



# POLICY MANUAL

# **The Shire of Moora Vision and Mission Statement**

## **Vision**

**The Moora Region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community**

## **Mission**

**To identify and stimulate growth through creative leadership and a willingness to get things done.**

# **TABLE OF CONTENTS**

## **I. ADMINISTRATIVE STRUCTURE**

- I.1 [Monthly Council Meetings](#)
- I.2 [Disclaimer](#)
- I.3 [Chief Executive Officer \(CEO\)](#)
- I.4 [Senior Employees](#)

## **2. STAFF**

- 2.1 [19 Day Month](#)
- 2.2 [Service Pay](#)
- 2.3 [Sick Pay Bonus Scheme](#)
- 2.4 [Relocation & Removal Expenses](#)
- 2.5 [Corporate Wardrobe](#)
- 2.6 [Long Service Recognition](#)
- 2.7 [Use of Council Vehicles by Council Officers, Councillors & Authorised Persons](#)
- 2.8 [Staff Rental Conditions](#)
- 2.9 [Transport for Workmen](#)
- 2.10 [Safety Policy](#)
- 2.11 [Sexual Harassment Policy](#)
- 2.12 [The Chief Performance Review](#)
- 2.13 [Acting Chief Executive Officer/Deputy Chief Executive Officer \(New\)](#)
- 2.14 [Telephones, Staff Residences](#)
- 2.15 [Gratuity Payments - Section 5.50 of the Act](#)
- 2.16 [Loan/Use of Council Plant/Equipment by Staff Members](#)
- 2.17 [Leave Management – Annual & Long Service](#)
- 2.18 [Council Employees – Own Housing](#)
- 2.19 [Council Employees – Accommodation Allowance](#)
- 2.20 [Council Employees – Admission to Moora Swimming Pool](#)

### **3. COUNCIL MEMBERS / MEETING**

- 3.1 [Presentation to Retired / retiring Councillors](#)
- 3.2 [Councillors Travelling Expenses](#)
- 3.3 [Local Laws](#)
- 3.4 [Election of Committees](#)
- 3.5 [Public Question Time Guidelines](#)
- 3.6 [Councillors Honour Board](#)
- 3.7 [Media Use](#)
- 3.8 [Freeman](#)
- 3.9 [Retiring Councillors to receive Council Minutes](#)

### **4. WORKS AND PLANT**

- 4.1 [Farm Drainage](#)
- 4.2 [Entrance to Properties](#)
- 4.3 [Plant](#)
- 4.4 [Wildflower Picking](#)
- 4.5 [Brick Paved Footpaths](#)
- 4.6 [Donations of Work to Organisations](#)
- 4.7 [Private Works](#)
- 4.8 [Council's Heavy Transport Vehicle Policy](#)
- 4.9 [Use of Council Plant at Fires](#)
- 4.10 [Loan/Use of Council Plant/Equipment by Staff Members](#)

### **5. HEALTH**

- 5.1 [Food Sampling Policy](#)
- 5.2 [Sewer Connection Policy](#)
- 5.3 [Home and Farm Stay Accommodation - Cottage Industries Policy](#)
- 5.4 [Sewerage Maintenance Contract with WA Water Corporation](#)
- 5.5 [Smoking in the Workplace](#)

## **6. BUILDING**

- 6.1 [Building Near Sewers](#)
- 6.2 [Verandah Posts](#)
- 6.3 [White Metal](#)
- 6.4 [Transportable Homes](#)
- 6.5 [Second hand Housing Policy](#)
- 6.6 [Rubbish Tips](#)
- 6.7 [Outbuilding Policy Conditions- Cladding and Reflectivity](#)
- 6.8 [Town Centre Zones](#)
- 6.9 [Outbuilding Policy - Fencing Construction](#)
- 6.10 [Outbuilding Policy - Maximum Size Of-](#)
- 6.11 [Land Fill](#)
- 6.12 [Temporary Accommodation Policy - Special Rural and General Farming Zones](#)
- 6.13 [Construction of Outbuildings prior to Construction of Residential Homes](#)

## **7. PLANNING**

- 7.1 [Development Across a Cadastral Boundary](#)
- 7.2 [Amusement Parlours](#)
- 7.3 [Additional Accommodation](#)
- 7.4 [Rezoning](#)
- 7.5 [Keeping Horses and Hooved Animals Within Townsites](#)
- 7.6 [Temporary Accommodation Policy - Special Rural and General Farming Zones](#)
- 7.7 [Building and Development Control Strategies](#)

## **8. COUNCIL PROPERTY/FACILITIES**

- 8.1 [Council Housing](#)
- 8.2 [Housing Inspections](#)
- 8.3 [Housing Bonds](#)
- 8.4 [Fencing Property Adjoining Shire Land](#)
- 8.5 [Future Buildings - Plans and Specifications](#)
- 8.6 [Council Sand and Gravel Supplies](#)
- 8.7 [Moora Recreation Ground and Oval – Circuses](#)
- 8.8 [Ovals - Sponsorship Banners](#)
- 8.9 [Oval Caretaking](#)
- 8.10 [Moora Recreation Centre and Ovals – Liquor](#)
- 8.11 [Rubbish Tips - Chemical Drums](#)
- 8.12 [Roadside Memorials](#)
- 8.13 [Roadsides, Reserves - Picking Wildflowers](#)
- 8.14 [Cemetery](#)

- 8.15 [Smoking in Council Buildings](#)
- 8.16 [Nature Strip Landscaping](#)

## **9. FINANCE**

- 9.1 [Significant Accounting Policies](#)
- 9.2 [Reserve Fund Interest](#)
- 9.3 [Land Exempt from Rating](#)
- 9.4 [Payment of Accounts](#)
- 9.5 [Investment of Surplus Funds](#)
- 9.6 [Rates Collection Procedure](#)
- 9.7 [Outstanding Debtors Policy](#)
- 9.8 [Loans](#)
- 9.9 [Municipal Rates, Sewerage Rates and Garbage Charges Instalment Plan](#)
- 9.10 [Small Rates Balance Write Offs](#)
- 9.11 [Business Support Policy](#)
- 9.12 [Purchasing and Procurement](#)

## **10. COMMUNITY RELATIONS AND GENERAL**

- 10.1 [Preservation of Shire Records](#)
- 10.2 [Recognition of Achievements](#)
- 10.3 [Railway Box Carriages](#)
- 10.4 [Election Advertising Material](#)
- 10.5 [Policy Change and Review](#)
- 10.6 [Reporting a Fire](#)
- 10.7 [Use of Council's Seal](#)
- 10.8 [Native Title Claims](#)
- 10.9 [MANEX \(Management Executive\) Group](#)

## **11. INVESTMENT POLICY**

## **12. PURCHASING AND TENDER POLICY**

## **13. BUSH FIRE CONTROL**

14. **ELECTED MEMBERS RECORDS MANAGEMENT  
POLICY AND PROCEDURES MANUAL**
15. **CODE OF CONDUCT**
16. **APPENDICES**

# **SECTION I**

## **ADMINISTRATIVE STRUCTURE**

### **I.1 Monthly Council Meetings**

The Council shall meet on the third Wednesday of each month unless specifically resolved by Council to allow for other circumstances.

### **I.2 Disclaimer**

The following disclaimer will appear on the Agenda document of all meetings of Council and will be read aloud at the commencement of each Council meeting by the President/Chairman:

“No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council’s decision, which will be provided within fourteen (14) days of this meeting.”

### **I.3 Chief Executive Officer (CEO)**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

The CEO shall have the powers and duties delegated in this document and as resolved from time to time.

### **I.4 Senior Employees**

Reviewed January 2008

The following are designated senior employees for the purpose of s.5.37 of the Act -

Manager Finance and Corporate Services	Darren Friend
Manager Engineering Services	John Greay
Manager Community Services	Michael Prunster
Manager of Health, Building & Planning Services	Wolfgang Zadravec
Manager Economic Development	Rebecca McCall



# SECTION 2

## STAFF

### 2.1 19 Day Month

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the principles for operation of a 38 hour week / 19 day month be as follows--

1. RDO arrangements shall apply to both ASU, MEU and LGO staff
2. One RDO shall apply in every four-week period. RDO is achieved by working 8 hours a day for 19 days (i.e., 152 hours work equivalent to 4 weeks x 38 hours).
3. The pool manager is excluded from the RDO arrangements due to the nature of his work.
4. The CEO and Acting CEO will not take any rostered days off while the CEO is on annual leave.
5. 13 rostered days off per year will be allocated. Annual leave is to be 20 days, including one of the rostered days off. (Effectively reducing RDO's to 12 per year).
6. Hours of Duty (Admin staff)

Commence	8. 15am.
Finish	5. 00pm
Lunch	45 min
Length of Day	8 hours.

(Full RDO document held by CEO and issued to newly appointed staff)

### 2.2 Service Pay Scheme

*Amended 10 July 2002*

The arrangements for the service pay scheme are as under -

This is based on sliding scale with the maximum of \$25.00 per week being paid after five years service as under.

1. Service pay would be paid in addition to existing wages / salary currently paid i.e., in addition to any over-award, machine bonus etc.
2. After the completion of -

ONE YEAR SERVICE - additional per week	\$ 5.00
TWO YEARS SERVICE - additional per week	\$10.00

THREE YEARS SERVICE - additional per week	\$15.00
FOUR YEARS SERVICE - additional per week	\$20.00
FIVE YEARS SERVICE - additional per week	\$25.00

3. Maximum service pay - per week \$25.00
4. For part time officers the service pay is rounded off to the nearest 1/4 and paid accordingly i.e., a 1/2 time officer would receive \$2. 50 increment as against a full time officer receiving \$5.00.
5. Date of introduction - will be reflected in pay of 7th December 1989.

This scheme does not apply to casual employees.

### **2.3 Sick Pay Bonus Scheme**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

This operates as under, and applies to MEU staff, Metal Trades Award Staff and Council's Caretakers.

Council will pay up to 5 days untaken sick leave at Christmas each year. These 5 days are the first 5 days due each year. The first 5 days sick leave taken will be deducted from the 5 days Council will pay. So a person who has taken no sick days gets 5 days paid, a person who has taken one sick day gets 4 days paid, a person who has taken five sick days gets no days paid.

This scheme will not affect an employee's entitlement to sick leave under any award.

### **2.4 Relocation & Removal Expenses**

**(Resolved 23/1/2002)**

That the policy relating to removal assistance for newly appointed staff is as follows:-

1. An amount of \$5000 or 50% of the actual, whichever is the lesser, be paid towards the costs of relocation & removal expenses on the following basis – 50% on arrival and 50% after 1 year service.
2. Relocation expenses to be refunded in full if the Officer leaves of their own accord within the first 12 months.

## **2.5 Corporate Wardrobe**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

### **CORPORATE UNIFORM SCHEME - GUIDELINES**

1. A 'Corporate Wardrobe' subsidy will only be available to permanent full time, part time and contracted officers, after a qualifying period of 3 months for new employees.
2. Contributions by Council will be up to a maximum of \$300 per year per employee by Council for replacement/new items. Any cost above this will be met by the employee.
3. Staff transferring to another Local Authority or terminating with Council will be required to repay any outstanding balance of their contribution upon termination through a payroll deduction, but will not be required to reimburse Council any portion of its contribution.
4. Staff transferring from another Local Authority and already having corporate wardrobe clothing will be provided with a top-up issue at the discretion of the CEO in accordance with Clause 2.
5. Staff should make every endeavour to maintain the corporate clothing in a clean and tidy condition and to wear such clothing as a complete outfit and not mix with personal clothing.
6. Staff shall not wear the uniform other than for work related purposes. These guidelines may vary at the discretion of Council.

## **2.6 Long Service Recognition**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That to recognise long serving staff:-

1. An appropriate gift is presented to long serving staff in Council's employ on the following basis, and that the presentation is at a suitable function attended by full Council.
  - 10 years service \$250
  - 20 years service \$500
  - 30 years service \$1,000

## **2.7 Use of Council Vehicles by Council Officers, Councillors & Authorised Persons**

***(Resolved 24/4/2002)***

A policy, which provides for the use of Council Vehicles by staff, Councillors & authorised persons within the following guidelines and conditions, and subject to employment contracts where they exist.

1. Employees to whom vehicles are allotted and in accordance with their current terms of employment, may use them for their own private purposes, including weekends and annual leave periods. Employees are to meet the cost of fuel for private usage. A vehicle log book is to be kept for all private use.
2. Vehicles may be driven by the following persons:
  - an authorised officer of the Council;
  - outside of normal working hours by the spouse or partner of the employee allocated the use of the vehicle;
  - the holder of an appropriate current driver's licence when accompanied by an authorised officer or Councillor
  - Councillors when travelling to or from forums to represent Council, or regional Western Australia.
  - Other such persons as are authorised by the Chief Executive Officer.
3. Such vehicles are to be brought onto the job every working day (except those days an officer concerned is on paid leave), and used for all normal organisational duties. The vehicle is to be available for use by other Council drivers during normal working hours and on occasions, may be required outside working hours.
4. All employees, Councillors and authorised persons to whom vehicles are allotted are responsible for their care, including interior and exterior cleaning.
5. No modifications are to be made to the vehicle without the approval of the Chief Executive Officer.
6. At the discretion of Council, an authorised person or officer convicted of drink, drugs, careless, dangerous or reckless driving following an accident in a Council vehicle must pay the cost of associated repairs.
7. Restrict to the Shire of Moora??
8. There is to be NO SMOKING in Council vehicles at any time.

## **2.8 Staff Rental Conditions**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the following terms and conditions apply to housing premises made available on a rental basis by Council.

1. Garden, surrounds and yard to be maintained to a good standard and the building to be kept clean to normal standard.
2. In relation to water consumption, Council allows and pays for the first 1,000 kilolitres used in 12 month period. Water used in excess of 1,000kl is charged to the occupant.

3. \$400.00 refundable bond to be paid and retained in Council's Trust Fund to cover any damage to the residence required on the vacation of the premises.
4. Occupation of the residence to cease at any time employment with the Council ceases.
5. Where carpets are supplied in a residence the occupant is responsible for maintaining the carpets and cleaning as necessary.
6. Gutters to be kept free of leaves and debris.
7. Council reserves the right to inspect the residence at reasonable times. (See also Policy 8.2)

## **2.9 Transport for Workmen**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. Within a 10 kilometre radius of Moora start and finish at the depot in Council time.
2. Between 10-24 kilometre radius travel to and from the job in a Council provided vehicle in employee's time for which each person is paid 1/2hour extra per day.
3. Between 24-40 kilometre radiuses, with the same arrangement as above each employee is paid 1 hour per day travelling.
4. Beyond 40 kilometre radius is by arrangement. In past times this has resulted in employees being paid up to 1 1/2hours (in total) per day for travelling.
5. The person driving the vehicle gets paid overtime rates. The employees being transported get paid standard time. Driving is on a rotational basis.

## **2.10 Safety Policy**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

Council is committed to safety.

This means that Council aims to avoid or eliminate the causes, which lead to-

- accidents, injury or sickness of employees;
- damage and downtime of plant, equipment and processes;
- unsafe or poor quality products;
- Environmental damage.

## **POLICY**

In order to fulfil this aim, Council is committed to –

- providing a safe and healthy working environment for all our employees;
- taking action to reduce, eliminate or control hazards to which employees may be exposed;
- providing information and training on matters relating to safety together with a high standard of supervision;
- fostering co-operation and consultation with employees and their representatives on health and safety matters;
- providing appropriate personal protective equipment;
- protecting members of the public, customers and the environment from any potentially adverse effects which may be associated with our activities or the use of our products;

We will conform to the requirements of legislation and statutory authorities;

Short and long term goals will be set and the performance of manager and supervisors will be reviewed against these goals.

(New employees are issued with the full copy of the Safety Handbook which incorporates the Safety Policy prepared with assistance from HBF Risk Management)

### **2.11 Sexual Harassment Policy**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

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

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

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general.

The following examples may constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public:-

- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.
- Subtle or explicit demands for sexual activities or molestation.

- Intrusive enquiries into a person's private life.
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
- Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.

Council recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Council will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face-to-face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

A formal complaints/grievance procedure is attached to this Policy and will be utilised to effectively resolve complaints of sexual harassment.

### **Complaints/Grievance Procedure.**

Introduction.

All complaints of sexual harassment will be treated confidentially and resolved promptly

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser are victimised.

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

#### Procedure

- I. A complaint of sexual harassment may be lodged with any of the following persons-, -
  - Chief Executive Officer.

- President (only if the alleged harasser is the Chief Executive Officer)
2. A person receiving a complaint of sexual harassment will
    - Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management;
    - Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure;
    - Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow-up reports are provided until the matter is resolved;
    - Ensure no information regarding the complaint is discussed outside this procedure-
    - In a case where a union shop steward receives the complaint the Chief Executive Officer is to be advised of the details of the complaint.
  3. The person handling the complaint, whether it is the person who received the complaint or another appointed senior person will, with the approval of the complainant:-
    - As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour;
    - Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard;
    - Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.
  4. If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:-
    - The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union will be party to the investigation.
    - All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.
  5. during the period of the investigation of a case of serious sexual harassment:-
    - If requested by either party or by management, alternative working arrangements may be made.



6. If, following investigation and resolution, a complaint is judged to have foundation:-
  - Appropriate remedial action will be taken including where appropriate disciplinary / counselling action appropriate to the circumstances and/or seriousness of the matter.
  - A record of the detail of the disciplinary action will remain on the employee's personal file for a period of 12 months whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.
7. If, following investigation, a complaint is judged to have no foundation:-
  - The complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
  - Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

## **2.12 The CEO Performance Review**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. That the performance of the CEO be reviewed at least once in relation to each year of employment using the performance criteria contained in Appendix I of this Manual or alternatively a performance agreement document, subject to agreement between the parties
2. That part of the ordinary Council meeting, prior to a review, is closed to enable all Councillors to have input into the review of the CEO's performance.
3. That the performance review be carried out by the Management Review Committee in a closed meeting with the CEO.
4. That a review of delegations from Council to the CEO be part of the review process.
5. That if requested by either the Council or the Officer an independent consultant agreed by the parties be engaged to assist the Management Review Committee in the conduct of the review and to prepare a report of proceedings.
6. That the record of proceedings when agreed by the Management Review committee and Chief Executive Officer, be provided to all Council Members on a confidential basis.

### **2.13 Acting Chief Executive Officer**

1. In the absence of the Chief Executive Officer during leave periods or other extended periods of absence an acting Chief Executive Officer is to be appointed.
2. The Chief Executive Officer is delegated the authority to select and appoint an Acting Chief Executive Officer in accordance with the delegations register. The person selected to act in the position will be remunerated as follows:
  - a) Up to and including two weeks will receive 80% of the difference between the Chief Executive Officer hourly rate and the normal hourly rate of the nominated Acting Chief Executive Officer.
  - b) For periods greater than two weeks 100% of the difference in hourly rate to be paid.

