local government property

- 4.4 (1) A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.
- (2) A person found in contravention of subclause (1) may be removed from local government property by an authorised person or a member of the Police Service.

No prohibited drugs

- 4.5 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 – Signs

Signs

- 4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
- (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 – Fenced or closed property

No entry to fenced or closed local government property

- 5.1 A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 2 – Toilet blocks and change rooms

Only specified gender to use entry of toilet block or change room

- 5.2 (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
 - (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
- (a) under the age of 8 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

PART 6 – FEES FOR ENTRY ONTO LOCAL GOVERNMENT PROPERTY

No unauthorised entry to function

- 6.1 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –
- (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 – OBJECTIONS AND APPEALS

Application of ~~Part 9~~, Division 1, ~~Part 9~~ of the Act

- 7.1 When the local government makes a decision as to whether it will –
- (a) grant a person a permit or consent under this local law; or
 - (b) renew, vary, or cancel a permit or consent that a person has under this local law,
- the provisions of Division 1 of Part 9 of the Act and regulations 32A and 33 of the Regulations apply to that decision.

PART 8 – MISCELLANEOUS

Authorised person to be obeyed

- 8.1 A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

Persons may be directed to leave local government property

- 8.2 An authoriszed person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

Disposal of lost property

- 8.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

Liability for damage to local government property

- 8.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

PART 9 – ENFORCEMENT

Division 1 – Notices given under this local law

Offence to fail to comply with notice

- 9.1 Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

Local government may undertake requirements of notice

- 9.2 Where a person fails to comply with a notice referred to in clause 944.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 – Offences and penalties

Subdivision 1 – General

Offences and general penalty

- 9.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 – Infringement notices and modified penalties

Prescribed offences

- 9.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that –
- (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Form of notices

- 9.5 (1) For the purposes of this local law –
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 – Evidence in legal proceedings

Evidence of a determination

- 9.6 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	125
3.6	Failure to comply with conditions of permit	125
3.1 23 (1)	Failure to obtain a permit	125
3.1 34 (3)	Failure to obtain permit to camp outside a facility	125
3.1 45 (1)	Failure to obtain permit for liquor	125
3.1 56	Failure of permit holder to comply with responsibilities	125
4.2(1)	Behaviour detrimental to property	125
4.4	Under influence of liquor or prohibited drug	125
4.6(2)	Failure to comply with sign on local government property	125
5.1	Unauthori s ed entry to fenced or closed local government property	125
5.2	Gender not specified using entry of toilet block or change room	125
6.1(1)	Unauthori s ed entry to function on local government property	125
9.1	Failure to comply with notice	250

SCHEDULE 2

DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1 – PRELIMINARY

Definitions

1.1 In these determinations unless the context otherwise requires –

local law means the *Local Government Property Local Law 2018* made by the local government;

