Shire of Bridgetown-Greenbushes
... simply beautiful

MINUTES

Ordinary Council Meeting

Thursday, 25 July 2024

Date: Thursday, 25 July 2024

Time: 5:30pm

Location: Council Chambers

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SHIRE OF BRIDGETOWN GREENBUSHES

The Ordinary Council Meeting Minutes of Meeting held on 25th July 2024 commencing at 5:30pm.

ITEM 1 OPENING OF MEETING

The Presiding Member opened the meeting at 5:30pm.

ITEM 2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the cultural custodians of the land on which we gather. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

ITEM 3 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillors

Councillor J Mountford Shire President
Councillor S Mahoney Deputy President
Councillor J Boyle
Councillor M Christensen
Councillor M Fletcher (via Teams online)
Councillor T Lansdell
Councillor L Pearce
Councillor T Pratico
Councillor R Redman

Council Officers

Chief Executive Officer, N Gibbs
Executive Manager, Infrastructure S Alexander
Principal Project Manager, M Gillham
Executive Manager, Planning & Development L Guthridge
Executive Manager, Corporate Services B Mead
Executive Assistant, L Taramoeroa

Observers/Visitor

Nil

Apologies

Nil

Leave of Absence Previously Granted

Nil

ITEM 4 ATTENDANCE OF GALLERY

D Hocking, J Van Ballegooyen, C Van Ballegooyen, P Wilson, R Wilson, B Maher, D Maher, N Weaver, K Weaver, R Wittenoom

ITEM 5 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Responses to previous Questions on Notice have been minuted in the Agenda.

A further question on notice, which I will read out now, will be included in the Minutes as follows.

M Wright

Question

What is the savings made this year on salaries due to unoccupied positions and will these savings be factored into the upcoming year's rate considerations? There's a concern as to why ratepayers aren't seeing the impact of these salary reductions reflected in the next year's rates.

> *CEO Response – There is no firm figure at this stage, but it is approximately $25,000 either side of a balanced budget. Note that there were increases in salaries attached to the Recreation Centre to accommodate the community's request for more hours and this largely balanced out any other salary underspend.*

ITEM 6 PUBLIC QUESTION TIME

Shire President Cr Mountford

We have recently made decisions to tighten our procedures in relation to Public Question Time. Firstly, I want to reassure you all that this Council remains committed to open communication between us and the community. It's important to us that we hear your feedback and concerns and that you also feel heard.

At Council Meetings we must also balance that with a responsibility to all parties in the room. When meetings take an unnecessarily long time, it's unfair on those who have come to hear the outcome of an agenda item and must wait until late in the night. It's also important we respect the importance of everyone's time – community, staff and Councillors – and ensure meetings are progressed in a timely fashion.

Consequently, moving forward, we will be sticking firmly to these guidelines:

1. Public Question Time

In line with our policy G6 – Public Question Time:

- We encourage you to email questions in advance, prior to the day of the meeting, attentioning the email to the CEO.
- Prior to the meeting, you are encouraged to complete a Question on Notice Form and bring it to the meeting or to complete the form when you arrive.
- During the meeting you will be called to ask your question in the order you have registered.
- Any person who has not registered will be given an opportunity to ask a question after those who have registered.

- The combined total amount of time for Public Question Time is 15 Minutes unless Council votes to extend the time.
- A person in the gallery can ask a maximum of three questions each, on a rotational basis, one question at a time.
- Each question can last a maximum of three Minutes.
- These rules are all written down and are available here in the Chambers at each meeting.

2. In relation to Comments on Agenda Items by Parties With an Interest

Again , we are going to firmly adhere to the 3 minute rule, allowing people to comment on agenda items for no more than three Minutes. Only under unusual extenuating circumstances will that time be extended.

3. Bullying Behaviour

I also want to remind everyone of our Policy P1 – Bullying, Harassment and Diversity Policy and the *Work Health and Safety Act 2020:*

- Demeaning or critical remarks to employees or Councillors will not be tolerated.
- Verbal abuse, addressing people in an aggressive manner or making accusatory unfounded statements will also not be tolerated.

We're all here for the same reasons, to seek the best outcomes for everyone in our community. Constructive criticism, valuable feedback, information and comment that will inform Council to make the best decisions possible are what we are seeking here.

If there is not enough time for you to speak tonight, please know you can email or phone officers or Councillors at any time. We would love to hear from you.

Opened at 5:34pm

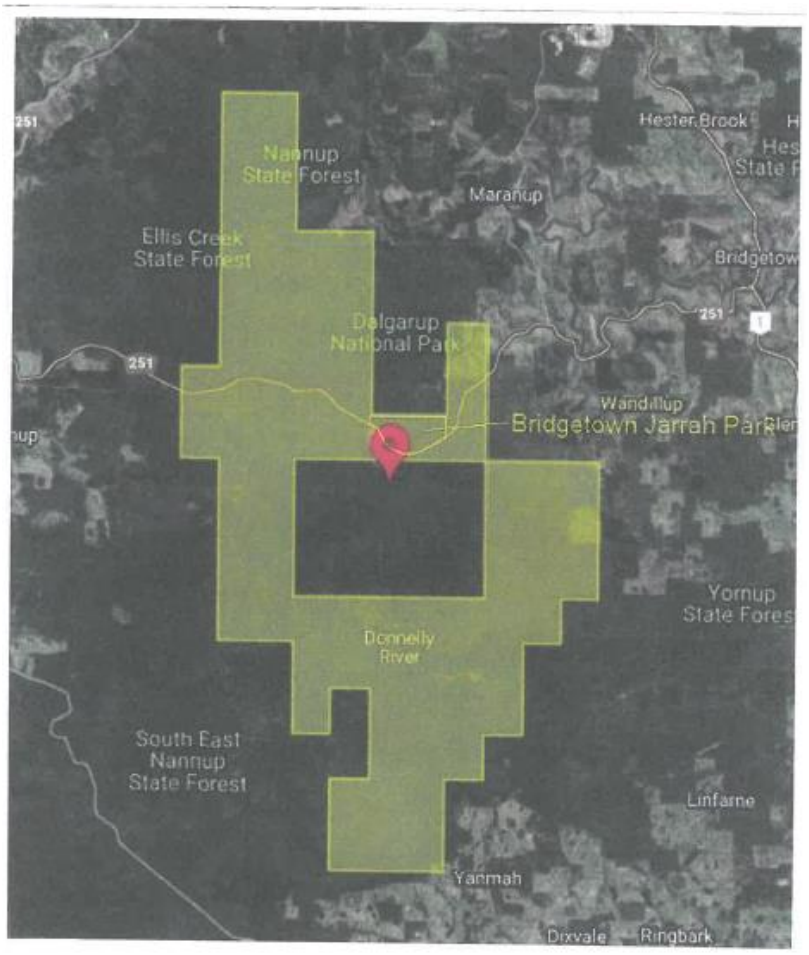
R Wittenoom

Question

I'm representing Bridgetown Greenbush's Friends of the Forest. Recently, we have been discussing with Councillor Christensen from the Trails Committee the importance of focusing on Dalgarrup National Park, especially since Margaret River and Manjimup have received significant funding ($39 million and $30 million, respectively).

Today, I was shocked to discover a 32,126-hectare mining exploration claim that includes Bridgetown Jarrah Park. Objections or comments on this claim close on August 22 – E7006654, before your next meeting. While immediate action may be limited, I'm here to suggest that the Shire should at least send correspondence emphasising the special significance of this area to us.

Are Councillors aware that there has been this application lodged? Map of the area is found below.



Shire President – No Councillors were aware until you came here today. Thank you.

Closed at 5:36pm

ITEM 7 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

ITEM 8 COMMENTS ON AGENDA ITEMS BY PARTIES WITH AN INTEREST

Nil

ITEM 9 APPLICATION FOR LEAVE OF ABSENCE

9.1 CR FLETCHER - REQUEST FOR LEAVE OF ABSENCE

RESOLUTION: OCM 169-24/25

Moved: Councillor M Christensen
Seconded: Councillor R Redman

Cr Fletcher is seeking leave of absence for the August Ordinary Council Meeting on Thursday 29 August 2024.

Pursuant to s.2.25(1) of the *Local Government Act 1995*, a resolution of the Council is required to grant a leave of absence for an elected member.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

ABSTAINED: Cr M Fletcher (Applicant for Leave of Absence)

CARRIED 8/0

9.2 CR REDMAN - REQUEST FOR LEAVE OF ABSENCE

RESOLUTION: OCM 170-24/25

Moved: Councillor T Lansdell
Seconded: Councillor T Pratico

Cr Redman is seeking leave of absence for the September Ordinary Council Meeting on Thursday 26 September 2024.

Pursuant to s.2.25(1) of the *Local Government Act 1995*, a resolution of the Council is required to grant a leave of absence for an elected member.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce and T Pratico

AGAINST: Nil

ABSTAINED: Cr R Redman (Applicant for Leave of Absence)

CARRIED 8/0

ITEM 10 CONFIRMATION OF MINUTES

10.1 Confirmation of Minutes: Ordinary Council Meeting – 27 June 2024

MOTION

Moved: Councillor T Pratico
Seconded: Councillor M Christensen

That the Minutes of the Ordinary Council Meeting held on the 27 June 2024 be confirmed as a true and accurate record.

RESOLUTION: OCM 171-24/25

AMENDMENT

Moved: Councillor T Lansdell
Seconded: Councillor J Boyle

In the Minutes on page 849, regarding the corporate business plan review, it was noted that 48 actions are recommended for deletion as Councillors at the workshop deemed them unnecessary or irrelevant. I requested that this be elaborated on to clarify for the public that many of these actions are core services that could be included on the new updated website, while some actions were deemed unnecessary or irrelevant. This clarification is to be included in the Minutes.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

The amendment was incorporated into the substantive motion and was put.

RESOLUTION: OCM 172-24/25

Moved: Councillor T Lansdell
Seconded: Councillor J Boyle

That the Minutes of the Ordinary Council Meeting held on the 27 June 2024 be confirmed as a true and accurate record once in the Minutes on page 849, regarding the Corporate Business Plan review, it was noted that 48 actions are recommended for deletion as Councillors at the workshop deemed them unnecessary or irrelevant. I requested that this be elaborated on to clarify for the public that many of these actions are core services that could be included on the new updated website, while some actions were deemed unnecessary or irrelevant. This clarification is to be included in the Minutes.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

ITEM 11 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Item 18.1 Application to Construct a Section of Suttons Road Kangaroo Gully

The Applicant has requested this item be pulled from the agenda.

ITEM 12 NOTIFICATION OF DISCLOSURE OF INTEREST

Part 5, Division 6 of the Local Government Act 1995 requires a member who has an interest in any matter to be discussed at the meeting to disclose the interest and the nature of the interest in writing before the meeting, or immediately before the matter is discussed.

At 5:42pm, Cr Lansdell declared a financial interest in item 19.4 – Urgent Unbudgeted Capital Works as her husband works for Fulton Hogan, who are the contractors for the job being proposed to Council. I feel that there may be a conflict of interest, not seen as an impartiality and I will leave the room at that time.

ITEM 13 QUESTIONS ON AGENDA ITEMS BY ELECTED MEMBERS

Nil

ITEM 14 CONSIDERATIONS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

REPORTS OF OFFICERS

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Corporate Services
- Development, Community and Infrastructure

ITEM 15 CEO'S OFFICE

15.1 LEMA and Supporting Documents

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Robert McCance, Emergency Services Officer

Attachments

1. LEMA - Final June 2024 ⇩
2. Local Recovery Plan 2024 v1 ⇩
3. Annex B Draft Terms of Reference Final Draft - LEMC ⇩
4. ANNEX C ERM Review Final ⇩
5. 2024-25 Firebreak and Fuel Hazard Reduction Notice ⇩

6. BFAC Minutes 10 July 2024 ⇩
7. Bush Fire Brigade Operational Procedures - Final June 2024 ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

MOTION

Moved: Councillor M Christensen
Seconded: Councillor T Pratico

That Council adopt the revised and updated:

1. Local Emergency Management Arrangements (LEMA)
2. Local Recovery Plan (LRP)
3. Terms of Reference – Local Emergency Management Committee (LEMC)
4. Emergency Risk Management (ERM) Review
5. 2024 – 25 Firebreak and Fuel Hazard Reduction Notice
6. BFAC Minutes 10 July 2024 and
7. Bush Fire Brigade Operational Procedures – Final June 2024.

RESOLUTION: OCM 173-24/25

Moved: Councillor R Redman
Seconded: Councillor J Boyle

A motion was moved that Council invoke clause 18.1 to suspend standing orders at 5:47pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 174-24/25

Moved: Councillor R Redman
Seconded: Councillor M Christensen

A motion was moved that Council cease clause 18.1 to resume standing orders at 5:52pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 175-24/25

AMENDMENT

Moved: Councillor L Pearce
Seconded: Councillor T Pratico

That the following amendments be made.

1. Dave White is a Sargent not a Senior Sargent
2. The LSW DFES Superintendent and SES DO's names are spelt incorrectly and will be corrected.
3. Police phone number will be corrected to 08 9715 8130.
4. The LEMA document will be accepted on the basis of the review of the member list.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

The amendment was incorporated into the substantive motion and was put.

RESOLUTION: OCM 176-24/25

Moved: Councillor L Pearce
Seconded: Councillor T Pratico

That Council adopt the revised and updated:

1. Local Emergency Management Arrangements (LEMA)
2. Local Recovery Plan (LRP)
3. Terms of Reference – Local Emergency Management Committee (LEMC)
4. Emergency Risk Management (ERM) Review
5. 2024 – 25 Firebreak and Fuel Hazard Reduction Notice
6. BFAC Minutes 10 July 2024 and
7. Bush Fire Brigade Operational Procedures – Final June 2024.

That the following amendments be made.

1. Dave white is a Sargent not a Senior Sargent
2. The LSW DFES Superintendent and SES DO's names are spelt incorrectly and will be corrected.
3. Police phone number will be corrected to 08 9715 8130
4. The LEMA document will be accepted on the basis of the review of the member list.

FOR:	Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman
AGAINST:	Nil

CARRIED 9/0

IN BRIEF

The following revised and updated documents are overdue for review and adoption:

1. Local Emergency Management Arrangements (LEMA)
2. Local Recovery Plan (LRP)
3. Terms of Reference – Local Emergency Management Committee (LEMC)
4. Emergency Risk Management (ERM) Review
5. 2024 – 25 Firebreak and Fuel Hazard Reduction Notice
6. BFAC Minutes 10 July 2024 and
7. Bush Fire Brigade Operational Procedures – Final June 2024.

The Emergency Services Officer has reviewed and amended all documents and now presents them to Council for adoption.

The LEMA has been reviewed by the DFES consultant for accuracy, compliance and appropriateness. The BFAC Minutes, Shire of Bridgetown-Greenbushes SOP's and Fire Break and Fuel Reduction Hazard Notice documents, have been accepted by the Bush Fire Advisory Committee.

The LEMA document has been endorsed at the LEMC on 21 May 2024, as follows:

"Items for completion:
LEMC to Endorse LEMA and Supporting documents.
LEMC recommend that Council adopt the LEMA and supporting documents.

Moved Greg Kennedy, Seconded Gary Willcox

1. The Local Emergency Management Arrangements (LEMA) and supporting documents are endorsed by the LEMC with the following modification:

Section 11 – Resources
Remove the sentence Emergency vehicle assets from other agencies are as follows plus the chart listing resources and replace with: Emergency vehicle/equipment assets may be available from the following agencies:

- Bridgetown State Emergency Service (SES)
- Department of Parks and Wildlife (DPaW) – Blackwood District
- St John WA
- Bridgetown Volunteer Fire and Rescue Service (VFRS)
- Bridgetown-Greenbushes Bushfire Brigades (BFBs)

- Department of Fire and Emergency Services (DFES)

Completed by CESM

2. Council is requested to adopt the LEMA document."

CARRIED

Minor amendments noted at the June OCM have been fixed (i.e. Section 12.1, page 14, amending Donnybrook Police Station to Bridgetown and Appendix 4, page 44, updating the Police S/Sgt from Phil Nation, to David White).

MATTER FOR CONSIDERATION

That Council consider adopting the revised and updated Local Emergency Management Arrangements (LEMA).

BACKGROUND

In Western Australia (WA), Local Governments are required to establish one or more Local Emergency Management Committees (LEMCs) and maintain Local Emergency Management Arrangements (LEMA) for their district.

Local governments are closely involved in emergency management and have specialised knowledge about their communities. In an emergency, they use this knowledge to respond to the situation and to provide support and resources.

Under the *Emergency Management Act 2005* (EM Act), local governments are required to have local emergency management arrangements (LEMA) in place.

LEMA is the collection of all emergency management strategies, plans, agreements and other documents that apply to the local government district. In an emergency, any of this information can be used, depending on the circumstances.

Local governments are responsible for developing, maintaining, and testing their LEMA.

Effective LEMA enhances the community's resilience and readiness for emergencies through plans that cover the phases of emergency management:

- prevention/mitigation
- preparedness
- response
- recovery.

Recognising the need for a more contemporary and fit-for-purpose local emergency management system, in 2019, the State Emergency Management Committee (SEMC) approved a review of the current LEMA model to inform the design of improved LEMA approaches.

In 2021, the Department of Fire and Emergency Services (DFES) was granted National Disaster Resilience Program (NDRP) funding for a LEMA Review and WALGA was allocated AWARE Funding to lead a Local Government consultation to ensure a sector-informed approach.

From April to December 2022, WALGA engaged 100 diverse Western Australian Local Governments in an extensive consultation process. This collaborative effort identified the strengths, weaknesses, and improvement opportunities associated with LEMA. The resulting LEMA Review Consultation with Western Australian Local Governments: Project Summary and Recommendations Report laid

the groundwork for a comprehensive LEMA Improvement Plan and a five-year implementation approach. The Plan was endorsed by the SEMC in August 2023, and in December 2023, the SEMC approved a funding request for a LEMA Improvement Program to initiate LEMA reforms through an 18-month project.

In July 2023, WALGA also played an advisory role in a review of the District Emergency Management Committee (DEMC) and Local Emergency Management Committee (LEMC) functions and governance structure.

The Shire of Bridgetown-Greenbushes LEMA was due for review on 01 January 2022. Due to competing priorities, this did not occur. Under the Funding Agreement AWARE2223-013, the Shire of Bridgetown-Greenbushes and the Shire of Donnybrook-Balingup jointly agreed to review and update their respective LEMA's, with a project deadline of January 2024. However, Bridgetown-Greenbushes applied for a request for variation because of the change of CESM and the ongoing operational requirements for 2022/23 fire season.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

CR 8 – Advisory Committee

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

3 A safe community for people and animals.

CORPORATE BUSINESS PLAN

Outcome 9 – Safe, affordable and efficient movement of people and vehicles.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Potentially Low to Extreme risk, depending on the nature of the emergency event.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

Shire of Bridgetown-Greenbushes
... simply beautiful

Pending Endorsement

Local Emergency Management Arrangements 2023

General Plan

LEMC endorsement date: 2024
Full review required: 2029
Maintained by: *Manager Community & Emergency Services*

Shire of Bridgetown-Greenbushes
Tel: 9761 0800
Email: btnshire@bridgetown.wa.gov.au

March 2024

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Pending Endorsement

CERTIFICATE OF APPROVAL

The Shire of Bridgetown-Greenbushes Local Emergency Management Arrangements (LEMA) have been produced and issued under the authority of *Section 36* and *Section 41* of the *Emergency Management Act 2005* and the *Emergency Management Regulations 2006*. The LEMA forms one part of a suite of documents, collectively referred to as the Local Emergency Management Arrangements (LEMA).

The following documents are support plans and together with this plan will be known as the Shire of Bridgetown - Greenbushes Local Emergency Management Arrangements:

- Shire of Bridgetown - Greenbushes Emergency Contacts & Resources Directory
- Shire of Bridgetown - Greenbushes Local Recovery Plan
- Asset Register (Internal document)
- *Shire of Bridgetown - Greenbushes Bushfire Response Plan 2024 - 2027*
- –Local Emergency Relief and Support Plan – Manjimup Region.

In accordance with *State EM Policy*, these arrangements have been endorsed and noted by the following entities:

- Shire of Bridgetown - Greenbushes Local Emergency Management Committee – *Endorsement pending*
- Shire of Bridgetown - Greenbushes Council – *Endorsement pending*
- District Emergency Management Committee - Noting
- State Emergency Management Committee - Noting

Shire of Bridgetown - Greenbushes

Chairperson - LEMC	**Date**
Chief Executive Officer	**Date**

Pending Endorsement

VERSION CONTROL

This document is current at the time of printing. Updates to ensure currency, may be obtained from the Shire of Bridgetown-Greenbushes.

ACKNOWLEDGEMENTS

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AMENDMENT RECORD

Suggestions and comments from the community and stakeholders can help improve these Arrangements and subsequent amendments.

Feedback can include:

- What you do and / or don't like about the Arrangements,
- Unclear, or incorrect expression,
- Out of date information, or practises,
- Inadequacies and
- Errors, omissions, or suggested improvements.

To forward feedback, copy the relevant section, mark the proposed changes and forward to:

Chairperson
Local Emergency Management Committee
Shire of Bridgetown - Greenbushes
1 Steere Street
Bridgetown WA 6255

Or alternatively, you may email to: btnshire@bridgetown.wa.gov.au

The Chairperson will refer any correspondence to the LEMC, for consideration and/or approval.

Amendments promulgated are to be certified in the following table, when updated.

Document Name		Shire of Bridgetown - Greenbushes Local Emergency Management Arrangements 2024		
AMENDMENT		**DETAILS OF AMENDMENT**	**AMENDED BY (INITIALS)**	**DOC. VERSION**
NO.	**DATE**			
1		Review of LEMA		
2	15 Nov, 2016	Endorsed by LEMC		
3	15 December, 2016	Final Endorsement by Council		
4	Jun 2023	Review of LEMA	Shire of Bridgetown-Greenbushes per C. WIDMER ESM	2.0
5	21 May 2024	Endorsed by LEMC	BA - CESM	
6	30 May 2024	Final Endorsement by Council		

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DISTRIBUTION LIST

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Red Cross	1
Water Corporation	1
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Other Committees	
District Emergency Management Committee	1
State Emergency Management Committee	1

Reference Notes

Blue italic text indicates an external guidance document (Legislation, Policy etc) and links.

Green italic text refers to appendices, that form part of this LEMA General Plan (Part 1).

Brown italic text refers to Annexures to this LEMA General Plan, these are included in the LEMA Sub-plans (Part 2).

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PART 1 – INTRODUCTION

1 AREA COVERED

The Shire of Bridgetown - Greenbushes Local Emergency Management Arrangements have been prepared for the area gazetted as the Shire of Bridgetown - Greenbushes Local Government District under the *Local Government Act 1995* on the 26th of March, 1970.

The Shire includes the localities and towns of:

- Bridgetown
- Catterick
- Glennlynn
- Greenbushes
- Hester
- Hester Brook
- Kangaroo Gully
- Kingston
- Maranup
- North Greenbushes
- Sunnyside
- Wandilup
- Winnejup
- Yornup

The Shire of Bridgetown – Greenbushes is situated in the south-west of Western Australia, approximately 270 kms from Perth. It has a land area of 1,691km2. Bridgetown, the main commercial centre of the Shire, has the Blackwood River flowing through its southern entry.

The Shire is bordered by:

- Shire of Donnybrook Balingup to the north,
- Shire of Boyup Brook to the east,
- Shire of Manjimup to the south,
- Shire of Nannup to the west.

The B!ackwood River and its associated valley, is also a significant landscape feature which traverses the width of the Shire. The other major river within the Shire, is the Donnelly and portions of the south-east portion of the Shire are within the Warren River catchment.

Approximately 45% of the land area of the Shire is under the control of the Crown and is classified into a variety of reserves, being State Forest, Conservation Areas, Unallocated Crown Land (UCL), vested and unvested reserve land. Forested areas cover a total of 58,625 hectares. The remaining land is freehold which includes urban areas, rural residential, general pastoral farming land, hardwood and softwood plantations and various and increasing tourism uses.

With the diversity of the Shire, there are several considerations that will have an impact on the implementation of these Arrangements in times of emergency:

- Bush fire season – October to April.
- Winter storm season – June to September.
- Flooding of low-lying areas in the Shire, or dam burst – winter season.

***Refer Appendix 2** - Map of the Shire of Bridgetown - Greenbushes*

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2 SOCIAL GEOGRAPHY

The Shire of Bridgetown - Greenbushes has a population of 5238[1], (approximately 60% urban) occupying some 2682[1] houses. Historically, its principal industries have been farming, fruit growing, tourism and timber milling.
The major arteries running through the district are the South-Western Highway, the Bridgetown – Boyup Brook Road and the Brockman Highway, to the west.

[1] – WALGA LG Directory 2023

A number of annual major events occur in the Shire attracting significant visitors, including:

- Blackwood Marathon - Last weekend in October, annually,
- Bridgetown Blues Festival - Second weekend in November, annually.

In addition, a number of events are held in neighbouring localities produce considerable traffic through the Shire. These include the Donnybrook Apple Festival, the Boyup Brook Country Music Festival, the Pemberton Classic, the Manjimup Cherry Festival, the Nannup Tulip Festival and the WA Formula 500 State Titles, at Manjimup.

The Shire is prone to bushfires during the summer season (October to April annually). There are large areas of state forest and privately owned bushland, along with large land holdings. Plantation timber areas also provides the potential for fire to be of high consequence. The Shire is also prone to winter storms during the cool season (April to September).

With the closure of the Bunbury to Manjimup rail line, increased road transport has increased risk to commuters.

A list of persons/groups considered to have special vulnerabilities within the Shire, can be found as *Appendix **7*** of this Plan.

3 COMMUNITY CONSULTATION

These arrangements have been developed by the Shire of Bridgetown – Greenbushes, in conjunction with the Shire of Bridgetown - Greenbushes Local Emergency Management Committee. Information on the identified local risks, with the likelihood and consequences of these risks to the community, were identified during the 2023/24 review of the LEMA. Key community groups were consulted to assist in the determination of local risk tolerances.

In 2017, the Shire was involved in the State Risk Project which, considered risk across the three levels of government, being the State, District and Local areas. It used a platform of uniformed and nationally agreed approaches to the emergency risk management process. This process saw the Shire's Risk Register and Treatment Schedule completed in line with best practice.

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Additionally, and in line with the requirements to review Local Emergency Management Arrangements every 5 years, these arrangements were reviewed and updated, to be brought in line with State Emergency Management Framework.

4 AIM

The aim of the Shire of Bridgetown - Greenbushes Local Emergency Management Arrangements is to:

a) ensure there is a written understanding between agencies involved in managing emergencies within the Shire of Bridgetown - Greenbushes; and

b) to document the management of identified risks within the Shire of Bridgetown - Greenbushes including the specific details on prevention, preparedness, response and recovery activities within the Shire of Bridgetown - Greenbushes.

5 PURPOSE

The purpose of these emergency management arrangements are to set out:

a) The Shire of Bridgetown-Greenbushes' preparedness and capacity, to support the effective management of an emergency that may impact the local community,

b) The roles and responsibilities of public authorities and other agencies/stakeholders involved in emergency management within the Shire of Bridgetown - Greenbushes district,

c) Provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b),

d) A list of natural and technological hazards that may impact the local community,

e) Strategies and priorities for emergency management in the local government district, and

f) Other matters about emergency management in the local government district prescribed by the regulations.

6 SCOPE

The scope of these Emergency Management Arrangements is described by:

- The boundaries of the Shire,
- Existing State legislation, policies, guidelines, along with any local laws,
- Statutory, or agreed responsibilities,
- The authority of the LEMC and its member agencies, and
- The resources reasonably able to be available to the Shire, the LEMC and its members agencies.

Additionally, this LEMA is to ensure that appropriate strategies are in place to minimise any adverse effects on the community, ensuring that the best possible outcomes are delivered for the community in the long term. It is not the intent of this document to detail

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the procedures for Hazard Management Agencies in dealing with an emergency. These should be detailed in the HMAs' individual plans.
In the case of the Shire of Bridgetown - Greenbushes, the plans and arrangements are focussed on a strategic effort to protecting the health, welfare, environment and the economic well-being of the community.

To the interest of ensuring the best possible outcomes for the Shire of Bridgetown - Greenbushes it is critical stakeholders and the community, were consulted in an effort to develop a comprehensive understanding of the likely local hazards and how they may interact with community, the environment and the heritage values of the community. The study also sought to develop an understanding of local community tolerances to any such consequences of the interaction of the hazards upon the various elements of community.

7 EXISTING POLICIES, PLANS AND SUPPORTING DOCUMENTS

To enable integrated and coordinated delivery of emergency management support within the Shire of Bridgetown - Greenbushes, this plan is consistent with *State Emergency Management Policies (SEMP)* and *State Emergency Management Plans* (Hazard Plans). The flow chart in *APPENDIX **3** - Local Emergency Management Arrangement Requirements* indicates the relationship between State plans and legislation, the Local Emergency Management Arrangements and other supporting plans and documents that, together, become the emergency management arrangements for the Shire of Bridgetown - Greenbushes.

Shire of Bridgetown-Greenbushes Bushfire Brigade Operational Procedures are also considered within these arrangements.

8 STATE LEGISLATION, POLICY, PLANS, PROCEDURES AND GUIDELINES

The State of Western Australia has a suite of Legislation, Policy, Plans, Procedures and Guidelines which are regulated by the State Emergency Management Committee and its Business Unit and includes:

Legislation
Emergency Management in Western Australia is underpinned by the *State Emergency Management Act 2005* and the *State Emergency Management Regulations 2006*.

Policy
The *State Emergency Management Policy* provides a strategic framework for emergency management in Western Australia and considers the aspects of Prevention, Preparedness, Response and Recovery.

Plans
State Emergency Management Plans comprise of the State Emergency Management Plan, Hazard Specific Plans (previously known as WestPlans), Support plans and National Plans.

Procedures
State Emergency Management Procedures have been developed to assist when a procedural activity needs to be explained through a step-by-step process, allowing

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Emergency Management Agencies and personnel, to complete tasks in compliance with over-arching *State Emergency Management Policy*.

Guidelines
State Emergency Management Guidelines are informal tools, designed to provide detailed assistance to agencies to undertake their roles, by proposing specific methods for conducting these activities.

The full details regarding the State's documentations can be located at http://www.wa.gov.au or the *State Emergency Management Plans*

9 LOCAL ARRANGEMENTS

The following documents form the Local Emergency Management Arrangements for the Shire of Bridgetown-Greenbushes:

- Local Emergency Management Arrangements (General Plan and Annexures)
- Shire of Bridgetown-Greenbushes Emergency Contacts & Resources Directory,
- Shire of Bridgetown-Greenbushes Local Relief and Support Plan (Communities),
- Shire of Bridgetown-Greenbushes Asset Register (Internal document).

10 AGREEMENTS, UNDERSTANDING AND COMMITMENTS

Provision of Mutual Aid Agreement
In 2015, the Shire of Bridgetown-Greenbushes, along with 11 other south-west local governments, signed a memorandum of understanding for emergency resource sharing.

The purpose of this memorandum is to:

a) Facilitate the provision of mutual aid between member Councils of the South-West Zone of the Western Australia Local Government Association, during emergencies and post incident recovery,

b) Enhance the capacity of local communities to cope in times of difficulty, and

c) Demonstrate the capacity and willingness of participating Councils to work cooperatively, sharing resources within the region.

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The local governments that are signatories to this agreement include:

Parties to the Agreement	Summary of the Agreement
Cities of Bunbury & Busselton, Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Capel, Collie, Dardanup, Bridgetown - Greenbushes, Harvey, Nannup and Manjimup	***Memorandum of Understanding - Member Councils of the South-West Zone, Western Australian Local Government Association, for the provision of mutual aid during emergencies and post incident recovery.***

Local Resource Sharing:

In addition to the Regional MOU (above), there exists:

- a Local Resources Register, which is an agreement between the Shire, the LEMC member agencies, along with others, for the shared use of resources during an emergency event.
- A Regional Resources Register, which identifies a resource sharing arrangement between the Shires of Bridgetown-Greenbushes, Donnybrook Balingup, Manjimup and Boyup Brook, for the shared use of plant and equipment during emergency events.

11 RESOURCES

The Hazard Management Agency (HMA) is responsible for the determination of resources required to combat the hazards for which they have responsibility. The Shire of Bridgetown - Greenbushes has an Assets Register (internal document), outlining available Shire resources.

Emergency Vehicle/Equipment may be available from the following Agencies:

- Bridgetown SES
- DPaW – Blackwood District
- St John WA
- Bridgetown VFRS
- Bridgetown-Greenbushes Bushfire Brigades
- DFES

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PART 2 - LOCAL ROLES AND RESPONSIBILITIES

12 LOCAL ROLES AND RESPONSIBILITIES

12.1 LOCAL EMERGENCY COORDINATOR (LEC)

Under *Section 37* of the *Emergency Management Act 2005*, the LEC is appointed by the State Emergency Coordinator and is based in the Local Government district (*section 28 (2)*).

At the local level, the LEC has responsibility for providing advice and support to the LEMC in the development and maintenance of EM arrangements and assisting any Hazard Management Agency in the provision of a coordinated multi-agency response, during an emergency in the district.

The Local Emergency Coordinator for the local government district is the Officer in Charge (OIC), Bridgetown Police Station.

12.2 LOCAL GOVERNMENT

Local role	Description of responsibilities
Local Government	The responsibilities of the Shire of Bridgetown - Greenbushes are defined in *Section 36* of the *Emergency Management Act.2005*. It is a function of a local government: (a) to ensure that effective local emergency management arrangements are prepared and maintained for its district, (b) to manage recovery, following an emergency affecting the community in its district, and (c) to perform other functions given to the local government under the *EM Act*.
Local Recovery Coordinators	(a) to ensure the development and maintenance of effective recovery management arrangements for the local government, and (b) in conjunction with the local recovery committee, implement a post incident recovery action plan and manage the recovery phase of the incident.
Local Government Liaison Officer (Emergency Relief & Support)	During an evacuation where a local government facility is utilised by Department of Communities, provide advice, information and resources regarding the operation of the facility.
Local Government Liaison Officer (to the ISG/IMT)	During a major emergency the liaison officer attends ISG meetings, to represent the local government, provide local knowledge input and provides details contained in the LEMA.
Local Government – Incident Management Liaison Officer (*Refer APPENDIX **6***)	(a) Ensure planning and preparation for emergencies is undertaken, (b) Implement procedures that assist the community and emergency services deal with incidents, (c) Ensure that all personnel with emergency planning and preparation, response and recovery responsibilities, are properly trained in their role, (d) Keep appropriate records of incidents that have occurred to ensure continual improvement of the Shire's emergency response capability, (e) Liaise with the incident controller (provide liaison officer), (f) Participate in the ISG and provide local support, (g) Where an identified evacuation centre is a building owned and operated by the local government, provide a liaison officer to support the Dept of Communities.

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Local role	Description of responsibilities
Local Recovery Coordinator (LRC)	The Shire of Bridgetown - Greenbushes has appointed a LRC. This Officer is named within the Local Recovery Plan. This Local Recovery plan is included as an Appendix to the Shire's LEMA and is developed and maintained, to assist in the provision of Community Recovery, following an emergency event.
Local Government Liaison Officer (LGLO)	The role statement for this officer, is further detailed within *Appendix **9** - LGLO*. In essence, this person is to ensure effective liaison with the Department of Communities - Local Evacuation Centre Coordinator.

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13 LEMC ROLES AND RESPONSIBILITIES

13.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

The Shire of Bridgetown - Greenbushes has established a LEMC to plan, administer and test this plan, along with any other plans and documents, that make up the local emergency management arrangements (LEMA).

Membership of the LEMC is made up of a collection of representatives of the agencies, community groups, non-government organisations and other persons, having been identified as possessing relevant emergency management knowledge, or that the agency, or group they represent may have a role in resolving emergency events. For a complete list of LEMC member agencies refer to *LEMA – Appendix **4** - Local Emergency Management Committee Members*.

The LEMC is not an operational committee, but rather the organisation established by the local government, to assist in the development and maintenance of the local emergency management arrangements, for its district.

The LEMC plays a vital role in assisting our communities become more prepared for major emergencies by:

- Developing, enhancing and testing preparedness planning from a multi-agency perspective. As they have local knowledge of hazards, demographic and geographic matters, they may provide advice to Hazard Management Agencies, to develop effective localised hazard plans,
- providing a multi-agency forum, to analyse and treat local risk,
- providing a forum for multi-agency stakeholders to share issues and learnings, to ensure continuous improvement.

The LEMC should follow a meeting and business cycle as recommended in *State EM Preparedness Procedure 3.7 - Emergency Management in Local Government*. For direct reference to the schedule, refer to *Appendix **5** - Local Emergency Management Business Cycle*.

13.2 LEMC FUNCTIONS AND RESPONSIBILITIES

Refer to *SEM Plan – Appendix E – Roles and Responsibilities* for more detailed position responsibility descriptors.

Executive Chair	Shire President, Shire of Bridgetown - Greenbushes,
Deputy Chair	OIC - Bridgetown Police,
Executive Officer	Executive Manager Community Services (or delegated Shire staff member).

Local role	Description of responsibilities
LEMC Chair	Provide leadership and support to the LEMC, to ensure effective meetings and a high level of emergency management planning and preparedness for the local government district, is undertaken.

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Local role	Description of responsibilities
LEMC Executive Officer	Provide executive support to the LEMC, by: (a) Providing the secretariat support, including: • Meeting agenda, • Minutes and action lists, • Correspondence, • Committee membership contact register/s, (b) Coordinate the development and submission of committee documents, in accordance with legislative and policy requirements, including: • The Annual Report, • The Annual Business Plan, • Current Local Emergency Management Arrangements, (c) Facilitate the provision of relevant emergency management advice to the Chair and committee, as required, (d) Participate as a member of sub-committees and working groups, as required, (e) Arranging for LEMA exercises and other initiatives.

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14 AGENCY ROLES AND RESPONSIBILTIES

In the event of an emergency, the local government will need to liaise with a range of state agencies who will be involved in the operational aspects of the emergency. The following table summarises the key roles. Refer to the *EM Plan – Appendix E – Roles and Responsibilities* for a more detailed list of expectations.

Agency roles	Description of responsibilities
Incident Controller	Per *State Emergency Management Policy - Section 5.2*, the IC, or their delegate, is responsible for: (a) the overall control of an incident, within a defined incident area, which may include the whole State in some incidents, (b) leading an incident management team (IMT), (c) assessing the incident level – if an incident is assessed as Level 2 or Level 3 incident, the IC must make an incident level declaration, in accordance with *State Emergency Management Response Procedure 2*, (d) ensuring the accuracy of the emergency public information releases and approving their release, in coordination with all relevant agencies and authorising its broadcast, (e) in consultation with the HMA, ensuring effective strategies for evacuation are implemented, (f) management of traffic during an emergency response, (g) activates an ISG when an incident requires the coordination of multiple agencies or considers activation where an incident is declared a Level 2. An ISG **shall be** called whenever an incident is declared to be Level 3. (*State Emergency Management Policy Section 5.2*), (h) once a decision has been made to evacuate an area, in consultation with the HMA, be responsible for ensuring effective communication strategies are implemented (*State Emergency Management Policy Section 5.7*), and (i) responsible for the management of traffic during an emergency response until the road is returned to the asset owner (*State Emergency Management Policy 5.8*).
Operational Area Manager	(a) Facilitates control across an operational area during the response to an emergency area, (b) Convenes an Operational Area Support Group, and (c) Responsible for the overall management of an operation within a defined operational area and the provision of strategic direction and operational coordination to agencies and ICs in accordance with the needs of the situation.
Controlling Agency	A controlling agency is an agency nominated to control the response activities to a specified type of emergency. The function of a controlling agency is to: (a) undertake all responsibilities as prescribed in agency specific legislation for Prevention and Preparedness,

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Agency roles	Description of responsibilities
	(b) control all aspects of the response to an incident, (c) during recovery the controlling agency will ensure effective transition to recovery.
Hazard Management Agency (HMA)	The role of Hazard Management Agencies (HMA) is described in *Sections 4* and *5* of the *Emergency Management Regulations 2006*. Their function is to: (a) undertake responsibilities where prescribed, for these aspects (*EM Regulations*), (b) appoint Hazard Management Officers (*s55 EM Act*), (c) declare / revoke emergency situations (*s50* & *53 EM Act*), (d) coordinate the development of the *State Hazard Plan* for that hazard, and (e) ensure effective transition to recovery by local government.
Combat Agency	A Combat Agency as prescribed under *subsection (1)* of the *Emergency Management Act 2005* is to be a public authority or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for performing an emergency management activity prescribed by the regulations in relation to that agency.
Support Organisation	A public authority or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources is responsible for providing support functions in relation to that agency. (*State EM Glossary*).
Incident Support Group	The role of the Incident Support Group is to assist the Incident Controller through the provision of information, expert advice, support and resources relevant to their organisation (*State Emergency Management Plan, Section 5.1*).
Operational Area Support Group	An Operational Area Support Group is a group of agency liaison officers convened by an OAM that assists in the strategic support of an operational area for an incident through the provision of agency-specific information, expert advice, resources and support. It is activated by a HMA when multiple agencies need to be coordinated at a district level or multiple incidents are occurring simultaneously in one operational area.

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PART 3 - MANAGING RISK

15 EMERGENCY RISK MANAGEMENT

Risk management is a critical component of the emergency management process. Building a sound understanding of the hazards and risks likely to impact the community, enables local governments and LEMCs to work together, to implement required treatments. This process helps to build the capacity and resilience of the community and organisations, which enable them to better prepare for, respond to and recover from a major emergency. The process and the mandate for local governments to undertake risk management is detailed in *State Emergency Management Policy* - *Section 3.2.*

Information on the identified local risks and the likelihood and consequence assessments of these risks to the community, was further examined during 2017, when the then OEM undertook the 'State Risk Project' across the three levels, State, District and Local government, which saw a uniformed and nationally agreed approach to the emergency risk management process. The outcomes of this process have been considered and included within Shire's Risk Register and Treatment Schedule completed in line with best practice.

16 DESCRIPTION OF EMERGENCIES LIKELY TO OCCUR

Western Australia is exposed to a range of potential hazards, of which 28 hazards have been prescribed in legislation in Western Australia. In the *2023 review* of the LEMA, the top 5 local risks for the Bridgetown-Greenbushes Shire were considered, along with their likelihood and community consequences metrics, were identified. The salient risks identified are*: (to be reconsidered (post study)*

These hazards are further detailed in the table below are based on the premise that the Controlling Agency is responsible for the above risks and will develop, test and review appropriate emergency management plans for their hazard/s.

This outcomes of the Emergency Risk Management (ERM) study are included into and informs the Shire's Hazard Plans, that are included within '*ANNEXURE **C***' to the Shire's LEMA.

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Hazard	Controlling Agency	HMA	Combat Agency	Support Agencies	State Hazard Plan	Local Plans
Fire (Bushfire and Structural)	DFES, DBCA, Shire.	FES Commissioner	DFES, DBCA, Shire.	Western Power, Water Corporation, DFES-SES, Shire.	State Hazard Plan - Fire	Local Bushfire Laws (Bush Fire Order)
Road Crash	WAPol	WAPol Commissioner	DFES (VFRS) SJAA	DFES - DBK Fire and Rescue, Bridgetown Hospital/SJAA, Shire.	State Hazard Plan -Crash Emergency	
Flood	DFES	DFES Commissioner	DFES-SES	DWER, Water Corporation, Shire.	State Hazard Plan – Severe Weather	Local Town Planning arrangements.
Drought			DPIRD DWER WaterCorp	Shire, Agriculture Agencies and networks.		
Hazardous Materials Emergency	DFES	DFES Commissioner	DFES-FRS	DWER, MRWA, Water Corporation, Shire.	State Hazard Plan – HazMat	Various procedures/doctrine discreet to organisations.
Storm	DFES	DFES Commissioner	DFES-SES	Western Power, Shire, WAPol,	State Hazard Plan – Severe Weather	
Earthquake	DFES	DFES Commissioner	DFES-SES	WAPol, Shire.	State Hazard Plan – Earthquake	
Heatwave	Department of Health	CEO Health	Department of Health	Department of Health, Water Corporation, Bridgetown Hospital, SJAA.	State Hazard Plan - Heatwave	

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17 EMERGENCY MANAGEMENT STRUCTURE AND RESPONSE LEVELS

The Shire of Bridgetown - Greenbushes Local Emergency Management Arrangements are consistent with the *Emergency Management Act 2005* and the *Emergency Management Regulations 2006*, State Policies and Plan requirements of local governments. When an emergency event occurs (fire, storm, or other incident), the HMA/CA will make an assessment of the severity, or likely impact of the event and make an informed assessment of the Incident Level to be assigned, as described in the chart below. Local response refers to the level of support required by that Incident Level assigned. The Shire is committed to providing the appropriate level of support, as is the Hazard Management Agency, wherever reasonably practicable.

Event Level	Local Response
Level 1 No significant issues, single agency response, minimal community impact.	Provide such assistance as may be required to support the resolution of an incident at the local level, including: • Personnel, • Equipment, • Local knowledge and advice.
Level 2 Multi agency response, protracted duration, requires coordination of multi-agency resources, medium impact, may be declared an 'Emergency Situation (EM Act)'.	Provide such assistance as may be required to support the resolution of an incident at the local level, including: • Personnel, • Equipment, • Local knowledge and advice. **Consider** forming an ISG, if so formed: • Provide a Local Government Liaison Officer, • Make available to the HMA/CA, local facilities designated in this plan, as evacuation centres.
Level 3 Requires significant multi-agency response, significant impact on community, declaration of '*Emergency Situation*', or '*State of Emergency*'.	Provide such assistance as may be required to support the resolution of an incident at the local level, including: • Personnel, • Equipment, • Local knowledge and advice. An ISG or OASG **shall be formed**, where the provision of the following is required: • Local Government Liaison Officers, • Local facilities for the HMA, designated in this plan as evacuation centres.

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PART 4 – EMERGENCY RESPONSE

18 EMERGENCY ACTION

Emergency events such as severe storms and cyclones, generally have a lead time where the local government will receive warnings in the form of weather alerts and other information from a number of sources. Other emergencies such as bush fires and earthquakes may be rapid onset emergencies, leaving little time for pre-planning. The local government officers responsible for emergency management, will need to ensure that the local government reacts to emergencies in a timely and effective way.

19 LOCAL GOVERNMENT INVOLVEMENT IN RESPONSE

The Shire of Bridgetown - Greenbushes will ensure that all staff members who have a designated role in emergency management, receive adequate training to enable them to manage the role they are designated to undertake in an emergency event.

Depending upon the incident, the Shire of Bridgetown - Greenbushes will provide a Local Government Liaison Officer (LGLO) to attend the Incident Support Group (ISG) meeting, should one be called and to attend all subsequent meetings. The LGLO, as delegated by the CEO, will be suitably positioned within the Shire, to be able to provide expert knowledge, relevant to the incident and be empowered to act on behalf of the Shire.

20 SHIRE COORDINATION DURING AN INCIDENT

To best enable the successful resolution of any incident affecting the Shire of Bridgetown – Greenbushes, it is highly important to provide any response in a coordinated manner. Senior personnel within the Shire must take responsibility for ensuring the Shire's response to an emergency event, is coordinated and best enabled by:

- Ensuring that organisational planning and preparation for emergencies is undertaken,
- Implementing procedures that assist the community and the emergency services deal with incidents recognising community needs,
- Ensuring that all personnel with emergency planning, preparation, response and recovery responsibilities, are properly trained in their role,
- Reporting any matters likely to impact the Shire's systems and resources, and
- Keep appropriate records of incidents that have occurred, to ensure continual improvement of the Shire's emergency response capability.

21 MULTIPLE HAZARDS

Where an incident results in multiple hazards occurring, the hazard which initiated the incident will determine the Controlling Agency and/or the Hazard Management Agency for that incident response. Where a subsequent hazard caused by the initiating hazards presents a significantly greater risk, management of the incident may be transferred to the relevant controlling agency and/or Hazard Management Agency for that subsequent hazard, by agreement between the two agencies.

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22 UNCLEAR CONTROLLING AGENCY

Where an incident requires an emergency response, however it is unclear as to which agency is responsible for controlling that response under existing statutory law or agency responsibilities and agreement cannot be reached by responding personnel, then the WA Police Force shall assume control of the incident, until the appropriate response agency has been identified and agreed.

To identify the appropriate agency to control an incident, the following procedure applies:

- the WA Police shall immediately request the relevant Emergency Coordinator (Local or District, depending on the level of the incident) to establish an Incident Support Group (ISG) and (if warranted) an Operational Area Support Group (OASG),
- the Emergency Coordinator shall facilitate, through the ISG or the OASG, the identification of the agency most appropriate to control the response to the incident and negotiate their agreement to assume the role (this may be in person, or via teleconference),
- when identifying the most appropriate agency to control an incident, the following factors should be considered:
    a. Is there a designated Combat Agency for that type of emergency management activity?
    b. Which agency has the most relevant legislative responsibilities required to manage the incident?
    c. Which agency has the most relevant expertise and resourcing available to manage the incident?
- where an agreement cannot be reached, the decision to determine the most appropriate controlling agency must immediately be referred to the Emergency Coordinator through the relevant chain of command, to the next level of coordination (District Emergency Coordination and OASG, or SEC and the SECG) for confirmation, and
- the Emergency Coordinator should also ensure that jurisdiction issue is clearly identified in any Post Operational Report or Post Incident Analysis.

23 LOCAL EMERGENCY OPERATIONS/COORDINATION CENTRES

The local Emergency Operations Centre (EOC) for an emergency, will be designated by the HMA or CA “Incident Controller”. Where the HMA requests an alternate location for the EOC, or where the primary location is not suitable, the following facilities are available, if deemed appropriate for use:

Primary Incident Control Centre

The primary location for the Shire of Bridgetown - Greenbushes ICC is:
ICC Building – Located on Les Woodhead Ave

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Secondary Emergency Operations Centre

SES Unit Headquarters Building

To ensure a timely response to any of the hazards, local or district contact details for HMA, Combat and Supporting Agency are listed below:

HMA, Combat and Support Agency Contact Details

AGENCY NAME	LOCAL CONTACT NUMBER
Department of Fire and Emergency Services	9771 6800 (Manjimup Office)
DBCA - Department of Parks and Wildlife	9725 4300 (Bunbury Office) 9731 6232 (Kirup Office)
WA Police Force	9715 8130 (Bridgetown Station)
Department of Communities	9722 5000 (Bunbury Office)

HMA's, Controlling and Support Agencies, may require resources from the local government, along with assistance to manage the emergency. The Shire is committed to providing assistance/support, if the required resources are reasonably available.

24 INCIDENT SUPPORT GROUP (ISG)

The ISG consists of a group of agency/organisation liaison officers, including the designated Emergency Coordinator, convened and chaired by a person appointed by the Controlling Agency, to provide agency specific expert advice and support in relation to the response to an incident.

The Incident Support Group's main function is to coordinate resources to assist the Incident Management Team/s responsible for direct combat of the emergency. The makeup and duties of the ISG are established and described in *State EM Plan*.

The default Incident Support Group meeting locations would be the Shire's Emergency Services Centre in Les Woodhead Avenue. However, given the size of the Shire and the possibility of a more localised locations to better enable collaboration with the IMT, this may change.

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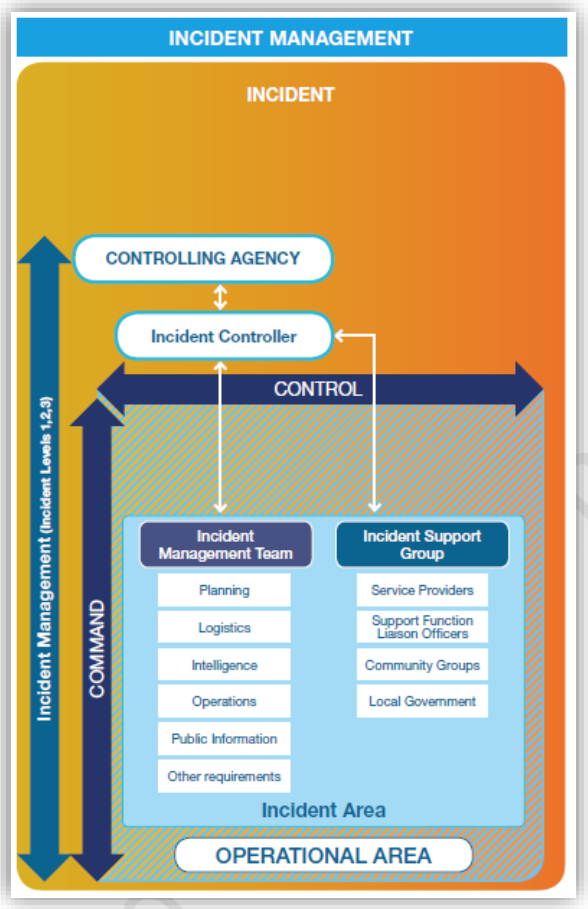

ESTABLISHMENT OF AN ISG

The Shire of Bridgetown - Greenbushes Liaison Officer will attend all meetings of the ISG, as the **'liaison officer'** and represent the local government on the Incident Support Group, upon the request of the appointed Incident Controller.

The role of the nominated Liaison Officer is to liaise with the Incident Controller (HMA) and is described in ***Appendix 6 -*** *Local Government Liaison Officer (LGLO)*.

24.1 - TRIGGERS FOR AN INCIDENT SUPPORT GROUP

The triggers for an incident support group are defined in the *State Emergency Management Policy Statement 5.2.2* and *State Emergency Management Plan Section 5.1.* These are:

a) ***considered*** where an incident is designated as Level 2, or ***shall*** be called for an incident declared Level 3,

b) multiple agencies need to be coordinated,

c) there are requirements for possible, or actual evacuation,

d) extensive support agency assistance is required,

e) where there is a perceived need relative to an impending hazard impact.

24.2 - MEMBERSHIP OF AN INCIDENT SUPPORT GROUP

The Incident Support Group is made up of agency representatives that provide support to the Hazard Management, or Controlling Agency. Emergency management agencies may be called on to provide liaison officers to any Incident Support Group.

The Recovery Coordinator should be a member of the Incident Support Group from the onset, to ensure consistency of any information flow, early situational awareness and to prepare for any eventual handover to the recovery phase.

The representation on this group may change regularly, depending upon the nature of the incident, agencies involved and also the consequences of the emergency. Agencies supplying staff for the Incident Support Group, must ensure that the representative(s) have the authority to commit resources and/or direct tasks.

24.3 - FREQUENCY OF MEETINGS

The frequency of meetings will be determined by the Incident Controller and will generally depend on the nature and complexity of the incident. As a minimum, there should be at least one meeting per significant incident. Coordination is achieved through the clear identification of priorities and incident control objectives, through the agencies sharing information and resources.

25 MEDIA MANAGEMENT AND PUBLIC INFORMATION

NOTE:
Emergency Incident information provided to the public must be consistent with that provided by the Incident Controller for the Incident. The *State Support Plan – Emergency Public Information* (specifically *s3.3.1* relating to the HMA, *s3.3.7* – relating to 'Local Government to Assist' and *s3.4* – 'Release of Public Information for other Agencies'), provides clear advice on the authority to release information to the public.

This *State Support Plan – Emergency Public Information* **must** be adhered to, to guide the Council's emergency communications processes and content for emergency communications.

Communities threatened, or impacted by emergencies have an urgent need for appropriate information and direction. Impacted communities require this adequate and timely information, along with safety related instructions, in order to be aware of the emergency and to have sufficient information to take the appropriate actions to safeguard life and property. As mentioned int eh above paragraph, the provision of this information is the responsibility of the Hazard, or Controlling Agency for the incident.

This information can be provided through the media and a range of other tools, to reach the intended stakeholders. The emergency public information function is a "response" and

"recovery" activity, whereby information relating to a specific emergency, including actions that need to be taken by the public as a whole, is disseminated to the community. It can also be a "preparedness" activity, as it establishes protocols and procedures prior to any emergency occurring.

The Shire currently has no dedicated emergency local public warning/information system, instead it will rely on the State based warning systems, with (and containing) advice from the Incident Controller.

During an emergency, the Shire will also use its standard communications tools to share information through its existing communication linkages, including (but not limited to):

- Public meetings,
- Posts on the Shire website,
- Social media (Shire facebook page),
- Newsletters, or other mail-outs, during prolonged events.

All Shire publications must be approved by the Chief Executive Officer. Direct communication with the public will be through the Shire President, or a person authorised by the Shire President, as per *Section 2.8(d)* of the *Local Government Act 1995*.

If an emergency arises, a strategy will be developed that is specific to the situation and will direct the communication response. The communication strategy will be prepared by the relevant Shire Officer, in collaboration with the President and CEO of the Shire. Community information will be broadcast through the Shire President (or a person authorised by that person) in accordance with *section 2.8(d)* of the *Local Government Act 1995*. Both internal and external communication will be directed by this strategy, which will ensure the information is in alignment with the advice from the HMA or Controlling Agency.

A media communications template is attached as *Appendix **10*** of this Plan. This tool would be invaluable to frame the Shire's public information statements in a consistent format. More information to support Communications planning can be found in the Shire's *Operational Recovery Plan*.

25.1 - MANAGING THE MEDIA

During an emergency, information used in any communication must be controlled. The Shire media processes must be adhered to, to ensure that facts are accurate, consistent and that their release is authorised. The principles to be followed with this process are detailed below:

a) Having one authorised spokesperson during a crisis, ensures that communication with the media and the public are consistent, transparent and controlled,

b) Consistent with *s2.8(1)(d)* of the *Local Government Act (1995)*, the identified spokesperson for the Shire of Bridgetown - Greenbushes is the President or the delegated Officer of the Shire,

c) The release must have the latest factual information and advice from the HMA. This will involve responding to media enquiries and speaking on behalf of the Shire of Bridgetown - Greenbushes at media or community briefings.

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25.2 - GENERAL ENQUIRIES

Frontline employees from the Shire of Bridgetown - Greenbushes must be prepared to receive enquiries from a range of stakeholders. The Shire will ensure that frontline staff are provided with a script containing the key messages and a brief on the communication policies. Other than approved spokespeople, no Shire staff are authorised to make comment to any stakeholder, beyond the scope of any prepared and authorised script and/or other provided documents for that purpose. If the enquiry requires further information or comment, the caller or visitor must be transferred to an authorised spokesperson. If the frontline employee is unable to transfer the caller to the appropriate person, a message needs to be taken so that the call can be returned as soon as possible. In brief, the procedure for Shire personnel in handling enquiries is:

- Inform the person that you are not an authorised spokesperson and cannot provide comment or detailed information,
- Correctly take a message, including the nature of the enquiry and deadline for response, and
- Ensure that the appropriate person receives the message and returns the call within a timely manner.

25.3 - ENQUIRIES FROM CONCERNED RELATIVES AND FRIENDS

Enquiries from concerned relatives and friends must be directed to the Department of Communities, or the Police. At all times, you should:

- Establish the caller/visitor's relationship to the person being enquired about,
- Demonstrate empathy and listen to their concerns,
- Provide reassurance that all reasonable actions are being undertaken to manage the situation,
- Remain calm, and
- If you receive an enquiry about someone who is injured, deceased or unaccounted for, you must ensure that the HMA, or Police are advised of the enquiry as soon as possible.

26 PUBLIC WARNING SYSTEMS

During times of an emergency one of the most critical components of managing an incident is getting information to the public in a timely and efficient manner. Within the Shire of Bridgetown – Greenbushes, the following systems may be utilised to distribute emergency information:

- Emergency WA Website - https://www.emergency.wa.gov.au/,
- Shire of Bridgetown - Greenbushes Website - http://www.bridgetown.wa.gov.au,
- DFES Public Information Line - 13 33 37,
- Emergency Alert - This is the national telephone warning system used by emergency services to send voice messages to landlines and text messages to

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mobile phones within a defined area, about likely or actual emergencies. This will be activated by the Controlling Agency of the incident.
http://www.emergencyalert.gov.au/

- Standard Emergency Warning Signal (SEWS) - The SEWS is a distinctive audio signal that has been adopted to alert the community to the broadcast of an **urgent safety message** relating to a major emergency/disaster. It is intended for use as an alert signal to be played on public media (such as radio, television, public address systems, mobile sirens) to draw listeners' attention to an emergency warning,

- ABC Emergency - http://www.abc.net.au/news/emergency/about/

- ABC Radio
  - Local Radio 1044AM
  - News Radio 1044AM

- DFES Facebook and Twitter Page – Facebook (@dfeswa)
  http://www.facebook.com/dfeswa/
  http://twitter.com/dfes_wa

- **Community Information Points**
  Unstaffed information points will be placed at strategic location around the effected community. These will include:
  - Shire Community Notice Boards
  - Libraries
  - Visitor Centres
  - Post Office
  - Banks
  - Community Buildings
  - Grocery Stores
  - Petrol Stations
  - Accommodation Facilities

- Emergency Phone Applications -
  http://www.emergencyaus.info/discover/app

27 FINANCE ARRANGEMENTS

While recognising the provisions of the *State Emergency Management Procedure*, the Shire of Bridgetown•Greenbushes supports the operational costs of the LEMC, including the provision of a staff member to support LEMC activities. In the event of an emergency, the Shire of Bridgetown-Greenbushes may make submissions to the Department of Treasury, or Department of Fire and Emergency Services for DRFA-WA funds to assist with relief and recovery activities.

State Emergency Management Policy Section 5.12, *State Emergency Management Plan Sections 5.4* and *6.10* and the *State Emergency Management Recovery Procedures 1-2* outline the responsibilities for funding during multi-agency emergencies. While recognising the above, the Shire of Bridgetown - Greenbushes is committed to expending such necessary funds, within its current budgetary constraints as required, to ensure the safety of its residents and visitors.

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The Chief Executive Officer, or delegated representative, should be notified in an emergency event requiring resourcing by the Shire of Bridgetown - Greenbushes, to ensure the desired level of support is achieved.

Refer to the finance section in the Shire of Bridgetown - Greenbushes *Local Recovery Plan* (*part 4 – Financial Management* for information on public appeals, donations, DRFA-WA etc.

Under *section 6.8* of the *Local Government Act (1995),* a local government is not to incur expenditure from its municipal fund for an additional purpose, except where the expenditure is authorised in advance, by the Shire President in response to an emergency.

28 COMMUNITY EVACUATION

Circumstances may arise where there may be the need to partially, or totally, evacuate or relocate the population of a particular area, or areas, within the Shire of Bridgetown - Greenbushes.

Evacuation is defined as "the planned relocation of persons from dangerous or potentially dangerous areas to safer areas and eventual return" in the *State Emergency Management Glossary*.

Under *section 67* of the *Emergency Management Act 2005* an *'authorised person',* or *'hazard management officer'* may direct the evacuation and removal of persons and animals from the emergency area, or any part of the emergency area.

Additionally, during a bushfire event *section 14B (2)* of the *Bush Fires Act 1954* provides for an '*authorised officer*', or a '*police officer*' to remove of persons and animals to/from an area, during a bushfire.

Evacuation can be either:

Controlled -This refers to either a recommended or directed evacuation, where an HMA/Controlling Agency is undertaking specific activity to manage the withdrawal of people from an area at risk, or subject to the effects of a hazard,

Directed - A HMA/Controlling Agency may issue a direction for people and/or animals to be evacuated, with which they are obliged to comply in circumstances where it is believed there is an imminent and real threat to life should they remain, or

Recommended - A controlled evacuation whereby an HMA/Controlling Agency provides advice to members of a community that they evacuate, when the Incident Controller believes this represents the best option to mitigate the effects of an emergency on a community, based on the agency's risk assessment at that time, but where the risk is not perceived as extreme/imminent.

All evacuations shall be managed in accordance with *The State EM Plan 5.3.2 - Community Evacuation.*

Reference can also be made to the *Western Australia Community Evacuation in Emergencies Guide*.

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29 EVACUATION MANAGEMENT

Decisions relating to evacuation during an emergency rest with the Incident Controller, appointed by the Hazard Management Agency (HMA).

A decision on the need for evacuation will be made by the HMA. Evacuation will occur in a planned and safe manner, coordinated by the Police.

The Police will be requested to effect and control evacuation of impacted persons to one of the predetermined Evacuation Centres. The HMA must liaise with the appropriate Local Emergency Coordinator, emergency relief and support agencies/authorities, including the Department of Communities (Communities), to ensure the appropriate arrangements for registration and support of evacuees are in place. Each centre is to have a designated staging point to facilitate the efficient reception of persons.

The decision allowing people to return to their homes will be given by the HMA. Evacuee return will be accomplished in consultation with the Local Emergency Coordinator, emergency relief and support agencies including Communities, along with the affected community.

The Shire of Bridgetown-Greenbushes has developed a detailed Community Evacuation Plan applicable to all emergencies in 2009, entitled the "Community Evacuation Plan - 2009".

The decision to evacuate during an emergency, rests with the 'Incident Controller' appointed by the HMA/Controlling Agency. Under legislation (see *28 - Community Evacuation* above) it is possible to direct the evacuation and removal of persons or animals, from the emergency area or any part of the emergency area. In the absence of an '*emergency situation*' or '*state of emergency*' declaration, the HMA can only recommend that an evacuation take place.

The Shire Ranger(s) is available for advice on local resources regarding animal welfare, through local resources and relevant organisations. Domestic animals will remain the responsibility of their owners. Evacuation centres are likely to be unsuitable for domestic animals and are not permitted within the centers.

30 VULNERABLE GROUPS

Vulnerable groups may include the sick, elderly, children, people with disabilities, aboriginal people, culturally and linguistically diverse (CaLD) people, FIFO workers and their families and tourists. In addition, town-based organisations catering for the most vulnerable in the community must come under consideration. For a comprehensive list of these community based vulnerable groups refer to ***Appendix 7** - Vulnerable Groups*.

31 COMMUNITY EVACUATION ORGANISATIONS AND RESPONSIBILITIES

Agency / Task	Responsible person / position / agency
HMA/Controlling Agency	• IC - Management of the emergency incident

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	• Warning messages to the affected community • Decisions affecting the evacuation of locations likely to be impacted by the emergency, • The decision to evacuate a community or portions thereof, • Evacuation route planning and traffic management, • Road closures during emergencies, • Identification of evacuation centres, • Return of the evacuated community.
WA Police Force	• Assist with evacuating the affected community, • Assist with emergency traffic management.
Shire of Bridgetown - Greenbushes	• Liaise with Incident Controller, • Participate in ISG and provide local support, • Where an identified evacuation centre is a building owned and operated by the Shire of Bridgetown - Greenbushes, provide a liaison officer to support Communities.
Department of Communities and **The Shire of Bridgetown - Greenbushes**	• Identify appropriate evacuation centres in consultation with Incident Controller and Local Government, • Receive evacuees and coordinate the provision of welfare support services for evacuees.
Property security	WA Police
Traffic management	WA Police initially, then Traffic contractors - as appointed by MRWA or the Shire of Bridgetown - Greenbushes.
Emergency Relief and Support	Department of Communities (Communities), and the Shire of Bridgetown - Greenbushes.

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32 EVACUATION CENTRES

Buildings deemed suitable for use as evacuation centres have been identified and included in the Shire's "***Appendix 8*** *- Community Evacuation Centres*".

The Department of Communities (Communities) will activate the Local Emergency Relief and Support Plan, should the need for activation of an evacuation centre be deemed necessary by the Incident Controller. The Local Government Liaison Officer will arrange for the opening of an Evacuation Centre when requested to do so by the IC and/or Communities.

The 'number of persons' figure indicates the number of evacuees that could comfortably sleep in the welfare centre.

The buildings in ***Appendix 8*** have been identified by the Shire of Bridgetown - Greenbushes as suitably constructed and equipped for use as evacuation centres in emergencies, meeting the requirements for sheltering of persons for up to 24 hours, or longer periods, depending upon the capacity, building configuration and equipment.

For other evacuation centres, refer to Communities *Local Emergency Relief and Support Plan* for the provision of other options.

Note: Communities is to be contacted whenever an evacuation is considered, as the Department has responsibility for the provision of emergency relief and support services to evacuees, along with the management of registration and inquiry services, using the Red Cross 'Register. Find. Reunite' system and associated arrangements, which can be located at *https://register.redcross.org.au*

33 EMERGENCY RELIEF AND SUPPORT

Welfare provisions are outlined in the *State Support Plan - Emergency Relief and Support*.

The provision of emergency relief and support services shall be based on a two-tier response, local resources (Evacuation Centre Coordinator) followed by State support (State Relief and Support Coordinator).

The following State plans and supporting plans apply:

- *State Emergency Management Plan* – Specifically *section 5.5.4 – Emergency Relief and Support Services*,
- *State Support Plan – Emergency Relief and Support* (previously Welfare).

34 DEPARTMENT OF COMMUNITIES - LIAISON

Local Evacuation Centre Coordinator (Department of Communities - Communities):
Communities shall appoint a '*Local Evacuation Centre Coordinator*' who will liaise with the Shire of Bridgetown - Greenbushes '*Local Government Liaison Officer*', if one has been appointed, and coordinate the provision of resources detailed in the abovementioned support plans.

Local Government Liaison Officer (Emergency Relief and Support):
The Shire of Bridgetown - Greenbushes will provide an officer to be liaison/support between Communities and the local government, where an evacuation centre has been established, within the local government district. The duties to be performed by the Local Government Liaison Officer (Emergency Relief and Support) are described in ***Appendix 9*** *- Local Government - Liaison Officer (LGLO-Emergency Relief and Support)*.

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PART 5 – EXERCISING, REVIEWING AND REPORTING

35 THE AIM OF EXERCISING

Testing and exercising is essential to ensure that emergency management arrangements are and remain workable and effective. These exercises would also ensure that individuals and organisations remain aware of what is required of them, during an emergency event.

The exercising of a Hazard Management Agency's (HMA), or Combat Agency's (CA) response to an incident is that HMA's and CA's responsibility, however it could be incorporated into a LEMC exercise.

Exercising the emergency management arrangements will allow the LEMC to:

- Test the effectiveness of the local arrangements and continually improve these,
- Bring together members of various emergency management agencies and improve their knowledge of, and confidence in, their roles and responsibilities,
- Help educate the community about local arrangements and programs,
- Allow participating agencies an opportunity to test their operational procedures and skills, in simulated emergency conditions, and
- Test the ability of separate agencies to work together on common tasks and to assess effectiveness of the co-ordination between them.

36 FREQUENCY OF EXERCISES

State Emergency Management Policy (Section 4.8), *State Emergency Management Plan (Section 4.7)* and *State Emergency Management Preparedness Procedure (Section 3.19)* outline the State's arrangements for emergency management exercising, including the requirement for LEMCs to exercise their arrangements on at least, an annual basis.

37 TYPES OF EXERCISES

Exercises can be developed and facilitated in a number of formats. It is important to select the best format to deliver the desired outcomes from the exercise, according to the chosen Exercise Aim and any exercise Objectives.

Some examples of typical exercises include *(but not limited to)***:**

- A phone tree recall exercise,
- Opening and closing procedures for evacuation centres or any facilities that might be operating in an emergency,
- Procedures for the Emergency Operations Centre, or
- Locating and activating resources on the Emergency Resources Register.

Exercises can be delivered in the following formats (refer *SEM Policy s4.8*):

- **Discussion Exercise (DiscEx)**,
  Designed to examine and develop understandings of principles and concepts within the group. These may typically be desktop, or discussion style exercises.

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- **Functional Exercise**,
  These are generally used to practice job roles, equipment, or inter-dependant systems, with participants working within their operational environment. It is commonplace to use Functional Exercises after training, to test a participant in a discipline that they are undertaking training in (for example).
- **Field Exercise**,
  This style would be used in a simulated 'real time' operational environment, using 'boots on the ground'. It is generally labour and time intensive but enables examination of operational effectiveness in as close to real response as possible.

38 REPORTING OF EXERCISES

Each LEMC is to report their exercise schedule to the relevant DEMC by the 1st May each year, for inclusion in the DEMC report to the '*State Exercise Coordination Team*' (SECT).

Once the exercises have been completed, post-exercise reports should be forwarded to the DEMC, to be included in the reporting to the SEMC Annual Report.

39 REVIEW OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

The Local Emergency Management Arrangements shall be reviewed in accordance with *State Emergency Management Policy Section 2.5* and be amended or replaced, whenever the local government considers it appropriate (*Emergency Management Act 2005 - s.42*).

According to *State EM Policy - Section 2.5*, the Local Emergency Management Arrangements (including recovery plans) are to be reviewed and amended as follows:

- contact lists are reviewed and updated quarterly,
- a review is conducted after any training that exercises the arrangements,
- an entire review is undertaken every five (5) years, as risks might vary due to climate, environment and population changes, and
- any circumstances may require more frequent reviews.

40 REVIEW OF LOCAL EMERGENCY MANAGEMENT COMMITTEE POSITIONS

The local government, in consultation with the parent organisation of members, shall determine the tenure and composition of the LEMC membership.

41 REVIEW OF RESOURCES REGISTER

The LEMC Executive Officer shall have the resources register checked and updated on an annual basis, with ongoing amendments captured at each LEMC meeting.

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42 ANNUAL REPORTING

The annual report of the LEMC is to be completed and submitted to the DEMC, within 2 weeks of the end of the financial year for which the annual report is prepared. The LEMC is required to submit a signed hard copy of the annual report to the Executive Officer of the relevant DEMC.

The information provided by the LEMC annual report is collated into the SEMC and Office of Emergency Management Annual Report, which is tabled in Parliament.

The SEMC will issue the annual report template to each local government.

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APPENDIX 1 - Glossary of Terms and Acronyms

Terminology used throughout this document shall have the meaning as prescribed in either *Section 3* of the *Emergency Management Act 2005* or as defined in the *State EM Glossary*, or the *WA Emergency Risk Management Guide*.

CONTROLLING AGENCY - an agency nominated to control the response activities to a specified type of emergency. The responsibility for being a Controlling Agency stems from either:

- legislation other than the *Emergency Management Act 2005*, or
- by agreement between the relevant Hazard Management Agency and one, or more agencies.

DISTRICT - Means an area of the State that is declared to be a district under *Section 2.1* of the *Local Government Act 1995*.

DISTRICT EMERGENCY MANAGEMENT COMMITTEE- A district emergency management committee established under *section 31(1)* of the *Emergency Management Act 2005.*

EMERGENCY- The occurrence, or imminent occurrence of a hazard which is of such a nature or magnitude that it requires a significant and coordinated response (*s.3 EM Act*).

EMERGENCY MANAGEMENT - Emergency Management means the management of the adverse effects of an emergency including –

1. Prevention – the mitigation or prevention of the probability of the occurrence of, and the potential adverse effects of, an emergency,
2. Preparedness – preparation for response to an emergency,
3. Response – the combatting of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery; and
4. Recovery – the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing.

EMERGENCY RISK MANAGEMENT – A systematic process which contributes to the wellbeing of communities and the environment. The process considers the likely effects of hazardous events and the controls by which they can be minimised.

HAZARD – An event, situation or condition that is capable of causing or resulting in loss of life, prejudice to the safety, or harm to the health of persons or animals; or destruction of, or damage to property or any part of the environment and is defined in the *Emergency Management Act 2005* or prescribed in the *Emergency Management Regulations 2006*.

HAZARD MANAGEMENT AGENCY - A public authority, or other person, prescribed by the *Emergency Management Regulations 2006* to be a hazard management agency for emergency management, or an aspect of emergency management, of a hazard.

INCIDENT – The occurrence or imminent occurrence of a hazard. (see also *accident* and *emergency*).

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INCIDENT CONTROLLER – The person designated by the relevant Controlling Agency, responsible for the overall management and control of an incident within an incident area and the tasking of agencies in accordance with the needs of the situation. [Note: Agencies may use different terminology, however the function remains the same].

LOCAL EMERGENCY COORDINATOR (LEC) – The person appointed by the State Emergency Coordinator to provide advice and support to their local emergency management committee in the development and maintenance of emergency management arrangements, assist hazard management agencies in the provision of a coordinated response during an emergency in the district and carry out other emergency management functions under the direction of the State Emergency Coordinator.

LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS – refers to this document and may also be referred to as 'these arrangements' or 'local arrangements'.

LOCAL EMERGENCY MANAGEMENT COMMITTEE – A local emergency management committee established under *section 38* of the *Emergency Management Act 2005*.

MUNICIPALITY - Means the district of the local government.

RECOVERY - The support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychological and economic wellbeing.

RISK – A concept used to describe the likelihood of harmful consequences arising from the interaction of hazards, communities and the environment.

- The chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood.
- A measure of harm, taking into account the consequences of an event and its likelihood. For example, it may be expressed as the likelihood of death to an exposed individual over a given period.
- Expected losses (of lives, persons injured, property damaged, and economic activity disrupted) due to a particular hazard for a given area and reference period.
- Based on mathematical calculations, risk is the product of hazard and vulnerability.

RISK MANAGEMENT – Coordinated activities of an organisation or a government to direct and control risk.

RISK REGISTER - A register of the risks within the local government, that is identified through the Community Emergency Risk Management Process.

RISK STATEMENT - A statement identifying the hazard, element at risk, along with the source of the risk. It will include some metrics to identify tolerances to that impact.

TREATMENT OPTIONS - A range of measures which modify the characteristics of hazards, communities, or environments.
These present options identified through the emergency risk management process, to minimise the potential harm to the community.
VULNERABILITY – The characteristics and circumstances of a community, system or asset, that make it susceptible to the damaging effects of a hazard. There are many

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aspects of vulnerability, arising from various physical, social, economic, and environmental factors that vary within a community and over time.

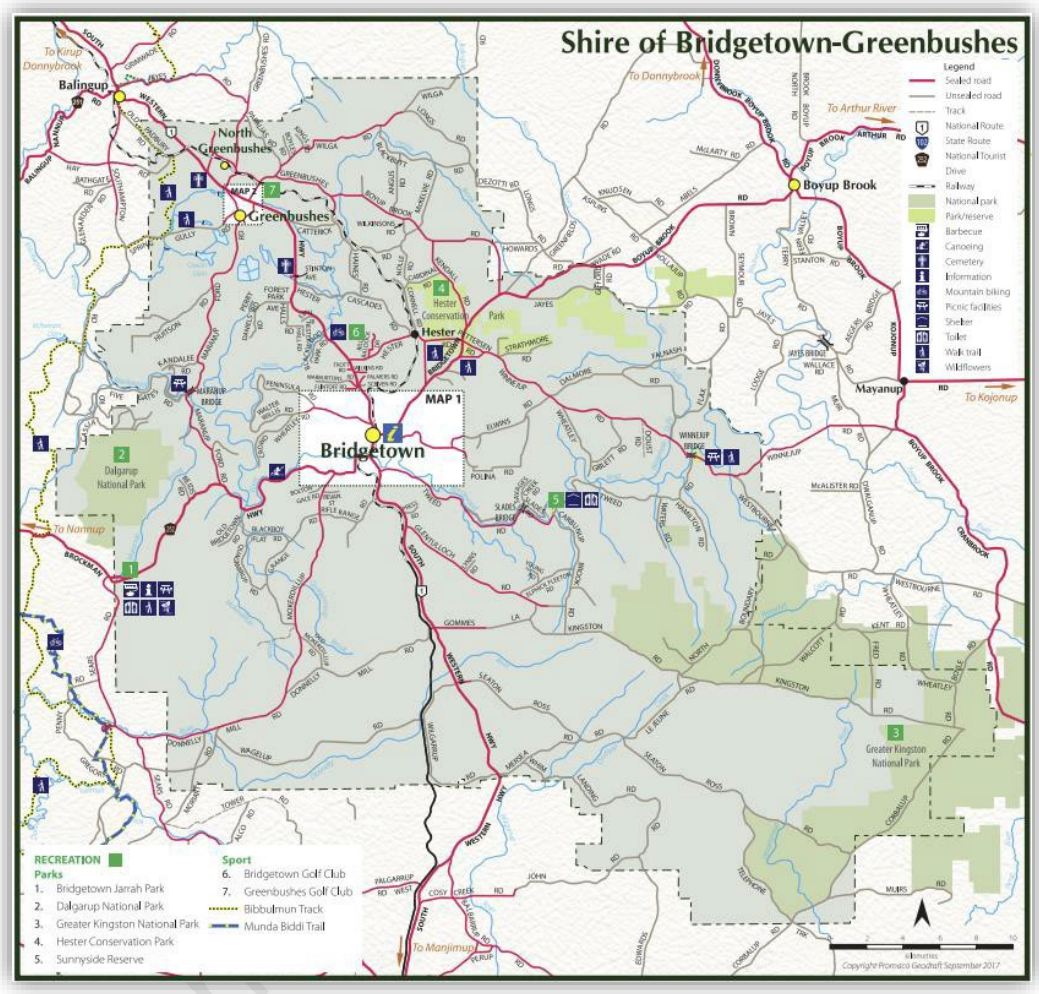
Further, this may be considered to be the degree of susceptibility and resilience of the community and the environment, to hazards.

ACRONYMS USED IN THESE ARRANGEMENTS

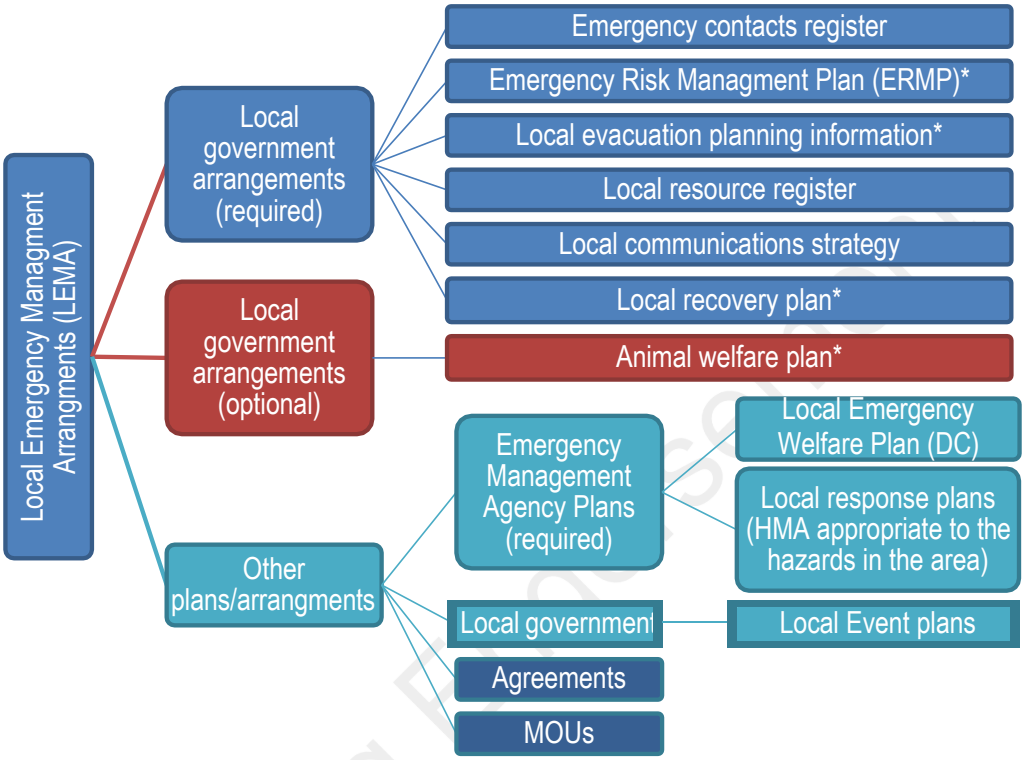
Acronym	Terminology
BFS	Bush Fire Service (LG Bush Fire Brigades)
CA	Controlling Agency
CEO	Chief Executive Officer
DBCA	Department of Biodiversity, Conservation and Attractions
Communities	Department of Communities
DEMC	District Emergency Management Committee
DFES	Department of Fire and Emergency Services
DRFA-WA	Disaster Relief Funding Arrangements - WA
DWER	Department of Water and Environmental Regulation
ECC	Emergency Coordination Centre
EOC	Emergency Operations Centre
EM	Emergency Management
HMA	Hazard Management Agency
IC	Incident Controller
IMT	Incident Management Team
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG	Local Government (Council)
LGLO	Local Government Liaison Officer
LGLO (Emergency Relief & Support)	Local Government Liaison Officer (Emergency Relief & Support)
LRC	Local Recovery Coordinator
LRCG	Local Recovery Coordination Group
OASG	Operations Area Support Group
OIC	Officer in Charge (including WA Police)
P&W	Department of Parks and Wildlife (as a division of DBCA)
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SEMC-BU	State Emergency management Committee - Business Unit
SEMP	State Emergency Management Policy/Plan/Procedure
SES	State Emergency Service
SEWS	State Emergency Warning Signal
SOP	Standard Operating Procedure
VFRS	Volunteer Fire and Rescue Service
WAPol	Western Australia Police Force

Pending Council Consent

APPENDIX 2: SHIRE OF BRIDGETOWN–GREENBUSHES DISTRICT MAP



APPENDIX 3: LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS - REQUIREMENTS



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APPENDIX 4 - Local Emergency Management Committee Members

Member	Title	Representing
Councillor	Chairperson	Shire of Bridgetown - Greenbushes
Sgt David WHITE	Deputy Chair	WA Police Bridgetown Police Station
Nicole Gibbs	CEO	Shire of Bridgetown - Greenbushes
	Shire Councillor	Shire of Bridgetown - Greenbushes
	Shire Councillor	Shire of Bridgetown - Greenbushes
Ms Glen Norris	Local Recovery Coordinator	Shire of Bridgetown - Greenbushes
	Deputy Local Recovery Coordinator	Shire of Bridgetown - Greenbushes
	Senior Ranger	Shire of Bridgetown - Greenbushes
Ben Armstrong	CESM	Shire of Bridgetown - Greenbushes
	Principal Environmental Health Officer	Shire of Bridgetown - Greenbushes
	Manager Finance & Administration	Shire of Bridgetown - Greenbushes
	Captain	Fire & Rescue Brigade
	Manager	Bridgetown SES Unit
	District Fire Coordinator - Blackwood District	DBCA
Greg Kennedy	Chief Bush Fire Control Officer + Talison Lithium	Shire of Bridgetown - Greenbushes
	Nurse Unit Manager	Bridgetown District Hospital
	Community paramedic	St John Ambulance
	Volunteer Ambulance Officer	St John Ambulance
	Team Leader	Department of Communities
	District Emergency Services Officer	Dept of Communities
	Warren Blackwood Education	Education Department
Phil Brandrett	Regional Superintendent – DFES Lower South-West	Dept Fire and Emergency Services
Patrick Dowling	Area Officer - Warren	Dept Fire and Emergency Services
	Community Engagement Officer	Dept Fire and Emergency Services
Phil Bresser	District Officer – Natural Hazards/SES	Dept Fire and Emergency Services
Erin Hutchins	District Emergency Management Advisor – South-West	Dept Fire and Emergency Services
	Operations Manager	Water Corporation
	Field Services Coordinator	Western Power
	Social Support Coordinator	CHC (Community Health Care)
	Senior Coordinator Bridgetown	CHC (Community Health Care
Australian Red Cross		

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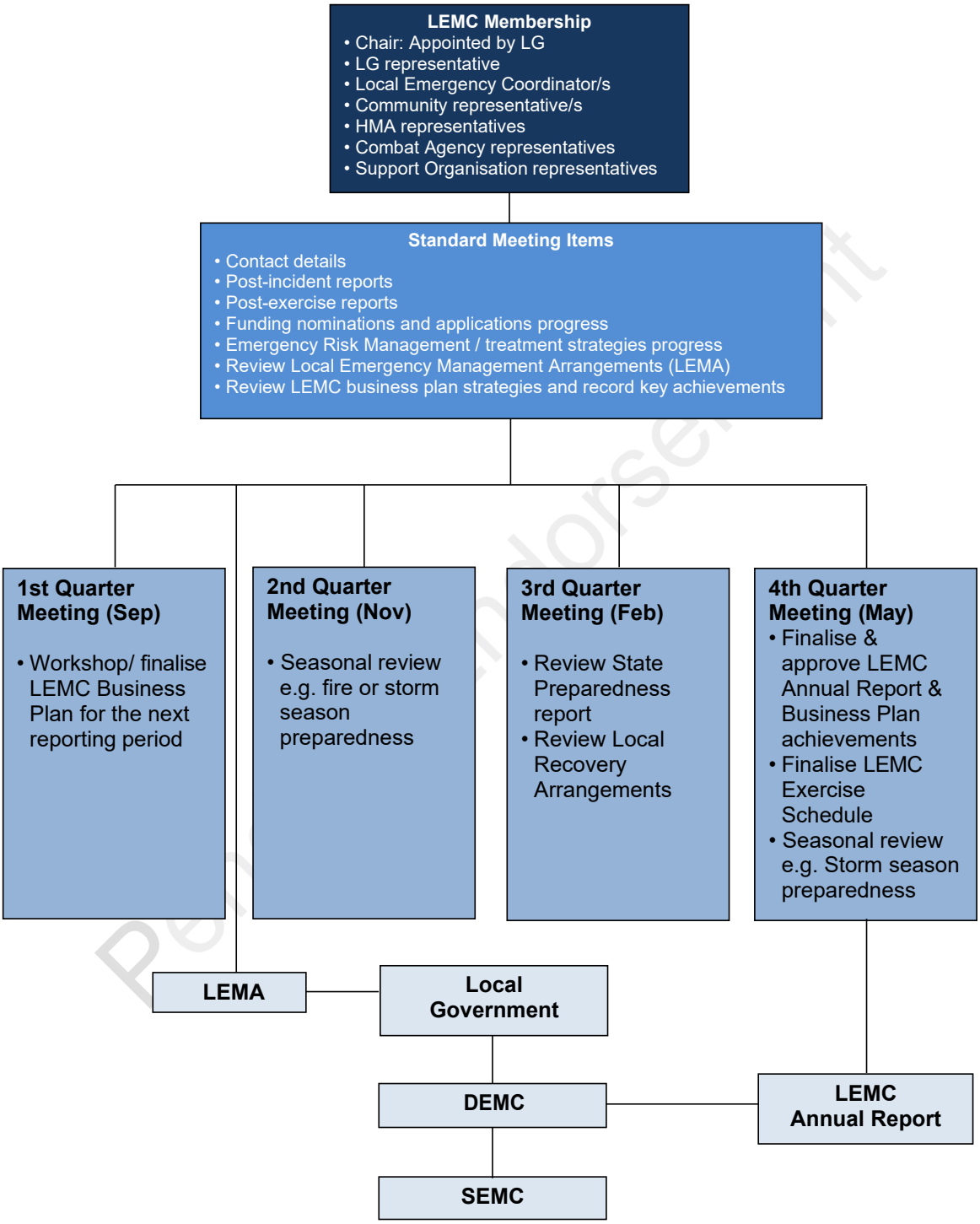
APPENDIX 5 - LEMC Meeting Business Cycle



APPENDIX 6 - Local Government Liaison Officer (LGLO)

Role and Responsibilities

The Shire of Bridgetown - Greenbushes will provide a Local Government Liaison Officer, on every occasion that an Incident Support Group (ISG) is formed by the Hazard Management Agency (HMA), or the Controlling Agency (CA). It is essential for the successful determination of the response to any emergency that the LGLO be available, to advise the Incident Controller (IC) and provide local resources where required. The specific roles and responsibilities of the LGLO are explained below:

Role

The LGLO is essentially an officer of the local government, holding either a managerial or executive position within that local government. They must be capable of making operational decisions and committing the resources on behalf of the local government.