### **2.14 Telephones, Staff Residences**

*Originally adopted by Council on 20<sup>th</sup> May 1998, amended on 23<sup>rd</sup> June 2004.*

Council identifies that there will be occasions where Senior Officers make and receive telephone calls for their private residence. In recognising this and the expectation that the officers will respond positively to the concerns of the public concerns or an emergency. Council has the following policy:-

1. That telephones be installed at residences occupied by the Senior Officers and Operations Supervisor.
2. That the official positions and telephone numbers of the above officers be listed in the telephone book under Shire of Moora.
3. Officers covered under this policy will be entitled to reimbursement for the telephone rental, service and maintenance charges and the cost of the first \$25.00 of telephone calls made each month.
4. Telephones installed in staff housing owned by the Shire of Moora will be transferred into the name of the Shire of Moora upon the officer vacating the residence to remove the associated connection fees. The officer will remain liable for any cost in excess of the amounts reimbursable under this policy.
5. All telephones in staff residences currently billed to the Shire of Moora are transferred into the Officers name.

## **2.15 Gratuity Payments - Section 5.50 of the Act**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

The Act reads -

- 5.50 (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out;
- (a) The circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee- and
  - (b) The manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.
- (2) A local government may make a payment -
- (a) To an employee whose employment with the local government is finishing; and
  - (b) that is more than the additional amount set out in the policy prepared by the local government under subsection (1),

But local public notice is to be given in relation to the payment made."

That for the purpose of Section 5.50 (1) of the Act, the following approximate amounts be spent on presentations made to employees who retire or resign after a period of satisfactory service of;

5 years	\$ 250
10 years	\$ 500
15 years	\$ 750
20 years	\$1000

(Adopted by Council at the 18 March, 1998 Meeting of Council).

## **2.16 Loan/Use of Council Plant/Equipment by Staff Members**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

See Policy 4.10

## 2.17 Leave Management – Annual & Long Service

*Originally adopted by Council on 20<sup>th</sup> May 1998, amended 26<sup>th</sup> February 2003.*

This policy applies to all employees who are employed on a full time or part time basis, but does not apply employees employed on a casual basis.

1. Employees shall be entitled to Annual and Long Service Leave consistent with the provisions of the relevant employment Award and Local Government (Long Service Leave) Regulations.
2. All employees shall take annual leave in the year which it is accrued unless deferral has been arranged through their line manager and been approved by the CEO.
3. All employees shall take long service leave within three years of the date it becomes due unless deferral has been arranged and approved by the CEO.
4. A leave roster shall be maintained ensuring that adequate coverage of work functions is maintained during periods of leave. Managers are responsible for providing information to the Payroll Officer for the leave roster.
5. In general terms the Shire will endeavour to approve the leave applications consistent with the requirements of employees; however the requirement must be considered in the context of the organisations commitments and its ability to meet its obligations.
6. Employers are entitled to receive pay in advance for leave providing applications are approved and in the hands of the payroll officer two weeks prior to the commencement of the leave.
7. Leave application forms should be signed by the applicant, approved and signed by the line Manager. All Leave applications forms need to be forwarded to Payroll Officer for action.

### Entitlements

1. Employees are entitled to 20 days annual leave per year, credited on their anniversary date/ where an employee's employment terminates during the year, a pro rata amount is adjusted to the entitlement. Employees who work on a part time basis receive annual leave calculated on pro-rata basis.
2. Employees are entitled to 65 days (13 weeks) long service leave at the completion of 10 years of continuous service. Employees who work on a part time basis receive long service leave calculated on a pro-rata basis.
3. Employees are entitled to public holidays if they occur during a period of annual leave. Employees are not entitled to public holidays if they occur during a period of long service leave.
4. Because leave is calculated on the basis of a 38 hour week, any Rostered Days Off (RDOs) is not included in leave periods, and periods of leave do not accrue RDO time.
5. Long Service Leave may be taken in periods of not less than one week (five working days).
6. Employees may clear part or all of their long service entitlement on half pay; however no more than one period of the Long Service leave shall be approved at half pay.
7. Periods of 'unpaid leave or unpaid maternity leave' taken by an employee, do not accrue annual or long service leave entitlements.
8. Employees may take a combination of annual and long service leave.

9. Paid leave up to 38hours per calendar year will be granted to employees who are members of the emergency service organisations (such as SES, Bush Fire Brigades, and St Johns Ambulance) for the purpose of participating in training and services, at the discretion of the line Manager. This leave is in addition to other leave entitlements.
10. Paid leave for jury service is available with the endorsement of employee's line manager.
11. Employees may be assisted to undertake study related to their work and of benefit to the Shire of Moora at approved institutions.

#### Reimbursement of Fees

12. An employee who undertakes an approved course of study may apply to the Chief Executive Officer to have compulsory fees (other than for supplementary examinations and late enrolment or late entry fees) reimbursed after completion of the semester/term.
13. Employees shall provide as much notice as possible to their Line Manager when seeking leave of any type.
14. Emergency Service, study leave and jury leave shall be paid normal rates from the time of absent from work to the total of ordinary time usually worked in that day, but not including time in excess of ordinary working hours, weekends or public holiday rates.
15. Emergency service, jury and study leave does not accrue.

#### Leave Rosters

1. By the end of each financial year, Managers are responsible to develop and maintain a leave roster that identifies proposed relief/coverage arrangements (where necessary) for all employees within their area of responsibility.
2. Where relief is required, this is to be negotiated with the relevant Manager and included in Councils adopted budget and if necessary a recruitment action is commenced by the line Manager.

#### Approvals and Obligations

1. Leave applications are to be submitted on a Leave Application form and submitted for approval to the relevant Manager.
2. Leave applications will be considered in the context of operational requirements and the leave roster (in particular if there are multiple employees seeking leave).
3. Managers must consider how the duties and responsibilities of the position will be delivered in the absence of the employee on leave.
4. After approval, leave forms are to be forwarded to the Payroll Officer for processing.
5. It is the obligation of individual employees, in conjunction with the Manager, to determine whether there is a need to communicate their impending absence to other employees.
6. As a general rule, Managers should advise all employees of their absence and what acting arrangements, if any, have been effected.

#### Deferral of Annual Leave

1. Each calendar year, line Managers will be advised by the Payroll Officer of employees within their team who have not cleared annual leave for that year.
2. Employees are required to formally seek approval from their Manager to defer leave. This deferral request must be in writing and clearly identify the amount of leave accrued, at what date it will be cleared and why it has not been cleared.
3. Providing there is adequate justification annual leave may be under the following circumstances be deferred for a maximum of three years:
  - Impending retirement
  - Future holiday commitment (for example overseas trip)
  - Long term personal commitments (for example building a house, taking care of a sick family member), or
  - Special circumstances which will be considered on a case by case basis.

#### Deferral of Long Service Leave

1. Employees are required to formally seek approval from their Manager to defer long service leave. This deferral request must be in writing and clearly identify the amount of leave accrued, at what date it will be cleared and why it has not been cleared.
2. Providing there is adequate justification, long service leave may be under the following circumstances deferred for a maximum of three years:
  - Impending retirement
  - Future holiday commitment (for example overseas trip)
  - Long term personal commitments (for example building a house, taking care of a sick family member), or
  - Special circumstances which will be considered on a case-by-case basis.

#### Clearing of Existing Accrued Leave

1. Employees who have more than one accrued annual leave entitlement are encouraged to clear the outstanding balance.
2. Employees who have accrued long service leave are required to clear the leave within three years from the date of accrual.
3. There are a number of leave management strategies that would assist both the employee and employer in clearing accrued leave:
  - Access leave in smaller amounts, inclusive of single days for clearing of annual leave
  - Compacting leave to decrease the time taken off and increase the salary or wage paid.

## **2.18 Council Employees – Own Housing**

***New Policy – Adopted by Council 10<sup>th</sup> July 2002***

Council provides a \$500 annual allowance on rates to full time employees (pro rata for part time employees) who own and live in their own home in the Shire of Moora.

Only one allowance per residence to apply where there is more than one employee living in the same home.

### **2.19 Council Employees – Accommodation Allowance**

Council provides an accommodation allowance of \$10 per week to all employees who own and live in their homes within the Shire of Moora.

Only one allowance per residence to apply where there is more than one employee living in the same home.

### **2.20 Council Employees – Admission to Moora Swimming Pool**

*New policy. Adopted by Council on 8<sup>th</sup> November 2006.*

That Council offers each employee who holds a permanent position at the start of the pool season a non-transferable, non-redeemable family/adult pass for the Moora Swimming Pool.

# **SECTION 3**

## **COUNCIL MEMBERS / MEETINGS**

### **3.1 Presentation to Retired / retiring Councillors**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That all Council members completing at least one 4 year term (or a continuous 4 year period) be presented with an appropriate gift

And

A scroll style certificate of appreciation

And

These presentations are made at Council's end of year function.

### **3.2 Councillors Travelling Expenses**

*New policy. Adopted by Council 17<sup>th</sup> March 1999.*

1. Councillors may claim travel expenses for attending meetings and conferences at the request of Council, where authorised by Council to do so and where the Councillor has been appointed a delegate to the organisation convening the meeting attended by a Councillor.
2. Travel expenses to be calculated based on the distance between the Councillors address on the nomination form for the Councillor's election or most recent re-election x 2 to allow for travel both ways.
3. Councillors may claim an amount up to the prevailing rate for vehicle travel as per the WA Local Government Officers Award.
4. If a claim received does not stipulate an amount, only the distance travelled, the calculation be as per (b) x the rate for the vehicle travel as per the WA Local Government Officers' Award 1999.
5. Subject to availability Councillors may request and use Managers vehicles for Council related business.

### **3.3 Local Laws**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council make, publicise and review its local laws according to the guidelines below:-

Guidelines.

1. That local law making powers be used sparingly and only after applying the following tests:-
  - Can Council achieve the objective without making a law?



- Has Council the will and resources to enforce the law?
  - Will practical benefits result from the law?
2. That local laws be worded as simply as possible.
  3. That where local laws are site specific, e.g. laws relating to the hall, a copy of the laws be posted, where feasible at the site concerned, or where not considered feasible by the CEO, that an abbreviated version be kept posted at the site stating:-
    - offences and penalties; and
    - that the full laws can be inspected at the Shire Office.
  4. That where registration or licensing of an activity, premises or animal is required, the opportunity be taken to issue a leaflet advising of local laws associated with that activity, premises or keeping of that animal.
  5. That the President consider making the exercise of the legislative powers by the local government a component of the President's annual report as a means of identifying district problems and steps Council is taking to combat these.

### **3.4 Election of Committees**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. That a secret ballot be held (excluding the President's name) to determine Council's preference of candidates where there are more nominations for a committee than required.
2. That a deadlock caused by an equality of votes be broken by the drawing of lots.
3. Motions are passed in open Council by absolute majority appointing the committees elected by this process.
4. If any councillor is not elected to a committee made up of committee members only or Council members and employees by the time the membership of the last of such committees is to be determined, such councillor is automatically appointed as an additional member to one such committee as determined by Council.

### **3.5 Public Question Time Guidelines**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council adopt the following guidelines for the use of persons presiding at Council and committee meetings for the conduct of Question Time -

1. Members of the public to be given a warm and friendly welcome.

2. Each member of the public must be given the opportunity to ask a question.
3. At Council meetings, a question must relate to a matter affecting the local government.
4. At a special Council meeting, a question must relate to the purpose of the meeting.
5. At a committee meeting, a question must relate to the purpose of the meeting. (Appropriate only where Committees have delegated powers)
6. If a member of the public asks if he may make a statement to the Council (or makes a statement to the Council) this be accepted provided within the ambit of 3, 4, 5.
7. If a member of the public asks if he may comment on an item on the agenda when this is discussed later in the meeting, this be accepted.
8. Answers to questions to be kept brief and businesslike and where questioner seeks to protract discussion, discretion be used by the person presiding.
9. Questions may be taken on notice for later response.
10. If (9) applies, the questioner, if unknown, be asked to provide his/her name and means of contact on a piece of paper to the CEO.
11. Any answers supplied between meetings under (9) to be reported in the agenda of the next meeting.

### **3.6 Councillors Honour Board**

*New Policy. Adopted by Council 15th September 1999.*

That Council adopt the option of 18mm gold rowmark plate with 10mm black print for Council's Honour Board, and the preferred size of the board is 2400mm x 1200mm jarrah laminated board with a 25mm raised border around the edge.

### **3.7 Media Use**

*New Policy. Adopted by Council 10<sup>th</sup> July 2002.*

1. Staff and Councillors are encouraged to undertake relevant training in the use of the media.
2. Staff and Councillors are encouraged to meet regularly and develop relationships with local press and radio media personnel.

3. Staff responsible for their areas of work have first responsibility for drafting press releases or media statements.
4. All press releases drafted by staff are to be sanctioned by the Chief Executive Officer and authorised by the Shire President prior to release.
5. Copies of all press releases or media statements will be kept in the Shire Press Release Register.
6. Councillors will only comment in the media on the portfolios they hold and after consultation with the Shire President.
7. All press Releases by Councillors or staff are to be listed on Councils website.

### **3.8 Freeman**

*New Policy. Adopted by Council 27<sup>th</sup> October 2007.*

Council may bestow the honorary title of Freeman of the Shire of Moora on a person who has served the community in an outstanding and meritorious manner that stands above the service and contribution of most other persons in advancing the districts strategic interest and in the provision of benefits for the greater community.

#### **Limitations**

In recognition of the standing of Freemanship a maximum of 2 living persons shall hold the title of Freeman of the Shire of Moora at any time.

#### **Nomination for Freeman**

1. Council encourages the community to nominate people for consideration as Freeman at any time.
2. Nominations must be in writing addressed confidentially to the Chief Executive Officer and justify in chronological order nominees.
3. Nominees must not be consulted or advised of nominations.
4. Council will consider “in camera” any nominations received.

#### **Entitlement of Freeman**

1. Any person who has the honour of Freemanship bestowed may refer to themselves as Freeman of the Shire of Moora.

2. Freeman will be presented with a special badge and certificate at a function to be hosted by Council to acknowledge their Freemanship.
3. The Freeman shall be invited at no cost to formal civic functions by Council.
4. Freeman shall be included on the Shire of Moora Honour Board.
5. A photograph and plaque of the Freeman is to be displayed in the Moora Performing Arts Centre.

### **3.9 Retiring Councillors to receive Council Minutes**

*New Policy. Adopted by Council ....*

All retiring Councillors receive the Shire of Moora minutes free of charge for a period of two years.

# **SECTION 4**

## **WORKS AND PLANT**

### **4.1 Farm Drainage**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council's Policy on farm drainage within the rural area of the Shire, as under be adopted.

It is the responsibility of a land owner to advise the Shire of any earthworks near or adjacent to a gazetted road such that a water hazard could arise due to an increased flow of water.

Where such earthworks are likely to create the need for one or more culverts or floodways to alleviate water hazard, Council will only permit the construction of those earthworks provided:-

1. That such earthworks have been designed as part of an overall plan under the auspices of the appropriate Land Conservation District group involved,
2. Written consent is received by the Shire Office from the owner of the land down stream including his willingness to accept water that may cross the road as a result of such earthworks;
3. The upstream land holder agrees to meet all costs associated with the provision of the materials for and the construction of such floodways or culverts as the Council shall deem to be necessary;
4. Construction of the culverts or floodways is carried out to an approved design, at Council's convenience, and if by the landowner, under Council's supervision.

### **4.2 Entrance to Properties.**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

- I. Rural Crossovers
  - a) That for the purposes of Uniform Local Provisions regulation 15a, standard rural crossing will be constructed to a pipe width of 7.3 metres.
  - b) That for a first crossing, Council provides a standard crossing at its expense.
  - c) That Council do not contribute to any subsequent crossing, or to the additional cost of providing a crossing, which is superior to a standard crossing.

- d) That culvert driveways damaged during road construction be restored by the Council at Council's expense.

## 2. Townsite Crossovers

- a) That for the purpose of Uniform Local Provisions regulation 15, a standard crossing within the townsite comprise a gravel, or similar base of sufficient depth and composition to provide a hard trafficable surface, to a pipe width of-
  - 4.0 metres for residential and commercial premises-
  - 4.5 metres for light industrial; and
  - 6.0 metres for heavy industrial.
- b) That for a first crossing, Council provide 50% of the cost of a standard crossing.
- c) That Council do not contribute to the cost of a subsequent crossing or to the additional cost of providing a crossing, which is superior to a standard crossing.
- d) That an owner/occupier contribution to the cost of construction of a crossover to Shire specifications, whether standard or superior, is due and payable at the time of building licence issue if the request for a crossover is made at the same time/in conjunction with a development proposal and in any case prior to the construction of the crossover.
- e) That the 50% of cost charge payable by the landowner be included in Council's annual list of fees and charges and a separate charge be calculated for -
  - Rural areas crossovers
  - Townsite areas standard crossovers
  - Townsite areas non-standard crossovers (access to block over a ditch or otherwise difficult)

## 3. Street Paving Adjacent to Business Premises

That Council be prepared, at a time convenient to its works program to provide rolled and levelled gravel paving between a bitumen road surface and commercial premises which the owner or occupier of the commercial premises may bituminise, as long as the standard of any such work is approved by Council's Manager Engineering Services.

### **4.3 Plant**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

#### **1. Replacement of Council motor vehicles**

That quotations be sought as per tender guidelines, for the replacement of executive vehicles and utilities and Council's executive management make an informed decision without reference to Council, on best value for Council and that all changeovers do not exceed the annual budget.

2. That Council endeavour to enter into contracts of supply with any reputable vehicle supplier where the changeover costs are minimal or nil on a two to three year basis. Where such a contract exists and cars/station sedans are traded on new vehicles held less than two years or 40,000 kilometres and the financial consideration is nil changeover or cash back the vehicles be changed without reference to Council.

#### **3. Tenders for the Replacement of Plant**

That Council make recommendations relating to the calling of tenders for the replacement of budgeted plant and road building material for value greater than \$100,000 (as per tender guidelines) at a time that is suitable to the finances of Council.

### **4.4 Wildflower Picking**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council's Policy of Wildflower Picking be as under:-

#### **Shire Road Works**

1. Native flora to be preserved wherever practicable.
2. Gravel borrow pits should be re-instated when extinct.
3. Abortive bulldozer/loader cuts made in search of gravel should be immediately reinstated.