Interpretation

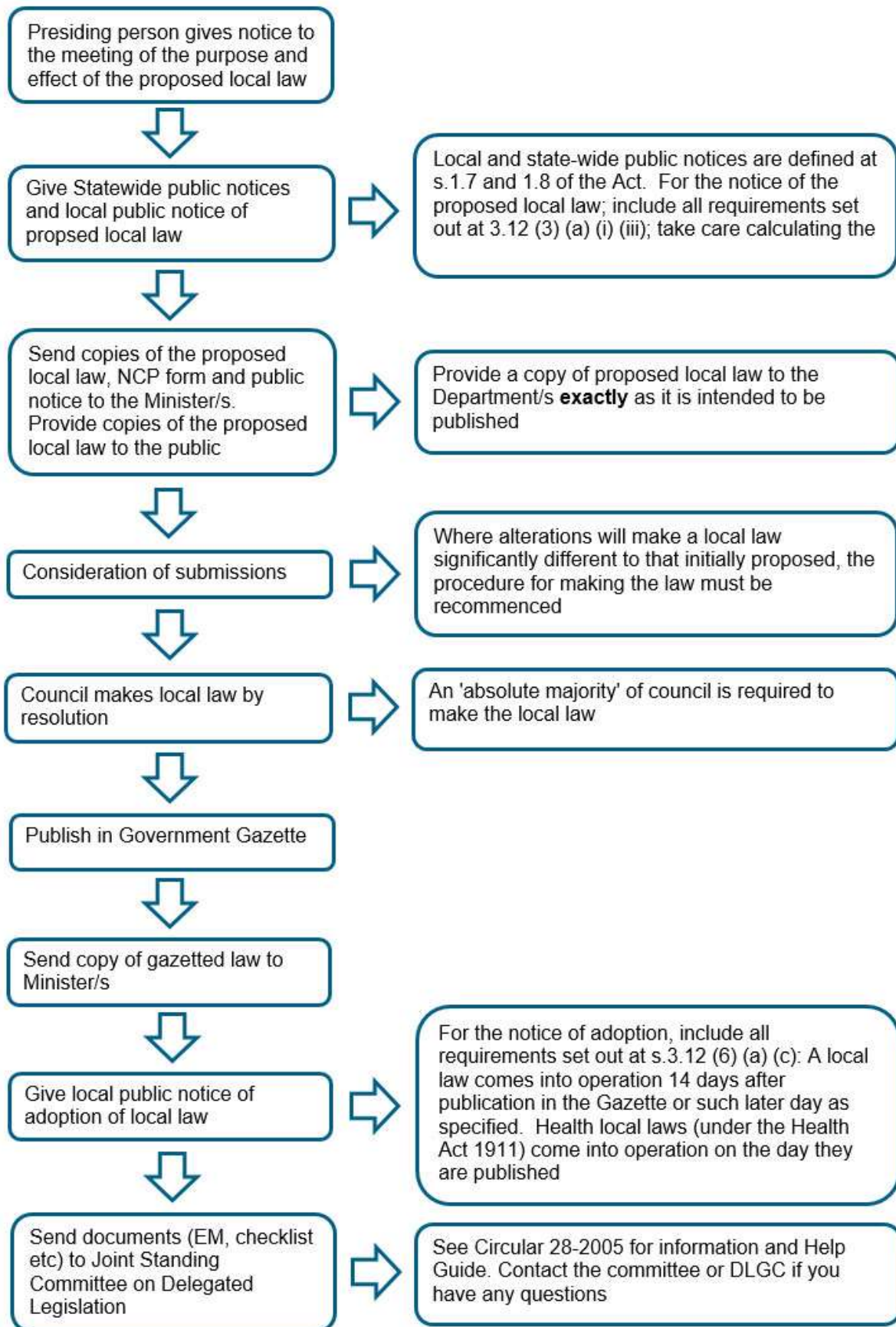
1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

Dated _____ 20____

The Common Seal of the Shire of Cuballing)
was affixed by authority of a resolution)
of the Council in the presence of –)

Chief Executive Officer

Mayor/President



9.2.4 Reallocation of Resources – Memorial Park Upgrade

Applicant:	N/A
File Ref. No:	ADM037
Disclosure of Interest:	Nil
Date:	14 th December 2017
Author:	Gary Sherry
Attachments:	9.2.4A Amended Road Construction Costings – 2017/18 9.2.4B Location Map

Summary

Council is to consider:

- 1. deferring budgeted works on upgrading the Cuballing Memorial Park; and**
- 2. reallocating these resources to complete a facilitated strategic review of Popanyinning and a commence a town centre Townscape concept plan for Cuballing.**

Background

The Memorial Park in Cuballing features the Cuballing War Memorial and is the site of the annual Cuballing Anzac Day ceremony that is increasingly well attended. Council allocated \$52,948 to complete an upgrade to Memorial Park in the 2017/18 budget.



This allocation included \$13,124 of wages and overheads, plant and depreciation costs of \$2,478 and materials and contracts of \$37,346. The planned works were to include:

- providing an electrical connection to the site. This would then permit display lighting of the memorial, installation of automatic reticulation and provide a source of electricity for events such as the Anzac Day service.
- construction of a substantial shade shelter/ pergola built by local craftsmen;
- upgrading the lawn and removing trip hazards; and
- improving the immediate surrounds to the war memorial.

Comment

In September 2017 Council participated in the Enterprising Communities project that was conducted throughout the wheatbelt by the Wheatbelt RDA. The Enterprising Communities program aimed to encourage Wheatbelt communities to develop community enterprises and

community driven funding options for the enterprises. The objective of the program sought to encourage a culture of community enterprise development and innovation, working towards cohesiveness and self-reliance within communities and the broader region.

Through short films, the Enterprising Communities program showcased examples of the community motivation, organisation, and management and how this translated to successful outcomes of two successful community enterprise examples in regional WA.

Popanyinning

The Popanyinning community members who attend the event were eager to consider further opportunities in Popanyinning and wanted to attend a facilitated workshop to discuss further options.