Key Responsibilities

SEM Plan 5.1.7 – Incident Coordination sets out the structure and responsibilities of the Incident Support Group (ISG). The ISG is headed by the Incident Controller (IC) nominated by the Hazard management Agency (HMA), or the Controlling Agency, to manage the response to the emergency. The ISG consists of liaison officers from local organisations involved in the incident.

The key responsibilities of the LGLO is to:

- Make contact with the HMA, or Controlling Agency Incident Controller,
- Represent the local government at all ISG meetings,
- Provide the IC with timely information on local issues and key factors affecting response activities,
- Provide the IC with a copy of the Local Emergency Management Arrangements,
- Identify any vulnerable groups within the local government area,
- Provide information relating to community evacuation, welfare centres and community safe places,
- Coordinate local government resources,
- Gather information required to formulate an impact assessment of local government assets (bridges, roads, public buildings etc.),
- Coordinate the transition from response to recovery, on behalf of the local government, in partnership with the Local Recovery Coordinator.

Reporting to the ISG (LGLO)

The LGLO is responsible for providing the following information to the ISG:

- Local government response activities,
- Local government impact assessment (if/as known),
- Local government resource status,
- Any significant issues becoming apparent.

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Responsibilities of the IC to the LGLO

The IC of the HMA or Controlling Agency will provide the following information:

- Current situation reporting,
- Outcomes of the previous meeting (if not the first meeting),
- Details of significant issues or concerns,
- Assistance required,
- Record of outcomes of the meeting,
- Details of the next scheduled meeting.

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APPENDIX 7 - Vulnerable Groups

Schools and other Children's services

Group	Address	Phone	Capacity	
Bridgetown Camp School	90 Roe St B/Town	9761 1691	To 72	
Bridgetown Early Learning Centre	Cnr Steere & Roe Streets, Bridgetown	9761 1934	Up to 30	
Bridgetown High School	Steere Street Bridgetown	9761 0100	222	
Bridgetown Primary School	Roe Street Bridgetown	9761 1102	338	
Bridgetown Family	Cnr Steere & Roe	9761 2139	46	
Pia Group	Streets, Bridgetown			
Greenbushes Playgroup	Old Court House Blackwood Road Greenbushes			
Greenbushes Primary School	Blackwood Road Greenbushes	9764 3535	41	
St Brigid's Primary School	Roe Street Bridgetown	9761 1635	202	

Medial, Aged and other Facilities

Facility	Address	Phone	Capacity	
Bridgetown District Hospital	Peninsula Road Bridgetown	9782 1222	44	
Bridgetown Caravan park	SW Highway Bridgetown	9761 1900	284	
Geegeelup Village Hostel	Scott St Bridgetown	9761 1366	22	
Geegeelup Village Independent Living	Nelson/Scott/Allnut Sts Bridgetown	9761 1366	88	
Stinton Gardens Independent Living	70 Blackwood Rd Greenbushes	9771 7800	10	

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Refer to the Department of Communities - *Local Emergency Relief and Support Plan,* as ***Annexure E*** of these arrangements.

APPENDIX 8 - Evacuation Centres

Premises and Address	Contact Details	Alarm	Emergency Lighting Gas	Capacity	Showers	Toilets	Kitchen Facilities	Bedding	Disable Access	Parking	Pets	Hazards
BRIDGETOWN			**** DENOTES SHIRE OWNED FACILITIES**									
Town and Lesser Hall				400								
Town hall only				342								
Lesser hall only				103								
Bridgetown Civic Centre				166								
GREENBUSHES			**** DENOTES SHIRE OWNED FACILITIES**									
Town hall				80								
Yornup hall				80								

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APPENDIX 9 - Local Government Liaison Officer (LGLO) – Emergency Relief and Support

Roles and Responsibilities

The *Local Emergency Relief and Support Plan* will be activated by the Department of Communities (Communities), where emergency support is required for the community.

The support plan designates that the local government will provide a Local Government Liaison Officer (Emergency Relief and Support) at any welfare centres activated, as a result of an emergency.

The Shire of Bridgetown - Greenbushes Local Government Liaison Officer (LGLO) will liaise between the local government and the Communities Evacuation Centre Coordinator.

Duties of the LGLO (Emergency Relief and Support)

- Report to Communities - Evacuation Centre Coordinator (ECC),
- Where a local government-owned building has been identified as an Evacuation Centre, advise any local groups booked to use the centre, that their planned activities are cancelled, or moved to another location,
- Facilitate access to the Evacuation Centre for Communities,
- Facilitate the setup of the building,
- Organise cleaning and any building maintenance requirements for the centre, through the Shire of Bridgetown - Greenbushes,
- Liaise with all key support agencies located at the building, to ensure all needs (where possible) are met,
- Liaise with and assist organisations present at the centre, as requested by the Evacuation Centre Coordinator,
- Manage vehicle access and general traffic/parking issues and request support if required,
- Coordinate and source additional resources (tables, chairs, paper, computers) as requested by the ECC,
- Assist the ECC in managing any arising conflicts at the centre,
- Identify and organise personnel and additional resources, through the Local Recovery Coordinator as required,
- Attend all necessary briefings, as requested by the ECC,
- Keep a log of activities conducted at the Evacuation Centre,
- Carry out other duties, as requested by the ECC.

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APPENDIX 10 – Media Communications Template

Community Message Talking Points

Spokesperson _____ ***Position*** _____

Message timing

To be delivered at: _____ AM ☐ PM ☐

Media channel/s: _____

Target audience: Internal staff ☐

Community group/s _____

_____

Agency/s _____

Message Body

Introduction – discussion on current situation (to include 'No physical donations will be accepted', etc)

1 *What we Know*

2 *What we do not yet know*

3 *What we are doing*

4 *What we want you to do*

Reiterate main and salient points

Next message will be available at: _____

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APPENDIX 11 – SUPPORTING LEMA PLANS (ANNEXURES)

ANNEXURE A – RECOVERY PLAN
ANNEXURE B – LEMC TERMS OF REFERENCE
ANNEXURE C – EMERGENCY RISK MANAGEMENT STUDY – 2024
(including SHIRE HAZARD PLANS)
ANNEXURE E – COMMUNITIES – LOCAL RELIEF AND SUPPORT PLAN.

Pending Endorsement

Local Recovery Plan

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Shire of Bridgetown-Greenbushes

LOCAL RECOVERY PLAN

The Local Recovery Plan has been prepared in accordance with section 41(4) of the *Emergency Management Act 2005* (EM Act) and forms part of the Local Emergency Management Arrangements for the Shire of Bridgetown-Greenbushes. This plan has been endorsed by the Shire of Bridgetown-Greenbushes Local Emergency Management Committee (LEMC) and the Council of the Shire of Bridgetown-Greenbushes. This Plan has been tabled for noting with the South West District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC).

Chairperson LEMC Shire of Bridgetown-Greenbushes	Date
Endorsed by Council (Resolution Number)	Date

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Distribution

Organisation	Number of Copies
Shire Office and Public Library	1
Shire President (LEMC Chair)	1
Shire Chief Executive Officer	1
Community Emergency Services Manager	1
Local Recovery Coordinator and Deputy	1
District Emergency Management Committee	1
District Emergency Management Advisor	1
State Emergency Management Committee	1
Officer in Charge Bridgetown Police (Local Emergency Coordinator)	1
Bridgetown Hospital	1
Department of Communities	1
Department of Primary Industries and Regional Development	1
Department of Fire and Emergency Services – LSWRO	1
Department of Biodiversity, Conservation and Attractions	1
Department of Transport Western Australia	1
Shire Chief Bush Fire Control Officer	1
Volunteer Fire and Rescue Service	1
State Emergency Services Unit	1
St John Ambulance Service	1
Main Roads Western Australia	1
Western Power	1
Telstra	1
Silver Chain	1
Water Corporation	
Red Cross	1

Amendment Record

Number	Date	Amendment Summary	Author
1	May 2012	First Issue	Chris Sousa
2	Jan 2024	Complete Review	Glen Norris
3			

Feedback from Stakeholders will help to improve and ensure the accuracy and effectiveness of the Local Recovery Plan. Feedback and suggestions should be forwarded to:

Chairperson

Local Emergency Management Committee

Shire of Bridgetown-Greenbushes

1 Steere Street (PO Box 271)

Bridgetown WA 6255

Or via email to: btnshire@bridgetown.wa.gov.au

The Chairperson will refer any correspondence to the LEMC, for consideration and/or approval

1. Introduction

1.1 Purpose

The purpose of providing recovery arrangements and services is to assist the affected community towards management of its own recovery. This can be achieved by providing support to personal, business, environmental, family and community structures disrupted by the event and to facilitate the restoration of services to meet community expectations.

1.2 Objective

The objectives of recovery activities, as outlined in State Emergency Management Plan Section 6 are:

- To assist recovery at a personal, community, economic and environmental level;
- To ensure that recovery activities are community led;
- To ensure that available government and non-government support to affected communities is targeted;
- To assist communities to rebuild in a way that enhances social, economic and environmental values where possible;
- To improve resilience of the relevant communities; and
- To ensure that lessons learnt through the recovery process are captured and available to managers of future recovery processes.

1.3 Scope

The Local Recovery plan has been developed to ensure the community is able to recover from emergencies should they arise. It is not the intent of this document to detail the procedures for HMAs' or Combat Agencies in dealing with an emergency. These should be detailed in the HMAs' and Combat Agencies individual plans. Furthermore:

- This document applies to the local government district of Bridgetown-Greenbushes;
- This document covers areas where the Shire of Bridgetown-Greenbushes provides support to HMAs and Combat Agencies in the event of an incident;
- This document details the Shire of Bridgetown-Greenbushes' capacity to provide resources in support of an emergency, while still maintaining business continuity; and
- The Shire of Bridgetown-Greenbushes' responsibilities in relation to recovery management.

This plan is to serve as a guideline to be used at the local level. Incidents may arise that require action or assistance from district, state or federal level.

1.4 Recovery Principles

The Shire's LRP and its LRCG will be aligned to all aspects of recovery, incorporating the Australian national disaster recovery principles that are considered central to successful recovery, being:

Understanding the **CONTEXT**
The Shire recognises that successful recovery hinges on an understanding of its diverse and rich community heritage within its local government area, having its own history, values and dynamics and will always consider them.

Recognising **COMPLEXITY**
The Shire acknowledges the complex and dynamic nature of both emergencies and the diverse nature of its communities.

Using **COMMUNITY-LED** approaches
The Shire recognises that successful recovery is based on involving the community and commits to being responsive, flexible and engaging to support communities into the future.

COORDINATING all activities

The Shire will be the hub for a successful recovery ensuring a planned, coordinated and adaptive approach between communities, partner agencies and industry, based on continuing assessment of impacts and needs.

COMMUNICATING effectively

The Shire understands the imperative of effective communication for successful recovery and will ensure the Recovery Communication Plan (located as Appendix 3) is activated to ensure community and partners are always informed and heard.

Building **CAPACITY**

The Shire appreciates that successful recovery recognises, supports and builds on individual community and organisational capacity and resilience and, at every opportunity, will allow programs and processes to do this.

2. Related Documents and Arrangements

The Shire of Bridgetown-Greenbushes Local Recovery Plan is a sub-plan of the Shire of Bridgetown-Greenbushes Emergency Management Arrangements and as such should not be read in isolation to these arrangements. They are part of the Shire of Bridgetown-Greenbushes EmergencyRisk Management process and interface with other emergency management plans and recovery plans at District and State levels. The following documents are related to this Plan:

- Shire of Bridgetown-Greenbushes Local Emergency Management Arrangements
- Local Emergency Relief and Support Plan – Manjimup Office Region
- State Support Plan – Emergency Relief and Support
- Shire of Bridgetown-Greenbushes Community Evacuation Plan

2.1 Agreements, Understandings and Arrangements

The following agreements (Memorandums of Understanding) are in place between the Shire of Bridgetown-Greenbushes and other local governments, organisations and industries in relation tothe provision of additional resources in recovery.

- Member Councils of the South-West Zone, Western Australian Local Government Association, for the provision of mutual aid during emergencies and post incident recovery.
- Regional Resources Register, which identifies a resource sharing arrangement between the Shires of Bridgetown-Greenbushes, Donnybrook Balingup, Manjimup and Boyup Brook, for the shared use of plant and equipment during emergency events.

3. Resources

3.1 Recovery Coordination Centre

The location of the Recovery Coordination Centre will be the **administration office of the Shire of Bridgetown-Greenbushes**, or if not available, an area deemed suitable by the local government.

3.2 Information Centre/One Stop Shop

An Information Centre / One Stop Shop will be established when required by the LRCG. Its purpose is to provide the affected community with access to recovery services, information and assistance. Possible locations include:

Name	Location
Bridgetown Lesser Hall	1 – 3 Steere Street, Bridgetown
Bridgetown Leisure Centre	95 Steere Street, Bridgetown
Bridgetown CRC	150 Hampton Street, Bridgetown
Greenbushes CRC	Blackwood Road, Greenbushes

3.3 Financial Arrangements

The primary responsibility for safeguarding and restoring public and private assets affected by an emergency rest with the owner, who needs to understand the level of risk and have appropriate mitigation strategies in place.

However, the Shire of Bridgetown-Greenbushes recognises that communities and individuals do not always have the resources to provide for their own recovery and financial assistance is available in some circumstances.

3.4 Financial Management

Sound financial management is essential for maintaining the momentum of the recovery effort and for promoting public and State and Federal Government confidence in the recovery effort.

Financial management in the recovery phase could include acquisition, distribution and accounting for funds. It should ensure:

- The streamlining of financial processes is being undertaken in an open and transparent manner;
- Cooperation between private and public sectors; and
- Appropriate levels of financial response are being achieved.

Appeals for donations of physical items such as food and furniture should be discouraged unless specifically requested through the Local Recovery Coordination Group.

Donations including physical items and offers of services and labour (other than monetary donations) should be directed through GIVIT.

Financial funding during an emergency could be obtained through a variety of agencies, sources and groups. Primarily the main sources of financial assistance are outlined below;

- Lord Mayors Distress Relief Fund (LMDRF)
- Disaster Recovery Funding Arrangements Western Australia (DRFAWA)

- Services Australia (Centrelink)

3.5 Expenditure of Shire Funds During Recovery

Should Shire funding be required during an emergency situation for recovery purposes the Shire of Bridgetown-Greenbushes will utilise funding within its existing budgets to cover the cost of these expenses.

It should be noted that as per section 6.8 of the Local Government Act 1995 that "A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by the mayor or president in an emergency and it Is to be reported to the next ordinary meeting of the council".

The *State Emergency Management Policy* section 6 and *State Emergency Management Plan* section 6 outlines the States recovery funding arrangements. Relief programs include:

- Disaster Recovery Funding Arrangements Western Australia (DRFAWA)
- Services Australia (Centrelink); and
- Lord Mayors Distress Relief Fund (LMDRF).
- Non-Government Organisations in some circumstances can provide assistance by way of emergency relief funds, shelter, accommodation or household supplies.

3.6 Rural Aid Australia

Rural Aid provide farmers and communities with critical support before, during and after local emergencies.

Relief programs include:

- Farm Army Volunteers – assisting farmers in times of hardship
- Rural Aid Counselling – face to face and phone counselling to farmers and their families
- Stronger Futures – access to mental wellbeing services, supporting the implementation of sustainability initiatives, and facilitation of knowledge creation, innovation and sharing.

4. Roles and Responsibilities

4.1 Recovery Initiation

The Chair of the LRCG and the LRC will be briefed by the Incident Controller and will attend initial Incident Management Team meetings to determine the extent and impact of the emergency incident. The Controlling Agency will provide an incident impact statement form after which the LRC will convene a meeting with core members of the LCRG.

The role and responsibilities of those involved in recovery are outlined below.

4.2 Local Recovery Coordinator (LRC)

Role

The Local Recovery Coordinator coordinates local level recovery activities in conjunction with the Local Recovery Coordination Group and in accordance with the plans, strategies and policies determined by the Local Recovery Coordination Group.

Ms Glen Norris has been appointed as the Local Recovery Coordinator in accordance with the EM Act s. 41(4). The required deputy will act in the role when the primary appointee is unavailable when an emergency occurs. Cr Tony Pratico has been appointed as the Deputy Local Recovery Coordinator.

The Local Recovery Coordinator is responsible for the development and implementation of the recovery arrangements for the local government.

The functions of the Local Recovery Coordinator are outlined in Attachment 1 - Aide Memoire – Local Recovery Coordinator. This Aide Memoire also includes a Local Recovery Coordinator Action Checklist.

Training

As a minimum standard, the Recovery Coordinator and Deputy Recovery Coordinator should undertake relevant training such as Emergency Management courses through WALGA.

4.3 Local Recovery Coordination Group (LRCG)

Role

The role of the Local Recovery Coordination Group is to coordinate and support local management of the recovery processes within the community in conjunction with the Local Recovery Coordinator.

Core Membership

The following agencies comprise the core membership of the Shire of Bridgetown-Greenbushes Recovery Group. However, it is recognised that the Recovery Committee membership will be dictated by the emergency situation being experienced.

- Shire of Bridgetown-Greenbushes
  - LEMC Chairperson,
  - Shire of Bridgetown-Greenbushes Chief Executive Officer
  - Shire President
  - Local Recovery Coordinator
  - Deputy Recovery Coordinator
  - Executive Manager Corporate Services
  - Executive Manager Planning & Development
  - Executive Manager Infrastructure
  - Media Liaison, Shire of Bridgetown-Greenbushes Communications Officer
  - Admin Support, supplied by the Shire of Bridgetown-Greenbushes
- District Emergency Management Advisor

- Department of Communities
- Services Australia (Centrelink)
- Australian Red Cross
- Country Women's Association
- Chamber of Commerce and Industries
- Water Corporation
- Main Roads
- Telstra
- Western Power (Synergy)
- Silver Chain
- Department of Environment and Conservation
- Department of Agriculture and Food WA (DPIRD)
- Department of Health
- Department of Education
- Lions Club
- Rotary Club
- Department of Planning
- Department of Transport
- Combined Churches Group
- Other community representatives as identified

The functions of the Local Recovery Coordination Group are outlined in Attachment 2 - Aide Memoire – Local Recovery Coordination Group. This Aide Memoire also includes a Local Recovery Coordination Group Action Checklist.

NOTE: It should be noted that depending on the level of recovery, representatives from some of the above Agencies/Organisations may not be required to form part of the LRCG.

4.4 Local Recovery Coordination Group Subcommittees (Where Required)

It may be appropriate to consider establishing one or more subcommittees to assist the Local Recovery Coordinator and Coordination Group by addressing specific components of the recovery process

Consideration will be given to establishing the following subcommittees, across the four environments (social, built, economic and natural), depending on the nature and extent of the recovery:

Social Environment Subcommittee

The social environment considers the impact an event may have on the health and wellbeing of individuals, families and communities. This environment is primarily concerned with safety, security, shelter, health and psychosocial wellbeing.

Role

- To provide advice and guidance to assist in the restoration and strengthening of community wellbeing post the event (i.e. one stop shop);
- To facilitate understanding on the needs of the impacted community in relation to community wellbeing;
- To assess and recommend priority areas, projects and events to assist with the recovery process in the immediate and short term regarding the restoration and strengthening of community wellbeing;
- To ensure the affected community is informed and involved in the recovery processes so actions and programs match their eds (i.e. community meetings, newsletters etc.)
- To assess and recommend medium- and long-term priority areas to the local government for consideration to assist in the restoration and strengthening of community wellbeing; and
- To facilitate a public event of acknowledgement and community closure.

Natural Environment Subcommittee

The natural environment considers the impact that an event may have on a healthy and functioning environment, which underpins the economy and society. Components of the natural environment include air and water quality land degradation and contamination plant and wildlife damage/loss national parks, cultural and heritage sites.

Role

- To provide advice and guidance to assist in the restoration of the natural environment post the event;
- To facilitate understanding of the needs of the impacted community in relation to environmental restoration;
- To assess and recommend priority areas, projects and community education to assist with the recovery proves in the immediate and short-term regarding the restoration of the environment including weed management and impacts on wildlife; and
- To assess and recommend medium- and long-term priority areas to the local government for consideration to assist in the restoration of the natural environment in the medium to long term.

Built Environment Subcommittee

The built environment considers the impact that an event may have on essential physical infrastructure — those man-made assets that underpin the functioning of a community.

Role

- Assist in assessing requirements and priorities for the restoration of services and facilities in conjunction with the responsible agencies where appropriate;
- To provide advice and assist in the coordination of the restoration of infrastructure assets and essential services damaged or destroyed during the emergency;
- To assess and recommend priority infrastructure project to assist with the recovery process in the immediate and short, medium and long term; and
- Gather evidence to support any requests for government assistance.

Economic Environment Subcommittee

The economic environment considers the impact that an event may have on the economic position of the area, and sometimes the broader region, affected by an event. For recovery management purposes it is useful to evaluate the direct and indirect impacts.

Role

- Develop and review financial strategies for the recovery process;
- Develop and maintain communications with financial and insurance agencies; and
- To make recommendations to the Lord Mayor's Distress Relief Fund (LMDRF) and other charity funds as required on the elderly and equitable disbursement of donations and offers of assistance to individuals having suffered personal loss and hardship as a result of the event.

Communications Subcommittee

The social connectedness of the communities is based on communication processes. During emergencies these communication channels can be broken and/or disrupted. This may result in disaster-affected people feeling disconnected and isolated for extensive periods of time from their families and friends, existing community networks, and health and social services.

Employing effective communication is a key principle of disaster recovery and is critical to

facilitating community involvement and ensuring a sustainable process. Underpinning the delivery of all community-based recovery services is the need for an effective communications strategy (which includes the provision of timely and easily accessible public information) and effective community engagement activities to facilitate two-way information flow. (Community Recovery Handbook 2).

Role

- Develop and maintain a communications plan in consultation with the LRCG and the subcommittees.
- Ensure a uniformed approach to community information is being undertaken between all state and local agencies, departments groups and services.
- Manage media requirements in a timely and coordinated manner; and
- Efficiently and effectively disseminate accurate and approved information to the affected community

5. Operational Recovery Plan

The Operational Recovery Plan at Attachment 3 must be completed by the LRC, in consultation with LCRG members, and is informed by a community impact statement. Methods for obtaining community feedback and establishing priority needs are considered in the Stakeholder Communication Plan.

6. Communication Plan

Key groups who need to receive recovery information, the methods available and potential locations where information can be provided are detailed below

WHO needs information?	WHAT communication methods and how will they be used?	WHERE will the information be provided?
Community Recovery Workers	Email, Face-to-face meetings, Microsoft Teams	Recovery and Sub-committee meetings held at the Shire and via Microsoft Teams
Affected Community	Public Meeting, One-Stop-Shop, Email through Rates database, phone calls, Shire Website	Public Meeting at One-stop-shop location and Shire Website
General Community	Public Meeting, One-Stop-Shop, Shire Website, Social Media, Local paper, Email (to subscribers)	Public Meeting (face-to-face and livestream) One-stop-shop location, Shire Website Shire Social Media Electronic sign outside
At Risk Groups	Public Meeting, Email, phone calls, Sub-committee meetings, At Risk Register	Public Meeting at One-stop-shop location, Shire Website Shire Social Media
Absentee Landowners	Email and letter through Rates database, Shire website	Shire Website Shire Social Media
Tourists	Public Meeting, local paper, Social Media, Shire website	Public Meeting at One-stop-shop location Shire Website Shire Social Media

6.1 Coordination of Public Information

Successful recovery is built on effective communication with affected communities and other stakeholders. Public information that is disseminated by Shire must:

- Be coordinated through the Communications Subcommittee and be approved by the Shire

CEO and/or Shire President;
- Ensure that all communication is relevant, timely, clear, accurate, targeted, credible and consistent;
- Recognise that communication with a community should be two-way, and that input and feedback should be sought and considered over an extended time;
- Ensure that information is accessible to audiences in diverse situations, addresses a variety of communication needs, and is provided through a range of media and channels;
- Be in line with establish mechanisms for coordinated and consistent communication with organisations and individuals; and
- Repeat key recovery messages because information is more likely to reach community members when they are receptive.

6.2 Communicating Change

Where recovery priorities or actions are likely to change or be controversial, those affected have the right to learn about it firsthand and to participate in the decision-making process. Face to face communication will be facilitated at both public meetings and private meetings with impacted residents/organisations.

6.3 Managing the Media

During the emergency, information used in the communication response must be controlled. The Shire media process must be adhered to so that all facts are accurate and that their release is authorised. The LRC is responsible for enforcing this procedure, which is detailed below.

Having one authorised spokesperson during a crisis ensures that communication with the media and audiences is consistent, transparent and controlled.

The identified spokesperson for the Shire of Bridgetown-Greenbushes is the President and/or the CEO of the Shire of Bridgetown-Greenbushes.

They must have the updated facts and be both available and prepared to manage media relations. This will involve responding to media enquiries and speaking on behalf of the Shire of Bridgetown-Greenbushes at media briefings or conferences.

6.4 General Enquiries

Frontline employees from the Shire of Bridgetown-Greenbushes must be prepared to receive enquiries from a range of stakeholders. The Shire will ensure that frontline staff are provided with a script based on the key messages and a brief on the communication policies. Other than approved spokespeople, no Shire staff are authorised to make comment to any stakeholder beyond the scope of the scope of the script and these documents. If the enquiry requires further information or comment, the caller or visitor must be transferred to an authorised spokesperson. If the frontline employee is unable to transfer the caller to the appropriate person, a message needs to be taken so that the call can be returned as soon as possible. In brief, the procedure for Shire personnel in handling enquiries is:

- Inform the person that you are not an authorised spokesperson and cannot provide comment or detailed information;
- Correctly take a message including the nature of the enquiry and the deadline; and
- Ensure that the appropriate person receives the message and returns the call within a timely manner.

6.5 Enquiries from Concerned Relatives and Friends

Enquiries from concerned relatives and friends must be directed to the Department of Communities (Communities) or the Police. At all times you should:

- Establish the caller/visitors relationship to the person being enquired about;
- Demonstrate care and listen to their concerns;
- Provide reassurance that all necessary actions are being undertaken to manage the

situation;

- Remain calm; and
- If you receive an enquiry about someone who is injured, deceased or unaccounted for, you must ensure that the HMA or Police are advised of the enquiry as soon as possible.

6.6 Inspections and Need Assessments

Shire officers and representatives from other agencies are likely to conduct inspections of the disaster affected area to obtain recovery information on welfare, infrastructure, assets and the environment to help with the recovery effort.

Where possible agencies must work together in a coordinated approach with/or within the LCCG the ensure:

- Duplication is avoided and resources are not wasted;
- Identified priorities are given precedence;
- Data collected is not lost and disseminated to all relevant agencies; and
- The community is approached in a uniform manner and not overwhelmed by multiple surveys, inspections etc.

7. Recovery Closeout (Withdrawal)

7.1 Withdrawal of Services

A critical aspect of the recovery management process is the withdrawal of external services. If not managed successfully, the positive effects of recovery to date may be undone. Planned and timely withdrawal will include community involvement and reduce the likelihood of a void being left post-recovery. The Chair of the LRCG, in consultation with the LRC, will stand down the LRCG when it is no longer required.

Withdrawal should also take into account the handover of responsibilities from the LRCG:

- to community groups where appropriate
- when the community can support itself
- to the Shire and other agencies to assume delivery of normal services.

Also, a coordinated approach to withdrawal should be planned and carried out. This may include actions such as:

- communication back to the community of positive outcomes and achievements
- media releases or conferences
- public events (meetings, community days / fairs) to recognise the community's return to normal.

7.2 Lessons Learnt

Recovery team member debriefing sessions are a key tool in assessing the effectiveness of the response and the performance of team members in their various functions. These sessions allow team members to discuss issues they encountered during recovery, and how the management of stress during a difficult time. The LRC will arrange to debrief all staff and organisations after each is stood down.

The LRC will prepare and table a report for the LRCG. The report will include lessons learnt and will initiate a post-incident review and update of the Local Recovery Plan. A copy of the report will be forwarded to the Local Emergency Management Committee (LEMC), the District Emergency Management Committee (DEMC), the Chair of the State Emergency Management Committee (SEMC) Recovery Services Sub-Committee and the Hazard Management Agency.

ATTACHMENT 1 – Aide Memoire – Local Recovery Coordinator

Local Recovery Coordinator Aide Memoire

Local governments are to nominate a suitably skilled Local Recovery Coordinator in their Local Emergency Management Arrangements. More than one person should be appointed and trained in case the primary Local Recovery Coordinator is unavailable during an event.

ROLE

The Local Recovery Coordinator is responsible for the development and implementation ofrecovery arrangements for the local government, in conjunction with the Local Recovery Coordination Group (LRCG).

FUNCTIONS

Pre-Event

- Prepare, maintain and test the Local Recovery Plan in conjunction with the local government for endorsement by the Council of the local government;
- Ensure community engagement in recovery arrangements and increase community involvement in recovery preparedness, awareness and resilience;
- Identify vulnerable people within the community such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people;
- Consider potential membership of the LRCG prior to an event occurring;

During Event

- Consult with the Controlling Agency regarding attending appropriate response meetings such as: Incident Management Team, Incident Support Group and Operational Area Support Group meetings;
- Consider membership of the LRCG, during an emergency, that is event specific, based on the four recovery environments: social, built, economic and natural, or as required;
- Ensure the Controlling Agency with responsibility for the response to an emergency, starts recovery activities during that emergency;
- Consult with the Controlling Agency on completing the Impact Statement prior to transfer of responsibility for recovery to the affected local government(s);

Post-Event

- Provide advice to the Mayor/Shire President and Chief Executive Officer (CEO) on the need to convene the LRCG and provide advice to the LRCG, if established;
- Ensure the local government provides LRCG with Executive Officer and administrative support, such as meeting agenda, minutes, financial and administrative recordkeeping;
- Determine the required resources for effective recovery in consultation with the LRCG;
- Coordinate local level recovery activities for the event, according to the plans, strategies and policies determined by the LRCG;
- Monitor the progress of recovery and provide periodic reports to the LRCG and State Recovery Coordination Group, if established;

- Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally;
- Arrange for the conduct of an operational debriefing of all participating agencies and organisations as soon as possible after the arrangements have ended;
- Arrange an evaluation of the effectiveness of recovery activities, within 12 months of the emergency, to ensure lessons are captured and available for future managers; and
- Provide recovery evaluations to the State Recovery Coordinator and the State Emergency Management Committee (SEMC).

MEMBERSHIP

The Local Recovery Coordinator is to consider potential membership of the LRCG prior to an event occurring. During an emergency, consider membership of the LRCG that is eventspecific. The following agencies and organisations may have a role on the LRCG.

Core Members

- Local Recovery Coordinator;
- Deputy Recovery Coordinator;
- key local government staff and elected members;
- Controlling Agency;
- District Emergency Management Advisor; and
- local government networks, community members and community groups/associations /committees, e.g. environmental groups, farming groups, faith groups, sporting clubs, Aboriginal groups, schools, chambers of commerce and industry, etc.

Potential Members – Event Specific

- Australian Red Cross;
- Chamber of Commerce and Industry WA / Small Business Development Corporation;
- Department of Biodiversity, Conservation and Attractions;
- Department of Communities;
- Department of Education (or Local School Representative);
- Department of Fire and Emergency Services (DFES);
- Department of Health (or Local Health Services Provider/Officer);
- Department of Local Government, Sport and Cultural Industries;
- Department of Planning, Lands and Heritage;
- Department of Primary Industries and Regional Development;
- Essential Services Network Operators Reference Group representative;
- Essential Services such as:
  - Telstra Corporation;
  - Water Corporation; and
  - Western Power.
- Insurance Council Australia;
- Main Roads Western Australia;
- Public Information Reference Group representative;
- Volunteering WA;
- Western Australia Police Force; and
- Western Australian Local Government Association.

Support Services to LRCG

The following agencies and organisations may provide support and advice to the LRCG ona range of topics such as the: Impact Statement; State Recovery Cadre; Disaster Recovery Funding Arrangements Western Australia; environmental protection, clean up and waste management; Public Donations criteria for financial assistance; etc.:

- State Recovery (DFES);
- Department of Water and Environmental Regulation; and
- Lord Mayor's Distress Relief Fund (City of Perth).

Local Recovery Coordinator Action Checklist

(Please note this listing is a guide only and is not exhaustive)

(Timeframes are approximate only)

Task Description	
Prior to Emergency	
Promote community awareness and engagement in recovery planning including involvement in development of Local Recovery Plan.	
Prepare, maintain and test Local Recovery Plan in conjunction with local government for endorsement by the Council.	
Ensure the completed Local Recovery Plan clarifies any recovery and operational agreements made between local governments (i.e. Memorandums of Understanding, loan staff, equipment sharing); roles and responsibilities; and records of all recovery expenditure.	
Identify special needs people such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people, and isolated and transient people.	
Consider potential membership of the Local Recovery Coordination Group (LRCG) prior to an event occurring based on the social, built, economic and natural environments, or as required.	
Within 48 hours	
Contact and alert key local contacts.	
Liaise with Controlling Agency and participate (or nominate a suitable local government representative i.e. Local Recovery Coordinator, executive staff or CEO) in the incident management arrangements, including the Incident Support Group and Operations Area Support Group where appropriate.	
Where more than one local government is affected, a coordinated approach should be facilitated by the Local Recovery Coordinators and supported by the State Recovery Coordinator, as required.	
Ensure an understanding of known or emerging impacts from the Impact Statement provided by the Controlling Agency.	
Consult the Department of Primary Industries and Regional Development on special arrangements to manage the welfare of wildlife, livestock and companion animals.	
Ensure Controlling Agency starts recovery activities during the response to that emergency.	
Provide advice to the Mayor/Shire President and CEO on the requirement to convene the LRCG and provide advice to the LRCG if convened.	
During an event, consider membership of the LRCG that is event specific, based on the social, built, economic and natural environments, or as required.	
Consider support required such as resources to maintain records, including a record/log of events, actions and decisions.	
Ensure the local government provides LRCG with an Executive Officer and administrative support, such as meeting agenda, minutes, financial and administrative recordkeeping (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Facilitate community meetings/briefings to provide relevant recovery information include, as applicable, Controlling Agency, State government agencies and other recovery agencies.	
Brief media on the recovery program throughout the recovery process, ensuring accurate and consistent messaging (use the local government's media arrangements, or seek advice or	

support from DFES State Recovery).	
Develop and implement an event specific Communication Plan, including public information, appointment of a spokesperson and the local government's internal communication processes.	
Within 1 week	
Consider fatigue management for self and recovery staff throughout all recovery (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Consult with Controlling Agency on completing the Impact Statement before the transfer of responsibility for management of recovery to the local government.	
In conjunction with the Controlling Agency and other responsible agencies, assess the community's recovery requirements. Coordinate activities to rebuild, restore and rehabilitate the social, built, economic, natural and psychosocial wellbeing of the community.	
Liaise and meet with specific emergency management agencies involved with recovery operations to determine priority actions.	
Assess for the LRCG, the requirements for the restoration of services and facilities with assistance of the responsible agencies, where appropriate.	
Contact the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) Officers to determine if the event is eligible under the DRFAWA, and if so ensure an understanding of what assistance measures are available and the process requirements for assistance.	
Understand eligible criteria and payment procedures of the Lord Mayor's Distress Relief Fund, if activated. Payments are coordinated through the local government to affected individuals.	
Report on likely costs and establish a system for recording all expenditure during recovery (includes logging expenditure, keeping receipts and providing timesheets for paid labour).	
Determine the acquisition and appropriate use of resources necessary for effective recovery.	
Consider establishing a call centre with prepared responses for frequently asked questions.	
Determine level of State involvement in conjunction with the local government and the State Recovery Coordinator.	
Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally.	
Ensure recovery activities are consistent with the National Principles for Disaster Recovery.	
Within 1 to 12 months (or longer-term recovery)	
Monitor the progress of recovery and provide periodic reports throughout the recovery effort to the LRCG and State Recovery Coordination Group, if established.	
Ensure recovery projects that support the social, built, economic and natural recovery environments are community-led and targeted to best support affected communities.	
Arrange for an operational debriefing of all participating agencies and organisations as soon as possible after the arrangements have ended.	
Arrange for an evaluation of the effectiveness of recovery within 12 months of the emergency to make sure lessons are captured and available for future managers.	
Provide recovery evaluations to the State Recovery Coordinator to refer to the SEMC for review. Evaluations can involve community and stakeholder surveys, interviews, workshops, and assessment of key project outcomes.	
Social and personal support services are likely to be required in the longer term and the need for a considerable period of psychosocial support (often several years) should be planned for.	

ATTACHMENT 2 – Aide Memoire – Local Recovery Coordination Group

Local Recovery Coordination Group Aide Memoire

Local government may establish a Local Recovery Coordination Group (LRCG) as the strategic decision-making body for recovery during an emergency within its district.

ROLE

The LRCG is to coordinate and support local management of the recovery processes by assessing the consequences of the event and coordinating recovery activities to rebuild, restore and rehabilitate the social, built, economic and natural environments within the community during an emergency event.

FUNCTIONS

- Assess the Impact Statement for recovery requirements based on the social, built, economic and natural wellbeing of the community with assistance of the Controlling Agency where appropriate;
- Monitor known or emerging impacts using existing incident reports e.g. Impact Statement, Incident Support Group/Operational Area Support Group/Rapid damage assessment reports, HAZMAT reports, etc.
- Report on likely costs and impacts of recovery activities and establish a system for recording all recovery expenditure;
- Confirm whether the event has been declared an eligible natural disaster under the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) and, if so, what assistance measures are available;
- Understand the State and Commonwealth relief programs such as, DRFAWA, Centrelink and the Lord Mayor's Distress Relief Fund if activated;
- Establish subcommittees that consider the four recovery environments social, built, economic and natural, or as required;
- Prepare a Communications Plan where appropriate;
- Depending on the extent of damage, develop an event specific Operational Recovery Plan which allows full community participation and access, as well as:
  - taking account of the local government's long-term planning and goals; and
  - assessing which recovery functions are still required, timeframes and responsibilities for completing them.
- Consider the needs of youth, the aged, people with disabilities, Aboriginal people, isolated groups or individuals and culturally and linguistically diverse people;
- Oversee projects that support the social, built, economic and natural environments of recovery to ensure that they are community-led and targeted;
- Provide advice to the State and local government to ensure that recovery programs and services meet the needs of the community;
- Negotiate most effective use of State and Commonwealth agencies' resources;
- Monitor the progress of recovery and request periodic reports from recovery agencies;

- Provide recovery public information, information exchange and resource acquisition;
- Coordinate offers of assistance, including volunteers, services and donated money;
- Coordinate a multi-agency approach to community recovery by providing a central point of communication and coordination for recovery services and projects;
- Make appropriate recommendations, based on lessons learnt, to the Local Emergency Management Committee to improve the community's recovery preparedness;
- Ensure the local government's existing Local Recovery Plan is reviewed and amended after an event in which the Local Recovery Plan was implemented.

MEMBERSHIP

Core Members

- Local Recovery Coordinator;
- Deputy Recovery Coordinator;
- key local government staff and elected members;
- Controlling Agency;
- District Emergency Management Advisor; and
- local government networks, community members and community groups/associations /committees, e.g. environmental groups, farming groups, faith groups, sporting clubs, Aboriginal groups, schools, chambers of commerce and industry, etc.

Potential Members – Event Specific

Appropriate membership for the LRCG must be determined for the specific emergency event. The following agencies and organisations may have a role on the LRCG:

- Australian Red Cross;
- Chamber of Commerce and Industry WA / Small Business Development Corporation;
- Department of Biodiversity, Conservation and Attractions;
- Department of Communities;
- Department of Education (or Local School Representative);
- Department of Fire and Emergency Services (DFES);
- Department of Health (or Local Health Services Provider/Officer);
- Department of Local Government, Sport and Cultural Industries;
- Department of Planning, Lands and Heritage;
- Department of Primary Industries and Regional Development;
- Essential Services Network Operators Reference Group representative;
- Essential Services such as:
  - Telstra Corporation;
  - Water Corporation; and
  - Western Power/Horizon Power.
- Insurance Council Australia;
- Main Roads Western Australia;
- Public Information Reference Group representative;
- Volunteering WA;
- Western Australia Police Force; and
- Western Australian Local Government Association.

Support Services to LRCG

The following agencies and organisations may provide support and advice to the LRCG ona range of topics such as the: Impact Statement, State Recovery Cadre, Disaster Recovery Funding Arrangements Western Australia, environmental protection, clean up and waste management, Public Donations criteria for financial assistance etc.

- State Recovery (DFES);
- Department of Water and Environmental Regulation; and
- Lord Mayor's Distress Relief Fund (City of Perth).

LOCAL RECOVERY COORDINATION GROUP ACTION CHECKLIST

(Please note this listing is a guide only and is not exhaustive)

(Timeframes are approximate only)

Task Description	
Within 1 week	
Ensure an understanding of known or emerging impacts from the Impact Statement provided by the Controlling Agency.	
Determine priority recovery actions from Impact Statement and consult with specific agencies involved with recovery operations.	
District Emergency Management Advisor(s) to be included on Local Recovery Coordination Group to provide recovery advice and support to the Group throughout recovery, as required.	
Assess recovery requirements and coordinate activities to rebuild and restore the social, built, economic, natural and psychosocial wellbeing of the affected community.	
Determine need to establish subcommittees based on the four recovery environments: social, built, economic and natural, as required. Determine functions and membership as needed.	
Report likely costs and establish a system for recording all expenditure during recovery (includes logging expenditure, keeping receipts and providing timesheets for paid labour).	
Determine the acquisition and appropriate use of resources necessary for effective recovery.	
Consider recovery information and arrangements for special needs groups and individuals such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people; and isolated and transient people.	
Brief media on the recovery program throughout recovery process, ensuring accurate and consistent messaging (use the local government's media arrangements, or seek advice and support from DFES State Recovery).	
Develop and implement an event specific Communication Plan, including public information, appointment of a spokesperson and the local government's internal communication processes.	
Ensure recovery activities are consistent with the National Principles for Disaster Recovery.	
Within 1 month	
Consider fatigue management for self and recovery staff throughout all recovery (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Confirm if the event has been proclaimed an eligible natural disaster event under the Disaster Recovery Funding Arrangements Western Australia and if so ensure an understanding of what assistance measures are available and the process requirements for assistance.	
Consider establishing a call centre with prepared responses for frequently asked questions.	
Develop an Operational Recovery Plan which determines the recovery objectives and requirements, governance arrangements, resources and priorities.	
Establish a 'one-stop shop' recovery centre to provide the affected community with access to recovery services, information and assistance.	
Coordinate all offers of assistance from non-government organisations, volunteers, material aid, appeals and donated money to avoid duplication of effort.	
Understand eligible criteria and payment procedures of the Lord Mayor's Distress Relief Fund, if activated. Payments are coordinated through the local government to affected individuals.	
Activate outreach program to meet immediate needs and determine ongoing needs. Consider the need for specialist counselling, material aid, accommodation and financial assistance (liaise with the Department of Communities).	

Manage restoration of essential infrastructure.	
Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally.	
Monitor the progress of recovery and receive periodic reports from recovery agencies.	
Within 12 months (or longer-term recovery)	
Social and personal support services are likely to be required in the longer term and the need for a considerable period of psychosocial support (often several years) should be planned for.	
Ensure recovery projects that support the social, built, economic and natural recovery environments are community-led and targeted to best support affected communities.	
Implement transitioning to mainstream services.	

ATTACHEMENT 3 – Operational Recovery Plan

SECTION 1

INTRODUCTION
Background
An emergency was declared for the Shire of Bridgetown-Greenbushes on <<date>> after <<incident>> The cause was <<details>>. Details of damage are <<details>>
Aim of the Plan
Providing a strategy for expedient and effective recovery for affected and general community
Authority
The Shire of Bridgetown-Greenbushes Local Recovery Coordination Group is the authority for this plan Pursuant to s.36(b) and (c) of the *Emergency Management Act 2005* (Act), functions of a localgovernment include: (b) to manage recovery following an emergency affecting the community in its district; and (c) to perform other functions given to the local government under this Act

SECTION 2

ASESSMENT OF RECOVERY REQUIREMENTS	
Impacts	
Impacts	**Details**
Death / Injury	<<insert number>> of deaths <<insert number>> of injuries
Displaced Persons	<<insert number>> of displaced persons
Residential Impacts	<<insert number>> of damaged homes <<insert number>> of destroyed homes <<insert number>> of destroyed buildings/structures other than homes <<insert number>> of damaged buildings/structures other than homes
Industrial /Business	<<list businesses>> directly impacted by / damaged / destroyed
Primary Industry	<<list details>> of length of boundary fences, number of head of livestock, beehives, wineries, plantations directly impacted / damaged /destroyed

Impacts	Details
Community Assets	<<list details>> of community assets (e.g. community halls etc.) directlyimpacted / damaged / destroyed
Transport	<<list transport routes>> directly impacted / damaged / destroyed
Essential Services	<<detail impact to essential services>> i.e. number of properties withoutpower / water supply etc.
Environment	<<detail environmental impacts>>
Damage Cost Estimates	<<detail damage cost estimates>> broken down by category
Accommodation Evacuation Centre	
Evacuation Centres were established at: <<Facility Name 1>> Department of Communities record <<insert number>> of registrations and <<insert number>> ofdisplaced persons at this facility <<Facility Name 2>> Department of Communities record <<insert number>> of registrations and <<insert number>> ofdisplaced persons at this facility	
Additional Personnel Requirements	
<<insert the number and details>> of additional personnel brought in to assist with recovery	
Health Considerations	
<<insert details of health considerations>> i.e. asbestos sites, contamination of water etc.	

SECTION 3

ORGANISATIONAL ASPECTS
Local Recovery Coordination Group (LRCG)
• The Shire of Bridgetown-Greenbushes Local Recovery Coordination Group (LRCG) comprises a core membership, as well as a number of support personnel or agencies who would sit on the LRCG as required. • Attachment 1 provides the LRC with their roles and responsibilities and action checklist. • Attachment 2 provides the LRCG with their roles and responsibilities and action checklist • From time to time there may be a need to invite specialist advice to the LCRG. This will be determined if and when the needs arise • The LRCG Chair is responsible for endorsing the LRCG Operational Recovery Plan. Once endorsed by the Chari, the Plan will be forwarded to the State Recovery Coordinator • A Communications Plan has been developed and implemented as a means of effectively sharing the latest information with impacted community members, and businesses. The Plan will give direction for present and future communications strategies ensuring that effective listening is also established.

SECTION 4

OPERATIONAL ASPECTS	
Resources	
• Additional resources may be available under the Memorandum of Understanding (MOU), between the 12 member Councils of the South West Zone of the Western Australian Local Government Association, for the Provision of Mutual Aid During Emergencies and Post Incident Recovery • **Additional Resources required**: <<list additional resources required to assist with recovery>>	
Redevelopment Planning	
• **Planning Considerations**: <<list planning considerations for recovery>>	
Reconstruction and Restoration Priorities	
Details	**Estimated Timeframe**
<<list reconstruction and restoration priorities>>	
Community Service Priorities	
Details	**Estimated Timeframe**
<<list community service priorities>>	

SECTION 5

FINANCIAL ARRANGEMENTS
Disaster Recovery Funding Arrangements
<<detail disaster recovery funding arrangements>>
Response and Recovery Cost Tracking
<<detail how the Shire will track costs>>
Insurance Shire Assets
<<details contact required with LGIS regarding damaged/destroyed Shire assets>>
Financial Assistance to Affected Individuals
<<detail availability of, and access to grant funding for affected individuals>>
Public Monetary Appeals
<<detail availability of, and access to public monetary appeals>>
Donation of Physical Goods
The Shire encourages the donation of money to approved fundraising agencies and/or the donationof physical goods through www.Givit.org.au

SECTION 6

ADMINISTRATIVE ARRANGEMENTS
• All documents relevant to the emergency, including hand written notes and activity logs, shall be allocated a project file and stored in the **Shire's Record Keeping System** • All recovery meetings shall be recorded through **Agendas and Minutes** • A **Recovery Issues and Actions** spreadsheet (Supporting Tool 1) will be established to track agency strategies, actions and outcomes. This will remain a live document and should be reviewed and updated regularly and listed for discussion at LRCG meetings • All outreach contacts shall be recorded on the Contacts Record Form (Supporting Tool 2) • All information, including financial data, will be recorded using the same Shire of Bridgetown-Greenbushes record keeping format that is available for auditing, ease of tracking and retrieval • All communications including newspaper updates, community flyers, fact sheets, website information, and any other community engagement materials shall be branded using the Shire of Bridgetown-Greenbushes Style Guide

SECTION 7

LONG TERM RECOVERY STRATEGIES AND ARRANGEMENTS
• <<detail long term plans for recovery>> •

SECTION 8

CONCLUSION	
Goals	
An inclusive, supported and coordinated recovery that will, where possible, restore the communityto its pre-emergency state while encouraging increased resilience to future events	
Priorities	
The priorities of the Shire of Bridgetown-Greenbushes Operational Recovery Plan are <<add to or delete to meet therequirements of the specific emergency and the affected community>>: • Provide timely advice and support to the affected community • Support, prioritise and advocate of behalf of the community for what is needed • Expedient reinstatement of essential services and infrastructure • Advocate for strong camaraderie through community programs and activities • Support local community groups involved in recovery • Provide efficient and effective structures and management to enable a sound recoveryprocess in the short, medium and long-term	
Signed by	
Signature (LRCG Chair):	
Name:	
Date:	

ATTACHEMENT 4 - Recovery Contact List

RECOVERY CONTACT LIST			
Glen NORRIS	Recovery Coordinator	0438 611 628	glennorris29@bigpond.com
Tony PRATICO	D/Recovery Coordinator		
Jenny MOUNTFORD	Shire President	0438 818 847	crmountford@bridgetown.wa.gov.au
Nicole GIBBS	Shire CEO	9761 0800 0429 451 001	ngibbs@bridgetown.wa.gov.au
Dave WHITE	WAPOL	9715 8130	dave.white2@police.wa.gov.au
Gary WILLCOX	St John Community Paramedic	0418 372 214	gary.willcox@stjohnwa.com.au
Ben ARMSTRONG	Shire CESM	9761 0901 0428 611 125	barmstrong@bridgetown.wa.gov.au
Bruce MEAD	Executive Manager Corporate Services	9761 0800 0419 094 187	bmead@bridgetown.wa.gov.au
Steele ALEXANDER	Executive Manager Infrastructure	9761 0800 0427 611 555	salexander@bridgetown.wa.gov.au
Leigh GUTHRIDGE	Executive Manager Planning & Development	9761 0800 0429 686 903	lguthridge@bridgetown.wa.gov.au
Craig DAWSON Greg KENNEDY	Talison Lithium	9782 5700 0411 555 104 9782 5726 0427 577 821	craig.dawson@talisonlithium.com greg.kennedy@talisonlithium.com
Patricia MARTIN	Red Cross	9761 1946 0408 473 856	patriciamartin@bordernet.com.au
Renee FLAXMAN	Communities	6414 1762	renee.flaxman@communities.wa.gov.au
Justine KELLY Helen STUART	Bridgetown Hospital	9782 1222 0427 901 242 0437 884 247	justine.kelly@health.wa.gov.au helen.stuart@health.wa.gov.au
Phil BRANDRETT Patrick DOWLING Linda ASHTON	DFES – Lower South West	9771 6800 0408 015 872 0400 535 182 9771 6808 0429 991 629	Philip.brandrett@dfes.wa.gov.au patrick.dowling@dfes.wa.gov.au linda.ashton@dfes.wa.gov.au
Erin HUTCHINS	DFES – District Emergency Management Advisor	0429 688 130	erin.hutchins@dfes.wa.gov.au

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Steve WARD	DBCA Kirup	0417 636 556	steve.ward@dbca.wa.gov.au
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SHIRE OF BRIDGETOWN-GREENBUSHES

LOCAL EMERGENCY MANAGEMENT COMMITTEE

LEMA Annexure 'B' - TERMS OF REFERENCE

1. ESTABLISHMENT

The Shire of Bridgetown-Greenbushes Local Emergency Management Committee (LEMC), is established in accordance with the *Emergency Management Act 2005* (the Act) *(s.38)* which states that "local government is to establish one or more local emergency management committees for the local government's district."

2. AIM

The aim of the LEMC is to collaborate with local support organisations, hazard management agencies, and industry representatives, to collectively build a resilient community that is prepared to respond and recover from an emergency.

2. OBJECTIVES OF THE LEMC

The objectives of the LEMC are in accordance with the *Emergency Management Act*'s identified functions of LEMCs (*s. 39*) that are:

- Develop local emergency management arrangements (LEMA) that are practical to all stakeholders and service agencies.
- Ensure that LEMA are contemporary and relevant to the community and addresses all possible risks and scenarios.
- Participate in inter-local government relations to further emergency management cooperation within the emergency management district.
- Build resilience and engage with the community through safety and awareness campaigns, and by disseminating information through social media, media outlets, and public events.
- Participate in interagency training exercises that improve the capabilities and knowledge of the LEMC, local stakeholders, and hazard management agencies.
- Exercise the LEMA to test their effectiveness in practical applications, and actively strive for continuous improvement.

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- Share meeting minutes, committee member experiences and proposed actions with local government elected members, State agencies and the local community.
- Strategise ways to mitigate potential emergencies and to improve recovery arrangements

3. DUTIES AND RESPONSIBILITIES

The LEMC's role is:

- To assist in the preparation and endorsement of the Shire's Local Emergency Management Arrangements (LEMA),
- To review the LEMA, in accordance with *State Emergency Management Procedure 3.8*
- To ensure appropriate exercising of the LEMA, including the local recovery plan, consistent with the requirements within *State Emergency Management Policy 4.8.8*,
- To prepare an annual business plan of proposed committee emergency management strategies, activities and priorities, per requirement within *State Emergency Management Procedure 3.7*.
- To prepare an annual report of the Committee's activities in accordance with the *Emergency Management Act (2005) - s33.1* and the *State Emergency Management Policy 7.1 - Annual Reporting*.

4. MEMBERSHIP

Members of this committee are appointed in accordance with the *Emergency Management Act (2005)* - *s38* and as articulated within the *State Emergency Management Procedure 3.7.*

The Chairperson is appointed by the relevant local government *s.38(3)(a)* of the Act.

The Local Emergency Coordinator is appointed by the State Emergency Coordinator for the local government district *s.37(1)* of the Act.

Representatives from local emergency management agencies in the local government district are invited to be LEMC members, along with any other representatives determined by the local government.

Members, or designated proxy:

Organisation	Officer/LEMC Member
Elected Council Member	Chairperson
Local Emergency Coordinator	Deputy Chairperson
Shire of Bridgetown-Greenbushes	• Chief Executive Officer, • Director Operations, • Community Emergency Services Manager,

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	• Senior Ranger, • Recovery Coordinator X 2.
WA Police	Officer-in-Charge Donnybrook Police Station.
Department of Communities	• District Emergency Services Officer, • Local Recovery Officer.
Department of Education	Donnybrook Senior High School – Principal.
Department of Primary Industry and Regional Development (DPIRD)	Operations Manager.
Water Corporation	Operations manager.
Western Power	Area Manager – South-west.
Telstra	
Department of Fire and Emergency Services	• District Officer - Lower South-West Region. • Community Preparedness Advisor, • SES Local Manager, • Captain VFRS.
Department of Health	Nurse Unit Manager.
Department of Biodiversity, Conservation & Attractions (DBCA)	Fire Operations Officer - Blackwood District.
St John Ambulance	Chairperson.
Australian Red Cross	• Recovery Advisor.
Community Members	• Others

The Executive Officer is responsible for the functional activities of the LEMC and as such, will attend these meetings in an advisory capacity and provide all necessary guidance and support to the committee.

The Executive Officer is ex officio, not a member of this committee and does not have voting rights.

The Executive Officer is the Shire of Bridgetown-Greenbushes Community Emergency Services Manager (CESM).

Membership Term:

The LEMC Chair will preside for a period of two (2) years, in line with the local government elections cycle.

The LEMC composition will be reviewed in accordance with *State Emergency Management Procedure 3.7*.

5. QUORUM AND VOTING

A quorum for the committee will be at least 50% of its voting membership.

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A decision of the LEMC does not have effect unless quorum has been met.

If any formal voting of members present at a meeting are equally divided, the Chair has the casting vote.

6. POWERS OF THE LEMC

The LEMC has no delegated powers under the *Local Government Act (1995)* and is to advise and make recommendations to Council only.

7. MEETING FREQUENCY AND BUSINESS CYCLE FUNCTIONS

The LEMC will meet every quarter, as part of the financial year cycle and as required by the *State Emergency Management Procedure 3.7*. Meetings occur in August, November, February and May.

Agenda items to be considered, in line with the annual reporting requirements, should include:

- confirmation of LEMA contact details and key stakeholders,
- committee membership and resources,
- status of LEMA including local recovery plans,
- exercises that include the local government(s) and/or test the LEMA,
- subcommittees or working groups,
- projects undertaken,
- key achievements.

Additional considerations should include:

- local training needs or opportunities,
- funding opportunities, (for example, the Natural Disaster Resilience Program and All West Australian Reducing Emergencies),
- Incident Support Group (ISG) activations/or incidents,
- emergency risk management processes – including any treatment strategies,
- post-incident reports and post-exercise reports,
- finalising the annual report and arranging for it to be forwarded to the relevant DEMC for annual report compilation.

In addition to the standard LEMC meeting business items (above), the additional and special functions of LEMC business cycle of each meeting, is to be in accordance with *State Emergency Management Procedure 3.7,* which recommends the following:

1st Meeting:

- Workshop and finalise the LEMC Business Plan, for next reporting period.
- Seasonal review - e.g. fire, or storm season preparedness,

2nd Meeting:

- Review the current 'State Preparedness Report',
- Review the Local Recovery Arrangements.

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- Finalise & approve the LEMC Annual Report & Business Plan,
- Finalise Local Government Exercise Schedule,
- Seasonal review e.g. Storm season preparedness.

8. AGENDA AND MINUTES

The agenda for the committee meetings shall be distributed to all members, with a minimum of 7 working days, prior to the meeting. The agenda will also include the minutes of the previous LEMC meeting for confirmation.

9. REPORTING

The LEMC will report to the South-West District Emergency Management Committee (DEMC), in accordance with *State Emergency Management Policy 7.1 - Annual Reporting*.

Reporting
The reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Shire Council.

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10. DOCUMENT CONTROL

Amendment		Details of Amendment		Amended By
No	Scope	LEMC	Council	
1	Document prepared	Endorsed XX/XX/20XX	Adopted XX/XX/20XX	
2	Revision			CW
3				
4				

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Pending Endorsement

Local Emergency Management Arrangements 2023

Annexure 'C'

Emergency Risk Management Study Report

Yet to be validated and endorsed by LEMC & Council

LEMC endorsement date: 2024
Full review required: 2029
Maintained by: *Community Emergency Services Manager*

Shire of Bridgetown-Greenbushes
Tel: 9761 0800
Email: btnshire@bridgetown.wa.gov.au

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AMENDMENTS

AMENDMENT		DETAILS OF AMENDMENT	AMENDED BY INITIALS/DATE
No.	Date		
1	20 Mar, 2024	Complete LEMA Re-write	Shire of Bridgetown-Greenbushes, per Plan-it WA Consulting

ALIGNMENT WITH REMAINDER OF THE SHIRE OF BRIDGETOWN/GREENBUSHES LEMA:

This plan is an annexure (Annexure 'C') to the Shire of Bridgetown/Greenbushes' Local Emergency Risk Management Arrangements (LEMA). This document is to be read in conjunction with the remainder of those Arrangements.

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MITIGATION PLANNING
EMERGENCY RISK MANAGEMENT (ERM)

1 INTRODUCTION

As part of the redevelopment of its Local Emergency Management Arrangements, the Shire of Bridgetown/Greenbushes (SoBG) undertook a local risk analysis, by conducting surveys and a range of community workshops. It also considered historical data to determine likely hazards, risks and respective community tolerances, to inform its perception of exposure to risk. The focus of this study was Bridgetown/Greenbushes and the people and assets within the communities, within the whole of the Shire.

The ERM models were based on the *ISO 31,000:2018 Risk Management – Principles and Guidelines*. The subsequent outputs of this process resulted in a Risk Management Register, which included the recently developed Shire of Bridgetown/Greenbushes Risk Evaluation Criteria.

In 2022, through AWARE Grant Finding, the assumptions of risk profile that populated the pre-existing Risk Register and informed the previous Risk Treatment Register, were challenged for currency. The benchmarks for this assessment process were the Risk Management Standard *ISO 31,000:2018 Risk Management – Principles and Guidelines*, along with the implications from the *National Emergency Risk Assessment Guidelines (NERAG) (2020)*. This latest version of the Emergency Risk Management (Annexure 'C') to Bridgetown/Greenbushes' LEMA, now includes the outcomes of that study.

Not surprisingly, the previously highest risk (bushfire) remained in that position. Bridgetown has been affected by significant fire events fire over the past few years and this remains topical. Other considerations that were salient included infrastructure failure (electrical supply, telecommunications, water) and these are mentioned as consequences rather than hazards, as explained later in this document. The ultimate risk register is included on page 10.

The SoBG ERM Register and SoBG Emergency Risk Management Plan, are integral parts of the SoBG LEMA.

Until the next study is completed (as required within 5 years), the newly created risk register will determine the relevant priorities for treatment during this period. Only the top 8 risks from the recent work, were used to produce the new risk register.

2 COMMUNITY ENGAGEMENT CONFIDENCE

FEEDBACK FROM THE COMMUNITY

Historical data searches were used to populate the risk assumptions in early drafts of the LEMA and associated annexures, prior to the community consultation phase of this project. This data provided the benchmarks to be challenged within the community workshop environment.

Significant staff changes within the Shire, made it challenging to gain a consensus of thought/feedback on the early LEMA drafts. It also made it very difficult for new

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staff to assist in the organisation of opportunities for the author to connect with the local population. Staff were under pressure to assimilate into their new work environment and any support for this project would be an impost on that critical work requirement. Therefore, however frustrating this may have been to the timely completion of this project, the support gained from the various staff members who were able to provide their assistance, is greatly appreciated and the circumstances understood. It is considered absolutely vital to gain access to community, to ensure that risk assumptions are valid for the local community even though it has resulted in a delay in the completion of the LEMA.

Little feedback was received on the early drafts that were circulated for comment. This included little feedback from LEMC. This may be seen as sign that the assumptions were shared by that group, but that has not been rigorously tested, other than through analysis of the data that was gathered from the LEMC workshop, in the beginning of the project.

The subsequent community workshops on the 18th of March did provide validation of the existing assumptions, with some new insights to consider. However, it must be said that attendance at these workshops was not strong. Unfortunately, one of these workshops had no attendees. This has resulted in lowered confidence level in the assumptions of risk and the thresholds for tolerance, within the Community/s of Bridgetown/Greenbushes.

3 MANAGING RISK

Emergency Risk Management

A risk management approach is a critical component of the local emergency management process, used to inform the LEMA. Building a sound understanding of the hazards and risks likely to impact the community, is essential to enable local governments and LEMCs, to work together to implement controls and treatments. This process helps to build the capacity and resilience of the community and organisations, which enables them to better prepare for, work to prevent, respond to and recover from a major emergency. The process and mandate for local governments to undertake risk management is detailed in *State EM Policy Section 3.2*.

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4 EVALUATION OF HAZARD IMPACT

4.1 General Risk Evaluation Criteria

General discussion with the participants during the various elements of this study, informed the development of the following generalised Risk Evaluation Criteria (REC). The function of these REC is to articulate the thresholds of tolerance to the consequences of any Hazard Impacts within the Shire. In other words, these REC describe a 'tipping point' whereby hazard impacts represent a significant emergency, a 'Disaster', as distinct to a more routine 'emergency' event. If these REC are met or exceeded, it can be expected that community would be struggling to cope and require significant external support to recover.

Criteria 1

Any reasonably preventable accident/incident resulting in loss of local human life is unacceptable.

Criterion 2

Any reasonably preventable accident/incident resulting in serious injury to a local person, is unacceptable.

Criterion 3

Any reasonable preventable event that will cause an outage of 24 hours (or greater) of power, communications and/or potable water supply, would be considered unacceptable.

Criterion 4

Any reasonably preventable activity, or incident, that would cause arterial roads to be closed, isolating a community for more than 24 hours, would be considered to be unacceptable.

Criterion 5

Any reasonably preventable activity or incident, that would cause closure of 10% of community businesses, for more than one working day, would be considered to be unacceptable.

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Criterion 6

Any reasonably preventable activity, or incident, that would cause the ambulance and/or the Bridgetown hospital to be over-loaded, would be considered to be unacceptable.

Criterion 7

Any reasonably preventable activity or incident, that would cause more than 5% of a local community's population to be evacuated for more than 24 hours, would be considered to be unacceptable.

Criterion 8

Any reasonably preventable activity or incident, that would cause emergency response communications and/or power supply infrastructure to be not available to emergency services during an incident, would be considered unacceptable.

Criteria 9

The destruction of the main bridge over the Blackwood River (south of town), due to any event would be considered to be unacceptable.

4.2 Identified Community Risks

The ten most salient assumptions of the risks, hazards and resilience thresholds for the local community/s are collated and recorded in the table, below.

- Column 2 (Hazard) rates the community perception of the typical frequency of a hazard interacting with the Bridgetown-Greenbushes community/s.
- Column 3 indicates the community's assumptions (in aggregate) of when the impact of that Hazard exceeds the community tolerance to that event and becomes a disaster that would require significant effort for the community to recover.
- Column 4 indicates the combined assumptions of the Likelihood of that trigger being met locally and is used to determine a treatment priority for the Shire's Risk register.

Notes:

1. Dust (8) and air crash (9) were both raised at community workshops, as a concern to community. When formally considered however, the groups could not reach a consensus on where they may sit in a risk register. The uncertainty on dust was due in the main to the observation that it was a localised concern and a consequence of local industrial activities. Air crash risk

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was raised by a workshop participant who had subject matter expertise in air traffic controlling. That person raised the matter as a discussion point. The ensuing discussion considered that while any consequence may be very high, the likelihood determinant would likely result in that the hazard not figuring as a priority on the Shire's risk register.

Salient Shire Risks Table

#	Hazard	'Disaster' level when…	Likelihood
1	Fire	A. Response resulting in **more than one** agency consuming all relevant resources within the Shire(or DBCA operational District) for over one day. B. Incident response requires evacuation of 5% of population of community (or greater), for periods exceeding 24 hours. C. Loss of one, or more local lives. D. Loss of 5 homes, or more. E. Loss of critical infrastructure, for 3 days or more.	2/3 (Likely to Unlikely)
2	Road Traffic Crash	A. Main arterial roads closed for >24 hours (whole of community totally isolated by road). B. More than one local human fatality occurs. C. Multiple school children involved with serious injuries resulting. D. Significant (not defined) number of persons impacted through injury &/or death. E. More than 1 home, or critical asset destroyed.	2 (Likely)
3	Hazardous Material spill/incident	A. Any incident that results in 1 (or more) local fatalities. B. Any incident that required the evacuation of persons for >24 hours. C. Any incident that required closure of 10% of community businesses for one business day, or greater. D. Local ambulances and/or the Bridgetown Hospital, are unable to cope with presentations for medical aid.	3 (Rare)
4	Storm	A. Response requires more than 1 agency accessing resources from outside of the Shire.	3 (Unlikely)

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		B. Incident response requires evacuation of 5% of population of community (or greater) for periods exceeding 24 hours.	
5	Heat Wave	Response requirements exceed capacity of Bridgetown Hospital to cope with the needs.	2/3 (Likely to Unlikely)
6	Flood	A. Flooding results in isolation of community members and/or arterial road closures, for periods of greater than 24 hours. B. Response requiring more than agency to access resources from outside Shire. C. Incident response requires evacuation of 5% of population of community (or greater), for periods exceeding 24 hours. D. Loss of one life, or more.	3/4 (Unlikely to Rare)
7	Drought	A. Extended period without rain leads to unusual level of water use restrictions (50% of water available for normal use). B. On-farm stock reduction occurs to 50% or less, of traditional numbers)	2/3 (Likely to Unlikely)
8	Dust	This was later agreed not to be a 'Hazard' per se, but an inconvenience and largely localised to mining areas of activity. Therefore, it is noted as a community concern, but excluded from the 'Risk Treatment Register'.	
9	Air Crash	Again, while such an event would undoubtedly have significant consequences, the likelihood part of the risk equation resulted in it being an incident to note, but not included within the Risk Treatment Register. Local knowledge at one of the workshops (ex Air Traffic Controller) raised this as an issue, given that there are now commercial passenger aircraft over-flying Bridgetown numerous times/week.	
10	Earthquake	A. Any earthquake to have it's epicentre within the Shire boundary AND to be deemed to have magnitude 5, or greater. B. Impact damage results in arterial road closures for periods of greater than 24 hours. C. Response requires more than agency to access resources from outside Shire. D. Incident response requires evacuation of 5% of population of community (or greater) for periods exceeding 24 hours.	3 (Unlikely)

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General Notes from all workshop discussions:

There were further emergency-related matters that concerned participants during the workshop discussions. These were quarantined as 'matters of concern'. It was agreed that these should be considered 'consequences' that may result from any number of hazards impacting upon the community/s of Bridgetown-Greenbushes, rather than discreet hazards themselves. Additionally, it was agreed that they would also not be unique to any one hazard, so for more general consideration.

Therefore, it was agreed that the following table would be contained within the LEMA- Emergency Risk Management Register, to be used during incident response. The purpose being that this would enable the community to inform any 'Controlling Agency' of these identified vulnerabilities.

These are described in the table below:

4.3 CONSEQUENCE VULNERABILITY IDENTIFICATION TABLE

#	Vulnerability	Determined Community Tolerance Threshold
1	Electricity Supply Disruption	A. Any outage lasting greater than 24 hours would be intolerable. B. Any outage that caused **emergency** communication networks to fail, would be intolerable. C. Any outage that resulted in failure of critical infrastructure, **effecting emergency response** capacity, would be intolerable.
2	Communications Network Failure	A. Any outage lasting greater than 24 hours, would be intolerable. B. Any outage that caused **emergency** communications networks to fail, would be intolerable. C. Any outage that resulted in failure of critical infrastructure, **effecting emergency** response capacity, would be intolerable.

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3	Potable Water Supply	Any incident that shut down (or contaminated) the potable water supply to 25% (or greater) of a community, would be intolerable.
3	Main Traffic Bridge (Bridgetown)	The loss of the main bridge leading south of Bridgetown, would be an unacceptable loss.
4	"Tree Changers"	The increasing numbers of persons from urban environments moving into the area, was discussed (at length and on multiple occasions) as a vulnerability across the Shire. In previous decades, generations of locals who understood local risks and behaved/acted accordingly, acted to reduce net local risk. (ie bush fire risk reduction activities, by persons used to using fire as a tool, reduced net community risk). These persons also understood the benefit of supporting each other in a crisis, whereas increasingly, many residents no longer really know their neighbours, in some parts.

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RESULTANT RISK TREATMENT REGISTER

After completing the analysis of the hazards, using the processes indicated within the National Emergency Risk Assessment Guidelines (NERAG:2020) along with the community inputs, the following risk register was populated for the Shire of Bridgetown-Greenbushes. The pre-existing risk register (LEMA:2016) had the risks rated in a different order of priority, with the greatest changes being the elevation of flooding and road transport emergency (crash), plus the inclusion of earthquake, drought and heatwave. An additional observation that was surprising (given our recent past experience), was the low concern raised during the discussions about Human Pandemic.

As noted in the table above, this version of the LEMA also contains some consequences from any, or all of the Hazards, that the community considered important considerations for Hazard Management/Controlling Agencies to consider (Section 5 – below).

Hazard	Likelihood	Consequence	Treatment Priority	
Fire	Almost Certain	Major	Extreme	1
Road Crash	Likely	Moderate	High	2
Flood	Unlikely	Moderate	Medium	3
Drought	Unlikely	Moderate	Medium	4
Hazardous Material Spill	Rare	Minor	Low	5
Storm	Unlikely	Minor	Low	6
Earthquake	Unlikely	Minor	Low	7
Heatwave	Unlikely	Minor	Low	8

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5 IDENTIFIED CONSEQUENCES TO CONSIDER

5.1 ELECTRICAL SUPPLY/CRITICAL INFRASTRUCTURE DISRUPTION

Much of the concern expressed within the discussions at the workshops, focussed on the impacts of any electrical supply disruption upon the greater community. Concerns were raised with respect to the resultant disruption of the potable water supply, sewerage and/or communications networks and the impact that would have on commercial and residential activities. It is recognised that there is an identified HMA (*Emergency Management Regulation r23(B)*) being the Coordinator of Energy, who would have carriage of this responsibility.

It was generally agreed to treat this issue as a consequence of a Hazard impacting upon the subject community, rather than a discreet Hazard. It was also agreed that any such disruption, could be a consequence to *any* hazard. Therefore, it does not appear in the hazard table as a Hazard to be treated. However, the view of the participants within the community engagement, was that the issue needs to be considered, when working to manage community vulnerabilities.

5.2 "TREE CHANGERS"

Another interesting topic to be raised (on several occasions) was a perceived increase in community vulnerability, due to the changing local community demographics. It was considered that in past decades, most community members grew up in the local environment where local hazards were better understood and intrinsic resilience measures existed, culturally. Recent years has seen a measurable increase in newcomers to towns within the Shire, predominately from urban environments. It was considered that his is diluting the local hazard resilience culture, increasing the vulnerability of the whole community.

An example cited, was with the hazard of bushfire, for example. Where most people within the Shire had grown up using fire as a land management tool and/or as bushfire fighters, they would manage local risks through a suite of mitigation measures, almost intuitively. They also had a culture of mutual reliance, where all chipped in to assist the others.

In this example, it was discussed that newcomers have become somewhat of a burden on the existing fire brigade members, whilst increasing net risk to the rest of the community. This was due to the newcomers being less likely to undertake the same measure of mitigation activity, as was traditionally the norm.

This comment is included within this report, as the discussions indicated a strong desire of the participants of the workshops, for community education and engagement to be used as an urgent risk treatment option, in concert with the existing enforcement of compliance to the Shire's Bush Fire Order.

Similar comment was made with other discussed hazards.

Planning & Environment

6 DISCREET HAZARD RELATED RISK EVALUATION CRITERIA

The following paragraphs detail the Risk Evaluation Criteria (REC) that were developed for each of the top 8 risks that were determined within the consultation phase of the ERM Study. The purpose of these REC is to provide insight into what the community thought to be the threshold consequence levels, where the results of that hazard impacting upon the community became significant (ie a Community Disaster)

6.1 FIRE

The community discussions on fire almost universally focussed on bushfire. There was empathy for a resident/s whom may lose their home and valuables to a structure fire, but generally the conversations centred on bushfire.

A. Any fire response that requires all relevant resources from **more than one** agency within the Shire (or DBCA operational District) for over one day, would be considered to be unacceptable.
B. Any incident response requiring the evacuation of 5% of a community's population (or greater), for periods exceeding 24 hours, would be unacceptable.
C. Any incident that resulted in the loss of one, or more a local lives would be considered unacceptable.
D. Any fire incident that resulted in the loss of 5 homes or more, would be considered unacceptable.
E. Any fire incident that resulted in an outage of critical infrastructure for 3 days or more, would be considered to be unacceptable.

6.2 ROAD CRASH

A. Any road crash emergency that resulted in main arterial roads being closed for 24 hours, or more (where the whole of a community becomes totally isolated by road), would be considered to be unacceptable.
B. Any road crash emergency that leads to more than one local human fatality, would be considered to be unacceptable.
C. Any road crash emergency that leads to multiple school children involved, with serious injuries resulting, would be considered to be unacceptable.
D. Any road crash emergency that leads to a two, or more local persons becoming seriously injured and/or permanently incapacitated, would be considered to be unacceptable.
E. Any road crash emergency that leads to more than 1 home, or critical asset being destroyed, would be considered to be unacceptable.

6.3 FLOOD

A. Any flooding event that results in arterial road closures and/or isolating community members for periods of greater than 24 hours, be considered to be unacceptable.

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B. Any flood emergency response that requires **more than one agency** to expend all available local resources requiring support from outside of the Shire, would be considered to be unacceptable.
C. Any flood incident response that requires the evacuation of 5% of a local community population (or greater), for periods exceeding 24 hours, would be considered to be unacceptable.
D. Any flood emergency that leads to the loss of a life would be considered to be unacceptable.

6.4 DROUGHT

A. Any extended period without rain, that leads to an unusual level of water use restrictions (less than 50% of water available for normal use), would be considered to be unacceptable.
B. On-farm stock reduction occurs, resulting in a reduction of 50% or less of traditional numbers, would be considered to be unacceptable.

6.5 HAZARDOUS MATERIAL SPILL

A. Any hazardous material incident response that results in 1 (or more) local fatalities, would be considered to be unacceptable.
B. Any hazardous material incident response that requires the evacuation of persons for greater than >24 hours, would be considered to be unacceptable.
C. Any hazardous material incident response that requires the closure of 10% of community businesses for one business day, or greater, would be considered to be unacceptable.
D. Any hazardous material incident response that leads to the local ambulances and/or the Bridgetown Hospital being unable to cope with presentations for medical aid, would be unacceptable.

6.6 SEVERE STORM

A. Any response that requires all relevant resources from **more than one** agency within the Shire for over one day, would be considered to be unacceptable.
B. Any storm incident response that would require the evacuation of 5% of population any community (or greater) for periods exceeding 24 hours (or greater), would be considered to be unacceptable.
C. Any storm event that results in the loss of one or more local human lives, would be considered unacceptable.

6.7 EARTHQUAKE

A. Any earthquake to have it's epicentre within the Shire boundary AND deemed to have magnitude 5, or greater, would be considered to be unacceptable.

B. Any earthquake event that results in damage leading to arterial road closures for periods of greater than 24 hours, would be considered to be unacceptable.
C. Any earthquake response that requires more than one agency, plus resources from outside Shire, would be considered to be unacceptable.
D. Any earthquake response that would require the evacuation of 5% of population of community (or greater) for periods exceeding 24 hours (or greater) would be considered to be unacceptable.
E. Any earthquake event that leads to the loss of a human life would be considered to be unacceptable.

6.8 HEATWAVE

A. Any heatwave response that results in the capacity of the medical facilities within Bridgetown being exceeded, would be considered to be unacceptable.

7 SoBG EMERGENCY RISK MANAGEMENT PLAN

Hazard	Controlling Agency	HMA	Local Combat Role	Local Support Role	State Hazard Plan
Bushfire	DFES/BFB/ DBCA	FES Commissioner	DFES/BFB/ DBCA	LG	✓
Road Transport Emergency	WAPol	WAPol Commissioner	WAPol/DFES	LG	✓
Flood	DFES/SES	FES Commissioner	DFES/SES	LG	✓
Drought				LG DPIRD	X
HAZMAT	VFRS	FES Commissioner	VFRS	LG	✓
Storm/Tornado/ Localised Flooding	DFES/SES	FES Commissioner	DFES	LG	✓
Earthquake	DFES/SES	FES Commissioner	SES/VFRS	LG	✓
Heatwave	Health	CEO Health	Bridgetown Hospital	LG	✓

Pending Endorsement

These arrangements are based on the premise that the HMA is responsible for combatting the above risks and will develop, test and review appropriate emergency management plans for their hazard, as mandated within the *Emergency Management Regulations (2016)*.

7.1 EMERGENCY MANAGEMENT STRATEGIES AND PRIORITIES

Hazard	Priorities	Strategies
Bushfire	• Development of Bush Fire Risk Management Plan, • Hazard reduction, plus building community awareness.	• Fire Break strategies, • Fuel hazard reduction, • Ensuring compliance, • Working with community, • Developing relationships with agencies, • Sharing weather warnings, • Vehicle Movement/Harvest Bans, • Bushfire Mapping.
Road Transport Emergency	• Reduce impacts to the community.	• Working closely with WAPol, • LEMC engagement, • Traffic regulation compliance.
Flooding	• Reducing risk of localised flooding.	• Flood mitigation works, • Community Awareness, • Warning systems.
Drought	• Reduce economic and amenity impacts upon farmers and community.	• Reduce non-essential water use, • Reduce water wastage, • Drought aware land-use practices.
HAZMAT	• Strengthening industry and agency relationships	• LEMC engagement with industrial partners
Storm/Tornado	• Reducing risk of localised damage/injury.	• Community preparedness, • Community awareness/warnings, • Compliance to building codes, • Removal of loose materials, • Community awareness activities w/- storm damage causes.
Earthquake	• Reducing risk to community.	• Enforce relevant building codes.
Heatwave	• Reduce impact on vulnerable persons.	• Promulgate Health Dept warnings.
Consequence Management Strategies		
Critical Infrastructure Failure	• Strengthening industry and agency relationships.	• LEMC engagement.

Pending Endorsement

8 SHIRE HAZARD PLANS

8.1 BUSHFIRE

CAUSES AND CONTRIBUTING FACTORS

- Increasing frequency of severe weather events - extreme and catastrophic fire rated days,
- Fuel-load build up in adjacent bushland reserves,
- Inflammable materials surrounding private property,
- Lack of comprehensive early warning and advice,
- 'Dry lighting' storms,
- Arson,
- Increasing rural/urban interface development, as a life-style choice.

PREPAREDNESS & PREVENTION CONTROLS

- Local laws and the Bush Fires Act - property fuel reduction enforcement,
- Annual Fire Readiness campaign - community emergency readiness campaign,
- Encourage property clean-up through free green waste pick-up's, as a risk reduction Strategy,
- Fire management planning for bushland reserves within the Shire of Bridgetown/Greenbushes,
- Fuel management and prescribed burning programs,
- Local Volunteers – effectively trained and equipped,
- Fire accessways/tracks in reserves, as compartmentalisation and management tools.

RESPONSE & RECOVERY CONTROLS

- Established volunteer emergency services, within Shire of Bridgetown/Greenbushes,
- Emergency evacuation arrangements in place and communicated,
- Established and practiced recovery and response planning,
- Community engagement activities – acceptance of 'a shared responsibility' philosophy,
- Emergency MOU with neighbouring shires,
- Participation and communication with established LEMC committees,
- Joint agency exercises.

Pending Endorsement

Treatment strategies

Strategies	Local Government	Community
Development of early warning systems	Development and implementation of Fire Management Plans for all bushland reserves	Greater understanding of fire causes and consequences, during restricted and prohibited times
Practiced interagency cooperation and planning exercises, training and doctrine	Regular annual hazard reduction burning programs within bushland reserves	Increase emergency readiness, awareness and a resultant reduction in reliance on emergency services
Interagency agreements	Increase emergency	Promote prepare for fire

and cooperation, to better enable a coordinated approach to fuel mitigation	readiness awareness, specially tagging on to DFES November bushfire campaign/s	campaigns in your area, green and hard waste removal.
Established arrangements with fire services for rapid response	Encourage green waste and property clean up, prior to fire season each year.	Greater understanding of the new Australian Fire Danger Rating System warnings and triggers.
Engagement in Bush Fire Response Planning, with owners of risk, to reduce net bush fire risk. (tenure-blind approach) (MAF Program activities)	Investigate declaration of Bushfire Prone Areas and appropriate special planning and building conditions.	Active engagement in bush fire planning, for families and business to include such things as triggers for action, ire plans etc.
Participation with multi-agency Pre-formed IMT training and preparedness activities	Maintain stringent enforcement of Annual Fire Notice provisions, as a minimum standard of fire protection.	Acceptance of ownership of risk, leading to positive action to reduce personal risk.

EMERGENCY RISK MANAGEMENT PLAN

RISK ANALYSIS

Vulnerability (Bushfire):

Residents living within close proximity to bushland reserves:

- Bushland residential interface, surrounding reserves and forested areas,
- Close neighbours to above mentioned areas (within 100 metres).
- Whole of Shire (from ember attack).

Source and Elements of risk:

1. Build-up of fuel loads in close proximity to residential homes,
2. Failure to heed early warnings, or advice statements,
3. No effective early warning system in place,
4. Failure to undertake and maintain adequate seasonal precautionary measures,
5. Ember attack from nearby bushland (e.g. evaporative air conditioners),
6. Fire Service personnel and equipment, unable to access rear of properties, or escape.
7. Tourists and campers with campfires, causing bushfires.

RECOMMENDED TREATMENT OPTIONS	Responsible Office
1. Reserve fuel reduction strategy as required (hazard reduction burning)	**SoBG** – Officer (CESM)/BRMO
2. Fuel reduction buffer zones, adjacent to residential areas (to create a maximum BAL 29)	**SoBG –** Officer /BRMO

3. Specific awareness/preparedness campaigns for residential areas, adjacent to reserves and bushland	**SoBG –** CESM **DFES**- District Officer - Manjimup
4. Investigation of Town Planning requirements for residential areas adjacent to reserves and bushland	**SoBG**- Manager/Officer
5. Strict enforcement of Bush Fires Act and Local Laws, related to lighting of fires and fuel reduction	**SoBG –** Officer Rangers
6. Development of an "all hazards" early warning system	**SoBG –** CESM **LEMC**
7. Implementation of "all hazards" warning system into the Bridgetown/Greenbushes community/s	**LEMC**- LEMA, CESM, **DFES** – District Officer Manjimup
8. Ensure fire suppression response is in concert with State Hazard Plan - Fire	**DFES**- District Officer – Manjimup **SoBG** CESM
9. Ensure timely response of within 12 minutes for volunteer FRS	**DFES**- Dist. Manager - Manjimup
10. Development of specific bushland reserves Fire Management Strategy	**SoBG** – BRMO **SoBG** - Environmental Planner
11. Development of specific reserves Fire Response Strategy (Pre-Plans)	**DFES**- District Officer - Manjimup
12. Ensure training calendar is published annually with appropriate training courses offered for fire fighter personal, to provide local area response. (Regional and Local calendars)	**SoBG** Officer - CESM **DFES**- District Officer - Manjimup
13. Ensure safe operational protocols and SOP's are enforced	**SoBG** Officer - CESM **DFES**- District Officer - Manjimup
14. Ensure effective multi-agency co-operation and response, by testing Plans and strategies of agencies, by the conducting of exercises	**DFES**- Dist.Officer/Rural Fire
15. Develop fire management mapping and implement into EM arrangements.	**SoBG** Officer – CESM & BRMO **SoBG**- Manager Engineering Services (GIS Officer)
RESPONSIBLE AGENCY/INDIVIDUAL	
HMA - DFES **OTHERS -** SoBG, DFES (BRMO), DBCA (vested), private property owners, BFAC	
PRIORITY STATUS - Extreme priority	
IMPLEMENTATION SHEDULE	**Implementation Plan**

Pending Endorsement

All treatment options completed by *End November **2025,** renewed annually.*	1st Quarterly Report	
	2nd Quarterly Report	
	Completion	
BUDGET CONSIDERATIONS –		
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis		
APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
LEMC		
Shire of Bridgetown/Greenbushes		
DFES		
DBCA		

Pending Endorsement

8.2 ROAD CRASH - TRANSPORT EMERGENCY

CAUSES AND CONTRIBUTING FACTORS

- Non-compliance to the Road Traffic Code (driver error),
- Increasing traffic volumes (including heavy transport),
- Weather conditions (trees down, low visibility),
- Driver fatigue and seasonal influences (tourist traffic).

PREPAREDNESS & PREVENTION CONTROLS

- Continued law enforcement,
- Continued media/education campaigns,
- Driver education,
- Road maintenance.

RESPONSE & RECOVERY CONTROLS

- Continued Police Force presence.
- Trained and equipped emergency responders and medical facilities,

Treatment strategies

Strategies	Local Government	Community
Traffic law enforcement	Support local campaigns, provide LEMC forum for agency communication.	Support any campaigns, comply with traffic laws.
Road maintenance	Support safe roads within their jurisdiction. Continued liaison with Main Roads department.	Use roads with required amount of care. Respect other road users.
Capable response agencies	Support local emergency services volunteers.	Assist with response, through volunteering.

EMERGENCY RISK MANAGEMENT PLAN

RISK ANALYSIS

Vulnerability

All road users - local residents, transport workers and visitors.

Source and Elements of risk:

- Increasing holiday and transport industry traffic, often with little local knowledge of roads and conditions.
- Seasonal peaks in traffic volumes, with subsequent peaks in risk.
- Weather impacting upon road navigability (downed trees, low visibility etc).