#### **Fire Control and Clearing and Spraying**

1. Council to discourage the indiscriminate spraying/ploughing and burning of fire breaks outside the boundary line.
2. No clearing on road reserve without approval from Council. Any persons wishing to clear the road reserve adjacent to their property should first make application to Council for permission to do so.

## Picking

- I. No picking of blooms or seeds to be permitted on any road verge under the control of the Council or any reserves in or under the control of Council, without Council permission.

(Note- Uniform Local Provisions Regulation 5 provides:

## Disturbing local government land or anything on it

- I. A person who, without lawful authority -
  - (a) interferes with the soil of, or anything on, land that is local government property; or
  - (b) takes anything from land that is local government property, commits an offence the penalty for which is a fine of \$1,000)

## 4.5 Brick Paved Footpaths.

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the policy of Council be that where the upgrading of footpaths in the commercial area in Moora become necessary any new surface be in brick paving.

## 4.6 Donations of Work to Organisations.

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

- I. Council plant and equipment may be used by sporting organisations and other local non - profit organisations/clubs at the discretion of the CEO, free of charge, including fuel, outside normal working hours where the plant and a Council operator are available. The borrowers are required to arrange remuneration of the operator if required (Council is making the plant available which must be operated by a Council operator while the plant is being made available)
2. the value of the Council in-kind donation of plant (plant hire) be accounted for in the usual way and charged to donations.

## 4.7 Private Works.

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

- I. That Private Works only be carried out where -



- (a) the Works and maintenance program will not be adversely affected unless Council believes the advantages of carrying out the private works justifies some reassessment of the works programme.
- (b) full costs including supervision and administration costs are recovered through private works charge rates to be set annually in the budget.
- (c) agreements for private works are made in writing and signed by the person requesting the works. Where deemed necessary prepayment may be required before the commencement of work.

#### **4.8 Council's Heavy Transport Vehicle Policy.**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

Council's Policy which allows various heavy vehicle configurations to travel on designated roads is detailed as under -

The conditions as under form part of the policy

1. The Main Roads issues permits in accordance with this Policy, which means that the contractor/owner does not have to contact the Shire Office.
2. Adjoining landowners to excluded roads may apply to Council for one-off approval to cart to or away from their property.
3. Should heavy seasonal activity or weather conditions cause damage to occur to a Council road then Council retains the right to temporarily remove that road from the list of approved roads.
4. Local vehicles requiring a MRWA permit are allowed access from the contractor's (Moora) depot to the permitted heavy vehicle route by the shortest practical route provided that such access is a bitumen road not less than 6.5 metres wide.
5. The route through Moora for vehicles requiring a MRWA permit must be via Clinch Street from Gardiner Street to Roberts Street, Roberts Street from Clinch Street to Dandaragan Street, Tootra Street to Gardiner Street.
6. Roads on which vehicles requiring a MRWA permit are not allowed to travel are those designated 'light traffic only' i.e., Madgingarra Road, Berkshire Valley Road.

NOTE: Applicable from 16 July, 1997.

## **4.9 Use of Council Plant at Fires**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. Requests for assistance and instructions can only come from the Fire Control Officer in charge of the fire.
2. Front end loaders and graders (which are not licensed to be driven on the road after sundown ) can only be used for fire control during daylight hours.
3. Loaders and graders (which are machines with hydraulic controls) can only be used in open paddock situations which mean they cannot be driven into rocky, hilly bushland.
4. Shire water tankers must be parked in a safe area and used only for back up water supplies.
5. An operator has the right to refuse any instructions, which he feels would put himself and his machine at risk.

## **4.10 Loan/Use of Council Plant/Equipment by Staff Members**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. No right exists for staff to borrow or use Council plant or equipment for non-Council or personal use.
2. On occasions it may be possible for Council to assist an employee by making an item of Council equipment available for a limited period for personal or community pursuits or purposes.
3. Use of any item of Council equipment for any non-Council activity without proper authority is not to occur.
4. Any such arrangement must be made through the Council Officer responsible for that item of equipment. This does not imply that every request will be granted. The authority and discretion in relation to making any item of equipment available rests with the officer in charge of that item of equipment.
5. Compliance with this direction by all staff members is essential.

(This policy - which confirms previous arrangements - was last advised to all employees in writing with pay slips on 5 February, 1998).

# **SECTION 5**

## **HEALTH**

### **5.1 Food Sampling Policy**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

THAT the Food Sampling Policy be adopted as under-

1. In cases where foreign objects are discovered in the food the proprietor be given one warning, with all other cases of foreign objects being found in that premise's manufactured food resulting in automatic prosecution under the Health Act.
2. In all cases when an analyst's report indicates that meat (or other food) is substandard the owner or occupier of the food premises be given one warning with all future cases of substandard foods being subject to prosecution.
3. That a Register be kept recording all foreign objects found in food and all substandard food samples.

### **5.2 Sewer Connection Policy**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That where a septic tank system or leach drain serving a property within the Moora Sewerage Area is in the opinion of the Manager Health, Building & Planning Services defective or unable to handle the sewage produced on the property the owner be required to connect to the sewer forthwith.

### **5.3 Home and Farm Stay Accommodation. Cottage Industries – Policy**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the following policy be adopted for Home and Farm Stay accommodation and Cottage Industries in residential premises.

1. That all Home and Farm Stays, which can accommodate up to four people must register with the Shire.
2. That all Home and Farm Stays which can accommodate more than six people must be registered as a 'Lodging House'.
3. Cottage Industries, which produce food to comply with the Food Hygiene Regulations 1993.

Cottage Industries, which are deemed to be Home Occupations, are required to obtain Town Planning Approval.

4. The following condition will apply to food preparation in residential premises--

- All food handling shall be in accordance with the Food Hygiene Regulations 1993-1

#### **5.4 Sewerage Maintenance Contract With WA Water Corporation**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the following Council motion of 20 August 1997 be included in the Policy Manual.

#### **Local Government (Functions and General) Regulations 1996 - Moora Sewerage Scheme Maintenance Contract with the WA Water Corporation**

That in accordance with the Local Government (Functions and General) Regulations 1996, Part 4, Tenders for Providing Goods or Services (3.3.57) Regulations 11, (2), (f) it be noted that tenders do not have to be publicly invited according to the requirements of the above mentioned Legislation as the Shire of Moora has good reason to believe, because of the unique nature of the services required it is unlikely that there is more than one potential supplier in regards to the Water Corporation providing maintenance services to the Shire of Moora Sewerage Scheme.

# SECTION 6

## BUILDING

### 6.1 Building Near Sewers

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council adopt WA Water Corporation policy regarding buildings in close proximity to sewers.

### 6.2 Verandah Posts

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

Policy relating to erection of Verandahs and Verandah Posts in the commercial area of the Moora Townsite.

1. Verandahs shall be erected within the commercial area of the townsite in accordance with Section 400 of the Local Government (Miscellaneous Provisions) Act, which, among other provisions states that the minimum height (at its lowest point) above the footpath of a verandah shall be 2.75 metres, including any advertising signboard.
2. Plans and specifications for the erection of a verandah/ verandah posts must be submitted to the Shire's Building Surveyor for issue of a building licence in the normal way.
3. In the interest of uniformity the dimensions of verandahs and verandah posts in the various streets shall be as under:-

STREET WIDTH	VERANDAH POST ALIGN	VERANDAH TREE ALIGN	STREET POST ALIGN	SEC POST ALIGN
Gardiner St East Side	3.8	3.5	4.8	4.8
South Padbury St West Side Between Clinch/Dandaragan	2.5	2.2	3.1	3.1
Dandaragan St South Side	3.7	3.4	4.5	5.1
Dandaragan St North Side	3.1	2.8	4.8	5.3

North Padbury St  
West Side Between  
Dandaragan/Moore  
Streets

2.8

2.5

No Trees

3.1

4. The minimum diameter of a verandah post shall be 100mm and while there is no stipulation in regard to style or design the posts must not have protuberances or edges, which may cause injury to the public.
5. Storm water down pipes may be affixed to verandah posts in such a way that Storm water will be discharged directly into the street gutter or underground drainage system.

There shall be no restriction in respect to the distance between verandah posts but the preference is to reduce the number of posts providing that load bearing requirements as per the Building Code of Australia are complied with and that in the case of adjoining properties a common post is preferred if agreed to in writing by both parties.

(NOTE: This Policy takes the place of Council's previous By-Laws relating to Verandahs and Removal thereof, which has been repealed)

### **6.3 White Metal**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the Policy in respect to the use of 'white metal' in concrete be that white metal is limited to carport, garage, shed floors (not load bearing footings) and that the limitations of white metal in concrete be made clear to the public.

### **6.4 Transportable Homes**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council retain the option to require homes of a certain standard (eg; transportable homes) in newly created subdivisions or areas where currently no homes exist.

### **6.5 Second hand Housing Policy**

*Originally adopted by Council on 20<sup>th</sup> May 1998.( Subsequently reviewed and amended)*

That the Second hand House Policy be as under:-

- I. The dwelling to be relocated is to be made to comply in all respects of the Building Code of Australia, particularly the section relative to seismic zones.

2. All such dwellings proposed to be transported to townsites within the Shire are to be inspected "in situ" by a Building Surveyor or some other qualified person, any costs so incurred are to be borne by the applicant;
3. A report on the dwelling complete with recommended conditions of approval, photographs etc are to be submitted to Building Surveyor for consideration, proper plans and specifications are to be duly submitted to the Building Surveyor in order that a building licence can be issued.

No dwelling is to be relocated upon any lot within the Shire until the building licence has been issued;

4. An estimate of the cost of any conditions of approval is to be used as the basis of calculating a Fidelity Bond, which is to be deposited by the applicant with Council. The bond is to be deposited on the understanding that if the conditions of approval are not completed to Council's satisfaction within the time limit specified the outstanding conditions will be met from the bond monies held by Council. The remainder, if any, is to be returned to the applicant when all conditions have been completed.
5. That in the case of second hand houses arriving in any townsite or rural area of the Shire without the necessary approvals, immediate prosecution be instigated.
6. That if a pine framed second hand house is transported within the Moora Shire district its installation is to be strictly in accordance with the Australian Standards AS 1694 1974 Code of Practice for physical barriers used in the protection of buildings against subterranean termites.

## **6.6 Rubbish Tips**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. That builders depositing building materials on Council rubbish tips be charged a fee -  
  
Per ordinary housing construction; and  
Per major construction;  
  
as determined from time to time in the budget.
2. That in the case of a demolition project the fee for depositing building materials at a tip be assessed by the Manager Health and Building

## **6.7 Outbuilding Policy Conditions- Cladding and Reflectivity**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. That a zincalume roof be permitted upon a proposed outbuilding on the condition that any complaints from neighbouring properties with relation to reflectivity will require the applicant to immediately paint the roof surface to prevent such reflectivity; and
2. The "Outbuilding" Policy be amended to require
  - a) That all outbuildings on residential zoned land be clad with colorbond on all wall surfaces
  - b) Any roof pitch for a large outbuilding which exceeds 15 degrees be clad in colorbond
  - c) Any justified complaints from neighbouring properties in relation to reflectivity will require the building's owner to immediately paint the reflective surface.

## **6.8 Town Centre Zones**

*New Policy. Adopted by Council 8<sup>th</sup> September 2004.*

1. The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however that an owner, builder, or architect may apply to the Council for permission to use materials where it is satisfied that such use will not detract from the amenity of the area.
2. Any roof pitch for a large building that exceeds 15 degrees to be clad in colorbond to decrease reflectivity.
3. Frontages to main entrance to building are to be covered by a verandah with colorbond roofing or other structure approved by Council.
4. Car parking areas for developments in the Town Centre area to be concrete, bitumen sealed or paved to enable parking and disabled bays to be identified.
5. Landscaping plans are required to be presented with Development Applications.
6. Non solid fencing to street frontages and side boundaries in line and parallel with the front of the building. Non solid fencing is preferred by Council.

Council may require screen fencing for rear of premises consistent with the type of activity being carried out.



## **6.9 Outbuilding Policy - Fencing Construction**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council policy be that free standing sheet fencing in residential situations is prohibited and that all sheet fencing will incorporate post and rail type construction, for cladding (in accordance with manufacturers specifications ) with super six or Colorbond or Trimdeck profile zincalume type materials; and

that the above policy be included in new fencing local laws which will be written from Council's existing (1967) Fencing By-Laws and other relevant policies.

## **6.10 Outbuilding Policy - Maximum Size Of-**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council's current outbuilding policy referring to square metreage of land and maximum size of outbuildings be partly amended in the following manner;

R2 - 5,000m<sup>2</sup> Lots - maximum size of outbuildings equals 200m<sup>2</sup>

R2.5 - 4,000m<sup>2</sup> Lots - maximum size of outbuildings equals 200m<sup>2</sup>

R5 - 2,000m<sup>2</sup> Lots - maximum size of outbuildings equals 150m<sup>2</sup>

R12.5 - 800m<sup>2</sup> Lots maximum size of outbuildings equals 100m<sup>2</sup>

R25/R30 - 320m<sup>2</sup> to 300m<sup>2</sup> Lots - maximum size of outbuildings at Council's discretion.

## **6.11 Land Fill**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

### **SITE FILL HEIGHT AND DIMENSIONS**

- I. HEIGHT OF FILL - All footing trenches must be retained solely within the prepared sand pad and all footings must remain a minimum of 100mm from natural soil base. The finished height of any sand pad must be such that when completed it remains at least level with the maximum height of any established road access, but other factors which have to be considered are:-
  - a) Whether or not there is an established road, if not a level should be decided which will allow for the height of any road subsequently constructed,
  - b) Future possible extension to the building,

- c) Installation of a Septic Tank/Leach Drain or connection to sewer.
- 2. **DIMENSIONS OF FILL** - All sand pads for all habitable buildings must be extended and compacted to an area at least 2m beyond that overall floor area of the proposed building(s), except that where the minimum distance between the edge of the floor (building extremity) is less than 2 metres that distance - the distance between the building extremity and the boundary shall be filled and compacted as stated previously.
  - a) **Blocks in Excess of 800m<sup>2</sup>** - All building sites in excess of 800m<sup>2</sup> in area must be filled to an area of at least 2m beyond the overall building floor area. The fill must slope from the established sand pad height away from the habitable building at a gradient of around 1 in 6.
- 3. The suitability and dimensions of fill remain at the discretion of the Building Surveyor. All stormwater runoff must also be retained onsite or directed into Council's drainage system.

Before commencing any filling of a block or preparation of sand pad for a habitable building, levels must be established and verified by the Building Surveyor individual cases will vary and in certain instances engineer's certifications may be necessary.

## **6.12 Temporary Accommodation Policy - Special Rural and General Farming Zones**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

See Policy 7.6

## **6.13 Construction of Outbuildings prior to Construction of Residential Homes**

*Originally adopted by Council on 15th July 1998.*

No out buildings are to be constructed on residential zoned land prior to the construction of a Class 1A or 1B building  
and

That a Class 1A or 1B residence is to be completed to lock up stage prior to Council approving plans for a Class 10 outbuilding on the same lot, be adopted.

# **SECTION 7**

## **PLANNING**

### **7.1 Development Across a Cadastral Boundary**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council only give a development approval on more than one lot where the separate lots are amalgamated as a condition of planning consent, unless each of the separate lots can be independently developed without there being any inter dependence on any aspect.

### **7.2 Amusement Parlours**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

Council shall consider an application for planning consent to commence development of a "Place of Amusement" in the "Town Centre" under the terms of an "SA" use classification as stated in its Town Planning Scheme. The terms of Council's approval to such an application shall be valid for a period of one year only and thereafter the applicant shall re-apply for planning consent to commence development.

Council will only renew its approval to "Place of Amusement" after it has examined the application under the terms of an "SA" use classification, and where it is satisfied that the operation of the premises has been conducted such that:

1. The hours of operation of Amusement Parlours shall be within the times 10.00 am to 10.00 pm Monday - Saturday, 1.00 pm to 8.00 pm Sunday.
  - a) Amusement machines are permitted in cafes and delicatessens as an incidental use.
2. Adequate standards of cleanliness are maintained.
3. The premises shall be conducted in an orderly manner at all times - by an adult person, to ensure that -
  - a) A minor enrolled at a school shall not be permitted to operate an amusement machine during school hours. A minor of pre - school age shall not be permitted to operate an amusement machine unless accompanied by an adult,
  - b) No intoxicating liquor or any drugs shall be permitted to remain upon premises;
  - c) No gambling shall be permitted and no monetary prizes shall be offered as a reward for skill in playing any machine within the premise,

4. The maximum number of machines that can be installed in any premises will be limited by the available floor space. The Council requires that for every machine there will be five square metres of floor space available.
5. Provision shall be made for toilet facilities based on the number of people expected at any one time on the premises.

The calculation of the numbers of WC's and wash basins shall be as required by the Building Code of Australia.

6.
  - a) The annual licence fee shall for each amusement machine is to be determined in the budget from time to time-
  - b) The number of machines installed shall not be increased beyond the number shown on the licence unless written approval of the Council is obtained.
7. Noise is kept to an acceptable level and is not offensive to the adjoining premises. Amplified music is not allowed.
8. The conduct of patrons is of an orderly manner at all times.

### **7.3 Additional Accommodation**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. This policy is to be implemented in respect of the use "Additional Accommodation (Granny Flat)" as defined in the Town Planning Scheme, and in respect of Council's administration of the Residential Planning Codes;
2. The CEO is delegated the authority to determine these applications, on the basis that the following conditions or requirements apply :-
  - a) Maximum floor area is 60m<sup>2</sup>, whether the development is attached on the original dwelling by shared walls and direct internal access, or fully enclosed connection (the area of which is included in the calculation).
  - b) Maximum number of bedrooms is two.
  - c) Boundary clearance to be applied as per R-Codes.
  - d) Architectural style to be the same as the original dwelling.

- e) The Additional Accommodation to be designed and constructed such that it does not have the appearance of a second dwelling on the property, and shall not constitute a second dwelling on the property-,
- f) The Additional Accommodation is to be occupied only by members of the family of the owner/occupier of the main dwelling- certification to this effect is required, in the form of a signed statement by all parties, prior to occupation of the Additional Accommodation;
- g) Additional Accommodation to be located at ground floor level of main dwelling, and not at an upper floor level,
- h) Notwithstanding any provision contained in this clause, the limitations and other requirements of the Residential Planning Codes shall apply.

STATEMENT OF UNDERTAKING  
ACKNOWLEDGING THE LIMITATION FOR OCCUPANCY

TO- CEO  
Shire of Moora  
34 Padbury Street  
MOORA WA 6510

In connection with the Moora Shire Council's letter of approval

Dated..... /...../..... in their reference....., for the

development of "ancillary accommodation (granny flat)" on

Lot.....Street, Moora.

**I/We**

.....

**OF**

.....