A quotation has been sought from community enterprise facilitator Mr Peter Kenyon. Mr Kenyon has worked extensively in community development, and facilitated extensively in Kulin, one of the enterprising communities highlighted in the Enterprising Communities program.

Mr Kenyon's approach is founded on a belief that one cannot develop communities from the top down or from the outside in. Such development requires communities to build from the inside out, and for their members to invest themselves, ideas, assets and resources in the process. Mr Kenyon created the Bank of I.D.E.A.S. (Initiatives for the Development of Enterprising Action and Strategies) in 1991 to promote such a paradigm shift and assist with the necessary facilitation, ideas and skills. Key beliefs of the Bank of I.D.E.A.S. are included at Attachment 9.3.3A.

It is anticipated that such an event would be conducted in Popanyinning in February or early March 2018.

Mr Kenyon has offered to complete a one day facilitation event for \$2,650 plus GST to cover the above and the necessary travel costs. Mr Kenyon would provide assistance for a planning group in generating interest in the evening and securing participation, facilitation of the event including the motivational presentation, running of the conversations and provision of necessary tools and advice on the follow up and implementation.

It should be expected that this event would require further investment by Council to develop or achieve some of the outcomes of the facilitation.

Cuballing

Rather than overall community development, Cuballing's priorities identified through the Enterprising Community process focused more on facility and public space development. In addition to the Enterprising Community project, Council have also had a number of additional Cuballing town centre improvement projects raised by the community including upgrades to the RV dumpsite, parking through the town centre off Great Southern Highway, a potential RV parking area, improvements to the heritage vehicle display, improvements to the Skate Park raised in forums including the Annual Electors Meetings. Community groups including the Cuballing Men's Shed have indicated an interest to be involved with these projects.

To provide an overall plan that would include most if not all of the suggested projects and to prioritise the first projects to be implemented, it is proposed to complete a Townscape Study of the central areas of Cuballing. In general terms this area would include the central railway reserve bounded by Campbell, Alton, Darcy and Ridley Streets, and the public areas that border this space.

It is proposed that Council complete a range of activities including:

- discussing access and the limits of such access to the railway reserve area with Arc Infrastructure. The initial contacts to establish such discussions have commenced and Council will be updated at the Council meeting;
- community facilitation of possible community activities in the town centre; and
- preparation of a map of diagram showing possible activities.

At this time no costing of this work has been prepared but a cost of \$10,000 is anticipated. The outcome of a quotation process is expected to be provided to Council in February or March 2018.

Strategic Implications – Nil

Statutory Environment

Local Government Act (1995)

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

- (1a) In subsection (1) —
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

Policy Implications – Nil

Financial Implications

Council has allocated \$52,948 to complete the Memorial Park upgrade in their 2017/18 Budget.

Wages Overheads	13,124
Plant & Depreciation	2,478
Materials & contracts	37,346
	52,948

It is proposed to expend an initial amounts of \$16,000 for Popanyinning and Cuballing consultations.

Economic Implication

There are no direct economic implications at this time, although some may arise from community input.

Environmental Considerations

There are no direct environmental considerations at this time, although some may arise from community input.

Consultation

Extensive community consultation is planned through both new initiatives.

Options

Council may resolve:

1. the Officer's Recommendation;
2. to not defer the budgeted widening works on Memorial Park Cuballing and require staff provide alternative methods of funding the Cuballing and Popanyinning community consultations; or
3. to not defer the budgeted widening works on Memorial Park Cuballing and not consider any further projects at this time; or
4. to defer a decision at this time to require staff to provide further information at a future meeting of Council.

Voting Requirements – Absolute Majority

COUNCIL DECISION – 2017/135:

That Council:

1. **not complete the budget works to upgrade Memorial Park in Cuballing in 2017/18;**
2. **approve out of budget expenditure of up to \$6,000 to complete a community consultation in Popanyinning using the services of Mr Peter Kenyon;**
3. **approve out of budget of up to \$10,000 to complete a townscape concept study of Cuballing.**

Moved: Cr Bradford

Seconded: Cr Dowling

Carried 6/0

Bank of I.D.E.A.S.

10 Key Community Development Beliefs

BOI Belief 1.

Meaningful and lasting community change always originates from within, and local residents in that community are the best experts on how to activate that change.

BOI Belief 2.

Community residents act responsibly when they care, and support what they create.

BOI Belief 3.

Building and nourishing relationships is at the core of building healthy and inclusive communities.

BOI Belief 4.