RECOMMENDED TREATMENT OPTIONS	Responsible Office
1. Continue law enforcement	WAPol – Station OIC

Pending Endorsement

2. Continue road maintenance	**SoBG –** Engineering Officer **MRWA**
3. Ensure capable emergency responders - Rescue	**SoBG –** CESM **DFES**- District Officer - Manjimup
4. Ensure capable emergency responders - Ambulance	**SJAA**
5. Capable medical facilities	**Dept of Health**

RESPONSIBLE AGENCY/INDIVIDUAL **HMA –** Commissioner - WA Police **OTHERS -** SoBG, DFES, Saint John Ambulance, Department of Health		
PRIORITY STATUS - High priority		
IMPLEMENTATION SHEDULE All treatment options completed by *End November **2025***	**Implementation Plan**	
	1st Quarterly Report	
	2nd Quarterly Report	
	Completion	
BUDGET CONSIDERATIONS –		
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis		
APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
WA Police		
LEMC		
Shire of Bridgetown/Greenbushes		
DFES		
SJAA		
Dept of Health		

Pending Endorsement

8.3 FLOOD

CAUSES AND CONTRIBUTING FACTORS

- Increasing severe weather events - extreme rainfall days,
- Decaying tropical low-pressure system/cyclone,
- Riverine level rise, due to heavy rainfall in catchment,
- Ageing infrastructure, (water, or Sewage main burst),
- Blocked, or compromised drainage infrastructure,
- Hydraulic structure failure (landslip, dam collapse),
- Lack of comprehensive early warning systems and advice,
- Increasing rural/urban development.

PREPAREDNESS & PREVENTION CONTROLS

- Local Laws and planning controls,
- Drainage infrastructure maintenance and improvements,
- Monitoring and reporting of watercourse telemetry,
- Effective monitoring and early warning protocols,
- Succession and redundancy plans including alternate pumping plant,
- Pump stations with back-up generator plant,
- Flood sump/basins maintenance,
- Community awareness and education.

RESPONSE & RECOVERY CONTROLS

- Established volunteer emergency services (including active SES Unit), within Shire of Bridgetown/Greenbushes,
- Emergency evacuation arrangements in place and communicated,
- Established and practiced recovery and response planning,
- Community engagement activities – acceptance of 'a shared responsibility' philosophy,
- MOU with neighbouring shires,
- Early Warning System/telemetry (BoM/DWER/WaterCorp),
- Participation and communication with established LEMC committees,
- Joint agency exercises.

Pending Endorsement

EMERGENCY RISK MANAGEMENT PLAN

RISK ANALYSIS
Vulnerability:

- Residents living within close proximity to Bridgetown/Greenbushes flood prone areas.
- Senior citizens high dependency living care and residential villages, on the flood prone areas.
- Proprietors and staff of commercial premises, within the flood prone areas.
- Tourists and visitors staying in accommodation within the flood prone areas.

Source and Elements of risk:

- Localised rain and storms exceeding normal run off expectations.
- Upstream catchments receiving extraordinary rainfall.
- Sunny-day dam burst of dams/weirs.
- Lack of public information, regarding evacuation centres and exit routes.
- Lack of road signage and police presence, in early stages to control traffic.
- Lack of public information on emergency evacuation protocol.

RECOMMENDED TREATMENT OPTIONS	Responsible Office
1. Development of an "all hazards" early warning system.	**LEMC** - SoBG CESM DFES – DO NH Manjimup
2. Implementation of "all hazards" warning system into the Bridgetown/Greenbushes community	**LEMC**- SoBG CESM, **DFES**- Dist. Officer – Natural Hazards, **SES** unit
3. Development and implementation of complete Evacuation plans, that will be incorporated into the SoBG LEMA.	**LEMC** - Shire Officer CESM
4. Specific awareness/preparedness campaigns for residential areas in flood plain	**DFES**- District Officer - Natural Hazards **SES** Unit
5. Ensure production of flood response strategies	**DFES**- District Officer - Natural Hazards
7. Ensure training calendar is published annually, with appropriate training courses offered to SES personal, to provide effective local area response.	**DFES**- District Officer - Natural Hazards
8. Ensure multi-agency co-operation and response by testing bi-annually plans and strategies of agencies by the conducting of exercises	**LEMC** - CESM, **DFES** - District Officer - Natural Hazards

Pending Endorsement

Treatment strategies

Strategies	Local Government	Community
Improve and implement early warning systems	Collaborate with BoM & DWER, to develop communications links	Increase 'emergency readiness' awareness
Practiced interagency cooperation and planning exercises	Consider flood mapping, related to built-environment planning	Promote outcomes of inter-agency work within community.
Encouraged Business Continuity Planning for agencies and business	Increase emergency readiness awareness throughout community	
Established arrangements with Medical services cooperated response	Consider mapping and planning, to assist with advice on impacts upon transport and infrastructure in flooding events	
Develop DRFA-WA plans and trigger processes	Ensure accurate inventory of flood related infrastructure, to assist with any subsequent claims for funding.	
Pre-season advisory/awareness campaigns, on risk mitigation activity and options.	Practical recovery and restoration planning and arrangements	
Participation with multi-agency pre-formed emergency coordination team training and preparedness activities	Support to a 'community resilience development' project – to reduce reliance of community on emergency services and local government.	

RESPONSIBLE AGENCY/INDIVIDUAL **HMA -** DFES **OTHERS -** SoBG, LEMC, Life-lines agencies – Western Power, Water Corp, Telstra, & DFES – SES**,** Dept of Water & Environment (DWER)		
PRIORITY STATUS - Medium priority		
IMPLEMENTATION SHEDULE	**Implementation Plan**	
	1st Report	

All treatment options completed by – ***December 2025***	2nd Report	
	Completion	
BUDGET CONSIDERTIONS –		
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis		
APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
LEMC		
Shire of Bridgetown/Greenbushes		
DFES		
Communities		
Western Power		
DWER		
Telstra/NBN Co		
Water Corporation		

Pending Endorsement

8.4 DROUGHT

CAUSES AND CONTRIBUTING FACTORS

- Weather extremes/low rainfall for prolonged periods.
- Global warming influences.
- Geo-hydraulic changes (Damming rivers).

PREPAREDNESS & PREVENTION CONTROLS

- Agricultural industry resilience, adaptability.
- Alternate water sources.
- Enhanced weather prediction capacities, for accurate longer term forecasting.

RESPONSE & RECOVERY CONTROLS

Treatment strategies

Strategies	Local Government	Community
Department of Agriculture assist with information and advice to agricultural sector, on hardening resilience to drought.	Support industry coping, within capacity and as appropriate. Consider implications with respect to irrigation of POS in times of drought.	Conserve water, practice and support water conservation strategies.
Water Corporation to continue to manage and enhance water storage capability.	Assist with inter-agency communications through LEMC, in crisis times.	
DWER to provide strategic oversight for water conservation within the environment.		
Bureau of Meteorology to enhance long term forecasting to provide long lead times for agricultural response to impending drought.		

Pending Endorsement

EMERGENCY RISK MANAGEMENT PLAN

RISK ANALYSIS
Vulnerability • Agricultural land users could have commercial activity limited (or halted), due to insufficient water supplies. This may lead to stock, plantation, orchard and/or vineyard losses in the long ter. • Water restrictions could lead to reduced public amenity, due to public spaces and homes not being irrigated, due to restrictions. • There is a risk of relatively permanent ecological impact, due to long term water deficiency. • Reduced water supply to various local industry, could limit production capacity. • Reduced river levels may impeded various water-borne activities, resulting in reduced visitor numbers. • Drought conditions may increase broadscale vulnerability to fire, increase lengths of fire seasons, exacerbate environmental stressors from fire impact.

RECOMMENDED TREATMENT OPTIONS	**Responsible Office**
1. DPIRD continue to work with landowners and growers to limit vulnerabilities to drought conditions.	**DPIRD**
2. Agriculture sector to work to limit vulnerabilities to drought, through land-use, diversification and monitoring weather patterns	Agriculture sector
3. Bureau of Meteorology continue to produce drought forecasting products and promulgate to growers in the Region	**BoM** **DFPIRD**
4. Shire and residents to consider the use of low water dependent gardens and public open space	**SoBG**- Parks and Gardens **Community**
5. Government to continue to plan for infrastructure capacity in a drying climate.	**WaterCorp** **DWER**
6. Elevate levels of bushfire resilience planning, to factor in increasing periods of drought.	**SoBG –** CESM/BRMO

RESPONSIBLE AGENCY/INDIVIDUAL		
HMA - Undefined **OTHERS -** Local Agricultural sector, DPIRD, WaterCorp, DWER, SoBG, Community.		
PRIORITY STATUS - Medium priority		
IMPLEMENTATION SHEDULE	**Implementation Plan**	
All treatment options completed by *End November **2025***	1st Quarterly Report	
	2nd Quarterly Report	
	Completion	
BUDGET CONSIDERATIONS –		
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis		

Pending Endorsement

APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
LEMC		
Shire of Bridgetown/Greenbushes		
DPIRD		
WaterCorp		
DWER		

Pending Endorsement

8.5 HAZARDOUS MATERIAL EMERGENCY

CAUSES AND CONTRIBUTING FACTORS

- Increasing transport of hazardous materials on already busy roads.
- Increasing demand for hazardous goods within the Shire, due to industry and/or commerce.
- Increasing traffic on roads, especially during peak holiday periods, increasing the incidence and consequences of crashes and spills.
- Increasing understanding and appreciation (and therefore reduced acceptance) of any environmental implications from any hazardous material spills into the environment.

PREPAREDNESS & PREVENTION CONTROLS

- Continued traffic law enforcement, to improve road user behaviours.
- Continued compliance to hazardous goods transport and handling procedures.
- Improved road and transport media infrastructure to limit accidental spills.

RESPONSE & RECOVERY CONTROLS

- Established volunteer emergency services, within Shire of Bridgetown/Greenbushes,
- Emergency evacuation arrangements in place and communicated,
- Established and practiced recovery and response planning,
- Participation and communication with established LEMC committees,
- Community warning mechanisms to broadcast warnings and information,
- Continue enforcing hazardous material handling protocols and procedures,
- Joint agency exercises.

Treatment strategies

Strategies	Local Government	Community
DoEMIRS (Dept Energy, Mines, Industry Regulation and Safety) to continue to regulate safe handling practices and compliance.	Support communications within the LEMC for inter-agency cooperation and awareness. This may include promulgating and communications from DoEMIRS to the population of SoBG.	Practice safe handling and reporting of any spills to the authorities.
All organisations to ensure proper handling protocols and procedures remain cultural within their remit.	Ensure proper handling occurs within the SoBG facilities, staff, volunteers.	Manage hazardous material according to the MSD sheet information and report any spills.
Continue to maintain roads to a standard that reduces the likelihood of crashes leading to any spills.	Manage LG roads to a reasonable standard, to reduce any risks leading to a crash, resulting in a spill.	

Pending Endorsement

EMERGENCY RISK MANAGEMENT PLAN

RISK ANALYSIS
Vulnerability: • Most Bridgetown – Greenbushes communities are on a major road, increasing the chances of a crash, leading to a spill affecting community. • Local industrial and commercial entities use increasing quantities of hazardous materials, which need to be sourced remotely, requiring transport. More of this material travels through the Shire to areas to get to destinations beyond. • Bridgetown – Greenbushes currently enjoys its natural and largely pristine environment. This is also a drawcard for the Region, bringing tourist dollars to town. An incident may have long-lasting or even permanent implications to this trade and amenity. **Source and Elements of Risk:** • Commerce and industry require these materials to function and produce economic benefit. Limiting supply would have economic implications. • The environment is important to locals and visitors, harm to this environment may have significant and long-term impacts. • The increase in heavy traffic, increases the risk of crashes and the material itself, increases the risk of harm, during that incident.

RECOMMENDED TREATMENT OPTIONS	**Responsible Office**
Continue to be prepared to respond to spills, limit damage and enable opening of infrastructure, as a result of a hazardous material spill.	**DFES** **VFRS** - Bridgetown
Continue to educate and enforce hazardous material regulations and protocols.	**DoEMIRS**
Continue to educate and enforce environmental risk management for hazardous material spills regulations and protocols.	**DWER**
Continue to educate and enforce road traffic regulations and protocols.	**WAPol** – Station OIC
Continue to share relevant information amongst local networks	**SoBG –** CESM **LEMC**
Continue to plan, manage and deliver road quality maintenance and construction programs, within the Shire.	**MRWA** **SoBG** – Community and Infrastructure

RESPONSIBLE AGENCY/INDIVIDUAL		
HMA - DFES **OTHERS -** LEMC, SoBG, DFES, DoEMIRS, DWER, private property owners,		
PRIORITY STATUS - Low priority		
IMPLEMENTATION SHEDULE	**Implementation Plan**	
All treatment actions completed by	1st Quarterly Report	

*End November **2025***	2nd Quarterly Report	
	Completion	
BUDGET CONSIDERATIONS –		
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis		
APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
LEMC		
Shire of Bridgetown/Greenbushes		
LEMC		
DFES		
DoEMIRS		
DWER		

Pending Endorsement

8.6 SEVERE STORM

CAUSES AND CONTRIBUTING FACTORS

- Severe weather events,
- Southerly cyclonic/tropical lows,
- Abnormal weather conditions forming tornados,
- Loose materials becoming potential missiles in high wind,
- Extended power outage due to damaged overhead lines,
- Transport routes obstructed,
- Extended service shutdown due to lack of Business Continuity Planning,
- Lack of comprehensive early warning for some localised events,
- Community Compliancy leading to lack of preparedness.

PREPAREDNESS & PREVENTION CONTROLS

- Local laws encouraging residential and industrial clean up,
- Initial community emergency readiness campaigning strategies,
- Encourage property clean-up, through hard waste and green waste collection campaigns,
- Tree trimming program (including adjacent to power infrastructure, public and private),
- Email/early warning to agencies of Severe Weather Warnings,
- Encouraging investment in underground power supply services,
- Upgrade mobile telephone and radio towers.

RESPONSE & RECOVERY CONTROLS

- Established career and volunteer emergency services, within Bridgetown/Greenbushes Shire,
- Established and rehearsed emergency shelter establishment,
- Western Power depot within Bridgetown/Greenbushes area,
- Established and practiced recovery and response planning,
- Pumping Stations,
- State/National Disaster Relief Funding,
- Encourage active Business Continuity Panning,
- Encourage active and aware LEMC and EM networks.

Treatment strategies

Strategies	Local Government	Community
Improve and implement early warning systems	Reassess and evaluate hard waste collection times	Increase ‘emergency readiness’ awareness
Practiced interagency cooperation and planning exercises	Examine higher wind rated building code requirements	Promote securing your area, green and hard waste removal.
Encouraged Business Continuity Planning for agencies and business	Increase emergency readiness awareness throughout community	Implement annual green waste and property clean up prior to storm season.
Established	Encourage green waste	Evaluation and acceptance

Pending Endorsement

arrangements with Medical services coordinated response	and property clean up prior to storm season each year.	of risk – mitigation and planning at local neighbourhood/family/business level
Develop DRFA-WA plans and trigger processes	Investigate development of a local law for property clean up prior to storm season e.g. 26 parallel rule (*EM Regs*)	
Pre-season advisory/awareness campaigns, on risk mitigation activity and options.	Practical recovery and restoration planning and arrangements	
Participation with multi-agency pre-formed emergency coordination team training and preparedness activities	Support to a 'community resilience development' project – to reduce reliance of community on emergency services and local government.	

RISK ANALYSIS
Vulnerability: **Residents:** • Especially in older homes, • With properties adjacent to tall trees, • With limited capacity to maintain properties **Infrastructure:** • Prone to excessive weather impacts. **Source and Elements of risk**: • Wind + loose material that may impact with adjacent properties, • Rain + blockages of water drainage, gutters, downpipes, • No early warning system in place, limiting preparation time, • Failure to undertake adequate seasonal precautionary measures.

RECOMMENDED TREATMENT OPTIONS	**Responsible Office**
1. Support an increase community awareness of storm (wind & rain) as a seasonal risk.	**SES** Unit
2. Ensure seasonal maintenance occurs to Council drainage infrastructure.	**SoBG** – Community and Infrastructure
3. Ensure community warnings are promulgated throughout Council networks	**SoBG** – Media Team
4. Development of an "all hazards" early warning system, locally.	**LEMC** – LEMA, **SoBG** CESM

5. Ensure timely response possible from SES Unit	**DFES** Dist. Officer – NH, **SES** Bridgetown/Greenbushes Unit
6. Ensure training calendar is published annually with appropriate training courses offered for SES Unit personnel, to provide local area response. (Regional and Local calendars)	**SoBG** Officer - CESM **DFES** - District Officer NH- Manjimup
7. Ensure safe operational protocols and SOP's are enforced	**SoBG** - CESM **DFES** - District Officer - Manjimup
8**.** Ensure effective multi-agency co-operation and response, by testing Plans and strategies of agencies, by the conducting of exercises	**DFES**- Dist.Officer/NH, **LEMC**,& SoBG CESM

RESPONSIBLE AGENCY/INDIVIDUAL		
HMA - DFES **OTHERS -** SoBG, DFES, private property owners,		
PRIORITY STATUS - Low priority		
IMPLEMENTATION SCHEDULE	**Implementation Plan**	
All treatment actions completed by *End* ***November 2026***	1st Quarterly Report	
	2nd Quarterly Report	
	Completion	
BUDGET CONSIDERATIONS –		
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis		

APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
Shire of Bridgetown/Greenbushes		
DFES		
LEMC		

8.7 EARTHQUAKE

CAUSES AND CONTRIBUTING FACTORS

- Ageing infrastructure and built assets,
- Heavy public, government and business reliance upon critical infrastructure,
- The challenges that would present with transport routes being obstructed,
- Extended service shutdown due to lack of Business Continuity Planning,
- Lack of capacity for comprehensive early warning of events,
- Community Compliancy leading to lack of preparedness.

PREPAREDNESS & PREVENTION CONTROLS

- Local laws encouraging residential and industrial building standards to various codes,
- Active redundancy and business continuity/resilience initiatives being developed, practiced and implemented, during and after an event,
- Community emergency readiness campaigning/strategies,
- Tree trimming and similar program (including adjacent to power infrastructure, public and private),
- Upgrade mobile telephone and radio towers.
- Hazard awareness and response training for community.

RESPONSE & RECOVERY CONTROLS

- Established career and volunteer emergency services, within Bridgetown/Greenbushes Shire,
- Established and rehearsed emergency shelter establishment,
- Western Power depot within Bridgetown/Greenbushes area,
- Established and practiced recovery and response planning,
- State/National Disaster Relief Funding,
- Encourage active Business Continuity Panning,
- Encourage active and aware LEMC and EM networks.

Treatment strategies

Strategies	Local Government	Community
Practiced interagency cooperation and planning, through exercises.	Consider higher seismic rated building code requirements and compliance.	Understand and implement earthquake response actions/activities.
Encouraged Business Continuity Planning, for agencies and business.	Increase emergency readiness awareness, throughout community.	
Established arrangements with Medical services, for a coordinated response.		Evaluation and acceptance of risk planning at local neighbourhood/family/business level.
Participation with multi-agency pre-formed emergency coordination	Support to a 'community resilience development' project –	Consider individual, family and enterprise vulnerability assessments, to enable

Pending Endorsement

team training and preparedness activities.	to reduce reliance of community on emergency services and local government.	capacity building activities.

NOTE:
It was thought (at the time of the community engagement sessions) that earthquake, as a hazard, was discussed and topical due to several recent tremors being felt in Bridgetown by residents over the past few years. Historical evidence does not support the inclusion of Earthquake as significant risk to the Shire. Additionally, the recent tremors were just that, tremors that did not damage to assets within the Shire. The inclusion of this plan into this risk evaluation annexure, is only to reflect community input.

RISK ANALYSIS

Vulnerability:
Residents:
- Especially in older (pre code) homes,
- High reliance on critical infrastructure (power, communications, water, etc) which may fail and for prolonged periods,
- Lack of experience with respect to how to behave during an earthquake,

Infrastructure:
- Prone and untested to any seismic activity.
- Any response would add to the loading requirements, when it may be impacted itself.

Source and Elements of risk:
- Seismic activity damaging infrastructure, through shaking/earth movement and resulting in potential hazards to the public,
- Increasing reliance on modern infrastructure for day-to-day life activities, may result in significant exacerbation of any impacts from the hazard itself.

RECOMMENDED TREATMENT OPTIONS	Responsible Office
1. Train and equip to support a community response to an earthquake.	**DFES** District Officer/ NH **SES** Unit
2. Support an increase community awareness of earthquake as a risk.	**DFES – NH DO** **SES** Unit
3. Ensure any community warnings/advice statements are promulgated throughout Council networks	**SoBG** – Media Team
5. Development of an “all hazards” early warning system, locally.	**LEMC** – LEMA, **SoBG** - CESM
6. 5. Ensure timely response possible from SES Unit	**DFES** Dist. Officer – NH, **SES** Bridgetown/Greenbushes Unit
7. Ensure training calendar is published annually, with appropriate training courses offered for SES Unit personnel, to provide local area response. (Regional and Local calendars)	**SoBG** Officer - CESM **DFES** District Officer/NH-Manjimup

Awaiting endorsement

8. Ensure safe operational protocols and SOP's are enforced.	**SoBG** - CESM **DFES** District Officer/NH Manjimup
9. 8**.** Ensure effective multi-agency co-operation and response, by testing Plans and strategies of agencies, by the conducting of exercises	**DFES** District Officer/NH, **LEMC**,& **SoBG** CESM

RESPONSIBLE AGENCY/INDIVIDUAL		
HMA - DFES **OTHERS -** SoBG, WaterCorp, DFES, private property owners, Telstra, NBN Co, Western Power		
PRIORITY STATUS - Low priority		
IMPLEMENTATION SHEDULE	**Implementation Plan**	
All treatment actions completed by *End* ***November 2026***	1st Quarterly Report	
	2nd Quarterly Report	
	Completion	
BUDGET CONSIDERATIONS –		
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis		

APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
LEMC		
Shire of Bridgetown/Greenbushes		
DFES		
WaterCorp		
Western Power		
NBN Co		
Telstra		

Pending Endorsement

8.8 HEATWAVE

CAUSES AND CONTRIBUTING FACTORS

- Weather extremes.
- Global warming influences.

PREPAREDNESS & PREVENTION CONTROLS

- Dept of Health Warnings to prepare community.
- Protective strategies for vulnerable community members.
- Dept of Health preparedness protocols and procedures.

RESPONSE & RECOVERY CONTROLS

- Enhanced capacity of health system to manage presentations for treatment.

Treatment strategies

Strategies	Local Government	Community
Practiced interagency cooperation and planning, through exercises.	Consider limiting outdoor activities during heatwave warning periods for local area.	Understand and implement precautionary measures consistent with Dep of Health warning.
Encouraged Business Continuity Planning, for agencies and business.	Increase emergency readiness awareness, throughout community.	
Established arrangements with Medical services, for a coordinated response.		Evaluation and acceptance of risk planning at local neighbourhood/family/business level.
Participation with multi-agency pre-formed emergency coordination team training and preparedness activities.	Support to a 'community resilience development' project – to reduce reliance of community on emergency services and local government.	Consider individual, family and enterprise vulnerability assessments, to enable capacity building activities.

RISK ANALYSIS

Vulnerability:

Residents:

- Especially in older (pre code) homes,
- High reliance on critical infrastructure (power, communications, water, etc) which may fail and for prolonger periods,
- Lack of experience with respect to how to behave during an earthquake,

Infrastructure:

- Prone and untested to any seismic activity.
- Any response would add to the loading requirements, when it may be impacted itself.

Pending Endorsement

Source and Elements of risk: • Seismic activity damaging infrastructure, through shaking/earth movement and resulting in potential hazards to the public, • Increasing reliance on modern infrastructure for day-to-day life activities, may result in significant exacerbation of any impacts from the hazard itself.

RECOMMENDED TREATMENT OPTIONS	**Responsible Office**
4. Train and equip to support a community response to an earthquake.	**DFES** District Officer/ NH **SES** Unit
5. Support an increase community awareness of earthquake as a risk.	**DFES – NH DO** **SES** Unit
6. Ensure any community warnings/advice statements are promulgated throughout Council networks	**SoBG** – Media Team
10. Development of an "all hazards" early warning system, locally.	**LEMC** – LEMA, **SoBG** - CESM
11. 5. Ensure timely response possible from SES Unit	**DFES** Dist. Officer – NH, **SES** Bridgetown/Greenbushes Unit
12. Ensure training calendar is published annually, with appropriate training courses offered for SES Unit personnel, to provide local area response. (Regional and Local calendars)	**SoBG** Officer - CESM **DFES** District Officer/NH-Manjimup
13. Ensure safe operational protocols and SOP's are enforced.	**SoBG** - CESM **DFES** District Officer/NH Manjimup
14. 8**.** Ensure effective multi-agency co-operation and response, by testing Plans and strategies of agencies, by the conducting of exercises	**DFES** District Officer/NH, **LEMC**,& **SoBG** CESM

RESPONSIBLE AGENCY/INDIVIDUAL
HMA - DFES **OTHERS -** SoBG, WaterCorp, DFES, private property owners, Telstra, NBN Co, Western Power
PRIORITY STATUS - Low priority

IMPLEMENTATION SHEDULE	**Implementation Plan**	
All treatment actions completed by *End* ***November 2026***	1st Quarterly Report	
	2nd Quarterly Report	
	Completion	

BUDGET CONSIDERATIONS –
MONITOR AND REVIEW LEMC to monitor & review in November, on an annual basis

APPROVAL FOR RECOMMENDATION IMPLEMENTATION		
ORGANISATION	**DATE**	**SIGNED**
LEMC		
Shire of Bridgetown/Greenbushes		

Council Endorsement

DFES		
WaterCorp		
Western Power		
NBN Co		
Telstra		

Pending Endorsement

NOTICE TO ALL OWNERS AND OCCUPIERS OF LAND IN THE SHIRE OF BRIDGETOWN-GREENBUSHES

Shire of Bridgetown-Greenbushes .... simply beautiful

2024/2025 FIREBREAK AND FUEL HAZARD REDUCTION NOTICE

FOR ALL FIRES PHONE 000

ABOUT THIS NOTICE AND YOUR RESPONSIBILITIES

In accordance with Section 33 of the Bush Fires Act 1954, you are required to carry out fire prevention work on land owned or occupied by you as set out in this Notice by the dates specified. If the requirements of this Notice are not met by the due date or are not completed to the satisfaction of an inspecting officer, an on the spot fine of **$250** may be issued. The maximum fine for failure to comply is **$5,000.** Council can also enter upon the land and carry out required works at the owner/occupier's expense.

DATES YOU MUST REMEMBER		
RESTRICTED BURNING PERIOD	PROHIBITED BURNING PERIOD	RESTRICTED BURNING PERIOD
15 October to 31 November	1 December to 31 March	1 April to 15 May

This Notice outlines the requirements and restrictions for different property types and activities.

PROPERTY TYPE	CATEGORY	YEARLY COMPLIANCE DATES
Land under 5,000m ^{2}	Category 1	15 November to 10 May
Land over 5,000m^2 and under 4 hectares	Category 2	15 November to 10 May
Land over 4 hectares	Category 3	15 November to 10 May
Plantations and Harvested Plantations	Category 4	1 November to 10 May
Timber Mills	Category 5	1 November to 10 May

1. SPECIAL REQUIREMENTS AND ALTERNATIVES

1.1 SPECIAL REQUIREMENTS

The requirements of this Notice are considered the minimum standard of fire protection required to protect not only the individual property but the community as a whole. Council can impose additional requirements to remove or abate hazards if considered necessary. Any property subject to a Bush Fire Management Plan, or conditions imposed as a result of development approval, must comply with the approved conditions in addition to the requirements of this Notice.

1.2 ALTERNATIVES

If you consider it impracticable or environmentally damaging to carry out the requirements set out in this Notice, you can apply to Council by **1 October** for permission to provide alternative firebreaks or other fire prevention measures.

In the absence of written approval for alternative measures, the owner/occupier must adhere to the requirements of this Notice.

Regulated activities under section 3.1 can be applied for at any time of the year.

In the absence of written approval for alternative measures, the owner/occupier must adhere to the requirements of this Notice.

Enquiries relating to this Firebreak and Fuel Hazard Reduction Notice or fire prevention in general should be directed to the Shire Ranger Services on (08) 9761 0800 or 0457 885 156

2. WORK REQUIRED TO BE UNDERTAKEN

2.1 CATEGORY 1 – LAND UNDER 5,000M ^{2} (1/2 HECTARE) By 15 November until 10 May

Remove all flammable material from the property except living trees and shrubbery and maintain throughout the required period. Grass height not to exceed 100mm.

2.2 CATEGORY 2 – LAND OVER 5,000m ^{2} AND UNDER 4 HECTARES (10 ACRES) By 15 November until 10 May

All buildings must have an access track not less than 3 metres in width and a minimum 4 metre vertical clearance to overhanging vegetation. Around all buildings, haystacks and fuel storage areas, slash and remove all flammable materials likely to create a fire hazard, except living trees and shrubbery for at least 20 metres around the building, haystack and fuel storage area. Grass height not to exceed 100mm.

In addition to the above, the following requirements also apply to Category 2 properties:

(a) Land used for cropping or pasture: Construct and maintain a 3 metre wide firebreak with a minimum 4 metre vertical clearance to overhanging vegetation as near as practical to the perimeter of the property.

(b) Land not used for cropping/pasture: Remove all flammable material from the property except living trees and shrubbery and maintain throughout the required period. Grass height not to exceed 100mm. If choosing to forego firebreaks and instead remove flammable material from the property, the property owner must complete active fuel reduction on the property before 15 November and maintain it throughout the period of this Notice by means such as slashing, baling, and/or grazing by an appropriate number of livestock. If choosing to carry out fuel reduction by grazing of stock, the property owner must ensure that sufficient stock is used to ensure that all grass is reduced to a maximum height of 100mm by **15 November and maintained at that height until 26 April.**

2.3 CATEGORY 3 – LAND OVER 4 HECTARES (10 ACRES) By 15 November until 10 May

All buildings must have an access track not less than 3 metres in width and a minimum 4 metre vertical clearance to overhanging vegetation. Around all buildings, haystacks and fuel storage areas, slash and remove all flammable materials likely to create a fire hazard, except living trees and· shrubbery for at least 20 metres around the building, haystack and fuel storage area. Grass height not to exceed 100mm.

In addition to the above, the following requirements also apply to Category 3 properties:

(a) Managed land used for agriculture, viticulture or horticulture: Managed land is not required to have firebreaks, although land owners and occupiers are encouraged to install them in strategic places to protect their property in the event of a fire. There must be active fuel reduction done on the property throughout the period of this Notice, by means such as slashing, baling, and/or grazing by an appropriate number of livestock.

(b) Unmanaged land: As a minimum, one of the following two methods must be implemented:

(i) Fuel reduction: Remove all flammable materials from the entire property except living trees and shrubbery and maintain throughout the required period. Grass height not to exceed 100mm; or

(ii) Firebreak: Construct and maintain a 3 metre wide firebreak with a minimum 4 metre vertical clearance to overhanging vegetation as near as practical to the perimeter of the property.

2.4 CATEGORY 4 – PLANTATIONS AND HARVESTED PLANTATIONS By 1 November until 10 May

The first row of trees must be a minimum of 15 metres from all formed public roads. A 10 metre wide firebreak shall be constructed along the internal boundaries of the plantation, along the boundaries of separate ownership, and all formed public roads. A firebreak 6 metres wide shall be provided in such a position that no compartment of a plantation exceeds 30 hectares. Where power lines pass through the plantation the clearing of vegetation must be in accordance with power supplier specifications. Trees adjoining the firebreak must be progressively pruned to a minimum height of 4 metres to maintain an effective width of firebreak. **Firebreak requirements for harvested plantations are the same as for plantations.** Any harvest residue heaps (slash piles) are to be a maximum of 4 metres wide; maximum 2 metres high; maximum 50 metres length with minimum 5 metre separation between heaps/piles; minimum 50 metres from any boundary or native vegetation islands; minimum 20 metres from powerlines or any areas of remnant vegetation and the first row of trees of any plantation.

2.5 CATEGORY 5 – TIMBER MILLS By 1 November until 10 May

Construct and maintain a 3 metre firebreak with a minimum 4 metre vertical clearance inside and along the boundary of the property as well as a 10 metre firebreak around all piles of sawdust, woodchips, bark and waste material.

3. REGULATED ACTIVITIES

3.1 HARVESTING OPERATIONS In addition to the individual Category requirements, any crop or plantation harvesting must have a drivable fire unit (not a trailer fire unit) of at least 400 litres in operational condition (full of water and in good working order) per harvesting machine within the compartment being harvested.
3.2 STUMP GRINDING The use of a stump grinder during Restricted and Prohibited Burning Periods is only permitted if a drivable fire unit of at least 400 litres in operational condition (full of water and in good working order) be within 200 metres of the stump grinder in the same compartment.
3.3 BURNING OF GARDEN REFUSE AND RUBBISH Prior to the burning of garden refuse and rubbish a 3 metre radius perimeter around the waste heap is to be cleared of all flammable material. Burning of garden refuse and rubbish is not permitted during the Prohibited Burning Period and during the Restricted Burning Periods it will require a burning permit from a Fire Control Officer.

3.4 SLASHING DURING THE RESTRICTED AND PROHIBITED BURNING PERIODS This clause does not apply to the mowing of residential lawns. During the Restricted Burning Period, any person conducting slashing must have available a fire extinguisher of not less than 7.5 litre capacity either attached to the machine or within 200 metres of where the machine is operating. During the Prohibited Burning Period, any person conducting slashing must have available a fire fighting unit (full of water and in good working order) of not less than 400 litre capacity within 200 metres of where the machine is operating.
3.5 CAMP FIRES AND BARBECUES Open wood camp fires, wood fuelled barbecues, solid fuel pizza ovens, and spit style rotisseries require a permit in the Restricted Burning Period if the Fire Danger Rating (AFDRS) is "High" or above and are not allowed in the Prohibited Burning Period. Use of a gas barbecue is permitted subject to a perimeter with a 5 metre radius around the barbecue being cleared of bush and flammable materials.

4. DEFINITIONS OF TERMS

Firebreak: must be bare earth from which any combustible material that is capable of carrying a running fire has been removed and on which no flammable material is permitted to accumulate during the period specified in this Notice.
Flammable material: accumulated fuel such as leaf litter, twigs, bark, grass over 100mm in height, timber, boxes, cartons, paper and any combustible material, capable of carrying a running fire but excludes living standing trees and shrubs.
Flammable fuel storage: includes all petroleum based liquids, Liquefied Petroleum Gas, Liquefied Natural Gas, and any other combustible liquid or gaseous fuel.
Fuel hazard: has the same definition as "flammable material".
Harvested plantation: a plantation that has been clear felled but evidence of former use of the plantation remains in the form of tree stumps, pruning, limbs, and/or other accumulated tree refuse or logging residue.

Hay Stack: a collection of hay including fodder rolls placed or stacked together.

Managed land: land over 4 hectares that is being actively used for agriculture, viticulture, horticulture etc. and that such use is clearly evident (excluding plantations).
Plantation: any area planted in pine, eucalypt or other commercially valued trees (excluding orchards and vineyards) which have been planted for commercial gain. Requires approval under the Town Planning Scheme.
Unmanaged land: land over 4 hectares that is not being actively and evidently used for agriculture, viticulture, horticulture etc. (excluding plantations).

By Order of the Council
NICOLE GIBBS
CHIEF EXECUTIVE OFFICER
27 July 2024

5. FIRE PERMITS AND UNDERTAKING FUEL HAZARD REDUCTION WORK

5.1 CONTRACTORS - A list of contractors available to assist with fire prevention work is available by calling the Shire on 9761 0800. Council does not recommend or endorse any particular contractor.
5.2 PERMITS to burn are required for the whole of the restricted periods and can only be obtained from the Fire Control Officers listed overleaf.
5.3 CAREFULLY READ and adhere to all of the conditions of the permit as any breach or negligence could make you liable for any damage to neighbouring properties and/or infringements/penalties.
5.4 ANY SPECIAL CONDITIONS imposed by the Fire Control Officer/s when issuing permits must be strictly adhered to. Rangers will check that permit conditions are being complied with during the Restricted Burning Period.
5.5 INFRINGEMENTS/ON THE SPOT FINES of $250 and upwards may apply to any breaches of the permit conditions/special conditions. Contact your FCO or local Rangers if in doubt.
5.6 THE PERMIT HOLDER shall give notice of their intention to burn to the following:

(a) The Shire Office, no later than on the day when burning is to take place. Weekend burning must be notified by 4.00pm of the preceding Friday.

(b) The owner or occupier of adjoining land.

(c) The nearest Department of Biodiversity, Conservation and Attractions, Parks and Wildlife Service office, if the land is situated within 3km of a State Forest (Kirup or Pemberton). Notification should be given even when burning is in the open burning period.
5.7 PERIOD OF NOTICE to neighbours prior to burning cannot be more than 28 days or less than 4 days, although lesser notice may be determined by mutual agreement of all neighbours.
5.8 NO PERMITS will be issued for burning on public holidays during the Restricted or Prohibited Burning Periods.
5.9 INCINERATORS used to burn rubbish must be properly constructed. An open drum with or without a lid is not an authorised incinerator.
5.10 BURNING ON THOROUGHFARES – Prior to burning on a thoroughfare, verge, or road reserve, a person must obtain a Permit to Light a Fire on a Thoroughfare. The onus lies on the person burning to not only comply with the provisions of the *Activities on Thoroughfares* and Trading in Trading in Thoroughfares and Public Places Local Law and the Bush Fires Act 1954, but also to ensure there is no possibility of the fire escaping.
5.11 FIREFIGHTING EQUIPMENT residents are strongly encouraged to have and maintain firefighting equipment for protection of their own property.

6. HARVEST AND VEHICLE MOVEMENT BANS AND TOTAL FIRE BANS

6.1 TOTAL FIRE BANS (TFB) are declared by the Department of Fire and Emergency Services (DFES) following consultation with Local Governments due to extreme weather conditions or widespread fires stretching firefighting resources. During a TFB the lighting of any fires in the open air and any other activities that may start a fire are prohibited, including:

(a) All open air fires for the purpose of cooking/camping, i.e. wood fuel barbeques, candles, pizza ovens;

(b) Incinerators, welding, grinding, soldering, gas cutting, angle grinders and lawnmowers.

Penalty: Up to $25,000 fine and/or a 12 month jail term. Exemptions may be granted by DFES and must be requested in writing.

6.2 HARVEST AND VEHICLE MOVEMENT BANS are imposed by Local Government under the Bush Fires Regulations 1954 Section 38A and Section 24C, when prevailing and/or anticipated weather conditions and/or when availability or response capacity of the local firefighting resources are reduced. A Harvest and Vehicle Movement Ban may be imposed for any length of time but is generally imposed for 'heat of the day' periods and may be extended or revoked as weather conditions change. During a Harvest and Vehicle Movement Ban, the use of engines, vehicles, plant and machinery is prohibited in order to mitigate the associated risk of causing or contributing to the spread of a bushfire.

6.3 AUSTRALIAN FIRE DANGER RATING SYSTEM (AFDRS) The Fire Danger Rating for any day can be located at https://www.emergency.wa.gov.au/#firedangerratings

7. VOLUNTEERING IN A BUSH FIRE BRIGADE

7.1 BRIGADE MEMBERSHIP If you are interested in joining your local Volunteer Bush Fire Brigade, contact the Fire Control Officer for your area or the Shire's Community Emergency Services Manager on 0428 611 125.

7.2 VOLUNTEERS ATTENDING A FIRE IN THEIR OWN VEHICLE must immediately report to the Fire Control Officer for safety and insurance purposes.

8. IN THE EVENT OF AN UNCONTROLLED FIRE

8.1 FIRE REPORTS All landowners and occupiers who incur a bushfire have an obligation to assist the Fire Control Officer to compile a Fire Report form.

8.2 LANDOWNERS AND OCCUPIERS must take all reasonable measures to control fires on their land, at their expense, regardless of how the fire started. Whilst local volunteer fire fighters will come out and assist in the control of the fire, landowners and occupiers are reminded that they are ultimately responsible for fires on their property, including monitoring the fire after fire crews have left. Penalties apply and recovery of costs can be made by Council for those who do not comply with these provisions.

8.3 RADIO STATIONS DURING A FIRE EMERGENCY During a fire emergency all landowners and occupiers are encouraged to listen to ABC Radio as they are the official emergency broadcast radio station. Local frequencies are 1044, 684 and 558.

9. BUSH FIRE CONTROL OFFICERS

Chief Fire Control Officer Greg Kennedy 0427 577 821	**Deputy Chief Fire Control Officer** Chris Doherty 0460 416 538	**Shire Community Emergency Services Manager** 0428 611 125
Bridgetown Townsite (Permits) Donna Baker 0457 885 156	**Catterick** Santo Pratico 0428 644 057	**Greenbushes** Tim Hingston 0427 189 007
Hester Brook Keith Clothier 0428 611 787	**Kangaroo Gully** Chris Doherty 0460 416 538	**Maranup** Andrew Browne 0427 612 001
Sunnyside Martin Winchcombe 0427 619 085	**Wandillup** Robert Moyes 9761 2482	**Winnejup** Hugh Wheatley 0428 617 054
Yornup Lyndon Pearce 0427 962 386		

BUSH FIRE ADVISORY COMMITTEE AGM 10th. JULY 2024

Minutes

For a Meeting of the Bush Fire Advisory Committee AGM to be held at the Bridgetown Bush Fire Service Headquarters, Les Woodhead Ave on Wednesday the 10th of July 2024, commencing at 6.30pm.

1.0 DECLARATION OPENING

Meeting declared open at 1837 hours.

BFAC Chair - Keith Clothier - Round table intro.

2.0 ATTENDANCE / APOLOGIES

2.1 Attendance – As per sign on sheet.

2.2 Apologies – Noted
Nicole Gibbs CEO, Ben Armstrong CESM, Harry Welmink, Annette Curry, Roger Foster.

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 A motion is required to confirm the minutes from the meeting held on the 15th of November 2023

Moved	Seconded	Motion Carried
Tony Pratico	Hugh Wheatley	CARRIED

3.2 Matters arising from previous meeting – Noted
NIL.

4.0 ELECTION OF OFFICERS FOR THE 2024/25 FIRE SEASON and OPERATIONAL GUIDLINES

4.1 Recommendation 1
The Bush Fire Advisory Committee recommend to Council to endorse
Lyndon Pearce as the Chairperson of the Shire of Bridgetown-Greenbushes Bush Fire Advisory Committee (BFAC) expiring in July 2025.
All Positions Declared Vacant.

Moved	Seconded	Motion Carried
Greg Kennedy	Chris Doherty	CARRIED

4.2 **Recommendation 2**

The Bush Fire Advisory Committee recommend to Council to appoint the following persons by delegated authority for the 2024/2025 Fire Season:

*** Noting that under section 1.5 of the Bush Fire Brigades Operational Procedure the CBFCO and DCBFCO appointments are for a 3-year term unless otherwise appointed by this committee*.

	Accepted	Moved	Seconded
Chief Bush Fire Control Officer:	Greg Kennedy	A. Browne	T. Pratico
Deputy Chief Bush Fire Control Officer:	Chris Doherty	G. Kennedy	H. Wheatley
Deputy Chief Bush Fire Control Officer:	Keith Clothier	G. Kennedy	H. Wheatley

All positions accepted and carried unanimously.

Bush Fire Control Officers:

Bridgetown – Aaron McKnight

Catterick – Santo Pratico

Greenbushes – Tim Hingston

Hester Brook – Keith Clothier

Kangaroo Gully – Chris Doherty

Kangaroo Gully – Kendall Raneri

Maranup – Andrew Browne

Sunnyside – Martin Winchcombe

Wandillup – Robert Moyes

Winnejup – Hugh Wheatley

Yornup – Lyndon Pearce

Shire Appointed Bush Fire Control Officers:

Community Emergency Services Manager - Ben Armstrong

Emergency Services Officer - Bob McCance

Ranger - Donna Baker

Outgoing Fire Control Officers to have appointment removed:

Harry Welmink, Hal Reid, Kevin Wrightson

Moved	**Seconded**	**Motion Carried**
Greg Kennedy	Aaron McKnight	Carried Unanimously

4.3 Recommendation 3

The Bush Fire Advisory Committee recommend to Council to endorse the Shire of Bridgetown – Greenbushes Firebreak Notice as named "2024/2025 Firebreak and Fuel Hazard Reduction Notice"

(Publish the Notice in the Government Gazette and a local newspaper that circulates within the district.)

Moved	Seconded	Motion Carried
Chris Doherty	Tony Pratico	Carried

4.4 Recommendation 4

The Bush Fire Advisory Committee recommend to Council to endorse the "Shire of Bridgetown-Greenbushes Bushfire Brigade Operational Procedures and Supporting Documents June 2024"
That the annexed Safe Work Instructions (SWI's) are recommended by BFAC to permit the CBFCO and/or CESM to make adjustments as required without the need for the SWI's to be endorsed by council.

Moved	Seconded	Motion Carried
Greg Kennedy	Chris Doherty	Carried

4.5 Recommendation 5

Insert from the Captain/FCO meeting held on the 17th of Jan 2024 - Notice to BFAC regarding adoption of the Plantation management standards and practices to be included into future plantations within the shire.
The Bush Fire Advisory Committee recommend to Council to endorse the Guidelines for Plantation Fire Protection 2011 to be considered for and in future plantations within the shire and form part of the application and approval process, inclusive of CESM review.

Moved	Seconded	Motion Carried
Greg Kennedy	Aaron McKnight	Carried

5.0 REPORTS FROM SHIRE OFFICERS AND DELEGATES

5.1 Chief Bush Fire Control Officer

Explained the season started early and finished late, we must be prepared for the same conditions again next season. People are becoming more risk aware. Many of our members deployed to other shires/ regions this year.

5.2 Deputy Chief Fire Control Officer (s)

Both Deputies reiterated the comments of the Chief.

5.3 Shire Chief Executive Officer

Apology – Not Present.

5.4 Community Emergency Services Manager

Report as Tabled/Attached.

5.5 Brigade Bush Fire Control Officers

- **Bridgetown**
  Spoke of the 12:2 Tanker deploying and the occasional lack of effective/efficient use of personnel in those events, and the need for the brigade to conduct strategic planning for the future.
- **Catterick**
  Not represented.
- **Greenbushes**
  Not represented.
- **Hester Brook**
  Had a good year, good numbers recruited, younger members now involved in the leadership group after AGM, training will continue throughout the winter.

- **Kangaroo Gully**
  Recent changes to the brigade since AGM, new invigorated members now joined, brigade is learning lessons from other brigades.
- **Maranup**
  Held AGM in May, appointed new FCO, Andrew Hardy now a crew leader, there's been a demographic change within the brigade, and focus will be on fostering new recruits and getting them through basic training.
  The Chief then thanked Hal Reid for his service and time as FCO.
- **Sunny Side**
  Changed the date of their AGM, no new appointments or changes. Enquired about obtaining BIC fittings to allow bottom filling of private appliances – **Action: Bob McCance**
- **Wandillup**
  Not represented.
- **Winnejup**
  Held AGM, the leadership structure remains the same, older members will receive letters asking of their intentions, get new members trained up to become active.
- **Yornup**
  Yornup Hall is now air conditioned, Annette Curry is taking time away from the brigade.

5.6 **Department of Fire and Emergency Services**
AO spoke of deployments to neighbouring shires and districts over the fire season and a detailed report is Tabled/Attached.

5.7 **Volunteer Fire and Rescue Service**
Apology – Not Present.

5.8 **Parks and Wildlife Service**
Not represented.

5.9 **Other Reports**
NIL.

6. MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

N/A.

7. NEW BUSINESS OF AN URGENT NATURE

N/A.

8. NOTICE OF MOTIONS FOR CONSIDERATION AT NEXT MEETING

That Section 3.1 HARVESTING OPERATIONS of the 2024/25 Firebreak and Fuel Hazard Reduction Notice reflect that harvesting operations that cannot meet the regulated activities can then seek alternative arrangements referred to in Section 1.2 ALTERNATIVES.

9. CLOSURE OF MEETING

Time - 1951 hours.

Shire of Bridgetown-Greenbushes
Bushfire Brigade
Operational Procedures

VERSION 1.2 – June 2024

Shire of Bridgetown-Greenbushes Fire Control Centre
Les Woodhead Avenue, Bridgetown, WA, 6255

Amendment List

Number	Date	Details	Amended By
1.1	8/3/23	Initial Issue – BFAC endorsement	CESM
1.2	18/6/24	Revision and additional SWI inserted – BFAC Endorsement (10/7/24)	CESM
	TBA	Council Endorsement and approval	CESM

To forward feedback, copy the relevant section, mark the proposed changes and forward it to:

Community and Emergency Services Manager
Shire of Bridgetown Greenbushes
PO Box 271
BRIDGETOWN WA 6255

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Introduction

The Shire of Bridgetown Greenbushes is responsible for the Establishment and Administration of Bush Fire Brigades within the Shire of Bridgetown Greenbushes in accordance *with Section 41 of the Bush Fires Act 1954*. The Shire of Bridgetown Greenbushes is responsible for the Insurance of Bush Fire Brigade Members and Emergency Service Levy associated Appliances and Equipment.

The Bush Fire Advisory Committee reports and makes recommendations on strategic matters to Council.

Purpose

The Shire of Bridgetown Greenbushes Bush Fire Brigade Operational Procedures outlines the working structure of Bush Fire Brigades and can be reviewed by Council and or the Bush Fire Advisory Committee at any time.

The Bush Fire Brigade Operational Procedures is to be referred to by Council, Shire of Bridgetown Greenbushes Staff, the Bush Fire Advisory Committee and Bush Fire Brigades Members.

The Procedures set normal operational and strategic procedures for administration and maintenance of Bush Fire Bush Brigades in the Shire of Bridgetown Greenbushes. If there is an anomaly within the Procedure, then the *Bush Fires Act 1954* will take precedence.

Bush Fire Brigades Working Structure

Shire of Bridgetown Greenbushes

Bush Fire Advisory Committee
Reports to Council on Strategic Fire matters

Community Emergency Services Manager

Chief Bush Fire Control Officer &

Deputy Chief Bush Fire Control Officer

Delegated Authority from Council

Bush Fire Brigades

Brigade Captain

Brigade Fire Control Officer

Brigade Lieutenant(s)

Fire fighters

Review

The Shire of Bridgetown Greenbushes Bush Fire Brigade Operating Procedures will be reviewed on a regular basis. Amendments can be made at any time and should be recommended by the Bush Fire Advisory Committee and endorsed by the Chief Executive Officer of the Shire of Bridgetown Greenbushes.

Interpretation

In these procedures, unless the context otherwise requires:

"The ACT"	means the *Bush Fires Act 1954* and amendments.
"The Regulations"	means the *Bush Fires Regulations 1954.*
"Council"	means the elected members of the Shire of Bridgetown Greenbushes Council.
"DFES"	means the Department of Fire and Emergency Services.
"Ordinary Meeting"	means any meeting of the Brigade other than an annual general meeting, operational meeting or a special meeting.
"Absolute Majority"	means more than half of the total votes of those eligible to vote whether present or not.
"Normal Brigade Activities"	as defined in *Section 35A of the Act*.
"Fire fighter"	means a member of a Brigade with the competency and currency to carry out operational firefighting duties.
"Auxiliary"	means a member that provides support to operational fire fighters of the Brigade and must be a minimum of sixteen (16) years of age.
"Cadet"	means a member of a Brigade aged between fourteen (14) and up to sixteen (16) years of age. The member is not allowed to carry out operational firefighting duties.
"CEO"	means Chief Executive Officer of the Shire of Bridgetown Greenbushes.
"CESM"	means the Community Emergency Services Manager for the Shire of Bridgetown Greenbushes

"CBFCO"	means the Chief Bush Fire Control Officer appointed by the Shire of Bridgetown Greenbushes.
"DBCA"	**DBCA"** means the Department of Biodiversity Conservation and Attractions.
"DCBFCO"	means a Deputy Chief Bush Fire Control Officer appointed by the Shire of Bridgetown Greenbushes.
"FCO"	means a Fire Control Officer appointed by the Shire of Bridgetown Greenbushes.
"BFAC"	means the Bush Fire Advisory Committee appointed by the Shire of Bridgetown Greenbushes.
"Local Government"	means the Local Government established under the *Local Government Act 1995*.

Authorisation

These procedures have been produced and issued under the authority of the Shire of Bridgetown Greenbushes in accordance with the *Bush Fires Act 1954* and endorsed by BFAC and the Shire of Bridgetown Greenbushes Chief Executive Officer.

1. Volunteer Bush Fire Brigades

1.1 Vision

To protect our volunteer members, the community and our environment. Be committed to providing an environment in which all persons can expect to be treated equally and with respect.

1.2 Our Values

- Mutual respect;
- Integrity and trust;
- Strive to keep ourselves and others safe;
- Support, friendship, camaraderie; and
- Knowledge and learning.

1.3 Objectives

The Shire of Bridgetown Greenbushes Volunteer Bush Fire Brigades undertake the following objectives:

- Provide timely, quality and effective emergency service;
- Minimise the impact of emergencies on the community;
- Work with the community to increase bush fire awareness and fire prevention strategies;
- To ensure that bush fire brigade volunteers receive appropriate training for their respective roles within the brigade;
- Ensure that operational equipment is serviceable and available for emergencies;
- Provide a workplace that is safe and everyone is treated with respect in an environment that is free from discrimination and harassment;
- Work cohesively with other emergency management agencies; and
- Report to Council through the Bush Fire Advisory Committee (BFAC) on any relevant matters.

1.4 Establishment of a Bush Fire Brigade

The Shire of Bridgetown Greenbushes may establish a Bush Fire Brigade for the purpose of carrying out normal brigade activities in accordance with *Section 41 of the Bush Fires Act 1954*.

The Bush Fire Advisory Committee (BFAC) will report to Council on the wellbeing and structure of any Bush Fire Brigade within the Shire of Bridgetown Greenbushes. BFAC will from time to time review the operational functionality of all Bush Fire Brigades. This review will be conducted using the provisions of this document and any other available tools.

All members of a Bush Fire Brigade must be registered brigade members for insurance purposes, a register of members will be maintained by the Shire of Bridgetown Greenbushes.

1.5 Brigade Types and Management Structure

The Shire of Bridgetown Greenbushes is to ensure there is an appropriate structure through which the organisation of Bush Fire Brigades can be maintained.

In consultation with the Bush Fire Brigades though the BFAC, the Shire will appoint a Chief Bush Fire Control Officer (CBFCO) and at least one Deputy Chief Bush Fire Control Officer (DCBFCO).

The CBFCO, DCBFCO appointments are for a 3 year term. The incumbent continues in their role (unless terminated or resigned) until a new appointment occurs. At a meeting of Council, Council appoints a suitable person to each position (CBFCO and DCBFCO/s) after calling for nominations and receiving a recommendation from BFAC. In addition, the CEO may recommend to Council an additional DCBFCO.

FCO Nominations will be by Brigades and recommended for appointment by BFAC. These appointments are for a 1 year term. The incumbent continues in their role (unless terminated or resigned) until a new appointment occurs.

Each year the Brigade shall nominate and appoint a Captain, Lieutenants and other officers for their Brigade at their Annual General Meeting.

1.5.1 Bush Fire Brigade

- Has a complete and maintained brigade structure (refer to complete structure below);
- Has a succession plan in place for all senior officers;
- Maintains a 2 crew shift per allocated appliance where appropriate. Where there is only to be 1 crew member per allocated appliance this is to go through a risk assessment conducted by the Brigade Captain or delegate;
- Predominantly has an ESL supplied appliance;
- Reports to the Bush Fire Advisory Committee and the Shire of Bridgetown Greenbushes on all matters involving the Brigade;
- Responds to any incident in a timely manner;
- Holds an AGM once a year in accordance with this document and reports to the Bush Fire Advisory Committee;
- All active members hold current and up to date qualifications in accordance with this document and Council Policy;
- Holds and maintains radio communications with the Chief Bush Fire Control Officer and the Bush Fire Network; and
- All Active members are trained and competent with use of the appliance allocated to the Bush Fire Brigade.

Complete Brigade Structure (Bush Fire Brigade)

- Fire Control Officer
- Captain
- Lieutenant/s
- Secretary
- Treasurer
- Brigade Equipment Officer (optional)
- Brigade Training Officers (optional)
- Brigade Resource Officer (optional)

One person can hold more than one position in the structure

Additional roles can be determined by each Brigade

1.6 Ranks, Reporting Lines

The Shire of Bridgetown Greenbushes is responsible for the management of Bush Fire Brigades.

The Chief Bush Fire Control Officer has delegated authority from Council to manage day to day operational management of the bush fire network, Level One (1) Bush Fires and all other delegations as approved by Council.

The Bush Fire Advisory Committee is a committee of Council and reports on strategic matters of fire control and management of the bush fire brigade network.

1.7 Bush Fire Brigade Office Bearers - Roles and Responsibilities

1.7.1 Captain

The Captain of a bush fire brigade is responsible for the leadership and management of the bush fire brigade. The position reports to the CBFCO on Brigade related matters.

Brigade members are to report directly to the Captain of their bush fire brigade.

The duties of a Captain include but are not limited to:

- Demonstrate positive leadership and mentor members;
- In the absence of an FCO may take overall charge of an incident;
- Ensure incident control systems and management principles are implemented and maintained during all emergency incidents if required;
- Conduct brigade briefings and host post incident analysis of any incident;
- Undertake responsibility for the proper management and maintenance of brigade property and equipment;
- Ensure all Active Members are trained to basic specified standards;
- Ensure all Active Members are equipped with current Personal Protective Clothing and Equipment once required training is completed;
- Report any injuries of personnel or damage to firefighting equipment immediately to the Chief Bush Fire Control Officer or CESM; and
- Maintain safety standards within the brigade.

Qualifications

- Firefighting experience of 2 years and preferably some time spent as a Lieutenant.
- DFES courses or approved equivalent:
  - Bushfire Safety Awareness
  - AIIMS awareness
  - Bush Firefighting Skills

Note: *Any new appointment to this position will need to have completed the DFES course or approved equivalent within 12 months of being appointed to the position.*

1.7.2 Lieutenant

The duties of a Lieutenant include but are not limited to:

- Attend bush fires as required;
- Operate firefighting equipment and appliances; and
- Provide support to the Captain and assist with operational management of the brigade.
- Perform the role of Crew Leader (Manage and Lead a fire fighting crew in a fire appliance)

Qualifications

- Firefighting experience of 2 years.
- DFES courses or approved equivalent:
  - Bushfire Safety Awareness
  - AIIMS awareness
  - Bush Firefighting Skills

Note: *Any new appointment to this position will need to have completed the DFES course or approved equivalent within 12 months of being appointed to the position.*
Brigades should rank Lieutenants with the First Lieutenant being the most senior. In the absence of a Captain, the most senior Lieutenant may take the role of Captain.

1.7.3 Secretary

The Secretary is to record and manage administrational matters of the Brigade. The position is not required to perform active operational duties and may be inclusive to additional positions held within the brigade.

The duties of a Secretary include but are not limited to:

- Prepare an Agenda for brigade meetings and distribute to members with previous minutes prior to meetings;
- Circulate Notice of Meetings, attend brigade meetings, record the minutes of Brigade meetings and ensure that these documents are circulated to members as well as the Shire;
- Document and record all brigade correspondence and business;
- Make available and circulate minutes of the Bush Fire Advisory Committee and correspondence from the Shire of Bridgetown Greenbushes;
- Provide names of elected members to the Shire within 14 days of the AGM;
- Reports and consults with Captain;
- Report any changes and new memberships to the Shire; and

Qualifications

- Suitable administration skills

1.7.4 Treasurer

The Treasurer's role is to be the custodian of funds of the Bush fire Brigade. This role may be combined with that of Secretary. This position is not required to perform active operational duties but may also hold an operational role within the brigade.

The duties of a Secretary include but are not limited to:

- Prepare an Agenda for brigade meetings and distribute to members with previous minutes prior to meetings

Qualifications

- Financial Management Skills

1.7.5 Shire Training Coordinator

The CESM is nominated the Shire's Training Coordinator for Bush Fire Brigades and will promote training courses available through DFES and other opportunities that may become available for brigade members.

The Duties of the Training Coordinator include but are not limited to:

- Manage the training requirements for members of Bush Fire Brigade within the Shire of Bridgetown Greenbushes;
- Report to the Shire of Bridgetown Greenbushes, Chief Bush Fire Control Officer and Bush Fire Advisory Committee on all training matters;
- Maintain records and deliver those records to the Shire of Bridgetown Greenbushes;
- Liaise with Brigade Training Officers/Captain for Brigade training requirements;
- Conduct training courses for brigade members as required;
- Develop a yearly training calendar with the Shire of Bridgetown Greenbushes; and

Qualifications

- Hold relevant Trainer and Assessor qualifications

1.7.6 Brigade Training Officer

The Brigade Training Officer is not the Training Coordinator for the Shire of Bridgetown Greenbushes and is only responsible for their Brigade area. This position reports to the Captain and liaises with the Training Coordinator to ensure all training needs of the brigade are met.

The Brigade Training Officer doesn't require formal training qualifications. The Shire of Bridgetown Greenbushes is to retain and maintain all training qualifications of brigade members.

The duties of a Brigade Training Officer include but are not limited to:

- Endeavour to ensure brigade members maintain necessary skill levels, equivalent to the competency standard required by the Shire of Bridgetown Greenbushes;

- Endeavour to ensure regular training sessions are conducted within the brigade; and
- Liaise with the Training Coordinator on the training needs of brigade members.

1.7.7 Equipment Officer

The role of the Brigade Equipment Officer is to manage brigade property, fleet vehicles, general equipment and stock levels. The position is not required to perform active operational duties but may be able to demonstrate a degree of knowledge of brigade equipment.

The duties of a Brigade Equipment Officer include but are not limited to:

- Manage brigade equipment and maintain a register of all assets;
- Report required maintenance of equipment in accordance with the Shire of Bridgetown Greenbushes maintenance schedule and adhering to all purchasing guidelines;
- Report maintenance or damage issues to the Captain; and
- Store equipment at the station or other place as approved by the Captain.

1.8 Bush Fire Control Officers - Duties and Responsibilities

1.8.1 Chief Bush Fire Control Officer (CBFCO)

The Chief Bush Fire Control Officer is that of a leader, decision maker, planner and manager of the Bush Fire Brigades. The CBFCO is to ensure that the organisation is functioning to a standard commensurate to the risks within the Shire and reports to the Shire of Bridgetown Greenbushes.

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

The Duties of the Chief Bush Fire Control Officer include but are not limited to:

- Provide leadership and direction to volunteer Bush Fire Brigades and members;
- Monitor Bush Fire Brigades resourcing, equipment and training levels;

- Liaise with the local government concerning fire prevention / suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;
- Act as a Level 1 Incident Controller for bush fires within the Shire of Bridgetown Greenbushes;
- Maintain a personal incident diary and record of fire incidents as well as events and decisions made at incidents within the Shire of Bridgetown Greenbushes;
- Manage SCHED calls for the bush fire radio network;
- Manage the operations of the bush fire brigade radio network;
- Be responsible for conflict resolution in the first instance for bush fire brigade members;
- Be aware and retain knowledge of the location of all resources within the bush fire brigade network;
- Liaise with DFES and DBCA on incident management issues;
- Provide representation on the Bush Fire Advisory Committee (BFAC), Regional Operations Advisory Committee (ROAC) and Local Emergency Management Committee (LEMC);
- Attend brigade meetings if required;
- Report to the Shire of Bridgetown Greenbushes; and
- The Local Government, or Chief Bush Fire Control Officer, may delegate any of these duties to another person who is to be a bush fire control officer

Qualifications

- Active Fire fighting experience of 5 years
- DFES courses or approved equivalent:
  - Leadership Fundamentals
  - AIIMS 2017
  - Level 1 Incident Controller
  - Fire Control Officer

Note: *Any new appointment to this position will need to have completed the DFES course or approved equivalent within 12 months of being appointed to the position.*

1.8.2 Deputy Chief Bush Fire Control Officer (DCBFCO)

The role of Deputy Chief Bush Fire Control Officer is that of a leader, decision maker and planner that assists the CBFCO in managing the Bush Fire Brigades. This position reports to the Chief Bush Fire Control Officer and Shire of Bridgetown Greenbushes on all matters pertinent to bush fire management.

The Duties of the Deputy Bush Fire Control Officer include but are not limited to:

- All duties as detailed in the above Chief Bush Fire Control Officers duties;
- Duties, roles, responsibilities and authority are only allocated when the Chief Bush Fire Control Officer is unavailable or at the request of the Chief Bush Fire Control Officer;
- Support the Chief Bush Fire Control Officer with Incident Management;
- Proxy representation on the Bush Fire Advisory Committee (BFAC), Regional Operations Advisory Committee (ROAC) and Local Emergency Management Committee (LEMC); and
- Be appointed as an FCO.

Qualifications

- Active Fire fighting experience of 2 years
- DFES courses or approved equivalent:
  - AIIMS Awareness
  - Sector Commander
  - Fire Control Officer

1.8.3 Fire Control Officer (FCO)

The Fire Control Officer has the control and management of bush fire suppression activities within the brigade area.

A Fire Control Officer is a delegated representative of the Shire for the administration of the provisions of the *Bush Fires Act 1954*. The position is required to perform active operational duties both in firefighting and fire prevention strategies in the local community. This position reports to the Chief Bush Fire Control Officer and Shire of Bridgetown Greenbushes on all matters pertinent to bush fire management.

A Fire Control Officer must be able to demonstrate experience in bush fire

behaviour, AIIMS and knowledge of the local area. The person must be able to interpret the *Bush Fires Act and Regulations 1954* and be confident with communication skills.

A Fire Control Officer may jointly hold the position of Brigade Captain. There may be two Fire Control Officers appointed for a Brigade area where deemed necessary. One will be designated as the Senior FCO for that area. Only one vote will be counted for each Brigade area at any BFAC or Captain/FCO meeting.

The Shire of Bridgetown Greenbushes may appoint additional FCO's for the Shire for any purpose required by the Shire such as Ranger services, Mitigation Officers or the Bridgetown Volunteer Fire and Rescue and may restrict the FCO powers as the Shire deems appropriate.

The duties of a Fire Control Officer include but are not limited to:

- Authorise and issue permits to burn in accordance with the *Bush Fires Act 1954* within their Brigade boundary and if required, may, after consultation with an FCO from another Brigade, issue permits in that area at the request of the FCO from that area;
- Maintain a personal incident diary and record of fire incidents as well as events and decisions made at incidents within the Shire of Bridgetown Greenbushes;
- Command, control and confidently manage activities at an emergency incident;
- Identify and conduct risk assessments of fire hazards;
- Take control of fire suppression activities within the brigade area, and other areas in the absence of the FCO for that area;
- Assist the Brigade Captain to conduct brigade briefings and host post incident analysis of any incident;
- Ensure operational procedures and safety standards are adhered to on and off the fire ground; and
- Fulfil the role as Operations Officer under the direction of the Chief Bush Fire Control Officer.

Qualifications

- Active Firefighting experience of 2 years
- DFES courses or approved equivalent:
  - AIIMS Awareness
  - Fire Control Officer

Note: *Any new appointment to this position will need to have completed the DFES course or approved equivalent within 12 months of being appointed to the position.*

Note: *Fire Control Officers are appointed by Council for a one year period, they are nominated by their bush fire brigade each year.*

2. Membership

2.1 Types of Membership

There are various types of membership of a Bush Fire Brigade, the details for these are found in the below descriptions. All registered members of a Bushfire Brigade are volunteer firefighters within the definition of the Bushfires Act 1954.

2.1.1 Volunteer Fire Fighter or Active Brigade Member

Fire fighter or Active Brigade Members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities or hold office within the brigade registered with the Shire of Bridgetown-Greenbushes.
Additional types of membership can be classified into the following three categories.

Farmer Response Members
Fire fighter or Active Brigade Members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities utilising their own equipment. (note – must check in with the FCO)

Shire Appliance Response Members
Fire fighter or Active Brigade Members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities utilising Shire firefighting issued Appliances and in accordance with “SWI BFB Fire Protection - Shire Appliances”.

Brigade Support Members
Members who participate in active fire fighting but not on the active fire edge, such as responding in the 12.2 locally or regionally as requested by DFES, manning control points or running supplies around the fire ground or other duties as directed by the IC.

2.1.2 Auxiliary or Associate Member

Auxiliary or Associate members are those persons being at least 16 years of age and may provide varied support to the Brigade not on the active fire ground.

2.1.3 Cadet Member

Cadet members are:

- To be aged 14 or 15 years;

- To be admitted to membership only with the consent of their parent or guardian;
- Admitted for the purpose of training and are not to attend, or be in attendance at any uncontrolled fire or other emergency incident;
- To be supervised by a fire fighting member when undertaking normal brigade activities and must have completed training required of active fire fighter;
- Ineligible to vote at a bush fire brigade meeting; and
- Not to be assigned ranks.

2.1.4 Honorary Life Member

The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade. This type of membership may be awarded posthumously.

2.2 New Membership Application

- A new member of a Bush Fire Brigade is to be provided with these guidelines and complete an *Shire of Bridgetown Greenbushes Application To Join A Bush Fire Brigade* form ***(See Attached)***. By completing the application for membership, the new member is deemed to have accepted the conditions of membership included in this document;
- The CESM must endorse the application prior to submitting to DFES for processing;
- Once processed members will receive an email from DFES with their new Volunteer Emergency Services Identity Number (ID) and an email inviting them to register for the Volunteer Hub at:

  DFES Volunteer Login Page
- Members can use the Volunteer Hub to update their contact details, find resources to support their volunteering experience and access other systems such as eAcademy, and view awards, service and response history.

Information Members may find handy in the Volunteer Hub:

- eAcademy training platform
- Health and wellbeing resources
- Employer supported volunteering resources – how to have the conversation with your employer

- Community engagement resources and ideas

Note: *The Shire reserves the right to request a Criminal History Check for any Volunteer and refuse/terminate membership on the basis of the results of this check. The Captain of a brigade or the Shire may refuse an application for new membership for other reasons.*

2.3 Conditions of Membership

2.3.1 Minimum Training Requirements

All volunteer Bush Fire Brigade members are required to complete a Shire of Bridgetown Greenbushes Bushfire Brigade Induction package when the member joins a Brigade.

Prior to commencing active firefighting duties, Brigade members are to be compliant with the minimum requirements outlined in this document in *Section 3.1 Training Requirements for Brigade Members*

2.3.2 Uniforms PPC

Members will be provided with the appropriate Bush Fire Brigade uniform once they have completed their minimum training requirements as per *the below matrix* and it is required that this uniform be worn when attending any fire ground duties.

The uniform or PPC issued remains the property of the Shire of Bridgetown Greenbushes

Any damage or replacement of uniform issue is to be reported to the Brigade Captain/Equipment Officer.

Members ***must wear the correct uniform*** when attending the fire ground as per the attached matrix, exceptions to this is 12.2 and welfare brigade members performing duties not on an operation fire ground, in this instance a risk based approach is recommended.

Role/Hazard	HAT	HELMET	Eye Protection (to be carried and worn where appropriate)			Respiratory Protection (must have access to)		Hearing Protection	Tunic		Level 1 Gloves	Tabard Hi Vis	Trousers			Safety Boots	
	-	-	Safety Glasses	Goggles	Safety Shield	P2 Mask	Respirator & Filter	-	Level 1 Tunic	T-Shirt	-	-	Level 1- Yellow	Level2 - Blue	Chaps	Fire Boots	Slip on Safety Boots
Incident Controller/IMT	1	-	-	-	-	-	-	-	-	1	-	1	1	-	-	1	-
Grass/Scrub/Bushfire	-	1	-	1	-	-	1	-	1	1	1	-	1	-	-	1	-
Chainsaw Operator	-	1	1	1	1	1	-	1	-	1	1	-	1	-	1	1	-
Brigade Support (12.2 and welfare)	-	1	-	1	-	-	-	-	1	1	1	-	-	1	-	1	-
Routine Appliance and Equipment Checks	1	-	1	-	-	1	-	1	-	1	1	-	1	-	-	1	-

2.3.3 Fitness for Duty & Code of Conduct

If attending a brigade activity including training, fund raising, meetings and fires, all volunteers are required to be in a fit state to carry out the duties involved.

If a volunteer presents unfit for duty, the person presiding over the activity must instruct that person to stand down. Examples include being impaired due to drugs (including prescription drugs), alcohol or fatigue.

2.3.4 Update of Personal Details

Shire of Bridgetown Greenbushes Bush Fire Brigade members are required to ensure that their personal details are up to date. Any change of personal details made via the DFES Volunteer Portal are required to also be submitted to their Brigade Secretary and the Shire within one (1) month of the change.

2.3.5 Drivers Licences

All drivers of vehicles are required to hold a current Western Australian drivers licence for the class of vehicle that is being driven. Any situation that results in the suspension or loss of licence or impairment to the driver's capability is to be reported to the Brigade Captain.

2.3.6 Relevant Legislation, Procedures and Guidelines

The main legislation pertinent to the role of Bush Fire Brigade members are:

- *Bush Fires Act and Regulations 1954*
- *Environmental Protection Act 1986*
- *Equal Opportunity Act 1984*
- *Fire and Emergency Services Act 1998*
- *Work Health and Safety Act 2020*
- *Work Health and Safety (General) Regulations 2022*
- *Road Traffic Act 1974*
- *Road Traffic Code 2000*

2.4 Induction

All new members shall be provided with a formal induction, following the Shire of Bridgetown Greenbushes supplied form, to be completed as soon as possible but no later than three months after a new Member completes their application

This form must be completed and signed by a Brigade Officer with the new member signing the declaration on the back of the form and ***a copy must be supplied to the Shire***.

Note: *New Members shall be provided with a mentor until such time as they are familiar with 'Normal Brigade Activities'.*

2.5 Awards and Recognition

Medals ordinarily can be applied for through the Shire in accordance with eligibility requirements for each medal.

- Medals can be presented to members at a Brigade function, BFAC or AGM.

2.6 Workplace Behaviour Policy, Complaints and Grievances

2.6.1 Workplace Behaviour Policies

The Shire of Bridgetown-Greenbushes is committed to providing a workplace that is free from discrimination, harassment, bullying and victimisation for all employees and members of the community. We believe that in providing such a workforce we will enable all employees to feel safe, secure and free from intimidation when they are at work. *Refer Shire of Bridgetown Greenbushes P1 Anti-Discrimination, Sexual Harassment and Bullying Policy and P5 Equal Opportunity Employment.*

The Shire of Bridgetown-Greenbushes prohibits any form of unacceptable behaviour in the workplace and encourages all employees to report any unacceptable behavior to the IC, CESM, Brigade Captain/FCO, CBFCO or CEO.

Any breach of the Workplace Behaviour Policy will be considered a serious matter that will be investigated and may result in disciplinary action including termination of membership.

2.6.2 Complaints and Grievances

All complaints and issues between members should in the first instance be reported to the Brigade Captain, if this is not appropriate or cannot be resolved within the Brigade, the grievance should be reported to the Chief Bush Fire Control Officer. If in the opinion of the Chief Bush Fire Control Officer the grievance cannot be resolved through counselling with individuals, the Chief Bush Fire Control Officer may consult with the Shire of Bridgetown Greenbushes to resolve the issue.

2.7 Disciplinary Action / Suspension & Termination

2.7.1 Disciplinary Action

Disciplinary action can only be taken by the Shire of Bridgetown Greenbushes's Chief Executive Officer or Council.

The Chief Executive Officer must notify the member in writing and provide the disciplinary action once an investigation has been completed.

The notice issued by the Chief Executive Officer must have the right to appeal.

Disciplinary action includes:

- Suspension of membership
- Termination of membership
- Any other reasonable disciplinary action as determined by Council

2.7.2 Suspension of Membership

A volunteer member may be suspended by the Shire of Bridgetown Greenbushes where the member:

- Willfully or negligently disregards the *Bush Fires Act 1954*, *Bush Fires Regulations 1954*, or the *Shire of Bridgetown Greenbushes Bush Fire Brigade Operational Procedures*; and
- Has performed a serious unsafe act that endangers the safety of the member or others.

The suspended member will be excluded immediately from such Brigade duties and activities. The Shire of Bridgetown Greenbushes must notify the member, in writing, advising of the suspension period and reason.

The period of suspension shall not exceed three (3) consecutive months and

shall be determined by the Shire of Bridgetown Greenbushes.

On completion of the suspension period the member may be required to undertake refresher training before resuming active firefighting duties.

2.7.3 Termination of Membership

Termination of membership of a Volunteer Bush Fire Brigade may occur when:

- the member provides written notification of resignation to the brigade and the Shire of Bridgetown Greenbushes;
- the member is, in the opinion of the Shire of Bridgetown Greenbushes, permanently incapacitated by mental or physical health;
- Volunteer Membership is cancelled by the Brigade who notify the Shire in writing with the reason, being either;
    - Member isn't compliant with training requirements for a period greater than 2 years; or
    - Member has had their membership suspended twice in any 5 year period
- the member does not attend a meeting, incident or brigade activity in the Shire of Bridgetown Greenbushes for a period of 12 months;
    - and does not respond to correspondence sent to their last known address within 3 calendar months of said correspondence being sent.
- is dismissed by the Shire of Bridgetown Greenbushes; or
- Deceased

Note: *When a membership is terminated the member must return within 21 days all property belonging to the Bush Fire Brigade and/or the Shire of Bridgetown Greenbushes to the Shire.*

3. Training

The Shire of Bridgetown Greenbushes and the Department of Fire and Emergency Services Lower South West Region will release a training Calendar each year. Members are to discuss requirements with Training Officers through to CESM to nominate for any of the courses advertised on these calendars.

All courses available are on the eAcademy training platform where members can nominate or alternatively do through their Training Officer or CESM.

3.1 Training Requirements for Brigade Members

All Active members are to hold current training qualifications in accordance with these guidelines and the below minimum standard outline.

3.1.1 Auxiliary Members

- DFES AIIMS Awareness (Available Online)

3.1.2 Active Fire Fighter – Farmer Response Members

- DFES AIIMS Awareness (Available Online)
- DFES Rural Fire Awareness (Available Online)
- Access to this training is available in this link below.

  https://eacademy.dfes.wa.gov.au/ilp/pages/external-dashboard.jsf?menuId=18681166&locale=en-GB#/?dashboardId=18698883

3.1.3 Active Fire Fighter – Brigade Appliance Members

- DFES AIIMS Awareness (Available Online)
- DFES Bushfire Safety Awareness
- DFES Bush Firefighting Skills

3.1.4 Active Fire Fighter – Brigade Support Members

- DFES AIIMS Awareness (Available Online)
- DFES Bushfire Safety Awareness

3.2 Training Requirements for Brigades – In House

All Brigades are encouraged to carry out in-house training. Brigades may request in house training from the Community Emergency Services Manager.

Brigades with allocated appliances will carry out Appliance Awareness Training once per year. All active fire fighter members should complete basic appliance awareness training before being able to operate any appliance on a fire ground.

Appliance awareness is intended to be carried out by the leadership group of the Brigade. There is no formal qualification in this training.

3.2.1 Appliance Awareness Training

- Basic Operations of the Appliance
- Burn Over Drill
- Basic Radio Communications (WAERN)
- Drafting Water with the Appliance
- Equipment Location
- Appliance Foam Delivery

3.3 Motor Vehicle Drivers Licence Training

There is a limited ability for reimbursement for some of the costs associated with Volunteers obtaining appropriate class MDL's. (LR, MR, HR) to maintain Brigade/Unit capability if a need is identified by the Shire.

Note: *Excludes the costs of volunteers obtaining an initial C class MDVL.*

Eligibility

- Active brigade member for 2 years
- Approved by Captain and the Shire

3.4 Training Expenses

Training expenses are covered by the Local Government Grant Scheme (LGGS) this includes fuel and accommodation for attending training courses outside of the local area. Approval for reimbursement of costs shall be obtained from the Shire prior to the training.

4. Meetings

All meetings held by a Bush Fire Brigade shall be minuted unless confidential information is being discussed.

4.1 Ordinary Meeting

A Bush Fire Brigade may at any time call an Ordinary Meeting of its members. A Bush Fire Brigade shall hold a minimum of one Ordinary Meeting each year and this meeting can be combined with in house training.

An Ordinary Meeting can be called by the Captain or Fire Control Officer of that brigade.

4.2 Annual General Meeting

A Bush Fire Brigade should hold an Annual General Meeting during the months of May to June each year. Brigades ***should*** use the Shire of Bridgetown Greenbushes *FORM 5.3.7 Bush Fire Brigade Annual General Meeting Template* ***(See Attached)***.

The requirement for brigades to meet through this period is to allow the Shire of Bridgetown Greenbushes and Chief Bush Fire Control Officer ample time to prepare all relevant documents and procedures for the coming fire season.

Minutes of an Annual General Meeting are to be received by the Shire of Bridgetown Greenbushes no later than one month after the meeting date.

At the Annual General Meeting the Bush Fire Brigade is to address the following:

- Attendance List of all Meeting Attendees, Apologies and non-voting Visitors;
- Confirmation of Previous Minutes;
- Declare all Brigade Officer Bearer positions vacant;
- Brigades are to nominate office bearers in line with *Section 1.8 Bush Fire Brigade Office Bearers – Roles and Responsibilities* and *Section 4.8 Brigade Elections* (all positions need to be nominated and receive a second);

- Nominate member(s) as FCO(s) in line with *Section 1.8 Bush Fire Brigade Office Bearers – Roles and Responsibilities* and *Section 4.8*

Brigade Elections (all positions need to be nominated and receive a second);

- Member Reports as required from Captain's, Fire Control Officer, Training and Equipment Officer on the year's activities;
- Financial Report - Adopt the annual financial statements;
- ESL Submissions to be considered by the Shire of Bridgetown Greenbushes. (This is the Brigades opportunity to request Capital items through the ESL budget process);
- Correspondence In/Out;
- Requests from Private Property Owners for the Brigade to conduct a Fuel Hazard Reduction Burn;
- Hazardous Parcels of Land that require Investigation from the Shire of Bridgetown Greenbushes;
- Review and update current membership list, active fire fighters/auxiliary and contact details of members then advise the Shire of Bridgetown Greenbushes in writing of members to be removed with reason e.g. Deceased, Resigned or sold property and left region; and
- General Business may be conducted where specified in the Agenda.

4.3 FCO and Captains Meeting

The Shire of Bridgetown Greenbushes may hold meetings for all Fire Control Officers and Captains within the Shire of Bridgetown Greenbushes.

The meeting is to inform members of any relevant information and or changes to fire operations.

The meeting will be held as required. This meeting is informal in nature and minutes are

4.4 Notice of a Meeting

Brigades may request the Chief Bush Fire Control Officer and or the Community Emergency Services Manager to attend an Annual General meeting or Ordinary meeting.

- Notice of Bush Fire Brigade meetings must be issued in the following manner:
  - Must set out the date, time, and place of the meeting;
- Members should be notified in one of the following ways
  - Personally,
  - Post,
  - SMS; or
  - Email

  (The notification is deemed complete once the email/sms or post is sent and does not relate to if or when this notification is received)
- Notice of any special general meeting of the Brigade, must be given to all members of the Brigade eligible to vote at least seventy two (72) hours before the commencement of the meeting;
- Notice of the Annual General Meeting and of any Ordinary Meeting of the Brigade must be given to all members of the Brigade eligible to vote and the Shire of Bridgetown Greenbushes at least fourteen (14) days before the commencement of the meeting;
- A meeting of the Brigade Officers may be convened at the earliest appropriate date, time and place acceptable to those members requested to attend.

4.5 Quorum & Voting

4.5.1 Quorum

A quorum for all brigade meetings shall consist of not less than 5 active members or thirty (30) percent of Active members whichever is least.

4.5.2 Voting

Each Active and Auxiliary Member shall be entitled to one (1) vote.

Non-active members, members of other brigades, Cadets, Chief/Deputy Chief Bush Fire Control Officer or the Community Emergency Services Manager ***do not*** have a vote at Brigade meetings.

4.6 Brigade Elections

All Brigade Nominations are required to be presented at the Annual General meeting.

- the nomination can be presented in person or in writing; and
- a person can only be nominated by a current listed Brigade member; and
- a nomination for a position must be endorsed by a second current listed Brigade member ; and
- Each member is only entitled to nominate one (1) person per position.
- Nominees must be a current listed Brigade member and indicate acceptance of nomination. Acceptance of nomination can be obtained prior to the meeting if the nominated person is not attending the meeting.

4.6.1 Nomination of Chief/Deputy Bush Fire Control Officers

Chief Bush Fire Control Officers (CBFCO & DCBFCO)

The Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers are nominated by BFAC and appointed by Council.

Fire Control Officers (FCO)

At the Annual General Meeting of each Brigade, Fire Control Officers are to be nominated by members to serve as Fire Control Officer for the coming fire season.

Fire Control Officers must be appointed by Council, brigade members that have not been appointed by Council have no authority to act as a Fire Control

Officer. The appointment is for one year.

Appointed Fire Control Officers can issue 'Permits to Burn' for their Bush Fire Brigade area. Fire Control Officers can issue 'Permits to Burn' out of their Brigade area only after personal consultation and permission from the Fire Control Officer for that area.

5. Purchasing

All procurements made for or on behalf of Brigades will be through Council's Community Emergency Services Manager who will have due regard to Council's existing policies and budgets. No commitments can otherwise be made to suppliers by Brigades unless a Brigade's own funds are used.

5.1 Purchase Authorisation & Procedures

All purchasing of goods and services with Shire funds must comply with the *Shire of Bridgetown Greenbushes 2.3.5 Purchasing Policy* to provide compliance with the *Local Government Act 1995* and the *Local Government Grants Scheme Bush Fire Services Manual for Capital and Operating Grants.* This will ensure consistency in authorisation and procedure for all purchasing activities that integrates within all of the Shire of Bridgetown Greenbushes operational activities.

5.2 (LGGS) ESL Operational Funds

Local Governments must operate within the operating grant allocations bottom line. All expenditure should be authorised and be within *LGGS guidelines.*

No purchase of equipment, repairs or maintenance of any vehicle can take place ***without an authorised Purchase Order*** from the Shire of Bridgetown Greenbushes.

After hours or emergency repairs requiring funds ***must*** be authorised by the Shire.

5.3 Brigade Meals - on Active Duty

In the event that meals are required for volunteers on duty at the scene of a fire ***ONLY the following are authorised to purchase*** the required meals if considered reasonable in the circumstances:

- Community Emergency Services Manager
- Emergency Services Coordinator

The Chief or Deputy Bush Fire Control Officers, Fire Control Officers or the Officer in Charge of a Local Government incident may request through the

CESM that refreshments are provided to crews. If the CESM is not available then the request should go through the CEO or their delegate. If these persons are not available then the Incident Controller is permitted to purchase meals up to the value of $1000 but must notify the CESM or CEO or their delegate as soon as possible after the purchase to arrange for payment. *Shire of Bridgetown Greenbushes Policy ES 1 – Provision of Refreshments to Firefighters by Incident Controller must be adhered to.*

5.4 Training Expenses

Costs associated with Brigade based local training, including materials, consumables and light refreshments, will be covered by the Shire of Bridgetown Greenbushes under the LGGS.

Shire of Bridgetown Greenbushes will arrange for accommodation if DFES are not supplying and it is required.

All applications for training expenses must be presented to the CESM or nominated person ***prior*** to any course date so the Shire can arrange a Purchase Order.

All receipts are to be presented to the CESM within 5 working days of course completion.

For Shire of Bridgetown Greenbushes arranged training, refreshments will be provided to brigade members that attend if considered reasonable.

6. Brigade Equipment and Maintenance

6.1 ESL Supplied Appliances

Brigades allocated with an appliance should complete a *'Appliance Equipment Checklist'* prior to the start of the fire season.

All equipment failures are to be reported to the Community Emergency Services Manager.

ESL Supplied Vehicles are to be serviced in line with the requirements outlined in the LGGS Manual.

All purchase of equipment, repairs or maintenance of any vehicle ***must not*** take place ***without an authorised Purchase Order*** from the Shire of Bridgetown Greenbushes

When Brigades require any equipment for appliances they must notify the Community Emergency Services Manager for approval and purchase of the equipment.

6.2 Brigade Owned Equipment

Non ESL supplied equipment ***is not*** eligible for ESL funding.

Maintenance of Brigade owned Slip-On Units is funded by the Shire of Bridgetown Greenbushes Fire Operational Budget. This budget only allows for maintenance and minor repairs and ***must not*** take place ***without an authorised Purchase Order*** from the Shire of Bridgetown Greenbushes.

6.3 Privately Owned Equipment

Privately owned equipment such as Slip-On Units ***will not*** be maintained by the Shire of Bridgetown Greenbushes.

Note: *Privately owned equipment and vehicles **are insured** if being used for "Normal Brigade Activities" and under the directions of an FCO. It is imperative that private owned vehicles report immediately to the senior Bushfire Brigade member or their delegate upon arrival at an incident.*

7. Occupational Health, Safety and Environment

In accordance with the *Work Health and Safety Act 2020* and the *Work Health and Safety Regulations 2022*, all employees and volunteers will collectively contribute to achieving a high standard of excellence in occupational safety and health management in the workplace and accepts relevant responsibilities under current safety and health laws.

The Shire of Bridgetown-Greenbushes is committed to the provision of a safe and healthy workplace through continuous improvement and promoting a positive safety culture, to meet the objectives of the Shire's Work, Health and Safety Management Plan.

7.1 Personal Protective Clothing and Equipment

All Personal Protective Clothing and Equipment is to be compliant with Australian standards relating to protective clothing.

Only registered Brigade members that hold qualifications in accordance with *Section 3.1 Training Requirements for Brigade Members,* are eligible for Personal Protective Clothing and Equipment.

Active Fire Fighters, Cadets who are going to go onto an active fire ground are to be issued PPC. Auxiliary members who are not going onto an active fire ground are not eligible to be issued PPC but may be issued a uniform.

7.2 Insurance

Local Governments who have Bush Fire Brigades are required to obtain and keep current insurance cover that applies to all ***'Normal Brigade Activities'*** as defined in the *Bush Fires Act 1954*.

Insurance Cover is provided for:

- Fire Fighter Personal Injury
- Personal Property
- Motor / Plant Damage
- Third Party Liability

7.3 Incident Reports

Any incidents involving damage to equipment or vehicles, near misses, injury or fatality ***must*** be reported to the Shire immediately and steps put in place to mitigate the danger.