**DO ACKNOWLEDGE AND UNDERTAKE TO COMPLY WITH:**

the Residential Planning Codes and the condition of the Council's planning consent that the "ancillary accommodation" is to be occupied only by members of the family of the occupier of the main dwelling on the lot.

Signed.....Printed Name.....

Witness .....Printed Name.....

This .....day of.....20....

Signed.....Printed Name.....

Witness .....Printed Name.....

This .....day of.....20....

## **7.4 Rezoning**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the bond and conditions applicable to Town Planning Scheme amendments (rezoning requests) be as under;

1. Payment of the Initial Application fee set in the Budget.
2. Affected residents being advised in writing of the amendment during any required advertising period.
3. A suitable sign being erected on the site during the advertising of the amendment, to Council satisfaction.

## **7.5 Keeping Horses and Hoofed Animals Within Townsites**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the following policy applies to the Keeping of Horses and other Hoofed Animals on land within townsites in the Moora Shire.

1. In respect to a lot of land having an area of 10,000 square metres or less, a person shall not keep, or permit to be kept thereon, any hoofed animal being horses, cows, sheep, goats, donkey or such.
2. In respect to a lot of land exceeding 10,000 square metres in area, a person shall not keep any more than two such hoofed animals without having first received written approval of the Council specifying the number of such animals that may be kept thereon, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.
3. A person shall not allow any hoofed animal to approach to within 20 metres of any dwelling whatsoever, or other building where food is stored or prepared, or to within 15 metres of any street adjoining such property without having first received the written approval of Council specifying a lesser distance, but such approval may be cancelled by the Council in any case where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.

## **7.6 Temporary Accommodation Policy - Special Rural and General Farming Zones**

*Originally adopted by Council on 18<sup>th</sup> March 1998.*

That, under the provision of Section 144 of the Health Act 1911 as amended, the Manager Health, Building & Planning Services is delegated authority by Council to implement the following policy on temporary accommodation:-

- Sheds or outbuildings may be licensed as temporary accommodation during the building of a house.
- The following criteria are to be met at the time of approval:-
  - a) building plans must have been approved and a building license issued-,
  - b) the house pad must be laid within twelve months or the Manager Health, Building & Planning Services must be satisfied that any delay is justifiable;
  - c) adequate sanitary conveniences are provided to the satisfaction of the Manager Health, Building & Planning Services;
  - d) Council must be satisfied that there will be no undue delay in the completion of building a residence which must be completed within two years.
  - e) a potable water supply must be available.

Temporary accommodation permits be granted for 12 months. At the completion of 12 months it will be necessary to reapply to Council for permission to live on site; in temporary accommodation subject to satisfactory progress of the building as determined by the Manager Health, Building & Planning Services.

## **7.7 Building and Development Control Strategies**

*New Policy. Adopted by Council on 27<sup>th</sup> September 2000.*

1. Any proposed development within the high hazard (floodway) areas should have a hydrology assessment to determine its impact on flood flows and flood levels. Any development proposal found to have an adverse impact on peak flood levels at neighbouring properties should not be accepted. A suitably qualified neutral person such as a representative of Department of Water should make this assessment.
2. A minimum finished floor level (FFL) of new habitable buildings should be set at 0.5m above the March 1999 flood level.
3. For non-habitable dwellings such as sheds, industrial and commercial sites;
  - a) The minimum FFL should be 0.15m above the March 1999 Flood level.
  - b) Power points, electrical or data connections outlets should be installed 0.5m above floor level.



- c) Windows should be installed no lower than 0.5m above the March 1999 flood level.
- d) Septic tank disposal of waste should not be allowed when a connection sewer is available.
- e) Chemical storage areas should have a minimum FFL of 0.5m above the March 1999 flood level.
- f) Breather inlets to underground storage tanks should be 0.5m above the March 1999 flood level.

# **SECTION 8**

## **COUNCIL PROPERTY/FACILITIES**

### **8.1 Council Housing**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

#### **I. Staff Housing Policy**

That Council's Housing Policy be as under:-

- a) That Council maintain ownership of a minimum of four high quality houses for senior staff;
- b) Other staff housing requirements be leased.

### **8.2 Housing Inspections**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Manager Health and Planning Services be required to inspect all Shire owned/leased houses prior to tenancy and when vacated as part of the annual budget process and other interim inspections be carried out at their discretion or as deemed necessary.

### **8.3 Housing Bonds**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the bond on Council owned/leased premises be the equivalent of 4 weeks rent as new tenants occupy Council owned or leased residences.

### **8.4 Fencing Property Adjoining Shire Land**

*Originally adopted by Council on 20<sup>th</sup> May 1998. Amended 19<sup>th</sup> May 1999.*

That the Policy in regard to fencing property adjoining land be as under -

- 1. The reasonable cost of erecting a standard (1.8m) colorbond or similar fence shall be determined.
- 2. The Shire will contribute one half of the cost so determined as an ex gratia payment.

3. The property owner must arrange quotes, organise construction of the fence and submit a paid account. An officer of the Shire will inspect and authorise payment if the fence so erected is approved.
4. This policy does not apply to fences dividing private land from rights of way, public open space, drainage, Council reserves and roadways.

## **8.5 Future Buildings - Plans and Specifications**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the policy for future shire contracted building (building construction not supervised by Architects) be to engage the services of a reputable architectural firm to draw up the necessary plans and specifications for the building in order that Council's Manager Health, Building & Planning Services (who would supervise the construction of the building) has full and detailed plans/specifications to require the builder to work to.

## **8.6 Council Sand and Gravel Supplies**

Council does not pay royalties for road building material eg gravel, sand to landowners in developing their road network but in turn will undertake work for the landowners, upon his land, from which the material was removed, for a maximum value of \$1.00 per metre squared (currently Main Roads Western Australia pay bitumen \$0.50-\$1.20 per metre squared)

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. That Council's sand and gravel pits be closed to the public.
2. That a per cubic metre royalty apply to sand removed on application from Council's sand pits, such royalty to be set annually in the budget-
3. Appropriate signs be erected.

## **8.7 Moora Recreation Ground and Oval – Circuses**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That visiting circuses be permitted to occupy the Recreation Ground and Grandstand facilities and the caravans, trucks/vehicles, animal pens, tethered animals and the big top (tent) be placed on sites approved by senior officers, and

the bond and fees payable be as determined from time to time in the budget.

## **8.8 Ovals - Sponsorship Banners**

*New Policy. Adopted by Council on 21<sup>st</sup> July 1999.*

That permanent signs of dimensions no longer than 2.1m by 0.5m in width be permitted to be attached to the pipe rail fencing forming the perimeter fencing of Moora Oval subject to the following conditions;

1. Any additional pipe fixtures required for the support of such signage be supplied at the proponents cost.
2. Sign is to be affixed in such a manner as to eliminate any sharp edges or other sharp projections that are likely to cause injury to the public
3. That the proponent of the sign be totally responsible for the maintenance for such sign and that the Council reserves the right to remove any sign on the oval at any time for any reason.
4. All such signs must be from organisations that sponsor sporting groups that utilise the Moora Recreational Oval.
5. When sponsorship ceases the sign is to be removed and the fence left in the same condition as existed prior to the sign being installed.
6. Such signs permitted around the perimeter of the oval except for the sections in front of the Recreation Centre and the Grandstand.

## **8.9 Oval Caretaking**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

On the occasion of major events taking place at the Moora Oval e.g., football finals, show days a Council Caretaker be made available upon request to oversee the toilet situation, Recreation centre security etc.

## **8.10 Moora Recreation Centre and Ovals - Liquor**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

### **Liquor at Football Matches**

Council's policy in this matter is that alcohol be not made available at the ovals during Sunday Football matches.

Consumption of Liquor at the Recreation Centre:-

1. That the consumption of liquor during the course of indoor sport using the main sports hall be not permitted;
2. That Council has no objection to the consumption of liquor after the conclusion of any sport using the main sports hall;
3. That a limited amount of alcohol being served in the squash viewing area on pennant fixture nights from 9.00pm is approved.
4. That liquor is permitted to be served at the Recreation centre during C.M.F.L. Ordinary Qualifying Games from 4.00 pm onwards; and Inter League/Interstate Games and /Final Round Games from 3.00 pm. onwards;
5. That liquor is permitted to be served at the Recreation Centre during C.M.F.L. Special Fixtures i.e. Inter League, Inter State, Local Grand Finals from 12.00 noon to 1.30 pm. and that these approvals relate to internal Bar operations with the understanding that the Bar can only operate externally when the Recreation Centre is being used internally for a use other than football e.g. Arts and Crafts Exhibition;
6. That because of varying times for the completion of cricket matches consumption of liquor be permitted from 4.30 pm;
7. That during cricket finals special approval be granted for the consumption of liquor for a limited period commencing at midday - for 1 1/2 hours.

### **8.11 Rubbish Tips - Chemical Drums**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

1. That Council's refuse sites be closed to the receipt of empty chemical drums;
2. That the public be advised of Council's action in respect to chemical drums and rubbish tips by advertising in the local paper and newsletter advising that used chemical drums should not be dumped into water courses on their properties and further that they should immediately contact their chemical supplier regarding a solution to the problem, e.g. returnable containers and further that appropriate signs be erected at all Shire tips advising that no chemical drums/containers are to be dumped/deposited at Council tips.

### **8.12 Roadside Memorials**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council acknowledge it has no charter to approve the erection of private memorials by individuals in any road reserve and nor has MRWA, and accordingly roadside memorials cannot be approved.

### **8.13 Roadsides, Reserves - Picking Wildflowers – also refer 4.6**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

No picking of blooms or seeds to be permitted on any road verge under the control of the Council or any reserves vested in or under the control of Council, without Council permission.

### **8.14 Cemetery**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the Catholic and Aboriginal sections at the Moora Cemetery be confirmed as closed and also that re openings in the Aboriginal section are not permitted due to incomplete records.

### **8.15 Smoking in Council Buildings**

*New Policy. Adopted by Council on 22<sup>nd</sup> May 2002.*

1. Smoking is prohibited in all Council owned and any building located on Council owned or leased property.
2. Smoking is permitted in all out door areas at Council venues but not adjacent to doorways or windows.
3. It is the responsibility of the hirer of the building and venue to enforce this policy.
4. Council maintain appropriate no smoking signage at its venues.
5. Smoking is banned in the Council swimming pool facility and receptacles be provided outside the premises for the disposal of cigarette butts etc.

### **8.16 Nature Strip Landscaping**

*New Policy. Adopted by Council on 28<sup>th</sup> July 2004.*

Council will permit residents to plant the nature strip in the front or rear of their residence, subject to receiving a Nature strip Landscaping Permit.

#### **Rationale**

Council support residents providing an alternative to a gravel Nature strip, at their own cost, because:

- It encourages the community to think about the standard of the Shire of Moora Nature strips and the presentation of our community

- Encourage people to take responsibility and a sense of ownership for their Nature strip
- Provide residents with a choice of landscape options on their Nature strip
- Validate those in the community who have already taken the initiative and landscaped their Nature strip
- Aim to ultimately develop a culture of pride within the community about the towns overall presentation
- There are some social advantages of a planted Nature strip

### Nature strip Landscaping Guidelines

The policy provides guidelines of residents wanting to plant out the Nature strip in front of their property.

### Planting Details

Residents will be able to plant out their Nature strips with turf, ground cover plants and a range of low growing shrubs.

Council will permit a wide range of plants and grasses, however Council will not permit the use of plants that are woody plants, shrubs grown to 1m or higher which hide line of sight and weed species,

Residents will be required to plant ground cover only, on the kerb side (to 1 metre from back of kerb), in order to make provision for the opening of car doors. Corner block planting will be limited to ground cover plants only to ensure a good line of sight for motorists and pedestrians.

Planted Nature strips must provide suitable space for the provision of refuse and future recycling bins.

In all cases, due consideration will be given for the need to provide safe and suitable access to the footpath for people exiting a parked car.

Residents are not permitted to plant or remove a street tree unless done in consultation with Council. Pruning of street trees will remain the responsibility of council.

### Mulch Details

Fine non-organic mulches (75mm depth) and organic mulches such as wood chips will be allowed. Mulches and garden debris can be the cause of storm water blockages therefore planted Nature strips must be well maintained.

Lawns are encouraged as they contain the soil and give a clean fresh appearance in an otherwise harsh environment.

Council at its discretion can supply garden mulch and lawn thinning at particular times of the year to Shire residents. Please note that these products will not be delivered to the premises.

### Paving Details

Any paving or stepping stones will need to be non slip surface. No tripping hazards are permitted.

## Irrigation Systems

Council will permit and encourage irrigation systems to be installed in the Nature strips to maintain the grassed or planted Nature strip to an attractive standard. Reticulation equipment must be below ground level (pop up sprinkler) to avoid pedestrian injury.

## Rocks and Retaining Walls not permitted

Council will not permit rocks, bluestone pitchers, railway sleepers or retaining walls to be installed in Nature strips. These items are all potentially tripping hazards so cannot be included in the Nature strip.

## Excavation & Cultivation

Residents will be permitted to use mechanical means of excavation (bobcat/dingo) or cultivation (rotary hoe) however due to the infrastructure that may be underground or the damage that may occur to street trees, the owner/occupier is advised to contact “Dial Before You Dig” Tel 1100.

The owner/ occupier is responsible for repairing any damage to infrastructure caused by any landscaping works.

## Utilities and Maintenance Work

Organisations that supply water, gas, electricity and telecommunications may require access to the Nature strip to do the maintenance work. The utility organisations are required to reinstate the Nature strip following their maintenance work. However, council cannot guarantee that any of the maintenance contractors will replace plants and mulch in the same condition as prior to the maintenance work.

## Public Liability

Residents are reminded that they plant the Nature strip at their own expense and own risk.

Owner/occupier will be responsible for any damage caused to infrastructure by the works; digging may expose some underground services therefore owner/occupiers are required to contact Dial Before You Dig” Council require the owner/occupier to provide a plan showing all infrastructures and proposed landscaping details.

## Maintenance Responsibilities

Residents are required to keep the Nature strip in a well- maintained and safe condition at all times including:

- Plants are to be pruned to a height of no more than 1 metre at all times.
- Any mulch cover is to be maintained over the Nature strip.
- No mulch is allowed on the footpath, driveways or in the curb, channel and road surface.
- The Nature strip is to be free of any tripping hazards and any protruding objects.



## Approval Process for Nature strip Landscaping Permit

1. Residents will be required to complete a Nature strip Landscaping Permit application form, including:
  - Provide a list of plants to be used;
  - Mulch to be used;
  - Other details; and
  - A Nature strip Landscaping Permit fee does not apply;
2. On receipt of relevant fees a Council officer will assess and approve the Nature strip Landscaping Permit, provided it conforms to the above conditions
3. Residents must commence the nature strip works within one month and complete the works within 3 months
4. A Council officer will inspect completed Nature strip Landscape works and confirm that a nature strip is safe
5. A register of Nature strip Landscaping Permit will be kept.

## Non Compliance of Nature strip Landscaping/Maintenance Process

Council will take action to rectify problems in relation to tripping hazards or safety issues.

Council Officer (s) will write to the relevant property owner requesting that they attend to the problem.

If the property owner fails to take action, a delegated Council Officer will issue a Notice of Non-compliance, requesting that the specific problem be fixed by a date (a 14 day notice is usually given).

Failure to take action following a Notice of non-compliance can result in an on the spot fine of \$50 or Infringement notice.

All fines would be issued under Local Law No. 2 Clause 19. Obstruction of Roads, Section 19.1(b).

Additional clauses inserted 24 November 2004

Preferred material for town site nature strips is blue metal dust, all future works including driveways, drainage, footpaths and curbing undertaken on nature strips are reinstated using blue metal dust.

Where existing gravel surfaces remain only small maintenance tasks be carried out using the gravel.

All nature strips excluding owner/occupier planted nature strips continue to be sprayed for weeds each year.

# **SECTION 9**

## **FINANCE**

### **9.1 Significant Accounting Policies.**

In accordance with the Australian Accounting Standards, for the purposes of Budgets and Financial Reports, the Reporting Entity includes all activities the Council and any Entities controlled by the Council. All internal transactions and balances of the Reporting Entity are to be reported by Council as a single unit. Money or other Assets over which the Council has custody but not control over are to be held in Trust and are to be reported in a separate note to the accounts.

#### **Basis of Accounting**

The Financial statements are to be prepared to comply with applicable Australian Accounting Standards and disclosure requirements of the Local Government Act and Financial Management Regulations. The Financial Statements are to be prepared on the accrual basis under the convention of Historical Cost Accounting.

#### **Property, Plant and Equipment**

##### **i) Cost and Valuation**

Property, Plant and Equipment is carried at cost or at independent or Council valuation. Any surplus on revaluation is to be credited to the Asset Revaluation Reserve and excluded from the Operating Statement. Any gain or loss on disposal of assets is determined as the difference between the carrying amount of the asset at the time of disposal and the proceeds from disposal and is included in the operating results in the year of disposal.

Fixed assets with acquisition costs less than \$500 will not be capitalised.

##### **ii) Depreciation of Non Current Assets**

Items of property, plant and equipment, including buildings but excluding freehold land, are depreciated over their estimated useful lives on a straight line basis using rates, which are reviewed at each reporting period. Major depreciation periods are:-

<b>Category</b>	<b>Useful Life</b>
Buildings	50 years
Furniture & Equipment	15 years
Plant & Equipment	10 years
Motor Vehicles	10 years
Computer & Technical Equip	5 years

Assets are to be depreciated from the date of acquisition or, in respect of internally constructed assets, from the time an asset is completed and held ready for use.

### iii) Infrastructure Assets

Infrastructure Assets are to be recognised in the following manner--

For the purpose of valuation and depreciation, the following depreciation rates applicable to infrastructure assets have been adopted--

Aggregate Sealed Roads	20 years	6.67%	Sealed Aggregate
Bridges	50 years	2%	
Footpaths/Kerbing	55 years	2.5%	Concrete and Paved
Drains/Culverts	70 years	1.5%	
Parking Areas	15 years	7%	Sealed Aggregate
Gravel Roads	15 years	8%	
Sealed Pavement	50 years	2%	

Grassed surfaces at all Shire ovals, parks and gardens have initially been valued at \$1.50 per m2..

## Employee Entitlements

### i) Leave Entitlements

Provision for Annual Leave is to represent the full annual leave accrued (including pro-rata leave) for all staff as at the end of the reporting period.

The Council's liability for long service leave is to be recorded as current and/or non current liabilities. The amount recorded is to represent approximately 80% of the present value of the estimated future cash outflows to be made by the employer resulting from the employee's service to balance date.