Communities have never been built by dwelling on their deficiencies, needs and problems. Communities respond creatively when the focus is on resources, capacities, strengths and aspirations.

BOI Belief 5.

The strength of a community is directly proportional to the level that the diversity of its residents desire, and are able to contribute their abilities and assets to the well being of their community. Every single person has capacities, abilities, gifts and ideas, and living a good life depends on whether those capacities can be used, abilities expressed, gifts given and ideas shared.

BOI Belief 6.

In every community something works. Instead of asking 'What's wrong, and how to fix it', ask- 'What's worked, and how do we get more of it?' It generates energy and creativity.

BOI Belief 7.

Creating positive change begins simply with conversation. It is the way that human beings have always thought together, and initiated action.

BOI Belief 8.

Positive community change is more about having fresh eyes, rather than implementing new developments.

BOI Belief 9.

The starting point for change is always mindset and positive attitudes.

BOI Belief 10.

The continual development of a diverse group of local leaders / community builders willing to give of their time, gifts and resources is an essential feature of a healthy community.

10. CONFIDENTIAL MATTERS:

Nil

11. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

12. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

12.1.1 Urgent Business – Appointing FCO for Cuballing Town

File Ref. No: ADM081
Disclosure of Interest: Nil
Date: 21st December 2017
Author: Gary Sherry

Summary

Council is to consider reviewing urgent business relating to appointing another Fire Control Officer for the Cuballing Town zone.

Background – Nil

Comment

Staff are attempting to have the Agenda prepared at least a week before each Council Meeting. In completing this schedule, business of an urgent nature will arise from time to time in particular where commercial activities within the district would be delayed by Council not considering the item.

Statutory Environment

Shire of Cuballing – Standing Orders Local Law 1999 – Section 3.10:
3.10 Urgent Business Approved By the Person Presiding or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

Strategic Implications – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. to not consider the urgent business.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017/136:

That Council consider the urgent business relating to appointing a Fire Control Officer for the Cuballing Town zone.

Moved: Cr Newman

Seconded: Cr Ballantyne

Carried 6/0

For some time, Mr Mort, has been assisted in managing the Cuballing Bush Fire Brigade by Mr Clayton Reed. Mr Reed's available time has reduced over the past year or so and he has decided to step back from this organisational role with the Cuballing Bush Fire Brigade.

At their regular monthly meeting on Thursday 14th December 2017, the Cuballing Bush Fire Brigade members have requested that Mr Daniel Christensen be appointed as an FCO, responsible for an area of the Cuballing Town. This would be similar role to that fulfilled by an FCO for the Popanyinning Town.

Mr Christensen is a dedicated volunteer firefighter who, when work commitments permitted, has made himself available for incidents attended by the Cuballing Bush Fire Brigade.

An appointment of Mr Christensen as an FCO will:

- assist the Chief Bush FCO in managing fire breaks and permits to burn for the Cuballing Town area. This area is the largest in the Shire in terms of requirements for inspections and permit to burn workload;
- will provide the Cuballing Bush Fire Brigade with an active member in a responsible, leadership role.

This appointment is supported by the Chief Bush FCO and the other FCO's appointed by Council.

Strategic Implications – Nil

Statutory Environment

Bush Fires Act 1954

S 38. Local government may appoint Bush Fire Control Officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Policy Implications – Nil

Financial Implications – Nil

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations – Nil

Consultation

Chief Bush FCO, FCO's, Volunteers of Cuballing Bush Fire Brigade.

Options

The Council can resolve:

1. the Officer's Recommendation;
2. to not appoint Mr Christensen at this time.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017/137:

That Council appoint Mr Daniel Christensen as a Fire Control Officer for the Cuballing Town zone of the Shire of Cuballing for the 2017/18 bush fire season.

Moved: Cr Newman

Seconded: Cr Ballantyne

Carried 6/0

13. NEXT MEETING

Ordinary Council Meeting, 2.00pm, Thursday 15th February 2018 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

14. CLOSURE OF MEETING:

Cr Conley recognised that this was the last Council meeting that Ms Tonya Williams would attend as Deputy Chief Executive Officer. Cr Conley thanked Tonya for her service as Deputy Chief Executive Officer and the excellent performance that she had shown in her three years with Council. The Councillors and Shire of Cuballing will certainly miss Tonya and Cr Conley wished her every success in her future endeavours.

There being no further business, the Shire President, Cr Conley, closed the meeting at 3:52pm.