SECTION TWO - Operational Procedures

8. Operational Procedures

8.1 Command and Control

All wildfire operations should prescribe to AIIMS (Australasian Inter-Service Incident Management System).

AIIMS is based on five key principles:

- Unity of Command;
- Span of Control;
- Functional Management;
- Management by Objective; and
- Flexibility.

8.2 Management Roles in the Incident and minimum standards for training

Where possible, at all incidents, appropriately trained persons should be used for all management roles. It is understood that at some incidents it may be appropriate for persons to fill certain roles who have not obtained the relevant qualifications. In this circumstance, these unqualified persons should be supervised or mentored either in person or remotely by a qualified person to ensure they have the support and information required to perform the role.

Incident Controller

If available, a duly qualified fire fighter should take control of all Level 1 incidents.

Qualifications

- Completed a DFES Level 1 Incident Controller Course, and
- In the past 12 months has completed one of the following
  - An exercise in the role as Incident Controller;
  - Performed the role of Incident Controller or Deputy Incident Controller at an incident; or

- Has undertaken Shire refresher training in the duties of an Incident Controller.

In the absence of a duly qualified person, the Fire Control Officer for that Brigade area may assume the role of Incident Controller for an incident in their Brigade area. In the absence of the Fire Control Officer for that Brigade area, the Captain may assume the role of Incident Controller. In the absence of the Fire Control Officer or Captain, the senior Lieutenant may assume the role of Incident Controller.

In the event of none of the above persons being available, the Chief Bush Fire Control Officer or his/her delegate may appoint another person to perform the role. Usually this appointed person is a Fire Control Officer from another Brigade.

Operations Officer

If available, a duly qualified Operations Officer shall perform the role of Operations Officer at a level one incident in the Shire of Bridgetown Greenbushes.

Qualifications

- Completed a DFES Sector Commander Course and is to maintain current competency in this qualification under the standards set by the Shire of Bridgetown Greenbushes.
- In the past 3 years has completed one of the following
  - An exercise in the role as Operations Officer;
  - Performed the role of Operations Officer at an incident; or
  - Has undertaken Shire refresher training in the duties of an Operations Officer.

Sector Commander

If available, a duly qualified Sector Commander shall perform the role of Sector Commander at a level one incident in the Shire of Bridgetown Greenbushes.

Qualifications

- Completed a DFES Sector Commander Course

- In the past 2 years has completed two (2) of the following
  - An exercise in the role as Sector Commander;
  - Performed the role of Sector Commander at an incident; or
  - Has undertaken Shire refresher training in the duties of a Sector Commander.

Ground Controller

If available, a duly qualified Ground Controller shall perform the role of Ground Controller at a level one incident in the Shire of Bridgetown Greenbushes.

Qualifications

- Completed a DFES Ground Controller Course
- In the past 2 years has completed one of the following
  - An exercise in the role as Ground Controller;
  - Performed the role of Ground Controller at an incident; or
  - Has undertaken Shire endorsed refresher training in the duties of a Ground Controller.

Machine Supervisor

If available, a duly qualified Machine Supervisor shall perform the role of Machine Supervisor at a level one incident in the Shire of Bridgetown Greenbushes.

Qualifications

- Completed a DFES Machine Supervisor Course
- In the past 3 years has completed one of the following
  - An exercise in the role as Machine Supervisor;
  - Performed the role of Machine Supervisor at an incident; or
  - Has undertaken Shire endorsed refresher training in the duties of a Machine Supervisor.

9.3 Media

In accordance with the *Local Government Act 1995 the* Shire President is the authorised spokesperson for the Council.

The Chief Executive Officer may also be the spokesperson of the Council if the President agrees.

If any Brigade or staff member is approached by the media to answer questions or make a comment ***they must respectfully decline*** and refer them to the authorised spokesperson.

9.4 Radio Communications

All current Radio Procedures should be adhered to at all times.

Senior Officer's should as soon as possible engage a sector structure and utilise simplex channels where possible leaving any command channels available for management purposes.

The *Shire of Bridgetown Greenbushes Bush Fire Brigade Network Communication's Plan* should at all times form the basis of any Radio Communications on the fire ground.

The CESM will be responsible for allocating all Brigade Network call signs.

9.5 SITREPs / PAFTACS

The first situation report is a critical report as this provides guidance for the most appropriate and timely response to an incident. The procedure below enables the transfer of relevant information in a standard, concise and accurate manner to senior officers and other combat agencies.

The PAFTACS format should be used as a guide for any initial SITREP by arriving crews. The below procedure should be used when delivering a SITREP.

8.4.1 Procedure

- The first situation report (SITREP) should follow the PAFTACS format, being:

- **P**osition of the fire
- **A**rea of the fire
- **F**uel Type
- **T**ime required to suppress the fire
- **A**ssistance and resources required
- **C**ommand and communication
- **S**urface winds, strength and direction

❖ The first responding crew should provide the initial SITREP to the Incident Controller (CBFCO) or delegate.

❖ A SITREP should be transmitted by the first arriving crew as soon as the relevant information is determined, after arriving at the incident.

❖ Priority may need to be given to attacking the fire if control can be achieved in a very short period of time and with the resources present. Regardless, the first SITREP should be provided within five (5) minutes.

❖ The information in the first SITREP will often be based on best estimate by the reporting crew and should not be unreasonably delayed in an attempt to get precise information.

❖ The **PAFTACS** format is a guide to the information that will assist the Senior Officer to determine the resources required to combat the incident but not every item is required in order to mobilise the initial response.

9.6 Brigades Request to Burn Private Property (ABC Form)

Private property owners from time to time may request a Brigade to conduct a Fuel Hazard Reduction Burn. The *Bush Fires Act 1954* only allows for Brigades to carry out Fuel Hazard Reduction Burning on private property as described in *Section 33 (4) and 33 (6) of the Act*.

Council supports Brigades that utilise Shire and Brigade equipment to undertake Fuel Hazard Reduction Burning on private property as an effective means of reducing fuel loads on private property and providing valuable training for Brigade members.

Both the Brigade and property owner must complete the *ABC Form* and have it signed by a Shire of Bridgetown Greenbushes Authorised Officer before the burn can be carried out.

SECTION THREE – Bush Fire Advisory Committee

10 Bush Fire Advisory Committee (BFAC)

10.4 Functions

The Bush Fire Advisory Committee is a committee of Council and reports directly to Council.

The main function of BFAC is to represent Volunteer Bushfire Brigades within the Shire and to make recommendations to Council on the following:

10.4.1 Annual bushfire budget and relevant financial matters.

10.4.2 General management of and communication with the bushfire organisation.

10.4.3 Planning, setting standards and works program for fire prevention within the Shire.

10.4.4 Formation, rationalisation or winding up of any Bush Fire Brigades within the Shire.

10.4.5 Standards of equipment that should be provided and maintained under Brigade control.

10.4.6 Distribution of Fire Fighting equipment and funding between Brigades.

10.4.7 Coordination of training to ensure Brigades can work together efficiently.

10.4.8 Review of Council's Bushfire Mitigation Strategy.

10.4.9 Any other matter relating to Bush Fire control.

10.4.10 That the Committee will establish a working group when necessary.

10.5 Committee and Terms of Reference of BFAC

For current BFAC Committee members and terms of appointment information, please see the *BFAC Terms of Reference*

10.6 BFAC Meetings

9.3.1 Agendas and Minutes for BFAC Meetings

A copy of the minutes of Committee meetings with an agenda for the next meeting shall be circulated to the nominated Councilor, BFAC members, BFAC proxies and the Shire CEO.

9.3.2 Communications with Brigades

The Shire of Bridgetown Greenbushes and Bush Fire Advisory Committee remain committed to effective communication with Brigades through the following:

- All brigades will receive the minutes of any BFAC meeting;
- BFAC will release any relevant information to brigades;
- All brigades are represented by a Zone Delegate who is usually the FCO for that Brigade. If the FCO for the Brigade is not available then the FCO may nominate another person from the Brigade to be the Zone Delegate for that meeting.

Note: Brigades are encouraged to contact the relevant Zone Delegate for any matter of the BFAC or any item that needs to be addressed by BFAC.

9.3.3 Reports to the Bush Fire Advisory Committee

- The CBFCO shall report on matters relevant to the Committee;
- Zone Delegates shall report on matters relevant to the Committee;
- Council Delegates shall report on matters relevant to the Committee;
- DBCA delegate shall report on matters relevant to the Committee; and
- The Department of Fire & Emergency Services LSW Region delegate shall report on matters relevant to the Committee; and

9.3.4 Frequency

Three (3) meetings per year. The Chairperson or Shire Chief Executive Officer may call supplementary meetings when required).

9.3.5 Quorum

At least 50% of the Members of the Committee.

9.3.6 Voting

At BFAC Meetings only eligible Members shall have one vote.

Observers and advisers may not vote on any matter.

9.4 Amalgamations / Non Active Brigades

The Bush Fire Advisory Committee and the Shire of Bridgetown Greenbushes remains committed to encouraging Bush Fire Brigades to attain any goals set by the Brigade and will at all times work with Non Active Brigade areas to achieve an acceptable level of service to the community using this document as a guide.

Where the Shire of Bridgetown Greenbushes and or BFAC have not been successful in achieving an acceptable level of service within a Non Active Brigade, then BFAC will consider a recommendation to Council on the viability of retaining them.

9.5 BFAC Recommendations

Recommendations of the Bush Fire Advisory Committee will be referred to the earliest possible meeting of Council.

9.6 Allocation of ESL Supplied Appliances

The allocation of ESL supplied appliances is decided by BFAC making recommendations to Council.

The DFES Resource to Risk system should be used when applying for, or allocating Appliances to Bush Fire Brigades.

Bush Fire Brigades must meet the provisions of this document for BFAC to consider allocation of an appliance.

The Shire of Bridgetown Greenbushes and BFAC remain committed to achieving a level of service to all Bush Fire Brigades and the community and will work with DFES through the ESL process to effectively maintain and manage brigade requirements.

SECTION FOUR – Forms, Policies and Appendices

The following section has the relevant Forms and Appendices as referred to in this document.

10. Shire of Bridgetown Greenbushes Forms

a. ***Form 10.1*** ABC Form

b. ***From 10.2*** Pre-burn Checklist and Guidlines

c. ***Form 10.3*** Bush Fire PAFTACS

d. ***Form 10.4*** Personal Protective Clothing

e. ***Form 10.5*** Brigade Equipment Request Form

f. ***Form 10.6*** Bush Fire Brigade Annual General Meeting (AGM) Template

g. ***Form 10.7*** Application to Join a Bush Fire Brigade

h. ***Form 10.8*** Update of Membership Details

i. ***Form 10.9*** Volunteer Induction Checklist

11. APPENDICES

Appendix 1 Bush Fire Brigade Network Communications Plan

Appendix 2 Bush Fire Advisory Committee – Terms of Reference

12. Safe Work Instructions (SWI)

SWI's are an appendix to the SOP and they are located within the shire online portal, access to this is via the link below: https://www.bridgetown.wa.gov.au/council/publications/council-policies-guidelines.aspx

Additionally, they will be available at each station and or via the CESM as requested.

SWI 01 BFB Callouts involving Western Power Infrastructure

SWI 02 BFB Provision of Refreshments for Fire Fighters

SWI 03 BFB Driving to an Incident

SWI 04 BFB Fatigue Management

SWI 05 BFB Fire Bug Fuel and Refueling

SWI 06 BFB Fire Protection - Shire Appliances

SWI 07 BFB Intelligence - Safety Officer

SWI 08 BFB Personal Protective Clothing

SWI 09 BFB Refueling Plant and Equipment

SWI 10 BFB Riding on Firefighting Appliance

SWI 11 BFB Tree Removal at Bush Fires

SWI 12 BFB Use of “A” Class Foam

SWI 13 BFB Use of Minor Equipment

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Form 10.1 ABC FORM

Request for Fuel Hazard Reduction Burning on Private Property

Section A *(to be completed by the Property Owner)*

I hereby request the Shire of Bridgetown-Greenbushes Local Bush Fire Brigade to undertake a Fuel Hazard Reduction Burn in accordance with *Section 33 (6)* of *The Bush Fires Act 1954* on the undermentioned property for the fees indicated. I understand and agree with the conditions and procedures imposed in respect to the application and in doing so agree the Shire of Bridgetown-Greenbushes, Bush Fire Brigade and Registered Members shall be released from and shall not incur any responsibility or liability whatsoever for any accident or injury to the applicant or any damage or loss of property of the applicant.

Name: _____

Address:_____ Telephone (home): _____(mobile):_____ **Location where the Fuel Hazard Reduction burn is to be conducted**

Rural Street Number (green post number): _____

Lot / Street number:_____Street / Road: _____

Locality:_____Size of Area to be burnt: _____

Agreed cost to undertake the Fuel Hazard Reduction Burn: $ _____

Special Considerations or Risks:

Signature of Applicant Date

Section B *(to be completed by the Bush Fire Brigade)*

_____Bush Fire Brigade in respect to this request has carried out an inspection of the above mentioned property and has determined that a Fuel Hazard Reduction Burn can be carried out in accordance with *Section 33 (6) of the Bush Fires Act 1954* and the *Prescription Guidelines (Form 2)* as detailed.

Fire Control Officer / Date

Section C *(to be completed by the Shire of Bridgetown Greenbushes)*

_____Bush Fire Brigade is authorised to undertake Fuel Hazard Reduction Burning on the above mentioned property between the dates of_____in accordance with this *ABC Form* and *Form 2.*

Authorised Officer Date

I understand that if the burn is not able to be completed by the Bush Fire Brigade, that I as the land owner am still required to comply with the Shire of Bridgetown Greenbushes's Firebreak and Fuel Hazard Reduction Notice.

Form 10.2 Pre-Burn Checklist and Guidelines - for Fuel Hazard Reduction Burning on Private Property

The intent of this form is to illustrate any potential problems or risks in the area that is subject to a Fuel Hazard Reduction Burn by the Bush Fire Brigade.

Burn Lot or Location:	
Rural Street Number:	
Date Compiled	
Compiling Officer	

Resources Required						
Fire Fighters	**Light Tanker**	**Truck 1.4**	**Truck 2.4**	**Truck 3.4**	**Slip on-units**	**Other**

Action Areas				
Issue	**Yes**	**No**	**N/A**	**Action**
Will smoke affect roads?				
Will smoke affect airports?				
Will smoke affect town site?				
Are firebreaks to the standard?				
Is there a Building protection Zone?				
Are there power lines at risk?				
Is Telstra / Communications lines at risk?				
Are Gas bottles protected?				

Comments:	

Date:	
Signature of Brigade Officer:	

Form 10.3 Bush Fire PAFTACS Operational Considerations

The checklist below is a list of operational considerations for the first arriving fire crew when giving the first SITREP to the Incident Controller (CBFCO).

P	**POSITION AND PROPERTY THREATENED** • Assess the situation • Exposures / assets at risk / critical infrastructure
A	**AREA** • Size of fire
F	**FUEL DENSITY AND TYPE** • Estimate rate of spread (ROS)
T	**TIME TO CONTROL** • Establish an Incident Management Team • Decide on objective, strategies and tactics • Consider delegating key functions
A	**ASSISTANCE REQUIRED** • Traffic Management • Road closures • Additional resources
C	**COMMUNICATIONS AND CONTROL POINT** • Radio frequencies / Communications plan • Location of control point • Consider media and public advice / warnings
S	**SURFACE WIND STRENGTH AND DIRECTION** • Send SITREP • Safety is first priority

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Form 10.4 Personal Protective Clothing

Request from Brigade Members with Required Training Completed

Brigade Member (This form must be completed and returned to the Shire of Bridgetown Greenbushes.)			
Date:		Brigade Area:	
Active Member Name:		Member ID No:	
Home Phone Number:		Mobile Phone:	
Address:			

PPE IF REQUIRED (Please indicate with a tick where applicable and provide size)			
Helmet:	Yes ☐ No ☐	Torch: ☐	Visor: ☐
Goggles:	Yes ☐ No ☐	Full Face Mask: ☐	Gear Bags: ☐ (New Member Only)
Gloves:	Yes ☐ No ☐	Size:	
Jacket Gold:	Yes ☐ No ☐	Size:	
Pants Gold:	Yes ☐ No ☐	Size:	
Cargo Pants Navy:	Yes ☐ No ☐	Size:	
Boots:	Yes ☐ No ☐	Size:	
Bush Fire Service T-Shirt:	Yes ☐ No ☐	Size:	S / M / L / XL / 2XL / 3XL
Members Signature:			

Fire Control Officer or Captain			
I the FCO or Captain for the above mentioned Bush Fire Brigade certify that the application is for a Registered and Active member.			
FCO / Captain Signature:		Date:	

CESM Approval			
Comments:			
CESM Signature:		Date:	

Office use only							
Form Received			**Issued**				
Officer Name:			Date Issued:				
Date Received:			Issued To:				
Date Ordered:			Scan to File:				
PPE Received:			Update records:	Inv		PPC List	

W.A. BUSH FIRE SERVICE - 2 PIECE FIREFIGHTING SET SELF MEASURING GUIDE

Measurement

Chest - Measure around the chest, below the arms and across the back

Waist - Measurements should be taken over shirt at the waistline. Measures at position (height) trousers are normally

Inleg - Take your most comfortable pair of correct length trousers and measure inside leg seam from crotch to hem. T best done by lying them on a flat surface.

Directions

Jacket - Using table below, match your chest measurement with jacket size. Keep in mind the jackets are designed and loose fitting.

Trouser - Use waist measurement first to determine size, then match your inleg measurement to determine if you require Regular, Stout or Long (e.g. 92cm waist and 78cm inleg =92R)

Note: Generally the jacket size should correspond to the trouser size (i.e. a size 92 jacket will go with a size 92R, 92S, 89L or 94L trouser). In most cases the jacket and trouser size should not vary by more t sizes. Your current coverall size is the best indication of the "set" size you require.

As for all 100% cotton garments, some shrinkage will occur.

Jackets

Size	82	87	92	97	102	107	112	117	122
Chest	92	97	102	107	112	117	122	127	132

Trousers

Size	67R	72R	77R	82R	87R	92R	97R	102R	107R	87S	92S	97S	102S	107S	112S	117S	122S	127S	132S	7
Waist	67	72	77	82	87	92	97	102	107	87	92	97	102	107	112	117	122	127	132	
Inleg*	68	71	71	74	76	78	80	82	84	67	70	72	75	77	78	78	78	78	79	

Note: All measurements given (except inleg) are for the wearer, not the finished garment. All mea

Form 10.5 Brigade Equipment Request Form

Brigade Details (This form must be completed and returned to the Shire of Bridgetown Greenbushes.)			
Brigade Name:		Date:	
Requested by - Name:			
Home Phone Number:			
Address:			

Equipment Required for Brigade Appliances (This is ***NOT*** for Personal Protective items for Members)		
Qty	Item	Description
Members Signature:		

Brigade Officer			
I am a Brigade Officer for the above mentioned Bush Fire Brigade certify that the application is for a ESL or Shire/Brigade only Appliance.			
Brigade Officer Signature:		Date:	

CESM Approval			
Comments:			
CESM Signature:		Date:	

Office use only							
Form Received			**Issued**				
Officer Name:			Date Issued:				
Date Received:			Issued To:				
Date Ordered:			Scan to File:				
Equip Received:			Update records:	Inv		Equip List	

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Form 10.6 Bush Fire Brigade Annual General Meeting (AGM) Template

Shire of Bridgetown Greenbushes

ENTER NAME BUSH FIRE BRIGADE

Annual General Meeting

1. Declaration of Opening of Meeting

   Chairperson Enter name declared the meeting open on the insert date at insert time at Insert Location.

2. Attendance / Apologies (Brigade to hand around attendance sheet)

   Attendance

   Enter full names of Attendees (Not nicknames)

   Apologies

   Enter full names of Apologies

3. Nomination of Brigade Positions (All positions declared vacant)

Position	Name	Nominated By	Seconded By
Fire Control Officer – (Senior)			
Fire Control Officer – (Junior) Only where required			
Captain			
Secretary			
Treasurer (Optional)			
Equipment Officer (if required)			
Training Officer (if required)			

Lieutenant 1			
Lieutenant 2			
Lieutenant 3			
Lieutenant 4			
Lieutenant 5			
Lieutenant 6			
President (optional)			
		All in Favour (AIF)	Any Against

5. Confirmation of Previous Minutes

Confirmation of the Minutes of the previous meeting held Insert date.

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

6. Business Arising From Previous Minutes

□ Enter Details

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

7. Member Reports

(Copies of all reports where possible should be in writing and attached to the minutes)	
Captain	Captain's report should concentrate on but not be limited to the leadership and mentoring of members.
Fire Control Officer	Fire Control Officers report should concentrate on but not be limited to the issuing of Permits to Burn, Wildfires and general matters of bushfire.

Financial Report	Financial report should concentrate on all financial matters relating to the Bush Fire Brigade. (Change of Signatories to Bank Account, Current balance, ESL, Grants, Sub's and Donations)
Training Officer	Training report should reflect any training completed by members, any future training opportunities and any changes.
Equipment Officer	Equipment report should concentrate on any equipment within the Brigade, maintenance, disposal, replacement and new purchases.

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

8. ESL Submissions to be considered by the Bush Fire Advisory Committee (This is the Brigades opportunity to request Capital items through the ESL budget process.

□ Enter Details and Actions

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

9. Correspondence In

□ Enter Details and Actions

10. Correspondence Out

□ Enter Details and Actions

11. Request from Private Property Owners for the Brigade to Conduct a Fuel Hazard Reduction Burn (ABC Form)

□ Enter Details and Actions

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

12. Hazardous Parcels of Land that Require Investigation from the Shire of Bridgetown Greenbushes

□ Enter Details and Actions

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

13. Review New Members, Member List & Contact Details

□ Enter Details and Actions - Update members and contact details and also advise in writing of any members to be removed and why.

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

14. General Business

□ Enter any General Business details and actions.

Nominated:	Enter	Seconded:	Enter	AIF/ Against	Enter

15. Next Meeting Date

Next Meeting to be held Enter date at time or TBA.

16. Declaration of Close of Meeting

Chairperson Enter Name closed the meeting at Enter Time.

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Form 10.7 APPLICATION TO JOIN A BUSH FIRE BRIGADE

BRIGADE NAME: **LG:** Shire of Bridgetown Greenbushes

☐ New Member ☐ Transferring - **Member Number:**_____ ☐ Dual Member of another Brigade

Personal Details

MR ☐ **MRS** ☐ **MISS** ☐ **MS** ☐

SURNAME:

(Please complete in BLOCK LETTERS as shown of official documentation)

GIVEN NAMES:

(Please complete in BLOCK LETTERS as shown of official documentation)

DATE OF BIRTH: / / **FEMALE** ☐ **MALE** ☐

(as shown on official documentation)

DRIVERS LICENCE NO: **CLASS:**

Contact Details

RESIDENTIAL ADDRESS:

POSTAL ADDRESS:

(insert "AS ABOVE" if same as Residential Address)

HOME PHONE: **MOBILE:** **WORK:**

EMAIL ADDRESS:

Next of Kin Details

(For applicants under the age of 18, this should be your parent/guardian)

FULL NAME:

ADDRESS:

TELEPHONE: **RELATIONSHIP:**

Membership Details & Brigade Training Carried Out *(If known)*

TYPE: What kind of role are you intending to take on within the brigade? Active ☐ *(Operational work, active firefighter)* Auxillary ☐ *(Support Role e.g. Admin, comms)* Cadet ☐ *(under 16 years of age)*

Course Title	Location	Date of Course

I certify that the above particulars are true and correct

APPLICANT – Signature **DATE** **PARENT/GUARDIAN – Signature** **DATE**

AUTHORISED BY:

BRIGADE Captain / Secretary **DATE**

MEMBER NUMBER							

Shire Office Use Only			
Form Received		Add to Brigade	
Email to DFES		Scan to File	
Processed		Add to HPERM	
Email BFB			

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Form 10.8 UPDATE OF MEMBERSHIP DETAILS

PART A EXISTING PERSONAL DETAILS (AS PER DFES DATA BASE)

1. TITLE MR □ MRS □ MISS □ MS □
2. SURNAME (BLOCK LETTERS)
3. GIVEN NAMES (IN FULL)
4. MEMBERSHIP I.D. NUMBER | | | | | | | |
5. BRIGADE NAME LOCAL GOVERNMENT

PART B CHANGE OF BRIGADE

6. NAME OF NEW BRIGADE
7. NAME OF NEW LOCAL GOVERNMENT (IF APPLICABLE)
8. POSITION IN NEW BRIGADE
9. CHANGE DATE / /

PART C CHANGE OF PERSONAL DETAILS

10. CHANGE OF NAME
11. NEW ADDRESS
12. NEW EMAIL
13. TELEPHONE HOME WORK MOBILE

PART D CHANGE OF POSITION OR OFFICE

14. OLD POSITION / OFFICE DATE
15. NEW POSITION / OFFICE / /

PART E TERMINATION OF MEMBERSHIP

16. DATE OF TERMINATION
17. REASON FOR TERMINATION
18. SIGNATURE OF MEMBER DATE

FIRE SERVICE USE ONLY INITIALS DATE

DATE RECEIVED / / ENTERED INTO RMS / /

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Form 10.9 Volunteer Induction Checklist

(To be completed for all new members)

New Member Name: Member ID No:

Brigade Officer: Member ID No:

Brigade:

This form is to be completed as soon as possible but no later than six weeks after a new Member completes their Application Form.

If any section is not applicable, this must be indicated by the Brigade Officer writing 'N/A' in the appropriate data box.

Description	Date	Initials of Brigade Officer
Chain of Command (Explain Roles e.g. FCO, Captain, CBFCO, DCBFCO, CESM, Shire Admin)		
Basic Training Required – Choose one option from below • Auxiliary Member (AIIMS awareness, Bushfire Safety Awareness) – 2 day course • Farmer Response (AIIMS awareness, Rural Fire Awareness) – 6 hour course • Brigade Appliance Response (AIIMS awareness, Bushfire Safety Awareness & Bushfire Firefighting course) – 4 day course		
PPE **Must have completed Basic Training Required above. (Informed about the process of issuing of protective clothing, boots and personal protection equipment)		
Shire of Bridgetown Greenbushes bush Fire Brigade Operational Procedures (Hand over)		
Have been advised of the protocols for speaking to the media (That NO brigade member has delegated authority to speak to the media)		
Introduced to the key personnel of the Brigade (FCO, Captain, Secretary, Lieutenants, Training Officer etc.)		
Given a contact list (telephone numbers) of key personnel of the Brigade		
Informed of Brigade call out procedures		
Security of premises		
Confidentiality of information		
Accident Report forms		

Tour Checklist (tick the column upon being shown location or put N/A if not applicable)	Tick or N/A
Layout of the Fire Station and purpose of all the rooms	
Appliances and Equipment	
Car parking facilities	
Entrances / Exits / Fire exits and assembly points	
Fire extinguishers and First Aid kits	
Toilets / Change rooms	
Lockers / Storage space for personal items	
Operations Room	
Radios	
Security System	
Sign in book	
Smoking area	
Stores – where they are kept and who to call if you need something	
Reporting defective equipment or new equipment requests	

Signed Declaration

I,_____confirm that I have been shown and understand all the above items and activities.

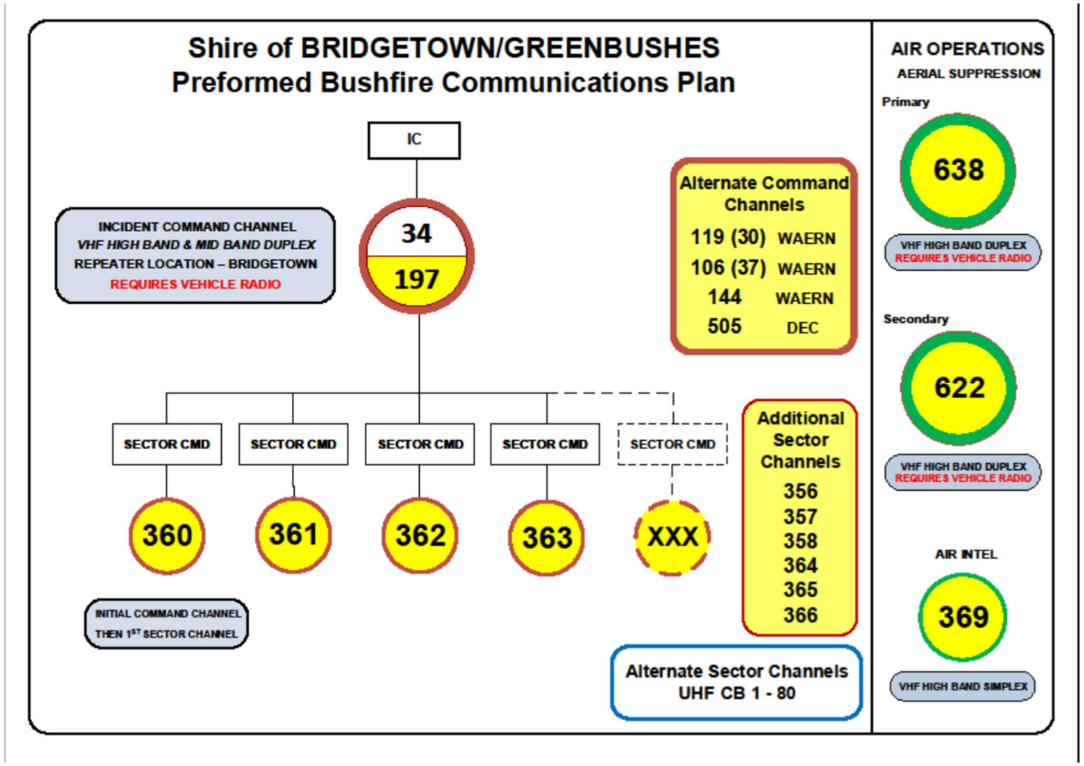
Signature of Volunteer: _____Date: _____

I,_____confirm that I have shown and explained the above items and activities with the above mentioned volunteer.

Signature of Brigade Officer: _____Date: _____

Copy Provided to Shire of Bridgetown Greenbushes: Yes / No Date: / / 20_____

APPENDIX 1 - ***Bush Fire Brigade Network Communications Plan***



APPENDIX 2 - *Bush Fire Advisory Committee Terms of Reference*

BUSH FIRES ADVISORY COMMITTEE
(2023 - 2025)

INSTRUMENT OF APPOINTMENT & DELEGATION

1. Introduction

The Council of the Shire of Bridgetown-Greenbushes (hereinafter called the "Council") hereby establishes a committee under the powers given in Section 5.8, 5.9(2)(c) and 5.17(1)(c) of the Local Government Act 1995, such committee to be known as the Bush Fires Advisory Committee (hereinafter called the "Committee").

The Council appoints to the Committee those persons whose names appear in section 4.0 below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the third Saturday in October in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, relevant provisions of the Bush Fires Act 1954 local laws and policies of the Shire of Bridgetown-Greenbushes and this Instrument.

2. Name

The name of the Committee shall be the *Bush Fires Advisory Committee*.

3. Objectives

3.1 To provide advice to Council in regard to all matters relating to bush fire control, prevention and management including recommendations on the annual firebreak requirements, capital (equipment) purchase, review of firefighting/prevention practices, firefighting training, etc.

4. Membership

The President of the Shire of Bridgetown-Greenbushes may be a member of the committee under section 5.10(4) provided the President indicates an intention to be such a member at the time the committee is appointed.

The CEO or a representative of the CEO may be a member of the committee under section 5.10(5) provided the CEO indicates an intention to be such a member at the time the committee is appointed.

A maximum of two (2) Elected Members shall be appointed to the Committee.

The Chief Fire Control Officer and the Fire Control Officer (or his/her representative) from each Bush Fire Brigade in the Shire shall (by virtue of the office held) be appointed to the Committee.

A representative from the Bridgetown Volunteer Fire & Rescue Service shall (by virtue of the office held) be appointed to the Committee.

Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by an ordinary majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

The CEO will encourage the attendance of staff that have responsibility in the area of bush fire control to attend meetings of the Committee. The CEO and any other staff representative shall be an ex-officio member of the Committee and will not be permitted to vote on matters considered by the Committee.

5. Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Bridgetown-Greenbushes Standing Orders.

6. Meetings

The Committee shall meet at least two times per year.

6.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

6.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on such Committee. The Council shall be informed, who will appoint a replacement for the balance of the Committee's term of appointment.

6.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall, not later than 10 days after each meeting, provide Council with a copy of such minutes.

6.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding can cast a second vote.

7. Quorum

The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.

8. Delegated Powers

The Committee is a formally appointed Committee of the Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility, and does not have delegated financial responsibility.

The Committee does not have any management functions, cannot involve itself in management processes or procedures, and is therefore independent of management.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of

the local government that have not been delegated to the CEO.

9. Termination of Committee
Termination of the Committee shall be:

a) in accordance with the Local Government Act 1995 (i.e. 21 October 2023)
b) at the direction of Council

10. Amendment to the Instrument of Appointment and Delegation
This document may be altered at any time by the Council on the recommendation of the Committee, or after giving 14 days notice to the Committee.

11. Committee Decisions
Committee decisions shall not be binding on Council if such decisions are in conflict with the delegated powers of the Council.

15.2 Request for Comment – Proposed Transfer of Land under the South West Native Title Settlement

File Ref

Responsible Officer	Nicole Gibbs, Chief Executive Officer
Reporting Officer	Nicole Gibbs, Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority
Disclosure of Interest	Reporting Officer: Responsible Officer:

RESOLUTION: OCM 177-24/25

Moved: Councillor M Fletcher
Seconded: Councillor T Pratico

That Council directs the CEO to advise the Senior State Land Officer, Native Title Agreements and Partnerships, Department of Planning, Lands and Heritage that Council has no objection to the transfer of land referred to by the Department of Planning, Lands and Heritage as:

- Referral ID: 14060
- PIN: 12191741
- Lot Number: 345
- Survey Number: DP91008
- Locality Suburb: GLENLYNN
- LGA: BRIDGETOWN-GREENBUSHES
- Region: SOUTH WEST
- Reserve Number: R 12380
- Area (Ha): 11.44
- Reserve Purpose: CAMPING
- Selected Tenure: FREEHOLD

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The Senior State Land Officer, Native Title Agreements and Partnerships, Department of Planning, Lands and Heritage has asked Council whether it has any comment or objection regarding the

transfer of land (Reserve Number: R 12380) under the South West Native Title Settlement Agreement.

Officers recommend that Council does not object to the transfer of land as Council has no immediate or longer-term plans for use of the land.

MATTER FOR CONSIDERATION

Whether Council directs the CEO to advise the Senior State Land Officer, Native Title Agreements and Partnerships, Department of Planning, Lands and Heritage that Council has no objection regarding the transfer of land (Reserve Number: R 12380) under the South West Native Title Settlement Agreement.

BACKGROUND

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The Settlement is comprised of six Indigenous Land Use Agreements (ILUAs) that provide for a broad range of commitments to be delivered by the State Government to the Noongar Regional Corporations and the Trustee for the Noongar Boodja Trust (Trustee). For more information, please refer to the following website: https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/south-west-native-title-settlement

The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.

The cornerstone commitment under the six ILUAs is the Noongar Land Estate, which will be a vast and diverse land holding. It will comprise:

- Up to 300,000 hectares transferred in reserve or leasehold; and
- Up to 20,000 hectares transferred in freehold.

All land will be held by a centralised Landholding Body, being the Noongar Boodja Land Sub Pty Ltd (Land Sub), a wholly owned subsidiary of the Trustee. The Trustee works consultatively with the Noongar Regional Corporations in determining land for possible inclusion in the Noongar Land Estate, including the preferred tenure of the land and the use / management / development of the land into the future. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Work to deliver the Noongar Land Estate commenced in March 2021, and a five year implementation timeframe applies.

As the Noongar Land Estate will be predominantly drawn from the pool of unallocated Crown land (UCL) and unmanaged reserves (UMR), the Minister for Lands is responsible for delivering this outcome on behalf of the broader State Government. The Department of Planning, Lands and Heritage (Department) is the State Agency principally assisting the Minister for Lands. An agreed process for delivering the Noongar Land Estate was committed under the six ILUAs, being the Noongar Land Base Strategy (Strategy) at Annexure J to the ILUAs. Per the Strategy, the Department works in partnership with the Trustee to progress these significant land tenure outcomes.

Land under management order, or owned in freehold, by a State Agency, service provider or local government can be included in the Noongar Land Estate at the discretion of the management body/landowner.

The Department works in accordance with the *Land Administration Act 1997* (LAA), including the requirement under section 14 to consult with local governments.

The Department is asking for comment in response to transferring the following piece of land:

- Referral ID: 14060
- PIN: 12191741
- Lot Number: 345
- Survey Number: DP91008
- Locality Suburb: GLENLYNN
- LGA: BRIDGETOWN-GREENBUSHES
- Region: SOUTH WEST
- Reserve Number: R 12380
- Area (Ha): 11.44
- Reserve Purpose: CAMPING
- Selected Tenure: FREEHOLD

Officers recommend that Council does not object to the transfer of land as Council has no immediate or longer-term plans for use of the land.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Local Government Act 1995

POLICY IMPLICATIONS

CR 3 - Community Engagement

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

1 A growing community that is diverse, welcoming and inclusive.

8 Local history, heritage and character is valued and preserved.

CORPORATE BUSINESS PLAN

1.4 Grow recognition and respect for all cultures.

LONG TERM FINANCIAL PLAN

Nil.

ASSET MANAGEMENT PLANS

Nil.

WORKFORCE PLAN

Nil.

RISK MANAGEMENT

Risk Rating is LOW.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil.

15.3 Arc Infrastructure - Bushfire Mitigation (C.06/0322a)

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. Arc Infrastructure - Bushfire Mitigation ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 178-24/25

Moved: Councillor T Lansdell
Seconded: Councillor T Pratico

That Council note the officer's response to the following Motion:

Arc Infrastructure - Bushfire Mitigation (C.06/0322a).

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

Through Ordinary Council Meeting Motion C.06/0322a, Council previously directed the CEO to:

1. Direct the CEO to engage with the Public Transport Authority requesting consideration towards introducing measures to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes.
2. Request the Public Transport Authority conduct a higher degree of fire mitigation works on railway reserves within the Shire of Bridgetown-Greenbushes.

Both the CEO and the Community Emergency Services Manager (CESM) have been engaging regularly with the Public Transport Authority (PTA) and Arc Infrastructure and are now able to advise that:

1. Arc Infrastructure is in the process of developing a bushfire mitigation program with treatments planned to commence prior to the 2024 bushfire season. Please refer to the attached Frequently Asked Questions.
2. If there are any specific areas the Shire wants to be enhanced for access, the CESM has been invited to contact Arc Infrastructure via communications@arcinfra.com.
3. This program is focused on townsites following a risk assessment methodology to determine the priority townsites and the planning of subsequent treatments. If there are any further

questions regarding this program, the CESM has again been invited to contact communications@arcinfra.com.

MATTER FOR CONSIDERATION

Council to note the response from Officers to Ordinary Council Meeting Motion C.06/0322a.

BACKGROUND

This agenda item dates back to the Annual General Meeting of Electors which was held on 24 February 2022. Four decisions were made for referral to Council. These decisions were in the form of recommendations to Council. Council was not bound by the Local Government Act to accept the recommendations. Council could amend the recommendations or reject them as it is able to do with an Officer recommendation.

One of the four motions carried at the AGM of Electors was presented to Council as an individual report, as follows:

Moved B Bebbington, Seconded Cr Pratico

E.04/0222 The Shire to engage with the Public Transport Authority with the view to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes.

Following a Council decision moved by Cr Pratico and Seconded Cr Mountford (C.06/0322) that Item C.06/0322 be discussed by Council, a motion was tabled (Moved Cr Pratico, Seconded Cr Quinby:

That Council direct the CEO to engage with the Public Transport Authority requesting consideration towards introducing measures to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes.

An amendment was the moved to the motion by Cr Pratico and Seconded Cr Mountford that a second point be added to the motion:

That Council request the Public Transport Authority conduct a higher degree of fire mitigation works on railway reserves within the Shire of Bridgetown-Greenbushes.

The amended motion became the substantive motion and was put.

Council decision moved by Cr Pratico and seconded by Cr Quinby (C.06/0322a):

That Council:

1. *Direct the CEO to engage with the Public Transport Authority requesting consideration towards introducing measures to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes*
2. *Request the Public Transport Authority conduct a higher degree of fire mitigation works on railway reserves within the Shire of Bridgetown-Greenbushes.*

While the Public Transport Authority (PTA) is the owner of the rail corridor, Arc Infrastructure has a long-term lease over both the land and infrastructure. The rail corridor is under the control of

Arc Infrastructure and is viewed as private property by that company through this long-term lease arrangement with the Western Australian Government. Arc Infrastructure will allow access to the rail corridor for specific activities along the corridor but typically requires persons (usually Arc Infrastructure approved contractors) to undertake an induction process before approval is granted. For this reason, there were some doubts that a blanket approval allowing access by emergency services would be granted. There was also concern that any access constructed to provide access to the rail corridor during emergencies would be subject to unauthorised access at other times. Notwithstanding this, Council wanted Officers to at least establish formal communications with the PTA (or the respective service provider) and request action in alignment with the carried motions.

Both the CEO and the Community Emergency Services Manager (CESM) have been engaging regularly with the Public Transport Authority (PTA) and Arc Infrastructure. The formal response from Arc Infrastructure took some time to obtain, despite many conversations over some months, but has finally been provided as follows:

1. Arc Infrastructure is currently working on a bushfire mitigation initiative, with planned treatments set to begin before the 2024 bushfire season. For more details, please see the attached FAQ document.
2. If there are specific areas within the Shire that require improved access, the Community Emergency Services Manager (CESM) is encouraged to reach out to Arc Infrastructure at communications@arcinfra.com.
3. This initiative prioritises townsites based on a risk assessment process to identify the most critical areas and plan appropriate treatments. For additional inquiries regarding this program, the CESM is welcome to contact Arc Infrastructure again at communications@arcinfra.com.

STATUTORY ENVIRONMENT

Local Government Act 1995

Fire and Emergency Services Act 1998

Emergency Management Act 2005

Section 5.33 of the *Local Government Act* states:

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose,

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the Minutes of the council meeting.

POLICY IMPLICATIONS

RM 1 - Risk Management

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

2 Good health and community wellbeing.

3 A safe community for people and animals.

CORPORATE BUSINESS PLAN

9.1 Improve road safety and connectivity

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Risk rating is low. The current CESM is factoring in the rail corridor as part of his risk mitigation activities, even if the active response from Arc Infrastructure is not sufficient.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

Bushfire Mitigation: Frequently Asked Questions

What is the aim of the Bushfire Risk Mitigation Program?

The aim of the regional bushfire mitigation program is to proactively and effectively manage bushfire risk within Arc Infrastructure tenure in order to protect people, assets and other areas of local value to the community.

Why can't Arc mitigate the whole rail corridor?

The Arc Infrastructure rail corridor stretches 5,500km across the southern portion of Western Australia and is generally 20–40m in width. It is impractical to treat the entire rail corridor due to resources and the sheer size alone. There are complexities around environmental and cultural sensitivities that we have a legislative obligation to comply with. The bushfire mitigation program is designed to identify the higher risk areas to enable a systematic approach targeting priority areas, such as townsites.

How are the higher risk locations determined?

A risk assessment methodology has been developed to assist in prioritising which areas will be targeted for the coming year in a risk matrix format. The methodology incorporates factors including vegetation age and type, together with population and environmental and cultural heritage values.

The matrix provides a risk rating and ranks the locations in order of priority. This allows for mitigation treatments to be planned and scheduled to reduce bushfire risk. At present, the areas assessed are by townsites unless otherwise identified through consultation with Local Governments and State Government agencies.

Why is Arc Infrastructure implementing this mitigation program?

Arc Infrastructure is taking a proactive approach to address bushfire risk at an organisational level by implementing the bushfire mitigation program, in order to reduce bushfire risk within the rail corridor and the potential impact to the community in the event of a bushfire.

The mitigation treatments that Arc carries out will also address Arc's responsibility in the treatment schedule of many Local Government Bushfire Risk Management Plans across the State.

How long is the program going to run for?

The Bushfire Risk Mitigation Program will be ongoing with annual reviews to identify priority areas for treating in the coming year.

Are any stakeholders being engaged throughout the program?

Yes. Throughout the identification of priority areas, relevant Local Governments and State Government agencies such as Department of Fire and Emergency Services (DFES) and Department of Biodiversity Conservation and Attractions (DBCA) (Parks and Wildlife) have been engaged with the aim of identifying collaborative treatments.

I know an area of Arc Infrastructure rail corridor that hasn't been mitigated, what can I do?

If you believe there is an area of high bushfire risk within the Arc rail corridor that has not been mitigated, you can contact your Local Government or Arc Infrastructure using the contact details below.

What mitigation treatments is Arc Infrastructure using?

Arc Infrastructure is primarily using treatments including mulching, slashing, chemical spraying, fire access track maintenance and tree pruning. Additional treatment types will be assessed for suitability based on local site conditions.

If I have any questions about this program, who do I contact?

If you would like further information, please contact communications@arcinfra.com

15.4 Snapshot

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. Snapshot - June 2024 ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 179-24/25

Moved: Councillor T Pratico
Seconded: Councillor R Redman

That Council note the information as shown in the Snapshot attachment.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

Councillors requested looking into combining the Rolling Action Sheet and Snapshot into one document and presented in a traffic light and/or percentage completed format. Item to be discussed further at a Concept Forum.

IN BRIEF

The Rolling Action Sheet has now been consolidated into the Snapshot.

MATTER FOR CONSIDERATION

That Council note the information as shown in the Snapshot attachment.

BACKGROUND

As an operational document, the Snapshot captures all projects and programs outside of core business, serving to manage their high-level progress. Upon completion, the project or program is removed. The Executive Management Team (EMT) reviews this document during their fortnightly meetings. Core business activities are not included. The Rolling Action Sheet has now been consolidated into the Snapshot.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS - NIL

STRATEGIC COMMUNITY PLAN

15 A well informed and engaged community.

15.1 Engage the community in a meaningful and timely way using appropriate communication and consultation channels.

CORPORATE BUSINESS PLAN - NIL

LONG TERM FINANCIAL PLAN - NIL

ASSET MANAGEMENT PLANS - NIL

WORKFORCE PLAN - NIL

RISK MANAGEMENT - NIL

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
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		Consequence				
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	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

Project	Who	Scoped	Drawings/ Plans/ Process	Cost	100% Funding Secured	Start Date	End Date	Officer Comments	Council Decision
CORPORATE SERVICES									
Review of 180 policies (40 remaining)	ALL	In Progress				Nov-23	Jun-24	Ongoing	Nil - Core Business Requirement
Marketing, Media & Tourism									
Internet Site	JB					Dec-23	Jul-24		Nil - Budget Approval
Tourism Strategy – Develop. Work with existing Tourism group.	NG/JB								
Community Group Banners / Mini Billboards	NG/MR/SA								C.02/0923
IT, Communications & Software									
Update quote from ReadyTech, an extension of Altus Procurement.	BM					May-24	Jun-24	New quotation from Readytech recieved including Procuement and Payroll modules ready for inclution in 24/25 budget	Nil
Payroll and Financial system within the next 12 months.									
Hospital									
Meeting to take place with WACHs	NG								
Investigation and Analysis									
Business Case									
Government Commitment									
PLANNING									
Planning									
Fencing Local Law	NG/LG								C.13/0922
Cemeteries Local Law									C.13/0922
Waste Local Law	SA					Nov-23	24-Nov		C.13/0922
Dog Local Law	NG					TBD			C.13/0922
Cat Local Law						2023			C.13/0922
Parking Local Law (incl Loading Bays)	LG/NG/MR					TBD			C.13/0922
Meeting Standing Orders	NG/LT					2023			C.13/0922
Trading in Thoroughfares and Public Places	LG/NG					TBD			C.13/0922
Bushfire Brigades	BA/NG					TBD			C.13/0922
Health (remove waste)	LG/NG/SA					TBD			C.13/0922
Property	LG/NG/MR					TBD			C.13/0922
Town Plan Scheme development and submission									
Finalise amalgamation of TPS3 & 4 (6)	LG							LG finalised draft document for TPS6 – Amalgamation of TPS3 and TPS4. Send to Commission tomorrow - Reg 21.4 to give approval to advertise for 3/12.	
Finalise TPS 7	LG								
BUILDING MAINTENANCE									
Town Hall (Greenbushes)									
Investigation	PH								
Funding inadequate budget of $150K in 23/24fy									
Documentation to “shovel ready”									
Building									
Hampton Street Units - Upgrades									
Fencing	PH					Apr-24	Aug-24	Contractor to rectify defects	
Irrigation	SA							Parks and Gardens to arrange	
Gazebos	PH							required?	
Wet areas (Bathroom/Toilet)	PH					May-24	Jun-24	Complete	
Ken Moyes Initials									
Reinstatement of Ken Moyes Initials at Civic Building – pointing	PH					Apr-24	May-24		C.03/0623
More shade sails at Bridgetown Pool:									
Grass area with shade sails	MR							SE included in grants budget funding. Find out once get quotes. Could utilise Heat Vulnerability Project money	
Jigsaw Museum (Ex-Visitors Centre)									
Detailed investigation of building code and rrequired repairs	PH							NG advised Shire helped draft funding to fix up. Next step to help Blues Festival to apply for Lottery West funding for Blues Museum. Try to secure funding for Community Radio to move into Blues area.	
Internal Building Repairs	PH							Partially funded by the BGTA	
EV Fast Charger Installation	MG					Mar-24	Oct-24	Funded via DMIRS & Talison	

Library External Upgrades									
Slatted roof	PH							Slatted Roof Quote of $125K	
Furniture									
Path to the Brook & artwork								– SA/MR - Site visit needed.	
Irrigation Repairs								upgrades.	
Telstra Work Order – Telstra Building									
Meeting									
Work Order									
Follow Through									
Greenbushes Golf Clubhouse									
New commercial kitchen	PH							We are currently doing up the ablutions but the rest of the building needs attention also	
Ceiling replacement									
Internal painting									
Captains room refurbishment									
Bar refurbishment									
COMMUNITY									
CCTV – Bridgetown Youth Precinct and Library									
CCTV to Youth Precinct & Library	MR							MR waiting for one last quote to come in. Will have pole installation across 4 sites. Plans have been given to Harmonic IT and Police for areas to be covered.	
Standardised Acknowledgement of Country									
Progress development of Standardised Acknowledgement of Country	MR							Karri Karrak advised use what Sandra Hill proposes. MR to re-establish connection with other 2 corporations. Send an email to 2 corporations. Take back to CIAC group.	C.10/0423
Reflect Reconciliation Action Plan									
Policy Submission to Council	MR							Complete	
Submission to RA								Submitted to Reconciliation Australia, awaiting response.	
Adoption by Council									
Endorsement by RA									
Event/Venue Hire									
Set fees and charges	MR							NG advised look at putting in a contractual arrangement in place for hire of venues.	C.09/0622
Advertising material & campaign									
Culture									
State Registered Massacre Site – Catterick Area	MR/KH								Nil
8 mile well – Arts and Culture Tourism						TBD	TBD		
Blackwood River Cultural/Art Walk									
Bridgetown Markets									
Future Direction and implications	MR/NG							NG – EoI Community Group to run it. Infrastructure investment for obvious hazards – put on Shire insurance. Risk Management Plan – invest in signage.	
Geegelup Mountain Bike Network									
Planning based on Trails Advisory Group	MR							MR found 14 acres to look at if can't get bigger block.	
Blackwood River Dual Naming									
	MR/NG					TBD	TBD		C.09/1023
Naming Greenbushes Lanes									
Investigate the formal naming of the Greenbushes lanes	MR					May-24		KH still investigating. Prioritise - Identify lanes.	
Night lights for Greenbushes & Bridgetown skate parks									
Investigate options with Light Applications	MR/MG					Feb-24		MG flood lighting project. Waiting to hear back. MR to follow up.	
INFRASTRUCTURE									
Planter boxes along the Stanifer Street Footpath									
Installation of planter to stop parking on south of service station	SA								
Cemetery									
Upgrade/Maintenance (x2)	SA							MR/AT to project plan for both cemeteries.	
Local Law - change									

Natural Burials – L Shape around natural bushland	SA								
Install new plot markers									
Upgrades to Waste Management Facility									
Enclose existing structure (Dongas from Talison)	SA							Requires discussion on this	
Open Tip Shop	MR							Fully costed however requires Concept Forum discussion on viability	
Signage	SA							Ongoing	
Future proofing (Regional site)	SA							Ongoing	
Nairnup Road – Land acquisition									
Land acquisition – landowner does not want to give up land. Road is over private land.	SA/NG		Ongoing			TBD	TBD	Option is compulsory acquisition of 400sqm. NG write letter, no other avenue, timeline for initiation of compulsory acquisition.	C.17/0422
Greys Hill Road									
Extend 50KM/H Speed restriction Area	SA		Ongoing	N/A	N/A	N/A	N/A	Confirm with Main Roads, agreed verbally.	C.04/0223
Southwest Highway (Bridgetown/Manjimup)									
Turn off to Rifle Range Road (slip lane required)	SA		Ongoing	N/A MRWA	N/A	N/A	N/A	Nil	Nil
Entry statement Gardens									
Improvements to Bridgetown Entry Statements	MR								C.08/1122 & C.15/0623
CESM									
Emergency Management/Emergency Services									
Training of Bush Fire Brigade Audit	BA					2023	Feb-24	LEMC meeting on 21 May 24. Ready to be adopted b	C.04/1122
Review and Update of the LEMA,						2023	Jun-24	SoP's ready for June OCM.	
Next 3 years of MAF funding.						Jan-24	May-24	BA – Completed $720k	
PROJECT MANAGEMENT OFFICE									
Dumpling Gully Dam									
Water Corporation - Community Water Take Agreement	MG					Jan-24	Jul-24	Complete	C.02/1216
Water & Irrigation Design & Costing						Mar-24	Apr-24	Fully costed pumping and irrigation design report recieved	
Masterplanning								Require budget	
Work with DWER & Water Corp to excise dams to the Shire						Dec-23	ongoing		C.02/0721
Visitor's Centre Relocation									
External building	MG						2023	Grand opening planned for end August once landscape and paths are complete	
Internal fit-out						Mar-24	Jun-24		
Landscaping						Aug-24	Aug-24		C.05/0523
Railway Station Relocation (Greenbushes)									
Preliminary work to ready for relocation	MG					Dec-23	Jan-24		
Earthworks and in-ground plumbing						Jan-24	Jan-24		
Relocation of Building						Mar-24	Mar-24		
Building works						Apr-24	Jul-24		
Greenbushes Skate Park									
Landscaping post Pump track	MG					May-24	Aug-24	Irrigation and turf installed in July with Community Planting day programmed for the 1st August	
Depot Construction									
Concept plans	MG					Dec-23	Jan-24	Complete	
Detailed design	MG					Jan-24	Apr-24	Complete	
Construction cost Estimate.	MG					Apr-24	Apr-24	Complete	
Construction Funding	NG					TBD	TBD	NG talking to DFES and NEMA. NEMA assessing whether can assess claim now. Shovel ready.	
Future SES Incident Control Centre									
Site Analysis	MG					May-24	May-24	Officers attended Albany SES facility as a likely duplicate for Bridgetown. Cost for that facility have been obtained for discussion at Concept Forum.	
Obtain Design Funding									
SES Unit Building Design									
Obtain Construction Funding									
SES Centre Construction									
New Tower – Different project – look to amalgamate.									
Town Hall Upgrades (Bridgetown)									
Main Hall - Contractor started on site again						2022	Nov-24	Completion by late November 2024	

Lesser Hall and Facilities Scoping	MG					Mar-24	Jul-24	Scoping underway	
Lesser Hall and Facilities Construction									
Geegelup Brook									
Development Concept	MG/MR					Sep-23	Mar-24		
Development of Budget	MG					Mar-24	May-24		
Obtain Aboriginal Heritage Approval	MG/MR					Nov-23		Heritage study held up with Karri Karrack	
Obtain Grant Funding for Detailed Design	MG					May-24		Partial funding sought from Transition	
Detailed Design	MG								
Construction	MG								
Highland Estate Playground									
Seek Funding for design	NG								
Develop Concepts for approval by Council	MG								
Seek funding for detailed design and constructiuon	MG								
Construction	MG								
Memorial Park Playground									
Seek Funding for design	NG								
Develop Concepts for approval by Council	MG								
Seek funding for detailed design and constructiuon	MG								
Construction	MG								
Visitor Centre Relocation (Bridgetown)									
Visitor Centre Fit Out	MG					Jan-24	Jun-24	Complete	
Pathways & Landscaping	MG					Jun-24	Aug-24		
Kangaroo Gully fire station upgrade									
Design and costing	MG					Dec-23	Feb-24	Complete	
Submit grant application						Feb-24		Grant application submitted. Waiting to hear back.	
Construction									
Greenbushes Camp Kitchen									
Greenbushes Sportsground Camp Kitchen	MG					Mar-24	Jul-24	Project completion 1st week in July	
Light Industrial Areas									
Develop a Light Industrial Area	MG							NG advised to proceed with original site. Consultant to do a needs analysis.	
Place Planning									
Develop Bridgetown Place Plan	MG							Subject to Council instruction	
Talison Sponsored Projects									
TF01 Blackwood Road Drainage Plan	MG					Jun-24	Aug-24	Design under way	
TF23 Jephson Street Streetscape Plan						Jun-24	Aug-24	Design under way	
TF02 Roads Board Toilets						Mar-24	Oct-24	Design under way	
26IN Youth Precict Stage 2 Pump Track						May-24	May-24	Complete	
TF24 - Greenbushes Footpaths						Jun-24	Aug-24	Detailed Designs underway	
TF25-28 Greenbushes - Roads - (Currently with SA)									
TF29 - Greenbushes - Kerbs - 1km of kerb (Currently with SA)									
TF09 - Greenbushes Hard Courts & Fencing						Sep-24	Oct-24	Contract awarded	
TF06 Energy Efficiency Project						Jul-24	Dec-24	Out to tender in July	
Volunteer Bush Fire Stations									
Greenbushes Fire Station	MG					Dec-23	Oct-24	Slab down and structure up	
Wandillup Fire Station						Dec-23	Oct-24	Slab down and structure up	

1 A growing community that is diverse, welcoming and inclusive.
1.1 Improve family and youth services and facilities to attract and retain families.
1.2 Understand and meet the needs of an aging population.
1.3 Improve access and inclusion across all services and facilities.
1.4 Grow recognition and respect for all cultures

2 Good health and community wellbeing.
2.1 Advocate for quality health and community services.
2.2 Provide quality sport, leisure and recreation services.
2.3 Become a hub of excellence in art, culture and community events.
2.4 Build community capacity by supporting community organisations and volunteers

3 A safe community for people and animals.
3.1 Maintain high levels of community safety.
3.2 Encourage responsible animal management.

4 The Shire of Bridgetown Greenbushes continues to be naturally beautiful.
4.1 Conserve and enhance the natural environment for current and future generations to enjoy.

5 Shared responsibility for climate action to strengthen resilience against climate-related hazards and natural disasters.
5.1 Develop community readiness to cope with natural disasters and emergencies.
5.2 Encourage the adoption of sustainable practices.

6 A sustainable, low-waste, circular economy.
6.1 Provide sustainable, cost effective waste management infrastructure and services.
6.2 Encourage the adoption of sustainable waste behaviours through waste education and communications.

7 Responsible and attractive growth and development.
7.1 Plan for a diverse range of land, housing and development opportunities to meet current and future needs.
7.2 Advocate for adequate infrastructure to support responsible growth.
7.3 Create vibrant, attractive and welcoming towns.
7.4 Provide attractive, well maintained verges and street trees.
7.5 Provide attractive and sustainable parks, playgrounds and reserves.
7.6 Deliver defined levels of service to provide and maintain Shire assets in the most cost effective way.

8 Local history, heritage and character is valued and preserved.
8.1 Identify, preserve and showcase significant local history and heritage.

9 Safe, affordable and efficient movement of people and vehicles.
9.1 Improve road safety and connectivity
9.2 Provide sufficient parking for all types of vehicles.
9.3 Develop a safe, well connected network of paths for all users.
9.4 Advocate for affordable and sustainable public transport solutions.

10 A strong, diverse and resilient economy.
10.1 Strengthen the Shire of Bridgetown Greenbushes' competitive advantage to attract new businesses and investors to the area.
10.2 Attract high growth industries, businesses and investors that are aligned with local values.
10.3 Support local business to thrive.

11 Access to quality education and work opportunities.
11.1 Facilitate improved access to education and job opportunities for everyone.

12 Bridgetown Greenbushes is regarded to be a major tourist destination.
12.1 Reposition Bridgetown as a major tourist destination.
12.2 Improve tourism infrastructure and services.
12.3 Develop and promote festivals, events and trails that showcase the area's natural assets and core competencies.

13 Proactive, visionary leaders who respond to community needs.
13.1 Strengthen leadership and advocacy.
13.2 Embrace innovation and a 'can do' culture.

14 Effective governance and financial management.
14.1 Achieve excellence in organisational performance and service delivery.
14.2 Improve real and perceived value for money from Council rates.

15 A well informed and engaged community.
15.1 Engage the community in a meaningful and timely way using appropriate communication and consultation channels.

16 An engaged and effective workforce.

16.1 Attract, train, develop and retain an effective workforce.

15.5 Adopt the Fraud Corruption Prevention Plan

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. Fraud and Corruption Prevention Plan ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 180-24/25

Moved: Councillor R Redman
Seconded: Councillor M Christensen

That council adopt the Fraud Corruption Prevention Plan.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The proposed Fraud Corruption Prevention Plan aims to establish a robust framework for preventing, detecting, and responding to fraudulent and corrupt activities within the Shire of Bridgetown-Greenbushes. The Plan, endorsed by the Executive Management Team, aligns with the *Australian Standard Fraud and Corruption Control (AS 8001:2021*) and responds to recommendations from the Western Australian Auditor-General. It incorporates comprehensive measures to promote a culture of integrity, accountability, and transparency, ensuring that all Councillors, employees, contractors, and volunteers adhere to the highest ethical standards.

MATTER FOR CONSIDERATION

Fraud and corruption pose significant risks to the integrity and functionality of local government operations. Recognising these risks, the Western Australian Auditor-General has recommended that all councils adopt specific fraud control plans and policies to address potential fraudulent and corrupt conduct. In response, the Shire of Bridgetown-Greenbushes has developed a Fraud Corruption Prevention Plan and reviewed the Fraud Corruption Prevention Policy, both designed to mitigate these risks effectively.

BACKGROUND

The primary purpose of this Plan is to foster an environment where fraudulent and corrupt activities are systematically prevented, deterred, and detected. It sets forth a zero-tolerance policy towards fraud and corruption, emphasising the Shire's commitment to maintaining high standards

of ethical conduct. The Plan outlines the roles and responsibilities of Councillors, the Executive Management Team (EMT), and all employees in safeguarding the Shire's resources and reputation.

Effective communication is crucial for the success of this Plan. Regular and consistent communications ensure that all stakeholders are aware of their responsibilities and the procedures in place to report and address suspicious activities. The Plan will be integrated with existing Human Resources policies, such as the Underperformance & Misconduct Policy and the Employee Code of Conduct, reinforcing a culture of integrity and accountability.

The Plan's comprehensive approach includes the implementation of preventive measures, regular risk assessments, and thorough vetting of employees and suppliers. It also mandates training and awareness programs to educate staff about their obligations under the Plan and relevant legislation, such as the *Local Government Act 1995* and the *Public Interest Disclosure Act 2003*. By aligning with these legislative frameworks, the Plan ensures that the Shire meets its obligations to maintain proper internal control systems and to report any fraudulent or corrupt activities to appropriate external agencies, including the WA Police, Crime and Corruption Commission, Public Sector Commission, and the Local Government Standards Panel.

To ensure the Plan remains effective and relevant, it will be reviewed biennially by the CEO, with oversight from the EMT. This review will consider changes in business conditions, new fraud and corruption control practices, and any incidents of fraud or corruption that have occurred. This dynamic approach ensures that the Plan evolves in response to emerging threats and continues to protect the Shire's interests effectively.

The adoption of this Plan demonstrates the council's proactive stance in managing fraud and corruption risks, reinforcing the Shire's dedication to ethical governance and public accountability. It is a critical step in ensuring that the Shire's operations are conducted with integrity, transparency, and responsibility, safeguarding public trust and resources.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Audit) Regulations 1996

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

14 Effective governance and financial management.

14.1 Achieve excellence in organisational performance and service delivery.

14.2 Improve real and perceived value for money from Council rates.

15 A well informed and engaged community.

15.1 Engage the community in a meaningful and timely way using appropriate communication and consultation channels.

CORPORATE BUSINESS PLAN

Outcome 14 – Effective governance and financial management

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The risk areas identified in RM 1 - Risk Management Policy are Financial, Compliance and Reputational.

The Risk Rating is Moderate.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Adopting the Fraud Corruption Prevention Plan will position the Shire of Bridgetown-Greenbushes as a leader in good governance practices.

FRAUD & CORRUPTION PREVENTION PLAN

MAY 2024

Shire of
Bridgetown-Greenbushes
... simply beautiful

Shire of Bridgetown-Greenbushes

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Shire of Bridgetown-Greenbushes

EXECUTIVE SUMMARY

The Shire of Bridgetown-Greenbushes is committed to the prevention, deterrence, monitoring and investigation of all forms of fraud and corruption. Fraud and corruption are damaging to the organisation through financial loss, loss of public confidence (either perceived or real), reputational damage and adverse publicity.

Council's the custodian of significant public funds and assets therefore it is important that the community has assurance that these are adequately protected from fraud and corruption.

Fraud and corruption prevention forms part of the Shire's risk management framework. The Shire actively seeks to identify and limit the risk by reducing the potential opportunity (risk likelihood) for fraud and corruption to occur.

This Fraud and Corruption Prevention Plan (the Plan) is to clearly document the organisation's approach to the prevention of fraud and corruption at both strategic and operational levels and is to be read in conjunction with the Shire's Fraud Corruption Policy, Risk Management Policy and relevant legislation.

Adapted from Office of Auditor General for Western Australia, Report 5: 2019-20, *Fraud Prevention in Local Government*

1 BACKGROUND

1.1 PURPOSE

The Shire of Bridgetown-Greenbushes (the Shire) is committed to strategies, policies and practices that prevent, deter and detect fraudulent and corrupt behaviour in the performance of Shire activities.

The Western Australian Auditor-General has recommended all councils adopt specific fraud control policies that address the risk of fraud and corrupt conduct.

The Executive Management Team (EMT) monitors, reports and guides the implementation of the policy and this Plan. The EMT also provides reports on its activity to Council's Audit Committee.

1.2 COMMUNICATION

The contents of this Plan are communicated across the organisation through regular and consistent communications with councillors, managers and employees, in addition to a spectrum of People and Culture policies and procedures (e.g. Bullying, Harassment and Diversity Policy, Underperformance & Misconduct Policy, Employee Code of Conduct Policy etc.).

1.3 ZERO TOLERANCE TO FRAUD AND CORRUPTION

The Shire has zero tolerance for corrupt conduct or fraudulent activities. The Shire is committed to preventing, deterring and detecting fraudulent and corrupt behaviour in the performance of Shire activities. Councillors and employees must not engage in practices that may constitute fraud or corruption.

The Shire has developed a structured framework and approach to the implementation and review of fraud and corruption prevention, detection, monitoring and reporting.

This Plan is based on the Australian Standard for *Fraud and corruption control (AS 8001:2021*) and has been endorsed by the council and EMT.

The desired outcome of this commitment is the elimination of fraud and corruption throughout Shire operations both internally and externally. The Shire may prosecute people identified as committing fraud or undertaking corrupt behaviour. Councillors and employees may also face disciplinary action under their respective Code of Conduct, and restitution of money or property lost through fraudulent activity will be pursued through legislative means.

The council or CEO may be legally compelled to report fraudulent and/or corrupt activities to external agencies or may choose to do this at their own discretion. These agencies include but are not limited to –

a. WA Police
b. Crime and Corruption Commission
c. Public Sector Commission
d. Local Government Standards Panel.

1.4 DEFINITIONS

Fraud is defined by Australian Standard for *Fraud and corruption control (AS 8001:2021*) as –

Dishonest activity causing actual or potential gain or loss to any person or organisation including theft of monies or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.

Fraud can take many forms including –

a. The misappropriation of assets;
b. The manipulation of financial reporting (either internal or external to the organisation); and/or
c. Corruption involving abuse of position for personal gain.

Corruption is defined by Australian Standard for *Fraud and corruption control (AS 8001:2021*) as –

Dishonest activity in which a person associated with an organisation (e.g. director, executive, manager, employee or contractor) acts contrary to the interests of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by the organisation, or a person purporting to act on behalf of and in the interests of the organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly.

Corrupt conduct tends to show a deliberate intent for an improper purpose and motivation and may involve misconduct such as: the deliberate failure to perform the functions of office properly; the exercise of a power or duty for an improper purpose; or dishonesty. Some examples of corrupt or criminal conduct which could be serious misconduct include–

a. Abuse of public office;
b. Blackmail;
c. Bribery, including bribery in relation to an election;
d. Deliberately releasing confidential information;
e. Extortion;
f. Obtaining or offering a secret commission;
g. Fraud or stealing;
h. Forgery;
i. Perverting the course of justice;
j. An offence relating to an electoral donation; and/or
k. Falsification of records.

1.5 COUNCIL OBJECTIVE

The objective of this Plan is to outline the Shire's approach to fraud and corruption prevention, deterrence and detection. Council is committed to meeting its legislative obligations under the *Local Government Act 1995* including by ensuring that resources are maintained in a responsible and accountable manner.

Council's commitment to fraud control will be met by ensuring an environment in which fraudulent or corrupt conduct is discouraged, and conflicts of interest are avoided.

1.6 SCOPE

This Plan applies to all councillors, employees, contractors and volunteers.

Councillors are also obliged to maintain standards as mandated by the *Local Government Act 1995*.

Relevant training on legislative obligations is to be provided at the councillor and employee induction session.

This Plan is compliant with:

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996, Regulation 5*
- *Public Interest Disclosure Act 2003*
- Western Australian Auditor General's Report. June 2022.
- Office of Auditor General for Western Australia–
- Report 20: Fraud Risk Management (June 2022)
- Report 24: Verifying Employee Identity and Credentials (2018-2019)
- Report 5: Fraud Prevention in Local Government (2019-2020)
- Australian Standard for Fraud and corruption control (AS 8001:2021)
- Shire of Bridgetown-Greenbushes Delegations Register
- Shire of Bridgetown-Greenbushes Strategies, Plans and Policies

2 CONTEXT

2.1 COPORATE FRAMEWORK

This Plan is informed by the Shire of Bridgetown-Greenbushes Strategic Community Plan 2023-2033 and the Corporate Business Plan 2022-2026, both of which directly inform our budgets, strategies, policies and actions.

2.2 LEGISLATIVE FRAMWORK

Local Government Act 1995

Requires the local government to develop and maintain adequate internal control systems, and to establish codes of conduct and an Audit Advisory Committee. Regulations are also applicable.

Public Interest Disclosure Act 2003

Requires the local government to establish written procedures for handling of any protected disclosures.

Local Government (Financial Management) Regulations 1996, Regulation 5

1. Efficient systems and procedures are to be established by the CEO of a local government –
    a. for the proper collection of all money owing to the local government; and
    b. for the safe custody and security of all money collected or held by the local government; and
    c. for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
    d. to ensure proper accounting for municipal or trust –
        i. revenue received or receivable; and
        ii. expenses paid or payable; and
        iii. assets and liabilities; and
    e. to ensure proper authorisation for the incurring of liabilities and the making of payments; and
    f. for the maintenance of payroll, stock control and costing records; and

g. to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

2. The CEO is to –
   a. ensure that the resources of the local government are effectively and efficiently managed; and
   b. assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
   c. undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

Local Government (Audit) Regulations 1996 Regulation 17 (1):

1. The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
   a. risk management; and
   b. internal control; and
   c. legislative compliance.
2. The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 3 calendar years.
3. The CEO is to report to the audit committee the results of that review."

This Plan operates within an existing legislative and strategic framework. The diagram below shows the interdependency of a good plan with complimentary programs and processes.

2.3 AUSTRALIAN STANDARDS

The Australian Standard for *Fraud and corruption control (AS 8001:2021*) provides important and relevant guidance.

2.4 ROLES AND RESPONSIBILITIES

Council

Council is responsible for ensuring the development and adoption of the Fraud and Corruption Prevention Policy and the Fraud and Corruption Prevention Plan.

Audit Committee

In relation to fraud control, the Audit Committee's responsibilities include -

a. Reviewing risk management frameworks and associated procedures for the effective identification and management of fraud risks;
b. Overseeing development and implementation of the Fraud and Corruption Prevention Plan, and to provide assurance that the Shire has appropriate processes and systems in place to prevent, detect and effectively respond to fraud-related information; and
c. Providing leadership in preventing fraud and corruption.

Chief Executive Officer

The CEO applies the Shire's resources to fraud prevention and ensures the implementation of adequate controls for managing fraud and corruption risks within the Shire.

The CEO, under the *Corruption, Crime and Misconduct Act 2003,* must notify the Corruption and Crime Commission or the Public Sector Commission if misconduct is suspected.

The CEO is responsible for –

a. Coordinating the fraud and corruption risk assessment process;
b. Developing and maintaining this Fraud and Corruption Prevention Plan, in consultation with key stakeholders;
c. Communicating the existence and importance of the Fraud and Corruption Prevention Plan;
d. Delivering and/or coordinating fraud and corruption training; and
e. Managing the grievance and discipline process.

Executive Management Team

The Executive Leadership Team (EMT) is responsible for implementing the Fraud and Corruption Prevention Plan. In particular, the EMT must –

a. Provide leadership, guidance, training and support to employees in preventing fraud and corruption;
b. Identify high fraud risk areas;
c. Participate in fraud and corruption risk assessment reviews;
d. Monitor the continued operation of controls;
e. Report suspected fraud and corruption promptly, maintaining confidentiality; and
f. Ensure the protection of complainants who report fraudulent and corrupt activities.

Public Interest Disclosure Officer

The Public Interest Disclosure Officer (PID) investigate disclosures and acts following the completion of investigations under the *Public Interest Disclosure Act 2003*.

All Employees

All employees have a responsibility to contribute to preventing fraud and corruption by following the Code of Conduct, complying with controls, policies and processes; resisting opportunities to engage

in fraudulent or corrupt behaviour; and reporting suspected fraudulent or corrupt incidents or behaviour.

3 PLANNING AND RESOURCING

Planning and resourcing fraud and corruption prevention will consider –

a. Control planning
b. Review of control plans
c. Control resourcing
d. Internal audit activity

3.1 PROGRAM FOR FRAUD AND CORRUPTION CONTROL PLANNING AND REVIEW

The Local Government Act requires that all local governments establish an Audit Committee. An Audit Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The Recommendation on p.7 of the WA Office of Auditor General's Report, Fraud Prevention in Local Government notes –
"In line with better practice, all entities should ensure they implement a coordinated approach to manage their fraud risks. Entities should –

a. Assess fraud risks across their business.
b. Develop a Fraud and Corruption Control Plan and review it at least once every 2 years.
c. Develop and implement a periodic fraud awareness training program for all staff.
d. Ensure that all conflicts of interest are recorded, assessed and appropriate management plans are in place.
e. Have policies and procedures in place to verify the identity and integrity of employees and suppliers.
f. Document clear internal processes and systems to report any potential fraud, that include anonymous reporting.
g. Collect and analyse information received about potential fraud to identify any trends or emerging issues."

This Plan is designed to achieve compliance with each of these recommendations.

The Plan operates in association with existing programs and initiatives throughout the Shire and forms an integral part of the overall risk management program and framework.

This Plan will be reviewed biennially by the CEO with oversight from the EMT. In reviewing the Plan, the CEO will consider –

a. Significant changes in business conditions.
b. Strategies arising out of recently detected fraud or corruption control incidents.
c. Results of fraud and corruption risk assessments completed.
d. Changes in fraud and corruption control practices locally and internationally.
e. Resourcing requirements.
f. Any identified changing nature of fraud and corruption within the sector.

3.2 FRAUD CONTROL RESPONSIBILITY AND RESOURCES

The CEO is responsible for the implementation of this Plan. The CEO will report annually to the EMT on the progress of delivery and on the outcomes from this Plan.

The Shire is committed to allocating the required resources across the organisation to ensure appropriate controls in regard to fraud and corruption. In particular resources will be made available to –

a. Implement the Plan.
b. Undertake fraud and corruption risk assessments.
c. Deliver organisational training and awareness.
d. Review incidents reports.
e. Undertake investigations.

3.3 EXTERNAL ASSISTANCE

Where required, external assistance will be engaged to support the delivery of any aspect of this Plan.

4 PREVENTION

Planning and resourcing for prevention will consider –

a. Implementing and maintaining an integrity framework.
b. Senior management commitment.
c. Line management accountability.
d. Internal control.
e. Assessing fraud and corruption risk.
f. Communication and awareness.
g. Employment screening.
h. Supplier and customer vetting.
i. Controlling the risk of corruption.

4.1 IMPLEMENTING AND MAINTAINING OUR INTEGRITY FRAMEWORK

The Codes of Conduct are key enablers in delivering the sound and ethical culture required in the prevention of fraud and corruption throughout the organisation.

Councillors and employees will set the example in regard to exercising and demonstrating high levels of integrity in the performance of their roles and functions by regularly reminding everyone of the importance of complying with respective Code of Conducts and the Fraud and Corruption Policy.

4.2 COMMITMENT TO CONTROLLING THE RISK OF FRAUD AND CORRUPTION

Councillors and employees will not be complacent and will treat fraud and corruption risks as a serious threat to the organisation.

The EMT will regularly be briefed on the following –

a. Council's current fraud and corruption prevention plan and policy.
b. Information on the program and robustness of the internal control environment about preventing and detecting fraud.
c. The types of fraud and corruption common with the sector.
d. Incidence of fraud and corruption generally in Australia.

e. Information on the types of fraud and corruption that have been detected at the local government over the previous five years.
f. Information of new or emerging trends in this area.

4.3 MAINTAINING STRONG INTERNAL CONTROL SYSTEMS AND INTERNAL CONTROL CULTURE

The Shire has an existing culture of continuous improvement. The implementation of effective systems of internal control is an integral part of this program, particularly for activities assessed as having a high predisposition to the risk of fraud and corruption.

Well-planned and documented internal controls will be a major defence for avoiding fraud and corruption. When undertaking projects or reviewing existing practices into the future consideration will be given to appropriate fraud and corruption controls in the development of outcomes.

Internal controls will be –

a. Appropriately documented;
b. Accessible;
c. Reviewed and amended regularly;
d. Communicated effectively to all councillors and employees; and
e. Subject to review of adherence.

4.4 FRAUD AND CORRUPTION RISK ASSESSMENT

Risk assessments will be undertaken for all identified fraud and corruption risks in accordance with council's current Risk Framework and Matrix management approach.

As a minimum the following risks will be assessed –

a. Theft of cash;
b. Theft/misuse of assets;
c. Misuse of confidential corporate information;
d. Conflict of Interest;
e. Accounts payable;
f. Payroll practices;
g. Procurement;
h. IT and information security;
i. Recruitment; and
j. Misuse of credit cards.

Additional risks will be identified through normal operations and through the regular review of the risk register.

4.5 COMMUNICATION AND AWARENESS OF FRAUD AND CORRUPTION

It is important that fraud and corruption is identified and reported at an early stage and that councillors and employees have understanding and confidence in the system.

Councillors and employees will be provided with information on the Fraud and Corruption Policy so that they have confidence in knowing how to respond if this type of activity is detected or suspected.

The awareness of council's risk of fraud and corruption controls will be made available to employees through the following –

a. The respective councillor or employee Code of Conduct and Fraud and Corruption Policy will be included in packs for all new councillors and employees.

b. These documents will be maintained on the Shire's Internet site, and will include links to all relevant documents, including the process for reporting allegations.
c. Fraud and corruption awareness training will be conducted for new councillors and employees (this may include eLearning).
d. Any substantive changes in the Code or Plan or Policy will be communicated to all employees.

4.6 COUNCILLOR AND EMPLOYMENT SCREENING

Prior to appointment the following screening shall be undertaken with the express consent of the individual concerned, irrespective of whether they are internal or external applicants –

a. Verification of identity requiring at least two forms of identity (passport, birth certificate, drivers' licence, rate certificate etc.), at least one of which must include photo identification.
b. Police criminal history check.
c. Working with Children check – relevant positions.
d. Reference checks with two most recent employers.
e. Consideration of any gaps on employment history and the reasons for the gaps.
f. Verification of formal qualifications claimed – where relevant or required for position.
g. If necessary, residency or visa status.

The Recommendation on p.10 of the WA Office of Auditor General's Report, Verifying Employee Identity and Credentials notes –

"Public sector entities should –

1. Have approved policies and procedures for verifying employee identity and credentials which cover:
   - Using a 100-point identity check.
   - Criminal background checks, based on the risks associated with the position.
   - Periodic monitoring of existing employees.
2. Assess the positions which may require a criminal background or working with children check and ensure that these requirements are clearly documented in position description forms.
3. For high risk positions, or positions where there is an ongoing requirement to hold a licence or professional qualification, obtain regular declarations from employees that there is no significant change in their circumstances.
4. Ensure that sufficient documentary evidence is obtained prior to appointment which supports an employee's –
   - Identification and right to work in Australia.
   - Professional qualifications and memberships.
   - Criminal background or capacity to work with children (where necessary).
5. Perform appropriate referee checks for all potential employees and ensure that all employees' reference checks are retained in their employee or recruitment file.
6. Develop a procedure for monitoring the expiry dates of licences, certificates or working with children checks so that they can be followed up with the employee close to expiry date.
7. Perform periodic criminal background checks for positions which require it.

4.7 DEALING WITH ANNUAL LEAVE

Excess annual leave will be monitored on a quarterly basis to ensure excess leave is managed in accordance with Industrial Awards and relevant policies.

4.8 SUPPLIER VETTING

The Shire will continue to undertake supplier vetting for new and ongoing suppliers in accordance with existing practices.

To avoid scams and incorrect payments, all suppliers are to have banking details verified upon initial entry of their details to the IT system and then periodically.

In accordance with the Procurement, Budget Management and Supporting Local Business Policy, new suppliers with prospective business in excess of $150,000, the minimum checks will include –

a. Search of Australian Securities & Investment Commission Company Register.
b. Australian Business Register ABN verification.
c. Currency of insurances.

For new contracts exceeding, or potential to exceed $500,000, the following additional checks should be considered –

a. Corporate scorecards check which looks at Bankruptcy search.
b. Assessment of credit rating.
c. Search of legal proceedings pending or judgements pending.

5 DETECTION

Planning and resourcing for detection will consider –

a. Implementing a fraud and corruption detection program.
b. Role of external auditor in detection of fraud.
c. Avenues for reporting suspected incidents.
d. Whistle-blower protection program.

5.1 FRAUD AND CORRUPTION DETECTION PROGRAM

As part of the development of the annual internal audit program the Audit Committee will consider opportunities to undertake pro-active fraud and corruption detecting activities that might include –

a. Conducting unscheduled internal reviews and audits.
b. Post-transactional reviews – a review of transactions after they have been processed, with the aim of identifying or uncovering –
    - Documentation that may be missing, altered, missing or falsified.
    - Authorisations that may have been omitted or altered.
    - Inadequate documentary support.
c. Analysis of management accounting reports – using relatively straight forward techniques in analysing management accounting reports, trends can be examined and investigated which may be indicative of fraudulent of corrupt conduct.
d. Financial Management and Risk Reviews will include a review of –
    - IT and information security.
    - Grants and other payments.
    - Tendering processes, purchasing and contract management.
    - Services provided to the community.
    - Revenue collection.
    - Use of credit cards.
    - Travel allowance and other allowances.
    - Salaries.

- Money, property and other physical assets.

e. Internal audits.
f. Annual reports to management, the Audit Committee and Council regarding the position of risk management, internal controls and legislative compliance.

The CEO is required to –

a. In accordance with the *Local Government (Financial Management) Regulations 1996* r.5 advise Council in relation to –
   - Efficient systems and procedures.
   - Ensure efficient use of resources.
   - Undertake reviews of appropriateness and effectiveness of systems at least once every three years.
b. In accordance with the *Local Government (Audit) Regulations 1996* r.17, review –
   - Risk management.
   - Internal controls.
   - Legislative compliance.

Each of these matters are to be reviewed at least once every three calendar years.

5.2 EXTERNAL AUDITOR'S ROLE IN THE DETECTION OF FRAUD

Consistent with recent changes to international and Australian auditing standards, the auditors for the detection of fraud will form part of any audit. These provisions will increase the likelihood of detecting material miss-statements or errors in the Shire's financial statements.

5.3 MECHANISMS FOR REPORTING SUSPECTED FRAUD AND CORRUPTION INCIDENTS

The Shire's Fraud and Corruption Policy provide clear direction in regard to councillors and employees reporting suspicious or known illegal or unethical conduct. The policy also provides for alternative internal means by which to report matters of concern.

Reports can be made anonymously. Anonymous reports will be examined and investigated on the available evidence.

All councillors and employees have the right to make a disclosure in accordance with the *Public Interest Disclosure Act 2003*. This is encouraged where any person wishes to access the protections afforded by this Act.

The Shire's Fraud and Corruption Policy is available on the Shire's website at www.bridgetown.wa.gov.au.

5.4 WHISTLE BLOWERS

Whistle-blowers, whether internal or external, may be an important component in the detection and exposure of fraud or corrupt behaviour.

They will be protected to the extent permitted by law. Protection may include but is not limited to –

a. Ensuring the person's safety.
b. Protecting their confidentiality.
c. Arranging any necessary physical or mental support.
d. Referral to an external agency having greater resources for investigation.

A whistle-blower who has been involved in the reported misconduct may be provided with immunity or due consideration from Shire initiated disciplinary proceedings by agreement. However, the Shire has no power to provide immunity from criminal prosecution.

Where victimisation or reprisals are reported, a record of the report and the action taken must be placed on the file relating to the public interest disclosure. Steps taken to prevent acts of victimisation or reprisal should be recorded in a manner that they will be accessible for reference, should legal action be taken against the Shire.

However, vexatious or malicious complaint will not be tolerated, and an appropriate response may be made against the complainant.

6 RESPONSE

Planning and resourcing for response will consider-

a. Policies and procedures
b. Investigations
c. Internal reporting and escalation
d. Disciplinary procedures
e. External reporting
f. Civil action for recovery of loss
g. Review of internal controls
h. Insurance

6.1 PROCEDURES OF THE INVESTIGATION OF DETECTED OR SUSPECTED INCIDENTS

The Shire's Fraud and Corruption Policy is available on our website and provides for –

a. Appropriate measures for the comprehensive investigation of such matters based on the principles of independence, objectivity and fair due process (rules of natural justice).
b. Systems for internal reporting of all detected incidents.
c. Process for reporting the matters of suspected fraud and corruption to appropriate external enforcement agencies.

The policy will be reviewed regularly to ensure that it continues to meet these objectives.

6.2 INTERNAL REPORTING

The CEO is to ensure that all incidents reported and investigated are documented and registered on the appropriate confidential file.

The documentation placed on the file must include the following minimum information –

a. Date and time of report.
b. Date and time the incident was detected.
c. How the incident came to the attention of management.
d. The nature of the incident.
e. Value of loss (if any) to the organisation.
f. Action taken following discovery of the incident.

6.3 DISCIPLINARY PROCEDURES

The Shire's Underperformance and Misconduct Policy, Redundancy, Redeployment and Termination Policy, Fraud and Corruption Policy and the respective Codes of Conduct outline the potential disciplinary outcomes that apply in regard to the application of this Plan.

6.4 EXTERNAL REPORTING

The Shire's Fraud and Corruption Policy provides direction on reporting any suspected fraudulent or corrupt conduct to any external enforcement agencies including –

a. Department of Local Government, Sport and Cultural Industries
b. Public Sector Commission
c. Police
d. Crime & Corruption Commission

Any reasonable suspicion of minor misconduct involving an officer may be reported to the Public Sector Commission. These powers come from the *Corruption, Crime and Misconduct Act 2003*.

Department of Local Government Sport and Cultural Industries
Gordon Stephenson House, 140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844
Telephone: (08) 6551 8700
Fax: (08) 6552 1555
Free call (Country only): 1800 620 511
Email: info@dlgc.wa.gov.au
Website: www.dlgc.wa.gov.au
Translating and Interpreting Service (TIS) – Tel: 13 14 50

Public Sector Commission
Two office locations:
Dumas House, 2 Havelock St, West Perth WA 6005
Hale House, 1 Parliament Place, West Perth WA 6005
Locked Bag 3002, West Perth WA 6872
Phone: (08) 6552 8500
Fax: (08) 6552 8501
Email: admin@psc.wa.gov.au
Website: https://publicsector.wa.gov.au

Corruption and Crime Commission
Level 5, 45 Francis Street, Northbridge WA 6003
PO Box 330, Northbridge Post Shop WA 6865
Phone: (08) 9215 4888
Fax: (08) 9215 4884
Toll-free: 1800 809 000
Email: info@ccc.wa.gov.au
Website: https://www.ccc.wa.gov.au/

Bridgetown Police
26 Steere Street
Tel: (08) 9715 8130
Hours: Mon - Fri 8am to 4pm

Hearing or Speech Impairment:
TTY users' phone 1800 555 677 then ask for 1800 809 000
Speak and Listen users' phone 1800 555 727 then ask for 1800 809 000

6.5 CIVIL PROCEEDING TO RECOVER THE PROCEEDS OF FRAUD AND CORRUPTION

The Shire will may recovery of any losses due to fraud or corruption where there is clear evidence of fraud and corruption and where the likely benefits of such recovery will exceed the funds and resources required to be invested in the recovery action.

6.6 INTERNAL CONTROL REVIEW FOLLOWING DISCOVERY OF FRAUD

Where fraud or corruption is detected, the relevant manager will be responsible for assessing the adequacy of the relevant internal control environment and providing a report to the EMT on any recommended improvements identified.