### ii) Superannuation

Council contributions to employee superannuation schemes are to be paid at least once each month to the independently managed scheme pool and the costs so incurred are charged against the revenues for that year. The Council has no unfunded liability in respect to employee superannuation entitlements. Council's contributions to the Local Government Superannuation Plan are at the rate of 2% of employee earnings and in the case of employees with service over 5 years Council contributes 3%.

## Investments

Items described in the Statement of Financial Position as "investments" are short term fixed or at-call deposits of cash, lodged with banks or other authorised trustee investment bodies pending their use on the Council's works and services. The Council holds no bonds, shares or other long-term investments.

All investments are valued at cost and interest earnings on those investments are recognised as revenue as they accrue.

## Leases

The Council's rights and obligations under finance leases which are leases that effectively transfer to the Council all of the risks and benefits incident to ownership of the leased items, are to be initially recognised as assets and liabilities equal in amount to the present value of the minimum lease payments.

The assets are to be disclosed as plant and equipment under lease, and are to be amortised to expense over the period during which the Council is expected to benefit from use of the leased assets. Minimum lease payments are to be allocated between interest expense and reduction of the lease liability, according to the interest rate implicit in the lease.

Lease liabilities are to be allocated between current and non-current components. The principal component of lease payments due on or before the end of succeeding year is to be disclosed as a non-current liability.

Operating leases, where the lessor effectively retains substantially all of the risk and benefits incident to the ownership of the leased items, lease payments are charges to expense over the lease term.

## Joint Venture

The Council's interest in a joint venture is to be recognised in the Financial Statements by including its share of any assets, liabilities, revenues and expenses of the joint venture within the relevant items reported in the Statement of Financial Position and Operating Statement.

## Grants, Donations and Other Contributions

Grants, donations and other contributions are to be recognised as revenues when the Council obtains control over the assets comprising the contributions.

Control over granted assets is normally obtained upon their receipt or upon prior notification that a grant has been secured and the timing of commencement of control depends upon the arrangements that exist between the Grantor and the Council. Contributions not received over which the Council has control are recognised as receivable.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were discharged at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in the notes.

The notes are to also disclose the amount of contributions recognised as revenues in a previous reporting period, which were obtained in respect of the Council's operations for the current reporting period.

## Rates

The rating and reporting periods coincide. Control over assets acquired from rates in the form of Sundry Debtors and cash when paid is obtained when rates are levied.

## Bad and Doubtful Debts

The Financial Statements do not make any provision for un collectable rate debtors as these are secured by a charge on a ratepayer's property. Provision for other bad and doubtful debts is made where considered necessary. It is expected that some small amounts will be un collectable during the year and these will be written off by Council.

## Inventories

Inventories are valued at the lower of costs and net realisable value.

## Rounding

All monies have been rounded to nearest dollar and some minor variations between Schedules may result.

### **9.2 Reserve Fund Interest**

That reserve fund interest earnings in any year be transferred from the municipal fund to the reserve account in which the interest was earned.

(Reserve Fund interest is deemed part of the municipal fund under the Financial Management Regulations.)

### **9.3 Land Exempt from Rating**

That the following land be recorded as exempt from rating -

- (a) Moora Frail Aged Lodge, lot 394 Dandaragan Street, Moora (GG 8 Dec 1989)
- (b) Moora Tennis Club Inc lots M34, 35, 36, 37, 38, 39 Gardiner Street, Moora, while used as a Tennis Club as tennis courts.
- (c) Moora Lakeview Golf Club Loc 2444, Loc 966 Lot 1.
- (d) Miling Golf Club Loc 3813.

## 9.4 Payment of Accounts

That the systems and procedures for the payment of accounts be as follows -

- (a) That an order form be issued for the purchase of goods and services except in the case of small purchases from petty cash;
- (b) That where feasible and practical, price be negotiated in advance of purchase and recorded on the order form;
- (c) That invoices - where practicable be certified by the person who placed the order so as to indicate -
  - (i) that the purchase was duly authorised- and
  - (ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations on the invoice are correct;
- (d) That the CEO continue to place a list of creditors before the Council on a monthly basis together with vouchers and invoices
  - (i) for approval prior to payment except for those accounts paid by the CEO under delegated authority; and
  - (ii) for recording in the minutes after payment for those accounts paid by the CEO under delegated authority.
- (e) That two signatories be required to all cheques -

The CEO (or Deputy or Acting CEO in his absence or inability) and the Finance Manager (or Shire President or Deputy Shire President or other authorised Councillor or Officer in his absence or inability)

Delegation;

That subject to the foregoing, the CEO be delegated authority to make payments from Council funds before the approval of Council for the following purposes -

Salaries and Wages and associated payments i.e., superannuation, HBF, rents deducted from pays, income tax etc.

Petty cash recoups

Loan repayments

Accounts that attract a discount

Donations and payments previously authorised by Council.

Postage and freight

Small Items where Council does not have an account

Other payments at the discretion of the CEO where urgent payment is necessary or prudent, and that the CEO advance account be discontinued.

## **9.5 Investment of Surplus Funds**

- (1) Surplus funds are only to be placed in authorised Trustee investments or banking institutions.
- (2) that where funds are invested, the investment be made by way of a cheque or electronic fund transfer drawn on the account having surplus funds, clearly identifying the bank or institution to which the investment is paid and signed in accordance with policy 9.4.
- (3) That all investment transactions be reported each month to the Council, including –
  - amounts invested, -
  - and where interest rate applicable;
  - security provided,
  - transactions during the period, (increase/decrease in invested funds)

## **9.6 Rates Collection Procedure**

- (1) That within 7 days of any rates or service charges falling due for payment, the CEO issue a final notice for recovery of outstanding rates and service charges, allowing 7 days for payment.
- (2) That action for recovery be taken after that time, to the extent allowed in the Act.

## **9.7 Outstanding Debtors Policy**

At each April meeting of Council a detailed listing of all outstanding debtors will be presented. All debts that are 90 days or over shall be listed individually and shall contain such details as :-

- (i) Name of debtor (rates need only show assessment number)
- (ii) Nature of debt;
- (iii) Age of debt; and
- (iv) Action that has been taken to date.

Further, at the April meeting of Council a listing of proposed debt write - offs will be presented for Council consideration.

## 9.8 Loans

That in relation to loan raising Council's policy (first introduced in the 1976/77 year) be that all loans are rated over the whole Shire (no differential rating on account of loans).

## 9.9 Municipal Rates, Sewerage Rates and Garbage Charges Instalment Plan

Policy adopted by Special Meeting of Council 30/7/1996.

That rates ordinarily become due and payable 35 days from the date of service as noted on the rate notice.

1. Ratepayers be given the option to pay in full within 35 days of service of the rate notice (as mentioned on the rate notice) without penalty. Section 6.50 (2) refers.
2. The rate notice contain information that Council has introduced an instalment option of the payment and this can be put in place by;
  - (a) notifying Council in the form provided of the intention to take advantage of the instalment plan and paying the first instalment by the due date-, or
  - (b) merely paying the first instalment by the due date. Section 6.45 and FM60 refers.
3. Where a ratepayer elects to pay by instalments the ratepayer is bound by the instalments plan option rather than 35 days as per Section 6.50 (2).
4. The instalment plans available be;
  - (a) Three payments as under;
    - (i) 33.33% of the rates within 35 days
    - (ii) 33.33% of the rates within 2 months of that 35 day period
    - (iii) 33.33% of the rates within 2 months of the (ii) date being 4 months from the expiration of the initial 35 day period and 4 months and 35 days from the date of service of the rates notice.
  - (b) Four payments as under (this option required by Section 6.45 (1)):
    - (i) 25% of the rates within 35 days
    - (ii) 25% of the rates within 2 months of (i)
    - (iii) 25% of the rates within 2 months of (ii)



- (iv) 25% of the rates within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of service of the notice.

5. The following charges to apply to the instalment plans:

(a) A service charge of \$2.00 for each instalment other than the first.  
Section 6.45 (3) refers.

(b) An interest charge on each instalment amount calculated at 6.5%pa on a daily basis on the number of days being the time between instalments (being 2 months interest at 6.5% on the instalment amount).  
Section 6.45 (3) and FM Reg 68 refers.

(c) Where an instalment is not paid on time an interest charge on the unpaid instalment be imposed at the rate of 13%pa calculated on a daily basis from the date payment was due until paid.  
Section 6.51 (1) and FM Reg 70 refers.

- 6. In the case of ratepayers not opting for the instalment plan and who have not met their rates liability an interest charge be imposed on the outstanding amount from a date calculated from the calendar months from the date of issue of the rate notice at the interest rate of 13%.  
Section 6.51 and FM Reg 70 refers.
- 7. The instalment option plan is not available to ratepayers having arrears of rates at the closing time (35 days from date of the assessment) for indicating a desire to take up the instalment plan option. FM Reg 59 refers.
- 8. The percentages mentioned i.e. the 6.5% and 13% are the maximums allowed in the regulations. In the case of 13% late payment penalty this applies only for the actual period the payment was overdue. For instance an instalment is 30 days overdue so the ratepayer is charged 13% for 30 days on the amount of the instalment; and that pursuant to Sections 6.13 (6) and 6.13 (1) of the Local Government Act that the times that instalment and late payment interest and penalty charges apply, also apply to sewerage rates and garbage removal charges and the level of interest charges and penalty, be the same as applies to municipal rates as per the policy adopted by Council at this meeting (30/7/1996).

## **9.10 Small Rates Balance Write Offs**

*New Policy. Policy adopted by Council 15th December 2004.*

The CEO has delegated authority to write off small rates balances up to and including \$10.00  
All amounts over \$10.00 should be referred to Council for consideration.

## 9.11 Business Support Policy

*New Policy. Adopted by Council 15<sup>th</sup> March 2000.*

As part of the Shire of Moora's professional approach to economic development the following principles provide a framework for the level of support that the Shire of Moora will provide to individual Businesses.

1. The Shire of Moora supports generic initiatives that are of assistance to all businesses within the Shire of Moora, as listed in the draft Economic Development Plan (attached).
2. The Shire of Moora believes that these economic development initiatives provide fair and equitable support to existing and potential businesses.
3. In addition to Shire of Moora's Economic development initiatives, Council will consider providing direct assistance to individual businesses on the basis that:  
The Shire of Moora's contribution to a business provides a clear and tangible return to the community and ratepayers.
4. The Shire of Moora will consider within its criteria of return to the community and the ratepayers, the components of public good versus private good of each business case. The financial return on investment expected by the Shire of Moora will be proportional to the level of public good (as determined by council) in a proposal for business support.

**PUBLIC GOOD:** The overall social, economic and community benefits resulting or potentially resulting from a proposal.

**PRIVATE GOOD:** The private benefit to an individual or business resulting from a proposal.

5. Where Shire of Moora recognises market failure to provide a service within the Shire. The Shire of Moora will actively seek businesses to meet the market gap and will consider an assistance package in line with the before mentioned principles.

## 9.12 Purchasing and Procurement

*New Policy. Adopted by Council 15<sup>th</sup> March 2000.*

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire of Moora.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

### Value for money

Is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire of Moora by:

- Actively promoting goods and services to the Shire of Moora

- Offering competitive prices the first time
- Supplying quality goods and services
- Seeking information about proposed purchases to be made by the Shire of Moora.

Where practical, the Shire of Moora shall seek to support business and industry within the shire. The Shire of Moora will ensure that business and industry within the shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decisions, the benefits of purchasing goods and services for local suppliers shall be considered.

In considering value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- Local Government Act 1995 tender regulations
- National Competition Policy principles
- Trade Practises Act
- The social and economic impact of major contract decisions on local business
- Possible flow on effect to local businesses
- The potential for local product demonstrations and references, which consequently reduced risk in the decision making process
- More convenient communications and liaison
- Local backup, spare parts, warranty and quality of servicing
- Ability of local business to the Shire, thereby increasing economic activity
- Conformity with tender bid requirements
- Ability to meet the Shire of Moora's needs

The Shire of Moora will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry
- Advertising all tenders and expressions of interest in the Central Midlands and Coastal Advocate
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

# **SECTION 10**

## **COMMUNITY RELATIONS AND GENERAL**

### **10.1 Preservation of Shire Records**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

- (1) That the minutes of all Council and committee meetings be transferred to the Battye Library when local storage is no longer required.
- (2) That the CEO refer any other Shire records to the Battye Library for retention, when local storage is no longer required, where records are to be considered to have historical value.

### **10.2 Recognition of Achievements**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

- (1) That a letter of congratulations be sent to any resident of the Shire who obtains State Selection in a team or individual event, and that a Certificate of Merit be issued to any such person who, as a result of such selection achieves a medal or an award and further that such letters or certificates be presented on return to the district by the individuals involved, at a function in the Council Chambers.
- (2) That where school students are concerned the Certificates of Merit be presented at school assembly functions.

### **10.3 Railway Box Carriages**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That as a Policy the relocation of old railway box carriages in townsites within the Shire of Moora not be permitted. (To be included in Building or Planning Section in final document)

### **10.4 Election Advertising Material**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

The Policy of Council in relation to election advertising is as under -

- (a) No political/election material or advertising to be erected or attached to any tree, fence or building on any road, road reserve or road verge or any other reserve area throughout the Shire.

- (b) Political/election material or advertising permitted on private property with the permission of the owner subject to (c) below
- (c) Where political/election material or advertising is erected on private property where the material or advertisement is visible from a road under the control of Main Roads WA the permission of the MRWA to be obtained.
- (d) Any political/election material to be completely taken down and /or removed within seven days of the election or poll to which the material relates.

## **10.5 Policy Change and Review**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

- (1) That policies of Council be fully reviewed in December of each Local Government election year.
- (2) New policies or changes to existing policy be made only by notice of motion or as a specific agenda item.
- (3) All changes of policy be issued to Policy Manual holders for Manual update.

## **10.6 Reporting a Fire**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That the procedure to be used to report a fire be:-

- (1) Immediate contact be made to Chief Radio Officer and/or Brigade Captain and then neighbours.
- (2) Chief Radio Officer to ensure that Brigade Captain is aware of fire report.

That printed information cards be arranged which detail the above procedure and also telephone/radio call signs of the Chief Fire Officer, Brigade Captains.

## **10.7 Use of Council's Seal**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

Council's Common Seal may be used to finalise or formalise documents in conjunction with the signature(s) of the Shire President and/or the CEO and such uses shall be reported to Council each month for Council endorsement.

## **10.8 Native Title Claims**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council policy be that any negotiations in regard to Native Title Claims on Shire owned/controlled land be conducted on the basis of providing access only to such land for furthering aboriginal culture and traditional pursuits.

## **10.9 MANEX (Management Executive) Group**

*Originally adopted by Council on 20<sup>th</sup> May 1998.*

That Council acknowledge and recognise the creation of the MANEX (Management Executive) group effective from 1st July 1997 - as recommended in the CAP Report dated 4th March, 1997 - and that this group consist of the senior officers (designated senior employees under section 5.37 of the Act) the main purpose of the MANEX group be to meet regularly to consider management issues and agendas and reports for Council and Committee Meetings and to allow all senior officers to have input into staff recommendations.

# **SECTION 11**

## **INVESTMENT POLICY**

### **11.1 POLICY OBJECTIVE**

- To provide policy guidelines for investment of Municipal Funds which are surplus to immediate requirements
- To provide policy guidelines for the investment of Reserve Funds.

### **11.2 INVESTMENT OBJECTIVES**

The investments objective is to manage the Council's investment portfolio in order to maximise return within agreed risk parameters. To achieve this the following must be maintained:

- High level of security by using recognised assessment criteria.
- Ready access to funds for day to day requirements.
- Adherence to the requirements of Section 6.14 of the Local Government Act 1995 and Section 18 (1) of the Trustees Act 1962 (as amended) (the "Prudent Person" rule).

#### **11.2.1 Risk Profile**

When exercising the power of investment the following are to be given consideration:

- the purpose of the investment and the needs and circumstances;
- the desirability of diversifying investments;
- the nature of and risk associated with existing investments;
- the need to maintain the real value of the capital and income;
- the risk of capital or income loss or depreciation;
- the potential for capital appreciation;
- the likely income return and the timing of income return;
- the length of the term of the proposed investment;
- the probable duration of the fund;

- the liquidity and the marketability of the proposed investment during, and on the determination of, the term of the proposed investment;
- the aggregate value of the investment,
- the effect of the proposed investment in relation to the tax liability (if any);
- the likelihood of inflation affecting the value of the proposed investment;
- the costs (including commissions, fees, charges and duties payable) of making the proposed investment; and
- the results of a review of existing investments.

### **11.2.2 Authorised Investments**

Authorised investments would include but not necessarily be limited to:

- Bank interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Bank negotiable Certificates of Deposit;
- Bank backed floating rate notes;
- State/Commonwealth Government Bonds; and
- Managed funds (Investment in managed funds requires Council Approval)

It should be noted that to comply with Financial Management Regulation 8(1)(c) Reserve Funds set up under Section 6.11 of the Local Government Act 1995 must be supported and matched by funds held in Financial Institutions, ie Cash-Backed.

### **11.2.3 Council's Direct Investments**

#### **1. Quotations on Investments**

Three (3) quotations may be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above and Council's bank management fee structure based around a level of credit funds being maintained.



## **2. Term to Maturity**

- The term to maturity for investment of Municipal Funds may range from “at call” to six months without Council approval.
- The term to maturity for investment of Reserve Funds may range from “at call” to twelve months without Council approval.

## **3. Liquidity**

- At least 20% of the total investment portfolio for the Municipal Fund must be able to be liquidated within 14 days.
- Cash flow must be monitored to ensure cash funds are available to meet commitments.

## **11.3 DELEGATIONS OF AUTHORITY**

The authority is to be delegated to the Chief Executive Officer to make investment decisions and sign investment lodgements and withdrawals. Pursuant to the provisions of Section 5.45 of the Local Government Act 1995. This authority may be delegated to the Manager Finance & Corporate Services by the Chief Executive Officer. Delegation 1.32 refers.

## **11.4 POLICY REVIEW**

This policy is to be reviewed at least annually.

# **SECTION 12**

## **PURCHASING AND TENDER POLICY**

### **12.1 OBJECTIVES**

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

### **12.2 WHY DO WE NEED A PURCHASING POLICY?**

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

- Provides the Shire of Moora with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Moora receives value for money in its purchasing.
- Ensures that the Shire of Moora considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Moora is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Moora's purchasing practices that withstand probity.

## **12.3 ETHICS & INTEGRITY**

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

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

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

## **12.4 VALUE FOR MONEY**

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

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

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;

- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

## **12.5 SUSTAINABLE PROCUREMENT**

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

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

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

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

## 12.6 PURCHASING THRESHOLDS

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

<u>Amount of Purchase</u>	<u>Model Policy</u>
<u>Up to \$1,000</u>	<u>Direct purchase from suppliers requiring only two verbal quotations.</u>
<u>\$1,001 - \$19,999</u>	<u>Obtain at least three verbal or written quotations.</u>
<u>\$20,000 - \$39,999</u>	<u>Obtain at least three written quotations</u>
<u>\$40,000 - \$99,999</u>	<u>Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).</u>
<u>\$100,000 and above</u>	<u>Conduct a public tender process.</u>

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

### 12.6.1 Up to \$1,000

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

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

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) contains a sample form for recording verbal quotations.

### 12.6.2 \$1,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification are clearly understood by the Shire of Moora employee seeking the verbal quotations.

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

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) contain a sample form for recording verbal and written quotations.

### **12.6.3 \$20,000 to \$39,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes where practicable.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with general principals below.

The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - Written Specification
  - Selection Criteria to be applied
  - Price Schedule
  - Conditions of responding
  - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

### **12.6.4 \$40,000 to \$99,999**

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Local Government Purchasing and Tender Guide have a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

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

## **12.7 REGULATORY COMPLIANCE**

### **12.7.1 Tender Exemption**

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

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

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

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

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

### **12.7.3 Anti-Avoidance**

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

### **12.7.4 Tender Criteria**

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

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
- \$100,000 and above, the panel must contain a minimum of 3 members.

### **12.7.5 Advertising Tenders**

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

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

The notice must include;

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

### **12.7.6 Issuing Tender Documentation**

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

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

### **12.7.7 Tender Deadline**

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



### **12.7.8 Opening of Tenders**

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

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

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

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

### **12.7.9 No Tenders Received**

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

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above);
- the specification for goods and/or services remains unchanged;
- Purchasing is arranged within 6 months of the closing date of the lapsed tender.

### **12.7.10 Tender Evaluation**

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

### **12.7.11 Addendum to Tender**

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

### **12.7.12 Minor Variation**

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

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

### **12.7.13 Notification of Outcome**

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

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

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

### **12.7.14 Records Management**

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

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

For a direct purchasing process this includes:

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

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

## **SECTION 13**

# **BUSH FIRE CONTROL**

This section of the Policy Manual included the entire Shire of Moora Bush Fire Control Policy/Procedure/By-Laws document as previously adopted by Council on 21 July 1993.

SHIRE OF MOORA

BUSHFIRE POLICIES

**PROCEDURES/BY LAWS**

## SCHEDULE

<b><u>ITEM No.</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>PAGE NO.</u></b>
	<b>Policy Statement</b>	<b>I</b>
	<b>Policy Contents</b>	
<b>I</b>	Group Fire Management	<b>2</b>
<b>2</b>	Bush Fire Control Officers	<b>2</b>
<b>3</b>	Duties of a Fire Officer	<b>3</b>
<b>4</b>	Volunteer Bush Fire Brigade	<b>4</b>
<b>5</b>	Hazard Reduction Operation	<b>4</b>
<b>6</b>	Administration	
<b>7</b>	Bush Fire Control	<b>5/6/7</b>
<b>8</b>	Harvesting	<b>7</b>
<b>9</b>	Vehicles	<b>7/8</b>
<b>10</b>	Equipment & Tools	<b>8</b>
<b>11</b>	Safety Clothing & Footwear	<b>8</b>
<b>12</b>	Communications	<b>8</b>
<b>14</b>	Subdivisions	<b>8/9</b>
	Policy on Safety and Health in Relation to Volunteer Bush Fire Fighters	<b>10/11</b>
	Response to Hazardous Material Fires	<b>12</b>
	Training Policy	<b>13/14/15/16</b>
	Profiles	<b>17</b>
	Command	<b>18</b>
	Rural Subdivision Policy	<b>19/20</b>
	Fire Reporting Procedure	<b>21</b>
	Councils Harvesting Policy	<b>22/23</b>
	Fire Break Inspection/Requirements	<b>24</b>
	Duties of Chief/Deputy	<b>25</b>
	By-Laws relating to the establishment, maintenance and equipment of Bush Fire Brigades.	<b>26/27/28</b>

## **SHIRE OF MOORA**

# **BUSH FIRE POLICY**

### ***POLICY STATEMENT:***

IT SHALL BE THE POLICY OF THE COUNCIL OF THE SHIRE OF MOORA TO ESTABLISH AND MAINTAIN A BUSH FIRE CONTROL ORGANISATION IN ACCORDANCE WITH PART 9V OF THE BUSH FIRES ACT 1954 IN ORDER TO PROVIDE ADEQUATE FIRE DISTRICT AND TO CARRY OUT AN ONGOING PROGRAMME OF HAZARD REDUCTION HAVING DUE REGARD AT ALL TIMES FOR THE PRESERVATION OF THE NATURAL ENVIRONMENTAL.

THIS POLICY TO BE REVIEWED ANNUALLY

21 ST JULY, 1993

## **I. GROUP FIRE MANAGEMENT**

Council will form a Group Fire Management Committee to administer Council's Policies, on matters relating to bush fire prevention, control and extinguishments, as provided for by Section 67 of the Bush Fires Act 1954.

I.1 The Group Fire Management Committee shall represent each major Brigade as follows;

- ONE CHIEF FIRE CONTROL OFFICER
- TWO DEPUTY CHIEF FIRE CONTROL OFFICERS
- FOUR FIRE CONTROL OFFICERS, at least one of the Committee persons shall be a Councillor, the remaining members of the Committee shall be;
- ONE COUNCIL ADMINISTRATION OFFICER
- ONE BUSH FIRES BOARD REPRESENTATIVE

NOTE: The Shire President is ex-officio a member of all Council Committees and may elect to be Committee Chairman if he so desires.

I.2 The Chief Fire Control Officer and two Deputy Chief Fire Control Officers are elected in the normal way at the Annual General Meeting of Bush Fire Control Officers, the Fire Control Officers Members of the Management Committee are also to be elected at the Annual General Meeting.

I.3 The Group Fire Management Committee will meet at least in April and prior to the AGM of Bush Fire Control Officers each year. Other meetings will be held as deemed necessary. Guests, relevant to discussions to take place, may be invited to attend and address these meetings.

I.4 The number of members required to form a quorum of the Management Committee is;

- (a) Where the total number of members of the Committee is an even number, one half of that total;
- (b) Where the total number of members of the Committee is an odd number, the integer nearest to but greater than one half of that total.

I.5 Recommendations from the Management Committee Meeting will be presented to Council as soon as practical after each meeting.

## **2. BUSH FIRE CONTROL OFFICERS:**

### **2.1 APPOINTMENT**

- (a) At the Annual General Meeting of Fire Control Officers, Brigade members may be nominated to Council to serve as Bush Fire Control Officers until reviewed at the next following Annual General Meeting.
- (b) The Council may appoint Bush Fire Control Officers in accordance with section 38 of the Bush Fires Act 1954 and such officers shall be issued with a certificate of Appointment by the Council.
- (c) At the AGM of Fire Control Officers the Members present shall elect a Chief Fire Control Officer, two Deputy Chief Fire Control Officers, a Fire Weather Officer, two Deputy Fire Weather Officers who shall be nominated to Council for appointment until the next following Annual General Meeting.

### **2.2 POWERS**

The Council retains the express authority to appoint, determine and restrict the powers of Bush Fire Control Officers. Such appointment will be in accordance with the requirement of the district and may prescribe an area over which the Bush Fire Control Officer shall have jurisdiction. Each Fire Control Officer so appointed shall be supplied with a copy of the Act and Regulations.

## **3. DUTIES OF A FIRE CONTROL OFFICER:**

The Fire Control Officer is a person who has been nominated by a Brigade and appointed by Council.

The appointment must be advertised in a newspaper circulated in the Shire.

He has wide powers and is not liable for any damage, loss or injury caused as a result of the exercise of these powers, provided they are carried out in good faith.

He is a voluntary worker who gives his time in furthering the aims of fire prevention and control within the Shire.

The only reward is the satisfaction gained in performing a service of the greatest importance to the individual and community.

His duties may range quite considerably from time to time, but the following is an outline of the duties he is expected to carry out.



- 3.1 Carry out inspections of firebreaks in his Brigade area, and advise the Chief Fire Control Officer or Shire Clerk of any non-compliance with the Firebreak By-Laws.
- 3.2 To prevent Bush Fires and protect life and property in the case of an outbreak of a bush fire.
- 3.3 To demand the name and address of any person committing an offence against the Act and to report to the Shire Clerk. Any persons refusing his name to a Bush Fire Control Officer may be arrested without warrant, under Section 56(2) of the Bush Fire Act 1954.
- 3.4 Other Bush Fire Control related matters as directed by Council.

#### **4. VOLUNTEER BUSH FIRE BRIGADE:**

Bush Fire Brigades will be established and maintained in the various fire areas providing proper and adequate fire protection.

- 4.1 The Shire will encourage members of the Volunteer Brigades to participate in training programmes offered by the Shire and the Bush Fires Board. (See Training Policy Appendix).
- 4.2 The Shire Clerk be authorised to approve and record applications submitted by Brigades for enrolments as Fire Fighting members, without reference to the Bush Fire Advisory Committee.

#### **5. HAZARD REDUCTION OPERATIONS:**

All hazard reduction operations undertaken by a Bushfire Brigade shall be authorised by the Shire, in accordance with the Committees Policy.

#### **6. ADMINISTRATION:**

- 6.1 The Shire of Moora shall enforce the requirements of the Bush Fires Act 1954.
- 6.2 The Group Fire Management Committee shall be responsible for administering the provisions of the Bush Fires Act and the Shire Bush Fire Policy,
- 6.3 The Council shall authorised the Chief Executive Officer, Manager Community Services, Manager Engineering Services or Works Supervisor, upon request from the Officer-in Charge of the Bush Fire to;
  - (a) Call out or authorise the use of Shire vehicles, plant and equipment other than the normally used exclusively for fire fighting or control. These are to be operated by Council Staff, who will act as volunteers outside normal working hours.

The conditions applicable to use of Council plant are;

- a) Request for assistance and instructions can only come from the Fire Control Officer-in-Charge of the fire.
- b) Front end loaders and graders (which are not licensed to be driven on the road after sundown) can only be used for fire control during daylight hours.
- c) Loaders and graders (which are machines with hydraulic controls) can only be used in open paddock situations, which means they cannot be driven into rocky, hilly bushland.
- d) Shire water tankers must be parked in a safe area and used only for back up water supplies.
- e) An operator has the right to refuse any instruction which he feels would put himself and his machine at risk,
- b) Hire or use, or authorise the hire or use of privately owned vehicles plant or equipment or expend funds from the Municipal Fund to a maximum cost that will from time to time be determined by Council.

6.4 INFRINGEMENT NOTICES - Only persons authorised to do so by the Shire may issue Infringement Notices for Offences under the Bush Fires Act and that authority once given, shall remain in force until such time as it is revoked by the Shire.

6.5 FIREBREAK BY-LAW NOTICES - The Council will forward a copy of its Firebreak By-laws Notice no later than 30th September each year to ail owners and occupiers of land within its district.

Council will thereafter not be required to give further notice of its firebreak requirements.

An Infringement Notice carrying a penalty as per Section 33 of the Bush Fires Act 1954 may be served on owners or occupiers of land who have not complied with the Shire's firebreak requirements and compulsory firebreaks may be installed at the owners or occupiers expense. (See appendix).

6.6 FIRE OCCURRENCE STATISTICS - The Bush Fire Control Officer will submit fire reports on the forms provided by Council, to the Chief Executive Officer within 48 hours of the fire occurrence. These reports are to be forwarded by the CEO to the Bush Fires Board District Liaison Officer as soon as possible.

If the fire reports indicated that further action is required, the Chief Executive Officer is to carry out the required action, or investigations.

## **7. BUSH FIRE CONTROL:**

- 7.1 **ROADSIDE BURNING** - Persons wishing to carry out roadside burning on roads under Council control must make application to the Chief Executive Officer who will arrange for an inspection to be carried out by a Brigade Fire Control Officer and the applicant, permit to be issued by that Fire Control Officer.

All roadside burns are to be the direct responsibility of the Bush Fire Brigade or Fire Control Officer in the area.

Signs indicating a "Roadside Burning Ahead" are to be erected both ends of the controlled burn.

Approval to burn on the Great Northern Highway and Midlands Road and Moora-Bindoon Road are to be given only after consultation between the Main Roads Western Australia and Council.

### **7.2 PROHIBITED AND RESTRICTED BURNING TIMES -**

- (a) **RESTRICTED BURNING PERIODS** - the restricted burning periods within the Shire are;

19<sup>TH</sup> SEPTEMBER TO 31<sup>ST</sup> OCTOBER  
15<sup>TH</sup> FEBRUARY TO 29<sup>TH</sup> MARCH

- (b) **PROHIBITED BURNING PERIODS**- the prohibited burning period within the Shire is;

1<sup>ST</sup> NOVEMBER TO 14<sup>TH</sup> FEBRUARY

Variations to either prohibited or restricted burning times or conditions may be authorised by the Chief Fire Control Officer and the Chief Executive Officer. In addition to the statutory requirements of Sections 17 and 18 of the Bush Fires Act 1954 the Chief Executive Officer shall notify the Council and the Fire Control Officers of any such variations as well as advising the public through the local paper and ABC Radio Geraldton.

### **7.3 BURNING OF RUBBISH TIPS -**

- (a) **BURNING DURING PROHIBITED BURNING TIMES** - The Moora rubbish disposal site situated on Melbourne Location 1239 Lot 1 and also Reserve 34278 may be burned during the Prohibited Burning Time subject to the conditions as presented in the Notice of Suspension of Section 25 of the Bush Fires Act 1954.
- (b) **BURNING AT OTHER TIMES** - The Moora and other rubbish tips may be burnt only when conditions are suitable. The burns are to be under the direction of a Senior Council Officer or an appointed Fire Control Officer, Chief Fire Control Officer to be informed prior to burning and radio network to be advised.

7.4 PROSECUTIONS AND FIRE REPORTS - Fire Control Officers may recommend prosecution where considered desirable when submitting Fire Reports, with the knowledge they will be called upon to give evidence.

7.5 FIREBREAKS - The Chief Executive Officer and the Chief Fire Control Officer are authorised to approve or reject applications from landowners for reasonable extensions of time in which firebreaks are to be provided and to approve or reject requests for approval to provide firebreaks in alternative positions.

Fire Control Officers are to notify the Chief Executive Officer or Chief Fire Control Officer when it has been observed that firebreaks have not been constructed in accordance with Council's Firebreak By-Laws, (see appendix).

7.6 BURNING OFF -

(a) SUNDAY BURNING - burning of bush is not permitted on any Sunday occurring during the Restricted or Prohibited Burning time.

(b) PUBLIC HOLIDAYS - burning of bush is not permitted to be carried out on any Public Holiday occurring during the Restricted or Prohibited Burning times.

NOTE: Bush is defined as including trees, bushes, plants, stubble, scrub and undergrowth.

7.7 PERMITS TO BURN BUSH -

(a) Authorised Permit Issuing Officers are the only persons allowed to issue Permits, such persons are named in a list which is reviewed annually.

(b) Permits to bum are for a maximum of seven (7) days only. Sundays and Public Holidays are excluded.

(c) The permit issuer may vary conditions 2, 3, 4, 5 & 6 of regulations 15(b) but not 7, 8 & 9. Any variations must be in writing and clearly stated on the permit.

(d) The Permit Issuing Officers are limited to three per Brigade and a mandatory condition of any permit is that the Permit holder is to notify the Brigade Captain in the first instance or otherwise the Chief Radio Officer, that he intends to bum on that day before 8.00am. The Brigade Fire Control Officer is authorised to issue "Special" Permits to Bum clover and/or rye grass.

## 8. **HARVESTING**

8.1 HARVEST BANS - Harvest Bans can only be placed by the Chief Executive Officer, Deputy Chief Executive Officer, Chief Fire Control Officer or Chief Weather Officer. The

appropriate bin closure officers are to be advised immediately and the rural section of the ABC advised for broadcasting to the public. (See appendix)

- 8.2 HARVESTING ON SUNDAYS AND PUBLIC HOLIDAYS - Harvesting is permitted on all Sundays and Public Holidays excepting Christmas Day, Boxing Day and New Years Day in accordance with conditions set by Council in its separate Policy relative to the matter, included in appendix.

## 9. **VEHICLES**

- 9.1 The Shire may provide and maintain fire fighting appliances and equipment pursuant to the powers conferred under Section 36 of the Bush Fires Act 1954.
- 9.2 Maintenance and repair of all these Shire owned and equipment will be the responsibility of Council and all maintenance or repairs will be carried out with the knowledge and consent of Council.
- 9.3 All replacement parts or equipment will be purchased on an Official Shire Order.
- 9.4 Any damage to Shire appliances or equipment shall be reported to the Council as soon as practicable after the damage has occurred.
- 9.5 The Council will be responsible for maintaining the fire fighting appliances in a roadworthy condition.
- 9.6 The Brigade Captains will be responsible for;
- (a) Ensuring that the Brigade appliances are serviced and checked on a regular basis.
  - (b) Ensuring that the battery, tyres, water, oil and fuel of the Shire Fire Fighting appliances are checked at least once a week.
- 9.7 With regard to Shire fire trucks at Milng, Bindi Bindi, Watheroo they are to be used as the town fire tender to control fires occurring within the town or threatening the town with the understanding that whether or not the Shire's fire trucks be used away from the townsite is at the discretion of the Brigade Captain.
- 9.8 Fire fighting appliances allocated to Volunteer Bush Fire Brigades will be stationed at the Brigade Headquarters or other locations nominated in writing by the Brigades and agreed to by Council.
- 9.9 No fire fighting appliance shall be removed from the Brigade Headquarters or other nominated location by any persons without the Brigade Captain or another Officer of the Brigade being advised either verbally or in writing of the intended location of appliances.
- 9.10 The Brigade Captain will at all times keep the Council informed of any charges of the day to day location and operational status of the brigades appliances.

9.11 The driver of any Shire fire fighting appliances will hold a current drivers licenses of the class appropriate for the appliance being driven and be either;

- A COUNCIL EMPLOYEE
- A REGISTERED MEMBER OF THE VOLUNTEER BUSH FIRE BRIGADE
- ANY PERSONS AUTHORISED BY THE CHIEF EXECUTIVE OFFICER, MANAGER COMMUNITY SERVICES OR FIRE CONTROL OFFICER TO DO SO.

9.12 The driver of a Shire fire fighting appliance shall at all times observe the provisions of the Road Traffic Code, in particular those applying to emergency vehicles.

9.13 The town fire fighting appliance shall be used for approved official purposes only as detailed in this Policy.

#### 10. **EQUIPMENT AND TOOLS:**

Each fire unit shall be supplied with such equipment and tools as deemed necessary.