6.7 MAINTAINING AND MONITORING ADEQUACY OF INSURANCE

The Shire will maintain a fidelity guarantee insurance policy that insures the risk of loss arising from internal fraudulent conduct. The level of the policy and other policies relevant to fraudulent or improper conduct will be reviewed annually by EMT.

APPENDIX 1 – REFERENCE DOCUMENTS

- *Australian Standard for Fraud and corruption control (AS 8001:2021)*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code Act Compilation Act 1913*
- *Local Government Act 1995*, including –
  - *Audit Regulations 1996*
  - *Financial Management Regulations 1996*
  - *Rules of Conduct Regulations 2007*
- *Local Government (Financial Management) Regulations 1996, Regulation 5*
- *Public Interest Disclosure Act 2003*
- Western Australian Auditor General's Report. June 2022.
- Office of Auditor General for Western Australia–
  - Report 20: Fraud Risk Management (June 2022)
  - Report 24: Verifying Employee Identity and Credentials (2018-2019)
  - Report 5: Fraud Prevention in Local Government (2019-2020)
- Australian Standard for Fraud and corruption control (AS 8001:2021)
- Shire of Bridgetown-Greenbushes Delegations Register
- Shire of Bridgetown-Greenbushes – Fraud & Corruption Prevention Plan, July 2024
- Shire of Bridgetown-Greenbushes – Fraud & Corruption Prevention Policy, May 2024
- Other Shire of Bridgetown-Greenbushes Strategies, Plans and Policies

15.6 Adopt the reviewed G 1 - Legal Representation for Councillors, Committee Members and Employees Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. Reviewed G 1 - Legal Representation For Elected Members Committee Members and Employees ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 181-24/25

Moved: Councillor M Christensen
Seconded: Councillor T Pratico

That Council adopts the reviewed G 1 – Legal Representation for Councillors, Committee Members and Employees Policy.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The proposed 'G 1 – Legal Representation for Councillors, Committee Members and Employees Policy' aims to provide clear guidelines and procedures for determining when the Shire will pay legal representation costs for Councillors, committee members, and employees.

The policy is designed to protect these individuals when they become subject to legal proceedings in the performance of their official duties. The policy is also intended to protect the organisation from both financial loss and reputational damage.

The policy provides for legal costs to be covered under specific conditions, outlining the criteria for eligibility, the application process, and the responsibilities of both Council and the applicants, ensuring a fair and transparent approach to managing legal representation costs.

MATTER FOR CONSIDERATION

By adopting this policy, the Council will ensure a structured and transparent process for managing legal representation costs, ultimately protecting the interests of Councillors, committee members, and employees while maintaining the integrity and financial accountability of the Shire.

BACKGROUND

The ‘G 1 – Legal Representation for Councillors, Committee Members and Employees Policy’ has been reviewed and updated to align with current legal standards and organisational needs. The primary objective of this policy is to safeguard the interests of the organisation, Councillors, committee members, and employees who may face legal actions as a result of their official functions.

The key aspects of the reviewed policy aim to establish comprehensive guidelines for determining when the Shire should pay for legal representation costs incurred by Councillors, committee members, and employees. It ensures that advice from the Shire's insurer is obtained and followed before committing to any payments, providing a safeguard for the appropriate use of funds.

The policy applies to all Councillors, committee members, and employees, ensuring broad coverage and support for those performing official functions. It includes clear definitions of critical terms such as "Approved Lawyer," "Councillor," "Committee Member," "Employee," "Legal Proceedings," "Legal Representation," and "Legal Representation Costs" to avoid any ambiguity and ensure consistent interpretation.

The policy provisions reference relevant sections of the Local Government Act 1995, establishing a solid legal framework. It outlines specific criteria for payment of legal representation costs, emphasising the necessity for the individual to have acted in good faith and within the scope of their official duties. Scenarios where legal representation costs might be covered are also provided, offering practical examples to guide decision-making.

An application process is detailed, specifying the steps and documentation required to apply for coverage of legal representation costs. This includes a declaration of good faith and adherence to the policy terms. The policy also sets financial limits on legal representation costs and allows for further applications if needed, ensuring fiscal responsibility.

The Council's authority to grant, refuse, or set conditions on applications is clearly defined, along with the circumstances under which approvals can be revoked. The policy allows the CEO to approve urgent applications, subject to subsequent Council review, to address immediate needs effectively.

Repayment provisions are included, stipulating that costs must be repaid if the individual is found to have acted improperly or if costs are recovered through other means, ensuring accountability. The roles of the Council, CEO, and Executive Management Team in implementing and adhering to the policy are clarified, promoting clear responsibility and oversight.

Risk management is addressed by identifying potential risks associated with not having this policy, such as misuse of funds, reputational damage, and successful litigation against the Shire. Relevant legislative references and supporting documents are listed, providing a comprehensive framework for the policy.

Finally, the policy outlines its administration, including adoption, review dates, and a scheduled review timeline, ensuring it remains current and effective.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.2.7(2)(b) – The council is to determine the local government’s policies

s.3.1 – General function s.6.7(2) – Municipal fund

s.9.56 – Certain persons protected from liability for wrongdoing

r.35 *Local Government (Functions and General) Regulations 1996* – Certain persons protected from liability for wrongdoing

POLICY IMPLICATIONS

Nil

Department of Local government, Sport and Cultural Industries Operational Guidelines – Legal Representation for Council Members and Employees

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

15 A well informed and engaged community.

15.1 Engage the community in a meaningful and timely way using appropriate communication and consultation channels.

CORPORATE BUSINESS PLAN

Nil

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Low

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

G 1 – Legal Representation For Elected Members, Committee Members and Employees

1 Objective

To establish guidelines for determining when it is appropriate for the Shire of Bridgetown-Greenbushes to pay legal representation costs to protect the interests of Elected Members, Committee Members and Employees who become subject to legal proceedings through their performance of official functions.

2 Scope

This policy applies to Elected Members, Committee Members and Employees.

3 Definitions

3.1 Approved Lawyer

Means:

(a) 'certified practitioner' under the *Professions Act 2008*; and

(b) approved in writing by the council or the CEO under delegated authority.

3.2 Elected Member

means a current or past elected councillor of the Shire of Bridgetown-Greenbushes in a local government election.

3.3 Committee Member

means a current or past person who is currently or was at the time a member of a committee appointed by Council who is not an Elected Member.

3.4 Employee

means a person who is currently or was at the relevant time an employee of the Shire of Bridgetown-Greenbushes pursuant to section 5.41(g) of the *Local Government Act 1995*, or, if the Chief Executive Officer, under section 5.36(1)(a).

3.5 Legal Proceedings

may be civil, criminal or investigative.

3.6 Legal Representation

means the provision of legal services, to or on behalf of an Elected Member, Committee Member or Employee, by an approved lawyer in respect of:

(a) a matter or matters arising from the performance of the functions of the Elected Member or employee; and

(b) legal proceedings involving the Elected Member or Employee that have been or may be commenced.

3.7 Legal Representation Costs

are costs, including fees and disbursements, properly incurred in providing legal representation.

DRAFT

3.8 Legal Services

includes advice, representation or documentation that is provided by an approved lawyer.

Payment of Legal Representation Costs by the Shire

may be either by:

(a) a direct payment to the approved lawyer (or the relevant firm); or

(b) a reimbursement to the Elected Member or Employee.

4 Policy

4.1 Introduction

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything an Elected Member, Committee Member or Employee has in good faith done in the performance, or purported performance, of a function under the Act or under any other written law.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Section 6.7 (2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law.

Under these provisions a council can expend funds to provide legal representation for Elected Members and Employees as long as it believes that the expenditure falls within the scope of the local governments function.

4.2 Payment Criteria

There are four major criteria for determining whether the Shire will pay the legal representation costs of an Elected Member, Committee Member or Employee. These are:

(a) The Legal Representation Costs must relate to a matter that arises from the performance, by the Elected Member, Committee Member or Employee, or his or her functions;

(b) The Legal Representation Costs must be in respect of Legal Proceedings that have been, or may be, commenced;

(c) In performing the functions, to which the Legal Representation relates, the Elected Member, Committee Member or Employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and

(d) The Legal Representation costs do not relate to a matter that is of a personal or private nature.

4.3 Examples of Legal Representation Costs That May be Approved

4.3.1 If the criteria in clause 4.2 of this policy are satisfied, the Shire may approve the payment of Legal Representation Costs:

(a) Where proceedings are brought against an Elected Member, Committee Member or Employee in connection with his or her function – for example, an action for defamation or negligence rising out of a decision made or action taken by the Elected Member, Committee Member or Employee; or

(b) To enable proceedings to be commenced and/or maintained by an Elected Member, Committee Member or Employee to permit him or her carrying out his or her functions, for example, where an Elected Member, Committee Member or Employee seeks to take action to commence defamation action or to obtain a restraining order against a person using threatening behaviour to the Elected Member, Committee Member or Employee; or

(c) Where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected Members, Committee Members or Employees.

4.3.2 The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by an Elected Member, Committee Member or Employee.

4.4 Application for Permit

(a) An Elected Member, Committee Member or Employee who seeks assistance under this policy is to make an application(s), in writing, to the council or the CEO.

(b) The written application for payment of legal representation costs is to give details of:

(i) the matter for which legal representation is sought;

(ii) how that matter relates to the functions of the Elected Member, Committee Member or Employee making the application;

(iii) the lawyer (or law firm) who is to be asked to provide the legal representation;

(iv) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);

(v) an estimated cost of the legal representation; and

(vi) why it is in the interests of the Shire for payment to be made.

(c) The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

(d) As far as possible, the application is to be made before commencement of the legal representation to which the application relates.

(e) The application is to be accompanied by a signed written statement by the applicant that he or she:

(i) has read, and understands, the terms of this policy;

(ii) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 4.8 and any other conditions to which the approval is subject; and

(iii) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 4.8.

(f) In relation to clause 4.4(e)(iii), when a person is to be in receipt of such monies the person should sign a document which requires repayment of those monies to the local government as may be required by the local government and the terms of the policy.

(g) An application is also to be accompanied by a report prepared by the CEO or, where the CEO is the applicant, by an appropriate Employee.

4.5 Legal Representation Costs - Limit

(a) The council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

(b) An Elected Member, Committee Member or Employee may make a further application to the council in respect of the same matter.

4.6 Council's Powers

(a) The council may:

(i) refuse;

(ii) grant; or

(iii) grant subject to conditions,

an application for payment of legal representation costs.

(b) Conditions under clause 4.6(a) may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

(c) In assessing an application, regard may be had to any insurance benefits that may be available to the applicant under the Shire's existing insurance policy.

(d) The council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

(e) The council may, subject to clause 4.6(f), determine that an Elected Member, Committee Member or Employee whose application for legal representation costs has been approved–

(i) Has in respect of the matter for which approval was given, not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or

(ii) Has given false or misleading information in respect of the application.

(f) A determination under clause 4.6(e) may be made by the council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

(g) Where the council makes a determination under clause 4.6(e), the legal representation costs paid by the Shire are to be repaid by the Elected Member, Committee Member or Employee in accordance with clause 4.8.

4.7 Delegation to Chief Executive Officer

(a) In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the council, any of the powers of the council under clause 4.6 (a) and 4.6(b), to a maximum of $10,000 in respect of each application.

(b) An application approved by the CEO under clause 4.7(a), is to be submitted to the next ordinary meeting of the council. Council may exercise any of its powers under this policy, including its powers under clause 4.6(d).

4.8 Repayment of Legal Representation Costs

DRAFT

(a) An Elected Member, Committee Member or Employee whose legal representation costs have been paid by the Shire is to repay the shire:

(i) all or part of those costs – in accordance with a determination by the council under clause 4.6(g);

(ii) as much of those costs as are available to be paid by way of set-off – where the Elected Member, Committee Member or Employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the shire paid the legal representation costs.

(b) The shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

5 Applicable Legislation and Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.3.1 – General function s.6.7(2) – Municipal fund s.9.56 – Certain persons protected from liability for wrongdoing
Regulation	r.35 *Local Government (Functions and General) Regulations 1996* – Certain persons protected from liability for wrongdoing
Local Law	N/A
Shire Policies	N/A
Related Documents	Department of Local government, Sport and Cultural Industries Operational Guidelines – Legal Representation for Council Members and Employees
Related Procedure	N/A

6 Administration

Original Adoption Date	30 November 2000
Last Variation Date	29 February 2024
Last Reviewed	29 May 2024
Scheduled Reviewed Date	29 May 2027

15.7 Adopt the reviewed I 1 - Vehicle Fleet Management Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments
1. I1 - Vehicle Fleet Management Policy ⇩
2. PES 1 - Light Vehicle Fleet Policy ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

MOTION

Moved: Councillor R Redman
Seconded: Councillor M Christensen

That Council adopt the reviewed and amended I 1 – Light Vehicle Fleet Management Policy.

RESOLUTION: OCM 182-24/25

Moved: Councillor M Christensen
Seconded: Councillor R Redman

That in accordance with clause 11.1(c) of the Standing Orders Local Law, debate on Item 15.7 - Adopt the reviewed I 1 – Vehicle Fleet Management Policy, be deferred to a future ordinary meeting of Council.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The I 1 - Light Vehicle Fleet Management Policy has undergone a thorough review and amendment process to align with current best practices and the evolving needs of the Shire. This policy is critical in guiding the procurement and operational management of light vehicles used within the Shire's operations. The key objectives are to ensure the selection of vehicles maximises productivity, adheres to safety standards, and supports sustainability goals. Furthermore, it delineates the processes for the allocation of vehicles for both operational and private use, ensuring that decisions are made based on well-defined criteria and cost-effectiveness.

The policy document itself does not dictate the specific type of vehicle to be procured nor the budget allocations for these vehicles. Instead, vehicle selection aligns with the policy's parameters, and the council either endorses or does not endorse the associated costs through the annual

budget process or specific council motions. Each individual vehicle is identified in the annual budget (rather than having one budget line for all vehicles) which ensures council has final determination on the purchase of the vehicle and the purchase cost of the vehicle. This approach is standard and provides flexibility, allowing the Shire to adapt to operational needs by choosing the most cost-effective solutions, including the option to hire contractors or vehicles instead of purchasing them, when advantageous.

Adopting this revised policy will provide a clear framework for vehicle management, support compliance with relevant legislation, and promote responsible and efficient use of the Shire's resources.

MATTER FOR CONSIDERATION

Whether Council adopts the reviewed and amended I 1 – Light Vehicle Fleet Management Policy.

BACKGROUND

The management of the Shire's light vehicle fleet is essential to ensure that operations are conducted efficiently, safely, and sustainably. The I 1 - Light Vehicle Fleet Management Policy was originally developed to establish guidelines for the acquisition, use, and maintenance of light vehicles. Given the dynamic nature of operational needs and the evolving legislative landscape, periodic reviews and updates to the policy are necessary.

Key Changes and Enhancements:

1. Alignment with Updated Legislation:

    - The policy has been updated to reflect compliance with the *Work Health and Safety Act 2020*, ensuring that all vehicles are fit for purpose and meet safety standards. Of note, the safety criteria weighting has been increased from 15% to 25% to ensure equal rating with other criteria.

2. Enhanced Vehicle Selection Criteria:

    - The revised policy reinforces stringent criteria for vehicle selection based on safety, cost, environmental impact, and suitability for specific job functions. It mandates a minimum Australian New Car Assessment Programme (ANCAP) rating of four stars for all vehicles, reinforcing our commitment to safety.

3. Sustainability and Environmental Impact:

    - Emphasis has been placed on reducing the environmental footprint of our fleet. Vehicles must now meet specific emission targets as outlined in the Western Australian Government’s Motor Vehicles Buyers Guide, ensuring they contribute to our sustainability goals. Of note, the environmental criteria weighting has been increased from 15% to 25% to ensure equal rating with other criteria.

4. Cost Efficiency and Lifecycle Management:

- The policy reinforces a weighted assessment for vehicle selection, balancing factors such as fit for purpose, safety, environmental impact, and cost. This holistic approach ensures that the total cost of ownership is considered, promoting financial prudence.

5. Governance and Accountability:

    - Clear accountabilities have been defined for the council, CEO, Executive Management Team, and employees, ensuring that responsibilities for compliance and implementation are well-articulated.

6. Private Use Vehicle Allocation:

    - The process for allocating vehicles for private use has been refined to require a contract review prior to appointment, ensuring such allocations are justified and aligned with operational needs.

7. Policy Flexibility:

    - The policy document itself does not prescribe specific vehicle types or set budget limits. Instead, it provides guidelines under which vehicles are selected. The council retains the flexibility to approve or reject costs through the annual budget process or via specific motions, similar to the approach taken for heavy vehicles. This flexibility also extends to operational decisions when hiring contractors or renting vehicles may be more cost-effective than purchasing.

8. Risk Management:

    - The policy addresses potential risks associated with inadequate fleet management, such as operational inefficiencies, increased safety hazards, and environmental non-compliance.

The adoption of the revised policy will have several positive impacts:

- Operational Efficiency: By ensuring vehicles are appropriately selected and maintained, the policy supports enhanced productivity and reduced downtime.

- Safety Compliance: Adherence to updated safety standards and legislation will reduce risks and promote a safer working environment for our staff.

- Environmental Responsibility: The focus on reducing emissions and choosing environmentally friendly vehicles aligns with our broader sustainability objectives.

- Financial Prudence: A comprehensive approach to evaluating the total cost of vehicle ownership will aid in better budget management and cost savings over time.

- Flexible Operations: The policy provides the Shire with the flexibility to adapt to operational needs, allowing for hiring contractors or vehicles when purchasing is not the most cost-effective solution.

The revised I 1 - Light Vehicle Fleet Management Policy is a strategic framework that aligns with our operational, safety, environmental, and financial goals. It provides clear guidelines and responsibilities, ensuring that our vehicle fleet supports the Shire's objectives effectively. The Council's endorsement of this policy will affirm our commitment to prudent and responsible fleet management, while maintaining the flexibility to adapt to changing operational needs.

STATUTORY ENVIRONMENT

Work Health & Safety Act 2020

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Government (Administration) Regulations 1996

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

CM 3 - Asset Management

FM 4 – Purchasing Policy

FINANCIAL IMPLICATIONS

Immaterial if the vehicle budget increases with the consumer price index and market fluctuations each year.

STRATEGIC COMMUNITY PLAN

3 A safe community for people and animals.

7 Responsible and attractive growth and development.

9 Safe, affordable and efficient movement of people and vehicles.

CORPORATE BUSINESS PLAN

16.1 Attract, train, develop and retain a skilled and effective workforce.

14.2 Improve real and perceived value for money from council rates.

14.1 Achieve excellence in organisational performance and service delivery.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The risk rating is LOW if this policy is implemented, and vehicles are purchased that are fit for purpose and compliant with work health and safety legislation.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

I 1 – Light Vehicle Fleet Management Policy

1 Objectives

The objectives of the Light Vehicle Fleet Management Policy are to:

1.1 Guide the purchase and use of light vehicles to conduct the business of the Shire.

1.2 Ensure that the selection, use and management of the light vehicles will maximise productivity, cost efficiency, safety and sustainability.

1.3 Tool of trade vehicles are selected based on the project and program needs.

1.4 Private use vehicles are only provided after a contract review is carried out prior to appointment of the contracted position by the council or CEO to determine whether there is a need for a vehicle.

1.5 Enunciate the important principles of Council which include:

a. Selection of vehicles based on safety, cost, environmental and qualitative factors;

b. Acceptable use of the vehicles; and

c. Maintenance and management of the light vehicles, including changeover.

1.6 Ensure compliance with the *Work Health and Safety Act 2020* and respective employment contracts.

2 Scope

This policy applies to all light fleet vehicles owned by the Shire. Usage restriction requirements in unique circumstances may be lifted temporarily on approval by the CEO and assessed on a case by case basis. The CEO will align all future contract and renewals with this policy.

3 Definitions

3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also referred to as employees.

3.3 Light Vehicle

A motor vehicle with a gross vehicle mass (GVM) not greater than 4,500 kg and constructed or equipped to seat no more than 12 adults (including the driver).

3.4 Reasonably Practicable (*Work Health and Safety Act 2220*: section 18)

A guiding principle of the WHS Act is that all people are provided the highest level of health and safety protection from hazards arising from work, so far as is reasonably practicable. The term 'reasonably practicable' means what could reasonably be done at a particular time to ensure health and safety measures are in place. In determining what is reasonably practicable, there is a requirement to weigh up all relevant matters including:

a. The likelihood of a hazard or risk occurring (the probability of a person being exposed to harm).

b. The degree of harm that might result if the hazard or risk occurred (the potential seriousness of injury or harm).

c. What the person concerned knows, or ought to reasonably know, about the hazard or risk and ways of eliminating or minimising it.

d. The availability of suitable ways to eliminate or minimise the hazard or risk.

e. The cost of eliminating or minimising the hazard or risk. Costs may only be considered after assessing the extent of the risk and the available ways of eliminating or minimising the risk. Cost will not ordinarily be the key factor in determining what it is reasonably practicable for a duty holder to do unless it can be shown to be 'grossly disproportionate' to the risk.

3.5 Vehicle Fleet

A fleet vehicle is a motor vehicle owned or leased by a business. Depending on the size of your organisation, industry and needs, fleet vehicle types will vary for sales, operations and the needs of employees.

3.6 Worker

means an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

3.7 Workplace

means any place where a worker goes or is likely to be while work is carried out for a business or undertaking. This may include offices, factories, shops, construction sites, vehicles, ships, aircraft or other mobile structures on land or water such as offshore units and platforms (that are not already covered under the Commonwealth's offshore WHS laws).

4 Policy

4.1 The selection, use and management of light vehicles will maximise productivity, cost efficiency, safety and sustainability.

4.2 Vehicle Criteria

Vehicle selection will be based on the following six criteria:

No	Criteria	Description
1	Fit for Purpose	The vehicle must enable employees to perform the work function to a pre-determined standard without increasing the safety risk to employees or the public.
2	Safety	• The *Work Health and Safety Act 2020* deems vehicles to be a place of work. If a vehicle is not fit-for-purpose this may pose a WHS risk. • The Australian New Car Assessment Program (ANCAP) assesses safety (injury risk) ratings on a scale of 1-5. All vehicles within the light vehicle fleet should have a minimum Australian New Car Assessment Program (ANCAP) rating of four stars.

3	Environment	• In Australia all new vehicles are required to comply with ADR 79/04 - Emission Control for Light Vehicles. This mimics the International Standard developed through the United Nations World Forum for the Harmonisation of Vehicle Regulations (UN Regulation 83/06). • The Shire's light fleet vehicles must also meet the specified emission target in the Western Australian Government's Motor Vehicles Buyers Guide. The emissions target is expressed in grams of CO2 per kilometre (g/km) and is based on the fuel consumption ratings that manufacturers are required to provide. The g/km figure is applicable regardless of fuel type (i.e. electric, petrol, Liquified Petroleum Gas, diesel).
4	Cost (Whole-of-Asset Lifecycle).	• The total cost of the vehicle must deliver best value for money on the whole-of-asset lifecycle, against the weighted assessment. • The weighted assessment is: – Fit for Purpose 25% – Safety 25% – Environment 25% – Cost 25% – Service Support (given the proximity to Bunbury, Busselton and Manjimup, it is assumed this criterion will be met)
5	Service Support	Service support must be available within the South-West Region.

4.3 CEO Vehicle

The make and model of the CEO vehicle will be inserted into the terms and conditions of the employment contract. Any variance from the specified make and model must be cost-neutral.

4.4 Executive Manager Vehicle

An Executive Manager vehicle will be the most cost-effective make and model of a vehicle available that is fit for purpose, environmentally progressive and compliant with work health and safety requirements.

4.5 Operational Vehicles

Operational vehicles will be the most cost-effective make and model available that are fit for purpose, environmentally progressive and compliant with work health and safety requirements.

4.6 Purchase of Vehicles

New vehicles will be purchased through the State Government Fleet Contract. Used vehicles will be purchased from a registered reputable vehicle company that can provide genuine warranty terms and conditions.

4.7 Novated Leases

Novated and Operating Leases will only be considered if a cost-benefit analysis

demonstrates better value for money (whole-of-lifecycle asset).

4.8 Fringe Benefit Tax

Obligations regarding Fringe Benefit Tax are detailed in individual employment contracts.

4.9 Value of Private Use Vehicle

The value of the private use component of the vehicle is as shown in individual contracts of employment or in the case of uncontracted employees in specific agreements or letters of appointment.

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and the council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

If a Light Vehicle Fleet Management Policy is not in place the risks include (but are not limited to):

6.1 There is no guidance on the purchase and use of light vehicles to conduct the business of the Shire.

6.2 The selection, use and management of the light vehicles does not maximise productivity, cost efficiency, safety and sustainability.

6.3 Tool of trade vehicles selected do not meet the project or program needs.

6.4 Private use vehicles are allocated inappropriately or when there is no need for a vehicle.

6.5 Council does not adhere to the important principles of:

a. Selection of vehicles based on safety, cost, environmental and qualitative factors;

b. Acceptable use of the vehicles; and

c. Maintenance and management of the light vehicles, including changeover.

6.6 Non-compliance with the *Work Health and Safety Act 2020.*

7 Reference Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.6.2 – Local government to prepare annual budget s.6.7 – Municipal fund
Regulation	*Local Government (Financial Management) Regulations 1996*
Local Law	n/a
Policy	FM 2 – Asset Management Policy FM 4 – Procurement, Budget Management and Supporting Local Business Policy G 15 – Work Health and Safety Policy
Procedure	n/a
Other Documents	n/a

8 Version Control

Version	Date	Author	Amendments
V1	25 May 2018	T Clynch (CEO)	Original Document
V2	28 July 2022	T Clynch (CEO)	Three year review
V3	29 August 2024	N Gibbs (CEO) / Steele Alexander (Executive Manager, Infrastructure	Reviewed due to insufficient budget allocation post COVID (2022).
Scheduled Reviewed Date	August 2027		

PES 1 – Light Fleet Vehicle Purchasing

1 Objectives

The purpose of this policy is to provide details of the Councils requirements when providing vehicles for use by employees for both business and private use. The policy ensures that the Shire's fleet meets the highest standards practicable in relation to safety, the environment, cost and position requirements.

2 Policy

2.1 Vehicle Selection

Vehicle selection shall be based on 5 criteria:

No.	Criteria	Description
1	Fit for purpose	The light vehicle fleet should be functional and versatile with vehicles tailored to the needs of specific positions where required.
2	Service Support	The vehicle must have a minimum 5 year/120,000km standard or extended warranty and service support must be available within the South-West Region.
3	Safety	Setting a minimum standard for vehicle safety is considered appropriate on the basis of organizational risk management as well as corporate responsibility. Safety is assessed by Australian New Car Assessment Program (ANCAP) ratings on a scale of 1-5. These ratings are a guide of the potential injury risk if involved in an accident. All vehicles within the light vehicle fleet should have a minimum Australian New Car Assessment Program (ANCAP) rating of four stars.
4	Environment	In Australia all new vehicles are required to comply with ADR 79/04 - Emission Control for Light Vehicles, which adopts the full requirements of the international standard developed through the United Nations World Forum for the Harmonisation of Vehicle Regulations (UN Regulation 83/06), commonly known as Euro 5. Diesel vehicles are required to meet a particle number limit to comply with this standard. Under this Council Policy light fleet vehicles are also required to meet a specified emission target as recommended by the Western Australian Government's Motor Vehicles Buyers Guide. The emissions target is expressed in grams of CO2 per kilometre (g/km) and is based on the fuel consumption ratings that manufacturers are required to provide for their vehicles. The g/km measure is used because the g/km figure is applicable regardless of fuel type. The calculation takes account of the different emission characteristics of petrol, LPG and diesel.

		The National Greenhouse and Energy Reporting System's measurement technique of CO2 emissions from the Australian Greenhouse Office is used to calculate the g/km emissions. Vehicles beyond the specified targets may only be selected where there is a clear operational requirement. The CO2 threshold is 185g/km for passenger vehicles and 195g/km for SUV's. The CO2 measurements of each vehicle being considered for purchase are to be assessed as part of the weighted assessment process outlined elsewhere in this Policy. Light Commercial vehicles have no specific benchmark cap due to the many different categories of vehicles. However, when purchasing such vehicles consideration is to be given to an appropriately fuelefficient vehicle subject to Fit for Purpose, Safety and Whole-Of-Life-Cost factors.
5	Economic	Average annual whole of life costs based on 20,000km shall be used to provide a cost comparison between vehicles that meet the fit for purpose requirements for the position.

2.2 Purchasing Process

The purchasing process is to be guided by a weighted assessment of all quotes, taking into account safety, environment and economic criteria. The weightings are:

Criteria	Weighting (%)
Annual Whole of Life Costs (including fuel consumption and FBT)	70
Safety	15
Environment	15

2.3 Optimum Replacement Chamgeover Timing

The optimum replacement timing for light fleet changeover is 5 years/120,000km whichever occurs first.

2.4 Vehicle Disposal

Options for disposal include:

- Trade-in to dealer supplying the new vehicle
- Disposal by public auction through a reputable auction facility; or
- Tender

The most cost effective method of disposal for each vehicle shall be based on the trade offer compared to the likely return at public auction or tender.

2.5 Specific Requirements for Vehicles and Maximum Capital Outlay

The vehicle requirements of staff are based on their work duties including types of areas and terrain to be accessed, passenger requirements, type of driving (frequency, darkness, etc.).

Maximum capital outlay is to include the purchase of the vehicle and all standard inclusions but doesn't include licensing and/or stamp duty.

The following table briefly summarises the requirements for specific positions or levels of position:

Vehicle/Position	General Requirements	Maximum Capital Outlay (Ex-GST)	Non Standard Inclusions
CEO	Luxury sedan or 4WD/AWD SUV suitable for accommodating minimum 5 persons to attend meetings. Significant night time driving, including long journeys, required for meeting attendance	$66,000	Roo/Bull Bar with Spotlights ($3,000)
Directors	Executive 2WD/AWD sedan or SUV suitable for accommodating 5 persons.	$45,000	
Managers	Standard 2WD/AWD sedan or SUV suitable for accommodating 5 persons.	$31,000	Roof Rack for MBAP ($500)
Environmental Health Officer and Pool Car	Standard 2WD sedan or SUV	$28,000	
Works Supervisor	4WD utility suitable to access works sites. Crew Cab preferred to enable transport of other workers to job sites	$45,000	Roo/Bull Bar with Spotlights ($3,000) External Toolboxes ($2,000) Canvas Seat Covers ($600) External Spotlight ($225)
Parks Supervisor	4WD utility suitable to access works sites and/or reserves. Crew Cab preferred to enable transport of other workers	$45,000	Canvas Seat Covers ($600)
Other Parks	2WD utility (no space or crew cab)	$30,000	Canvas Seat Covers ($600)
Mechanic	2WD utility (no space or crew cab).	$30,000	Canvas Seat Covers ($600)

Rangers	4WD utility due to need to access fire grounds. Space cab preferred to allow for storage of administrative items	$40,000	Roo/Bull Bar with spotlights ($3,000) Emergency Light Bar ($1,300) External Toolboxes ($2,000) Canvas Seat Covers ($600) Emergency Striping and Logos ($2,000)
Depot/Call Out	4WD utility (no space or crew cab).	$38,000	Roo/Bull bar with spotlights ($3,000) Canvas Seat Covers ($600)
Building Maintenance	2WD utility (no space or crew cab).	$30,000	External Toolboxes ($2,000) Roof Rack ($2,500) Canvas Seat Covers ($600)
Grader	2WD utility (no space or crew cab).	$30,000	Canvas Seat Covers ($600)
Fast Attack Fire Fighting	4WD utility (space cab preferred)	$40,000	Roo/Bull Bar with spotlights ($3,000) Emergency Light Bar ($1,300) Canvas Seat Covers ($600) Emergency Striping and Logos ($2,000) Siren ($1,000)

Bushfire Support	4WD/AWD SUV or Station Wagon suitable for transporting up to 7 persons on long journeys for fire attendance, crew changeover	$45,000	Roo/Bull Bar with spotlights ($3,000) Emergency Light Bar ($1,300) Canvas Seat Covers ($600) Emergency Striping and Logos ($2,000) External Spotlight ($225)
Bushfire Logistics	2WD utility (no space or crew cab)	$30,000	Roo/Bull Bar with spotlights ($3,000) Emergency Light Bar ($1,300) Canvas Seat Covers ($600) Emergency Striping and Logos ($2,000)

Where a current contract of employment (including a renewal of an existing contract) stipulates a specific type of vehicle the terms of the contract are to have priority over the terms of this policy. In circumstances where contract staff departs the organisation the CEO is to ensure that any new contract factors in the contents of this policy.

2.6 Standard Inclusions

Laminated tinted windows, factory air conditioning, mud flaps, lockable fuel cap, electric windows, cruise control, floor mats, tow bar and ball with electrical plug, logo decals for operational vehicles

2.7 Non-Standard Inclusions

Lockable canopy covers for a tray back utility can be included as a standard inclusion where large size work tools need to be securely stored.

The cost of non-standard inclusions is not included in the maximum capital outlay ceiling specified elsewhere in this policy. The amounts specified in the applicable column of the vehicle specification table are estimates only.

At the time of seeking quotes for changeover of a vehicle an assessment will be made on whether any of the non-standard inclusions can be removed and reinstalled on the new vehicle. This is particularly relevant for a roof rack, external toolboxes, canvas seat covers, light bars, spotlights and sirens. It is noted that it is unlikely to be cost efficient to remove and reinstall a roo/bull bar.

2.8 Novated Leases

Novated and Operating Leases – These modes of fleet management will only be considered when and if they offer proven financial advantage to the Shire.

2.9 Fringe Benefit Tax

Council is responsible for all fringe benefit tax associated with private use of the Council vehicle and these costs are reflected in the value placed on private use of the vehicle in the remuneration packages of relevant officers.

The Chief Executive Officer reserves the right to rotate vehicles to ensure maximum utilisation and a reduction of Fringe Benefit Tax liability to the Council.

2.10 Value of Vehicle Private use component in Employee Remuneration Package

The value of the private use component of the vehicle is as shown in individual contracts of employment or in the case of uncontracted staff in specific agreements or letters of appointment.

3 Applicable Legislation and Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.6.2 – Local government to prepare annual budget s.6.7 – Municipal fund
Regulation	*Local Government (Financial Management) Regulations 1996*
Local Law	N/A
Shire Policies	CM 3 – Asset Management FM 3 – Regional Price Preference FM 4 – Purchasing Policy FM 6 – Buy Local Purchasing FM 10 – Assets Financing and Borrowings
Related Documents	Asset Management Plan
Related Procedure	N/A

4 Administration

Original Adoption Date	25 May 2017
Last Reviewed	28 July 2022
Scheduled Reviewed Date	27 April 2023

15.8 Adopt the reviewed FM 9 - Financial Hardship Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments
1. FM 9 - Financial Hardship Policy ⇩
2. FM 13 - COVID Financial Hardship Policy ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 183-24/25

Moved: Councillor M Christensen
Seconded: Councillor T Lansdell

That Council adopt the reviewed FM 9 – Financial Hardship Policy.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The proposed FM 9 – Financial Hardship Policy is an updated version of the FM 13 - COVID-19 Financial Hardship Policy. It aims to extend support for ratepayers experiencing financial hardship due to a wider range of emergencies and economic challenges, rather than focusing predominantly on COVID-19. This policy retains the core principles and mechanisms of the former policy while enhancing its applicability to various unforeseen circumstances, ensuring that the council continues to offer fair and equitable support to all ratepayers in financial distress.

MATTER FOR CONSIDERATION

Whether Council adopts the revised FM 9 – Financial Hardship Policy.

BACKGROUND

The reviewed FM 9 – Financial Hardship Policy maintains the essential objectives of its predecessor while expanding its scope. It seeks to:

1. Broaden Support During Various Challenges: Continue to provide assistance during economic downturns, public health emergencies, and other states of emergency, without limiting the focus to COVID-19.

2. Sustain Council's Commitment to Community Support: Affirm the council's ongoing commitment to help the community navigate financial hardships arising from diverse life events and crises.

3. Recognise a Range of Hardship Situations: Acknowledge that ratepayers may face financial difficulties due to various uncontrollable factors, necessitating the need for supportive measures from the Council.

4. Ensure Equitable and Dignified Assistance: Uphold the provision of support in a manner that is consistent, fair, and respectful to those experiencing hardship.

5. Require Evidence of Financial Hardship: Continue to base support on demonstrable evidence of financial hardship, ensuring targeted and justified assistance.

This policy continues to apply to:

1. Existing and Future Financial Obligations: Address both outstanding rates and service charges as of the policy's adoption date and those levied going forward.

2. Evidence-Based Relief: Focus relief efforts on ratepayers who provide evidence of financial hardship, upholding the expectation that those capable of paying should do so to maintain the Shire's services.

The policy does not provide for the outright write-off of rates or service charges, encouraging timely payments to sustain community services.

The updated policy acknowledges that financial difficulties can arise from a variety of significant disruptions, not limited to COVID-19. It applies to all debtors, including property owners, tenants, and business owners, encouraging them to seek financial hardship assistance under a range of challenging conditions.

The Shire will consider individual circumstances such as unemployment, illness, loss of income, or unexpected caregiving responsibilities. Debtors are encouraged to provide relevant information to demonstrate their financial challenges.

The policy continues to facilitate flexible payment plans based on the debtor's history and current situation. It includes provisions for waiving additional charges or interest under specific hardship conditions, promoting realistic and achievable payment schedules.

Rate deferment options remain available for eligible pensioners and seniors, allowing them to defer their debt without penalty until they can pay or sell their property.

Debt recovery actions will be paused while negotiating payment arrangements with those experiencing hardship. Continued non-compliance with agreed payment plans may lead to standard debt recovery procedures, but additional support opportunities will be provided first.

The Shire will maintain confidential and respectful communications with all applicants, providing additional time and alternative communication formats as needed.

Adopting the revised FM 9 – Financial Hardship Policy mitigates several risks, including:

1. Inadequate Support During Crises: Ensuring that the community receives assistance during a broad range of emergencies, not just COVID-19.

2. Lack of Ongoing Support: Providing consistent support for ratepayers facing everyday financial challenges.

3. Unrecognized Uncontrollable Hardship: Addressing the impact of various unforeseen circumstances on ratepayers.

4. Inconsistent and Inequitable Support: Offering fair and dignified assistance to those in need.

5. Support Without Evidence: Ensuring financial support is provided based on demonstrable need.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

FM 8 - Collection of Non-Rates Fees and Charges

FINANCIAL IMPLICATIONS

Immaterial.

STRATEGIC COMMUNITY PLAN

1 A growing community that is diverse, welcoming and inclusive.

2 Good health and community wellbeing.

14 Effective governance and financial management.

CORPORATE BUSINESS PLAN

Outcome 10 – A strong, diverse and resilient economy.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Risk rating is LOW.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

FM 9 – Financial Hardship Policy

1 Objectives

The objectives of the Financial Hardship Policy are to:

1.1 Support the community in meeting unprecedented challenges arising from a state of emergency, public health emergency or economic downturn and to provide assistance to debtors that may experience financial hardship during this time.

1.2 Give effect to Council's commitment to support the whole community to meet life and circumstance challenges.

1.3 Recognise that some situations (particularly those involving uncontrolled variables) will result in financial hardship for ratepayers.

1.4 Ensure that the Shire offers fair, equitable, consistent and dignified support to ratepayers suffering hardship.

1.5 Ensure a policy position on financial hardship includes the requirement for evidence of the circumstances of hardship.

2 Scope

This policy applies to:

2.1 Outstanding rates and service charges at the date of adoption of this policy.

2.2 Rates and service charges levied from this financial year forward.

The reasonable community expectation is that those with the capacity to pay rates will continue to do so. This policy is only intended to provide rate relief to ratepayers who can evidence financial hardship and can demonstrate how this hardship impacts their ability to pay rates. The statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* continue to apply.

This relief provided to ratepayers will not include the write-off of rates or service charges debt. It is an expectation that rates and service charges levied against will be paid within a reasonable time to ensure the Shire can continue to provide services that benefit the whole community.

3 Definitions

3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.2 Debtor

means any person who owes money to the Shire, including persons owing rates and service charges.

3.3 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also referred to as staff.

3.4 Financial Hardship

means:

a. a natural person who is identified by themselves, by the Shire, or an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with the Shire's payment terms.

b. a body corporate is experiencing financial hardship if it has a significant decline in revenue such that it is no longer profitable and no reserves to draw upon such that payment to the Shire would require an increase in the business' debt.

3.5 Worker

means a councillor, an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Payment Difficulties, Hardship and Vulnerability

a. During an economic downturn, public health emergency or other disaster, the occurrence of payment difficulties, financial hardship and vulnerability in the community increases. This policy is intended to apply to all debtors experiencing financial hardship regardless of their status, be they a property owner, tenant or business owner.

b. Many persons experience financial hardship during an economic downturn, public health emergency or other disaster. It is anticipated the probability that additional financial difficulties will arise when a rates notice or another invoice is received from the Shire.

c. During an economic downturn, public health emergency or other disaster, the Shire will write to debtors at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible debtors to apply for financial hardship consideration. Where possible and appropriate, the Shire will also provide contact information for a recognised financial counsellor and/or other relevant support services.

d. Where a person experiences financial hardship outside of an economic downturn, public health emergency or other disaster, the mechanisms of the Shire to assist a person experiencing financial hardships still apply.

4.2 Financial Hardship Criteria

a. While evidence of hardship will be required, the Shire recognises that not all circumstances are alike. The Shire will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment;
- Illness or recovery from illness;
- Low income or loss of income;
- Unanticipated circumstances such as caring for and supporting extended family;
- A requirement to close a business due to government direction or natural disaster; and

- A loss of tenants at a property with a long term inability to obtain new tenants, or tenants that are unable to make payment of rent.

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

c. An application for financial hardship consideration, in relation to rates and service charges, should be related to the circumstances of each individual rates assessment.

4.3 Payment Arrangements

a. Payment arrangements for rates and service charges facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider whether:

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

b. In the case of financial hardship, the Shire reserves the right to consider waiving additional charges or interest (excluding the Emergency Services Levy, including any fees or interest associated, as this is levied on behalf of the State Government).

c. Where a ratepayer is a residential ratepayer or small business ratepayer and is experiencing financial hardship because of a pandemic, no interest will be charged or instalment/payment plan fees applied to these ratepayers.

4.4 Deferment of Rates

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

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

4.5 Debt Recovery

a. The Shire will suspend debt recovery processes whilst negotiating a suitable payment arrangement with a debtor experiencing financial hardship. Where a debtor experiencing financial hardship is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the third due payment, then we will continue to suspend debt recovery

processes.

b. Where a debtor has not reasonably adhered to the agreed payment plan, then for any debts that remain outstanding at the end of the financial year in which the rates notice/invoice was issued, the Shire will offer the debtor one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following financial year.

c. Debts that remain outstanding at the end of the following financial year will then be subject to the debt recovery procedures prescribed in the *Local Government Act 1995* and FM 11 - Debt Collection Policy.

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

4.6 Communication and Confidentiality

a. The Shire will always maintain confidential communications and the Shire will undertake to communicate with a nominated support person or other third party at a debtor's request.

b. The Shire will advise debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtor that has an outstanding rates or service charge.

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

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and the council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

If a Financial Hardship Policy is not in place the risks include (but are not limited to):

6.1 The community cannot meet unprecedented challenges arising from a state of emergency, public health emergency or economic downturn and debtors receive no assistance during this time.

6.2 The community receives no support when navigating life and circumstance challenges.

6.3 No recognition that some situations (particularly those involving uncontrolled variables) will result in financial hardship for ratepayers.

6.4 There is no fair, equitable, consistent nor dignified support to ratepayers suffering hardship.

6.5 People receive financial support without any requirement for evidence of the circumstances of hardship.

7 Reference Documents

Act	*Local Government Act 1995* *Rates and Charges (Rebates and Deferments) Act 1992*
Regulation	*Local Government (Financial Management) Regulations 1996*
Local Law	n/a
Policy	n/a
Procedure	n/a
Other Documents	n/a

8 Version Control

Version	Date	Author	Amendments
V1	30 April 2020	T Clynch (CEO)	Original Document
V2	30 June 2022	T Clynch (CEO)	One year review
V3	July 2024	N Gibbs (CEO)	Three year review
Scheduled Reviewed Date	July 2027		

FM 13 – COVID-19 Financial Hardship Policy

1 Objectives

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Bridgetown-Greenbushes recognises that these challenges will result in financial hardship for our ratepayers.

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

2 Scope

This policy applies to:

1 Outstanding rates and service charges as at the date of adoption of this policy; and
2 Rates and service charges levied for the 2020/21 financial year.

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

3 Policy

3.1 Payment difficulties, hardship and vulnerability[1]

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

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

3.2 Anticipated Financial Hardship due to COVID19

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

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

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

3.3 Financial Hardship Criteria

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

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

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

In assessing requests for COVID financial hardship under this Policy staff will have regard to any WALGA guidelines prepared to assist the local government sector in processing such requests.

3.4 Payment Arrangements

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

- The payment arrangement will establish a known end date that in the opinion of the Chief Executive Officer is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Bridgetown-Greenbushes of any change in circumstance that jeopardises the agreed payment schedule.

3.5 Payment Arrangement Administration Fee & Interest Charges

No administration fees will be applied for the duration of payment plans entered into from 1 April 2020 to 31 December 2020.

For those that are in hardship and meet the eligibility of this policy (including any associated guidelines prepared for the sector by WALGA) then no penalty interest or instalment interest rate applies for the 2020/21 financial year.

Where a ratepayer doesn't meet the eligibility of this policy and elects to pay by the statutory 4-instalment plan then an interest rate of 3% will apply for payment of rates under that plan.

Where a ratepayer doesn't meet the eligibility of this policy and doesn't select the statutory 4-instalment plan option penalty interest charges will apply from 1 July 2020 for late payment of 2020/21 rates (including Emergency Services Levy) and any other prior rates arrears. If the ratepayer enters into a payment plan that ensures full payment of rates by 30 June 2021 penalty interest of 5.5% will apply. If the ratepayer doesn't enter into such a repayment plan then penalty interest of 8% will apply.

3.6 Deferment of Rates

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

- remains as a debt on the property until paid;

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

3.7 Debt Recovery

We will suspend our debt recovery process for all unpaid rates and service charges until 31 December 2020, please note this doesn't mean a write off of debt.

Ratepayers are encouraged to negotiate an approved payment plan in accordance with this policy prior to 31 December 2020. Any rate account outstanding as at 1 January 2021 not on instalments or an approved payment plan will be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any rates and service charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/22 financial year.

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

3.8 Review

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

3.9 Communication and Confidentiality

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

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

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

4 Applicable Legislation and Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies Part 6, Division 6, subdivision 5 – Recovery of unpaid rates and service charges Part 10 – Provisions for COVID-19 pandemic
Regulation	N/A
Local Law	N/A

Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

5 Administration

Original Adoption Date	30 April 2020
Last Reviewed	30 June 2022
Scheduled Reviewed Date	27 April 2023

15.9 Adopt the reviewed FM 11 - Debt Collection Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments
1. Reviewed FM 11 - Debt Collection Policy ⇩
2. OLD FM 11 - Collection of Outstanding Rates ⇩
3. FM 8 - Collection of Non-Rates Fees and Charges ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

MOTION

Moved: Councillor T Pratico
Seconded: Councillor M Christensen

That Council:

1. Adopt the reviewed FM 11 – Debt Collection Policy.
2. Repeal FM 8 – Collection of Non-Rates Fees and Charges Policy.
3. Repeal FM 11 – Collection of Outstanding Rates Policy.

RESOLUTION: OCM 184-24/25

Moved: Councillor M Christensen
Seconded: Councillor S Mahoney

That in accordance with clause 11.1(c) of the Standing Orders Local Law, debate on Item 15.9 - Adopt the reviewed FM 11 - Debt Collection Policy, be deferred to a future ordinary meeting of Council.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The reviewed FM 11 – Debt Collection Policy (previously F 11 – Collection of Rates Policy) outlines clear, fair, and effective procedures for the collection of outstanding debts owed to the Shire. This policy applies to all debtors, including ratepayers and businesses, ensuring uniform treatment and compliance with legislative requirements. Key objectives of the policy include reducing the debt burden on ratepayers, promoting equitable debt recovery practices, and enhancing transparency and compliance with financial obligations.

The previous FM – 8 Collection of Non-Rates Fees and Charges Policy and the previous FM 11 – Collection of Outstanding Rates Policy are now included in FM 11 – Debt Collection Policy.

MATTER FOR CONSIDERATION

Whether council adopts the FM 11 – Debt Collection Policy.

BACKGROUND

The Shire operates under the legislative framework provided by the *Local Government Act 1995*, which mandates the management and collection of debts. As the economic landscape evolves, so too must our policies to ensure they remain effective and fair. The FM 11 – Debt Collection Policy has been reviewed to reflect any recent changes and to align with current best practices in debt recovery.

The updated FM 11 – Debt Collection Policy is designed to:

1. Reduce the Debt Burden: By exercising debt recovery powers effectively, we aim to minimise the overall debt burden on ratepayers.

2. Fair and Equitable Procedures: Ensuring all debt recovery actions are conducted transparently and justly, treating all debtors with similar circumstances equally.

3. Clear and Cost-effective Processes: Simplifying the administration of debt recovery to be more efficient and less costly.

4. Compliance with Financial Obligations: Providing clear processes for compliance with financial obligations, enhancing accountability.

5. Consistency in Treatment: Offering uniform treatment to ratepayers and sundry debtors in similar situations, promoting fairness.

6. Economic Responsiveness: Adapting to changes in the local economy to support both the Shire's financial stability and the community's needs.

7. Regulatory Compliance: Ensuring all debt recovery actions are compliant with regulatory obligations under the *Local Government Act 1995*.

8. Promote Transparency: Upholding a culture of openness and integrity in debt recovery practices.

The revised policy includes several key provisions aimed at enhancing the effectiveness and fairness of debt recovery:

1. Timely Recovery of Sundry Debtor Accounts: Invoices are issued promptly, with a structured follow-up process involving reminders and potential legal action if debts remain unpaid.

2. Efficient Collection of Rates and Service Charges: Rate notices are due within 35 days, with interest applied to overdue amounts and a clear process for final notices and potential legal action.

3. Handling of Long-term Arrears: For debts outstanding over three years, the policy allows for legal actions such as lodging caveats on property titles or the sale of properties, ensuring the Shire can recover significant arrears effectively.

4. Support for Financial Hardship: The policy references the FM 9 – Financial Hardship Policy, allowing for tailored payment arrangements and potential waivers of fees or interest in cases of genuine financial difficulty.

5. Seizure of Rent for Non-payment: The policy provides mechanisms for recovering unpaid rates through the seizure of rent from tenants, ensuring the Shire can collect dues even if the property owner is uncooperative.

6. Debt Write-off Authority: Allows the Chief Executive Officer and the Executive Manager, Corporate Services to write off small debts, streamlining the management of uncollectable debts.

Adopting the revised FM 11 – Debt Collection Policy will bring several benefits:

1. Financial Stability: By reducing outstanding debts, the Shire can improve its financial health, reducing the need to pass on costs to ratepayers.

2. Equity and Fairness: The policy ensures all debtors are treated equitably, fostering trust and fairness within the community.

3. Clarity and Transparency: Clear guidelines and procedures provide transparency, helping ratepayers understand their obligations and the Shire's processes.

4. Legal and Regulatory Compliance: Ensures all debt recovery actions comply with legislative requirements, reducing the risk of legal challenges.

5. Administrative Efficiency: Simplifying and clarifying the debt collection process reduces administrative burdens and costs.

It is recommended that the Council adopt the revised FM 11 – Debt Collection Policy as presented. This will enable the Shire to manage debt recovery more effectively, ensuring fairness, transparency, and compliance with legislative obligations, ultimately benefiting the entire community.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Government (Audit) Regulations 1996

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

RV 1 - Method of Valuation of Rateable Properties

RV 2 - Collection of Outstanding Rates

FINANCIAL IMPLICATIONS

Nil if policy is adopted and applied.

STRATEGIC COMMUNITY PLAN

1 A growing community that is diverse, welcoming and inclusive.

2 Good health and community wellbeing.

10 A strong, diverse and resilient economy. nd efficient movement of people and vehicles.

CORPORATE BUSINESS PLAN

14.2 Improve real and perceived value for money from council rates.

14.2.2 Provide a framework for communicating value for money rates.

14.2.1 Provide an annual review of the Long-term Financial Plan.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Risk rating is LOW.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil.

FM 11 – Debt Collection Policy

1 Objectives

The objectives of the Debt Collection Policy are to:

1.1 Exercise local government debt recovery powers, as outlined in Part 6 of the *Local Government Act 1995* (the Act) to reduce the overall debt burden on ratepayers.

1.2 Ensure that debt collection procedures are carried out in a fair and equitable manner.

1.3 Make the processes used to recover outstanding debt clear, simple to administer and cost effective.

1.4 Clarify the processes used by council to ensure compliance with financial obligations.

1.5 Provide the same treatment for ratepayers and sundry debtors with similar circumstances.

1.6 Respond where necessary to changes in the local economy.

1.7 Ensure the Shire is compliant with all regulatory obligations.

1.8 Promote a culture of transparency and probity.

2 Scope

This policy applies to all persons or businesses in debt to the Shire, all councillors and all employees.

3 Definitions

3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also referred to as staff.

3.3 Worker

means a councillor, an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Recovery of sundry debtor accounts

The recovery of outstanding sundry debts will be collected in a fair and timely manner. Sundry debts are due for payments 30 days from date of issue.

The process for sundry debt collection is as follows:

a. Sundry debtors will be issued an invoice as soon as possible after the amount is known, providing 30 day payment terms.

b. A statement will be issued at the end of the subsequent month following the initial 30 day

payment term, requesting payment, with a reminder sticker/stamp to be affixed to the Statement (soft or hard copy) requesting payment within 14 days.

c. At the end of 14 days, a final notice letter will be issued advising that legal action may be taken without further warning should the debt remain outstanding beyond seven days.

d. Where the customer fails to pay in full by the expiry of the period defined above, credit may be suspended or services limited and legal action may be commenced.

e. Debts will be assessed to ascertain the ability to recover. If the cost of legal action exceeds the amount of the debt, the amount may be considered for write off, subject to council delegation, once all non-legal recovery actions have been exhausted.

4.2 Recovery of rate and service charges

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*.

4.3 Amounts that remain outstanding past the prescribed due date may have interest applied

Amounts that remain outstanding past the prescribed due date may have interest applied, as set annually by council as part of the annual budget. Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire. This includes overdue amounts where the rate payer has elected to pay by an instalment option.

4.4 Accounts unpaid by the due date shown on the rate notice

Where accounts remain outstanding after the prescribed due date, a final notice will be issued requesting full payment within 14 days. Final notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) Act 1992*, as these people have until 30 June of the current financial year to make payment without incurring any penalty interest. Final notices will, however, be issued to registered pensioners or seniors where there are unpaid charges which are not subject to a rebate or deferment (e.g. rubbish collection charges).

4.5 Accounts unpaid after the expiry date shown on the final notice

Where amounts remain outstanding after the expiry date shown on the final notice, recovery action will commence based upon a risk management approach as determined by the value and type of debt and may include such action as referral to the Shire's debt collection agency. As a minimum, a letter of demand will be sent to all overdue rate accounts where a final notice has not been paid, and the rates outstanding is more than $500.

4.6 Seizure of rent for non-payment of rates

Where the property owner of a leased or rented property on which rates and service charges are outstanding cannot be located or refuses to settle rates and service charges owed, a notice may be served on the lessee or tenant under the provisions of Section 6.60 of the *Local Government Act 1995* requiring the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

4.7 Options to recover rates debt where rates are in arrears for more than three years

Under the guidance of the Shire's debt collection service provider, legal action may be undertaken to recover outstanding rates and charges. This action may include General Procedure Claims and Property Seizure and Sale Orders (Goods). Any costs incurred in undertaking legal action in a court of competent jurisdiction are recoverable from ratepayers under section 6.56 of the *Local Government Act 1995*.

a. Lodging a Caveat on the Title for Land

If rates and service charges which are due to council in respect of any rateable land have been unpaid for at least three years a caveat may be registered on the title for the land, under the provisions of Section 6.64 (3) of the *Local Government Act 1995*. The approval of council is required before this course of action is undertaken.

b. Sale of Property

If rates and service charges which are due to council in respect of any rateable land have been unpaid for at least three years, council may take possession of the land under the provisions of Section 6.64 of the *Local Government Act 1995*. The approval of council is required to be obtained before this course of action is undertaken.

4.8 Write off Debts

The Chief Executive Officer and the Executive Manager, Corporate Services have the authority to write-off individual debts up to $500.00, excluding late payment interest and Service Charges applicable to the Emergency Services Levy.

4.9 Financial Hardship

Please refer to FM 9 – Financial Hardship Policy

4.10 Payment Arrangements

Payment arrangements are facilitated in accordance with Section 6.49 of the *Local Government Act 1995* and will be offered to rate payers in circumstances evident of financial hardship. A special payment arrangement must be negotiated to reflect a ratepayer's capacity to repay outstanding rates and contain the details of the agreed repayment schedule.

These special payment arrangements will include the following:

a. It is the responsibility of the ratepayer to ensure that the agreed payment amounts are paid on or before the agreed due date.

b. The Shire requires full payment of the outstanding rates by the end of the financial year.

c. If a ratepayer requires an extension on this timeframe an end date must be negotiated and approved by the Executive Manager, Corporate Services.

d. The ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardises the agreed repayment schedule.

Where a ratepayer meets the financial hardship criteria (refer to FM 9 – Financial Hardship Policy) and on the provision that all rates' arrears are paid in full, payment arrangements will incur a $0 administration fee and the Shire reserves the right to waive late penalty interest, excluding the late payment interest and Service Charges applicable to the Emergency Services Levy.

To recover rates and service charges, where a rate payer has not made payment arrangements for overdue rates and service charges or maintained an agreed repayment schedule, they may be subject to the Shire's debt recovery procedures outlined in this policy.

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.

- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and the council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

If a Debt Collection Policy is not in place the risks include (but are not limited to):

6.1 Non-compliance with Part 6 of the Act results in the overall debt burden on ratepayers increasing.

6.2 Debt collection procedures are not carried out in a fair and equitable manner.

6.3 The processes used to recover outstanding debt are complicated, difficult to administer and costly.

6.4 The processes used by council to ensure compliance with financial obligations are not clear to rate payers.

6.5 Ratepayers and sundry debtors with similar circumstances are not treated equally.

6.6 The Shire does not respond to changes in the local economy.

6.7 A culture that lacks transparency and probity.

7 Reference Documents

Act	*Local Government Act 1995*: Part 6, Division 4, Clause 6.13 - Interest on money owing to local governments *Local Government Act 1995*: Part 6, Division 6, Subdivision 4, Clause 6.45 – Options for payment of rates and service charges *Local Government Act 1995*: Part 6, Division 6, Subdivision 4, Clause 6.51 - Accrual of interest on overdue rates or service charges *Local Government Act 1995*: Part 6, Division 6, Subdivision 5, Clause 6.56 - Rates or service charges recoverable in court *Local Government Act 1995*: Part 6, Division 6, Subdivision 5, Clause 6.60 - Local government may require lessee to pay rent *Local Government Act 1995*: Part 6, Division 6, Subdivision 6, Clause 6.64 - Actions to be taken *Rates and Charges (Rebates and Deferments) Act 1992*

Regulation	*Local Government (Financial Management) Regulations 1996* *Part 5 Rates and Charges (Rebates and Deferments) Regulations 1992* – Rates and service charges
Local Law	n/a
Policy	n/a
Procedure	n/a
Other Documents	n/a

8 Version Control

Version	Date	Author	Amendments
V1	June 2005	T Clynch	Original Document
V2	June 2022	T Clynch	Three year review
V3	April 2023	T Clynch	One year review
V4	August 2024	N Gibbs	One year review
Scheduled Reviewed Date	August 2027		

FM 11 – Collection of Outstanding Rates

1 Policy

To ensure rates and/or service charges owing to the Shire of Bridgetown-Greenbushes are collected in a consistent and timely manner, the following guidelines have been adopted by Council:

1. All monies owed to Council for rates raised under Section 6.32 of the Local Government Act are deemed to be overdue following a period of thirty-five (35) days from the date of the original rates notice.
2. At the expiration of the thirty-five (35) day period, the Shire shall issue a Final Notice and invite the debtor to discuss the matter with the Shire's administration within fourteen days with a view to resolution of the outstanding debt.
3. If no satisfactory arrangement has been entered into at the expiration of the fourteen (14) days, the matter is to be referred to the Shire's debt collection service provider to continue the debt collection process. A satisfactory arrangement is one where the debtor enters into a direct debit agreement with the Shire to acquit their debt by instalments by the 30 June of the current rate year.
4. All costs associated with debt collection action will be borne by the debtor, excluding the GST charged by the debt collector and the document handling fee charged by the Court.
5. Interest on outstanding monies shall be calculated on a daily basis at a level set by Council during its annual budget process for monies outstanding for a period of greater than thirty-five (35) days in accordance with Section 6.13(6) of the Local Government Act.
6. Following the issue of a General Procedure Claim (known previously as a Summons) and addition of associated debt collection costs, the Shire's Administration will accept a reasonable offer to discharge the debt. A reasonable offer is one where the debtor enters into a direct debit agreement with the Shire to acquit their debt by instalments by the 30 June of the current rate year.
7. The Shire's Administration is to continue Legal proceedings until payment of rates imposed is secured. Subject to Section 6.68 (3A) of the Local Government Act 1995, this includes the issue of a Property Seizure and Sale Order (previously known as a Warrant of Execution) against goods and/or land. Section 6.68 (3A) identifies those instances where the sale of land to recover rates will be referred to Council.
8. In cases where the owner of a leased or rented property on which municipal rates are outstanding cannot be located or refuses to settle the outstanding debt, notices may be served on the lessee or tenant under the provisions of Section 6.60 of the Local Government Act. This requires the lessee or tenant to pay to the Council the rent due under the lease or tenancy agreement as it becomes due until the amount in arrears has been paid.

<u>Arrangements to Pay Off Outstanding Rates and/or Service Charges</u>

1. The CEO is authorised to consider and to either approve or reject any application for deferment or payment by instalments, in accordance with Section 6.49 of the Local Government Act.
2. All requests for extensions and/or payment by instalments must be made in writing. The application must include details to support the repayments.
3. Once an application has been approved by the CEO, officers will develop an instalment payment schedule, a copy of which will be provided to the ratepayer.

Note: Ratepayers who have made written contact with the Shire seeking an extension and/or payment by instalment method, or are subject to a separate agreement, are exempt from legal action for recovery of outstanding monies unless the payment schedule has been defaulted.

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

2 Applicable Legislation and Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.6.13 – Interest on money owing to local governments Part 6, Division 6: Subdivision 1 – Introduction and basis of rating Subdivision 2 – Categories of rates and service charges Subdivision 3 – Imposition of rates and service charges Subdivision 4 – Payment of rates and service charges Subdivision 5 – Recovery of unpaid rates and service charges Subdivision 6 – Actions against land where rates or service charges unpaid *Rates and Charges (Rebates and Deferments) Act 1992*
Regulation	*Local Government (Financial Management) Regulations 1996* Part 5 *Rates and Charges (Rebates and Deferments) Regulations 1992* – Rates and service charges
Local Law	N/A
Shire Policies	FM 8 – Collection of Non-Rates Fees and Chgarges
Related Documents	N/A
Related Procedure	N/A

3 Administration

Original Adoption Date	30 June 2005
Last Reviewed	30 June 2022
Scheduled Reviewed Date	27 April 2023

FM 11 – Debt Collection Policy

1 Objectives

The objectives of the Debt Collection Policy are to:

1.1 Exercise local government debt recovery powers, as outlined in Part 6 of the *Local Government Act 1995* (the Act) to reduce the overall debt burden on ratepayers.

1.2 Ensure that debt collection procedures are carried out in a fair and equitable manner.

1.3 Make the processes used to recover outstanding debt clear, simple to administer and cost effective.

1.4 Clarify the processes used by council to ensure compliance with financial obligations.

1.5 Provide the same treatment for ratepayers and sundry debtors with similar circumstances.

1.6 Respond where necessary to changes in the local economy.

1.7 Ensure the Shire is compliant with all regulatory obligations.

1.8 Promote a culture of transparency and probity.

2 Scope

This policy applies to all persons or businesses in debt to the Shire, all councillors and all employees.

3 Definitions

3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also referred to as staff.

3.3 Worker

means a councillor, an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Recovery of sundry debtor accounts

The recovery of outstanding sundry debts will be collected in a fair and timely manner. Sundry debts are due for payments 30 days from date of issue.

The process for sundry debt collection is as follows:

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b. A statement will be issued at the end of the subsequent month following the initial 30 day

payment term, requesting payment, with a reminder sticker/stamp to be affixed to the Statement (soft or hard copy) requesting payment within 14 days.

c. At the end of 14 days, a final notice letter will be issued advising that legal action may be taken without further warning should the debt remain outstanding beyond seven days.

d. Where the customer fails to pay in full by the expiry of the period defined above, credit may be suspended or services limited and legal action may be commenced.

e. Debts will be assessed to ascertain the ability to recover. If the cost of legal action exceeds the amount of the debt, the amount may be considered for write off, subject to council delegation, once all non-legal recovery actions have been exhausted.

4.2 Recovery of rate and service charges

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*.

4.3 Amounts that remain outstanding past the prescribed due date may have interest applied

Amounts that remain outstanding past the prescribed due date may have interest applied, as set annually by council as part of the annual budget. Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire. This includes overdue amounts where the rate payer has elected to pay by an instalment option.

4.4 Accounts unpaid by the due date shown on the rate notice

Where accounts remain outstanding after the prescribed due date, a final notice will be issued requesting full payment within 14 days. Final notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) Act 1992*, as these people have until 30 June of the current financial year to make payment without incurring any penalty interest. Final notices will, however, be issued to registered pensioners or seniors where there are unpaid charges which are not subject to a rebate or deferment (e.g. rubbish collection charges).

4.5 Accounts unpaid after the expiry date shown on the final notice

Where amounts remain outstanding after the expiry date shown on the final notice, recovery action will commence based upon a risk management approach as determined by the value and type of debt and may include such action as referral to the Shire's debt collection agency. As a minimum, a letter of demand will be sent to all overdue rate accounts where a final notice has not been paid, and the rates outstanding is more than $500.

4.6 Seizure of rent for non-payment of rates

Where the property owner of a leased or rented property on which rates and service charges are outstanding cannot be located or refuses to settle rates and service charges owed, a notice may be served on the lessee or tenant under the provisions of Section 6.60 of the *Local Government Act 1995* requiring the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

4.7 Options to recover rates debt where rates are in arrears for more than three years

Under the guidance of the Shire's debt collection service provider, legal action may be undertaken to recover outstanding rates and charges. This action may include General Procedure Claims and Property Seizure and Sale Orders (Goods). Any costs incurred in undertaking legal action in a court of competent jurisdiction are recoverable from ratepayers under section 6.56 of the *Local Government Act 1995*.

4.8 Options to recover rates debt where rates are in arrears for more than three years

a. Lodging a Caveat on the Title for Land

If rates and service charges which are due to council in respect of any rateable land have been unpaid for at least three years a caveat may be registered on the title for the land, under the provisions of Section 6.64 (3) of the *Local Government Act 1995*. The approval of council is required before this course of action is undertaken.

b. Sale of Property

If rates and service charges which are due to council in respect of any rateable land have been unpaid for at least three years, council may take possession of the land under the provisions of Section 6.64 of the *Local Government Act 1995*. The approval of council is required to be obtained before this course of action is undertaken.

4.9 Write off Debts

The Chief Executive Officer and the Executive Manager, Corporate Services have the authority to write-off individual debts up to $500.00, excluding late payment interest and Service Charges applicable to the Emergency Services Levy.

4.10 Financial Hardship

Please refer to FM 9 – Financial Hardship Policy

4.11 Payment Arrangements

Payment arrangements are facilitated in accordance with Section 6.49 of the *Local Government Act 1995* and will be offered to rate payers in circumstances evident of financial hardship. A special payment arrangement must be negotiated to reflect a ratepayer's capacity to repay outstanding rates and contain the details of the agreed repayment schedule.

These special payment arrangements will include the following:

a. It is the responsibility of the ratepayer to ensure that the agreed payment amounts are paid on or before the agreed due date.

b. The Shire requires full payment of the outstanding rates by the end of the financial year.

c. If a ratepayer requires an extension on this timeframe an end date must be negotiated and approved by the Executive Manager, Corporate Services.

d. The ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardises the agreed repayment schedule.

Where a ratepayer meets the financial hardship criteria (refer to FM 9 – Financial Hardship Policy) and on the provision that all rates' arrears are paid in full, payment arrangements will incur a $0 administration fee and the Shire reserves the right to waive late penalty interest, excluding the late payment interest and Service Charges applicable to the Emergency Services Levy.

To recover rates and service charges, where a rate payer has not made payment arrangements for overdue rates and service charges or maintained an agreed repayment schedule, they may be subject to the Shire's debt recovery procedures outlined in this policy.

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.

- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and the council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

If a Debt Collection Policy is not in place the risks include (but are not limited to):

6.1 Non-compliance with Part 6 of the Act results in the overall debt burden on ratepayers increasing.

6.2 Debt collection procedures are not carried out in a fair and equitable manner.

6.3 The processes used to recover outstanding debt are complicated, difficult to administer and costly.

6.4 The processes used by council to ensure compliance with financial obligations are not clear to rate payers.

6.5 Ratepayers and sundry debtors with similar circumstances are not treated equally.

6.6 The Shire does not respond to changes in the local economy.

6.7 A culture that lacks transparency and probity.

7 Reference Documents

Act	*Local Government Act 1995*: Part 6, Division 4, Clause 6.13 - Interest on money owing to local governments *Local Government Act 1995*: Part 6, Division 6, Subdivision 4, Clause 6.45 – Options for payment of rates and service charges *Local Government Act 1995*: Part 6, Division 6, Subdivision 4, Clause 6.51 - Accrual of interest on overdue rates or service charges *Local Government Act 1995*: Part 6, Division 6, Subdivision 5, Clause 6.56 - Rates or service charges recoverable in court *Local Government Act 1995*: Part 6, Division 6, Subdivision 5, Clause 6.60 - Local government may require lessee to pay rent *Local Government Act 1995*: Part 6, Division 6, Subdivision 6, Clause 6.64 - Actions to be taken *Rates and Charges (Rebates and Deferments) Act 1992*

Regulation	*Local Government (Financial Management) Regulations 1996* *Part 5 Rates and Charges (Rebates and Deferments) Regulations 1992* – Rates and service charges
Local Law	n/a
Policy	n/a
Procedure	n/a
Other Documents	n/a

8 Version Control

Version	Date	Author	Amendments
V1	June 2005	T Clynch	Original Document
V2	June 2022	T Clynch	Three year review
V3	April 2023	T Clynch	One year review
V4	August 2024	N Gibbs	One year review
Scheduled Reviewed Date	August 2027		

15.10 Adopt the reviewed P 3 - Grievance Resolution Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments
1. Appendix 1 - Council Code of Conduct ⇩
2. Code of Conduct for Councillors, Committee Members and Candidates ⇩
3. P 3 - Grievance Resolution Policy ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

OFFICER RECOMMENDATION

That Council:

1. Adopt the reviewed P 3 - Grievance Resolution Policy.
2. Adopt the reviewed Appendix 1 to the Code of Conduct for Councillors, Committee Members and Candidates.

CEO advised the Shire President that this Item is to be deferred to a future ordinary meeting of Council for further Officer research.

IN BRIEF

Council is aware that officers have been reviewing a substantial number of policies since October last year. This review process is now coming to an end. However, reviewing so many policy documents at the same time has identified some discrepancies between grievance investigation processes established in different policies, for specific grievance types, in accordance with various legislation and regulated by multiple regulatory bodies. The P 3 - Grievance Resolution Policy is being re-presented to remove any such inconsistencies.

The P 3 - Grievance Resolution Policy has been amended to ensure compliance with multiple pieces of legislation, such as the *Work Health and Safety Act 2020* and the *Industrial Relations Act 1979*. The revised policy aims to provide a consistent, lawful, and efficient process for addressing and resolving workplace grievances. This new policy framework is designed to eliminate conflicts between various legislative requirements and to establish a transparent and fair grievance resolution process.

The Appendix 1 to the Code of Conduct for Councillors, Committee Members and Candidates have also been reviewed and amended so that the grievance processes in each are consistent.

MATTER FOR CONSIDERATION

Whether council adopts:

The reviewed and amended P 3 - Grievance Resolution Policy.

The reviewed and amended Appendix 1 to the Code of Conduct for Councillors, Committee Members and Candidates

BACKGROUND

The current P 3 - Grievance Resolution Policy of the Shire of Bridgetown-Greenbushes has been identified by officers as having inconsistencies and conflicts with various legislative requirements. This prompted a comprehensive review to align the policy with all relevant laws, including the *Work Health and Safety Act 2020* and the *Industrial Relations Act 1979*.

The revised policy's objectives are to:

- Provide a fair, transparent, lawful, and efficient process for addressing and resolving workplace grievances.
- Establish and maintain a workplace environment free from bullying, harassment, discrimination, physical intimidation, and harm.
- Reinforce lawful, appropriate, and ethical standards of workplace behaviour as prescribed in the Employee Code of Conduct and the Council Member, Committee Members, and Candidate Code of Conduct.
- Ensure compliance with relevant workplace legislation and principles as defined by the Western Australian State Industrial Relations System and the Department of Local Government.

This policy applies to all employees and Councillors, and outlines definitions, principles, and procedures to handle grievances effectively. Key aspects include the establishment of roles such as the Grievance Resolution Officer and the Public Interest Disclosure Officer, provisions for confidentiality and non-retaliation, and guidelines for formal investigations and mediation.

Adopting this revised policy will mitigate risks associated with non-compliance and ensure that the Shire operates within a clear and lawful framework for grievance resolution.

The grievance process in the P 3 – Grievance Resolution Policy now contains grievance procedures that would withstand scrutiny under any of the Acts, Codes of Conduct or policies listed in the Statutory Environment below.

STATUTORY ENVIRONMENT

Local Government Act 1995

Work Health & Safety Act 2020

Western Australia Equal Opportunity Act 1984

Corruption, Crime and Misconduct Act 2003

Privacy Act 1988

Public Information Disclosure Act 2003

Work Health and Safety Regulations

Employee Code of Conduct

Council Member, Committee Member and Candidate Code of Conduct

POLICY IMPLICATIONS

G 10 - Code of Conduct for Council Members, Committee Members and Candidates

P 1 – Bullying, Harassment and Diversity Policy

P 4 – Professional Development Policy

P 5 – Performance Review and Management Policy

P 6 – Underperformance and Misconduct Policy

P 7 – Redundancy, Redeployment and Termination Policy

Public Information Disclosure Policy

FINANCIAL IMPLICATIONS

Nil if the policy is adopted.

STRATEGIC COMMUNITY PLAN

3 A safe community for people and animals.

13 Proactive, visionary leaders who respond to community needs.

14 Effective governance and financial management.

15 A well informed and engaged community.

16 An engaged and effective workforce.

CORPORATE BUSINESS PLAN

14 Effective governance and financial management.

LONG TERM FINANCIAL PLAN

Nil if the policy is implemented.

ASSET MANAGEMENT PLANS

Nil.

WORKFORCE PLAN

Nil if the policy is implemented.

RISK MANAGEMENT

Risk Rating is LOW if the policy is implemented.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil.

Appendix 1:

Council Complaints Committee

-Terms of Reference-

1. Objective

To establish Terms of Reference for the Council Complaints Committee of the Shire of Bridgetown-Greenbushes.

2. Scope

These Terms of Reference apply exclusively to the Shire's Council Complaints Committee.

3. Function

The Council Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Complaints made under Division 3 of the Shire's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Council Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [clause 12(3) of the Code of Conduct].

Where a Finding is made that a breach has occurred, determining:

- To take no further action; or
- Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Council Complaints Committee is limited by Condition of the Delegated Authority.

4. Membership

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Council Complaints Committee will comprise of three Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least two Council Members will be appointed as Deputy Committee Members in accordance with s.5.11A of the Act.

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee's Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Presiding Member of the Committee.

5. Meeting Schedule

Meetings are to be scheduled as required by the CEO or Grievance Resolution Officer in consultation with the Committee Presiding Member.

6. Delegated Authority

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Shire Register of Delegations.

It is a Condition of Delegated Authority that the Council Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

7. Governance

Council Complaints Committee meetings are required to:

- Be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- Include public question time *[Admin.r.5]*
- Make the Committee Notice Papers and Agenda publicly available *[s.5.94(p), s.5.96A(f)]*, with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) *[Admin.r.14]*; and
- Make Committee minutes publicly available *[s.5.94(n), s.5.96A(h)]*, with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

code of conduct

for councillors, committee members + candidates

www.bridgetown.wa.gov.au

Shire of
Bridgetown-Greenbushes
The heart and soul of the South West

introduction

In accordance with *Local Government (Model Code of Conduct) Regulations 2021*, this is the Shire of Bridgetown-Greenbushes (the Shire) Code of Conduct for Councillors, Committee Members and Candidates.
The code of conduct is comprised of six parts:

part 1: Behavioural requirements defined in Schedule 1 Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

part 2: Dealing with alleged breaches of the Code

part 3: General principles of the Local Government *(Model Code of Conduct) Regulations 2021* (not covered by this Code)

part 4: Rules of Conduct (not covered by this Code)

part 5: Complaint Form

part 6: Response Form

terms used

In this code:
"Act" means the Local Government Act 1995.

"Candidate" means a candidate for election as a Councillor.

"Complaint" means a complaint made under clause 11(1) of the Local Government *(Model Code of Conduct) Regulations 2021*.

"Publish" includes to publish on a social media platform.

Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

PART 1:

Behavioural requirements defined in Schedule 1 Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

personal integrity

1) **A Councillor, Committee Member or Candidate**
   - **a)** must ensure that their use of social media and other forms of communication complies with this code; and
   - **b)** must only publish material that is factually correct.

2) **A Councillor or Committee Member**
   - **a)** must not be impaired by alcohol or drugs in the performance of their official duties; and
   - **b)** must comply with all policies, procedures and resolutions of the local government.

relationship with others

A Councillor, Committee Member or Candidate -

- **a)** must not bully or harass another person in any way; and
- **b)** must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the government; and
- **c)** must not use offensive or derogatory language when referring to another person; and
- **d)** must not disparage the character of another Councillor, Committee Member, Candidate, or a local government employee in connection with the performance of their official duties; and
- **e)** must not impute dishonest or unethical motives to another Councillor, Committee Member, Candidate, or a local government employee in connection with the performance of their official duties.

council or committee meetings

When attending a council or committee meeting, a Councillor, Committee Member or Candidate -

- **a)** must not act in an abusive or threatening manner towards another person; and
- **b)** must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- **c)** must not repeatedly disrupt the meeting; and
- **d)** must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- **e)** comply with any direction given by the person presiding at the meeting; and
- **f)** must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

PART 2:

Dealing with alleged breaches of the Code

administering alleged breaches

In accordance with Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* a Complaint regarding an alleged breach of Part 1 of this Code must be made:

- in writing using the approved Complaint Form (shown in Part 5);
- to the person authorised by the Local Government (the Grievance Resolution Officer); and
- within 1 month after the occurrence of the alleged breach.

In accordance with Regulation 15, a complaint about an alleged breach by a Candidate cannot be dealt with by the Local Government unless the Candidate has been elected as a Councillor.

Upon receiving a Complaint, the Grievance Resolution Officer will provide the Response Form (as shown in Part 6) to the person to whom the complaint has been received.

The purpose of this form is to enable a person to whom a complaint under the model code has been received to be:

- notified of the allegation;
- provided an opportunity to respond to the allegation in accordance with Regulation 12 of the Regulations; and
- consulted with in regards to making a plan to address the behaviour in accordance with Regulation 12 of the Regulations (if a breach is found).

The information provided in this form may be published but personal information such as email addresses and phone numbers shall be redacted.

The person to whom the complaint under the model code has been made shall be given 14 days to respond.

The Grievance Resolution Officer will provide the Complaint Form and the Response Form (if completed) as the report to the Council to enable the Council to make a determination under Regulation 12.

confidentiality

An allegation of an alleged breach must not be disclosed unless it is for the purposes of dealing with the complaint or otherwise in accordance with legislation or this code.

In accordance with s5.23(2)(f) the meeting that the matter is to be discussed is to be closed to the public as it could reasonably be expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.

When Council has found that a breach has occurred, it may under Regulation 29A of the *Local Government (Administration) Regulations 1996*, resolve that the completed complaint form and response form be made available for public inspection by including them as attachments to the minutes of the meeting.

dismissing alleged breaches

When considering the matter, the local government must dismiss the Complaint under Regulation 13

if it is satisfied that

a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

b) either:

i. the behaviour was dealt with by the person presiding at the meeting; or

ii. the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

If the local government dismisses the Complaint it must give written notice of its decision and reasons for its decision to the parties of the Complaint.

withdrawing allegations

In accordance with Regulation 14, the complainant may withdraw the Complaint by writing to the Grievance Resolution Officer at any time before a finding is made.

dealing with alleged breaches

Allegations of breaches are to be dealt with in accordance with the legislation and this Code as the procedure under Regulation 15 of the Regulations which states that the procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in the legislation.

The matter shall be dealt with by Council within six months of the receipt of the complaint, unless otherwise resolved by Council.

The matter is not to be discussed at any Councillor briefing session.

In accordance with section 5.41 of the Act, the notice paper for the meeting is to include the submitted Complaint Form and the Response Form (if it is submitted within 14 days of being provided to the complainant). No Officer Recommendation is required.

When considering the matter, the Council may dismiss the complaint as detailed above or must in accordance with Regulation 12 of the Regulations, make a finding as to whether the alleged breach has occurred.

To consider the matter, a Councillor who is not a party to the Complaint (either the complainant or the person alleged to have committed the breach) shall propose one of the following motions:

Motion of dismissal

That Council RESOLVES the alleged breach dated [insert date] related to the conduct of [insert name] be dismissed because the behaviour to which the complaint relates occurred at a council or committee meeting; and either:

- the behaviour was dealt with by the person presiding at the meeting; or
- the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

Motion of that breach not substantiated

That Council RESOLVES the alleged breach dated [insert date] related to the conduct of [insert name] is found to be not substantiated.

Motion of substantiated allegation - no further action

That Council

1) RESOLVES that the alleged breach dated [insert date] related to the conduct of [insert name] is substantiated based on the reason that the complaint was properly made and met the relevant elements for determining a breach in accordance with this code and that the local government takes no further action.

2) RESOLVES in accordance with Regulation 29A of the *Local Government (Administration) Regulations 1996* that that the completed complaint form and response form be made available for public

Motion of substantiated allegation - with sanction

That Council

1) RESOLVES that the alleged breach dated [insert date] related to the conduct of [insert name] is substantiated based on the reason that the complaint was properly made and met the relevant elements for determining a breach in accordance with this code and that the local government having consulted with the person by providing the opportunity presented in the response form, adopts the following requirements as a plan under Regulation 12 of the *Local Government (Model Code of Conduct) Regulations 2021* and requires the person to whom the complaint relates to by [insert date] [select as applicable]:
   - engage in mediation;
   - undertake counselling;
   - undertake training (to be specified);
   - take other action (to be specified).

2) RESOLVES in accordance with Regulation 29A of the *Local Government (Administration) Regulations 1996* that that the completed complaint form and response form be made available for public inspection by including them as attachments to the minutes of the meeting.

When determining the matter, the Council should consider the elements listed in the table below.

ELEMENTS IN DETERMINING A BREACH

Category	Behavioral requirements	Elements in determining a breach	Recommended sanctions
Personal integrity	A Councillor, Committee Member or Candidate must ensure that their use of social media and other forms of communication complies with this code and must only publish material that is factually correct.	The communication in question must relate to matters involving the local government.	• Training • Public apology
	A Councillor or Committee Member must not be impaired by alcohol or drugs in the performance of their official duties and must comply with all policies, procedures and resolutions of the local government.	The person's performance must be impaired by alcohol or drugs at the time that the alleged conduct occurred. and/or • The Councillor or Committee Member must be acting in the performance of their official duties at the time that it was alleged that Councillor or Committee Member did not comply with the policy, procedure or resolution of the local government. • The policies, procedures and resolutions of the local government must have been published on the Shire's website at the time that the alleged conduct occurred.	• Training • Public apology
Relationship with others	A Councillor, Committee Member or Candidate must not bully or harass another person in any way and must deal with the media in a positive and appropriate manner, and in accordance with any relevant policy of the local government.	The behaviour in question must involve: • abusive or offensive language or comments; *or* • aggressive and intimidating, belittling or humiliating comments; *or* • practical jokes or initiation; or • unjustified criticism or complaints. Differences of opinion and disagreements are not bullying or harassment. *or* The person who was not the Shire President purported to speak on behalf of the Shire (without authorisation).	• Mediation • Counselling • Training • Public apology
	A Councillor, Committee Member or Candidate must not use offensive or derogatory language when referring to another person, and must not disparage the character of another Councillor, Committee Member, candidate, or a local government employee in connection with the performance of their official duties.	• The Councillor, Committee Member or Candidate either verbally, in writing or by some other means, used an expression (for example, any word, phrase or form of speech) which it is more likely than not that a member or members of the public present heard or otherwise became aware of. • The language was grossly offensive as to amount to vilification or intimation. • If the behaviour occurs at a Council or Committee meeting this is most appropriately dealt with under Standing Orders.	• Mediation • Counselling • Training • Public apology

Category	Behavioral requirements	Elements in determining a breach	Recommended sanctions
Relationship with others	A Councillor, Committee Member or Candidate must not impute dishonest or unethical motives to another Councillor, Committee Member, Candidate, or a local government employee in connection with the performance of their official duties.	• Differences of opinion do not constitute a breach. • The Council Member, Committee Member or Candidate either verbally, in writing or by some other means, made a statement (for example, a communication or declaration in speech or writing setting forth facts, particulars; etc.); and • Viewed objectively, the council member's statement (or a sufficiently clear inference from the words used) was that the Councillor, Committee Member, Candidate or employee was incompetent or dishonest.	• Mediation • Counselling • Training • Public apology
Council or committee meetings	When attending a council or committee meeting, a Councillor, Committee Member or Candidate must not act in an abusive or threatening manner towards another person and must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading.	• The behaviour in question must occur at a Council or Committee meeting. • The behaviour in question must involve: - abusive or offensive language or comments; or - aggressive and intimidating behaviour; or - belittling or humiliating comments; or - practical jokes or initiation; or - unjustified criticism or complaints. or • The statements made must be knowingly false or misleading.	• Mediation • Counselling • Training • Public apology
	A Councillor, Committee Member or Candidate must not repeatedly disrupt the meeting and must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings.	• The person must not have responded to a request from the Presiding Member to preserve order; or • When requested by the Council, committee or Presiding Member to withdraw, unreservedly withdraw any expression. • This is dealt with in the meeting procedures local law and most appropriately dealt with under the provisions of that local law. • Contraventions of the local law can also be dealt with as a Rules of Conduct breach through the local government Standards Panel.	• Mediation • Counselling • Training • Public apology
	A Councillor, Committee Member or Candidate must comply with any direction given by the person presiding at the meeting and must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.	• The person must not have responded to a request from the Presiding Member to preserve order. • This is dealt with in the meeting procedures local law and most appropriately dealt with under the provisions of that local law. • Contraventions of the local law can also be dealt with as a Rules of Conduct breach through the local government Standards Panel.	• Mediation • Counselling • Training • Public apology

Under Regulation 12 of the Local Government (Model Code of Conduct) Regulations 2021, when a breach of the code of conduct is found to have occurred the Council may:

- take no further action;
- engage in mediation;
- undertake counselling;
- undertake training; or
- any other action that the local government considers appropriate.

When ordering mediation, counselling or training the Council shall consider Council's policy on Councillor Training and Continuing Professional Development.

If ordering a public apology, Council shall consider the format and form of such an apology. In considering the forum it is noted that on occasion, the Local Government Standards Panel orders a public apology to be made on the local government's website and local newspaper as show in the box below.

Public apology by Councillor [insert name]

A complaint was made that I contravened the *Local Government (Model Code of Conduct) Regulations 2021*.

The Council has found that the Shire's Code of Conduct and deserving of a penalty.

I accept that I should not have engaged in the relevant conduct.

I now apologise to my fellow Councillors and the public

In considering the action to take, the Council shall consider:

- the seriousness of the breach;
- the contrition of the person who committed the breach; and/or
- actions taken by the person to address the conduct.

Following Council's resolution on a matter, the parties to the complaint shall be advised of Council's decision.

A register of complaints where a breach has been substantiated by Council and a penalty shall be maintained on the Shire's website. The register shall record the date of the complaint, the name of the Councillor or committee member found in breach and the sanction as resolved by Council.

PART 3:

General principles of the Local Government *(Model Code of Conduct) Regulations 2021* (not covered by this Code)

Schedule 1 Division 2 of the *Local Government (Model Code of Conduct) Regulations 2021* establishes general principles that should be observed by Council Members, Committee Members and Candidates.

personal integrity

A Councillor Member, Committee Member or Candidate should -

- act with reasonable care and diligence; and
- act with honesty and integrity; and
- act lawfully; and
- identify and appropriately manage any conflict of interest; and
- avoid damage to the reputation of the local government.

A council member or committee member should —

- act in accordance with the trust placed in Council Members and Committee Members; and
- participate in decision-making in an honest, fair, impartial and timely manner; and
- actively seek out and engage in training and development opportunities to improve the performance of their role;
- attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

relationship with others

A Council Member, Committee Member or Candidate should —

- treat others with respect, courtesy and fairness; and
- respect and value diversity in the community.

A Council Member or Committee Member should maintain and contribute to a harmonious, safe and productive work environment.

accountability

A Council Member or Committee Member should —

- base decisions on relevant and factually correct information; and
- make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- read all agenda papers given to them in relation to council or committee meetings; and
- be open and accountable to, and represent, the community in the district.