#### 11. **SAFETY CLOTHING AND FOOTWEAR:**

The Shire will encourage fire fighters to wear protective clothing and footwear as recommended by the Bush Fires Board Standard while engaged in fire fighting.

#### 12. **COMMUNICATIONS:**

12.1 An efficient two-way radio network will be established and maintained for fire fighting communications.

12.2 Bush Fire Radio sets to be located within all Brigade areas to the best advantage and such location be decided by;

- CHIEF FIRE CONTROL OFFICER
- MANAGER COMMUNITY SERVICES
- CHIEF RADIO CONTROL OFFICER
- SHIRE COUNCIL REPRESENTATIVE

after consultation with Area Brigade Captain.

#### 13. **INSURANCE:**

The Shire will obtain and keep a policy of insurance for fire fighters and equipment as provided pursuant to Section 37 of the Bush Fires Act 1954, which will cover personnel, equipment and vehicles whilst engaged on authorised activities.

#### 14. **SUBDIVISIONS:**

Conditions of approval for all subdivisions within the Moora Shire will be as per the Rural Subdivision Policy Statement.

PRESENTED AND ADOPTED BY THE MOORA SHIRE COUNCIL AT THE MEETING HELD ON THE

SHIRE PRESIDENT \_\_\_\_\_

CHIEF EXECUTIVE OFFICER \_\_\_\_\_

## SHIRE OF MOORA

### **POLICY ON SAFETY AND HEALTH RELATIVE TO VOLUNTEER, BUSH FIRE FIGHTERS**

The Council of the Shire of Moora recognises the extremely valuable contribution to the community by the Bush Fire Volunteers.

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

Council recognises that both the Shire and Bush Fire Volunteers have a responsibility for safety and health.

### **COUNCIL RESPONSIBILITIES:**

All practical efforts will be made to;

- Instruct Bush Fire Volunteers in safe working practices
- Ensure that brigade owned equipment is in safe working order
- Require the use of proper standard of protective clothing and equipment appropriate to the task
- Ensure that volunteers have ready access to first aid facilities
- Investigate accidents and possible 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 Bush Fire Volunteer training, safety and health policies as necessary

### **VOLUNTEER RESPONSIBILITIES:**

- To maintain a reasonable standard of physical fitness
- 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 that they present themselves dressed appropriately for fire fighting 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 Bush Fire Volunteers 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 Bush Fire Volunteers, both on the fire ground, and in the performance of all other duties.



## **RESPONSE TO HAZARDOUS MATERIAL FIRES**

A Bush Fire Brigade when required shall;

- Provide an initial report of the incident to the local authority
- Extinguish bush fires that are associated with the incident if it is safe to do so.
- Assist the Police, where possible, to render the situation safe
- Provide fire protection in the recovery phase. To provide a fire report on the incident at the conclusion.

Reports are important and must be furnished without delay so that specialist advice on how the incident must be handled with safety can be obtained.

Reports must contain information of the location of the fire, volume and direction of the smoke plume, suspected hazardous material involved, details of fire fighting equipment available on site.

Reports must be made immediately to the Police (who will assume control of the incident) to the Western Australian Fire Brigade and the EPA (who will provide specialist advice) and to the Bush Fires Board Perth (who will arrange fire fighting support as required).

EACH FIRE IS A SEPARATE EVENT TO BE JUDGED ON THE CIRCUMSTANCES WHICH SURROUND IT. THEREFORE, EXPERIENCED PROFESSIONAL HELP SHOULD ALWAYS BE SOUGHT AT AN EARLY STAGE TO ENSURE A SAFE AND PROPER RESPONSE.

**IT CANNOT BE STRESSED TOO STRONGLY THAT TO ACT WITHOUT SPECIALIST ADVICE IS DANGEROUS!!**

## ***SHIRE OF MOORA BUSH FIRE TRAINING POLICY***

### ***I. TRAINING AND THE BUSH FIRE ORGANISATION***

Council recognises that Bush Fire Fighters must be properly trained to perform their tasks in a safe and efficient manner.

Responsibilities differ at various levels in the fire Organisation and accordingly the level of skills required to perform related tasks varies also.

Council recognises that a basic level of skill is required for all fire fighters.

To ensure that fire fighters are adequately skilled to fulfil these tasks, Council adopts a Training Policy and supports its brigade officers in the implementation of the same.

## **2. TRAINING FIRE FIGHTERS:**

THAT IT BE COUNCIL POLICY THAT;

2.1 A training officer or officers be appointed to oversee training of Council fire fighters

OR

That a bush fire brigade appoints an officer or a member of the brigade as the Brigade Training Officer.

It will be these Officers' responsibility to ensure that all fire fighters are skilled in basic fire fighting procedures the, efficient and safe operation of the brigade's equipment and that Council is informed of local training standards.

2.2 Council will encourage members of brigades to participate in the training programmes offered by the Bush Fires Board.

2.3 Training Officers will undertake a "Train the Trainer" course with the Bush Fires Board and will adopt the practice the procedures and standard recommended by the Bush Fires Board.

2.4 All Training Officers appointed by Council and/or brigades will be required to present training to fire fighters throughout the Shire.

2.5 SAFETY OF PERSONNEL - the person in charge of training shall at all time keep the safety of these personnel under his/her direction as a primary consideration.

2.6 Serving brigade members who have not already undertaken formal training courses must satisfy their brigade Training Officer that they have a level of knowledge and skills at least equal to the Basic Training Officer that they have a level of knowledge and skills at least equal to the basic training level set by the Board.

2.7 The promotion within the Brigade should be based on experience and

2.8 Council will require its Fire Officers to be trained to a level consistent with rank and role within the bush fire Organisation.

### **PROFILE OF A FIRE FIGHTER:**

- I . At all times, Brigade members engaged in training, fire suppression, hazard reduction or any authorised activity must be acting in accordance with the Brigades constitution/objectives and Local Authority Policy.

2. The Brigade member has a responsibility not only to themselves in the manner they present, conduct or represent themselves or their Local Authority, but to their fellow members, their families and members families.
3. All Brigade members have a duty of care to their fellow member to ensure they are in good health and physically fit to carry out the task allocated to them and their actions will not jeopardise the safety of fellow members.
4. They will carry out any instructions given to them by a Brigade Officer, if it is safe to do so.
5. They will endeavour to promote the Brigades objectives, to participate in fuel reduction and training programmes to the desired level within the Brigades and in accordance with their role in the Brigade.
6. Brigade members should set an example to their community by their dedication to fire protection and their home/land should be an example to the community.
7. The Bush Fire Brigade member has a valuable contribution to make to the Brigade the community and thus has a commitment/responsibility to local and district fire protection.
8. All Brigade members must acquaint themselves with Council's Bush Fire By-Laws Policy and Protection Plans.

## ***PROFILE OF BUSH FIRE BRIGADE OFFICERS:***

### **The Captain**

1. Is in charge of all fire fighters and members of the Brigade.
2. Is responsible for the safety and well being of all personnel under his control at any time when involved in any activities while representing the Brigade and the Local Authority.
3. Has a responsibility to ensure the operation of equipment is maintained at a high level of proficiency and in a safe manner.
4. Is responsible for the co-ordination of Brigade Resources in fire related matters.
5. Shall be seen as a leader with demonstrated skills with the capability to delegate tasks to ensure the proper running, maintenance of the Brigade and its objectives.

6. Be required to have an intimate knowledge of the Brigades area of responsibility, the high-risk areas, firebreaks access, water supplies and major landowners and land vestings.
7. To have a knowledge of the Brigade members special abilities and be able to co-ordinate these skills and abilities to the benefit of the Brigade and its members.
8. Shall have a demonstrative ability, to liaise with adjoining Brigades and to operate the Brigade under the direction of the FCO to ensure best use of the Brigade and its resources.
9. To assume the duties and responsibilities of a FCO in the absence of the FCO.
10. To co-ordinate the Brigades roster systems.
11. Be responsible for adequate training of members as per Council's Training Policy.

### ***Lieutenants***

1. Are responsible for the crew and fire equipment in their charge.
2. Will assume the duties and responsibilities of the Captain in order of seniority in the Captain's absence.
3. To carry out any instruction given directly by the Captain or in the Captain's absence, the FCO.
4. To ensure the crew present themselves in a safe manner and act in a safe manner so as to not endanger members of the crew.

### ***PROFILE OF A BUSH FIRE CONTROL OFFICER:***

#### **Duties**

The main duties of a Bush Fire Control Officer relate to fire prevention. The FCO is officer through whom Local Government works to control the use of fire and certain machinery and operations at such times of the year as these could lead to bush fires.

In all cases, the FCO works in close contact with the public and frequently in an enforcement role. At other times the FCO imposes conditions on activities, which as a result may become more onerous to carry out. The FCO has an advisory function on general fire safety also.

In carrying out an FCO's duties, they have the power of entry on land or into buildings, an activity which may be construed by some as in invasion of privacy.

In fire suppression, the duties involve the direction of volunteers and brigades the FCO is responsible for practical decisions, which would involve life and property and has wide powers when involved in fire fighting.

In all duties, they are subject to Council direction, control and possible limitation of power conferred by the Bush Fires Act.

### ***Experience and Temperament***

Bush Fire Control Officers must therefore have experience in dealing with the public from the aspect that they are in charge of the situation and issues may be contentious.

To maintain their position, they must have a good working knowledge of bush fire legislation, the fundamentals of bush fire prevention-work and fire behaviour.

An FCO must have even temperament as they may be called to deal with provocative situations, but at the same time they must have sufficient strength of character to maintain their ground.

In fire suppression a working knowledge of legislation as it relates to powers of Bush Fire Control Officers is essential as is a knowledge of fire suppression techniques, preferably gained by experience from the grassroots upwards.

They must be trusted and respected by brigade personnel, they are to, be their leaders.

They must command obedience and respect and must be capable of positive action.

They must have a clear understanding of their role of their relationship to Council, ie; they are responsible to Council to carry out fire protection work as they direct.

In looking for a Fire Control Officer, you would look for;

- A person of integrity
- Steady and reliable
- A person willing to take as well as give orders
- A high sense of responsibility
- Relevant fire experience

The persons to be selected for a Fire Control Officer, particularly if there is to be an accent of fire suppression, must be physically fit.

## **PROFILE OF A CHIEF BUSH FIRE CONTROL OFFICER**

### ***DUTIES:***

The Chief Bush Fire Control Officer (CBFCO) is the most senior Fire Control Officer appointed by a municipality. He has all the powers and responsibilities conferred on Bush Fire Control Officers by the Bush Fires Act and regulations (see profile of a Bush Fire Control Officer).

As-the most senior member of a Local Authority bush fire Organisation, he may take overall charge of fire fighting in the municipality. The Chief Bush Fire Control Officer is expected to assume the role of leader, guide and mentor to more junior Bush Fire Control Officers and the bush fire Organisation in his area.

He provides co-ordination between the various parts of his Organisation as well as coordination between municipalities and other fire suppression agencies.

### ***Experience and Skills***

The qualifications relevant to Bush Fire Control Officers apply equally to the Chief.

As the Senior Officer his leadership skills must be recognised and accepted by his peers. He must command their respect.

In effect he is the Manager of the local bush fire Organisation and as such must have managerial skills and a wide knowledge of the fire Organisation in his municipality.

### ***Relationship with the Authority***

The Chief Bush Fire Control Officer must enjoy the confidence of his Local Authority and have adequate authority (or access to it) to use Council resources and/or funds when fires may warrant such action.

While the choice of Bush Fire Control Officers can be influenced to a large degree by brigades and volunteers, the choice of Chief is an important decision which property lies with Council.



# BUSH FIRE CONTROL ORGANISATION STRUCTURE

## COUNCIL (VIA MANAGEMENT COMMITTEE)

**BUSH FIRE ADMINISTRATIONS**  
**CHIEF EXECUTIVE OFFICER**

**OPERATIONS**  
**CBFCO**  
**DBFCO**

## MAJOR AREA BRIGADES

<b>MOORA</b>	<b>BINDI</b>	<b>COOMBERDALE</b>	<b>KOOJAN</b>	<b>MILING</b>	<b>WATHEROO</b>
<b>FCO</b>	<b>FCO</b>	<b>FCO</b>	<b>FCO</b>	<b>FCO</b>	<b>FCO</b>
<b>AREA CAPTAIN</b>	<b>AREA CAPTAIN</b>	<b>AREA CAPTAIN</b>	<b>AREA CAPTAIN</b>	<b>AREA CAPTAIN</b>	<b>AREA CAPTAIN</b>
<b>LIEUT.</b>	<b>LIEUT.</b>	<b>LIEUT.</b>	<b>LIEUT.</b>	<b>LIEUT.</b>	<b>LIEUT.</b>
<b>MEMBERS</b>	<b>MEMBERS</b>	<b>MEMBERS</b>	<b>MEMBERS</b>	<b>MEMBERS</b>	<b>MEMBERS</b>

**NOTE:** In some areas eg; Bindi Bindi there may be a number of Sub-Brigades still operating with their own Captain and other Officers.

# RURAL SUBDIVISION POLICY STATEMENT

Council recognises the need to address the level of protection, where life, properties and values would be threatened by bush fires in rural subdivisions which may develop.

Consultation with the Bush Fires Board will assist in compatibility of conditions of approval being set by both instrumentalities.

The following issues shall be addressed when setting the standard of fire protection in new developments.

These issues will be assessed by Councils, Fire Protection Officers, and appropriate recommendations made to Council for inclusion in their submissions to DPUD.

## **ACCESS:**

To avoid the possibility of residents being trapped by fire, the question of fire fighters access and residents egress will be addressed.

- (a) All created lots to be provided with road access.
- (b) Cul-de-sacs and battle axes lots are to be assessed where alternative access is limited for resident escape routes and fire fighting access.

## **STRATEGIC FIRE BREAKS:**

Strategic firebreaks provide access for fire units, and in some cases buffers between fuel areas and the subdivisions.

In some situations it may be necessary to require strategic firebreaks in addition to Council's firebreak notice to provide adequate protection to residents.

- a) Where strategic firebreaks are required around the subdivisions perimeter on any part there of, the standard specifications shall be 6 metres in width with a 4 metre trafficable surface for fire units.
- b) The Council shall address the continuing access for fire units which may require property easement and appropriate gates on fence lines and the ongoing maintenance of any strategic firebreak.

## **PUBLIC OPEN SPACE:**

Public open space is to be vested with an authority having a land management capability to ensure fire management of reserves is an ongoing commitment.

## **WATER SUPPLY:**

A suitable permanent supply of water is essential for effective fire suppression.

- (a) Where a reticulated water mains are provided, fire hydrants will be installed to the WAFB standard ie; maximum 200 metres intervals for residential and 1 00 metres intervals for commercial/industrial.

- (b) In areas of no water mains system, an acceptable supply of permanent water needs to be available for fire unit refilling. This water supply needs to be within a 20 minute turn-around time frame for vehicle refilling. Water supplies, tanks and soaks, hardstands, plumbing outlets, filling mechanisms to be to the satisfaction of the Shire Fire Protection Officer in consultation with the Bush Fires Board.

#### ***FIRE EQUIPMENT FUNDING:***

Council recognises the need for the sharing of costs to enable an appropriate standard of fire protection is provided.

*"Developer's may be required to contribute \$200 for each lot created. This contribution is to be paid to the Local Authority and held in central trust fund for the provisions of fire suppression recourses and allocated by the Council as required for that purpose."*

The above issues form the basis of fire protection considerations. Individual development proposals may attract further requirement or may not require all of these points to be addressed.

# SHIRE OF MOORA

## FIRE REPORTING PROCEDURE

### ***REPORTING A FIRE:***

The procedure to be used to report a fire is;

1. Immediate contact to be made to the Chief Radio Officer and/or Brigade Captain and then neighbours.
2. Chief Radio Officer to ensure that Brigade Captain is aware of fire report.

NOTE: Printed information cards to be arranged which detail the above procedure and also telephone number/radio call signs of; the Chief Radio Officer, Brigade Captains.

# POLICY

## **HARVESTING SUNDAYS AND PUBLIC HOLIDAYS:**

Council's policy allows harvesting on Sundays and Public Holidays - subject to the undermentioned conditions:-

1. Two people must be in attendance while harvesting operations are taking place.
2. A fire unit must be situated within or adjacent to the paddock being harvested.
3. No movement of vehicles in paddocks while a harvesting ban is on other than carting of water, any other instances where vehicles are required to move in paddocks during a harvest ban to require prior authorisation from a fire control officer.

Condition 1 need not apply for harvesting after 6.00pm.

Persons harvesting contrary to this policy risk voiding their insurance cover.

## **Harvesting Christmas And New Year:**

It is hereby notified for public information that Council has in accordance with the Bush Fires Act Regulations, amended the general approval for harvesting on Sundays and public holidays for the Christmas and New Year holiday period as under –

<b>CHRISTMAS DAY</b>	-	<b>HARVESTING NOT PERMITTED</b>
<b>BOXING DAY</b>	-	<b>HARVESTING NOT PERMITTED</b>
<b>NEW YEARS DAY</b>	-	<b>HARVESTING NOT PERMITTED</b>

A HARVESTING BAN - which may be applied due to extreme weather conditions takes precedence over any approval for harvesting on Sunday or public holidays.

## **Harvesting Bans -**

~~SUNDAYS – a ban will be imposed when the Fire Danger Rating per the Crossley Scale is 16 and rising.~~

~~OTHER DAYS – a ban will be imposed when the Fire Danger Rating per the Crossley Scale is 17 and rising.~~

~~NOTE: The McArthur Scale equivalent to the Crossley Scale will of course apply.~~

## **Policy Amendment resolved by Council 24 January 2005:-**

***Moved Cr Pond, seconded Cr Tonkin that it be recommended to Council that the following amendment for fire danger rating and conditions for imposing a harvest ban be made to the Shire of Moora's Bush Fire Policy annexure adopted 21 July 1993: -***

- 1. *Harvesting Bans - a harvest ban will be imposed when the grassland fire danger rating at weather stations in two Brigade areas of the Shire is 42, calculated on the maximum wind speed.***
- 2. *Delete the references relating to the fire danger rating as per the Crossley scale of 16 for Sundays and 17 for other days.***

**CARRIED 9/0**

BROADCASTING OF HARVESTING BANS - ABC Radio will broadcast notice of harvesting bans and these will also be notified over the bushfire radio system.

The assistance of all Fire Control Officers and the Public in reducing the risk of fires and suppressing any fires that may occur is appreciated by Council.

***HARVESTING BAN PROCEDURE FOR CBH PERSONNEL MANNING RECEIVAL POINTS DURING THE HARVEST PERIOD:***

1. Shire Councils/Fire Officers will decide whether to inform the weighbridge officer that a Fire and Harvest Ban is in place (through the medium of a written notice).
2. On receipt of the notice the weighbridge officer will display the information in a prominent position.
3. In addition the weighbridge officer will alert all drivers to the fact that a Fire and Harvest Ban is in place.
4. ALL GROWER, deliveries WILL CONTINUE to be accepted in the normal manner.
5. It should be noted that there is no requirement by a CBH employee to prohibit the movement of vehicles during a Fire and Harvest Ban in accordance with the removal of Regulation 12(4) from the Bulk Handling Regulations (26/11/93).

## **FIRE BREAK INSPECTION PROCEDURE TO BE CARRIED OUT BY FIRE CONTROL OFFICERS**

1. An inspection of fire breaks to take place as soon as possible after the 4th Saturday in October, each year, such dates to be decided annually,
2. Notice of any inadequate breaks to be notified to the Chief Executive Officer in writing as soon as possible after the 4th Saturday in October. The Notice to contain name of owner or occupier, date and time of inspection; location of break and who carried out the inspection.
3. Shire Office to issue a reminder notice to any land holder who, in the opinion of the Bush Fire Control Officer, has not complied with Council's Fire Break Notice (inadequate break etc) as soon as possible after notification by a Bush Fire Control Officer.
4. Where a notice has been issued, the Fire Control Officer who made the report will automatically carry out a further inspection as soon as possible after a date decided which is 14 days after the 4th Saturday in October, which is the date Fire Break Notice requires fire breaks to be provided by.
5. Where a fire break is found to be inadequate on or after the date of such inspection and this is reported to the Shire Office in writing by a Fire Control Officer a Bush Fire Infringement Notice will be issued from the Shire Office imposing a fine of \$80.00 or as amended, for non-compliance with the Fire Break Notice.

### ***FIRE BREAK REQUIREMENTS - RURAL AND TOWNSITE:***

#### ***Rural Land***

On or before the 4th Saturday in October firebreaks must be provided not less than two metres in width inside and along the whole of the external boundaries of the properties owned or occupied, where this is not practicable the firebreaks must be provided as near as possible to, and within, such boundaries with the exception that firebreaks can be modified or not required if after consultation with the Brigade Captain and neighbours it is decided that a natural barrier or man made structure will act as a firebreak and maintained free of inflammable material until the 4th Saturday in the following March.

#### ***Townsites***

On or before the 4th Saturday in October all town lots within the townsites of Moora, Watheroo, Bindi Bindi, and Coomberdale are required to be treated as follows -

- (a) Where the area of land is less than 3,000m<sup>2</sup> remove all inflammable material from the whole of the land.
- (b) Where the area of land is 3,000m<sup>2</sup> or more a firebreak must be provided not less than two metres in width inside and along the whole of the external boundaries of the properties owned or occupied and all inflammable material must be cleared two metres distance from all buildings and/or haystacks situated on the land and maintained free of such material until the 4th Saturday in the following March.

# SHIRE OF MOORA

## DUTIES OF CHIEF/DEPUTY BUSH, FIRE CONTROL OFFICER

### ***ACTION PROCEDURES:***

#### **I. CONTROL**

- I.1 Co-ordinate and control operations in the field.
- I.2 Take charge of the fire situation if necessary.
- I.3 Establish a control and communication point at or near the fire ensure establishment of assembly area for incoming assistance.
- I.4 Carry out a reconnaissance and assess PRIORITIES and decide tactics.
- I.5 Allocate sectors of responsibility; brief and allocate resources as required to sectors.
- I.6 Forecast fire spread and assess potential needs request mutual aid.
- I.7 Roster relief personnel.

#### **2. REPORTING**

- 2.1 Furnish situation reports to Council Office at regular intervals.
- 2.2 In extreme multiple fire situations the Bush Fires Board to be advised.



# BUSH FIRES ACT 1954

## **THE MUNICIPALITY OF THE SHIRE OF MOORA:**

By-laws relating to the establishment, maintenance and equipment of Bush Fire Brigades.

in pursuance of the power conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 21st July, 1993, to make and submit for confirmation by the Governor By-laws relating to the establishment, maintenance and equipment of the Bush Fire Brigades of the Shire of Moora.

1. The By-laws relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Municipal District or any part of the Municipal District of Moora gazetted on 9th January, 1942, and as amended on 16th May 1965 are hereby repealed.

## **2. Bush Fire Brigades**

### **2.1 ESTABLISHMENT OF BRIGADES**

- (a) By resolution, the Council may establish, maintain and equip a Bush Fire Brigade under the provisions of the Bush Fires Act 1954 (as amended), and Regulations there under. The Brigade shall be formed in accordance with these By-laws and a name shall be given to the Brigade. Details of the Bush Fire Brigade shall be held by the Council,
- (b) A Bush Fire Brigade may be established for the whole of the Shire or any specified area thereof.

### **2.2 APPOINTMENT OF BRIGADE OFFICERS**

Each Brigade shall hold an Annual General Meeting at which a Captain, First Lieutenant, Second Lieutenant, Secretary and/or Treasurer and such additional officers as deemed necessary shall be elected. The Council shall be notified annually of the names of officers elected.

### **2.3 DUTIES OF OFFICERS**

Duties of all Brigade Officers and Members shall be as detailed in the Provisions of the Bush Fires Act 1954 (and amended).

#### **(a) Captains and Lieutenants**

The Captain shall have full control over the members of the brigades whilst engaged in fire fighting and shall issue instructions as to the methods to be adopted by the fire fighters. In the absence of the Captain, the 1st Lieutenant, the 2nd Lieutenant or Senior

Officer of the Brigade present at the fire, shall exercise all the powers and duties of the Brigade Captain.

(b) **Secretary and/or Treasurer**

Shall be responsible for administration in accordance with section 2.5 of the By-laws.

(c) **Equipment**

The Captain shall be responsible for the custody and maintenance in good order and condition of all equipment and appliances acquired by the Council for the purpose of the Brigade. The equipment shall be kept at a depot approved by the Brigade Captain where, if possible, fire units can easily be called upon. If there is more than one such depot in the area, the Captain shall appoint at each depot a person to look after the equipment and have it ready for immediate use when required.

## 2.4 BRIGADE MEMBERSHIP

- (a) The membership of the Bush Fire Brigade consists of fire fighting members.
- (b) Fire fighting members shall be those persons being members of either sex and being (15) years of age and over, and willing to render service when possible at any bush fire and who sign an undertaking in the form contained in the First Schedule of these By-laws.
- (c) The enrolment of persons as fire fighting members shall in every case, be subject to the approval of the Council.

## 2.5 ADMINISTRATION RESPONSIBILITIES

(a) **Meetings**

- i) Brigade meetings shall be held as required, with a minimum quorum of 3 Brigade members to be present. The minutes of such meeting to be tabled at the next following Fire Advisory Committee Meeting.
- ii) The Brigade Secretary shall provide the Chief Executive Officer with advice of meetings at least seven days prior to the date of the meeting in case there is any matter which the Chief Executive Officer thinks should be addressed.

(b) **Membership**

The Brigade Secretary shall maintain a register of all members and resignations of such members from the Brigade.

(c) **Secretary and/or Treasurer**

Is responsible for all Brigade Administration matters which will include the following

-

- i) Taking of Brigade Minutes.
- ii) Maintaining of Brigade Membership records.
- iii) Detailing revenue from all sources and expenditure made by the Brigades.
- iv) Receiving and answering correspondence as necessary.

3. **Finance:**

The expenditure incurred by Council in the purchase of equipment, payment for services and generally for the purpose of the Act, shall be a charge on the ordinary revenue of the Council and records of such expenditure shall be maintained in accordance with municipal audit requirements.

**SECTION 14**  
**ELECTED MEMBERS RECORDS MANAGEMENT**  
**POLICY AND PROCEDURES MANUAL**

**“TO BE INSERTED WHEN ADOPTED”**

# **SECTION 15**

## **CODE OF CONDUCT**

### **PREAMBLE**

This Code of Conduct provides elected members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The code is complementary to the Principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in

- (a) better decision making by local governments;
- (b) greater community participation;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government

This code provides a guide and a basis of expectations for elected members and staff. It encourages a commitment to ethical and professional behaviour and outlines the principles in which individual and collective Local Government responsibilities may be based.

### **ROLE OF ELECTED MEMBERS:**

The President shall have a role in maintaining harmonious relations and adherence to the Code of Conduct by Councillors in consultation with the Chief Executive Officer.

A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Councillor's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;

- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents concerns;
- working with other government and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

## CODE OF CONDUCT FOR ELECTED MEMBERS AND STAFF:

### I. Conflict and Disclosure of Interest

#### Conflict of Interest

- Members and staff ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- Staff will not engage in private work for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to their Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principle place of residence).
- Members and Staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- Staff will refrain from partisan political activities, which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own Political convictions are not impinged upon by this clause. It is recognized that such convictions cannot be a basis for discrimination and this is supported by an anti discrimination legislation.

#### Financial Interest

Members and Staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

#### Disclosure of Interest

- (a) In addition to disclosure of financial interests, members and staff, including persons under a contract for services-

- Attending a council or committee meeting

Or

- Giving advice to a council or committee meeting

Are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

- (b) Where an interest must be disclosed under (a) above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the meeting.

## 2. Personal Benefit

### Use of Confidential Information

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to the any person or organization.

### Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

### Improper or Undue Influence

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or any other person or body.

### Gifts and Bribery

- (a) Members and staff are not to accept a gift, other than a gift of or below \$200, from a person who is undertaking, or is likely to undertake, business-

- That requires the person to obtain any authorization from the local government;
- By way of contract between the person and local government; or
- By way of providing any service to the local government.

- (b) Members and staff who accept a gift of or below \$200 from a person referred to in (a) above are to record it in a register of token gifts-

- The names of the persons who gave and received the gift;
- The date of receipt of the gift; and
- A description, and the estimated value of the gift;

Unless the Local Government decided that-

- Specified gifts given by way of hospitality; or
- Specified classes of gift given by way of hospitality

Need not be recorded.

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

### 3. Conduct of Members and Staff

#### Personal Behaviour

- (a) Members and staff will
- Act, and be seen to act, properly and in accordance with the requirements of the law and terms of this Code;
  - Perform their duties impartially and in the best interest of the Local Government uninfluenced by fear or favour.
  - Act in good faith (e, honestly for the proper purpose, and without exceeding their powers) in the interest of the Local Government and the community.
  - Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  - Always act in accordance with their obligation of fidelity to the Local Government.
- (b) Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents

#### Honesty and Integrity

Members and staff will:

- (a) observe the highest standards of honesty and integrity, and to avoid conduct which might suggest any departure from these standards,
- (b) bring the notice of the President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.



## Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits.
- (c) Staff wishing to undertake employment additional to duties performed for Shire of Moora should first obtain the approval of the Council. Requests to be referred to the Management Review Committee, which will make a recommendation to Council. No other employment should compromise the activities performed by Council.

## Compliance with Lawful Orders

- (a) Members and staff will comply with any lawful order given by any person having authority to make or give such an order, which any doubts as to the property of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- (b) Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

## Administrative Management Practises

The CEO will keep the Council fully informed of the capacity of its administrative structure to comply with the purposes and legislative requirements of the Local Government Act 1995.

Members and Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

## Corporate Obligations

- (a) Standard of Dress

Staff and Councillors are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

- (b) Communication of Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal, involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

- (ii) As a representative of the Community Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:
- As a member of the Council there is respect for the decision making process of the Council which are based on a decision of the majority of the Council;
  - Information of a confidential nature ought not be communicated until it is no longer treated as confidential;
  - Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
  - Information concerning adopted policies, procedures, and decisions of the Council is conveyed accurately.

#### Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and staff have a mutual respect and cooperate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- Accept that their role is a leadership, not a management or administrative one;
- Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- Refrain from, publicly criticizing staff in a way that casts aspersions on their professional competence and credibility.
- That Members seek appointments with staff on enquiries they have.

#### Appointments to Committees

As part of their representative role Members are often asked to represent the Council on external organisations. It is important that Members;

- Clearly understand the basis of their appointment, and
- Provided regular reports on the activities of the organizations.

#### 4. Dealing with Council Property

##### Use of Local Government Resources

Members and staff will:

- (a) be scrupulously honest in their use of Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

- (b) use Local Government resources entrusted to them effectively and economically in the course of their duties and;
- (c) not use Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorized to so, and appropriate payments are made (as determined by the Chief Executive Officer).

#### Travelling and Sustenance Expenses

Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and provision of the Local Government Act.

#### Access to Information

- (a) Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as a member.
- (b) Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

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SHIRE PRESIDENT

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CHIEF EXECUTIVE OFFICER

# SECTION 16

## APPENDICES

(Policy 2.16 (1))

APPENDIX I

### ANNEXURE A

- Performance Criteria -

The performance of the CEO in the exercise of his functions shall be rated:

1) Under essential criteria on a scale of 1 – 5:

Rating Scale

5	Outstanding	Model of Excellence
4	Creditable	Exceeds Standards
3	Competent	Satisfies Standards
2	Marginal	Barely Meets Standards
1	Unacceptable	Does Not Meet Standards

2) On compliance questions, "YES" or "NO"

In completing this return, please report any action plan to develop competencies in the comments section.

**Function (a)**

Advise the Council in relation to the functions of a local government under this Act and other written laws.

**Appraisal Guide:** This basically refers to legal opinions given by the CEO. Is the CEO clear in his advice? Does he anticipate the need for legal advice and so avoid having to refer matters back to the next meeting?

Performance Criteria

Rating 1-5 (please circle one)

Clarity of advice given on matters  
of law

1    2    3    4    5

Timeliness of advice given on matters  
of law

1    2    3    4    5

COMMENTS:

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<b>Function (b)</b>
Ensure that advice is available to the Council so that informed decisions can be made.

**Appraisal Guide:** The CEO can be judged on his personal qualities in fulfilling this function particular to the CEO, but he is also responsible for organisational performance, i.e. for ensuring that all agendas contain the right mix of information to enable informed decisions to be made. The rating of the CEO 'as a facilitator between meetings' refers to the advice and information given to Council members between meetings to enable them to better fulfil their role.

Performance Criteria

Rating 1-5 (please circle one)

Particular to the CEO

Leadership & Communication skills	1	2	3	4	5
Political Sensitivity	1	2	3	4	5
As a facilitator between meetings	1	2	3	4	5

Organisational Performance

Accuracy, relevance and timeliness of reports	1	2	3	4	5
Appropriateness of recommendations	1	2	3	4	5

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>Function (c)</b> Cause council decisions to be implemented
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**Appraisal Guide:** The vast majority of Council decisions will be implemented between meetings. Some decisions will necessarily extend over a long term, for example if Council resolved to prepare an asset replacement plan for roads infrastructure. To what extent are Council members embarrassed by feedback indicating decisions are not being implemented promptly and without unreasonable delay, and to what extent are Council members informed of progress where delay is inevitable?

	Performance Criterion		Have any problems arisen?		If yes, have the problems been addressed?
	YES	NO	YES	NO	
Timeliness					

COMMENTS \_\_\_\_\_

**Function (d)**

Manage the day-to-day operations of the local government.

**Appraisal Guide:** The leadership criterion will especially reflect in performance under the Principal Activities Plan. 'Operational processes' can be judged by the effectiveness with which Council members and members of the community can access Council information and services. Public relations/political sensitivity will reflect over time in organisational performance and the Shire. The rating could be substantiated by customer survey.

Financial management skills can be judged by two criteria:

1. advice on the financial implications of project proposals, and
2. budget performance

The 'commitment' criteria might best be judged by the 'balance' applied to the job, so that important tasks are not left undone.

Performance Criteria	Rating 1-5 (please circle one)
Leadership in setting & achieving objectives	1 2 3 4 5
Operational processes	1 2 3 4 5
Public relations/political sensitivity	1 2 3 4 5
Commitment to obligations & responsibilities	1 2 3 4 5

COMMENTS: \_\_\_\_\_

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\_\_\_\_\_

**Function (e)**

Liase with the President on the local government's affairs and the performance of the local government's functions.

Criteria here are the extent to which the CEO keeps the President appropriately informed and draws on his abilities given the time constraints on both of them.

It is not considered that the exercise of this function needs to be measured in the performance review. The President would expectably take his own remedial action if dissatisfied with the CEO's performance in this regard.

**Function (f)**

Speak on behalf of the local government if the President agrees.

**Appraisal Guide:** If the President has agreed that the CEO should speak on behalf of the local government, do the media skills enhance or detract from the image of the local government?

Performance Criteria

Rating 1-5 (please circle one)

Public relations and Communication skills    1   2   3   4   5

COMMENTS\_\_\_\_\_

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**Function (g)**

Be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37 (2) in relation to senior employees.

**Appraisal Guide:** Is the CEO conscious of and does he apply anti discrimination employment principles and give appropriate briefings to others engaging employees? Are teamwork/shared values in evidence within the administrative structure? Fairness and consistency can be monitored either by survey or levels of industrial unrest. Are employees empowered through delegations? Is power and decision making devolved to the lowest appropriate level?

Performance Criteria

Rating 1-5 (please circle one)

Compliance with Council's EEO policy	1	2	3	4	5
Team Building Skills	1	2	3	4	5
Fairness and consistency with employees	1	2	3	4	5
Delegations to others	1	2	3	4	5

COMMENTS: \_\_\_\_\_

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\_\_\_\_\_



**Function (h)**

Ensure that records and documents of the local government are properly kept for the purposes of the Act and any other written law.

**Appraisal Guide:** It is expected that the keeping of records certainly under this Act, will be the subject of compliance audit. Such records include financial interest registers, disclosure returns, register of delegations and the exercise of powers under delegations. The Audit Report is also a vital measure under this function.

This part of the performance review might be conducted by self-assessment.

Performance Criteria

Have any problems  
arisen

If yes, have the  
problems been  
addressed?

Degree of compliance

YES

NO

YES

NO

COMMENTS \_\_\_\_\_

\_\_\_\_\_

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**Function (i)**

Perform any other function specified or delegated by the local government or imposed under this Act or by other written law as a function to be performed by the CEO.

**Appraisal Guide:** There are many functions under this title, some –

- a) delegated by Council; and
- b) imposed by legislation, such as returning officer duties.

The latter are by and large covered by the Compliance Audit. This part of the performance review might be conducted by self-assessment.

Appendix I Moora \_\_\_\_\_

Performance Criteria

Have any problems  
arisen?

If yes, have the  
problems been  
addressed?

Exercise the powers and duties  
Delegated by Council

YES

NO

YES

NO

Comments \_\_\_\_\_

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Compliance Audit

YES

NO

YES

NO

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COMMENTS \_\_\_\_\_

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