PART 4:

Rules of Conduct (not covered by this Code)

Division 4 of the *Local Government (Model Code of Conduct) Regulations 2021* establishes Rules of Conduct to be followed by Councillors, including when a Councillor is a Candidate or Committee Member. Rules of Conduct matters are dealt with in accordance with the procedures set out in the *Local Government (Model Code of Conduct) Regulations 2021* and are distinct from this Code.

The Rules of Conduct relate to:

- misuse of local government resources
- securing personal advantage or disadvantaging others
- prohibition against involvement in administration
- relationship with local government employees
- disclosure of information
- disclosure of interests
- compliance with a code of conduct action plan requirement.

PART 5: Complaint Form

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

NOTE: A complaint about an alleged breach must be made –

a) in writing in the form approved by the local government; and
b) to an authorised person; and
c) within one month after the occurrence of the alleged breach.

Name of person who is making the compliant

Given Name(s)

Family Name

Contact details of person making the complaint

Address

Email address

Contact number

Name of local government (City, Town, Shire) concerned

Name of the Council Member, Committee Member, Candidate alleged to have committed the breach

Code of Conduct section within Part 1 alleged to have been breached

State the full details of the alleged breach. Attach any supporting evidence to your complaint form

Date of alleged breach:

Declaration

Signature of complainant: Date of signing:

NOTE TO THE PERSON MAKING THE COMPLAINT

This form should be completed, dated and signed by the person making a compliant of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/ subsection of the alleged breach.

Signed complaint form is to be forwarded to:
Attention:
Email:
Postal address: Shire of Bridgetown-Greenbushes
1 Steere Street, Bridgetown WA 6255

Authorised Person Use Only
Authorised person's name:
Authorised person's signature:
Date received:

PART 6: Response Form

purpose of the form

The Local Government (Model Code of Conduct) Regulations 2021 (the Regulations) sets out a framework for administering allegations of breaches of the model code.

The purpose of this form is to enable a person to whom a complaint under the model code has been received to:

- be notified of the allegation;
- provide an opportunity to respond to the allegation in accordance with the Regulation 12 of the Regulations;
- consult with the person in making a plan to address the behaviour in accordance with Regulation 12 of the Regulations (if a breach is found).

The information provided in this form may be published.

The person to whom the complaint has been made shall be given 14 days to respond.

SECTION 1 – to be completed by the Authorised person

Name of person who is making the compliant

Given Name(s)

Family Name

Contact details of person making the complaint

Address

Email address

Contact number

Name of the Council Member, Committee Member, Candidate alleged to have committed the breach

Date of alleged breach

Details of the alleged breach provided by the complainant in the approved form.

SECTION 2 – to be completed by the person to whom the complaint relates

Contact details of person to whom the complaint relates

Address	
Email address	
Contact number	

Response to the alleged breach*

Proposed plan to address the behaviour**

*Regulation 12 of the Local Government (Model Code of Conduct) Regulations 2021 states that before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard. Under Regulation 13 of the Local Government (Model Code of Conduct) Regulations 2021 you may request that the complaint be dismissed if:

- the behaviour to which the complaint relates occurred at a council or committee meeting; and
- either –
  - the behaviour was dealt with by the person presiding at the meeting; or
  - the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.'

**Under Regulation 12 of the Local Government (Model Code of Conduct) Regulations 2021, in the event that the local government finds that a breach has occurred it may either take no future action or prepare a plan to address the behaviour. The plan may include a requirement to do 1 or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the local government considers appropriate.

In this part of the form, the person to who the complaint relates should specify what action they believe Council should order.

Signed complaint form is to be forwarded to:
Attention:
Email:
Postal address: Shire of Bridgetown-Greenbushes
1 Steere Street, Bridgetown WA 6255

Authorised Person Use Only
Authorised person's name:
Authorised person's signature:
Date received:

P 3 – Grievance Resolution Policy

1. Objectives

The objectives of this Grievance Resolution Policy are to:

1.1 Provide a fair, transparent, lawful and efficient process for addressing and resolving workplace grievances.

1.2 Establish and maintain an environment which is free from workplace bullying, harassment and discrimination.

1.3 Establish and maintain an environment which is free from physical intimidation and/or harm.

1.4 Reinforce lawful, appropriate and ethical standards of workplace behaviour as prescribed in the Employee Code of Conduct and the Council Member, Committee Members and Candidate Code of Conduct.

1.5 Ensure compliance with the *Work Health and Safety Act 2020,* the *Industrial Relations Act 1979* and other workplace legislation.

1.6 Ensure the organisation operates in accordance with principles and procedure defined by the Western Australian State Industrial Relations System and the Department of Local Government when responding to grievances.

2. Scope

This policy applies to all employees and councillors.

3. Definitions

3.1 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also known as staff.

3.3 Grievance

means a complaint or dispute raised by an employee regarding any aspect of their employment, working conditions, or relationships within the organisation. This includes breaches of legislation and/or policy.

3.4 Grievance Resolution Officer

means an appointed internal employee responsible for overseeing the grievance resolution process impartially, when the grievance is made by one employee against another employee.

3.5 Grievant

means an employee who has a grievance and wishes to seek resolution.

3.6 Independent Investigator

means an external person who is qualified and experienced in workplace investigation and has been agreed to by both parties to the dispute.

3.7 Line manager

means the immediate supervisor, manager or executive manager of the employee lodging the grievance.

3.8 Mediation

means a voluntary process in which an impartial third party (who may be the Grievance Resolution Officer), agreed by both parties, assists in resolving the grievance through communication, negotiation and/or other action.

3.9 The Ombudsman

means an officer of the Parliament who is impartial and independent of the government of the day. The Ombudsman receives, investigates and resolves complaints about State Government agencies, local governments and universities, undertakes major investigations with all the powers of a standing Royal Commission, reviews child deaths and family and domestic violence fatalities and undertakes a range of other functions, including oversighting telecommunications intercept laws and consorting laws.

3.10 Public Interest Disclosure Officer

means an officer established under the *Public Interest Disclosure Act 2003* to accept and ensure the investigation of disclosures made about wrongdoing within the State public sector, local government and public universities without fear of reprisal.

3.11 Worker

means a worker is any person who carries out work for a Person Conducting a Business or Undertaking (PCBU), including work as a councillor, employee, outworker, apprentice or trainee, work experience student, placed with a 'host employer' and volunteers.

3.12 WorkSafe

means the organisation that assists the regulator in the administration of the *Work Health and Safety Act 2020* (WHS Act), which provides a framework to protect the health, safety and welfare of workers in Western Australian workplaces, and of other people who might be affected by the work.

4. Policy

Principles of Grievances

4.1 Councillors, employees and the organisation itself will establish a grievance process that is compliant with the:

- Employee Code of Conduct
- Council Member, Committee Member and Candidate Code of Conduct
- *Corruption, Crime and Misconduct Act 2003*
- *Local Government Act 1995*
- *Privacy Act 1988*
- *Public Information Disclosure Act 2003*
- *Work Health and Safety Act 2020*
- *Work Health and Safety Regulations*

4.2 Where conflicts arise between standards, policy or process, the *Work Health and Safety Act 2020* and the *Work Health and Safety Regulations 2022* will prevail because they afford the highest level of protection to councillors and employees.

4.3 Investigations will be completed in a timely manner and all people involved will be advised

of any significant delays.

4.4 The Grievance Resolution Officer and the investigator will have a good awareness of all relevant legislation, regulations, procedures and guidance material.

4.5 Confidentiality will be always maintained in accordance with the *Privacy Act 1988* and other legislative privacy provisions.

4.6 All parties will appropriately manage any potential, perceived or actual conflicts of interest.

4.7 Witnesses will not be given the opportunity to collude.

4.8 All obvious lines of inquiry will be pursued.

4.9 Investigation reports will be completed to a high standard and all findings will be substantiated.

4.10 The person investigating the matter will have sound experience of conducting investigations.

4.11 Australia's legal framework prohibits retaliation against people who make a formal complaint or report incidents of bullying or harassment. Employers have a legal obligation to protect people from any form of retaliation, including verbal criticism.

4.12 The Shire will establish the position of Grievance Resolution Officer. The Grievance Resolution Officer will be trained to perform in the role and will ensure that when any allegation is made against an employee, that employee will be afforded every lawful right of response, defense and action.

4.13 The Shire will establish the position of Public Information Disclosure Officer. The Public Information Disclosure Officer will be trained to perform in the role and will ensure that when any allegation is made against an employee, that employee will be afforded every lawful right of response, defense and action. Grievances that constitute a disclosure of public information (as per the *Public Information Disclosure Act 2003*) will be dealt with through the Public Information Disclosure Policy.

4.14 All allegations of fraud or criminal conduct will be reported to the WA Police, the Corruption and Crime Commission and the Public Sector Commission.

Grievances to be Investigated

4.15 Under work health and safety legislation (and guiding documents), there are allegations that must be investigated and resolved, regardless of whether a complaint has been received in writing or not. These include (but are not limited to) allegations that a person or people in the workplace are:

a. Being bullied, harassed or discriminated against (refer to Bullying, Harassment and Diversity Policy).

b. Feeling mentally or physically unsafe.

c. Subject to behaviour that causes a psychosocial hazard resulting in increased anxiety, stress and overall mental health distress).

d. Engaged in criminal activity, including fraud, theft or serious misconduct.

Formal Investigations

4.16 If a grievance is not resolved through informal mechanisms (including mediation) the organisation will manage formal grievances by engaging an independent investigator specialising in workplace investigations when this is necessary to ensure compliance with workplace law and to avoid real or perceived conflict of interest

4.17 The workplace investigator (whether external or internal to the organisation) will:

a. Develop the terms of reference for the investigation, clarifying the key issues in the grievance.

b. Collect and collate information related to the grievance.

c. Considering all the information collected.

d. Draw conclusions objectively and impartially.

e. Specify a date by which the investigation should be completed, and a report provided to the parties about the outcome.

f. Inform the complainant and respondent about their rights and obligations under workplace law, the Code of Conduct and the organisation's policies and procedures.

g. Maintain procedural fairness for the person who is the subject of the grievance.

h. Make contemporaneous notes of discussions and interviews and, where practicable and appropriate, record discussions and interviews on audio or videotape (ensuring people are made aware they are being recorded).

i. Ensure strict security to maintain the confidentiality requirements of the *Privacy Act 1988*.

j. Will not engage in reprisal action nor threaten anyone with reprisal action nor criticise anyone for formalising a grievance. This is an offence under the *Public Information Disclosure Act 2003*, the *Work Health and Safety Act 2020* and the State Industrial Relations System.

Grievance against Employee

4.18 Employees are encouraged to address grievances informally by discussing concerns with the employee relevant to the complaint, the line manager or the Grievance Resolution Officer if they are comfortable to do so without increasing levels of stress and anxiety.

4.19 All parties should make every effort to resolve grievances lawfully, promptly and fairly.

4.20 If the informal grievance procedure does not result in resolution, the CEO may offer mediation as an option. Mediation is a voluntary process in which an impartial third party agreed to by both parties (who may be the Grievance Resolution Officer or an external consultant) facilitates communication and negotiation between the parties.

4.21 If the employee does not feel comfortable raising the grievance informally or if this informal approach does not work, formal mediation will be offered.

4.22 The mediator will work with both parties to explore potential solutions and to assist in reaching a mutually acceptable resolution. The mediator must be agreed by both parties.

4.23 If the grievance is not resolved informally, nor through mediation, the grievant may submit a written grievance to their line manager or the Grievance Resolution Officer. The written grievance should include a clear statement of the issue, relevant facts, and the desired resolution.

4.24 The Grievance Resolution Officer or an independent investigator will investigate the grievance. A meeting will be arranged separately with all parties and a written response provided within 10 working days. The CEO will decide on whether the Grievance Resolution Officer or an independent investigator will investigate the matter. The CEO must approve the response before it is provided.

4.25 If the complaint is about the line manager, the employee may escalate the complaint to an Executive Manager or the CEO.

4.26 For the duration of the investigation, measures will be put in place to ensure that the

complainant and the respondent are not in proximity unless they both ask to meet. Neither the complainant nor the respondent will be involved in deciding the process for nor outcomes of the investigation. This may mean that one or both people work from home.

Grievance against Executive Manager

4.27 The same process is to be followed as that detailed in 4.14 to 4.21 above. However, if the employee expresses concern either verbally or in writing that a higher level of independence is required, an independent consultant agreed by both parties will be engaged to investigate the allegation and provide appropriate recommendations. This is to avoid real or perceived conflict of interest. This may mean that one or both people work from home.

4.28 For the duration of the investigation, measures will be put in place to ensure that the complainant and the respondent are not in proximity unless they both ask to meet. Neither the complainant nor the respondent will be involved in deciding the process for nor outcomes of the investigation. This may mean that one or both people work from home.

Grievance against CEO

4.29 If the grievance is against the CEO, and the complaint is not resolved through informal mechanisms or mediation, the employee has the option of reporting the grievance to the Grievance Resolution Officer or the Shire President. An independent consultant agreed by both parties will be engaged to investigate the allegation and to provide appropriate recommendations to council. This is to avoid real or perceived conflict of interest.

4.30 For the duration of the investigation, measures will be put in place to ensure that the complainant and the respondent are not in proximity unless they both ask to meet. Neither the complainant nor the respondent will be involved in deciding the process for nor outcomes of the investigation. This may mean that one or both people work from home.

Grievance against Councillor

4.31 If the grievance is against a councillor, and the complaint is not resolved through informal mechanisms or mediation, it is at the discretion of the Shire President and Deputy Shire President as to whether:

- Council engages an independent investigator, agreed by both parties, to investigate and make recommendations to council on a resolution, to ensure compliance with 4.1 to 4.11 above. This is to avoid real or perceived conflict of interest.
- The Council Complaints Committee will be convened to investigate the matter and make recommendations to council on a resolution. Refer to Council Member, Committee Member and Candidate Code of Conduct.
- A complaint will be lodged in Regulation 11 of the Local Government (*Model Code of Conduct) Regulations 2021* (refer to Appendix 1 – Complaints Committee Terms of Reference, Employee Code of Conduct and the Council Member, Committee Members).

4.32 The option chosen to manage the grievance will align most closely with the nature of the grievance and the legislation governing that type of grievance to ensure compliance with all respective legislation.

4.33 If the grievance is about the Shire President or Deputy President, the remaining councillors will vote on a replacement.

4.34 For the duration of the investigation, measures will be put in place to ensure that the complainant and the respondent are not in proximity unless they both ask to meet. Neither the complainant nor the respondent will be involved in deciding the process for nor outcomes of the investigation. This may mean that one or both people work from home.

Vexatious Complaints

4.35 Whilst the organisation encourages employees and councillors to come forward with grievances that consider to be real, vexatious complaints or allegations made in bad faith will not be tolerated. Employees or councillors who engage in complaints that are proven to be vexatious may be subject to disciplinary action.

Rights of Individuals

4.36 When any allegation is made against an individual, the individual will be afforded every lawful right of response. The individual will be provided with:

a. The time, date, and details of the alleged activity that occurred.

b. The opportunity to bring a support person to every related meeting.

c. A review process.

Review Process

4.37 If the grievant is dissatisfied with the outcome of the formal procedure or mediation, they may request a review by the CEO, unless the grievance is about the CEO or a councillor.

4.38 In cases where the grievance is about the CEO or a councillor, the review may be requested from the Shire President.

4.39 In cases where the grievance is about the Shire President, the review may be requested from the Deputy Shire President.

Disciplinary Action for Substantiated Allegations

4.40 If the investigation substantiates the grievance, appropriate disciplinary action will be taken. The disciplinary action will be commensurate with the severity and type of the alleged misconduct.

Confidentiality

4.41 All parties involved in the grievance resolution process are expected to maintain confidentiality to the extent possible. Information related to the grievance should only be disclosed to those who have a legitimate need to know.

Non-Retaliation

4.42 It is unlawful for an employee or councillor to criticise an employee or councillor who has lodged an informal or formal grievance in good faith. Retaliation is a serious violation of this policy and will result in disciplinary action.

Not Satisfied

4.43 If a councillor or employee is not satisfied with the process used by the organisation to address a grievance or is not satisfied with the outcome of a grievance investigation, the councillor or employee can:

a. Apply to the Western Australian Industrial Relations Commission (WAIRC) for an order to stop bullying or sexual harassment at work. Stop bullying and sexual harassment provisions in the State Industrial Relations System allow individual public and private sector workers who are bullied or sexually harassed at work to make an application for

an order to stop bullying or sexual harassment. A union may also make an application on behalf of a member.

The stop bullying and sexual harassment provisions provide the WAIRC with the power to address a worker's bullying or sexual harassment allegations directly and promptly.

b. Apply to WorkSafe requesting an Improvement Notice, Prohibition Notice or Revoking, Suspending or Cancelling authorisations Notice

Inspectors may issue an Improvement Notice if they form a reasonable belief that a person is contravening a provision in the Work Health and Safety Act, or a contravention has occurred and it is likely that it will continue or be repeated. The workplace can usually continue to operate while the Improvement Notice is being actioned; however, the improvement notice will require the issue to be remedied within the period specified in the notice.

Prohibition Notices are intended to stop a workplace activity that involves a serious risk to a person's health or safety emanating from an immediate or imminent exposure to a hazard. The Prohibition Notice is there to prohibit the activity until the inspector is satisfied that the risk has been remedied.

Revoking, suspending or cancelling authorisations is when the regulator decides to revoke, suspend or cancel a person's authorisation in order to deal with inappropriate conduct, or practices identified during inspection work, or as a result of information received.

c. Report the matter to the Ombudsman for investigation at:

https://www.ombudsman.wa.gov.au/Complaints/Making_complaints.htm

d. Report the matter to the Department of Energy, Mines, Industry, Regulation and Safety for investigation at:

https://www.commerce.wa.gov.au/labour-relations

e. Take legal action against an individual or the organisation through court action.

5. Risk Management

The risks of not having this policy in place include:

5.1 An unfair, covert, unlawful and inefficient process is used to address and resolve grievances.

5.2 Workplace bullying, harassment and discrimination is enabled.

5.3 Unlawful, inappropriate and unethical standards of workplace behaviour are established and promoted.

5.4 Non-compliance with the Employee Code of Conduct and the Council Member, Committee Members and Candidate Code of Conduct.

5.5 Non-compliance with:

- *Corruption, Crime and Misconduct Act 2003*
- *Industrial Relations Act 1979*
- *Local Government Act 1995*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Local Government Officers' (Western Australia) Award 2021*
- *Minimum Conditions of Employment Act 1993*

- *Municipal Employees (Western Australia) Award 2021*
- *Privacy Act 1988*
- *Public Information Disclosure Act 2003*
- *Work Health and Safety Act 2020*
- *Work Health and Safety Regulations 2022*

5.6 Non-compliance with principles and procedure defined by the Western Australian State Industrial Relations System when responding to grievances.

6. Accountabilities and Responsibilities

6.1 Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

6.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

6.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

6.4 All employees are individually responsible for complying with this policy document.

7. Reference Documents

Act	• *Corruption, Crime and Misconduct Act 2003* • *Industrial Relations Act 1979* • *Local Government Act 1995* • *Local Government (Model Code of Conduct) Regulations 2021* • *Local Government Officers' (Western Australia) Award 2021* • *Minimum Conditions of Employment Act 1993* • *Municipal Employees (Western Australia) Award 2021* • *Privacy Act 1988* • *Public Information Disclosure Act 2003* • *Work Health and Safety Act 2020* • *Work Health and Safety Regulations 2022*
Regulation	n/a
Local Law	n/a
Policy	P1 – Bullying, Harassment and Diversity Policy P4 – Professional Development Policy

	P5 – Performance Review and Management Policy P6 – Underperformance and Misconduct Policy P7 – Redundancy, Redeployment and Termination Policy
Procedure	
Other Documents	Employee Code of Conduct Council Member, Committee Member and Candidate Code of Conduct

8. Version Control

Version	Date	Author	Amendments
V1	30 November 2023	N Gibbs	Original Document
V2	25 July 2024	N Gibbs	Rectify inconsistencies in dispute process across multiple policy documents.
Review Date	30 November 2026		Three year review

15.11 Adopt the reviewed P 9 - Responding to Emergency Incidents During Work Hours Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. P 9 - Responding to Emergency Incidents During Work Hours Policy ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 185-24/25

Moved: Councillor T Lansdell
Seconded: Councillor T Pratico

That Council adopt the reviewed P 9 - Responding to Emergency Incidents During Work Hours Policy.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

Cr Christensen noted that the Australia Red Cross is listed twice at Section 4.7 – please remove one. CEO committed to amending this.

IN BRIEF

The reviewed P 9 – Responding to Emergency Incidents During Work Hours Policy supports Shire employees who volunteer for emergency services, allowing them to respond to incidents during work hours. The policy outlines notification requirements, ensures compensation for time spent on emergency responses, and maintains compliance with relevant legislation and safety protocols. The policy aligns with the Shire of Bridgetown-Greenbushes' Enterprise Bargaining Agreement (EBA) and the *Emergency Management Act 2005* (WA).

The P 9 - Responding to Emergency Incidents During Work Hours Policy has been amended in an attempt to address work health and safety concerns raised by the Department of Fire and Emergency Services (DFES), the Local Government Insurance Scheme and Shire employees. The concern is that when emergency services volunteers leave paid employment to attend to an emergency incident, they could potentially create a work health and safety risk in the workplace or at the emergency incident site, if approval structures are not put in place. Specifically, the structures are necessary to ensure that:

- DFES or the other responding agency needs the person to attend to the incident;

- That an agency is aware of the location of the person and the functions the person is performing; and
- Leaving the workplace does not create a work health and safety risk at the workplace.

Officers first tabled this agenda paper at the March 2024 Ordinary Council Meeting (OCM). However, officers withdrew the paper once Councillors raised concern that it may conflict with the National Employment Standards, the *Municipal Employees (Western Australia) Award 2021* and the *Local Government Officers (Western Australia) Award 2021*.

Western Australian local governments do not fall under the auspice of the National Industrial Relations System and so the National Employment Standards do not apply. The State Industrial Relations System is silent on volunteers responding to emergency incidents during work hours.

Similarly, neither the *Municipal Employees (Western Australia) Award 2021*, nor the *Local Government Officers (Western Australia) Award 2021* makes reference to volunteers responding to emergency incidents during work hours.

The Department of Fire and Emergency Services (DFES) provides the following on-line information on the agency site:

"Information for employers of emergency services volunteers

Emergency services volunteer employers play a vital role in keeping Western Australians safe. Without their support, many incidents and emergencies would not receive the support and response required.

It is encouraged that employees are released during business hours to respond to an incident. However, employers have the final say on whether an employee may leave work, even during an emergency situation declaration."

Nonetheless, as an anomaly, the Shire has an Enterprise Bargaining Agreement (EBA) with the 'outside' employees, entitled the 'Shire of Bridgetown-Greenbushes Outside Works Staff Enterprise Bargaining Agreement 2023.' The EBA is relevant to this policy, but is only applicable to 'outside employees.'

MATTER FOR CONSIDERATION

Council to consider adopting the amended P 9 - Responding to Emergency Incidents During Work Hours Policy.

BACKGROUND

The 'P 9 – Responding to Emergency Incidents During Work Hours Policy' was first implemented in 1999 to address the infrequent need for employees registered as an emergency services volunteer to assist with incidents during work hours. Since its inception, the policy has guided employees on the conditions under which paid Shire employees may assist with these emergencies.

The policy is now due for review. The updated policy document has undergone only minor amendments to:

- Align with the intent and provisions of the new *Work Health & Safety Act 2020*.
- Refine alignment with the intent and provisions of the *Emergency Management Act 2005*.
- Provide more clarity on the conditions under which a paid employee can respond to an emergency incident during work hours.

The potential consequences of not amending and adopting the reviewed policy include:

- An employee does not respond to an emergency incident due to a lack of information on the eligibility criteria, the process for responding or the payment arrangements.
- The organisation is unaware that an employee is responding to an emergency incident, potentially posing a work, health and safety issue for that employee.
- An employee creates a work, health and safety issue by leaving the Shire to respond to an emergency incident when other employees are depending on the employee to perform an organisational role (e.g. outsides employees).
- The employee is not paid when responding to an emergency incident.
- The employee leaves the organisation short-staffed when responding to the emergency incident when she or he was not required.

National Employment Standards

All local governments in Western Australia operate under the State Industrial Relations System, not the National System. Therefore, the *Fair Work Act 2009* and the National Employment Standards do not apply. The State System does not specifically reference emergency services response nor similar services.

AWARDS

The Shire of Bridgetown-Greenbushes operates under the *Municipal Employees (Western Australia) Award 2021* and the *Local Government Officers (Western Australia) Award 2021*. Neither of these two documents reference volunteer emergency services response nor similar services.

Emergency Management Act 2005 (WA):

State Industrial Relations System volunteer employees in Western Australia do not have any legislated protection for their employment rights except under the *Emergency Management Act 2005*.

Sections 91-94 of the *Emergency Management Act 2005* (WA) provide protections for employees engaged in emergency management responses. Under these sections:

- Employees have a right to be paid while attending an emergency incident.
- Employees are protected from victimisation due to their absence from work while responding to emergencies.
- Employees must reasonably establish their involvement in an emergency management response to be entitled to these protections.

The amended P 9 – Responding to Emergency Incidents During Work Hours Policy document has been amended to ensure the organisation captures these protections, while continuing to provide for the safety of the organisation's employees, by putting in place process to ensure employees reasonably establish their involvement in an emergency management response and so are entitled to these protections.

Section 92 of the *Emergency Management Act 2005* (WA) states that:

"An employee who is absent from the employee's employment because the employee is carrying out an emergency management response is entitled to be paid by the person's employer remuneration for the period of the employee's absence calculated at the employee's ordinary rate of remuneration."

Payment is only applicable to an emergency management response, which is defined as 'the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery.' Payment is not due if an employee chooses to partake in emergency management prevention, preparedness or recovery work.

Entitlements such as long service leave, personal/carer's leave and annual leave will continue to accrue for the duration of the absence.

Enterprise Bargaining Agreement (EBA):

While neither the National Employment Standards nor Awards are relevant to the reviewed policy, there is an Enterprise Bargaining Agreement that is relevant.

The Shire has an anomaly in that the Enterprise Bargaining Agreement with its 'outside' employees, entitled the 'Shire of Bridgetown-Greenbushes Outside Works Staff Enterprise Bargaining Agreement 2023' states (Clause 7.4):

"Employees who are members of specified emergency services will be released to attend emergency incidents during work hours without loss of entitlements. These services include:

- Bridgetown Volunteer Fire and Rescue
- St John Ambulance Bridgetown
- State Emergency Services Bridgetown
- Australian Red Cross Bridgetown
- Any Bush Fire Brigade within the Shire of Bridgetown-Greenbushes

In accordance with the relevant principles of interpretation, clause 7.4 of the EBA operates to the effect that an 'outside employee' can be released by the Shire to attend an emergency incident when they are called to do so.

However, there are some requirements that need to be met before clause 7.4 is invoked:

- The employee must be a member of certain emergency services entities, which are essentially the same entities as listed in the draft policy.
- The employee must be 'called out to attend to an emergency' by one of those entities.

Again, the amended policy puts in place process to ensure that the above two requirements have been met.

Unfortunately, during this research, it has become apparent that the 'inside employee' EBA was never registered. The result of this is the organisation has potentially established different conditions for 'inside' and 'outside' employees. 'Inside' employees do not have a registered EBA providing for them to attend to emergency incidents during work hours.

Legal and Policy Context and Obligations

The Shire can put the following lawful parameters in place around employees attending emergency incidents during work hours.

<u>Notification Requirement:</u>

Employees must notify their direct supervisor or their Executive Manager before leaving to attend an emergency incident.

This notification will include:

- Expected period of absence (if available).

- Details of the emergency incident (general location is sufficient).
- The emergency service organisation requesting their response.

Evidence Submission:

If requested by the Executive Manager or CEO because of discrepancies in information, the volunteer must provide:

- Membership of the emergency service (if not previously provided).
- Details of the emergency incident.
- Nature of the activities undertaken during the response.
- Period of absence from work.
- Confirmation that the employee was requested to respond or that it was reasonable to expect such a request.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.2.7(2)(b) *Local Government Act 1995* – The council is to determine the local government's policies

Municipal Employees (Western Australia) Award 2021

Local Government Officers (Western Australia) Award 2021.

Shire of Bridgetown-Greenbushes Outside Works Staff Enterprise Bargaining Agreement 2023 (Clause 7.4)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

13 Proactive, visionary leaders who respond to community needs.

13.1 Strengthen leadership and advocacy.

14 Effective governance and financial management.

14.1 Achieve excellence in organisational performance and service delivery.

15 A well informed and engaged community.

15.1 Engage the community in a meaningful and timely way using appropriate communication and consultation channels.

CORPORATE BUSINESS PLAN

Objective 13.1 Strengthen leadership and advocacy.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The risk area identified according to Policy RM 1 – Risk Management is potentially LOW to EXTREME, depending on the level of incident attended.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

NIL

P 9 – Responding to Emergency Incidents During Work Hours

1 Objective

The objectives of the Responding to Emergency Incidents During Work Hours Policy are to ensure:

1.1 Employees who are registered and trained emergency services volunteers ae able to respond to emergency incidents during employment hours and are not financially or otherwise penalised for doing so.

1.2 The organisation is aware that an employee is responding to an emergency incident, reducing the risk of a work, health and safety issue for that employee and others that might be impacted.

1.3 The employees do not leave the organisation short-staffed when responding to an emergency incident they were not required to attend.

1.4 All employees are afforded their work health and safety rights and conditions.

1.5 Compliance with the *Emergency Management Act 2005* (Section 92), *Shire of Bridgetown-Greenbushes Outside Works Staff Enterprise Bargaining Agreement 2023* (Clause 7.4) and the *Work Health and Safety Act 2020*.

2 Scope

This policy applies to all employees who are registered members of an emergency management agency, including Volunteer Fire and Rescue Services Brigade (VFRS), Volunteer Bush Fire Brigade (BFB), Volunteer Fire and Emergency Services (VFES), Volunteer Fire Services (VFS), Volunteer Marine Rescue Service (VMRS), State Emergency Service (SES), St John's Ambulance and Australian Red Cross.

3 Definitions

3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.2 Emergency Incident

means any situation to which the emergency services organisation responds to deliver emergency services, including rescue, fire suppression, emergency medical care, special operations, law enforcement, and other forms of hazard control and mitigation.

3.3 Emergency Services

means services registered by an emergency management agency, including Volunteer Fire and Rescue Services Brigade (VFRS), Volunteer Bush Fire Brigade (BFB), Volunteer Fire and Emergency Services (VFES), Volunteer Fire Services (VFS), Volunteer Marine Rescue Service (VMRS), State Emergency Service (SES), St John's Ambulance and Australian Red Cross.

3.4 Emergency Response

means the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery. Emergency response does include emergency management prevention, preparedness or recovery work.

3.5 Employee

means a worker who performs work under the direction and control of their employers, works fixed hours and is paid for the work.

3.6 Worker

means any person who carries out work for a PCBU, including work as an employee, councillor, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Council supports employees who want to volunteer as registered members of an emergency service within the Shire.

4.2 Employees must notify the Shire of their membership with any voluntary emergency service organisation and provide reasonable evidence of the membership.

4.3 Employees must notify the Shire before leaving work during work hours to respond to an emergency incident.

4.4 When an employee has been called to respond to an emergency incident and will be absent from employment, the employee must (before the employee ceases work or otherwise becomes absent from employment) give notice to their direct Supervisor or their Executive Manager of:

4.4.1 Expected period of absence (if available).

4.4.2 Details of the emergency incident (general location is sufficient).

4.4.3 The emergency service organisation requesting their response.

4.5 If requested by the Executive Manager or CEO because of discrepancies in information provided, the volunteer must provide:

4.5.1 Membership of the emergency service (if not previously provided).

4.5.2 Details of the emergency incident.

4.5.3 Nature of the activities undertaken during the response.

4.5.4 Period of absence from work.

4.5.5 Confirmation that the employee was requested to respond or that it was reasonable to expect such a request.

4.6 If no such request was made, the employee may be asked to provide evidence to establish that it would be reasonable to expect that such a request would have been made if the circumstances had permitted the making of such a request, including but not limited to whether other emergency services personnel were available to respond to the emergency incident.

4.7 The emergency services are those defined under the Local Emergency Management Arrangements (LEMA). Specifically, these are:

- Volunteer Fire and Rescue Services Brigades (VFRS)
- Volunteer Bush Fire Brigades (BFB)
- Volunteer Fire and Emergency Services (VFES)
- Volunteer Marine Rescue Service (VMRS)

- State Emergency Service (SES)
- St John's Ambulance
- Australian Red Cross

4.8 Employees attending emergencies during work hours will be covered by the insurance arrangements and legislative provisions relevant to their respective emergency service, not the employee arrangements.

4.9 In accordance with Section 92 of the *Emergency Management Act 2005* (WA),

"An employee who is absent from the employee's employment because the employee is carrying out an emergency management response is entitled to be paid by the person's employer remuneration for the period of the employee's absence calculated at the employee's ordinary rate of remuneration."

4.10 Payment is only applicable to an emergency management response, which is defined as "the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery." Payment is not due if an employee chooses to partake in emergency management prevention, preparedness or recovery work.

4.11 Entitlements such as long service leave, personal/carer's leave and annual leave will continue to accrue for the duration of the absence.

4.12 Employees attending to assist emergency services must comply with Section 22.5 of the *Local Government Officers (WA) Award 2021*, and *Municipal Employees (Western Australia) Award 2021* that specifies that an employee must have 10 hours of rest period between the termination of his/her work and the start of his/her ordinary hours of work.

5 Accountabilities and Responsibilities

5.1 Council is accountable and responsible for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable and responsible for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and Council directives.

5.3 The Executive Management Team and Managers are accountable and responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

The potential consequences of not having a Responding to Emergency Incidents During Work Hours include:

6.1 Employees do not respond to emergency incidents because they are unaware of eligibility, the approval process and the fact that they will be paid.

6.2 The organisation is unaware that an employee is responding to an emergency incident, posing a work, health and safety issue for that employee.

6.3 An employee creates a work, health and safety issue by leaving the Shire to respond to an emergency incident when other employees are depending on the employee to perform an organisational role (e.g. outdoors employees).

6.4 The employee is not paid for the time that they are responding to an emergency incident.

6.5 The employee leaves the organisation short-staffed when they were not required to respond to an emergency incident.

6.6 Non-compliance with the *Emergency Management Act 2005* (Section 92), *Shire of Bridgetown-Greenbushes Outside Works Staff Enterprise Bargaining Agreement 2023* (Clause 7.4) and the *Work Health and Safety Act 2020.*

7 Reference Documents

Act	• *Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies • *Emergency Management Act 2005* s.92 – Protection of employment rights (1) For the purpose of calculating the entitlement of an employee to long service leave, sick leave, recreational leave or other benefits to which the employee is entitled, the continuity of service of the employee is to be taken not to have been broken only by the employee's absence from the employment because the employee was carrying out an emergency management response. (2) An employee who is absent from the employee's employment because the employee is carrying out an emergency management response is entitled to be paid by the person's employer remuneration for the period of the employee's absence calculated at the employee's ordinary rate of remuneration, determined in accordance with the regulations, on the time that the employee would ordinarily have worked had the employee worked his or her scheduled work time.
Regulation	• *r.19A Local Government (Administration) Regulations 1996*
Local Law	n/a
Policy	n/a
Procedure	n/a
Other Documents	• *Local Government Officers (WA) Award 2021* • *Municipal Employees (Western Australia) Award 2021*

8 Version Control

Version	Date	Author	Amendments
V1	29 April 1999	T Clynch (CEO)	Original document
V2	28 April 2022	T Clynch (CEO)	Three year review
V3	19 July 2024	N Gibbs (CEO)	Three year review
Scheduled Reviewed Date	19 July 2027		

15.12 Adopt P 14 - Alcohol and Other Drug Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. P 14 - Alcohol and Other Drug Policy ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

MOTION

Moved: Councillor T Pratico
Seconded: Councillor T Lansdell

That Council adopt the P 14 – Alcohol and Other Drug Policy.

RESOLUTION: OCM 186-24/25

AMENDMENT

Moved: Councillor R Redman
Seconded: Councillor M Christensen

1. Amend 1.3 and 1.4 to add "through the Employee Assistance Program" at the end.
2. Amend 1.1 to read - Ensure the health, safety, and wellbeing of all workers and the public. Remove "by maintaining a drug-free environment" at the end.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

The amendment was incorporated into the substantive motion and was put.

RESOLUTION: OCM 187-24/25

Moved: Councillor R Redman
Seconded: Councillor M Christensen

That Council adopt the P 14 – Alcohol and Other Drug Policy with the following amendments to be made.

1. Amend 1.3 and 1.4 to add "through the Employee Assistance Program" at the end.

2. Amend 1.1 to read - Ensure the health, safety, and wellbeing of all workers and the public. Remove “by maintaining a drug-free environment” at the end.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The proposed P 14 - Alcohol and Other Drugs Policy aims to safeguard the health, safety, and productivity of our workforce and the public by establishing a clear framework for managing and mitigating the impacts of alcohol and drug use in the workplace. The policy sets out comprehensive measures to prevent substance abuse, enforce compliance with legal standards, and provide support to those in need. It emphasises the importance of maintaining a drug-free workplace, outlines the responsibilities of all stakeholders, and includes procedures for testing and managing substance-related incidents.

MATTER FOR CONSIDERATION

Whether council adopts the P 14 – Alcohol and Other Drug Policy.

BACKGROUND

The introduction of the P 14 - Alcohol and Other Drugs Policy is a proactive measure to address the growing concerns related to substance misuse in the workplace. Substance abuse can severely affect employee performance, safety, and well-being, leading to increased risks, lower productivity, and potential legal liabilities for the organisation.

Key aspects of the policy include:

Health and Safety: The policy prioritises maintaining a safe work environment by ensuring employees are fit for duty and not impaired by alcohol or drugs.

Compliance: It aligns with local, State, and Federal laws regarding substance use and establishes procedures for compliance and enforcement.

Support and Education: The policy provides access to educational resources and support services to prevent substance abuse and assist those struggling with addiction.

Testing and Enforcement: It introduces clear guidelines for alcohol and drug testing, including random testing and testing post-accidents or incidents, to deter and identify substance misuse.

Confidentiality and Respect: The policy ensures that all cases related to substance abuse are handled with confidentiality and a supportive approach, encouraging early intervention and assistance.

Implementing this policy will not only fulfill our legal and moral obligations but also foster a healthier, safer, and more productive work environment. Adopting this policy underscores our commitment to the well-being of our employees and the community at large.

The adoption of this policy does not compel the organisation to drug test employees but affords the organisation that option if required.

STATUTORY ENVIRONMENT

Local Government Act 1995

Work Health & Safety Act 2020

POLICY IMPLICATIONS

P 18 – Performance Management

P 20 – Professional Development and Performance

P 9 - Release of Staff to Assist Emergency Services

P 3 – Grievance Resolution Policy

FINANCIAL IMPLICATIONS

Minimal compared to the risk of not testing employees demonstrating behaviour that may indicate that they are under the influence.

STRATEGIC COMMUNITY PLAN

3 A safe community for people and animals.

13 Proactive, visionary leaders who respond to community needs.

14 Effective governance and financial management.

CORPORATE BUSINESS PLAN

Safe, affordable and efficient movement of people and vehicles.

LONG TERM FINANCIAL PLAN

Nil.

ASSET MANAGEMENT PLANS

Nil.

WORKFORCE PLAN

To be introduced when the document is reviewed.

RISK MANAGEMENT

The Risk Rating is LOW if the policy is adopted.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

P 14 – Alcohol and Other Drugs Policy

1 Objectives

The objectives of the Alcohol and Other Drugs Policy are to:

1.1 Ensure the health, safety, and well-being of all workers and the public.

1.2 Ensure compliance with local, State and Federal laws and regulations regarding the use, possession, and distribution of alcohol and other drugs.

1.3 Provide education and resources to prevent substance abuse and promote responsible behaviour regarding alcohol and drug use through the Employee Assistance Program.

1.4 Offer support services for individuals struggling with substance abuse, including counselling programs through the Employee Assistance Program.

1.5 Maintain a productive work and educational environment by minimising the negative impacts of alcohol and drug use on performance and productivity.

1.6 Clearly communicate the policy and its expectations to all members of the organisation, including the consequences of policy violations.

1.7 Encourage early identification and intervention for substance abuse issues to prevent escalation and reduce the impact on the individual and community.

1.8 Ensure respect and confidentiality in the handling of substance abuse cases, providing a supportive approach to those seeking help.

2 Scope

This policy applies to all employees.

3 Definitions

3.1 Alcohol

means any substance or beverage that contains ethyl alcohol. This includes, but is not limited to wine, cider, beer, pre-mix drinks and spirits.

3.2 Alcoholism

means a dependence upon alcohol to the extent of noticeable mental disturbance, interference with bodily or mental health, and effects on interpersonal relations or work performance.

3.3 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

3.4 Drug

means illegal substances or a medically prescribed substance that may affect the employee's work performance. Common drugs of abuse include (but are not limited to) benzodiazepines, cannabis, cocaine and opioids.

3.5 Drug Dependence

means a state, psychic and/or physical, resulting from the reaction between a living organism and a drug, characterised by behavioral and other responses that always include a compulsion to take the drug either constantly or repeatedly to experience its effect, or to avoid the discomfort of its absence.

3.6 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also known as staff.

3.7 Fit For Duty

means presenting for work in a state which is physically, mentally and emotionally capable of safely performing the inherent functions of a job role.

3.8 Serious Misconduct

means an employee deliberately behaving in a way that is inconsistent with continuing their employment. Examples include causing serious and imminent risk to the health and safety of another person or to the reputation or profits of their employer's business, theft, fraud, assault, sexual harassment or refusing to carry out a lawful and reasonable instruction that is part of the job. Another known term is misconduct.

3.9 Worker

means a part-time or full-time employee, casual employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

The Shire has zero tolerance for the misuse of alcohol and other drugs and will always prioritise the health and safety of workers and the public. Employees affected by alcohol or other drugs at work endanger themselves, other workers and the public.

The following work risks increase because of alcohol and other drug misuse:

a. Prosecution under Work Health and Safety legislation
b. Physical harm or death
c. Mental stress or long-term harm
d. Reduced productivity
e. Financial damage
f. Reputational damage

Both suspected and apparent cases of employees being affected by alcohol and/or other drugs at work must be closely managed. Certain medical conditions and prescription drugs can produce behavioral changes like the effects of consuming alcohol or illegal drugs.

4.1 Fitness for Work

Employees must present themselves for work in a fit state so that when undertaking normal work activities, they do not expose themselves, their co-workers or the public to unnecessary risks to health and safety.

It is the employee's responsibility to advise their supervisor if they are taking any prescribed drug or

medication that may affect their fitness for duty or work performance. The individual should also find out from their doctor or pharmacist what the effects of any prescribed drugs are on their work performance.

4.2 Alcohol in the Workplace

During normal business hours, the CEO may permit the consumption of alcohol where circumstances warrant (e.g. Christmas party, staff social club, team building exercises, recognising effort etc.). Soft drink, water and substantial food will also be provided at these functions.

4.3 Illegal Drugs

Any evidence of criminal activity concerning the sale, possession or distribution of illegal drugs in any Shire workplace will be reported to WA Police and will result in summary dismissal.

5 Procedures

Conducting alcohol and other drug testing is necessary for workplace health and safety reasons. The aim is to deter employees from entering the workplace and carrying out their duties whilst affected by alcohol and/or other drugs, thus placing themselves and others at risk of injury.

Modern breathalyzer testing is highly accurate and simple to carry out for detecting alcohol presence. Drugs are generally administered via ingestion, injection, inhalation or smoking. Upon entering the blood stream, the drugs are rapidly metabolized and are distributed via metabolic processes. Many drugs and their metabolites are detectable in urine and can be identified by drug screening procedures.

5.1 Testing Procedure

Testing will be undertaken under the following circumstances:

a. As part of an employee pre-employment medical by a medical practitioner.

b. Where there is the suspicion of an employee being under the influence of alcohol or other drugs.

c. When any employee suspects that another employee is under the influence of alcohol or other drugs.

d. At random.

The employee will be advised that they are suspected to be under the influence of alcohol or other drugs and screening tests will be carried out.

The employee subject to the testing may ask for an independent witness, who must be available immediately. If the witness is not immediately available, the tester will organise a witness.

5.2 Random Testing

All Shire employees will be tested a minimum of two times per twelve month period. The selection process of employees to be tested will be determined by the Executive Manager or any qualified collector or the Work Health & Safety Officer. Randon testing may be carried out at any working time and or any working day. Random testing will not occur during or after authorised functions where the consumption of alcohol has been approved by Council or the CEO.

5.3 Testing following any Traffic Incident or Accident

Following any traffic accident, the employee driving a motor vehicle or heavy equipment vehicle, or an individual associated with the accident, may be alcohol and other drug tested.

5.4 Testing following any Incident or Accident at the Shire Works Depot, Administration Office or Site Works

Following any incident/accident within the areas mentioned above, the employee, or an individual associated with the incident/accident, may be alcohol and other drug tested.

5.5 Failure to Undertake Testing

All alcohol and drug testing will be undertaken during normal business hours. If an employee refuses the test, the employee will be advised that refusal supports the suspicion of the employee being under the influence of alcohol or other drugs. If refusal persists, the employee will be sent home without pay and be required to undergo testing before resuming work. Serious misconduct charges may be enforced.

5.6 Authorised Testers

Consistent with the Shire's obligation to provide a safe workplace for its employees, the Fitness for Work procedure will be used with respect to the prevention of impairment because of alcohol and/or other drugs.

In the presence of the employee's witness, testing may be undertaken by:

a. Alcohol – undertaken by a hand-held breathalyzer unit in accordance with AS3547– by a Nationally Recognised Drug and Alcohol Testing Officer or a medical practitioner appointed by the Shire.

b. Drugs – undertaken by Oral fluid (saliva) sample in accordance with AS4760:2006 – by a Nationally Recognised Drug and Alcohol Testing Officer or a medical practitioner appointed by the Shire.

5.7 Positive Results from Alcohol and Drug Testing

The test results delivered by the Testing Authority will be binding on the employee.

5.8 Positive Test at Work

The Shire has a zero-tolerance policy to alcohol or other drug misuse at work. If a breathalyzer test indicates 0.005% BAC (Blood Alcohol Concentration) or more, the employee will be subject to the procedures in the P6 – Underperformance and Misconduct Policy and may be subject to termination of employment.

5.9 Privacy and confidentiality

Privacy and confidentiality must be observed during the work health and safety consultation process. Information relating to the issue must only be passed on when in accordance with the *Privacy Act 1988* and where necessary to effectively deal with the issue.

6 Breaches

Employees breaching this policy may be performance managed up to and including termination of employment. Employees may also expose themselves to criminal or civil action. All allegations of misconduct under this policy will be investigated using the P 4 – Grievance Resolution Policy.

7 Accountabilities & Responsibilities

7.1 Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective

manner.
- Delegating implementation of each policy document to the CEO.

7.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

7.3 The Executive Management Team and Managers is responsible for:
- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

7.4 All employees are individually responsible for complying with this policy document.

8 Risk Management

If an Alcohol and Other Drugs Policy is not in place the risks include (but are not limited to):

8.1 The health, safety, and well-being of workers and the public is at risk.

8.2 Non-compliance with local, State and Federal laws and regulations regarding the use, possession, and distribution of alcohol and other drugs.

8.3 No education or resources to prevent substance abuse and promote responsible behaviour regarding alcohol and drug use.

8.4 The negative impacts of alcohol and drug use impact performance and productivity.

8.5 The policy and its expectations are not communicated clearly to all members of the organisation.

8.6 Substance abuse issues escalate the impact on the individual and community increases.

8.7 No respect or confidentiality in the handling of substance abuse cases.

9 Reference Documents

Act	• *Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies • *Work Health & Safety Act 2020* • *Work Health & Safety Regulation 2011* • *Industrial Relations Act 1979* • *Transportation Operation (Road Use Management) Act 1995* • AS/NZS4760-2019 Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid
Regulation	n/a
Local Law	n/a
Policy	• P 3 - Grievance Policy • G 15 – Work Health and Safety Policy • Employee Code of Conduct
Procedure	n/a
Other Documents	• Work Health and Safety Management Plan

10 Version Control

Version	Date	Author	Amendments
V1	24 May 2024	E Browne (Manager, Culture and People).	Original Document
V2	24 May 2027		Three year review
Scheduled Reviewed Date			

15.13 Adopt CE 3 - Commemorative Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. CE 3 - Commemorative Policy ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 188-24/25

Moved: Councillor M Christensen
Seconded: Councillor R Redman

That Council adopts the CE 3 - Commemorative Policy.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The CE 3 – Commemorative Policy is designed to honour and celebrate the contributions of individuals, families, groups, features and significant events that have positively impacted our community. This policy outlines a structured and fair process for naming, placing or dedicating public features such as roads, buildings, statues, natural features and other landmarks. It ensures that such commemorations are meaningful, community-supported, and reflective of our region's heritage and values. By adopting this policy, council will provide a standardised approach for commemorative applications, ensuring transparency, inclusivity, and community engagement.

MATTER FOR CONSIDERATION

Council considers adopting the CE 3 - Commemorative Policy.

BACKGROUND

Communities thrive on the recognition and celebration of their members' contributions. Our region is rich in history and community spirit, with numerous individuals and groups having made significant impacts. However, the absence of a formal policy to guide commemorative actions has led to inconsistency and occasional controversy.

The CE 3 – Commemorative Policy addresses these issues by providing clear guidelines and processes for the commemoration of deserving parties. Key features of the policy include:

Objectives: The policy aims to offer an avenue to honour those who have significantly contributed to the community's wellbeing. It establishes the procedures and factors to consider for naming or placing commemorative features within the local government area, either through council initiation or community applications.

Scope: The policy applies to all workers and the public, defining the terms and outlining the responsibilities of Councillors, employees, and community members in the commemorative process.

Application Process: The policy delineates the procedures for naming geographic features in accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia. It also covers non-geographical commemorations, such as public ceremonies, statues, and community buildings. Applications must be supported by substantial evidence of the significance and community backing.

Community Consultation: The policy emphasises the need for robust community engagement and consultation, ensuring that commemorative actions are supported and appreciated by the broader community. Notifications and consultations are mandated for a period of no less than 28 days to gather community input.

Cultural Sensitivity: Special provisions are included for recognising Aboriginal contributions, ensuring that commemorative names in Aboriginal languages are appropriately selected and approved through consultation with local Aboriginal communities.

Transparency and Accountability: The policy establishes clear accountability at every level—from the council to individual employees—to ensure that commemorative actions are conducted lawfully, transparently, and in accordance with community values.

Adopting this policy will mitigate the risks associated with an ad hoc approach to commemorations, such as lack of transparency, insufficient community consultation, and potential conflicts. It aligns with the *Local Government Act 1995* (which allows for Council to develop policies) and reinforces our commitment to celebrating and preserving our community's legacy in a respectful and organised manner.

The implementation of this policy will not only honour past contributions but will also strengthen community bonds and pride in our shared heritage. It is a vital step towards recognising and preserving the stories and achievements that shape our community.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

CR 3 - Community Engagement

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

1 A growing community that is diverse, welcoming and inclusive.

2 Good health and community wellbeing.

CORPORATE BUSINESS PLAN

Outcome 8 – Local history, heritage and character is valued and preserved.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Risk rating is low.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

Shire of Bridgetown-Greenbushes

CE 3 – Commemorative Policy

1 Objectives

The objectives of the Commemorative Policy are to:

a. Provide an avenue to commemorate individuals, families and groups who have contributed to community-wellbeing on a significant scale.
b. Outline the factors to be considered and the procedure to be undertaken when naming, purchasing or placing features within the local government area, through either Council initiation or community application.
c. Provide additional guidelines for commemorative naming, including the procedure for applying.
d. Advise of minimal community consultation expectations.

2 Scope

This policy applies to all workers and the public.

2.1 Commemorate

means to remember officially and give respect to a great person, great people, natural feature, people-made feature or event (e.g. public ceremony, statue, building, plaque, bench, road, park, bridge, mountain, river etc.).

2.2 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government Councillors, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

2.3 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also known as staff.

2.4 Worker

means a part-time or full-time employee, casual employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

3 Policy

Council is supportive of commemorating individuals, families and groups who have contributed to community wellbeing on a significant scale.

To ensure transparency, accountability and reasonableness in deciding who or what is to be commemorated, applicants must adhere to the following procedures.

3.1 Application Process

a. All naming of geographic features will be undertaken in accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia. This includes:

- Roads
- Reserves
- Topographic features
- Buildings owned by the State or Commonwealth Government
- Bridges

b. Commemoration of non-geographical features is at the discretion of Council. Non-geographical features that are not under Landgate's remit include:
- Public ceremonies
- Statues
- Buildings owned by the Shire
- Plaques
- Benches
- Trees
- Gardens

c. Commemoration may take the form of:
- Commemorative naming, after a person, organisation, group, structure or feature.
- Commemorative celebration and/or recognition of an event.
- A significant non-Aboriginal or Aboriginal name.
- A logical description of a location.
- A logical description of a purpose or function.

d. Preference will be given to proposed names based on logical descriptions of location, or purpose or function. Variation from this will require additional justification and/or broader community support.

3.2 Process

a. An application may be made at any point by a community member or organisation or initiated by Council. The application must be submitted in writing, and include an application form, reason for the proposed name, evidence of significance of the proposed name, and evidence of community support.

b. Evidence of significance may include (but is not limited to):
- Detailed description with specific information on why a person or people should be publicly commemorated.
- Recorded historical information.
- Description of relevance to the Bridgetown-Greenbushes region and/or community.
- Record of service with community groups or clubs.
- Record of contribution to the community.
- Record of association with the location or feature proposed to be named.
- Record of national or international reputation.

c. Evidence of community support may include, but not be limited to (in writing):
- Community confirmation on the detailed description with specific information on why a person or people should be publicly commemorated (see b. above).
- Support from members of the family, friends or community if relevant.
- Support from members of the club or association.
- Support from residents or businesses surrounding the feature proposed to be named.

Commemoration using Geographic Features

a. Upon receipt and initiation of an application to apply a proposed name or commemorate in an alternate manner, the Shire will initiate community consultation. Following the completion of the required consultation, the application will be assessed by the Shire against:
   - The requirements of Landgate's Policies and Standards for Geographical Naming in Western Australia: and
   - Each submission received from the community.

d. The application will be presented to Council for support by a Councillor, the CEO or a member of the community, prior to any submission being made by the Shire to Landgate to apply the name formally. Should Council resolve not to support the application, the assessment will cease and the proposed name will not be progressed.

Commemoration using Non-geographical Features

a. Commemoration using features that do not require Landgate's approval (i.e. naming of community buildings) will occur immediately following Council's decision.

b. Following initiation of an application, the Shire will:
   - Publish notification of the proposed commemoration on Facebook, on the Shire's website and in the relevant local newspaper for a period not less than 28 days.
   - Notify surrounding and/or affected residents, ratepayers, businesses and community groups generally in accordance with the example contained at Appendix 1, for a period not less than 28 days.

c. The Shire will notify each person who made a submission in relation to the proposed commemoration of the decision, once made.

d. If Council supports a proposed name without application to a road or place, the name will be placed on the Reserve Road and Place Name Register. Following identification of a need to apply a name, Council may select a preferred name from the register or commence consultation for the identification of an alternate name. Any name selected from the Register will be presented to Council for specific support prior to any submission being made to Landgate to apply the name formally.

e. Aboriginal or non-Aboriginal names may be selected to recognise the importance and contribution of local Aboriginal language groups.

f. Aboriginal names selected:
   - Will be in the language that the place is located in.
   - Will be important to the Bridgetown-Greenbushes area or the relevant language group, including but not limited to local flora and/or fauna or geographic locations,
   - Will be considered only following consultation with and approval by the relevant local Aboriginal community and Corporation.
   - Require a description of the historical origins of the name in the form of written or oral tradition.

g. Dual naming is the application of both an Aboriginal and European name to a place. Both will be official place names, and both names will be used together. Dual names can be applied to topographical features (e.g. islands, mountains, ranges, rivers, lakes) and cannot be adopted for constructed features such as roads, highways or bridges etc.

h. Commemorative naming can be used to recognise a person, group, or organisation of significant importance to Bridgetown-Greenbushes and its community. Commemorative naming:
- May be a person, group or association.
- Must have an ongoing or significant association with the feature or location proposed to be named.
- If a person, will only be considered if the person being honoured made significant community contribution in more than one field.
- If a person must be posthumous and with the consent of the family.

i. The following will generally not be considered as appropriate grounds for a commemorative name:
- Commemoration of victims of, or the location of accidents or tragedies.
- Current or past ownership of the land.
- Past or ongoing service within all levels of government.
- Commercial grounds, including sponsorship or marketing.

j. When considering the naming of multiple roads or places in a general area, such as with a new subdivision, all proposed names will follow a determined theme for the area. The proposed theme will be relevant to Bridgetown-Greenbushes.

k. Renaming of existing geographic features is generally not supported, except as required for the application of a dual name.

l. Council will consider variations to this policy in extenuating circumstances where the proposed naming demonstrates significant community support and is able to be supported by Council and/or Landgate (where relevant).

4 Accountabilities & Responsibilities

a. Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

b. The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

c. The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

d. All employees are individually responsible for complying with this policy document.

5 Risk Management

If this Commemorative Policy is not in place the risks include (but are not limited to):

a. Provide an avenue to commemorate individuals, families and groups who have contributed to community-wellbeing on a significant scale.

b. Outline the factors to be considered and the procedure to be undertaken when naming, purchasing or placing features within the local government area, through either Council initiation or community application.

c. Provide additional guidelines for commemorative naming, including the procedure for applying.

d. Advise of minimal community consultation expectations.

6 Legislation, Policy & Other Related Documents

Statutory Power (Acts, Regulations, Local Laws, Town Plan Scheme etc.)	*Local Government Act 1995*
Shire Policies	Nil
Related Documents	Nil
Related Procedure	Nil

7 Administration

Original Adoption Date	25 July 2024
Last Reviewed	25 July 2024
Scheduled Reviewed Date	25 July 2027

15.14 Adopt FM 13 - Retention, Acquisition, Improvement and Disposal Policy

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments
1. FM 13 - Retention Acquisition Improvement and Disposal of Land Policy ⇩
2. CP 5 - Proceeds From Sale of Council Land ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 189-24/25

Moved: Councillor T Lansdell
Seconded: Councillor T Pratico

That Council:

1. Adopt FM 13 – Retention, Acquisition, Improvement and Disposal Policy; and
2. Repeal CP 5 – Proceeds from Sale of Council Land Policy.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

Cr Christensen noted in Section 4.4(c)(iv) the word City needs to be changed to Shire. CEO committed to amending this.

IN BRIEF

The FM 13 – Retention, Acquisition, Improvement, and Disposal Policy aims to guide the Shire in optimising the use of its land and facility assets. By providing a structured approach, the policy ensures decisions around asset management contribute to financial stability, community value, and environmental stewardship. This policy addresses the classification and management of different types of land and property assets, emphasising strategic acquisition, maintenance, improvement, and, where necessary, disposal. The adoption of this policy will enhance the Shire's ability to maximise revenue, explore new revenue streams, and lessen the reliance on rate revenue.

The previous CP 5 – Proceeds from Sale of Council Land Policy is now provided for in the new FM 13 – Retention, Acquisition, Improvement and Disposal Policy and so can be repealed.

MATTER FOR CONSIDERATION

Whether the council adopts the FM 13 – Retention, Acquisition, Improvement and Disposal Policy.

BACKGROUND

The FM 13 – Retention, Acquisition, Improvement, and Disposal Policy sets out the following key objectives:

- Value Maximisation: Ensure the Shire's asset portfolio is utilised for its highest and best use, considering financial, social, and environmental values.
- Decision Transparency: Promote sound, transparent, and accountable decision-making regarding the Shire's land and facility holdings.
- Revenue Optimisation: Maximise revenue from existing and future land and facility assets, fostering alternative revenue streams and reducing pressure on rate revenue.

This policy applies to all Councillors and employees involved in the decision-making process concerning the retention, acquisition, improvement, and disposal of land and facility holdings.

A. Property Classification:

The policy categorises land and property assets into the following types:

- Freehold: Land owned perpetually by the Shire, offering significant potential for financial returns.
- Vested: Crown land managed by the Shire for specific purposes, often yielding social or environmental returns.

B. Property Use Types:

Assets are further classified based on their current or potential use:

- Public Purposes: Infrastructure or facilities serving public needs.
- Civic: Facilities for Shire administrative services.
- Community: Assets supporting community activities or services.
- Public Open Space: Areas providing recreational or natural spaces for the community.
- Commercial/Investment: Properties generating income through commercial activities or earmarked for future development.
- Residential/Investment: Residential properties generating rental income or planned for future development.
- Surplus: Assets not currently generating community or financial value.
- Utilities: Properties used for essential services infrastructure, possibly generating rental income.

C. Management Options:

To achieve the best use and value, the policy outlines several strategic options:

- Retention: Maintaining the property as is.

- Acquisition: Purchasing new properties for investment or public purposes.
- Improvement: Enhancing property value through redevelopment, joint ventures, or ground leasing.
- Disposal: Selling underutilised or surplus properties to reduce maintenance costs and increase financial resources.

D. Property Reserve:

Proceeds from the disposal of assets will be allocated to a 'Land and Buildings Reserve,' designated for future capital projects and improvements. This ensures financial stability and supports strategic planning for long-term community benefits.

E. Compliance and Community Engagement:

All actions under this policy will comply with the Local Government Act 1995 and other relevant legislation. Community consultation is crucial for decisions on asset acquisition and disposal, ensuring they align with the long-term interests of the community.

6. Risk Management

Without this policy, the Shire faces risks such as inefficient use of its asset portfolio, lack of transparency in decision-making, and potential financial instability due to underutilisation of land and property assets. The policy mitigates these risks by providing a structured approach to asset management.

7. Reference Documents

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *Transfer of Land Act 1893*
- *Strata Titles Act 1985*
- *Local Government (Functions and General) Regulations 1996*

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Financial Management) Regulations 1996

Local Government (Functions and General) Regulations 1996

Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

CM 3 - Asset Management

FINANCIAL IMPLICATIONS

Potentially, implementation of the policy document could result in an increase in revenue streams and a decrease on the reliance on rate revenue.

STRATEGIC COMMUNITY PLAN

1 A growing community that is diverse, welcoming and inclusive.

10 A strong, diverse and resilient economy. nd efficient movement of people and vehicles.

14 Effective governance and financial management.

15 A well informed and engaged community.

CORPORATE BUSINESS PLAN

14.2 – Improve real and perceived value for money from council rates.

LONG TERM FINANCIAL PLAN

Potentially, implementation of the policy document could result in an increase in revenue streams and a decrease on the reliance on rate revenue.

ASSET MANAGEMENT PLANS

Nil.

WORKFORCE PLAN

Nil.

RISK MANAGEMENT

The Risk Rating is LOW if compliance with the policy is HIGH.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

FM 13 – Retention, Acquisition, Improvement and Disposal Policy

1 Objectives

The objectives of the Retention, Acquisition, Improvement and Disposal Policy are to:

1.1 Provide a framework within which the Shire can consider best and highest use of the asset portfolio, whether it be through 'financial value,' 'social value,' or 'environmental value,' using a methodical and informed approach.

1.2 Ensure the Shire makes sound, open and accountable decisions in relation to land and facility holdings.

1.3 Maximise revenue for current and potential land and facility holdings, increase alternate revenue streams and decrease the pressure on rate revenue.

2 Scope

This policy applies to all councillors and employees involved in decisions regarding the retention, acquisition, improvement and disposal of land and facility holdings.

3 Definitions

3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also referred to as staff.

3.3 Land

(for the purposes of this policy) means all land and facility assets owned or controlled by the Shire.

The process for the disposal of land assets is set out in the *Local Government Act 1995*, the Land *Administration Act 1997*, and *Local Government (Functions and General) Regulations 1996* to ensure fairness and transparency to achieve the best outcome and price.

3.4 Worker

means a councillor, an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Land and property assets are in high demand and the community expect the provision of high-quality products and services to be delivered from these resources. At the same time, these land and property assets also make up a significant portion of the Shire's wealth and it is incumbent on the Shire to maximise the financial benefit derived from the wealth, given the limited range of options available to local governments under the *Local Government Act 1995* for this purpose.

The Shire aims to provide a framework which will assist in delivering the highest and best use from its asset portfolio while also maximising revenue. The intent is to increase revenue streams and to decrease pressure on rate revenue as a primary source of income for the provision of services each year.

A. Types of Land and Property

4.2 Local government land and property can be considered as belonging to one of the two following categories:

a. Freehold – defines a property title by which the Shire owns the land for perpetuity ("free from hold"). Freehold property ownership is only limited by the prevailing zoning provided by the applicable planning scheme. Freehold land has greater potential to provide financial return.

b. Vested – defines a property which is owned by the State Government (Crown Land) that has been provided to the Shire for its due care, control, and management. Generally, the property is subject to use for a specific purpose (e.g. recreation) as outlined in the Management Order. Vested land is more likely to provide social or environmental return, rather than a financial return.

B. Property use Types

4.3 To identify when there may be a requirement to assess a land or property asset for highest and best use, the following classifications will act as a guideline. Any property not providing a service or generating revenue should be rationalised as lost opportunity, cost of retention or placing pressure on rates revenue.

a. Public purposes – a property from which the Shire provides infrastructure or facilities such as a road, toilets, parking, or drainage.

b. Civic – a property from which a Shire administrative service is provided.

c. Community – a property from which a community activity or service is provided on behalf of the Shire, or for the benefit of the community.

d. Public Open Space – a property held for the purpose of providing the community with recreational space, passive nature space or playgrounds.

e. Commercial/Investment – a property from which commercial activities are or can be conducted, generating income through rental revenue. The property may have the capacity to support a desired planning outcome or be earmarked as a future redevelopment opportunity.

f. Residential/Investment – a property which provides residential accommodation, generating income through rental revenue. The property may have the capacity to support a desired planning outcome or be earmarked as a future redevelopment opportunity.

g. Surplus – a property from which no community or civic services are provided and a property which no rental revenue is being generated.

h. Utilities – a property used for the provision of essential infrastructure such as telecommunications. The property may generate rental revenue, depending on its particular use.

C. Options for Highest and Best Use

4.4 When considering highest and best use and 'financial value,' 'social value' or 'environmental value,' the following options are available to local governments:

a. Property Retention

Manage or maintain the property under the status quo, without changes.

b. Property Acquisition

Acquire property for investment or public purposes.

I. Investment – the Shire may acquire property which has the capacity to support a desired planning outcome or be earmarked as a future redevelopment opportunity. This property may be rented out in the short to medium term to generate revenue. The property also may be sold or developed when market conditions are suitable.

II. Public purpose – the Shire may acquire land either in freehold or vesting of Crown Land for a public purpose.

c. Property Improvement (including Joint Venture and Ground Leasing options)

Improve the property use type and or improve the financial return from the property. Several methodologies may be considered to improve property or financial return. Each method presents different opportunities and challenges, and dependent on the classification of the asset, will require a different approach.

I. Ground Lease – predominately used for property with very high yield opportunities where there is a much higher than usual interest in property acquisition. When considering a ground lease option, the Shire does not have to expose itself to high levels of risk associated with the development, can retain ownership of the landholding, can control the built form that will remain on the property and can potentially generate significant revenue.

III. Joint Venture – predominantly used for extremely large landholdings, a joint venture partner may be used to develop a property where the Shire uses its landholding as equity in the project. When considering a joint venture option, the Shire does not have to expose itself to high levels of risk associated with the development and the developer does not have to carry the costs of purchasing the land. Both parties would share in the profits.

IV. Redevelopment – used to describe instances where an improvement to the land is made by the Shire. This may include the complete rebuild of a facility to improve its ability to either generate revenue or provide a service to the community (or both).

d. Property Disposal

A property from which no public, civic, utility, community or public open space services are provided and a property which no rental revenue is being generated is effectively a property which costs the Shire and increases pressure on rates revenue and impacts the Shire's ability to provide a high-quality product or service.

D. Property Reserve

4.5 Whilst the disposition of a property may realise a generation of funds in the short-term, how the funds are used by the local government is equally important.

4.6 When generating any funds associated with the disposal of property, the funds will be put into a 'Land and Buildings Reserve.'

4.7 Reserves are funds retained to help meet future needs and mitigate financial pressures

during challenging economic times, as well as facilitate planning for major works in the future. As such, the Reserves will be used to improve other properties which suit a strategic objective for the Shire or that generate other forms of revenue (e.g. rental revenue). The purpose of the 'Land and Buildings Reserve' will be to fund capital projects or improvements and is not to be used on operational costs.

4.8 Reserves are an important funding strategy to help balance the current needs with the future needs of the community. Reserves are typically created as long-term savings plans for future major expenditure which cannot be managed in a single budgetary year.

4.9 The use of reserves is restricted by the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, and each reserve is required to be established with a clearly defined purpose.

4.10 The Reserve will be managed as follows:

a. Interest earned on deposits in reserves will be aggregated into the specific Reserve, to maximise the growth in the balance.

b. When the purpose for a specific Reserve is complete, consideration will be given to applying any residual funds to another purpose in the annual budget or in accordance with the requirements of Section 6.11(2) of the *Local Government Act 1995*.

c. All transfers to and from Reserves shall be reflected in the annual budget and Long-Term Financial Plan.

E. Process and Compliance

4.11 Any acquisition or disposition undertaken by a local government must be compliant with the processes as described in the *Local Government Act 1995*.

4.12 Community consultation ensures that all decisions made with respect to acquisition and disposition of land and property assets are made to provide the best long-term outcome for the community.

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and the council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

If a Retention, Acquisition, Improvement and Disposal Policy is not in place the risks include (but are not limited to):

6.1 There is no framework within which the Shire can consider best and highest use of the asset portfolio, whether it be through 'financial value,' 'social value,' or 'environmental value,' using a methodical and informed approach.

6.2 The Shire does not make sound, open and accountable decisions in relation to land and facility holdings.

6.3 Revenue for current and potential land and facility holdings is minimised, there is a decrease in alternate revenue streams and there is an increase in the pressure on rate revenue.

7 Reference Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies *Administration Act 1997* *Transfer of Land Act 1893 Strata Titles Act 1985*
Regulation	*Local Government (Functions and General) Regulations 1996 Land*
Local Law	n/a
Policy	n/a
Procedure	n/a
Other Documents	n/a

8 Version Control

Version	Date	Author	Amendments
V1 (previously Proceeds from Sale of Land Policy)	April 2001	T Clynch	Original Document
V2 (previously Proceeds from Sale of Land Policy)	June 2022		Scheduled Review.
V3 (re-write of document)	July 2024	N Gibbs (CEO)	Scheduled Review
Scheduled Reviewed Date	July 2027		Three year review

CP 5 – Proceeds From Sale of Council Land

1 Objectives

To ensure the organisation retains strategic Capital assets.

2 Policy

From time to time Council owned land is identified as being surplus to existing requirements, and a resolution is made by the Council to dispose of it in accordance with Section 3.58 of the Local Government Act 1995 (sale by auction, tender or private treaty).

All income (less sale of land costs) generated by the sale of Council land is to be deposited in the Land and Buildings Reserve for future use for acquisition of land and buildings.

It is not sustainable for operational costs of the organisation to be funded by sale of capital items. Ideally proceeds from the sale of capital items should be used for the acquisition of capital items.

3 Applicable Legislation and Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.3.58 – Disposing of property
Regulation	r.30 *Local Government (Functions and General) Regulations 1996* – Dispositions of property excluded from Act
Local Law	N/A
Shire Policies	CM 3 – Asset Management
Related Documents	N/A
Related Procedure	N/A

4 Administration

Original Adoption Date	29 April 2001
Last Reviewed	30 June 2022
Scheduled Reviewed Date	27 April 2023

15.15 Repeal of Policy FM 9 – Self-Supporting Loans to Shire Community/Sporting Groups.

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments
1. Debt Collection Guidelines for Collectors and Creditors ⇩
2. FM 9 - Self Supporting Loans to Shire Community/Sporting Groups ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 190-24/25

Moved: Councillor T Pratico
Seconded: Councillor M Christensen

That Council repeals FM 9 – Self-Supporting Loans to Shire Community/Sporting Groups Policy.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

Policy FM 9 – Self-Supporting Loans to Shire Community/Sporting Groups, which outlines the provision of self-supporting loans to community and sporting groups, is no longer viable or beneficial for the Shire of Bridgetown-Greenbushes. The financial risks and administrative burdens associated with these loans outweigh the potential benefits. Repealing this policy will allow the council to explore alternative support mechanisms for community groups that do not place undue strain on Shire resources.

MATTER FOR CONSIDERATION

Whether Council repeals FM 9 – Self-Supporting Loans to Shire Community/Sporting Groups Policy.

BACKGROUND

Policy FM 9 was established to provide a framework for the Shire to support community and sporting groups through self-supporting loans. These loans are intended for capital asset acquisition or development and are repaid by the groups while the Shire acts as the intermediary borrower.

Since its inception in 2013, Policy FM 9 aimed to:

- Enable community and sporting groups to access funding for significant capital projects.
- Ensure a structured and financially responsible approach to loan provision by the Shire.

- Facilitate community development through enhanced infrastructure and facilities.

However, several challenges and limitations have emerged over time:

Financial Risks: The Shire's current financial position does not support the assumption of additional loan risks on behalf of other organisations. The liability associated with these loans can negatively impact the Shire's financial health and borrowing capacity, especially if groups default on their repayments.

Dependency on Leadership: Many community and sporting groups rely heavily on a few enthusiastic leaders. If these individuals leave, and no one else steps up, the group's ability to manage and repay loans can be significantly compromised, increasing the risk of default.

Regulatory Compliance: In cases of default, the Shire would need to adhere to the Australian Competition and Consumer Commission's Debt Collection Guidelines for Collectors and Creditors. Complying with these guidelines is resource-intensive and costly, adding to the administrative burden on the Shire.

Legal Fees: When a group or groups default on a loan, the Shire will be compelled to engage legal assistance in an attempt to recoup lost costs. The cost of legal representation might easily outweigh these lost costs.

Lack of Internal Expertise: Effective management of these loans requires specific technical expertise in credit and loan management. The Shire currently lacks staff with the necessary qualifications, such as "Credit Loan Management" or "Certificate IV in Credit Management," to administer these loans effectively.

Alternative Support Options: Instead of providing self-supporting loans, the Council can offer more sustainable support by assisting groups in securing external funding or directly funding projects that align with community priorities. This approach minimises financial risk and simplifies the administrative process.

Given these considerations, officers suggest continuing with Policy FM 9 is not in the best interest of the Shire or the community groups it aims to support. Repealing this policy will enable the Shire to focus on more effective and manageable ways to assist local organisations.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

CR 3 - Community Engagement

FM 9 - Self Supporting Loans to Shire Community/Sporting Groups

FINANCIAL IMPLICATIONS

Nil if policy is repealed.

STRATEGIC COMMUNITY PLAN

1 A growing community that is diverse, welcoming and inclusive.

2 Good health and community wellbeing.

CORPORATE BUSINESS PLAN

2.1 Advocate for quality health and community services.

2.2 Provide quality sport, leisure and recreation services.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Risk rating is low if this policy is repealed but potentially high if this policy is enacted.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

AUSTRALIAN COMPETITION & CONSUMER COMMISSION

ASIC Australian Securities & Investments Commission

Debt collection guideline: for collectors and creditors

April 2021

accc.gov.au

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Important notice

This guideline is designed to give you basic information; it does not cover the whole of the *Competition and Consumer Act 2010* (Cth), the *Australian Securities and Investments Commission Act 2001* (Cth) or other relevant legislation and is not a substitute for professional advice.

Moreover, because it avoids legal language wherever possible and there may be generalisations about the application of the above Acts, some of the provisions referred to have exceptions or important qualifications. In most cases, the particular circumstances of the conduct need to be taken into account when determining how these Acts apply to that conduct.

ACCC 04/2021_20-34

www.accc.gov.au

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Part 1: Using this guideline

The Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC) have produced this guideline. The ACCC and ASIC enforce Commonwealth consumer protection laws, including laws relevant to debt collection. For more information about the responsibilities of each agency, see appendix A of this guideline.

The terms 'debt' and 'debtor' are used in this guideline to include alleged debts and alleged debtors respectively (see the glossary in appendix C of this guideline for more information on terms and phrases).

Who is this guideline for?

This guideline will help you to understand how the Commonwealth consumer protection laws apply to you if you are a:

- debt collector (including a debt collection agency, debt buy-out service, in-house collection department of a business or government agency, solicitor and other)
- creditor who uses external collection agencies to collect debts or sells or assigns debts to third parties.

This guideline applies to both creditors who are directly involved in debt collection and to specialist external agencies who provide debt collection services. When a creditor uses an agent for collection, the creditor (as principal) will generally be liable for their agent's conduct when that conduct comes within the agent's express, implied or ostensible authority.

A creditor may be responsible for their agent's collection activities even if the agent acts in a way that is contrary to an agreement or understanding between the creditor and agent about how the collection is to be undertaken.

A creditor may also remain liable for conduct regarding a debt despite having sold or assigned the debt. Liability will generally remain for misconduct occurring before the sale or assignment of the debt.

The ACCC and ASIC encourage creditors to use this guideline to ensure their in-house collection activities are compliant with the Commonwealth consumer protection laws and to incorporate this guideline into their contractual and compliance auditing arrangements with their agents and assignees.

This guideline will also serve as a point of reference for financial counsellors and debtors' advisers when negotiating with creditors or collectors about their practices.

What this guideline covers

Commonwealth consumer protection laws

This guideline explains the application of the following Commonwealth consumer protection laws, which are relevant to debt collection:

- The Australian Consumer Law (ACL), which is a schedule to the *Competition and Consumer Act 2010* (Cth) (CCA). The ACL is jointly enforced by the ACCC and state and territory consumer protection agencies
- Part 2, Division 2 of the *Australian Securities and Investments Commission Act 2001* (Cth) (ASIC Act), which is enforced by ASIC
- *National Consumer Credit Protection Act 2009* (Cth) (NCCP) which includes the National Credit Code (NCC) as Schedule 1 to the NCCP, which is enforced by ASIC.

Part 2 of this guideline provides practical guidance on what creditors and collectors should and should not do to minimise their risk of breaching the Commonwealth consumer protection laws that may apply when undertaking debt collection activities.

When seeking to recover a debt, part 3 of this guideline looks at the prohibitions and remedies against creditors or collectors who engage in:

- the use of physical force, undue harassment or coercion
- misleading or deceptive conduct
- unconscionable conduct.

Part 3 of this guideline also contains information about the penalties that apply for contraventions of the Commonwealth consumer protection laws.

Other laws

This guideline also refers to other laws and regulations that are not enforced by the ACCC and ASIC, but which are relevant to debt collection. These laws include:

- Commonwealth privacy laws, which are enforced by the Office of the Australian Information Commissioner (OAIC)
- state and territory fair trading laws, which include conduct prohibitions mirroring those of the Commonwealth consumer protection laws and that are enforced by the state and territory consumer protection agencies
- the *Bankruptcy Act 1966* (Cth) (Bankruptcy Act), which is enforced by the Australian Financial Security Authority (AFSA).

Various other laws, regulations and industry codes are also referred to in passing throughout this guideline. For a non-exhaustive list of other applicable laws, see appendix B of this guideline. Also see the comments under *Relationship with court debt recovery processes* in this guideline.

Note: this guideline does not provide guidance on the law on mortgages and other securities or guarantees.

What this guideline does

This guideline:

- explains the ACCC's and ASIC's views on the laws that they regulate
- provides examples on how the law has been applied in particular cases and details of court outcomes
- gives guidance on what you should and should not do if you wish to minimise the risk of breaching the Commonwealth consumer protection laws
- notes other laws and regulations not regulated by the ACCC and ASIC that are relevant to debt collection.

This guideline does not have legal force. The ACCC and ASIC cannot make law in this field because that is the role of parliament. The ACCC and ASIC also cannot provide a definitive interpretation of the law because that is the role of the courts.[1]

ASIC and the ACCC will approach each potential compliance and enforcement matter on a case-by-case basis, taking into account all relevant circumstances, and by applying their respective enforcement and compliance policies. Compliance with this guideline cannot provide a guarantee against enforcement action by ASIC or the ACCC. Businesses may also be subject to action by private parties. Businesses should consider seeking independent legal advice on these matters.

The ACCC and ASIC encourage businesses engaging in debt collection activity to follow this guideline and incorporate it into their staff training, both in terms of the text and the spirit of the document.

Focus on individual debtors

This guideline is developed with particular reference to collecting debts from individual debtors. However, many of the laws and principles discussed in this guideline will also be relevant to the collection of corporate, business, and in particular, small business debts.

Debtors' responsibilities

While this guideline focuses on the responsibilities of creditors and collectors, the ACCC and ASIC recognise that debtors have responsibilities too.

Debtors are legally responsible for paying the debts they legitimately owe. Where they owe the debt in question, debtors should:

- not attempt to avoid the obligation to satisfy debts they have incurred
- promptly contact creditors and debt collectors when they are experiencing financial difficulties and attempt to negotiate a variation in payments or other arrangement
- be candid about their financial position, including their other debts.

The ACCC and ASIC also recommend that debtors experiencing financial difficulties should seek the assistance of a financial counsellor, solicitor or other qualified adviser who may be able to help them with a debt negotiation.

1 Although this guideline does not have legal force, it should be noted that:

- A creditor or collector may agree contractually to adhere to this guideline. This will be the case, for example, if the terms and conditions for a particular product or service stipulate that the provider of the service will abide by the guideline itself, or by an industry code of conduct requiring compliance with the guideline. In these circumstances, provisions of the guideline may be legally enforceable by the debtor on the basis of the express incorporation of them into the creditor's contractual arrangements.
- An external dispute resolution scheme may consider this guideline when making binding determinations on scheme members. See further under part 2, section 24 of this guideline, *The role of independent external dispute resolution schemes*.

The ACCC and ASIC have also produced a guide for debtors entitled Dealing with debt collectors: your rights and responsibilities.

The Australian Energy Regulator (AER) has produced a consumer information factsheet, *Are you having trouble paying your energy bill?* This publication provides information on energy retailers' responsibility to help customers who are having difficulty paying their bills and to inform them of their options. For a copy of this publication and additional information for energy consumers in hardship, go to www.aer.gov.au/consumers/my-energy-bill/help-for-customers-in-hardship.

We encourage creditors and collectors to refer debtors to these publications and other tools available at www.accc.gov.au/publications, moneysmart.gov.au and www.aer.gov.au/consumers/aer-resources and to the services referred to above when appropriate.

Relationship with court debt recovery processes

Broadly, debts may be recovered either through the courts, or by using creditor or collection agency personnel to negotiate repayments.

Debt recovery through the courts is largely regulated by state and territory law and the procedural rules of the courts. The recovery process may include the repossession of assets, securities or other legal enforcement of security interests.

This guideline is mainly concerned with non-court debt recovery processes and informal collection activities before a court action is commenced or after a court judgment.

This guideline does not limit any right you may have to:

- take legal action to collect a debt
- conduct legal repossession activities and other legal enforcement of legitimate security interests
- seek and obtain pre-judgment remedies, for example, orders to prevent the removal or transfer of property from the jurisdiction
- enforce judgment through a court process—including examination hearings, instalment orders, orders for the seizure and sale of property, garnishment or attachment orders
- undertake all necessary procedures (for example, for serving documents) associated with these actions.

However, you must not threaten action (legal or otherwise) that you are not legally permitted to take, do not have instructions or authority to take, or you have no intention to take. How legal action is threatened or taken can, in certain circumstances, amount to misleading or deceptive conduct, unconscionable conduct or harassment. As relevant laws may change from time to time, you should ensure you regularly review your processes and accurately reflect the law in your communications with debtors. You also must not misrepresent your legal entitlement to seize goods.

See part 2, sections 19–21 of this guideline for more information about representations about the consequences of non-payment and the legal status of a debt and about legal action and procedures.

A flexible, fair and realistic approach to collection

The need for collection activity will be greatly reduced when debtors act promptly and responsibly, and collectors are flexible, fair and realistic. Debtors may default on their debts because of circumstances beyond their control, such as unemployment, illness or family breakdown. While there are cases of fraud and deliberate evasion, most people are honest and want to meet their commitments if given a reasonable opportunity to do so.

The ACCC and ASIC encourage flexibility on the part of creditors and collectors. This includes recognising debtors who are vulnerable and experiencing financial hardship, and recognising that debtors may have a number of debts owing to different creditors.[2] A flexible approach involves making meaningful and sustainable payment arrangements that reasonably take into account a debtor's ongoing living expenses to enable them to live in basic comfort and prevent impoverishment or humiliation.

2 Note that when a debt relates to a contract regulated by the NCC, s. 72 of the NCC provides borrowers with statutory rights to have a variation considered. Repayment negotiations more generally are discussed in this guideline in part 2, section 14, *Repayment negotiations.*

Part 2: Practical guidance

If you are involved in collection activity, either as a creditor, agent or assignee, this part of the guideline is addressed directly to you. The term 'debtor' includes an alleged debtor, and the term 'debt' includes an alleged debt. The term 'debt collector' includes creditors, independent collection agencies, collections departments within businesses, debt purchasers, assignees, agents, lawyers, government bodies engaged in trade or commerce, and other persons[3] collecting on behalf of others.

1. Contacting a debtor

(a) Under the privacy laws, you have obligations to protect the privacy of debtors.[4] When making direct contact, your first task must always be to ensure the person you are dealing with is the debtor. This must be done every time you make contact before you divulge any information about the debt, the process for its recovery or before providing any other confidential information.

(b) If you consider it necessary to divulge your identity as a debt collector before being sure that you are dealing with the debtor (for example, if requested by the person you are dealing with), then you may do so if that would not have the effect of divulging that the debtor has a debt. Particular care should be taken when speaking to a person at a debtor's workplace or when using a medium that may be shared with others (e.g. social media, landline telephones etc).

3 The CCA applies to corporations and individuals when they are acting as agents of a principal that is a corporation.

4 For information on privacy issues, see part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

Example: Calling from or on behalf of a bank

If you are calling from or on behalf of a bank then it is unlikely that revealing the name of the bank would result in you divulging that the debtor has a debt. Banks commonly provide a range of services and the person you are dealing with will not be able to deduce that you are currently engaging in debt collection activities and that the debtor has a debt.

Example: Calling from or on behalf of an organisation with a descriptive name

If you are calling from or on behalf of an organisation whose name is more revealing or descriptive in relation to debt collection practices (for example, 'Collections R Us') then revealing the name of the organisation is likely to divulge the existence of a debt.

(c) The limits on disclosing information to third parties apply to the debtor's spouse, partner and/or family as much as they apply to other third parties.[5]

(d) Having established the debtor's identity, you should then identify who you are, who you work for and explain the purpose of the contact. Failing to clearly identify who is calling and the purpose of the call will most likely confuse the debtor and may lead to the debtor avoiding subsequent calls.

(e) If you elect to use social media, voice mail or emerging technologies (such as voice messaging, or other online systems) to attempt to or make contact with the debtor, you should carefully consider the nature of the channel and its potential audience. It may be acceptable to attempt contact provided:

- you have a reasonable belief that contact will be with the debtor only
- you have a reasonable belief that the channel is not shared with other parties (for example, a shared work email address or joint social media account).

(f) You should avoid contacting the debtor via a certain channel if:

- the debtor has specifically requested to be contacted through an alternate channel of communication, or
- the debtor specifically requested that this particular channel not be used.

(g) When you make initial contact, you should also provide the debtor with basic information about the debt, including the name of the creditor and any assignee of the debt, details of the account and the amount claimed. A debtor may request further information or documentation relating to the debt (see part 2, section 11 of this guideline, *Providing information and documents*).

(h) You should also provide your contact details such as your contact phone number, postal address and email address. If the debtor communicates with the collector through the collector's non-preferred channel of communication (for example, written correspondence), then the collector should not ignore this correspondence and should attempt to contact the debtor via the same channel.

(i) Do not misrepresent your identity in any way—for example, do not falsely state or imply that you are or work for a solicitor or that you are a court, government official or independent complaints handling body.

5 For authorised representatives, see part 2, section 9 of this guideline, *When a debtor is represented*.

Case Study

A company implied to debtors that it was a firm which specialised in commencing legal proceedings for the recovery of debt, that it frequently commenced such proceedings, and that the particular matter had been referred to the company's lawyers for the purpose of commencing legal proceedings, when none of these implications were correct.

The court found that the company persistently engaged in misleading or deceptive conduct by making such implications.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

Case Study

A company was found to have engaged in misleading and deceptive conduct, unconscionable conduct and coercion when attempting to obtain payment for mobile phone services. The company created a fake complaints handling organisation to deceive debtors into believing their disputes about liability were being assessed by an independent body when neither that body nor those activities existed. The company then contacted debtors under the false pretence of a fictitious debt collection agency to induce debtors to pay the alleged debts.

The court found this conduct to be unconscionable and that the company used undue coercion in its dealings with debtors. Several of the company's employees were also found to have been knowingly concerned and personally liable for the contravening conduct.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

(j) On first contact if the debtor denies liability for the debt or raises an issue indicating a dispute about the debt, you should also take the steps referred to in part 2, section 13 of this guideline, *If liability is disputed*.

(k) If a debtor advises that they cannot afford to repay the debt then you are entitled to make reasonable enquiries into their financial position to determine whether the debtor is able to make meaningful and sustainable repayments. If it is determined that they cannot make such repayments then you may suggest that the debtor considers seeking the advice of a financial counsellor. If the debtor demonstrates willingness and intention to do so then you should not contact them until after a reasonable time has passed, allowing them to obtain advice so that they may better understand their options.

2. Contact for a reasonable purpose only

(a) Communications with the debtor must always be for a reasonable purpose, and should only occur to the extent necessary.[6]

(b) It may be necessary and reasonable for you to contact a debtor to:

- provide information to the debtor about their account
- make a demand for payment
- offer to work with the debtor to reach a flexible repayment arrangement
- accurately explain the consequences of non-payment, including any legal remedies available to the collector/creditor, and any service restrictions that may apply in the case of utilities (for example, disconnection of electricity or gas supply or restriction of water supply)
- make arrangements for repayment of a debt

6 You should not pursue a person for a debt unless you have reasonable grounds for believing the person you contact is liable for the debt: see part 2, section 13 of this guideline, *If liability is disputed*.

- put a settlement proposal or alternative payment arrangement to the debtor
- review existing arrangements after an agreed period
- ascertain why earlier attempts to contact the debtor have not been responded to within a reasonable period, if this is the case
- ascertain why an agreed repayment arrangement has not been complied with, if this is the case
- investigate whether the debtor has changed their residential location without informing you, when there are grounds for believing this has occurred
- sight, inspect or recover a security interest
- or for other similar purposes.[7]

You may also contact a debtor at the debtor's request.

(c) What constitutes a reasonable purpose may change according to the personal characteristics of an individual debtor. You should consider the information you have about each individual debtor in order to determine whether intended contact with that debtor will be for a reasonable purpose.

Example: Debtor's financial situation

If you are aware that a debtor is unable to make meaningful and sustainable repayments towards a debt, then continuing to contact the debtor to demand payment will not be reasonable or appropriate. Where that is the case, you should only consider contacting the debtor if you know, or have good reason to think it is likely, that the debtor's financial situation has improved.

There are many reasons a debtor may be unable to make meaningful repayments towards a debt, including where they are:

- on a limited fixed income (whether on a temporary basis or for the foreseeable future, for example, with an aged pension)
- unemployed
- suffering significant, chronic or long-term illness or injury
- incarcerated
- experiencing family violence.

Case Study

A company made empty threats to litigate against two customers despite being aware that they had no means, or only limited means, to repay. The conduct included ongoing harassment of a care facility resident who had difficulty communicating after suffering multiple strokes, as well as coercion of a Centrelink recipient who was told their credit would be affected for up to seven years if they failed to pay immediately when the company did not have reasonable grounds for making that statement.

The court found the company engaged in misleading or deceptive conduct, used undue harassment or coercion, and engaged in unconscionable conduct in its dealings with the two vulnerable consumers.

ACCC v ACM Group Pty Ltd [2018] FCA 1115

7 However, there are circumstances when further contact with a debtor may not, or may no longer, be appropriate: see part 2, sections 4, 13, 15 and 16 of this guideline, which provide information about *Hours of contact*, *If liability is disputed*, *Contact when a payment arrangement is in place* and *Contact following bankruptcy or a Bankruptcy Act agreement* respectively.

(d) There may be circumstances where contact is made for a reasonable purpose, or contact is made initially for a reasonable purpose, and yet other relevant considerations mean the contact becomes unreasonable or unacceptable.[8] Relevant considerations may include the debtor's mental illness or intellectual disability, the debtor's incarceration, or if the debtor is experiencing family violence.

Example: Disputed liability

If you contact a debtor in order to convey a demand for payment, it may be contact for a reasonable purpose. However, if the debtor disputes liability and requests proof of the alleged debt, and you continue to pursue that person without properly investigating the claims, then this will not be contact for a reasonable purpose.

Example: Family violence

If a debtor discloses that they are experiencing family violence, including economic abuse, it may not be reasonable to continue to contact the debtor. Such continued conduct could also constitute undue harassment in certain circumstances (see the case study below), and we recommend that collectors and creditors have specific processes for debtors experiencing family violence.

Example: Negotiating a repayment arrangement

If contact is made with a debtor in order to negotiate a repayment arrangement where one does not exist, it may be necessary and reasonable contact; however, it may not be reasonable to contact the debtor where a payment arrangement exists and the debtor is meeting those repayments, unless you are proposing a genuine alternative arrangement to benefit the debtor.

It is not reasonable or acceptable to contact a debtor to:

- frighten or intimidate the debtor
- demoralise, tire out or exhaust the debtor
- embarrass the debtor in front of other people
- or for other similar purposes (see part 2, sections 17 and 18 of this guideline, *Conduct towards the debtor or their representatives* and *Conduct towards family members and other third parties*).[9]

Example: Referral of complaints

If, during communications with a debtor or other person, you attempt to dissuade them from making a complaint or refuse to refer them to a supervisor or complaints department (that is, on the basis of a dispute about the debt or your conduct in collecting the debt), then this will be unreasonable contact and may be unconscionable conduct.

8 See also part 2, sections 13, 15 and 16 of this guideline, addressing *If liability is disputed, Contact when a payment arrangement is in place* and *Contact following bankruptcy or a Bankruptcy Act agreement*, respectively.

9 Note also that in Victoria, unreasonable communication with a debtor is specifically prohibited by s. 45(2)(p) of the *Australian Consumer Law and Fair Trading Act 2012* (Vic). See also part 2, sections 17 and 18 of this guideline in relation to *Conduct towards the debtor or their representatives* and *Conduct towards family members and other third parties.*

Case Study

A company harassed three consumers to pay disputed debts despite being advised that they were not liable for the debts.

The court found that the company repeatedly insisted that the debtors disprove their liability, including for two of the consumers over relatively significant periods. The conduct was such as to "intimidate or demoralise, tire out or exhaust a debtor, rather than merely to convey the demand for recovery". The court held that the company's repeated and intrusive conduct constituted undue harassment of each of the debtors.

ACCC v Panthera Finance Pty Ltd [2020] FCA 340

3. What is 'contact'?

(a) 'Contact' with the debtor or other person is interpreted widely. It includes, but is not limited to, the following:

- Communications by phone—including circumstances where the recipient (debtor or other person) elects to terminate the call, or where a voice message is left on a recording device, or where a message of any kind is delivered to the recipient.
- Communications in writing—including all written correspondence (for example, letter, email, text message, fax, social media application or program, instant chat, phone application, or any other similar device).
- Communications in person—including face-to-face contact, whether at the home of the debtor (or other person), workplace, or other location.

Example: Contact

'Contact' will be made if you phone a debtor and the debtor answers the call but shortly after terminates the call. If you phone again and leave a message on the debtor's voice mail, then you will have made two separate contacts with the debtor.

Example: Multiple contacts

If you phone a debtor and leave a message on the debtor's voice mail, and you also send the debtor an email, and a text message, then you will have made three separate contacts with the debtor.

(b) 'Continuous contact' with the debtor or other person refers to a chain of contact (for example, an email chain) wherein a series of communications all form part of a single 'thread' of communication. Depending on the circumstances, such a thread may be treated as a single contact, provided:

- the consumer is voluntarily engaging in the exchange and has not expressed any dissatisfaction in relation to the continuing contact
- the consumer has not been prompted by the collector for a response but instead has engaged in an interchange of communication whereby the parties take turns to initiate contact between the parties
- the communication is within a 'reasonable proximity of time'
- the communication is in relation to the same matter, and
- the communication is likely to be anticipated by the debtor or other person.

Example: Continuous contact

If you email a debtor regarding an account (contact), and the debtor replies offering a payment arrangement, then the subsequent reply to the offer would not be considered a new contact if it occurs promptly and if the debtor would have anticipated a reply (same contact).

(c) We consider a 'reasonable proximity of time' to be where no more than two business days pass between such communications and therefore may be part of the one contact.

(d) A single continuous contact may also involve a series of instantaneous communications (that is, a closed chat forum between the debtor and collector, pop-up message or same-time service).

(e) Contact should be distinguished from 'attempted contact', which as it implies, falls short of contacting the debtor or other person, as described above.

Example: Attempted contact

If you phone a debtor (or other person) but the call is unanswered and you do not leave a message on voice mail, this is regarded as attempted contact with the debtor (or other person), and will not constitute a contact with either party.

(f) Attempted contact should be distinguished from a 'misdirected contact'. A misdirected contact may include a phone call to a disconnected number or an email that bounces and is not delivered to any recipient.

(g) The distinction between contact and attempted contact should not be construed by you as an opportunity to continually attempt to contact a debtor. Depending on the circumstances, continually attempting to contact a debtor (or other person) may amount to undue harassment (see part 2, section 5 of this guideline, *Frequency of contact* and Part 3 of this guideline, *Commonwealth consumer protection laws*).

Example: Unnecessary and unduly frequent attempted contacts

If you phone a debtor and the debtor answers the call but subsequently terminates the call (contact), and then you proceed to repeatedly phone the debtor throughout the same day despite the debtor not answering the calls (attempted contact), this may amount to unnecessary and unduly frequent attempted contacts and could constitute undue harassment.

4. Hours of contact

(a) Contact with a debtor or a third party must be made at reasonable hours, considering their circumstances and reasonable wishes. The following can be assumed to be appropriate contact times, subject to the qualifications set out:

Reasonable contact times

These times apply to both debtors and third parties[10] and are the local times in the debtor's state or territory.[11]

Contact by telephone	Monday to Friday Weekends	7:30 am to 9 pm 9 am to 9 pm
	National public holidays	No contact recommended[11]
Face-to-face contact	Monday to Friday Weekends	9 am to 9 pm 9 am to 9 pm
	National public holidays	No contact recommended
All workplace contact	Debtor's normal working hours if known, or 9 am to 5 pm on weekdays	

(b) We assume that contact will usually be by telephone. The above contact times for face-to-face contact, including contact at the debtor's workplace, need to be read in conjunction with part 2, section 7 of this guideline, *Face-to-face contact*.

(c) There may be reasons why contact during the above times is unreasonable, or contact outside these times is reasonable. For example, a debtor may ask that contact be made at other or more restricted times due to various reasons, for example, because the debtor:

- is a shift worker
- is responsible for children, or caring for a family member, and contact at certain times is not convenient
- does not wish to be contacted when other family members are present.

(d) In these and other such cases, the reasonable wishes of the debtor should be respected, and contact limited to the times requested by the debtor.

(e) However, a collector may alter the time of contact if, after reasonable efforts over a reasonable period of time to contact the debtor during normal hours or at the times requested by the debtor, the collector has not been able to do so.

5. Frequency of contact

(a) Debtors and third parties are entitled to be free from excessive communications from collectors.[12] Communications must always be for a reasonable purpose, and should only occur to the extent necessary: see part 2, section 2 of this guideline, *Contact for a reasonable purpose only*. The guidance on frequency of communications should be read subject to this general principle.

(b) References to the number of contacts with debtors should be read as the number of contacts per account, rather than per individual debtor. It may be acceptable to have a higher overall level of contact with an individual debtor if this contact relates to more than one account. Where possible, however, collectors should seek to discuss multiple accounts with a debtor during the one contact

10 See definition of 'third party' in appendix C of this guideline. Contact with a debtor's representative, such as financial counsellors and solicitors, would normally occur during ordinary business hours.

11 It will generally be inappropriate to contact debtors on New Year's Day, Australia Day, Good Friday, Easter Sunday, Easter Monday, Anzac Day, Christmas Day and Boxing Day. Contact may also be prohibited on other days in particular jurisdictions. For example, in South Australia, s. 43(1)(d)(i) of the *Fair Trading Act 1987* (SA) prohibits telephone calls or personal calls on any public holiday (state or national) to demand payment.

12 In Victoria, s. 45(2)(m) of the *Australian Consumer Law and Fair Trading Act 2012* (Vic) provides specific protection to debtors. Subsection (m) specifically prohibits a collector from contacting a debtor if the debtor has requested in writing that no further communication should be made.

to avoid unnecessary communications. Subject to your arrangements with original creditors, this includes where you collect debt on a contingent basis for multiple clients.

(c) Unnecessary or unduly frequent contacts may amount to undue harassment of a debtor. We recommend that you do not contact a debtor more than three times per week, or 10 times per month at most (when contact is actually made, as distinct from attempted contact) and only when it is necessary to do so. This recommendation does not apply to face-to-face contact which is specifically addressed below.

(d) Unreasonably frequent attempted contact may also amount to undue harassment. This may occur, for example, where an automated dialler is used to make calls and a debtor's number is returned to the queue within a short space of time after each attempted contact. Collectors should ensure that attempted contacts are not excessive.

> **Example: Unnecessary repeated contacts**
>
> If you contact a debtor or other person multiple times a day, without allowing an appropriate interval for the debtor to respond, then this is likely to involve unreasonable contact and may amount to undue harassment. Such contact may arise, for example, from the use of an automatic dialler system which leaves messages on recording devices and continues to call the recipient repeatedly until a response is received or identification is confirmed.

(e) Unnecessary or unreasonable contact through any means must be avoided.

(f) It is important to cease your efforts to contact the debtor once you have reached the above recommended limits or if it is evident that further contact would not be for a reasonable purpose, unless the debtor invites the contact or there is some other legitimate reason for making further contact (for example, you are in the process of negotiating an agreement with a willing debtor). It is also important to cease your efforts to contact the debtor using a particular medium when the debtor has requested that this medium not be used and has provided you with an alternative method of contact.

(g) Once you have made contact, leave a reasonable interval before next contacting the debtor. Give the debtor time to respond to your previous communications, and/or to organise payments if this has been agreed.

> **Example: Repeated contact without interval**
>
> If you have spoken to the debtor and it is understood that the debtor requires a few days to speak to third parties or consider options, then contacting the debtor on the following day may be considered unreasonable, even if it is otherwise consistent with the recommended limits.

Face-to-face contacts

(h) Further guidance is provided in part 2, section 7 of this guideline on when face-to-face contact with the debtor is appropriate. You should only make face-to-face contact when such contact is necessary and reasonable. In such cases, we recommend that you do not make more than one face-to-face contact with a debtor per month (if contact with the debtor actually takes place).

Case Study

The court ordered the defendant company to restrict its agents to a total of five personal visits (for the period of collection) unless a visit was specifically requested by the customer or a repayment agreement had been made and subsequently breached (in which case a further five visits could be made).

ACCC v Esanda Finance Corporation Ltd [2003] FCA 1225

Third parties

(i) We recommend that you do not contact a third party to obtain location information more often than once every six months. An exception is when permission to make further contact about the location of a debtor has been sought and given in advance by the third party. See part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties* and section 18 of this guideline, *Conduct towards family members and other third parties*.

▶ Example: Frequency of third party contact

If you contact a third party in an attempt to speak with a debtor, and that other person tells you that the debtor does not live at that address and they do not know the location of the debtor, or do not have further details to provide, or simply do not wish to provide further details about the debtor, then you should not contact that third party again, unless you have reason to believe that after six months or more they may be in possession of relevant information about the debtor.

Undue harassment

(j) Unduly frequent contact designed to wear down or exhaust a debtor, or likely to have this effect, constitutes 'undue harassment' or coercion and must be avoided. This is particularly likely if the collector makes a number of phone calls or other contacts in rapid succession. See part 3 of this guideline, *Commonwealth consumer protection laws*.

6. Location of contact

(a) In most cases, the debtor's home will be the appropriate place to contact a debtor, with contact by letter or telephone generally being the most appropriate mode of contact.[13] However, if a debtor provides a telephone contact number (including mobile phone) as the means of contact, contact using that number will be appropriate whatever the debtor's location.

(b) Sometimes, a debtor may not wish to be contacted at their home. If the debtor provides an alternative and reasonable location for contact and can be contacted at that location, the debtor should not be contacted at their home.

(c) You should carefully consider whether contacting the debtor at work on a switch number or reception (contrasted with the debtor's direct work phone number) is appropriate and whether there are more suitable options available. Where contact is made at work, the debtor should be offered an opportunity to provide an alternate number to receive a call back at a more convenient time or nominate a preferred time for contact.

13 However note that some statutory notices must be sent to a particular address.

(d) Contact must not involve a breach of your privacy obligations to the debtor. See part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

7. Face-to-face contact

(a) We recommend that personal or 'field' visits generally be considered as an option of last resort. Generally, face-to-face contact should only be made if reasonable attempts to contact a debtor by other less intrusive means such as phone calls, emails or letters have failed, and face-to-face contact is considered appropriate and necessary.

(b) Where face-to-face contact is necessary we recommend that it is made at the debtor's home when possible during reasonable hours of contact, see part 2, section 4 of this guideline, *Hours of contact*. Making face-to-face contact with the debtor at work should be the last option.

(c) Making a personal visit may be justified when a debtor refuses or fails to respond to other means of communication. Face-to-face contact may also be justified to verify the identity or location of a debtor when this is reasonably in doubt.

(d) Written communications should only refer to the possibility of face-to-face contact where such contact is genuinely being contemplated as the most likely and appropriate next step. Where contact with a debtor has been established, face-to-face contact should not be threatened as part of a demand for payment.

(e) **Note**—this guidance is not intended to limit otherwise legally permissible visits:

- to sight, inspect or recover security interests
- for the serving of legal process
- for the enforcement of court orders by officers appropriately authorised by the relevant court.

Visiting the debtor's home

(f) Visits to a person's home will often raise issues about the privacy of the debtor and/or third parties. This subsection should be read in conjunction with part 2, sections 8 and 18 of this guideline.

(g) The following is recommended when visiting a debtor's home:

- Generally, do not visit the debtor's home uninvited when it is possible to ask permission to visit the debtor. If the debtor refuses the visit, you must not visit them.[14]
- State clearly to the debtor the purpose of any visit before making the visit.
- Negotiate a mutually convenient time for the visit. Unless the debtor agrees to or specifies another time, we recommend that visiting times be consistent with the reasonable contact times set out in part 2, section 4 of this guideline, *Hours of contact*.
- Prior to any visit, allow the debtor time to either seek advice, support, or representation from a third party.
- Do not visit the debtor's home if you know of special circumstances (for example, the debtor is seriously ill or mentally incapacitated) which would make face-to-face contact inappropriate. Leave the debtor's premises immediately if you become aware of such circumstances during the visit.

14 If you enter the debtor's premises when instructed not to do so, you risk breaching civil or criminal trespass laws. This is further discussed in Part 3 of this guideline.

Case study

A company threatened to inform the debtor's husband about her indebtedness in circumstances where the debtor had already told the company that her husband did not know and that she did not want him to know.

The court found that the suggestion that there would be a marked car at the debtor's house with two Sheriff's officers, when combined with the observation that the collection officer knew that the debtor did not want her husband to know of the situation, was, in effect, a tactic by which the officer sought to intimidate the debtor and suborn her will. The conduct was held to be unduly harassing and coercive.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

(h) You must leave the debtor's premises immediately if, at any time, you are asked to do so. As well as breaching the prohibition on undue harassment and coercion[15] refusing to leave someone's property on request is likely to constitute a breach of civil or criminal trespass laws. This applies to service or trades people claiming they are not permitted to leave a consumer's residence without receiving payment.

(i) Whether before or after visiting a debtor, or at any other time, do not stay in the vicinity of the debtor's home for an extended period of time or engage in any other conduct that may suggest to the debtor or a third person that the debtor or a member of the debtor's household is under surveillance.

Visiting the debtor's workplace

(j) Visiting a debtor's workplace should only be undertaken as a last resort, unless the debtor:

- is the proprietor or a director of a business to which the debt relates
- has specifically requested or agreed to the visit.

(k) If a debtor has asked that you do not visit them at their workplace, and has provided an alternative and effective means of communication, do not visit them at their workplace.

(l) Visiting a debtor at their workplace will always involve a risk of breaching the collector's privacy obligations to the debtor.[16] Collectors will generally be asked to explain who they are and why they are visiting, and it will generally be difficult to provide an explanation without giving confidential information to third parties.

(m) Visiting a debtor at their workplace uninvited may also be seen as an attempt to put pressure on the debtor by embarrassing or threatening to embarrass them in front of work colleagues. If this is found to have occurred, such conduct is likely to constitute undue harassment or coercion of the debtor.

(n) If you do visit a debtor's workplace:

- under no circumstances reveal to a third party, whether directly or indirectly, that the visit is in connection with a debt[17]
- under no circumstances discuss the debt in front of co-workers[18]
- leave immediately if, at any time, you are asked to do so by the debtor or another person.[19]

15 In Victoria, the failure to leave a person's private residence when requested to do so is prohibited under s. 45(2)(d) of the *Australian Consumer Law and Fair Trading Act 2012* (Vic).

16 See part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

17 ibid.

18 ibid.

19 If you do not leave the debtor's workplace when asked to do so, you risk breaching tort and/or criminal trespass laws. Also, in Victoria, the failure to leave a person's workplace when requested to do so is prohibited under s. 45(2)(d) of the *Australian Consumer Law and Fair Trading Act 2012* (Vic).

(o) A visit to a debtor's workplace should be undertaken when you know the debtor will normally be at work. If you do not know the debtor's working hours, we recommend that you limit any visit to between 9 am and 5 pm on weekdays.

(p) Whether before or after visiting a debtor, or at any other time, do not stay in the vicinity of the debtor's workplace for an extended period, or engage in any other conduct that may suggest to the debtor or a third person that the debtor is under surveillance.

8. Privacy obligations to the debtor and third parties

The Office of the Australian Information Commissioner (OAIC) has responsibility for privacy regulation at the Commonwealth level.[20]

(a) A debtor's personal information should always be treated with respect. The improper use of a debtor's personal information may cause that person serious harm.

(b) There are legal obligations under the *Privacy Act 1988* (Cth) (the Privacy Act) designed to protect the privacy of a debtor's personal information.

(c) A debtor's personal information may be regulated by the Privacy Act in a number of ways.

Under the Privacy Act, personal information is defined as 'information or an opinion about an identified individual, or an individual who is reasonably identifiable: a) whether the information or opinion is true or not, and b) whether the information or opinion is recorded in a material form or not.[21]

> **Example: Personal information**
>
> Obtaining a debtor's contact details from their employer is collecting their personal information. Telling any third party the reason for trying to find the debtor will also disclose personal information about the debtor.

Collecting and disclosing the debtor's personal information

(d) Information handling by private sector organisations is regulated, in part, by the Australian Privacy Principles (the APPs).[22]

(e) There are several key obligations around handling personal information:

- Personal information (other than sensitive information which is discussed below) must not be collected about an individual unless the information is reasonably necessary for one or more of your organisation's functions or activities. Therefore, only collect information that is reasonably necessary to recover the debt. For example, do not write down extra information about the debtor from an identifying document just because it might be useful.
- Sensitive information must not be collected about an individual unless the individual has consented and the information is reasonably necessary for one or more of your organisation's functions or activities. Some limited exceptions to this rule apply. Sensitive information includes information or an opinion about an individual's race or religious beliefs, criminal record, health information, or membership of a professional or trade association.
- Personal information must be collected only by lawful and fair means and must be collected directly from the debtor, unless this is unreasonable or impracticable.[23]
- When the debtor's information is collected, whether from a creditor or from the debtor, take reasonable steps to let the debtor know:

20 The OAIC can be contacted on 1300 363 992 or www.oaic.gov.au. See also under *Privacy laws* in appendix B of this guideline.

21 Section 6 of the Privacy Act.

22 For more information on the APPs and how they are applied, see the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

23 See APP 3. Advice on the operation of APP 3 can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

- the identity of the organisation collecting the information and how to contact it
- the fact that the organisation has collected information and the circumstances of that collection
- the purposes for which the information is collected
- the main consequences (if any) for the individual if all or part of the information is not provided
- any law that requires the particular information to be collected
- the organisations (or types of organisations) to which the organisation usually discloses information of that kind
- whether the organisation is likely to disclose the information to overseas recipients
- the fact that the debtor may access the information collected
- how the individual can complain about a breach of the APPs.[24]

- Do not use or disclose the information for a purpose other than that for which it was collected unless the debtor has consented to that use or disclosure or another exception applies.[25]
- Do not use or disclose personal information for direct marketing, unless certain matters are satisfied.[26]
- Before disclosing personal information about a debtor to an overseas recipient, the collector must take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the APPs in relation to that information.[27]

(f) Caution should be exercised when leaving messages for the debtor that may be seen or accessed by third parties, for example:

- Business cards or other documentation should not be left for the debtor in any open manner that would allow a third party to infer the nature of your interest in contacting the debtor
- Voicemail messages should be phrased so as to avoid a third party inferring the nature of your interest in contacting the debtor
- At no stage should contact be made with a debtor's social media account that would compromise the debtor's privacy, for example, placing a message for the debtor in a way that would allow anyone other than the debtor to view it.

Example: Contact using social media

As with other forms of contact, if you use social media such as Facebook to contact the debtor, then you must ensure such contact is not excessive and is always for a reasonable purpose; otherwise the contact may amount to undue harassment. You must also observe your privacy obligations when using such forums to make contact with the debtor.

What you should do with the debtor's personal information

(g) Remember the following:

- Take reasonable steps to ensure that the personal information being collected is accurate, complete and up-to-date. Before using or disclosing the personal information, having regard

24 Advice about what steps might be reasonable in certain circumstances can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

25 See APP 6. Advice on the operation of APP 6 can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

26 See APP 7. Advice on the operation of APP 7 can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

27 See APP 8. Advice on the operation of APP 8 can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

to the purpose of that use or disclosure, take reasonable steps to ensure the information is accurate, up-to-date, complete and relevant[28]

- If personal information is kept for any time, ensure it is secure against misuse, interference or loss and from unauthorised access, modification or disclosure
- If the information is no longer needed for any purpose for which the information may be used or disclosed, or required by law or a court to be retained, take reasonable steps to destroy it or permanently de-identify the record[29]
- The debtor has a right to access and correct the personal information collected and certain procedures must be followed to facilitate that access or correction.[30]

Rights of third parties

(h) Collectors also have privacy obligations to third parties from whom they collect personal information. Under APP 3, the personal information of third parties may only be collected if this is reasonably necessary for one or more functions or activities of the collector. Third parties must also be advised if their personal information is collected.

Obligations regarding consumer credit reports

(i) Part IIIA of the Privacy Act also regulates the handling of personal information contained in consumer credit reports.[31] Credit providers should take care what information from a credit report is made available to you to recover a debt and ensure that defaults are only listed if the information is correct. For example, a credit provider should not disclose to an externally contracted debt collector a credit report or any information from a credit report apart from:

- details about the debt to be collected
- information that is reasonably necessary in order to identify the individual. In certain circumstances, this may include the name and addresses of the debtor
- any court judgments or bankruptcy orders against the debtor
- personal insolvency information about the debtor.[32]

9. When a debtor is represented

(a) A debtor has a right to have an authorised representative (such as a financial counsellor, financial advisor, community worker, solicitor, guardian or carer) represent them or advocate on their behalf about a debt.

(b) Except in the circumstances outlined in paragraph (d) and (e) of this section, you should not:

- contact a debtor directly after you know, or should know, that the debtor is represented
- refuse to deal with an appointed or authorised representative, whether by direct refusal or by placing unnecessary obstacles in the way of the authorised representative, for example, by insisting on a particular style or form of authorisation when the written authority provided already includes the necessary information.

28 See APP 10. Advice on the operation of APP 10 can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

29 See APP 11. Advice on the operation of APP 11 can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

30 See APP 12 and APP 13. Advice on the operation of APP 12 and APP 13 can be found in the APP guidelines at www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/.

31 For general advice on credit reporting and the obligations around consumer credit reports, see www.oaic.gov.au/privacy/privacy-for-organisations/credit-reporting/.

32 See s. 21M of the Privacy Act.

Example: Contacting a represented debtor

If a debtor instructs you not to contact them, and provides you with contact details of a specified third party who has been authorised to act on their behalf, then you should not contact the debtor and future contact should be through the authorised representative, subject to the exceptions within section 9 of this guideline.

(c) In general, any form of authority consistent with the requirements of the Privacy Act should be regarded as acceptable. We recommend that:

- A verbal authorisation given by a debtor in circumstances where it is recorded (a file note of a conversation would suffice), is acceptable for the purpose of allowing a third-party representative to represent them or advocate on their behalf about a debt
- A written authorisation to be represented[33] include as many of the following details as is reasonably possible:
  - full name, date of birth and residential address of the debtor
  - the name of the creditor, account/contract identity details for which the authorisation is provided
  - full name, address and contact details (telephone or email) of the authorised third party, individual representative or agency
  - the basis of the authorisation provided—whether the authorisation is ongoing or whether strictly limited to a specific purpose or timeframe.

(d) You are entitled to contact a debtor directly if:

- the debtor specifically requests direct communication with you
- the representative does not consent to represent the debtor in relation to the debt
- the representative advises you that they do not have instructions to represent the debtor in relation to the debt
- the representative does not respond to your communications within a reasonable time (normally seven days) and you advise the representative in writing after the reasonable time has passed that if they do not respond within the next seven days, you will make direct contact with the debtor
- you advised the debtor that you require a written authority which states that you are only to communicate through the debtor's representative, and the debtor or representative fails to provide you with that written authority within a reasonable time (normally seven days). Note that this does not apply where the debtor's representative is a solicitor. When an authorised representative does not agree to have written correspondence redirected to them, such correspondence should continue to be sent directly to the debtor.

(e) You may also be entitled to contact a debtor directly where more than one of the following applies (except where the representative is a financial counsellor[34], a qualified legal practitioner in the relevant state or territory, or a qualified accountant[35]):

- the representative is acting in a manner or making decisions which increase or are likely to increase the debtor's liabilities
- the representative may be charging the debtor a fee for services that can be readily accessed free of charge
- the representative may be receiving payment from the debtor for the negotiation of a debt settlement

33 See Appendix D of this guideline, Authority Form from Financial Counselling Australia, for an example of a form of written authority developed by Financial Counselling Australia in consultation with industry, peak bodies and EDR schemes.

34 See r. 20(5) of the NCCP Regulations.

35 Certified by one of the three Australian peak bodies: the Institute of Chartered Accountants, Certified Practising Accountants Australia and the Institute of Public Accountants.

- you reasonably believe that the representative is not informing the debtor of all available options, offers of settlement, offers of hardship assistance or other creditor proposals[36]
- you reasonably believe that the representative is engaging in a deceptive or misleading manner in engagement with either or both the creditor or the debtor
- you reasonably believe that the debtor has not been informed of the potential risks and consequences of a course of action the representative is pursuing
- the representative has been excluded from the Australian Financial Complaints Authority (AFCA) from representing the complainant
- you reasonably believe that the representative is acting against the debtor's best interests.[37]

(f) In the circumstances described in (e) above, upon contacting a debtor directly despite representation, you should explain to the debtor why you are making direct contact and provide the debtor with reasonable time to consider the information you provided and, if necessary, make alternative arrangements.

(g) You should maintain records of all communications and attempted contacts with the debtor's representatives.

(h) If the debt is assigned, contact details of the authorised representative should be provided to the assignee and the assignee should avoid contacting the debtor directly (subject to paragraph (d) and (e) above. Also see part 2, section 11 of this guideline, *Providing information and documents*).

10. Record keeping

(a) You should ensure:

- you maintain accurate, complete and up-to-date records of all communications with debtors, including the time, date and nature of calls about the debt, records of any visits in person, and records of all correspondence sent
- all payments made are accurately recorded (including details of date, amount and payment method)
- you provide documents to which the debtor is entitled on the debtor's request.

(b) Accurate record keeping by all parties is vital to promptly resolve disputes and to allow collectors and debtors to limit or avoid costly debt collection activity.

> **Example: Record of attempted and actual contacts**
>
> If you maintain accurate records (for example, call logs or notes of contact and copies of all correspondence with the debtor), it may be easier to identify any issues and to resolve disputes.

(c) Accurate record keeping will also assist to determine whether a debt is statute-barred by making it easier for you to identify and calculate relevant dates to determine the limitation period. See part 2, section 20 of this guideline, *Representations about the legal status of debt—including statute-barred debt*.

> **Example: Record of payments**
>
> If you accurately record all payments in relation to a debt, it will be much easier for you to accurately identify when the debtor's last payment was made.

(d) Creditors should ensure:

36 For example, because the representative's response appears to lack due consideration, or is aggressive or threatening.

37 For example, based on the representative's previous conduct when representing this or other debtors.

- debt collectors are provided with accurate, up-to-date information about assigned or contracted debts[38]
- retained information and documentation can be accessed and forwarded to collectors in a prompt and efficient manner
- settled debts are not assigned or contracted out for collection.

Recording debt settlements

(e) You should ensure that:

- settlements reached in relation to the repayment of a debt are fully documented in relevant files and computer systems
- before tranches of debts are assigned, sold or contracted out for collection, all reasonable steps are taken to ensure settled debts are not included.

(f) Once a debt is settled, any credit reporting body report on the debtor should be updated appropriately.[39]

11. Providing information and documents

(a) You should address requests from a debtor or their authorised representative for information or documentation as soon as possible.

(b) In certain circumstances, failure to provide information may constitute misleading or deceptive conduct or unconscionable conduct. Copies of contracts and related documents should be provided without unreasonable delay if these are requested by a debtor or on behalf of a debtor. This can also assist if a debt has been incurred with a business operating under a trading name that is different to the creditor name supplied to the debtor. You can only charge for provision of documents if the contract that gave rise to the debt specifically allows for it.

(c) If a debt relates to consumer credit regulated by the NCC, specific obligations are imposed on creditors to provide information and documents on request. These obligations are set out in the following sections of the NCC:

- s. 36 (statement of amount owing and other matters)[40]
- s. 38 (disputed accounts)[41]
- s. 83 (statement of payout figure)[42]
- s. 185 (copies of contracts and other documents).[43]

These obligations also provide a guide to what is reasonable for accounts that are not regulated by the NCCP.

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38 Note, however, that there are limits on information mercantile agents are permitted to receive from credit providers under Part IIIA of the Privacy Act. More generally on privacy issues: see part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

39 More generally on credit reporting, see part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

40 Information to be provided to the debtor or loan guarantor if requested under s. 36(1) of the NCC:
(a) the current balance of the debtor's account
(b) any amounts credited or debited during a period specified in the request
(c) any amounts currently overdue and the dates they became due; and
(d) any amount currently payable and the date it becomes due.

41 If a particular liability is disputed in writing, the credit provider must explain in writing in reasonable detail how the liability arises: s. 38(1) of the NCC.

42 In response to a written request from a debtor or loan guarantor, a credit provider must provide a written statement of the amount required to pay out a credit contract (other than a continuing credit contract) as at a particular date. Details of items that make up this amount must also be provided if requested: s. 83 (1) of the NCC.

43 In response to a written request by a debtor, mortgagor or guarantor, a credit provider must provide a copy of the credit contract, mortgage or guarantee, any credit-related insurance contract in the credit provider's possession, and any notices given to the debtor, mortgagor or guarantor under the NCC: s. 185(1) of the NCC.

(d) In addition, subscribers to industry codes of conduct may be subject to information and document disclosure requirements.[44] Debtors also have a right to access personal information held about them under APP 12 (subject to certain limits).[45]

(e) If a debtor or their authorised representative requests information about an amount claimed as owing, or how that amount has been calculated, you should provide the requesting party with an itemised statement of the account clearly specifying:

- the amount of the debt and how it is calculated
- details of all payments made and all amounts (including principal, interest, fees and charges) owing and the relevant dates for these transactions.

(f) Except for undisputed amounts, all collection activity should be suspended until the account information and/or documents requested have been provided to the debtor (see part 2, section 13 of this guideline, *If liability is disputed*).

Responsibility for providing information and documents

(g) Depending on arrangements between the original creditor and its agent or assignee who purchased the debt (assignee), such information may be provided either through the agent or assignee or directly by the original creditor.[46]

Agents

(h) Original creditors should bear in mind that agents act on their behalf under express or implied authority. This means that the original creditor is ultimately liable for the agent's actions.

(i) Original creditors and their agents need to have appropriate contractual and operational arrangements in place to facilitate the provision of information and documents. This includes prompt and efficient processes for agents relaying requests to the original creditors, and for the original creditors responding to those requests. When it is arranged for the original creditor to respond directly to the debtor, a discussion should take place between the original creditor and agent to ensure that collection activity is suspended until the account information or documents requested have been provided.

Assignees

(j) If you have purchased debt from the original creditor, you should ensure that you have all relevant information and documents relating to the debt, or are able to access this information or documents from the original creditor within reasonable timeframes or the prescribed time period under the NCC if the credit contract is regulated by the NCCP. You should ensure that the debtor is not disadvantaged by the assignment of the debt.

(k) Original creditors and assignees should ensure that the terms of the assignment include adequate processes to ensure compliance with this guideline and the law. The processes should enable the timely provision of information such as itemised account statements to a debtor or their authorised representative upon their request.

(l) The original creditor should notify the assignee if the debtor is represented or if there are repayment arrangements in place.

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44 For example, subscribers to the Banking Code of Practice (available at www.ausbanking.org.au/campaigns/new-banking-code/#The Banking Code of Practice) must comply with code requirements relating to the provision of copies of documents (cl. 146).

45 More generally, see part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

46 Note however the obligations under the Privacy Act. More generally on privacy issues, see part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

(m) Where the original creditor sells or assigns the debt, the debtor must be informed of this through express notice in writing. Under state-based property laws, this can be given by either the original creditor or debt purchaser.[47]

(n) Clearly explaining why a party other than the original creditor is involved in the collection of a debt is important to avoid debtor confusion and to encourage a cooperative response. In addition to any other information required by state or Commonwealth laws, your first contact with the debtor should set out in plain English that you have purchased the debt from the original credit provider and set out the consequences of the purchase, including but not limited to relevant contact details, scheduled repayments and any other useful information that can assist the debtor's understanding of their obligations and options.

12. Consistent and appropriate correspondence

(a) Your correspondence—including automatically generated letters—should be consistent with both your records and your verbal communications with the debtor, and vice versa.

(b) Correspondence should reflect the repayment arrangements that you have made with the debtor.[48] Such correspondence must not make inaccurate representations, including misrepresentations about:

- the frequency of contact (for example stating that 'numerous attempts have been made to contact you by telephone' or 'numerous previous letters have been sent' if this is not the case)
- liability or the amount owing (for example stating or implying that a debtor is liable for collection charges or fees, legal fees or charges that you are not legally entitled to claim)
- demand payment for an amount that does not account for payments already made.

(c) It is not appropriate to send reminders or other correspondence about the consequences of non-payment (including automatically generated letters) when:

- a temporary stay of action or enforcement has been granted
- you have not provided the information you agreed to provide (whether or not liability for the debt has been disputed)
- court or external dispute resolution proceedings regarding the debt have been commenced.[49]

(d) You should avoid communications with the debtor that may distort the true purpose of the communication or communicate an unwarranted sense of urgency or cause unwarranted stress or anxiety.

Example: Unwarranted sense of urgency

If you write a letter or other message to a debtor that does not identify the sender but states that the matter is urgent then you may lead a debtor to believe there may be some personal emergency that requires an immediate response.

47 In *Anning v Anning* (1907) 4CLR 1049, Griffith CJ stated, at 1059, "The section does not say by whom the notice is to be given but it is, I think, clear that it may be given either by the assignor or the assignee". Griffith CJ was referring to s. 5(6) of the *Judicature Act 1876* (Qld), which is virtually identical to s.134 of the *Property Law Act 1958* (Vic). The position was affirmed in *Tristan Head v Credit Corp Services Pty Ltd* [2000] NSWSC 488 where O'Keefe J, in the context of considering s. 12 of the *Conveyancing Act 1919* (NSW), stated that (at [9]): "It is well established that notice of assignment of a debt may be given either by the assignor or the assignee (*Anning v Anning* (1907) 4 CLR 1049 at 1059, Griffith CJ)".

48 See part 2, section 14 of this guideline, *Repayment negotiations*, and section 15 of this guideline, *Contact when a payment arrangement is in place*.

49 However, if judgment is subsequently obtained, further correspondence or other communication may be appropriate (for example, to outline alternatives to enforcement of the judgment debt through the courts). For a more general discussion of legal action and procedures, see part 2, section 21 in this guideline, *Legal action and procedures*.

13. If liability is disputed

(a) Collection activity (including credit report listing) should be suspended if you have not already confirmed the identity and liability of a person and that person claims that:

- they are not the alleged debtor
- the debt was never incurred, or
- the debt has been paid or otherwise settled.

(b) If collection activity is continued without properly investigating claims that a debt is not owed, including whether a debt is statute-barred, there is considerable risk of breaching the law.

Assignment

(c) If you are considering assigning a debt, and the debt is in dispute, consider whether it is appropriate to assign the debt at all. If you do decide to assign the debt while it is in dispute, make sure the assignee has the right information to understand the background to the dispute, and to appropriately manage it with the debtor.

Identity of debtor is disputed

(d) A person must not be pursued for a debt unless there are reasonable grounds for asserting that the person is liable for the debt.

> **Example: Take reasonable steps to ensure that the person contacted is the alleged debtor**
>
> You should not send letters requesting payment or alleging a debt is owed to a person or group of persons who may only share a name or surname with the person who incurred the debt. Doing so can be stressful for a person who is not the alleged debtor and may be misleading or deceptive.

(e) Reasonable steps should be taken to ensure that the person contacted or attempting to be contacted is the alleged debtor. If the identity of the debtor cannot be established with sufficient certainty (because they deny their identity and you do not have any other supporting evidence to the contrary) all contact with that person should cease. Failure to do so may risk breaching consumer protection laws and/or the Privacy Act. See part 2, section 8 in this guideline, *Privacy obligations to the debtor and third parties*.

Quantum of or liability for a debt is disputed

(f) If the debtor's liability for the debt cannot be established when challenged, collection activity should cease. A letter to the debtor should be considered advising that collection activity has ceased and the circumstances (if any) in which collection activity may be resumed in the future.

(g) It is misleading to state or imply that the debtor must prove they are not liable for the debt. In legal proceedings, proof of the debt lies with the person alleging the debt is owed to them.

(h) If the parties are unable to resolve a dispute about liability for a debt or the amount owed, you may have an obligation to advise the debtor of internal or external dispute resolution processes available—see further under part 2, section 22 of this guideline, *Resolving debtor complaints and disputes* and section 24 of this guideline, *The role of independent external dispute resolution schemes*.

(i) Subject to the next paragraph, further communication with a debtor, after the debtor has clearly denied liability and/or stated an intention to defend any legal proceedings brought against them, is not appropriate. In these circumstances, you have the option of starting legal proceedings if you choose to pursue the debt.

(j) However, further communication in writing may be appropriate after a denial of liability to:

- clarify the basis of the creditor's or collector's claim and the consequences of legal action being taken
- advise the debtor of the creditor's or collector's intention to start legal proceedings, and the steps involved
- put a genuine proposal to the debtor for settlement of the debt.

Further communication is also appropriate when it is subsequently authorised or requested by the debtor.

(k) Further communication with the debtor about any other debt, or any part of a debt that is not denied remains appropriate.

(l) If a court judgment is obtained for a debt for which liability had been denied, you are entitled to start or resume communication with the debtor for that judgment debt (assuming the judgment has not been set aside).

Case study

A company harassed three consumers to pay disputed debts despite being advised that they were not liable for the debts.

The court found that the company repeatedly insisted that the debtors disprove their liability, including for two of the consumers over relatively significant periods. The conduct was such as to "intimidate or demoralise, tire out or exhaust a debtor, rather than merely to convey the demand for recovery". The court held that the company's repeated and intrusive conduct constituted undue harassment of each of the debtors.

ACCC v Panthera Finance Pty Ltd [2020] FCA 340

14. Repayment negotiations

(a) We encourage you to work with a debtor and to adopt a flexible and realistic approach to repayment arrangements, which includes:

- making reasonable allowances for a debtor's ongoing living expenses
- considering if a debtor is on a fixed low income (for example a disability pension or other welfare payments) and there are no prospects of their income increasing in the future
- recognising that debtors experiencing financial difficulties will often have a number of debts owing to different creditors, and
- ensuring that payment arrangements are meaningful and sustainable.

(b) In some circumstances, a prolonged period of negotiation about a debt may not be in the interests of the debtor. This may be the case, for example, when a debtor's equity in their home or other security is reducing rapidly because they can no longer maintain minimum or meaningful loan repayments. It is appropriate for you to take this kind of circumstance into account when negotiating with a debtor.

(c) Debtors experiencing financial hardship in relation to credit contracts regulated by the NCCP have the benefit of a formal process under the NCC.[50] In such cases, the credit provider must notify the debtor within the timeframes specified in the NCC whether the credit provider agrees to change the credit contract. You should not contact the debtor for the purpose of collection until such decision has been communicated. Financial hardship policies are also available to consumers for

50 If a debtor considers that they are or will be unable to meet their obligations under a credit contract, the debtor may give the credit provider notice, orally or in writing, of their inability to meet these obligations: s. 72 of the NCC. If the credit provider does not agree to the variation proposed, the debtor can apply to AFCA.

particular goods or services, such as energy and financial products or services.[51] There may also be other circumstances where consumers are entitled to apply for a particular repayment program due to financial hardship.

(d) You should also be aware that the law may offer some protections to debtors receiving certain types of income, for example, where a debtor's income is derived only from a pension or a government benefit.[52]

(e) In addition, some industry codes may oblige subscribers to help debtors overcome their financial difficulties and advise them of any rights they may have under the NCCP or other relevant legislation.[53]

(f) You must not mislead the debtor in the context of repayment negotiations. For example, you must not:

- advise a debtor that you do not, or are unable to, enter into repayment arrangements when this is not the case
- mislead a debtor about their rights, for example, a right to seek a repayment variation
- mislead a debtor about the consequences of non-payment (see part 2, section 19 of this guideline, *Representations about the consequences of non-payment*)
- mislead a debtor about the legal status of a debt (see part 2, section 20 of this guideline, *Representations about the legal status of a debt—including statute-barred debt*).

(g) It is also unacceptable to pressure a debtor to:

- pay in full or in unreasonably large instalments, or to increase payments when you are aware they are unable to do so
- pay a large upfront amount and state that only afterwards will you consider payment arrangements
- get further into debt to pay out an existing debt
- show proof of unsuccessful alternative credit applications before a repayment plan will be negotiated
- borrow from family or friends to pay out a debt
- access their superannuation early.

(h) Under no circumstances should you provide debtors with financial advice.

(i) Any repayment arrangement reached with a debtor should be fully and accurately documented.

(j) A written copy of the agreed repayment arrangement should be provided to the debtor on request. If the debtor does not agree with the way the repayment arrangement has been recorded, they have an opportunity to clarify the arrangement with the debt collector or creditor.[54]

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51 For example, the National Energy Retail Law (NERL) requires energy retailers to develop, maintain and implement a customer hardship policy for residential customers and the AER oversees this process. Energy retailers have an obligation to develop processes to identify consumers experiencing hardship and provide flexible payment options. The AER collects data to monitor retailers' compliance and performance in these areas. See AER publication *Are you having trouble paying your energy bill?* at www.aer.gov.au/consumers/aer-resources and www.aer.gov.au/consumers/my-energy-bill/problems-paying.

52 For example, s. 60(1) of the *Social Security (Administration) Act 1999* (Cth) which provides that a social security payment is absolutely inalienable. Other protections include s. 12 of the *Judgment Debt Recovery Act 1984* (Vic), which states that an instalment order shall not without the consent of the judgment debtor be made if the income of the judgment debtor is derived solely for a pension or other government benefits.

53 For example, chapter 41 of the Banking Code of Practice states that 'we will try to help you if you are experiencing financial difficulty'.

54 If you are regulated under the NCCP, you may have an obligation to provide debtors with certain information and/or documents upon request, see for example, s. 185 of the NCC.

> **Example: Confirm renegotiated repayment arrangements in writing**
>
> At the end of a phone conversation with the debtor, where you have renegotiated a repayment arrangement, you should send an email or letter to the debtor to confirm the terms of the agreed arrangement. This will minimise any ambiguities or misunderstandings, and will give the debtor the opportunity to contact you in case they disagree or are unclear about any aspect of the agreement or the way you have recorded it.

(k) Once finalised, the debtor should be given a reasonable opportunity for the repayments to be made under the arrangements.

15. Contact when a payment arrangement is in place

(a) Generally, while an arrangement is in place, the debtor or their representative should not be contacted unless:

- the debtor asks you to
- you wish to propose a genuine alternative arrangement to benefit the debtor
- the debtor does not comply with the terms of the repayment arrangement.

(b) In addition, if you are required to provide or have committed to provide ongoing account statements to the debtor, you should continue to do so.

> **Example: Payment reminders**
>
> You can ask the debtor whether they wish to receive payment reminders, perhaps via an email or SMS. However, if a debtor has not explicitly requested such contact you should avoid further contact unless it is for a proper purpose (for example, the debtor defaulted on a repayment).

(c) You are entitled to contact a debtor to review an arrangement that was made subject to review. However, repayment reviews should not be excessively frequent. A minimum of three months is recommended between reviews unless the debtor fails to make an agreed repayment.

16. Contact following bankruptcy or a Bankruptcy Act agreement

The following information on bankruptcy has been written based on guidance from AFSA.

AFSA is the Commonwealth body responsible for the administration and regulation of the personal insolvency system, trustee services and the administration of the Personal Property Securities Register (PPSR) and proceeds of crime.

(a) Under the Bankruptcy Act an unsecured creditor[55] may lodge a proof of debt with the bankrupt's trustee. With limited exceptions set out in the Bankruptcy Act, an unsecured creditor may not:

- take or continue legal action or allow recovery action to continue against the bankrupt person
- take any remedy against the person or property of the bankrupt.

(b) A creditor or debt collector must also stop all informal collection activity against a bankrupt person for an unsecured debt.

(c) Trying to persuade a bankrupt person that they should or must pay an unsecured debt covered by the bankruptcy will constitute misleading or deceptive conduct under the consumer protection

55 A creditor who does not hold a mortgage, bill of sale or other security over an asset that can be sold if the debt is not paid.

laws.[56] Contacting a bankrupt person about such a debt may also amount to harassment of the debtor or unconscionable conduct.

(d) Secured creditors[57] (including their agents) are entitled to take possession of their secured assets and sell these if the bankrupt person is in default.[58] Contacting a bankrupt debtor to sight, inspect or recover a security interest is permissible so long as the contact is consistent with the law.

(e) In certain circumstances, a bankrupt person may also agree to pay a secured creditor to keep an asset. Ongoing communication with the bankrupt person in connection with such an arrangement is also permissible.

(f) Apart from becoming bankrupt, in certain circumstances a debtor may enter into a Part IX debt agreement or Part X personal insolvency agreement under the Bankruptcy Act. These agreements involve a process by which a debtor makes a proposal to the creditors. If this proposal is formally accepted by the creditors, both debtor and creditors are bound by it and creditors cannot enforce remedies to recover their debts so long as the agreements are valid and are not declared void by a court or otherwise terminated. As with bankruptcy, secured creditors' rights are not affected by these agreements.[59]

(g) Unsecured creditors (or their agents) should contact the trustee of a bankrupt estate, or the administrator of a Part IX or trustee of a Part X agreement for information about the possibility of recovering their debt.

17. Conduct towards the debtor or their representatives

(a) A debtor is entitled to respect and courtesy, and must not be subject to misleading, humiliating or intimidating conduct by a creditor, debt collector or any of their agents or representative. Such conduct is likely to breach the law.

(b) You should never:

- use abusive, offensive, obscene or discriminatory language
- make disrespectful or demeaning remarks about a debtor's character, situation in life, financial position, physical appearance, intelligence or other characteristics or circumstances
- embarrass or shame a debtor—for example, by sending open correspondence to a shared post-box, posting messages for the debtor in a public online forum (for example, using social media sites), making the debtor's employer or co-workers aware that the debtor is being pursued for a debt, or creating an impression that the debtor is under surveillance[60]
- adopt an aggressive, threatening or intimidating manner—for example, by shouting at or continually interrupting the debtor, or by refusing to listen to what the debtor has to say
- use, or threaten to use, violence or physical force against a debtor, third party or against property[61]
- mislead a debtor about the nature or extent of a debt, or the consequences of non-payment.[62]

56 When a person is bankrupt, the debt may be recoverable from the bankrupt person's estate. In this case, the trustee of the bankrupt estate, not the bankrupt person, should be contacted.

57 A creditor who holds a mortgage, bill of sale or other security over an asset that can be sold if the debt is not paid.

58 Further information is available at www.afsa.gov.au/insolvency/owed-money/your-rights-creditor.

59 Further information is available on the AFSA website on www.afsa.gov.au or 1300 364 785.

60 Such actions may also involve a breach of the collector's privacy obligations to the debtor: see part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

61 Such threats or actions may constitute criminal conduct.

62 See further under this guideline part 2, sections 19, *Representations about the consequences of non-payment, 20 Representations about the legal status of debt, including statute-barred debt* and *21, Legal action and procedures.*

Case Study

A company was found to have engaged in false and misleading conduct and unconscionable conduct, and to have used coercion to obtain payment for mobile services when it created a fictitious complaints handling body, a fictitious debt collection agency and made false statements about the consequences of non-payment to coerce debtors to pay the alleged debt.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

(c) Inappropriate behaviour by a debtor does not justify unprofessional conduct by the collector.

(d) Where possible, you should attempt to defuse such behaviour and refocus discussion on the outstanding debt and arrangements for its repayment. Where a debtor displays inappropriate behaviour, we recommend the matter be escalated to a senior staff member who is trained to manage such situations.

(e) Debtor frustration or anger is more likely to be contained where viable and achievable repayment arrangements are proposed. In the event of violence or other extreme conduct, the appropriate response is to cease contact immediately and refer the matter to the police.

Case study

A company was found to have breached the prohibitions against harassment and coercion when its agents pinned a man to the ground during a vehicle seizure, even though the company had a contractual right to seize the debtor's vehicle. The court found this to be the case notwithstanding the fact that the man threatened the agents with assault.

ACCC v Davis [2003] FCA 1227

18. Conduct towards family members and other third parties

(a) You must not try to pressure a debtor by misleading, harassing, threatening or putting pressure on a debtor's spouse or partner, a member of a debtor's family (especially a child) or other third parties such as authorised representatives.

(b) Any communication with third parties, including members of a debtor's family, must be consistent with your privacy obligations to the debtor and the third party as set out in part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

Case Study

A company called a neighbour and friend of the debtor with the expectation that they would inform the debtor or the debtor's husband that the company had contacted them.

The court found that contacting the debtor's neighbour and asking him to pass a message to the debtor's husband, as opposed to the debtor, was a distinctly unsavoury tactic. It was found to amount to undue harassment and coercion. The court found that this conduct carried with it the implicit suggestion that such exposures might be expected in the future.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

(c) A debtor's family and third parties should be treated with courtesy and respect. In most circumstances, it is likely that the third party is unaware of the debt and may find the contact distressing (particularly in the case of family members).

(d) You might breach Commonwealth consumer protection laws if, in communicating with a third party, you:

- suggest or imply that the third party is liable for the debt when that person has no legal obligation to pay
- suggest or imply that the third party should try and persuade the debtor to pay the debt, or that the third party should themselves pay the debt
- put pressure on the debtor indirectly by involving the third party
- embarrass or distress the debtor.

(e) When it is appropriate to communicate with a third party, do so by telephone or other non-intrusive means wherever possible.[63]

(f) Only visit a third party at their home or other location when no other means of making contact is available, for example, when you only have, or can only reasonably obtain, an address.

(g) Attempting to get information about a debtor from a third party under false pretences, for example, by pretending to be an associate or friend of the debtor, constitutes misleading or deceptive conduct and is against the law.

Case study

A company was eliciting confidential information about a debtor from the debtor's employer under false pretences by making a statement which was knowingly false, namely, that the call was for the purpose of processing a 'credit application'.

The court declared that the company had engaged in misleading or deceptive conduct and undue harassment and coercion.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

(h) A third party is not obliged to give you information, nor agree to leave a message for a debtor, or otherwise help you. If a third party indicates they do not want to help you—however unreasonable that refusal may seem to you—stop contacting the third party.

Communication with the debtor's child

(i) Attempting to pressure a debtor by instigating unauthorised communication with the debtor's child, or by making threats about the debtor's child (for example, threatening to report the debtor to the family welfare authorities) will constitute undue harassment or coercion or unconscionable conduct within the meaning of the consumer protection laws.

(j) Do not communicate with a debtor's child (under the age of 18) about a debt, unless:

- communication with that child is specifically authorised and initiated by the debtor; or the debtor, on their own initiative, asks the child to act as a translator
- you reasonably believe the child is willing and able to act as a translator or other intermediary
- you reasonably believe that the child has not been coerced in any way by the debtor or another party to act in this capacity.[64]

(k) You must take particular care to ensure that your conduct and demeanour does not distress or embarrass the child. You should immediately cease communication involving the child if the child appears to become upset, or the child or a member of the child's family requests that the communication cease.

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63 On the hours and frequency of contact with third parties, see part 2, section 4 of this guideline, *Hours of contact* and section 5, *Frequency of contact*. If communication is made with a third party, the creditor or collector should avoid disclosing any information about the debtor including the existence of the debt: see part 2, section 8 of this guideline, *Privacy obligations to the debtor and third parties*.

64 Note that in Victoria, any communication with a person under the age of 18 regarding a debt (if the person is not the debtor) is prohibited under s. 45(2)(n) of the *Australian Consumer Law and Fair Trading Act 2012* (Vic).

19. Representations about the consequences of non-payment

(a) This section should be read in conjunction with part 2, section 20 of this guideline, *Representations about the legal status of debt, including statute-barred debt* and section 21 of this guideline, *Legal action and procedures*.

(b) You are entitled to accurately explain the consequences of non-payment of a debt, but must not misrepresent those consequences.[65] Misrepresentation may increase the risk of breaching laws against unconscionable conduct when the debtor is in a position of special disadvantage or vulnerability.[66]

(c) You must not threaten legal action if the start of proceedings is not possible, not intended, or not under consideration, or you do not have instructions to start proceedings.

Case study

A company represented to a debtor that it was commencing proceedings to bankrupt the debtor, which would involve his house being repossessed, when this was not true. The company also represented to a debtor that it would cause Sheriff's officers to attend the debtor's home to serve documents when this was not possible.

The court found that the operators were told to make references to legal proceedings and lawyers as a means of achieving debt recoveries.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

Case study

A company made empty threats to litigate against two customers – a care facility resident who had difficulty communicating after suffering multiple strokes, and a Centrelink recipient – despite being aware that they had no means, or only limited means, to repay. The company issued letters to the customers containing threats of legal action in circumstances where the persons who made those threats did not have instructions or authority to commence legal proceedings.

The court found the company engaged in misleading or deceptive conduct, used undue harassment or coercion, and engaged in unconscionable conduct in its dealings with the two vulnerable consumers.

ACCC v ACM Group Ltd [2018] FCA 1115

(d) Conversely, you must not state or imply that action will not be taken when the start of proceedings is intended or under consideration.

Case Study

A company sent a debtor a letter implying that they would not or could not lawfully repossess a car without a court order, but then proceeded to repossess the car without this order. The court found this to be a contributing factor towards a finding of unconscionable conduct.

ACCC v Esanda Finance Corporation Ltd [2003] FCA 1225

65 Apart from constituting misleading or deceptive conduct under the ACL, misrepresenting the consequences of non-payment of a debt may also be prohibited in Victoria under s. 45(2(k) of the *Australian Consumer Law and Fair Trading Act 2012* (Vic).

66 See part 3 of this guideline, *Commonwealth consumer protection laws*.

(e) Do not state or imply to a debtor or their representative that:

- immediate possession will be taken of a debtor's home or other property when the debt is not secured by that property, or you have not obtained judgment for the debt and served all necessary notices
- you obtained judgment for the debt, if this is not the case
- unsecured goods may be seized and sold without further legal action
- unsecured basic household items can be seized if the debtor is made bankrupt[67]
- additional fees or charges will be added to the debt if payment is not made, if such fees or charges are not permitted by law[68]
- additional fees or charges will be added to the debt where there is no contractual right to add these
- non-payment will have consequences relating to the person's employment or ability to earn an income
- the debtor is obligated to make repayments from their social security entitlements if they are not obligated to do so.[69]

Case study

A company was found to have engaged in unconscionable conduct by making false representations to debtors about the company's rights and remedies in the event that legal proceedings were commenced to recover the alleged debts.

The company falsely represented to debtors that a court would make certain orders that the debtor would be required to pay an additional charge of 20% of the original debt as a remedy for failure to pay on time; and that all assets of value would be repossessed, including children's toys.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

Case study

A company threatened to issue a warrant for the debtor's arrest and take action that would result in his taxi licence being revoked. The company also threatened to take action that would result in the debtor being unable to travel overseas (implying that his passport may be at risk).

The court found that the threats relating to the debtor's passport and taxi licence were 'calculated to intimidate' and amounted to undue harassment.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

(f) Do not state or imply that:

- failure to pay a debt is a criminal matter when no fraud or other criminal offence is involved
- a matter will be referred to the police when there is no intention or reasonable basis to make such a referral

67 Section 116 of the *Bankruptcy Act 1966* (Cth) excludes these and some other items from seizure by creditors.

68 For example, in Queensland, s. 347 of the *Property Agents and Motor Dealers Act 2000* (Qld) prohibits the recovery of a commercial agent's fees or charges (besides stamp duty and costs fixed by or payable under the rules of a court or a court order) in the absence of an agreement with the debtor allowing such recovery, and subject to the NCC.

69 Some state laws provide additional protection to debtors whose sole source of income is a social security benefit and the debtor has no other assets.

- criminal proceedings may be commenced by you or other private persons for the non-payment of a debt.[70]

(g) Under the National Energy Retail Law (NERL), an energy retailer must not commence proceedings for debt recovery if the customer continues to adhere to the terms of an agreed payment arrangement or if the energy retailer has failed to comply with requirements in the NERL regarding payment plans and assistance to hardship customers or residential customers experiencing payment difficulties.

Credit reporting

(h) Do not state or imply that you intend to list a debt with a credit reporting service when:

- you do not have a genuine belief that the debtor is liable for the debt
- you have no instructions to list the debt, and/or it is not your intention to do so
- listing is not permitted by law or under a mandatory code
- the debt has already been listed.

(i) Equally, while it is appropriate to point out the possible consequences of a credit listing, you must not make misleading representations about those consequences.

Example: Misleading representations about adverse credit listings

You should not state to a debtor that once default is listed, the debtor will 'never be able to apply for a loan' or will 'be lucky to get a loan at a good rate again'.

Case study

A company misled a consumer by telling them they needed to pay $100 to have a default listing removed from their credit file, even though the credit default listing was incorrect and could have been removed for free under the Privacy Act.

ACCC v Panthera Finance Pty Ltd [2020] FCA 340

(j) Generally, it is not appropriate to make an adverse credit listing:

- when you are in the process of investigating a debtor's claim that a debt is not owed
- if you are aware that the debtor has filed process with a tribunal or court, or lodged a complaint with an external dispute resolution scheme, disputing liability for the debt.

(k) For more general information on credit reporting obligations, see part 2, section 8 of this guideline *Privacy obligations to the debtor and third parties*.

20. Representations about the legal status of a debt—including statute-barred debt

(a) This section should be read with part 2, section 19 of this guideline, *Representations about the consequences of non-payment* and section 21 of this guideline, *Legal action and procedures*.

(b) You should not state or imply that legal action will or may be taken when a defence at law applies. Among other defences, a debtor will be able to claim a defence if:

- the debtor has been declared bankrupt[71] and the debt(s) is unsecured

70 In South Australia, such conduct will also breach s. 43(2)(a) of the *Fair Trading Act 1987* (SA).

71 Alternatively, the debtor has entered into a Part IX debt agreement or a Part X personal insolvency agreement under the Bankruptcy Act: see part 2, section 16 of this guideline, *Contact following bankruptcy*.

- the right to pursue the debt in court has expired due to the passing of time. This time limit varies from state to state, but is usually six years (three years in the Northern Territory) from the date the right of action accrued or the debt was last acknowledged by the debtor (for example, by making a payment).[72]

(c) Representing that legal action will or may be taken when a debt is statute-barred may be misleading or deceptive. Such representation may also be unconscionable in certain circumstances when the debtor has not had the opportunity to obtain legal advice.

Case study

An unemployed mother of a deaf, dependent child was contacted by a debt collector who questioned her about her personal and financial circumstances.

The collector implied that legal proceedings may be instituted if no payment was made on a debt of $10,000 that, unknown to the debtor, was statute-barred. The court found the collector's conduct to be unconscionable and noted that the circumstances were sufficient to require the collector to establish that the transaction was fair, just and reasonable—which the collector did not do.

The court ordered that the debtor did not have to pay the debt and instead, that the creditor return the monies paid by the debtor.

Collection House v Taylor [2004] VSC 49

21. Legal action and procedures

(a) This section should be read in conjunction with part 2, section 19 of this guideline, *Representations about the consequences of non-payment* and section 20 of this guideline, *Representations about the legal status of debt, including statute-barred debt*.

(b) You have a right to pursue debts through the courts. However, in pursuing or threatening to pursue legal action you must comply with the consumer protection laws.

(c) Do not make misrepresentations about the legal process. For example, do not:

- misrepresent the nature or purpose of correspondence. Ensure the layout, wording and design of documents (for example, letters of demand) are not likely to create the impression in the mind of the debtor or their representative that they are court process or other court documents, or that they were sent from a solicitor's office, when this was not the case[73]
- suggest that telephone calls are recorded 'for training purposes' (and, by implication, only for such purposes) when those calls may also be used as evidence
- misrepresent that failure to pay a debt (where no fraud is involved) is a criminal or police matter, or is likely to be referred to the police[74]
- misrepresent that you are a police officer, court official, or have some official capacity that you do not have to claim or enforce payment of a debt[75]
- state or imply that unsecured basic household items can be seized if the debtor is made bankrupt[76]
- state or imply that legal action has already been taken, or judgment entered, in relation to the debt when this is not the case.

72 Note: limitation periods may be different for debts relating to a mortgage over property.

73 See also s. 45(2)(g) *Australian Consumer Law and Fair Trading Act 2012* (Vic) and s. 43(2)(c) *Fair Trading Act 1987* (SA). These provisions relate specifically to misrepresentations regarding documents.

74 See also s. 43(2)(a) *Fair Trading Act 1987* (SA) which specifically prohibits false representations that criminal or other proceedings will lie for non-payment of a debt.

75 See also s. 45(2)(h) *Australian Consumer Law and Fair Trading Act 2012* (Vic) and s. 43(2)(b) *Fair Trading Act 1987* (SA).

76 Section 116 of the Bankruptcy Act excludes these and some other items from seizure by creditors.

Case study

A company implied to a debtor that it had decided to and would commence legal proceedings against the debtor, when in fact the company had not, could not and would not do so. The company also represented to a debtor that it had been given strict instructions from a solicitor in relation to a debt when this was not the case.

The court found that the constant references to litigation were not an accident within this case. They were the intended outcome of the company's internal manual which promoted threatening litigation as a means to achieving recoveries. Further, the court found that the company was claiming to be a 'litigation company' when this was not true.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

(d) In certain circumstances, the way legal action is threatened or employed can amount to unconscionable conduct or harassment. For example, this may be the case if you start or escalate court action against a debtor when you have agreed not to, or when a payment arrangement is in place and is being complied with.

(e) When you know or can reasonably obtain the debtor's current address, we recommend that you issue debt recovery proceedings in the jurisdiction where the debtor lives.[77] In some circumstances, limiting a debtor's ability to contest court proceedings by starting those proceedings in an inconvenient jurisdiction may constitute, or be part of a course of conduct constituting unconscionable conduct.

Case study

A collector engaged in misleading or deceptive conduct by representing that the company was about to sell a debtor's residence to obtain payment, when the company had not started any legal proceedings at the time. The collector also made false claims that she would have the debtor arrested by the police or the fraud squad.

ACCC v McCaskey [2000] FCA 1037

77 Note that r. 36(3) of the NCCP Regulations provides that court proceedings must be brought in the jurisdiction in which the debtor resides.

22. Resolving debtor complaints and disputes

(a) Complaints and disputes must not be ignored. You must have effective internal processes in place for logging, assessing, and where appropriate, taking timely action in response to them.

Case study

A company created a fictitious complaints handling organisation to mislead debtors to believe their complaints and disputes were being considered by an independent body that did not exist. The court found the company to have engaged in misleading and deceptive conduct and to have acted unconscionably, as debtors were deceived into believing their complaints and disputes had been subject to a genuine review by a third party, when this was not the case, and were unduly coerced into paying alleged debts under false pretences.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

(b) All staff members need to be adequately trained to identify complaints and disputes, and to ensure that established procedures are followed in dealing with them.[78] We encourage you to actively monitor staff who have direct contact with consumers to ensure that, where appropriate, matters are escalated to senior staff.

(c) It is not acceptable to require that a complaint or dispute be in writing, and/or explicitly identified as such by the complainant/disputant, before it is considered or investigated.

(d) Identifying and handling a dispute professionally, as soon as it originates, may save you time and money and may increase the likelihood of recovering the debt.

(e) Entities regulated by the NCCP must hold an Australian Credit Licence, and entities providing financial services to retail clients who are required under the *Corporations Act 2001* (Cth) (Corporations Act) to have an Australian Financial Services Licence, must have an internal dispute resolution procedure that complies with standards and requirements made or approved by ASIC and must also be a member of an ASIC-approved external dispute resolution scheme.[79] ASIC requires that licensees' internal dispute resolution procedures satisfy the essential elements of Australian Standard AS/NZS 10002:2014.

(f) Under the NERL, energy retailers are required to develop, make and publish on their websites a set of procedures detailing how they will handle complaints and disputes. These procedures must be regularly reviewed and kept up to date and must be substantially consistent with the Australian Standard AS/NZS 10002:2014. Energy retailers must also be a member of, or subject to, an energy ombudsman scheme for each state and territory where it sells or markets energy.[80]

(g) Complaints/disputes handling standards may also be imposed as a condition of membership of an industry code or external dispute resolution scheme.

(h) If you are not under a legal requirement to do so, we still recommend that you have in place internal complaint/dispute handling processes that are, at least, consistent with the Australian Standard AS/NZS 10002:2014 (or any Australian Standard that may subsequently replace it).

78 Creditors and collectors also need to have appropriate contractual and operational arrangements in place to facilitate providing information and documents required to resolve disputes: see part 2, section 11 of this guideline, *Providing information and documents*.

79 See s. 47(1)(i) of the NCCP. Further information about credit license obligations is available in ASIC's Regulatory Guide 205: Credit licensing: General conduct information, available at: asic.gov.au/regulatory-resources/credit/credit-general-conduct-obligations/rg-205-credit-licensing-general-conduct-obligations

80 For more information, see www.aer.gov.au/consumers/making-a-complaint.

23. Compliance programs

(a) A company is liable for the conduct of its employees and agents even if they inadvertently break the law. Compliance programs cover all relevant competition and consumer laws that apply in Australia and there are also compliance programs aimed at ensuring companies meet their corporate responsibilities.

(b) Compliance programs can also be used to cover other areas of the law, such as privacy, discrimination, and other matters that may be relevant to debt collection activities. In addition to Commonwealth laws, a company must also consider the local state or territory laws in any jurisdiction within which it operates. In most cases where a company breaches these laws and has no compliance program, the court will order that an effective compliance program be implemented by the company.

(c) A robust compliance program is a prudent risk management tool which assists managers and staff to understand their legal obligations and reduces the risk of breaching competition, consumer and other relevant laws.

(d) You should establish and implement clear, appropriate, effective and fair policies and procedures for identifying and dealing with vulnerable debtors. A debtor may be vulnerable for a variety of reasons including experiencing mental health problems, mental capacity limitations or family violence.

(e) Implementing a compliance program that guards against anti-competitive conduct or conduct in breach of the consumer protection laws or other relevant laws makes an open commitment to comply with those laws and can:

- improve business performance
- boost market position by promoting good corporate citizenship
- enhance your firm's reputation with customers and with staff
- encourage innovation
- encourage feedback and build customer loyalty through an open and effective complaint-handling procedure that can help identify illegal conduct within the business
- in the event of a breach convince the court to reduce penalties or fines.

(f) The nature of an appropriate compliance program will depend on the profile of the company. Each program should be tailored to a company's business activities and the particular risks it may face. For compliance programs to be effective there must be a strong commitment from senior managers to building and maintaining a culture of compliance.

(g) Australian Standards can assist when setting up a compliance program, for example:

- compliance programs AS ISO 19600:2015
- handling customer complaints AS/NZS 10002:2014.

(h) The ACCC has developed compliance program templates that can be adapted for companies of any size or risk profile and also general guidance in relation to compliance programs. To obtain these templates and further guidance, please visit www.accc.gov.au/business/business-rights-protections/implementing-a-compliance-program.

(i) Under the NERL, energy retailers are required to develop policies, systems and procedures to enable them to efficiently and effectively monitor their compliance with requirements under the NERL. The AER is responsible for monitoring, investigating and enforcing energy retailers' compliance with their obligations under the NERL in each state and territory where the NERL has commenced. The AER has published Compliance Reporting Procedures and Guidelines and a Statement of Approach which supports these functions and provides information to stakeholders on how the AER will approach its responsibilities in this area.

Compliance programs and the law

(j) The Federal Court has given considerable weight to the compliance culture of companies. One of the factors to be considered when setting penalties is:

> Whether the company has a corporate culture conducive to compliance with [the CCA], as evidenced by educational programs and disciplinary or other corrective measures to an acknowledged contravention.
>
> *Trade Practices Commission v CSR Ltd* [1990] FCA 521

(k) The court does not consider the cost of such a program to be an excuse for not having an effective compliance program:

> The cost of failing to comply should be set at a level which is significantly greater than the cost of ensuring compliance (via a compliance program).
>
> *ACCC v MNB Variety Imports Pty Ltd* [1998] FCA 81

> The court does not consider the mere existence of a program as a cause to reduce penalties: A well drafted set of policies and procedures will mean little if there is no follow-up in terms of training company officers (including directors) and, where appropriate, refresher training.
>
> *ASIC v Chemeq Ltd* [2006] FCA 936

> The Visy Trade Practices Compliance Manual might have been written in Sanskrit for all the notice anybody took of it.
>
> *ACCC v Visy Ltd* [2007] FCA 1617

24. The role of independent external dispute resolution schemes

(a) Many industries (including telecommunications companies, utility suppliers and financial services providers) belong to an independent external dispute resolution (EDR) scheme.[81] Specialist collection and debt purchasing agencies, and other finance providers, may also decide to join a scheme. As already outlined in this guideline, belonging to AFCA is a legal requirement for all credit licensees.[82]

(b) The ACCC and ASIC support the role played by EDR schemes in resolving consumer complaints and disputes when these are unable to be resolved through the creditor or debt collector's internal dispute resolution processes.

(c) You should ensure that your systems and practices allow EDR in the debt collection area to work effectively, in particular:

- when applicable, you must advise debtors of an EDR scheme to which the debtor can take his or her unresolved dispute—ensuring this information is provided to debtors at the appropriate time is a requirement imposed on EDR scheme members, and may be stipulated under relevant laws or codes

81 For a list of relevant dispute resolution schemes, refer to appendix A of this guideline. Also see AER factsheet *What can I do if I have a complaint about my energy?* at: www.aer.gov.au/consumers/aer-resources and www.aer.gov.au/consumers/making-a-complaint.

82 Section 47(1)(i) of the NCCP.

- collection activity relating to a dispute that has been referred to an EDR scheme must be suspended while the scheme considers the dispute—again, this is a requirement imposed on scheme members (including their agents)
- a debt should not be sold, or passed to an external agent for collection, while a scheme is considering a dispute in relation to it
- if a debt is inadvertently sold, the assignor/creditor should seek to retrieve the debt from the assignee, and seek to ensure that the assignee does not undertake collection activity or start legal proceedings until the scheme has resolved the dispute (and then only if liability is confirmed).

(d) Note that you may remain subject to the jurisdiction of an EDR scheme for a debt matter even though the creditor has sold or assigned the debt in question. This is likely to be the case when the complaint relates to the period before the sale or assignment of the debt.

(e) The ACCC and ASIC encourage EDR schemes to consider this guideline when determining how the consumer protection laws should be applied to debt collection-related complaints and systemic issues.

Part 3: Commonwealth consumer protection laws

This part summarises key prohibitions and remedies under Commonwealth consumer protection laws applicable to debt collection activity. Relevant court decisions about the CCA and the ACL also apply to equivalent ASIC Act provisions.[83] See appendix B of this guideline for other statutory and common law obligations and remedies.

Prohibition of the use of physical force, undue harassment and coercion

Section 50 of the ACL

A person must not use physical force, undue harassment or coercion in connection with the supply or possible supply of goods or services or the payment for goods or services.

Section 12DJ of the ASIC Act

A person contravenes this subsection if the person:

(a) uses physical force or undue harassment or coercion, and

(b) uses such force, harassment or coercion in connection with the supply or possible supply of financial services to a consumer or the payment for financial services by a consumer.

83 *Cassidy v Saatchi & Saatchi Australia Pty Ltd* [2004] FCAFC 34.

Section 50 of the ACL and s. 12DJ of the ASIC Act prohibit the use of:

- physical force
- undue harassment, and/or
- coercion

to support a demand for payment for goods or services/financial services. These provisions apply to the collector's conduct towards a debtor, their representative or a third party (for example, a debtor's family member).

The terms 'physical force', 'undue harassment' and 'coercion' are not defined in the law. They should be understood to have their ordinary meaning.

Physical force

The use of any violence or physical force is prohibited under s. 50 of the ACL and s. 12DJ of the ASIC Act. The use of force may also be a criminal offence under state and territory criminal law.

Case study

In *ACCC v Davis*[84] and *ACCC v Capalaba*[85] the court ruled that agents representing a collection agency had contravened the law by physically holding a debtor to the ground while removing the debtor's vehicle from the debtor's premises. The fact that the collector had a contractual right to seize the vehicle under a mortgage over the vehicle did not permit the use of physical force to overcome the debtor's resistance to the seizure.

In *ACCC v Davis*, the court declared that the company engaged in undue harassment and coercion and made injunctions restraining the company from engaging in similar conduct in the future. The company was ordered to pay part of the ACCC's costs and the individuals involved in the conduct were ordered to attend a trade practices compliance seminar.

In *ACCC v Capalaba*, the court ordered an injunction restraining the company and the individuals involved in the conduct from engaging in undue harassment and coercion in the future. The court also ordered the company and those individuals to attend a trade practices compliance program and to pay the ACCC's costs.

Undue harassment

Undue harassment means unnecessary or excessive contact or communication with a person calculated to intimidate or demoralise, tire out or exhaust a debtor. Undue harassment may occur when repeated approaches are made or repeated pressure is applied to a debtor, going beyond what is acceptable or reasonable. While the harassment must be 'undue', there is no requirement that the conduct must involve the threat of an illegal act to contravene the law.[86] For further information on undue harassment, see part 2, section 5 of this guideline, *Frequency of contact*.

84 *ACCC v Davis* [2003] FCA 1227.

85 *ACCC v Capalaba Pty Ltd & Others* [2003] FCA 1226.

86 *Campbell & Ors v Metway Leasing Ltd* (1998) ATPR 41-630.

Case study

The meaning of the term 'undue harassment' has been explained as follows:[87]

> "The word 'harassment' means in the present context persistent disturbance or torment. In the case of a person employed to recover money owing to others … it can extend to cases where there are frequent unwelcome approaches requesting payment of a debt. However, such unwelcome approaches would not constitute undue harassment, at least where the demands made are legitimate and reasonably made.
>
> On the other hand where the frequency, nature or content of such communications is such that they are calculated to intimidate or demoralise, tire out or exhaust a debtor, rather than merely to convey the demand for recovery, the conduct will constitute undue harassment. … Generally it can be said that a person will be harassed by another when the former is troubled repeatedly by the latter.
>
> The reasonableness of the conduct will be relevant to whether what is harassment constitutes undue harassment".

ACCC v The Maritime Union of Australia [2001] FCA 1549

Coercion

Judicial authority indicates that s. 50 of the ACL and s. 12DJ of the ASIC Act prohibit any 'coercion', not just 'undue coercion'.[88] Coercion involves actual or threatened force or pressure that restricts a debtor's choice or freedom to act.[89]

It is important to note that coercion may be exhibited in many forms, and is not limited to using or threatening physical force. A person may be considered to be coerced by another person either to do something or refrain from doing something. Unlike undue harassment, there is no requirement for the behaviour to be repetitive for it to amount to coercion.

Case study

A company was found to have used coercion when it created a fictitious complaints handling body and a fictitious debt collection agency to obtain payment. The company coerced debtors into paying alleged debts by manipulating their ability to make informed decisions about liability for payment and/or their rights to commence legal proceedings to have liability decided by a court.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

87 *ACCC v The Maritime Union of Australia* [2001] FCA 1549 at [60].

88 *ACCC v The Maritime Union of Australia* [2001] FCA 1549 at [61]–[63].

89 *Hodges v Webb* [1920] 2 Ch 70 at 85-87.

Trespass

Entering private property to take possession of secured goods

The *Personal Property Securities Act 2009* (Cth) (PPSA) deals with security interests in personal property (both consumer and commercial). Where the NCC also applies, the PPSA and the NCC operate concurrently.[90]

Credit contracts subject to the NCC

A debt collector or agent seeking to enforce a credit contract subject to the NCC must not enter onto private residential property to take possession of secured goods unless:

- the credit provider has a court order authorising the entry
- the occupier of the premises has given their express written consent to the entry.[91]

Regulation 87 of the NCCP Regulations sets out the following requirements in relation to the occupier's consent:

- the credit provider or its agent has requested entry from the occupier by writing or by calling at the premises
- if the request is made personally, it may only be made between the hours of 8 am and 8 pm on any day other than a Sunday or public holiday
- the written consent must be in accordance with Form 13 (for credit contracts) or Form 19 (for leases) of the NCCP Regulations and signed by the occupier
- the consent is not presented to the occupier for signature with, or as part of, any other document.

Credit contracts not subject to the NCC

A debt collector or agent must not enter private land (either residential and commercial) to take possession of secured goods unless the credit provider or its agent has:

- a court order authorising entry, or
- the consent of the occupier.

Otherwise, the credit provider or its agent is trespassing on the occupier's land.[92] The mere existence of a debt, or a right to give notice in relation to a debt, does not create a right to enter premises where the requisite consent has not been given.

A credit provider or its agent may have express or implied consent to enter the occupier's land for the purpose of communicating with the occupier, for example, to request express consent to repossess secured goods. The extent of the consent to enter the occupier's land and repossess secured goods will vary depending on individual facts and circumstances including (but not limited to) any related contract terms, the nature of the premises and the circumstances surrounding the entry to the premises.

Regardless of whether the credit contract is subject to the NCC or not, an occupier may withdraw their consent at any time.[93] Once the occupier withdraws their consent, the debt collector or their agent must leave the premises or land immediately. It is a criminal offence to enter premises or land in contravention of these NCC requirements.

90 See s. 119 of the PPSA.

91 See s. 99 (for mortgaged goods) and s. 179N (for hired goods) of the NCC. Sections 99 and 179N require written consent of the debtor or lessee, having been informed in writing of the provisions of the relevant section. Under the PPSA, when seizing personal property to which a security interest applies, the credit provider may do so by any method permitted by law: s. 123.

92 For example, see *Plenty v Dillon* [1991] HCA 5 and *TCN Channel Nine Pty Ltd v Anning* [2002] NSWCA 82.

93 For example, see *Cowell v Rosehill Racecourse Co Ltd* (1937) 56 CLR 605.

Prohibition of misleading and deceptive conduct

Section 18 of the ACL

A person must not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.

Section 12DA(1) of the ASIC Act

A person must not, in trade or commerce, engage in conduct in relation to financial services that is misleading or deceptive or is likely to mislead or deceive.

These provisions apply to conduct towards a person or persons in the course of activities which, by their nature, contain a trading or commercial element. Generally, most debt collection activities performed by a collector will be considered to be conduct in trade or commerce; however, the precise limits of whether conduct is in trade or commerce cannot be definitively stated and is a matter to be determined on a case-by-case basis.

Engage in 'conduct'

Conduct includes doing or refusing to do any act and can refer to actions such as:

- silence (for example, not disclosing certain information)
- oral or written statements
- pictorial advertisements
- promotions
- quotations
- product labelling
- representations or impersonations made by a person.

Case study

A company was found to have engaged in misleading and deceptive conduct when it attempted to obtain payment for services.

The court found the company misled and deceived debtors to believe their complaints and disputes were being considered by an independent third party when this was not that case. The court also found the company misled and deceived debtors by demanding payment under the false pretences of a fictitious debt collection agency. The company also made misrepresentations as to the nature of the orders a court would make if proceedings were commenced to recover late payment.

The court also found the company acted unconscionably and ordered the company to pay penalties of $550,000 and its two directors $55,000 and $45,000. The court disqualified the directors from managing a corporation for a period of three years and two and a half years respectively. An employee who was involved in the conduct was also ordered to pay a penalty of $3,500.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

‘Misleading or deceptive or likely to mislead or deceive’

The ACL does not define the terms ‘misleading’ and ‘deceptive’. The court applies an objective test to assess whether conduct is misleading or deceptive and it considers the overall impression created by the conduct to determine whether it induces or is capable of inducing a person into error.

The conduct must be viewed in context and not in isolation. The most important factor in determining whether conduct may be misleading is the overall impression conveyed to a reasonable class of consumers who are likely to be affected by the conduct.

Intention is not an element of misleading or deceptive conduct, so a debt collector may breach this prohibition even though they do not mean to mislead anyone. It is enough that the representation is likely to mislead or deceive a reasonable member of the class of persons to whom the conduct is directed.

In some circumstances, a debt collector may need to disclose information to avoid creating a misleading impression.

Case study

A collector was found to have breached the misleading and deceptive conduct provisions of the *Trade Practices Act 1974* (Cth) by representing to the debtor that:

- the agent was about to take immediate steps to sell a debtor’s residence to obtain payment of a debt owed when no legal proceedings to recover the debt had been started at the time
- the agent would arrange to have the debtor arrested by the police or the fraud squad if the debtor did not make immediate payment of the debt, when there was no reasonable basis on which the collector could have taken that action.

ACCC v McCaskey [2000] FCA 1037

For further examples of misleading or deceptive representations about the consequences of non-payment of debt, the legal status of a debt and legal action and procedures, refer part 2, sections 19 to 21 of this guideline.

Case study

A number of representations made by a lawyer, who intended to collect small debts on behalf of video rental stores, were found to be misleading or deceptive. The representations included that:

- the customer would incur legal expenses and solicitor’s costs, in addition to the debts that were already owed. However, in reality legal costs may not be recovered except in certain circumstances such as when a creditor is successful in legal proceedings and when the court makes orders for the payment of costs
- the law firm could obtain a judgment against the debtor without going to court, and could enforce any judgment itself, including a warrant, or an attachment of earnings order, when in reality, this can only be enforced by a court.

The court made orders restraining the lawyer from engaging in similar conduct in the future and ordered her to publish corrective notices in a number of national newspapers and industry publications. The court also ordered that the lawyer implement a trade practices compliance program and contribute $30,000 to the ACCC’s costs. The court’s findings established prima facie evidence for later proceedings for damages or compensation orders.

ACCC v Sampson [2011] FCA 1165

Case study

Collections staff were given a training manual, which suggested various scripts that may be used in collection. One of the scripts was as follows (at paragraph 24):

'Mr/Mrs/Ms. (**Surname**)**,** the reason for my call to you today is a courtesy call due to the fact that I have received your physical file this morning from our solicitors. I have unfortunately been requested by our solicitors to put forward a final recommendation in reference to the outstanding amount of $(**Balance**) and will need to finalise my recommendation by no later than (**Note down the exact time on paper to refer back to in later part of conversation**)... As I was looking through your file (**give time**) I have noticed here in your file is a Statement of Liquidated Claims which has been drawn and it is set for issuance at the local court in Sydney on (**Give exact date**) at (**Give exact time**). (**Pause**) Mr/Mrs/Ms. (**Debtors Surname**), Do you understand what a Statement of Liquidated claims is? (If the debtor answers YES, Ask the debtor to explain, so that you can confirm). (**If the debtor answers NO, Explain by saying... it is a series of document basically called summons**).'

(Emphasis in original.)

The manual encouraged collections officers to make the strong suggestion that lawyers had already been involved in the account with phrases such as:

- I have received strict instructions from my solicitor, to proceed with litigation...
- I don't even know where your matter is up to as our solicitors have you...
- I have just come out of a meeting with the solicitor with respect to three matters unfortunately one was yours...
- By tomorrow 3 pm this account will accumulate $350.00 worth of legal fees...
- Your account has been brought from the solicitor's office and they are expecting a response from me as to proceed with litigation at 2.30 pm this afternoon...
- Just a reminder that our solicitors have given you one last chance to settle this account...

It was found that, while the company did have a legal section, it was not in any sense a common part of its business to refer debtors to this section. It was also found that referrals to the legal section were done on the recommendation of the section manager and not by individual collections officers. In no way were collections officers in a position to threaten to commence litigation. It was held that the manual encouraged collections staff to engage in misleading conduct (at paragraphs 25-31).

The court declared that the company had engaged in misleading or deceptive conduct and undue harassment and coercion. The court also ordered an injunction restraining the company from engaging in similar conduct in the future and ordered the company to pay ASIC's costs.

ASIC v Accounts Control Management Services Pty Ltd [2012] FCA 1164

For further information on misleading and deceptive conduct refer to the ACCC's publication, *Advertising and selling guide* and the ACL publication, *Avoiding unfair business practices: A guide for businesses and legal practitioners*.

Prohibition of unconscionable conduct

Conduct may be unconscionable if it is particularly harsh or oppressive. It is behaviour that is substantially more than just hard commercial bargaining. The relationship or dealings between a creditor or collector and a debtor is one that could assume characteristics of unconscionable conduct. This is because the collector is often in a position of strength and can exert pressure or use unfair tactics over a debtor.

The ACL prohibits unconscionable conduct and this prohibition is also reflected in similar provisions in the ASIC Act, so that businesses supplying financial products and services have the same rights and obligations as suppliers of other consumer products and services.

The ACL contains three provisions that relate to unconscionable conduct:

- s. 20 (prohibiting unconscionable conduct within the meaning of the unwritten law)
- s. 21 (prohibiting unconscionable conduct in connection with goods or services)
- s. 22 (factors the court will consider when deciding whether conduct is unconscionable).

The ASIC Act has mirror provisions relating to unconscionable conduct in relation to financial services:

- s. 12CA (prohibiting unconscionable conduct within the meaning of the unwritten law)
- s. 12CB (prohibiting unconscionable conduct in connection with financial services)
- s. 12CC (matters the court may have regard to when deciding whether conduct is unconscionable).

Section 20 of the ACL and section 12CA of the ASIC Act (special disadvantage)

This type of unconscionable conduct occurs when one party knowingly exploits the special disadvantage of another. This is general unconscionable conduct according to historical judge-made law. Factors that may give rise to a special disadvantage include:[94]

- ignorance of a debtor of important facts known to the staff or agent of the business
- illiteracy or lack of education of the debtor
- poverty or need of any kind of the debtor
- the debtor's age
- infirmity of body or mind of the debtor
- drunkenness of the debtor
- lack of explanation and assistance when necessary.

You should consider whether any circumstances of special disadvantage or vulnerability apply to a debtor whom you contact. If it does, make sure you interact with the debtor in a way that does not take advantage of their special disadvantage. Otherwise, your conduct is likely to be regarded as unconscionable and in breach of the law under this provision.

When you know or suspect a debtor lacks knowledge of the law, the debt recovery process, or the implications of non-payment of a debt, you must not take advantage of their ignorance.

Depending on the circumstances, it may be appropriate to encourage the debtor with a special disadvantage to seek the assistance of a financial counsellor or other suitably qualified representative to act on their behalf.

94 See *Blomley v Ryan (1956) 99 CLR 362; Commercial Bank of Australia v Amadio* (1983) 151 CLR 447.

Case study

A company was found to have acted unconscionably when it used unfair tactics to obtain payment, such as creating a fake complaints handling body and a fake debt collection agency to manipulate and pressure debtors into paying alleged debts.

The court also found the company acted unconscionably by using scare tactics and unfounded claims to deter debtors from non-payment, including that if proceedings were commenced the court would order the debtor to pay a certain amount of compensation to the creditor for failing to pay on time and that any assets belonging to the debtor would be repossessed.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

Non-English speaking debtors

For someone who cannot speak English, appropriate interaction requires that the debtor can understand you. The assistance of an English-speaking family member or friend to translate should be sought, but only if the debtor proposes or agrees to this. Otherwise, the collector or creditor will need to engage a professional interpreter.[95]

Section 21 of the ACL (unconscionable conduct in connection with goods or services) and section 12CB of the ASIC Act (unconscionable conduct in connection with financial services)

'A person must not in trade or commerce, in connection with the supply or possible supply of goods or services / financial services to a person … engage in conduct that is, in all the circumstances, unconscionable'.

Section 22 of the ACL and s. 12CC of the ASIC Act set out a long list of factors that courts may consider in determining whether a person has contravened s. 21 of the ACL and s. 12CB of the ASIC Act respectively. These include:

- the relative bargaining strength of the parties
- whether any conditions were imposed on the weaker party that were not reasonably necessary to protect the legitimate interests of the stronger party
- whether the weaker party could understand the documentation used
- the use of undue influence, pressure or unfair tactics by the stronger party
- the price, or other circumstances, under which the weaker party would be able to buy or sell equivalent goods or services
- the requirements of applicable industry codes
- failure of the stronger party to disclose any intended conduct that might affect the interests of the weaker party
- the willingness of the stronger party to negotiate
- whether the stronger party has the right to unilaterally change contract terms
- whether the parties acted in good faith.

These provisions apply widely to trade or commerce activities including debt collection activities.

Collectors risk breaching this prohibition particularly when they exert undue influence or pressure on, or unfair tactics against, a debtor who is at a special disadvantage or vulnerable.[96]

95 The Department of Home Affairs provides a 24-hour Translating and Interpreting Service (TIS National) accessible on 13 1450. User fees generally apply.

96 *Collection House v Taylor* [2004] VSC 49 at [57].

Case study

A commercial agent acted unconscionably in trying to recover a debt that, unknown to the debtor, was statute-barred. It was also noted that the factual circumstances were sufficient to require the collector to establish that the transaction was fair, just and reasonable.

The debtor was an unemployed mother with a deaf, dependent child, who had originally defaulted on repayments for a car loan. The car was repossessed and sold. The residual debt was purchased by the commercial agent 10 years later, by which time accumulated interest had increased the amount owing to more than $10,000.

After being contacted by an employee of the commercial agent and told that legal action may be taken if a satisfactory arrangement could not be reached, the debtor agreed to pay $5,000 to finalise the debt, of which $4,500 was immediately charged to her credit card. On appeal, the court upheld the original decision that the agent through its employee had acted unconscionably.

The court noted that:

… the fact of someone from a firm of lawyers 'cold-calling' a woman of the respondent's socio-economic standing at home at 6.30 in the evening, and interrogating her as to her personal and financial circumstances while insinuating that in the absence of her agreement to pay legal proceedings may be instituted, is capable of constituting pressure of a very high order.[93]

The court ordered that the debtor did not have to pay the $5,000 debt and instead, that the creditor return the monies paid by the debtor.

Collection House v Taylor [2004] VSC 49

Case study

A creditor acted unconscionably by failing to stop efforts to repossess a car subject to a chattel mortgage when there was reasonable cause to understand that there would be a physical confrontation if they continued in their attempt.

Other factors considered in the court's declaration of unconscionability included the creditor sending the debtor a notice implying that they would not or could not lawfully repossess the car without a court order, and then proceeding to repossess the vehicle without such an order, as well as the fact that the collection company's agents entered the debtor's residence by jumping a gate and opening a garage door from the inside.

ACCC v Esanda Finance Corporation Ltd [2003] FCA 1225

Enforcement and remedies for breaching Commonwealth consumer protection laws

Infringement notices

ASIC or the ACCC may issue an infringement notice[97] where there are reasonable grounds to believe that there has been a contravention of the ASIC Act or the ACL respectively, such as those dealing with false or misleading representations, harassment or coercion and unconscionable conduct. Infringement notices can also be issued for certain unfair practices and offences under the NCCP.

Under the ACL and the ASIC Act, the infringement notice penalties for the more common contraventions are 60 penalty units for a corporation (currently $13,320) and 12 penalty units for an

97 Section 12GXA of the ASIC Act; s. 134A of the CCA.

individual (currently $2,664). The infringement notice penalty for a publicly listed corporation under the CCA for the more common contraventions of the ACL is 600 penalty units (currently $133,200).

See www.accc.gov.au/penalties and www.asic.gov.au/penalties for more information about penalties, including the value of a penalty unit.

Penalties

A debt collector or creditor who is found to have contravened the harassment or coercion provisions or false or misleading representations or unconscionable conduct provisions[98] is liable to penalties of up to:

- in the case of individuals:
  - under the ACL, currently $500,000
  - under the ASIC Act, the greater of 5,000 penalty units (currently $1.11 million) or 3 times the benefit derived and detriment avoided.[99]
- in the case of corporations:
  - under the ACL, the greater of $10 million, three times the benefit received, or where the benefit cannot be calculated, 10% of annual turnover in the preceding 12 months[100]
  - under the ASIC Act, the greater of 50,000 penalty units (currently $11.1 million), 3 times the benefit derived and detriment avoided, or 10% of annual turnover in the preceding 12 months (capped at 2.5 million penalty units).[101]

See www.accc.gov.au/penalties and www.asic.gov.au/penalties for more information about penalties, including the value of a penalty unit.

The civil penalty regime has also been extended to cover a wider range of provisions including, relevantly, the general conduct obligations of credit licensees imposed by s 47 of the NCCP.

Certain defences may apply regarding these breaches.[102]

Case study

In April 2013, the Federal Court found that a company engaged in false and misleading and unconscionable conduct in its provision of mobile services to customers.

The court also found the company acted unconscionably and used undue coercion when attempting to obtain payment for mobile services. The company's directors were both found to have been directly knowingly concerned in the company's contraventions.

A large number of consumers across all parts of Australia were affected by the company's conduct, including consumers living in Indigenous communities on the Cape York Peninsula, remote areas in Queensland and Western Australia, and throughout the Northern Territory.

On 29 November 2013, the Federal Court ordered the company to pay penalties of $555,000 and its two directors $55,000 and $45,000. The court disqualified the directors from managing a corporation for a period of three years and two and a half years respectively.

An employee who was involved in the conduct was also ordered to pay a penalty of $3,500.

ACCC v Excite Mobile Pty Ltd [2013] FCA 350

98 Sections 12DJ, 12DB and 12CB of the ASIC Act respectively; ss. 50, 29 and 21 of the ACL respectively.
99 Section 12GBCA of the ASIC Act and s. 224 of the ACL.
100 Section 224 of the ACL.
101 Section 12GBCA of the ASIC Act.
102 For example, s. 12GI(5), ASIC Act; s. 226(a) of the ACL.

Other civil orders

ASIC or the ACCC can apply to the court for civil orders against a debt collector or creditor, including:

- injunctions against future conduct[103]
- non-punitive orders (including corrective advertising)[104]
- compensation orders.

ASIC or the ACCC can also apply for other sanctions including adverse publicity orders.[105]

Damages or injunction

Finally, a debtor or third party who suffers loss or damage as a result of a collector's breach of the unconscionable conduct[106], misleading or deceptive conduct[107], undue harassment and coercion[108], or other provisions of the ASIC Act or the CCA, can recover the amount of their loss by an action for damages under these Acts.[109] A debtor or third party can also seek injunctive relief.[110]

103 Section 12GD of the ASIC Act; s. 232 of the ACL.
104 Section 12GLA of the ASIC Act; s. 246 of the ACL.
105 Section 12GLB of the ASIC Act; s. 247 of the ACL.
106 Sections 12CA–CC of the ASIC Act; ss. 20-22 of the ACL.
107 Section 12DA of the ASIC Act; s. 18 of the ACL.
108 Section 12DJ of the ASIC Act; s. 50 of the ACL.
109 Section 12GF of the ASIC Act; ss. 236, 237, 239(1) and s. 243 of the ACL.
110 Section 12GD of the ASIC Act; s. 232 of the ACL.

Appendix A: ACCC and ASIC—debt collection roles and contact details

Australian Competition and Consumer Commission (ACCC)

The ACCC is responsible for administering and enforcing Commonwealth consumer protection laws contained in the ACL that are relevant to debt collection activities. The ACCC is responsible for dealing with misconduct associated with debt collection activity when the debt relates to goods and services other than a financial service or product. This includes:

- telephone or other utility services
- services of trades and professional people
- when a retailer does not require immediate payment for a product (but not when the customer enters into a finance arrangement as that will be ASIC's responsibility).

The ACCC's responsibilities also include debts arising from a deferred payment (for example, a customer who is billed monthly or given an extension of time to pay).

Without limitation, the ACCC's responsibilities cover any alleged:

- undue harassment
- coercion
- unconscionable conduct regarding the collection of the debt
- unfair contract terms in a standard form consumer contract for the supply of non-financial goods or services and the sale or grant of an interest in land, and
- any misleading or deceptive representations made about the actual good or service, which is subject to the debt or the debt relating to goods and non-financial services.

ACCC contact details

For matters relating to the types of conduct described above, contact the ACCC:

ACCC website: www.accc.gov.au

ACCC Infocentre (business and consumer enquiries): 1300 302 502

ACCC general enquiry web form: www.accc.gov.au/contact-us/contact-the-accc/make-an-enquiry

ACCC complaint web form: www.accc.gov.au/contact-us/contact-the-accc/consumer-complaint-form

Small business helpline: 1300 302 021

Callers who are deaf or have a hearing or speech impairment: www.relayservice.com.au, 13 3677 for TTY users or 1300 555 727 for Voice Relay

Address for written complaints:

Australian Competition and Consumer Commission
GPO Box 3131, Canberra ACT 2601

Australian Securities and Investments Commission (ASIC)

ASIC is responsible for dealing with misconduct associated with debt collection activity when the debt relates to a financial product or service. This includes:

- credit card accounts
- home loans, personal loans and loans sourced through retailers for motor vehicles, household goods or other purposes
- fees for providing financial advice, insurance and other financial products and services.

ASIC's responsibility covers any alleged undue harassment, coercion or unconscionable conduct regarding the collection of a debt and any misrepresentations made about a debt. It extends to a debt relating to a financial service which has been assigned or sold to a third party (for example a debt buy-out company).

If there is misleading or deceptive conduct relating to the actual good or service (such as the car or the appliance) and not the debt itself, this will be referred to the ACCC as it does not relate directly to a financial product or service.

ASIC contact details

For matters relating to the types of debt given above, contact ASIC:

ASIC website: www.asic.gov.au

ASIC's Infoline: 1300 300 630

ASIC general enquiries: asic.gov.au/about-asic/contact-us/ask-a-question/

Lodge a complaint with ASIC: asic.gov.au/about-asic/contact-us/#misconduct

ASIC's consumer website: www.moneysmart.gov.au

Dispute resolution schemes

While the ACCC and ASIC have the power to regulate conduct as outlined throughout this guideline, there are certain functions that the ACCC and ASIC cannot perform. For example, the ACCC and ASIC are unable to make judgments in a case, as that is the role of the court.

The ACCC and ASIC do not mediate between parties or perform other dispute resolution activities to resolve private disputes.

However, there are a range of agencies that can provide assistance with dispute resolution in certain industries, for example, banking and insurance, energy and water, or telecommunications. A selection of these agencies is provided below:

- Australian Financial Complaints Authority: www.afca.org.au
- Energy and water ombudsman schemes–the contact details for the relevant ombudsman in each state and territory can be found at: www.aer.gov.au/consumers/useful-contacts-for-customers
- Telecommunications Industry Ombudsman: www.tio.com.au

The Translating and Interpreting Service (TIS National) is an interpreting service provided by the Department of Home Affairs and can assist agencies and businesses that need to communicate with people who do not speak English.

For further information see: www.tisnational.gov.au

Immediate telephone interpreting can be undertaken by contacting 13 1450.

Appendix B: Other statutory and common law obligations and remedies

In some situations, a complaint may relate to a range of debts, including debts for financial services and debts for a good or non-financial service. The ACCC and ASIC coordinate their regulation and litigation activities when debt collection conduct involves overlapping jurisdiction and may delegate authority to each other as required.

Apart from the Commonwealth consumer protection laws outlined in part 3 of this guideline, there are a range of other statutory and common law obligations and remedies that potentially affect collectors' and creditors' operations.[111] These include (but are not limited to) those listed below.

State and territory fair trading laws

The ACL is applied as a law of the Commonwealth and each state and territory.[112] However, provisions of the *Australian Consumer Law and Fair Trading Act 2012* (Vic) also prohibit certain conduct, including undue harassment and coercion.[113] The Victorian provisions also permit debtors to seek up to $10,000 as compensation for humiliation and distress caused by debt collection conduct.[114]

State and territory licensing of collectors

Most state and territory jurisdictions have occupational licensing requirements applying to a range of persons involved in debt collection activities.[115] These laws impose certain obligations on licensees, and set out grounds on which the relevant authority can refuse to grant or cancel a licence. Some of these laws also impose conduct requirements.[116]

National Consumer Credit Protection Act

Reforms to consumer credit law have resulted in a single national consumer credit regime governed by the NCCP which includes the NCC as Schedule 1. The NCC replaces previous state-based consumer credit codes and the Uniform Consumer Credit Code. ASIC is responsible for administering the NCCP. The NCC applies to credit contracts entered into on or after 1 July 2010 where:

- the lender is in the business of providing credit
- a charge is made for providing the credit
- the debtor is a natural person or strata corporation, and
- the credit is provided wholly or predominantly for personal, domestic or household purposes, or to purchase, renovate or improve residential property for investment purposes, or to refinance credit previously provided for this purpose.

111 It should be noted that these laws apply to activities within their respective jurisdictions, even if the collector is physically located in another state, territory or country.

112 *Fair Trading (Australian Consumer Law) Act 1992* (ACT), *Fair Trading Act 1987* (NSW), *Consumer Affairs and Fair Trading Act 1990* (NT), *Fair Trading Act 1989* (Qld), *Fair Trading Act 1987* (SA), *Australian Consumer Law (Tasmania) Act 2010* (Tas), *Australian Consumer Law and Fair Trading Act 2012* (Vic), *Fair Trading Act 2010* (WA).

113 See s. 45(2), *Australian Consumer Law and Fair Trading Act 2012* (Vic).

114 See s. 46(1), *Australian Consumer Law and Fair Trading Act 2012* (Vic).

115 *Commercial Agents and Private Inquiry Agents Act 2004* (NSW), *Commercial and Private Agents Licensing Act 1979* (NT), *Debt Collectors (Field Agents and Collection Agents) Act 2014* (Qld), *Security and Investigation Industry Act 1995* (SA), *Security and Investigation Agents Act 2002* (Tas), *Debt Collectors Licensing Act 1964* (WA).

116 For example, s. 25 (Harassment), *Commercial Agents and Private Inquiry Agents Act 2004* (NSW).

The NCCP applies a licensing regime to those providing regulated credit or credit assistance and therefore require an Australian Credit Licence. Purchasers of regulated credit are providers for the purposes of that regime, but debt collectors acting on behalf of a credit licensee may have the benefit of an exemption.[117]

National Energy Retail Law

On 1 July 2012, the AER assumed responsibility for regulating retail energy markets in those states and territories that had adopted the National Energy Customer Framework (Customer Framework). The Customer Framework includes the NERL,[118] National Energy Retail Rules, and National Energy Retail Regulations.[119] Together, these laws and rules provide a national customer protection framework for the retail sale of electricity and gas to residential and small business energy customers. In particular, it sets out requirements on energy retailers to assist customers who are facing financial hardship and looking for help to manage their bills. It includes obligations regarding when a customer can be disconnected and when debt collection proceedings can commence.

As of 1 July 2015, the Customer Framework had commenced in Queensland, New South Wales, the Australian Capital Territory, Tasmania and South Australia. In states that have yet to adopt the Customer Framework, state and territory governments remain responsible for regulating retail energy markets.

State and territory unauthorised documents laws

Unauthorised documents acts in each state and territory make it an offence to design collection letters of demand in a way that makes them look like court documents.[120]

State and territory limitation of actions laws

Each state and territory sets limitation periods on debt recovery actions.[121] These generally bar a remedy to the creditor if a defence pleading expiration of the limitation period is filed. In the case of simple contracts (which include the majority of debts referred for collection) the limitation period is normally six years (however, in the Northern Territory a three-year period applies.) In some jurisdictions, a payment or acknowledgment of the debt will re-start the limitation period even after the original period has expired. Limitation acts also regulate the enforcement of court judgments.

Bankruptcy laws

Under the Bankruptcy Act regulated by AFSA, acceptance of a Part IX debt agreement or execution of a personal insolvency agreement prevents a creditor taking further action against a debtor in relation to their provable debts. A debtor is released from these debts after discharge from bankruptcy, or when all the obligations under the debt agreement are completed. A personal insolvency agreement may provide that the debtor is released from provable debts. Most unsecured debts will be provable.

Privacy laws

Part IIIA of the Privacy Act governs the handling of credit reports and other credit-worthiness information about individuals by credit reporting agencies and credit providers. Some of the

117 See NCCP Regulations r. 21.

118 Schedule 1 of the *National Energy Retail Law (South Australia) Act 2011* (SA).

119 *National Energy Retail Law (Local Provisions) Regulations 2013* (SA).

120 *City of Canberra Arms Act 1932* (ACT), *Unauthorised Documents Act 1922* (NSW), *Flag and Emblem Act 1985* (NT), *Emblems of Queensland Act 2005* (Qld), *Unauthorised Documents Act 1916* (SA), *Unauthorized Documents Act 1986* (Tas), *Unauthorized Documents Act 1958* (Vic), *Unauthorised Documents Act 1961* (WA).

121 *Limitation Act 1985* (ACT), *Limitation Act 1969* (NSW), *Limitation Act 1981* (NT), *Limitation of Actions Act 1974* (Qld), *Limitation of Actions Act 1936* (SA), *Limitation Act 1974* (Tas), *Limitation of Actions Act 1958* (Vic), *Limitation Act 1935* (WA).

requirements include what information can be stored on a credit report, how long such information can be included, and to whom and under what circumstances access is allowed.

The APPs also regulate certain private sector entities in their dealings with personal information. These provisions of the Privacy Act, where applicable, regulate the collection, use and disclosure of personal information, and impose obligations on organisations to maintain accurate, complete and up-to-date records, and allow individuals access to, or correction of, information held about them.

The OAIC has published guidelines to assist with the interpretation and implementation of the APPs.

The Information Commissioner has registered and enforces the Privacy (Credit Reporting) Code 2020 (version 2.1). A breach of the Code is a breach of the Privacy Act.

Tort law

Creditors or debt collectors who engage in extreme conduct may expose themselves to civil action in tort by a debtor. Depending on the circumstances, action for trespass, assault, wilful infliction of mental injury, nervous shock and defamation (among others) may apply.

Criminal law

Creditors or debt collectors who engage in extreme conduct may be charged with criminal offences including assault and demanding with menace. A collector who refuses to leave a person's property may also be charged with trespass.

Other obligations

Debt collectors, who are unsure of their obligations under any of the above-mentioned laws, mandatory codes and other arrangements, should obtain legal advice or seek more information from the relevant regulator. Creditors and debt collectors should be aware of the requirements of any voluntary industry code of conduct that applies and the rules of any relevant trade association or professional body.

Debt collectors should also be aware of situations involving joint facilities where there are allegations, or suspicions, of family violence. AFCA has provided guidance on how it approaches this type of situation at www.afca.org.au/news/information-for-consumer-advocates.

Many industries now have obligations to respond appropriately to customers experiencing family violence.[122]

122 For example, in Victoria under the Energy Retail Code, water customer service codes and the *Residential Tenancies Act 1997* (Vic). Obligations also exist under contract in industry codes such as the Banking Code of Practice and the General Insurance Code of Practice.

Appendix C: Glossary

Agent: for the purposes of this guideline, a person who has the express, implied or ostensible authority to undertake collection activity on behalf of a creditor in circumstances where a debt has not been sold or assigned.

Assigned debt: for the purposes of this guideline, any debt which has been sold, assigned, or factored by a creditor, or for which a creditor has in any other way subrogated their rights as a creditor.

Assignee: for the purposes of this guideline, a person undertaking collection activity after the sale, assignment or factoring of a debt, or the subrogation of rights by a creditor to this person.

Authorised representative: a person such as a financial counsellor, solicitor, financial advisor, carer, trustee or guardian who has been authorised by the debtor to act on behalf of the debtor.

Bankrupt: a person who has been declared bankrupt under the provisions of the *Bankruptcy Act 1966* and has not been discharged from the bankruptcy.

Debt collector: a person collecting a debt in the course of a business. It includes creditors, independent collection agencies, collections departments within businesses, debt buy-out companies, assignees, agents, lawyers, government bodies engaged in trade or commerce, and other persons[123] collecting on behalf of others.

Communicate: unless otherwise specified, includes communication by telephone, mobile telephone, fax, email, letter, in writing via text message or online technology (such as social media channels), or in person.

Complaint: for the purposes of this guideline, this term is generally used for issues of collector or creditor conduct (as distinct from issues of debtor liability).

Credit listing: for the purposes of this guideline, the listing of an unpaid debt on a person's credit report.

Creditor: a person to whom a debt is incurred. In this guideline, the term continues to apply to the person to whom the debt is incurred despite the sale, assignment, factoring or outsourcing of the debt.

Credit report: any record or information, whether in a written, oral or other form, that:

- is being or has been prepared by a credit reporting agency
- has any bearing on an individual's:
  - eligibility to be provided with credit
  - history in relation to credit, or
  - capacity to repay credit
- is used, has been used or has the capacity to be used for the purpose of serving as a factor in establishing an individual's eligibility for credit.

Debt: an amount of money owed. For the purposes of this guideline, it includes an alleged debt.

Debtor: a natural person obligated or allegedly obligated to pay a debt.

Dispute: for the purposes of this guideline, this term is generally used in relation to issues of debtor liability (as distinct from issues of collector or creditor conduct: see 'Complaint').

Judgment debt[124]**:** means a debt confirmed by an order or judgment of a court.

Reasonableness: is assessed according to an objective standard, taking into account all relevant circumstances.

123 The CCA applies to corporations and individuals when they are acting as agents of a principal that is a corporation.

124 These may go by different names in different states. For example, in Queensland, judgment debts are referred to as Money Orders.

Security interest: an interest in or a power over goods or land (whether arising by or under an instrument or transaction or arising on the execution of a warrant issued under the relevant state or territory legislation) which secures payment of a debt.

Statute-barred debt: a debt for which the debtor is entitled to claim an absolute defence to legal proceedings to collect the debt due to the passage of time (as set out in the relevant statute of limitations).[125]

Third party: any person other than the debtor, but does not include a debtor's legal representative, trustee, or other authorised representative. Nor does it include a related entity of the collector.

Undue harassment: refer to *Prohibition of the use of physical force, undue harassment and coercion* in part 3 of this guideline.

125 See *State and territory limitation of actions laws* in appendix B of this guideline.

Appendix D: Authority Form from Financial Counselling Australia

Financial counsellor
Authorisation Form

Purpose of the Authority form

By signing this authority, you authorise the financial counselling agency to act on your behalf with the named third party, such as a creditor, debt collector, external dispute resolution scheme or a telecommunications company.

When acting on your behalf, the financial counselling agency may (among other things):

- seek and exchange personal information about you and your account/s;
- negotiate; and
- enter into arrangements.

Authorisation

Third party:	
Reference no.:	

I/We:

Full Name (#1):	
Date of birth:	
Address:	

Full Name (#2):	
Date of birth:	
Address:	

Your Business details (if applicable)

Business name:	
ABN	
Address:	

Authorise:

Name of financial counselling agency: (Authorised Representative)			
Financial counsellor's name:		Registration number:	
Address:			
Phone:		Mobile:	
Email:			

Signature

Name (#1)::		Date:	
Name (#2)::		Date:	

This form was developed by Financial Counselling Australia in consultation with industry, peak bodies and EDR schemes | April 2020

GUIDE | Financial Counselling Agency Authorisation

Purpose of the authority

The purpose of this form is to have an agreed acceptable authority a financial counsellor can send to a third party. A third party could be a creditor, debt collector, external dispute resolution scheme or a telecommunications company. The authority covers all accounts that a person has with that third party.

It is important that your client is aware of how the authority will work.

The ACCC/ASIC Debt Collection Guideline at Section 9 provides information regarding the expectation of creditors and debt collectors that they will accept this authority.

Using the authority

A client may give a financial counselling agency the authority to act on their behalf with a third party. This means that the third party will deal with the agency.

The financial counselling agency and its representatives must do the following:

1. Include the financial counsellor's national registration number on all correspondence with the third party including the authorisation form (this enables the third party to verify your identity);
2. Notify the third party in writing if the financial counselling agency stops assisting the client (notification is not necessary if the matter has settled); and
3. Notify the third party if the financial counsellor acting on behalf of the client changes.

Separate authorities

A separate authority is required for each third party. You only need one authority for each entity (for example, if a bank has divisions the authority covers the bank and those divisions). A separate form is also required to make a complaint to an external dispute resolution scheme. This is to ensure that:

- Each third party gets a clearly addressed authority; and
- There is no confusion about how many third parties there may be; and
- To avoid explaining the possible privacy implications of sharing this information.

Explaining the authority

You must explain to your client why they are signing the authority form. This information will cover the following:

- The authority is required to access the personal information of the client that is held by the third party. The Privacy Act requires that the third party has the client's consent to access any of the client's personal information.
- The authority also means you can act on behalf of the client to deal with the third party. This means that the third party will deal with the financial counsellor as if it were dealing with the client.
- That you have professional and ethical obligations as a financial counsellor and these include that you will at all times keep the client informed of developments.
- That you will seek instructions from the client when major decisions are required. By then acting on those instructions you are then able to make arrangements or settlements with the third party that are binding (on behalf of your client).
- Explaining that it is important that the information provided to the third party must be true and correct.
- Explain that the third party may still send routine correspondence to the client or correspondence as required by law (for example, account statements). Correspondence relating to the dispute or inquiry must be sent to the financial counselling agency.
- The client can revoke the authority at any time and you will inform the third party accordingly.
- When you close the client's case, you will also revoke the authority with the third party.

Account numbers

Providing at least one account number or a reference number on the form will assist the third party in identifying the client's accounts. If an account number is not available leave this section blank but explain why in any cover letter or email.

Additionally, the account number, product type and account holders should be included in any cover letter or email.

Client details

You should provide as much information as you can to help the third party identify your client. This information may include your client's full name, date of birth and address, plus the address where the service was provided where relevant.

There may be circumstances where a client cannot provide their address. This could be because, for example, the client is homeless or is escaping family violence. If this situation applies then you should leave this section blank and explain why or provide further information in the cover letter that the third party can use to identify the client.

Revoking the authority

An authority can be revoked at any time and for any reason. Common situations when an authority is revoked are:

- The financial counselling agency ceases to act on behalf of the client,
- The client has not responded within a reasonable period of time, or
- The client puts in place another authority.

You need to revoke the authority in writing when you cease to act for the client. If the matter is settled then there is no need to revoke the authority if it is clear between the parties that the matter has concluded.

Can the third party creditor contact your client directly?

A third party can contact your client directly if:

- Your client requests that the third party contact them;
- You do not respond to communications from the third party within a reasonable time (7 days) and the third party has warned you that they will contact your client if you do not respond in a reasonable time (7 days); and
- The third party asked for written authority and you do not provide that written authority in a reasonable time.

Note: If the third party contacts the client directly it does not revoke this authority.

ACCC
AUSTRALIAN COMPETITION
& CONSUMER COMMISSION

FM 9 – Self-Supporting Loans to Shire Community/Sporting Groups

1 Objectives

The purpose of this Policy is to:

- Establishes the framework within which Council may consider provision of self-supporting loans to community and sporting groups, subject to the financial position of the Shire, competing demands for funds, debt financing structure and capacity of the Shire to borrow;
- Establish the principles, constraints, criteria and administrative guidelines for the allocation and utilisation of Shire borrowings to finance self-supporting loans for community and sporting groups for the purposes of capital asset acquisition or development; and
- Ensure an organisation wide and inclusive approach is taken to the capitalisation of facilities in the district via Shire funded self-supporting loans.

2 Scope

This policy applies to all requests received from community and sporting groups for financial support by way of self-supporting loans. The policy limits the availability of self-supporting loans and provides a guide to the eligibility and assessment criteria for each request.

Self-supporting loans will only be considered for capital asset acquisition or development to buildings and/or land, and will not be approved by Council for operational equipment or operating expense purposes.

3 Definitions

3.1 Act or LGA

means the Local Government Act 1995.

3.2 Asset

means a physical component of a facility which has value, enables a service to be provided and has an economic life of greater than 12 months.

3.3 Association

includes society, club, institution, group or body – that is not-for-profit.

3.4 Council

means the Council of the Shire of Bridgetown-Greenbushes.

3.5 Incorporated association

means an association incorporated under the Associations Incorporation Act 1957.

3.6 Long Term financial plan

means a minimum ten year rolling financial plan incorporated into the Shire's Corporate Business Plan that activates Strategic Community Plan priorities.

3.7 Shire

means Shire of Bridgetown-Greenbushes.

3.8 Strategic Community Plan

means the Strategic Community Plan adopted by the Council.

4 Policy

Self-supporting loans are loans taken out by the Shire on behalf of community/sporting groups who undertake to meet the capital, interest and loan guarantee/administrative payments.

Community/sporting groups may make application for self-supporting loans where the funds are to be used for capital improvements to land or buildings they own, or occupy (where the property is Shire property).

The term of the loan shall be less than or equal to the half-life of the capital works or improvements being undertaken, and not more than ten (10) years. This will enable the group sufficient time to set aside a cash reserve for the future refurbishment or replacement of those improvements.

Council will only consider approving applications from groups that adequately demonstrate, by the provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayments. The financial plans are to be certified by an independent Certified Practising Chartered or similarly qualified and experienced Accountant.

4.1 Matters to be considered by Council

1 The Shire's Long Term Financial Plan and forecast debit financing capacity – across the (prospective) life of a requested loan.
2 Regulated borrowing limits as determined by WA Treasury Corporation.
3 Debit Service Coverage Ratio (calculated as annual surplus before interest expense and depreciation, divided by annual debt service payments) meets that required of the Department of Local Government Standard.
4 Standard is NOT met if ratio is less than two.
5 Basic Standard if ratio is between two (2) and five (5).
6 Advanced Standard if greater than five (5).

Note: This indicator is used by the WA Treasury Corporation when considering loan applications from the Shire.

7 The current financial position of the Shire.
8 New Capital Works program priorities and funding requirements.
9 Demands for use of borrowings for Shire requirements.
10 Compliance with legislative requirements associated with borrowing of monies under Section 6.20 of the Local Government Act 1995.

4.2 Guidelines

The Shire is not a lender-of-last-resort for community or sporting groups and will only provide access to self-supporting loans when financial circumstances permit, and when there is compelling evidence of positive benefits to the community.

Council will only ever consider providing self-supporting loans to community/sporting groups:

(a) In exceptional circumstances to mitigate serious risks and/or to bridge an urgent capital shortfall that will deliver substantial benefits to the community consistent with the Shire's Strategic Community Plan and priorities identified in the Corporate Business Plan.

(b) Where the self-supporting loan forms part of a matching community grant component (eg; CSRFF).
(c) Where in the view of Council, the use of Shire borrowings for the intended purpose will deliver benefits to the community materially outweighing likely benefits from the alternative purposes from which the said borrowings would have to be diverted.
(d) Where in the view of Council there is compelling justification for the Shire to act as lender rather than a bank or other financial institution.

4.3 Limits

1 Funding to any one (1) application shall be in the range $25,000 to $100,000.
2 The term of borrowing will be limited to a ten (10) year period or such lesser period as may be determined by the prevailing terms of the Shire's debit financier.

4.4 Assessment

Based on an application having no significant or adverse impact in relation to the abovementioned general principles and it also meets criteria and guidelines principles, the application will be assessed based on the following:

(a) Provision of a fully completed application form.
(b) Provision of proof of incorporation.
(c) Provision of latest audited financial statements (Operating, cash Flow & Financial Position Statements).
(d) Provision of a forward financial plan in relation to the required term of borrowing.
(e) Provision of compelling evidence of ongoing capacity to service and repay the loan from its operations.
(f) Provision of a Business case in support of the asset acquisition or development proposal to be financed by the requested self-supporting loan.
(g) If the property (land and/or building) to be self-supporting loan funded is not Shire property, then the group shall provide proof of ownership.

4.5 Deed of Loan

(a) Where a self-supporting loan for a particular group is raised, a separate 'Deed of Loan' for the period of loan repayments is to be prepared and executed as contractual evidence for payment of the loan.
(b) The costs associated with the preparation and stamping of the 'deed of Loan' shall be the responsibility of the Club or organisation.

4.6 Reallocation of Surplus Loan Funds

Should any funds remain unspent at the completion of the project, officers responsible for the carrying out of the works shall, upon completion and in accordance with the schedule of works, issue a certificate of completion for the funded work. The responsibility for recommending to the Audit Committee the reallocation of surplus funds shall lie with the Chief Executive Officer.

4.7 Administration Costs and Loan Guarantee Fees

The following costs incurred by the Shire shall be recouped from groups applying for self-supporting loans:

(a) Actual advertising costs (incl. GST).

(b) Where non-standard Deeds of Loan, Mortgage or other legal documents are required, the actual preparation costs of such documents will be on-charged to the applicant.

(c) Stamp duties, or other duties or taxes applicable to the self-supporting loan application or documentation, will be on-charged to the applicant at actual cost.

4.8 Roles and Responsibilities

Executive Manager Community Services:

It is the responsibility of the Executive Manager Community Services to establish a point of contact, and as required support, for community/sporting groups wishing to complete and submit self-supporting loans for Council consideration.

Executive Manager Corporate Services:

Review and appraise each application, and make a recommendation (approve/not approve) for presentation to the Audit Advisory Committee.

Audit Committee:

Appraise the Executive Manager Corporate Services' recommendation (approve/not approve) for presentation to Council.

Council:

Review recommendation and make final determination by Absolute Majority to approve or not approve self-supporting loan application.

5 Applicable Legislation and Documents

Act	*Local Government Act 1995* s.2.7(2)(b) *Local Government Act 1995* – The council is to determine the local government's policies s.6.20 – Power to borrow
Regulation	N/A
Local Law	N/A
Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

6 Administration

Original Adoption Date	25 July 2013
Last Reviewed	26 November 2020
Scheduled Reviewed Date	27 April 2023

SELF SUPPORTING LOAN APPLICATION

Organisation: _____

Address: _____

ABN: _____

Contact Person: _____ Contact Phone Number: _____

Eligibility Check list

- ☐ Are you an incorporated body
- ☐ Do you have an ABN
- ☐ Has your organization been operational for 3 or more years
- ☐ Can your organisation demonstrate an established relationship with Council
- ☐ Will the "end product" for the use of loan funds be an asset.

Loan funds required: $_____

Term of loan: _____

Purpose of the Loan: _____

Brief description of the project: _____

_____

_____

_____

The following components **MUST** be included with your application –

1. Certificate of incorporation
2. ABN certificate
3. Plans and specifications associated with the project
4. Audited financial statements (Operating, Cash Flow & Financial Position) for the current year
5. Current business plan demonstrating forward financial plan for the term of the borrowing
6. Evidence of ongoing capacity to service the loan from operations
7. Detailed business case in support of the acquisition showing costing's and project budget
8. Whole of life costing analysis for the asset
9. Other funding body confirmation of commitment
10. Statements demonstrating the need for the loan, together with reasons for not seeking to obtain alternative funding (if no other funding has been sought)

15.16 Project Management Office - Projects Update

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Morgan Gillham, Principal Project Manager

Attachments 1. June - July 2024 Capital Projects Status ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 191-24/25

Moved: Councillor T Lansdell
Seconded: Councillor M Christensen

That council receive the information below and contained in the 'June - July 2024 Capital Projects Status Report'.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

In Previous Ordinary Council Meetings, The Project Management Office (PMO) had been providing updates on the Talison Partnering for the Future Program.

It is now deemed prudent to provide Council with an update on all Capital Works projects (including the Partnering for the Future Projects) being delivered by the PMO.

MATTER FOR CONSIDERATION

Attached to this report is the Progress reporting that is updated monthly on the Shire website 'Projects' page for Community awareness and includes expected completion dates and funding partners associated with these projects.

BACKGROUND

Below is a snapshot of the key projects being physically delivered right now:

1. Greenbushes Roads Board Building toilet upgrades

The Project Management team have developed detailed design drawings and specifications for the complete upgrade of both toilets at the rear of the Roads Board Building. The new designs will create two unisex toilets with one being fully accessible and the other being ambulant. The toilet upgrades will improve the opportunity to tenant the building.

It is expected that upgrade works will commence in August.

2. Greenbushes Youth Precinct – Pump Track & Landscaping

The Greenbushes Pump Track was completed in May 2024 and is being well used by the community. The PMO is now finalising the landscaping with irrigation and turfing to be completed in July ready for a community planting day on the 1st of Augst.
The Community planting day will see up to 70 people assisting with the planting of 380 plants including all students from the Greenbushes Primary School, along with Bush Carers, Talison staff, Councillors and Council Officers.

3. Greenbushes Hard Court Resurfacing

The PMO office has engaged a specialist contractor through a competitive RFQ process to undertake repairs to the existing basketball, netball and tennis court surfaces and then install a new specialist surfacing over it. New line marking across all the courts will then be done.

Unfortunately, the specialist products have a temperature range that they must be applied within, so the new surfacing will be installed in October – November when temperatures are warmer, and the risk of rain is reduced.

It is expected that upgrade works will be complete in November.

4. Bridgetown Train Station Visitor Centre

The Bridgetown Train Station Visitor Centre building and fit out works are now complete, and the facility is open to the public.

The PMO has been working to obtain quotations within budget to install new connecting pathways and ACROD bay with these works planning for installation in August. Soft landscape plantings will immediately follow at the end of August.

5. Bridgetown Town Hall Renovations

The refurbishment of the Bridgetown Town Hall will now include the addition of Air Conditioning, screen and projector, ensuring it will become an all-weather and all-seasons venue for culture and the arts in our community.

Whilst the project was put on hold for some time whilst negotiating the inclusion of Air Conditioning and additional Audio-Visual equipment, the PMO now have the project on track for completion this year.

6. Greenbushes Railway Station Relocation

The restoration of the relocated Greenbushes Railway Station behind the Greenbushes Discovery Century is ongoing and whilst it is well behind ideal schedule due to Contractor availability, the restoration work is getting closer to completion.

Restored windows and doors are being worked on off site and will be installed soon, and internal repairs and restoration will be completed before handover of the building to the Discovery Centre in August.

7. Greenbushes and Wandillup Bush Fire Stations

The Greenbushes and Wandillup Bush Fire Stations construction is now well underway after a delay due to rock in Greenbushes. Steel structures for both buildings are now complete with carpenters commencing the framing the internal rooms until the roof and wall sheeting arrives.
Both buildings are planned for completion before the 2024/25 fire season.

8. Greenbushes Camp Kitchen

The Greenbushes Camp Kitchen project received grant funding through the Native Forest Transition program and includes a Concrete pad and seating wall, a large 8 x 6 shelter, double BBQ, accessible table settings and accessible drink and dog watering station.

The project looks fantastic and will be completed in the week commencing the 22nd of July. Its worth a visit.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS - NIL

STRATEGIC COMMUNITY PLAN

15 A well informed and engaged community.

15.1 Engage the community in a meaningful and timely way using appropriate communication and consultation channels.

CORPORATE BUSINESS PLAN - NIL

LONG TERM FINANCIAL PLAN - NIL

ASSET MANAGEMENT PLANS - NIL

WORKFORCE PLAN - NIL

RISK MANAGEMENT - NIL

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

Shire of Bridgetown Capital Works Projects – Project Management Office

Project Progress June / July 2024

Project Title	**Greenbushes - Blackwood Road Drainage Plan**				
Project Overview	Undertake detailed design engineering to resolve localised flooding issues along Blackwood Road in Greenbushes				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Consultant engagement • Stormwater catchment study				
Planned action for next month	• Draft Detailed Design • Final Detailed Design				
Completion	• August / September 2024				

Project Title	**Greenbushes - Jephson Street Streetscape Plan**				
Project Overview	Undertake catchment study followed by Water Sensitive Urban Design (WSUD) concept designs for the Jephson Street median isle. This will be followed by community consultation to ensure the needs and wishes of the community are met.				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Consultant engagement • Stormwater catchment study				
Planned action for next month	• WSUD concept designs				
Completion	• August / September 2024				

Project Title	**Greenbushes - Roads Board Toilets**				
Project Overview	Refurbish the Roads Board toilets whilst making them accessible and compliant.				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Designs produced by building designer ready for construction • Design review by in house Architect • Develop Specifications				
Planned action for next month	• Engage trades				
Completion	• September / October 2024				

Project Title	**Greenbushes Youth Precinct Stage 2 - Pump Track**				
Project Overview	Installation of a new pump track and completion of surrounding landscape				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Complete Pump Track construction • Complete Landscape design • Install concrete kerbing • Install irrigation • Install turf • Install mulch				
Planned action for next month	• Install planting (Community planting Day)				
Completion	• 1st August 2024				

Project Title	**Greenbushes – Footpaths Detailed Design**				
Project Overview	Reconstruction of severely degraded footpaths throughout Greenbushes using several methods to overcome damage by tree roots.				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Review of Concept • Award Detailed Design for footpaths requiring major interventions • Commenced detailed design work				
Planned action for next month	• Receive draft General Arrangements plan and Materials schedule.				
Completion	• End September 2024 followed by Construction Tender				

Project Title	**Greenbushes - Roads**				
Project Overview	Asphalting Woodward at rear of Stinton Gardens, Asphalting of George St 150m to Tourmaline Asphalting of Diorite to Galena Widen Cul-de-sac head on Diorite				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Nil				
Planned action for next month	• Develop roadworks RFQ				
Completion	• End September 2024 pending weather				

Project Title	**Greenbushes - Kerbs**				
Project Overview	Installation of approx. 1km of kerbing within the Greenbushes local roads				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Nil				
Planned action for next month	• Develop Kerbing RFQ				
Completion	• End September 2024 pending weather				

Project Title	**Greenbushes Hard Courts**				
Project Overview	Repairs and resurfacing of the Greenbushes Hard Courts				
Funding Partner	Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Developed resurfacing RFQ • Issue resurfacing RFQ • Award resurfacing contract				
Planned action for next month	• Nil – Works will take place in October – November as surfacing product requires warmer weather to set.				
Completion	• November 2024				

Project Title	**Bridgetown Energy Sustainability**				
Project Overview	Installation of solar and batteries to the Bridgetown Rec Centre, Library and Civic Centre with energy cost saving going into a sustainability reserve fund.				
Funding Partner	Talison Lithium & Department of Sport & Recreation				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Completed detailed new energy audit • Engaged specialist renewable energy engineer • Develop construction tenders				
Planned action for next month	• Issue Tender				
Completion	• December 2024 followed by Western Power approvals				

Project Title	**Bridgetown Visitor Centre**				
Project Overview	Completion of the fit out and landscaping to the Bridgetown Train Station – New Visitor Centre, making it a modern, accessible multi purpose facility.				
Funding Partner	Shire and Talison Lithium				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Installation of cupboards, desks, audio, electrical, comms, furniture, fencing, bins and planter boxes. • Opening of the new Visitor Centre				
Planned action for next month	• Installation of connecting pathways, ACROD bay and planting				
Completion	• August 2024				

Project Title	**Bridgetown Town Hall including AC & AV**				
Project Overview	Refurbishment of the Bridgetown Town Hall including the addition of Air Conditioning, screen and projector, ensuring it will become an all weather and all seasons venue for culture and the arts.				
Funding Partners	Shire, Talison Lithium, Lotterywest and WA Recovery				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Issue Air Conditioning Tender • Award of Tender • Install roof access • Commence internal AC fit out • Order major AC components • Western power upgrade • Installation of new site main switchboard • New electrical cable runs • Commence ceiling fit off				
Planned action for next month	• Roof repairs and platform to allow for condenser installation • Ceiling installation • Electrical changeover				
Completion	• November 2024				

Project Title	**Greenbushes Railway Station Relocation**				
Project Overview	Relocation of the Greenbushes Railway Station to the rear of the Greenbushes Discovery Centre. The project includes roof replacement and repairs to the building ready for fit out by the Discovery Centre.				
Funding Partners	Shire, Talison Lithium, Lotterywest and WA Recovery				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• New roof sheeting installed • Flooring repairs • Carpentry works				
Planned action for next month	• Off site window and door construction • Stone retaining • Pathways				
Completion	• August 2024 handover to Discovery Centre				

Project Title	**Greenbushes Volunteer Bush Fire Station**				
Project Overview	Construction of a new fit for purpose fire station on Collins Street Greenbushes				
Funding Partners	Shire and DFES				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Plumbing pre-lay • Concrete slabs and footings • Steel frames installed • Roof and sheeting installed				
Planned action for next month	• Internal fit out				
Completion	• November 2024				

Project Title	**Wandillup Volunteer Bush Fire Station**				
Project Overview	Construction of a new fit for purpose fire station on the corner of Brockman Hwy and Mokerdillup Road				
Funding Partners	Shire and DFES				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Plumbing pre-lay • Concrete slabs and footings • Steel frames installed • Roof and sheeting installed				
Planned action for next month	• Internal fit out				
Completion	• November 2024				

Project Title	**Greenbushes Camp Kitchen**				
Project Overview	Construction of a Camp Kitchen including large shelter with lighting, double BBQ, picnic settings and drink fountain at the sportsground camp ground.				
Funding Partners	Department of Jobs, Tourism, Science and Innovation - Native Forest Transition				
Completion Status	0-9%	10 - 24%	25 - 49%	50 - 74%	75 - 100%
This Period	• Electrical and water pre-lays • Concrete slabs and footings • Seating wall • Shelter installation • BBQ, picnic settings and drink fountain installation				
Planned action for next month	• Site tidy				
Completion	• August 2024				

ITEM 16 CORPORATE SERVICES

16.1 Adopt the reviewed Employee Code of Conduct

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. Employee Code of Conduct

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 192-24/25

Moved: Councillor T Pratico
Seconded: Councillor R Redman

That Council adopt the reviewed Employee Code of Conduct.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

Cr Christensen noted that there is no reference to the misuse of drugs and alcohol, which is referred to in other documents and should be mentioned. CEO advised will insert the misuse of drugs and alcohol into the Employee Code of Conduct.

IN BRIEF

The proposed Employee Code of Conduct outlines the principles and standards that all employees are expected to adhere to in their professional conduct. This Code is designed to ensure a respectful, inclusive, and ethical work environment, aligning with our organisation's values and legal obligations. Adopting this Code will provide a clear framework for employee behaviour, enhance organisational integrity, and promote a culture of accountability.

MATTER FOR CONSIDERATION

Whether council adopts the reviewed Employee Code of Conduct.

BACKGROUND

The Employee Code of Conduct has been developed to address the need for a comprehensive and consistent approach to professional behaviour within our organisation. It includes guidelines on ethical decision-making, respect in the workplace, confidentiality, and compliance with laws and

regulations. The Code has been benchmarked against best practices in the industry and incorporates feedback from key stakeholders.

The key components of the Employee Code of Conduct include:

Respect and Inclusion: Employees must treat all colleagues, clients, and stakeholders with respect and dignity, fostering an inclusive work environment free from harassment, discrimination, and bullying.

Integrity and Honesty: Employees are expected to act with integrity and honesty in all professional interactions and decisions. This includes avoiding conflicts of interest, accurately representing the organisation, and maintaining transparency in communications.

Confidentiality: Employees must protect sensitive information and respect the privacy of colleagues and clients. Unauthorised disclosure of confidential information is strictly prohibited.

Compliance with Laws and Policies: Employees must comply with all applicable laws, regulations, and organisational policies. This includes adhering to health and safety standards, data protection laws, and financial regulations.

Professional Responsibility: Employees are expected to perform their duties to the best of their abilities, continuously seeking to improve their skills and knowledge. They should also report any unethical behaviour or violations of the code promptly.

Adopting this Employee Code of Conduct will help mitigate risks associated with unethical behaviour, enhance the organisation's reputation, and contribute to a positive and productive work culture. It is recommended that the council approve the adoption of this Code to ensure that all employees are held to the highest standards of professional conduct.

STATUTORY ENVIRONMENT

Local Government Act 1995

Work Health & Safety Act 2020

POLICY IMPLICATIONS

G 10 - Code of Conduct for Council Members, Committee Members and Candidates

G 10 - Code of Conduct for Council Members, Committee Members and Candidates

P 1 – Bullying, Harassment and Diversity

P 3 – Grievance Resolution Policy

P 5 – Performance Review and Management Policy

P 6 – Underperformance and Misconduct Policy

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

16 An engaged and effective workforce.

15 A well informed and engaged community.

14 Effective governance and financial management.

CORPORATE BUSINESS PLAN

14.1 Achieve excellence in organisational performance and service delivery

LONG TERM FINANCIAL PLAN

Nil.

ASSET MANAGEMENT PLANS

Nil.

WORKFORCE PLAN

Nil.

RISK MANAGEMENT

Risk Rating is LOW if the Code of Conduct is adopted.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

Nicole Gibbs, Chief Executive Officer

Nicole Gibbs, Chief Executive Officer

1. Employee Code of Conduct ⇩

Simple Majority

Reporting Officer:

Responsible Officer:

Local Government Act 1995

Work Health & Safety Act 2020

G 10 - Code of Conduct for Council Members, Committee Members and Candidates

16 An engaged and effective workforce.

15 A well informed and engaged community.

14 Effective governance and financial management.

Employee Code of Conduct

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1 Introduction

The Shire of Bridgetown-Greenbushes' (the Shire's) Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

(a) Better decision-making by local governments;

(b) Greater community participation in the decisions and affairs of local governments;

(c) Greater accountability of local governments to their communities; and

(d) More efficient and effective local government.

1.1 Statutory Environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

1.2 Application

For the purposes of the Code, the term employees includes persons employed by the Shire or engaged by the Shire under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

2 Our Values

Our values guide our behaviour in every possible way:

- We conduct ourselves in line with the values that the local community cares deeply about. We always strive to be.
- Welcoming, friendly and inclusive.
- Community minded, showing respect, understanding and compassion for others, and working collaboratively with people in the local community for better outcomes.
- Creative and innovative, being open to new ways of doing things.

- Sustainable and resilient, carefully considering our options and making balanced choices to care for our community, planet and economy.
- Cost effective and accountable, providing good value for money.

3 Code of Conduct

3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act.

5.41. Functions of CEO

The CEO's functions are to:

(a) Advise the council in relation to the functions of a local government under this Act and other written laws;

(b) Ensure that advice and information is available to the council so that informed decisions can be made;

(c) Cause council decisions to be implemented;

(d) Manage the day to day operations of the local government;

(e) Liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;

(f) Speak on behalf of the local government if the mayor or president agrees;

(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);

(h) Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

(i) Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Local Government Act 1995

3.2 Principles affecting employment by the Shire

The principles set out in section 5.40 of the Act apply to the employment of the Shire's employees:

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

(a) Employees are to be selected and promoted in accordance with the principles of merit and equity; and

(b) No power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and

(c) Employees are to be treated fairly and consistently; and

(d) There is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and

(e) Employees are to be provided with safe and healthy working conditions in accordance with the *Work Health and Safety Act 2020*; and

(f) Such other principles, not inconsistent with this Division, as may be prescribed.

Local Government Act 1995

3.3 Personal Behaviour

Employees will:

(a) Act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the Shire.

(b) Perform their duties impartially and in the best interests of the Shire, uninfluenced by fear or favour.

(c) Act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community.

(d) Make no allegations which are improper or derogatory (unless true and in the public interest).

(e) 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.

(f) Always act in accordance with their obligation of fidelity to the Shire.

(g) Comply with the provisions of the P 14 – Alcohol and Other Drug Policy.

3.4 Honesty and Integrity

Employees will:

(a) Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards.

(b) Be frank and honest in their official dealing with each other.

(c) Report any dishonesty or possible dishonesty on the part of any other employee to their line manager or the CEO in accordance with the Shire's Grievance Resolution Policy or the Shire's Public Interest Disclosure Policy.

3.5 Performance of Duties

While on duty, employees will give their whole time and attention to the Shire'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 Shire.

3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies

(a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their line manager, manager or the CEO.

(b) Employees will give effect to the lawful decisions and policies of the Shire, whether or not they agree with or approve of them.

3.7 Administrative and Management Practices

Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.8 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire upon its creation unless otherwise agreed by separate contract.

3.9 Recordkeeping

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire's Recordkeeping Plan.

3.10 Dealing with Other Employees

(a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.

(b) Employees must be aware of and comply with their obligations under relevant law and the Shire's policies regarding workplace behaviour and workplace health and safety, including the Grievance Resolution Policy, the Bullying, Harassment and Diversity Policy and the Work, Health and Safety Policy.

(c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

3.11 Dealing with community

(a) Employees will treat all members of the community with respect, courtesy and professionalism.

(b) All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

3.12 Professional Communications

(a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire's activities should reflect the status, values and objectives of the Shire.
(b) Communications should be accurate, polite and professional.

3.13 Personal Communications and Social Media

(a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.

(b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire, it's councillors, employees or contractors, which breach this Code.

(c) Employees will comply with the Shire's Social Media Policy, Communications Policy and Media and Public Relations Policy.

(d) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter under the Shire's Underperformance and Misconduct Policy and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

3.14 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire's relevant policies and procedures.

3.15 Gifts

(a) Application

This clause does not apply to the CEO.

(b) Definitions

In this clause –

activity involving a local government discretion has the meaning given to it in the *Local Government (Administration) Regulations 1996;*

> ***activity involving a local government discretion*** means an activity —
>
> (a) That cannot be undertaken without an authorisation from the local government; or
>
> (b) By way of a commercial dealing with the local government;
>
> [r.19AA of the *Local Government (Administration) Regulations 1996]*

associated person has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

> ***associated person*** means a person who —
>
> (a) Is undertaking or seeking to undertake an activity involving a local government discretion; or
>
> (b) It is reasonable to believe, is intending to undertake an activity involving a local government discretion.
>
> [r.19AA of the *Local Government (Administration) Regulations 1996]*

gift has the meaning given to it in the *Local Government (Administration) Regulations 1996;*

> ***gift*** —
>
> (a) Has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
>
> (b) Does not include —
>
> (i) a gift from a relative as defined in section 5.74(1); or
>
> (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
>
> (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
>
> (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31008613876), the Local Government Professionals Australia WA (ABN 91208607072) or the LG Professionals Australia (ABN 85004221818);
>
> [r.19AA of the *Local Government (Administration) Regulations 1996]*
>
> ***gift*** means —
>
> (a) A conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
>
> (b) A travel contribution;
>
> ***travel*** includes accommodation incidental to a journey;
>
> ***travel contribution*** means a financial or other contribution made by 1 person to travel undertaken by another person
>
> *[Section 5.57 of the Local Government Act 1995]*
>
> ***relative***, in relation to a relevant person, means any of the following —
>
> (a) A parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
>
> (b) The relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law.

[Section 5.74(1) of the Local Government Act 1995]

prohibited gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

prohibited gift, in relation to a local government employee, means —

(a) A gift worth the threshold amount or more; or
(b) A gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more.

[r.19AA of the *Local Government (Administration) Regulations 1996]*

reportable gift means:

(i) a gift worth more than $50 but less than $300; or

(ii) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than $50 but less than $300.

threshold amount has the meaning given to it in the *Local Government (Administration) Regulations 1996,* subject to the CEO's determination under subclause (c);

threshold amount, for a prohibited gift, means $300 or a lesser amount determined under regulation 19AF.

[r.19AA of the *Local Government (Administration) Regulations 1996]*

(c) Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined $300 as the threshold amount for prohibited gifts.

(d) Employees must not accept a prohibited gift from an associated person.

(e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.

(f) The notification of the acceptance of a reportable gift must be in writing and include:

(i) the name of the person who gave the gift; and

(ii) the date on which the gift was accepted; and

(iii) a description, and the estimated value, of the gift; and

(iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and

(v) if the gift is one of two or more accepted from the same person within a period of one year:

(1) a description;

(2) the estimated value; and

(3) the date of acceptance,

of each other gift accepted within the one year period.

(g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).

(h) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire's official website.

(i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

3.16 Conflict of Interest

(a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

(b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first disclosing the interest to the CEO. 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.

(c) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).

(d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.

(e) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

3.17 Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

3.18 Disclosure of Financial Interests

(a) All employees will apply the principles of disclosure of financial interest as contained within the Act.

(b) Employees who have been delegated a power or duty, have been nominated as 'designated employees' or provide advice or reports to council or committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

3.19 Disclosure of Interests Relating to Impartiality

(a) In this clause, interest has the meaning given to it in the *Local Government (Administration) Regulations 1996.*

> ***interest*** —
>
> (a) Means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
>
> (b) Includes an interest arising from kinship, friendship or membership of an association.
>
> [r.19AA of the *Local Government (Administration) Regulations 1996]*

(b) An employee who has an interest in any matter to be discussed at a council or committee meeting attended by the employee is required to disclose the nature of the interest:

(i) in a written notice given to the CEO before the meeting; or

(ii) at the meeting immediately before the matter is discussed.

(c) An employee who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:

(i) in a written notice given to the CEO before the meeting; or

(ii) at the time the advice is given.

(d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.

(e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not now and could not reasonably be expected to know:

(i) that they had an interest in the matter; or

(ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.

(f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:

(i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

(ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.

(g) If:

(i) to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or

(ii) a disclosure is made as described in item (e)(ii) at a meeting; or

(iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

3.20 Use and Disclosure of Information

(a) Employees must not access, use or disclose information held by the Shire except as directly required for, and in the course of, the performance of their duties.

(b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire's policies and procedures.

(c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire.

(d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.

(e) Nothing in this section prevents an employee from disclosing information if the disclosure:

(i) is authorised by the CEO or the CEO's delegate; or
(ii) is permitted or required by law.

3.21 Improper or Undue Influence

(a) Employees will not take advantage of their position to improperly influence council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

(b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.

(c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

3.22 Use of Shire of Bridgetown-Greenbushes Resources

(a) In this clause –

Shire of Bridgetown-Greenbushes resources includes local government property and services provided or paid for by the Shire;

local government property has the meaning given to it in the Act.

> ***local government property*** means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government
>
> [Section 1.4 of the *Local Government Act 1995*]

(b) Employees will:

(i) be honest in their use of the Shire's resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

(ii) use the Shire's resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and

(iii) not use the Shire's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

3.23 Use of Shire of Bridgetown-Greenbushes Finances

(a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances.

(b) Employees will use Shire finances only within the scope of their authority, as defined in position descriptions, policies and procedures and administrative practices.

(c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.

(d) Employees exercising purchasing authority will comply with the Shire's Procurement, Budget Management and Supporting Local Business Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996.*

(e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.

(f) Employees will ensure that any use of Shire finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.

3.24 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their line manager, any Executive manager or the CEO, in accordance with the Shire's Grievance Resolution Policy or Public Interest Disclosure Policy.

Employees may report suspected breaches of the Code to the Grievance Resolution Officer or the Shire President, dependent on the employee's comfort level.

3.25 Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code will be dealt with in accordance with the relevant Shire policies and procedures, depending on the nature of the suspected breach. This includes the Underperformance and Misconduct Policy.

Suspected breaches of the Code by the CEO will be dealt with by the Shire President and council in accordance with the CEO's employment contract and the Grievance Resolution Policy.

3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

(a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their line manager, or the CEO in accordance with Shire's Grievance Resolution Policy or Public Interest Disclosure Policy.

(b) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour by the CEO to the Grievance Resolution Officer or the Shire President, dependent on the employee's comfort level.

(c) In accordance with the Corruption, Crime and Misconduct Act 2003, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:

  (i) the Corruption and Crime Commission, in the case of serious misconduct; or

  (ii) the Public Sector Commissioner, in the case of minor misconduct.

(e) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.

(f) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire's Public Interest Disclosure Policy, published on the Shire's website.

3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire's policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body. Refer to 3.25 and 3.26 above for detail.

Document Control Box							
Document Responsibilities:							
Owner:	Nicole Gibbs			**Owner Business Unit:**	Office of the CEO		
Reviewer:	CEO			**Decision Maker:**	CEO		
Compliance Requirements:							
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996						
Other:							
Organisational:							
Document Management:							
Risk Rating:	**med**	**Review Frequency**:	**Three years**	**Next Due:**	**July 2027**	**Records Ref:**	
Version #	**Decision Reference:**	**Synopsis:**					
1.	25 July 2024	Scheduled three year review					
2.							

ITEM 17 COMMUNITY AND ECONOMIC DEVELOPMENT

17.1 Adopt the reviewed P 7 - Gratuity Gifts and Payment to Departing Employees

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Megan Richards, Executive Manager, Community & Economic Development

Attachments
1. CURRENT P 7 - Gratuity Gifts & Payments To Departing Employees ⇩
2. P 7 - Gratuity Gifts Payments To Departing Employees - Option 1 ⇩
3. P 7 - Gratuity Gifts Payments To Departing Employees - Option 2 ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

MOTION

Moved: Councillor M Christensen
Seconded: Councillor S Mahoney

That Council adopt the reviewed P 7 - Gratuity Gifts & Payments to Departing Employees Policy (Option 1) which rewards departing employees for contributing to organisational outcomes.

That the council repeal the current payment schedule of;

Length of Continuous Service	Value of Gratuity Gift
5-8 years	$150
8-10 years	$200
10-15 years	$250
15-20 years	$350
20 years and more	$500 plus $10 per every year thereafter

ALTERNATE OFFICER RECOMMENDATION

That Council adopt the reviewed P 7 - Gratuity Gifts & Payments to Departing Employees Policy (Option 2) which rewards departing employees for longevity with the organisation.

That the council repeal the current payment schedule of;

Length of Continuous Service	Value of Gratuity Gift
5-8 years	$150
8-10 years	$200

10-15 years	$250
15-20 years	$350
20 years and more	$500 plus $10 per every year thereafter

RESOLUTION: OCM 193-24/25

Moved: Councillor M Christensen
Seconded: Councillor R Redman

A motion was moved that Council invoke clause 18.1 to suspend standing orders at 6:27pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 194-24/25

Moved: Councillor M Christensen
Seconded: Councillor T Lansdell

A motion was moved that Council cease clause 18.1 to resume standing orders at 6:35pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 195-24/25

Moved: Councillor M Christensen
Seconded: Councillor S Mahoney

That Council adopt the reviewed P 7 - Gratuity Gifts & Payments to Departing Employees Policy (Option 2) which rewards departing employees for longevity with the organisation.

That the council repeal the current payment schedule of;

Length of Continuous Service	**Value of Gratuity Gift**
5-8 years	$150
8-10 years	$200
10-15 years	$250
15-20 years	$350
20 years and more	$500 plus $10 per every year thereafter

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce and T Pratico

AGAINST: Cr R Redman

CARRIED 8/1

IN BRIEF

On a monthly basis the council's policies are being reviewed to ensure relevance and compliance and to improve operational efficiency.

This motion seeks council's adoption of the updated "Gratuity Gifts & Payments to Departing Employees Policy." The reviewed policy streamlines the gratuity gifts process and better reflects today's workforce trends.

MATTER FOR CONSIDERATION

Whether the council adopts the reviewed P 7 - Gratuity Gifts & Payments to Departing Employees Policy (Option 1 or Option 2).

BACKGROUND

In its current form, the P 7 - Gratuity Gifts & Payments to Departing Employees Policy assumes that length of time equals value to the organisation. However, this is not necessarily the case. Often employees can have immense impact on an organisation in a short amount of time and this should be acknowledged at the time that the employee leaves the organisation.

Further, the policy does not reflect the changes in workforce trends since its adoption in 1998. Younger generations, such as Millennials and Generation Z, tend to value experiences, personal growth, and work-life balance more than previous generations. As a result, they are more likely to seek out new and unexplored job opportunities once they feel their contribution to an organisation is complete. This is even more prevalent with employees that are engaged for a specific purpose (e.g. to project manage a project to completion).

As organisations compete for the best fit for a role in an increasingly digital economy, employees have more leverage to negotiate better pay, benefits, and career advancement opportunities. This has led to a greater willingness among employees to switch jobs in search of better opportunities.

This recommendation proposes that the council rewards departing employees for achieving outcomes, rather than for remaining in employment for a set number of years (Option 1). Sometimes employees remain with an organisation for a very long period because they are loyal to the organisation and have enormous wealth of knowledge and skill to contribute. However, sometimes employees remain with an organisation longer than they want to because they struggle to find convenient employment elsewhere. Measuring tangible organisational outcomes is possible regardless of how long an employee has been with the organisation.

If council chooses not to adopt the reviewed P 7 - Gratuity Gifts & Payments to Departing Employees Policy (Option 1), Option 2 is provided as an alternate. This version of the policy retains the 'reward for longevity' policy position. However, the same gratuity gift for employees that have worked at the Shire for two years onward has been introduced to streamline the process, reflect the current workforce trends and acknowledge service for every employee that has maintained ongoing employment with the Shire for two years or more.

A policy must be adopted to allow Council to pay departing employees a gratuity in addition to their severance pay outlined in their contract or the Award. The P7 - Gratuity Gifts and Payment to Departing Employees was first adopted in December 1998 and reviewed in April 2022 and April 2023 without change.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Financial Management) Regulations 1996

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Financial Management) Regulations 1996

s.2.7 Role of council

(2)(b) - The council is to determine the local government's policies

s.5.50 – Payments to employees in addition to contract or award

(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.

(1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).

(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 under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.

(3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.

(4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

(5) The CEO must publish the policy prepared under subsection (1) and adopted by the local government on the local government's official website.

Local Government (Administration) Regulations 1996

r.19A Local Government (Administration) Regulations 1996 – payments in addition to contract or award, limits of(Act s. 5.50(3))

(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
   (a) the value of the person's final annual remuneration, if the person —
      (i) accepts voluntary severance by resigning as an employee; and
      (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
   or
   (b) in all other cases, $5 000.

(2) In this regulation —
final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

POLICY IMPLICATIONS

P 17 - Salary Packaging

P 18 – Performance Management

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

14.1 Achieve excellence in organisational performance and service delivery.

CORPORATE BUSINESS PLAN

Nil

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The risk area identified according to Policy RM 1 – Risk Management is Reputational.

The amendment of the above policies does not present any significant risk to Council and as such the overall risk has been measured as Low (Insignificant/Unlikely).

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	**Minor 2**	**Moderate 3**	**Major 4**	**Catastrophic 5**
Likelihood	**5 Almost certain**	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

P 7 – Gratuity Gifts & Payments To Departing Employees

1. Objectives

The purpose of the Gratuity Gifts & Payments To Departing Employees Policy is to:

1.1 Provide guidelines for the payment of gratuities to employees who are leaving the organisation.

1.2 Ensure compliance with the *Local Government Act 1995* (Section 5.50) which dictates that a policy be in place specifying the amount and circumstance that an employee may receive when departing the Shire.

2. Scope

This policy applies to all employees.

3. Definitions

3.1 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also known as staff.

3.3 Worker

means a worker is any person who carries out work for a Person Conducting a Business or Undertaking (PCBU), including work as an employee, Councillor, outworker, apprentice or trainee, work experience student, placed with a 'host employer' and volunteers.

4. Policy

In alignment with Section 5.50 of the *Local Government Act 1995*, this policy defines the framework for providing gratuity gifts and payments to employees upon their departure from the organisation. The policy ensures that all gratuity payments are administered in a transparent, fair and consistent manner, specifying the circumstances and amounts that departing employees may receive.

Council will provide a gift to the value stipulated in the table below to all departing permanent employees who have served a continuous period of employment with the organisation unless the employees have been dismissed for any reason other than redundancy.

Contribution to the Organisation (Select One or More)	**Value of Gratuity Gift**
• Excelled in customer service. • Sourced external funding. • Built or maintained asset and infrastructure to quality levels. • Contributed to excellent audit outcomes. • Delivered service excellence to community groups, directly assisting them to achieve outcomes. • Brought innovation and a better way of doing things to the organisation. • Demonstrated expertise in legislative and other compliance. • Demonstrated technical expertise in your area of responsibility.	$250

The CEO has delegated authority to purchase a gift for departing employees on behalf of the Council, to the value stipulated in the above table.

For the purposes of this policy continuous service will include:

4.1 Any period of absence from duty by annual leave, long service leave and/or bereavement leave.

4.2 Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pay or parental leave.

4.3 Any period of absence that has been supported by an approved workers compensation claim up to a maximum of one year.

5. Risk Management

The potential consequences of not having a Gratuity Gifts and Payments Policy in place include:

5.1 No guidelines for the payment of gratuities to employees who are leaving the organisation.

5.2 Non-compliance with the *Local Government Act 199*5 (Section 5.50) which dictates that a policy be in place specifying the amount and circumstance that an employee may receive when departing the Shire.

6. Accountabilities and Responsibilities

6.1 Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

6.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

6.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

6.4 All employees are individually responsible for complying with this policy document.

7. Legislation, Policy and Other Relevant Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.5.50 – Payments to employees in addition to contract or award
Regulation	r.19A *Local Government (Administration) Regulations 1996* – payments in addition to contract or award, limits of
Local Law	N/A

Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

8. Administration

Original Adoption Date	17 December 1998
Last Reviewed	28 April 2022
Scheduled Reviewed Date	27 April 2023

P 7 – Gratuity Gifts & Payments to Departing Employees

1 Objectives

The objectives of the Gratuity Gifts & Payments to Departing Employees Policy are to:

1.1 Recognise the contribution of employees during their period of employment with the organisation.

1.2 Encourage employees to contribute to the organisation's strategic objectives and outcomes.

1.3 Provide guidelines for the payment of gratuities to employees who are leaving the organisation.

1.4 Ensure compliance with Section 5.50 of the *Local Government Act 1995.*

2 Scope

This policy applies to all employees.

3 Definitions

Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also known as staff.

Gratuity

means a sum of money paid to an employee at the end of a period of employment.

Worker

means a councillor, an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Pursuant to the provisions of Section 5.50 of the *Local Government Act 1995*, the council has adopted the following guidelines with respect to the payment of gratuities to employees who are leaving the organisation.

4.2 Council will provide a gift of the value stipulated in the table below (Table 1) to all departing employees who have contributed to the strategic objectives and/or outcomes of the organisation.

Table 1:Gratuity's Table

Contribution to the Organisation (Select One or More)	Value
• Excelled in customer service. • Sourced external funding. • Built or maintained asset and infrastructure to quality levels. • Contributed to excellent audit outcomes. • Delivered service excellence to community groups, assisting them to achieve outcomes. • Brought innovation and a better way of doing things to the organisation. • Demonstrated expertise in legislative and other compliance. • Demonstrated technical expertise in the area of responsibility.	$250

4.3 A gratuity gift or payment will not be provided to an employee who has been terminated for any reason other than redundancy.

4.4 The CEO has delegated authority to purchase a gift for departing employees on behalf of the council, to the value stipulated in the above table.

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

If a Gratuity Gifts Payments Policy is not in place the risks include (but are not limited to):

6.1 The contribution of employees during their period of employment with the organisation is not recognised.

1.5 Employees are not encouraged to contribute to the organisation's strategic objectives and outcomes.

6.2 There are no guidelines for the payment of gratuities to employees who are leaving the organisation.

6.3 Non-compliance with Section 5.50 of the *Local Government Act 1995*.

7 Reference Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.5.50 – Payments to employees in addition to contract or award
Regulation	r.19A *Local Government (Administration) Regulations 1996* – payments in addition to contract or award, limits of
Local Law	N/A
Policy	N/A
Procedure	N/A
Other Documents	N/A

8 Version Control

Version	Date	Author	Amendments
V1	17 December 1998	T Clynch (CEO)	Original Document
V2	28 April 2022	N Gibbs (CEO)	Three year review
Scheduled Reviewed Date	27 April 2023		

P 7 – Gratuity Gifts & Payments to Departing Employees

1 Objectives

The objectives of the Gratuity Gifts & Payments to Departing Employees Policy are to:

1.1 Recognise the contribution of employees during their period of employment with the organisation.

1.2 Reward employees for longevity of employment.

1.3 Provide guidelines for the payment of gratuities to employees who are leaving the organisation.

1.4 Ensure compliance with Section 5.50 of the *Local Government Act 1995.*

2 Scope

This policy applies to all employees.

3 Definitions

Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also known as staff.

Gratuity

means a sum of money paid to an employee at the end of a period of employment.

Worker

means a councillor, an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Pursuant to the provisions of Section 5.50 of the *Local Government Act 1995*, the council has adopted the following guidelines with respect to the payment of gratuities to employees who are leaving the organisation.

4.2 Council will provide a gift of the value stipulated in the table below (Table 1) to all departing employees who have served a continuous period of employment with the organisation.

4.3 A gratuity gift or payment will not be provided to an employee who has been terminated for any reason other than redundancy.

4.4 The CEO has delegated authority to purchase a gift for the departing employees on behalf of the council.

4.5 For the purposes of this policy continuous service will include:

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

Table 1 Gratuity's Table

Length of Continuous Service	Value of Gratuity Gift
2-10 years	$250
10-15 years	$300
15-20 years	$350
20 years and more	$500

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and the council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

If a Gratuity Gifts Payments Policy is not in place the risks include (but are not limited to):

6.1 The contribution of employees during their period of employment with the organisation is not recognised.

6.2 Long-term employees may not consider longevity to be valued by the organisation.

6.3 There are no guidelines for the payment of gratuities to employees who are leaving the organisation.

6.4 Non-compliance with Section 5.50 of the *Local Government Act 1995*.

7 Reference Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies s.5.50 – Payments to employees in addition to contract or award
Regulation	r.19A *Local Government (Administration) Regulations 1996* – payments in addition to contract or award, limits of
Local Law	N/A
Policy	N/A
Procedure	N/A
Other Documents	N/A

8 Version Control

Version	Date	Author	Amendments
V1	17 December 1998	T Clynch (CEO)	Original Document
V2	28 April 2022	T Clynch (CEO)	One year review
V3	25 July 2024	N Gibbs (CEO)	Three year review
Scheduled Reviewed Date	25 July 2027		

ITEM 18 PLANNING AND DEVELOPMENT

18.1 Application to Construct a Section of Suttons Road Kangaroo Gully

File Ref	A53411
Responsible Officer	Nicole Gibbs, Chief Executive Officer
Reporting Officer	Leigh Guthridge, Executive Manager, Planning & Development
Attachments	1. Application Letter ⇩ 2. Policy R1 ⇩ 3. Submission ⇩
Voting Requirements	Simple Majority
Disclosure of Interest	Reporting Officer: Responsible Officer:

Item 18.1 Application to Construct a Section of Suttons Road Kangaroo Gully

The Applicant has requested this item be pulled from the agenda.

OFFICER RECOMMENDATION

That Council notes the submission received and in accordance with Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions of local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, grants Development Approval to Kevin and Nadene Weaver to construct a road within the Suttons Road – Road Reserve from the western entrance of Lot 8486 Suttons Road to Lot 8487 subject to:

General

1. The design, standard of road construction and oversight of the delivery of the works to comply with Shire PolicyR 1 - Provision of Roads and Associated Civil Works for Subdivisions and Developments;
2. The Applicant to be responsible for the installation of a new stock fence on both sides of the road reserve for the extent of the road works to the satisfaction of the local government;
3. In the event that clearing of trees and other vegetation is required to facilitate the works, that the Applicant is to remove all green waste from the road reserve for disposal;

Prior to Commencement of Works

4. Establish survey of the Suttons Road - road reserve for the length of the proposed road formation from the entrance of Lot 8486 (Dewing) to the western boundary of Lot 8487 (Weaver) at the Applicants cost;
5. Enter into a legal agreement with the Shire of Bridgetown-Greenbushes at the Applicant's cost to address the following:
    - Standard of works

- Time required for the completion of works
- Recovery of costs in the event of default
- Indemnity
- Insurance
- Rectification of defects
- Lodgement of a caveat on the certificate of title of Lot 8487 pending completion of the works

6. That the Applicant provide an estimate of total cost of the road construction as verified by a Civil Engineer once the scope and detailed design is delivered for approval to the CEO in accordance with *Shire Policy R 1 - Provision of Roads and Associated Civil Works for Subdivisions and Developments* to inform fees payable including development application fees, defect liability bond and site supervision fees and pay fees for same;

7. In the event that clearing of trees and other vegetation is required to facilitate the works, that the Applicant is to remove all green waste from the road reserve for disposal;

Advice Notes

a) In relation to condition 1 the standard of road to be 5 metres width gravel pavement in accordance with clause 1.5.7.1 of *Shire Policy R.1-Provision of Roads and Associated Civil Works for Subdivisions and Developments* - Minimum Gravel Track - Farm gate situation servicing 1-4 rural properties;

b) In relation to condition 2 the standard of stock fence shall be a minimum of 4 plain wires, galvanised steel pickets and galvanised steel boxed strainer assemblies including the installation of relevant infrastructure required to enable stock crossing(s) across the road reserve including gates etc. The adjoining owners (Dewings) will be consulted during the fencing design process and will take ownership of the fencing once the new road is handed to the Shire and be responsible for ongoing maintenance;

c) In relation to condition 3 the Shire will not oppose green waste from clearing to be stock piled and burnt on adjoining freehold property with the approval of the relevant land owner;

d) The Shire will support any application for clearing permit to remove trees on the Suttons Road - road reserve where required on behalf of the Applicant;

e) The Applicant is advised to verify if approval pursuant to the *Aboriginal Heritage Act 1972* is required prior to the work commencing. Information can be sought via the register of aboriginal sites at the Department of Planning Lands and Heritage (Indigenous Affairs) in this regard. It is the Applicants responsibility to obtain approval is approval is required.

f) Should the Applicant be aggrieved by this decision you may appeal against any condition contained in this approval provided it is lodged within twenty-eight (28) days of the date of issue. The Shire can provide further information regarding this, or alternatively, refer to www.sat.justice.wa.gov.au and the SAT Wizard with reference to Section 252(1) of the Planning and Development Act 2005.

IN BRIEF

Lot 8487 does not have constructed legal road access. An application has been made from the owners of Lot 8487, Kevin and Nadene Weaver to construct a portion of Suttons Road from where the existing constructed Suttons Road formation terminates to Lot 8487 illustrated in blue below.

MATTER FOR CONSIDERATION

To consider an application for development approval to construct a new road within the Suttons road - road reserve. The recommendation is to grant development approval with conditions.

BACKGROUND

A development application (DA) has been received from Kevin and Nadene Weaver (The Weavers) to construct a portion of Suttons Road estimated to be 1.2kms from the eastern end of the constructed Suttons Road that currently terminates at Lot 8486 in the ownership of Michael and Jenny Dewing (The Dewings), to Lot 8487 in the ownership of the Weavers. See DA letter as per Attachment 1.

Historically physical access to Lot 8487 was via informal access through private property to the east of Lot 8487. This informal access is no longer available. This has subsequently triggered the Weavers to make Application to formalise access to 8487 via an unmade road reserve known as Suttons Road that is available to support the construction of a new road for this purpose.

COMMENT

Shire staff have met with both the Weavers and the Dewings including a site visit to discuss the options. The construction of a road within the road reserve appears to be difficult in sections given the steep terrain, remnant vegetation and apparent granite outcrops in parts along the road reserve.

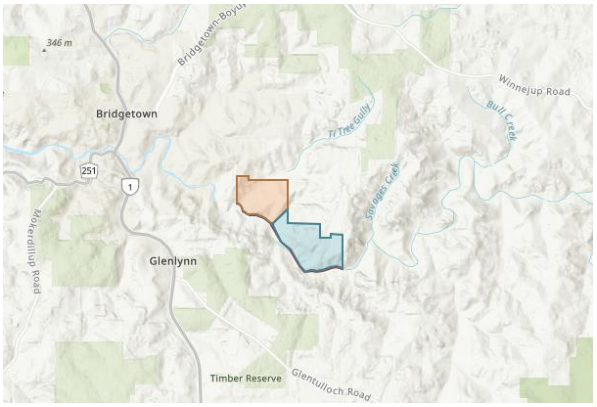
<u>Status of the Road Reserve and Relationship with the Shires Road Network</u>

Suttons Road is constructed to the western boundary of Lot 8486 (Dewing) and continues several hundred metres servicing the Dewing's residence. The road reserve known as Suttons Road (subject

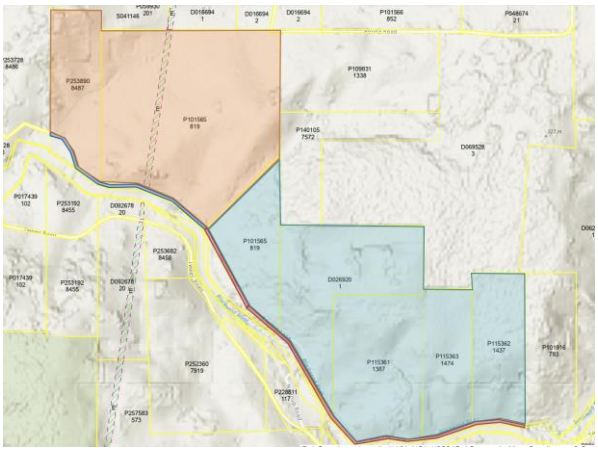
of this application) continues east through Lot 8486 and 8487 generally following the river reserve connecting with the Everton Lane - road reserve and terminating at the eastern boundary of Lot 1437. The road reserve does not link with the Shire's road network past this point to the east.

This section of road reserve provides road reserve frontage to 5 properties and is not formally constructed. An informal track is contained within the road reserve and the Shire does not maintain this track. It is understood that informal connection from the Everton Lane - road reserve is via a summer crossing that links to Evans Ford Road then to Tweed Road across the Blackwood River.

Locality Context – Aerial Photo



Locality Context – Non Aerial Photo



Properties Highlighted Orange – Frontage to Suttons Road (road unmade)

Properties Highlighted Blue – Frontage to Everton Lane (road unmade)

Fencing

The Dewings undertake a cattle farming operation on their property and if a new road is constructed within the road reserve, it will change their operations as it will result in grazing areas straddling each side of the new road. Both sides of the road reserve will need to be fenced to prevent stock entering the road reserve.

The question is who should be responsible to install a fence to a suitable standard in this instance. The *Local Government Act (Miscellaneous Provisions) 1960* requires the adjoining land owner (Dewings) to keep stock off the road reserve where there is a constructed road to manage the risk to road users and protect the road asset unless otherwise approved by the local government.

The problems associated with allowing stock entering road reserves is the risk of damage to the road asset and associated drainage, risk of collisions between stock and road users, inconvenience for drivers changing behaviour to accommodate stock and the negative impact of manure on the road. It is therefore recommended that the road reserve be fenced if a new road is constructed.

Ordinarily if this was a project of the Shire or Main Roads WA the cost of the fencing would be met by that agency and factored in the project costs. It is appropriate in this instance that the Applicant install a fence with a stock crossing to an appropriate standard to keep stock off the road reserve once the new road is constructed. It is recommended to impose a condition for the Applicant to install a fence and stock crossing to a suitable standard at the Applicant's cost to the satisfaction of the Shire.

Tree Removal - Clearing Permit

Until survey is established and detailed design is undertaken for the road it is not known what trees will be required to be removed. However arial photographs suggests that several trees will need to be removed both within the unmade section of road reserve and also along the section of Suttons Road (already constructed) leading to the entry of Lot 8486 (Dewing) which is currently under the management and control of the Shire.

The administration effort, cost of a clearing permit and the cost of removal and disposal of the green waste will need to be met by the Applicant. The recommendation to this report supports the removal of all trees necessary to enable the construction of the road to Shire's standard.

Legal Advice

Given the projected difficulty and issues to consider to assess this application and the construction of the road, staff sought legal advice on this matter to assist the Shire in its decision making process. The legal advice is as per Attachment 2 as a Confidential Attachment.

Staff posed the following questions with McLeods Lawyers and the legal advice is summarised in italics as follows:

1. Is the Shire legally compelled to provide formal constructed road access to properties within its local government district?

   The Shire is not legally compelled to provide formal constructed road access within its local government district although it is within the scope of its power, control and management.

2. Specifically, is the Shire legally compelled to provide permission for the Weavers to construct the road through the Dewing's property?

   The Shire is not legally compelled to approve an application however it is required to determine the application in it's capacity as the responsible authority under its local planning scheme having regard to all the planning considerations. If the Shire refused the Application the Weavers will have the right of review through SAT.

3. Is the Shire compelled to approve the construction of a road within the unmade road reserve upon application made by others?

   The Shire is not legally compelled to approve an application however it is required to determine the application in it's capacity as the responsible authority under its local planning scheme having regard to all the planning considerations. It would be difficult to identify a relevant planning consideration that would justify a refusal of such an application.

4. What weighting does the fact that the Weavers purchased Lot 8487 previously without formal road access in the determination of this application?

   The circumstances of the land purchase is not a relevant planning consideration however the fact that the Weavers no longer have formal road access is a relevant planning consideration that could be considered to be in the interests of orderly and proper planning for road access to Lot 8487.

5. Do the owners of Lot 8486 Suttons Road (Dewing) have any legal options / recourse to not permit the construction of the road if approved by the local government?

   It is considered that the Dewings will not have legal options to prevent the construction of the road if Approved by the Shire. The Dewings have no rights to the road reserve for adverse possession or prescriptive easement as no rights may accrue against the Crown.

6. Does the fact that the Dewing's have had uninterrupted use of the land for so long offer them any sort of legal precedence?

   No.

An extension to this legal advice (Attachment 3) as a Confidential Attachment, is detailed later in this report relating to legal agreements that is recommended to be entered into between the Applicant and the Shire relating for the delivery of the works.

Standard of Existing Formation of Suttons Road

The standard of Suttons Road is generally a 5 metre wide gravel formation from the Mottram Road intersection for 450 metres . The Section of Suttons Road 200 metres from the entrance of Lot 8486 narrows to 3 metres. See photo below. There are several trees that are located on the shoulder of the road in this section that the Applicants have requested be removed or pruned to enable machinery to enter and construct the new road in the event of an approval.

Suttons Road narrows to a 3 metre wide formation due to trees being located on the shoulder of the road 200 metres from the entrance of Lot 8486.

New Road Construction Standards and Delivery of the Works

Staff are advocating that the Shire use *Shire Policy R 1 - Provision of Roads and Associated Civil Works for Subdivisions and Developments* (The Policy) to guide the standard of construction of the road and administration and delivery of the works in the event that Council grant approval for the development application. Copy of the Policy is as per Attachment 4.

The following provisions of the Policy applies to this Application:

- Minimum width gravel formation of 5.0 metres applied to a farm gate situation servicing 1-4 rural properties;
- The proposed road is required to be designed by a qualified practicing civil engineer as approved by the CEO;
- Design drawings are to be submitted for approval of the CEO;
- Superintendence of the works is to be provided by a civil engineer or suitably qualified and experienced person as approved by the CEO;
- Payment of fees including:
  - A defects liability bond - 5% of the construction costs;

- Site supervision fee – 1.5% of the construction costs to cover the cost of hold points inspections by Shire staff of the works;

The Applicant has been provided with a copy of the Policy and is proposing that the Shire show discretion on the standards prescribed by Policy and reduce the required width of the road construction to 3 metres instead of 5 metres and gravel specification given that the new road:

- Would be servicing only one extra property (Weaver),
- The portion of the Suttons Road formation leading to Dewings (200 metres) currently does not meet the standards of the Policy,
- The Policy is to inform road standards for subdivisions and developments whereas this Application is different in that it is for construction of a road for access to an existing property only; and
- A lesser road width will lessen the environmental impact with earthworks.

In making judgement on the Applicant's request to show discretion on the standard of road, the underlying principles of Policy R1 is to set the standard of road construction (to a quality standard for new roads in various circumstances relating to the level of service for the road) that form part of the Shire's road network to minimise any future liability to the Shire as the custodian of the asset and agency responsible for ongoing management of the road.

The recommendation it to uphold the standards of the Policy as per Section 1.5.7.1 Minimum Gravel Track – Farm gate situation servicing 1-4 rural properties.

Applicants Capacity to Deliver the Works

It is not known what the capacity is of the Applicant is to deliver the road works. There is a risk to the Shire if the Applicant commences works and is unable to finish the works due to a lack of resources given the projected difficulty and cost to construct the road. It is in the interest of all stakeholders to manage this risk.

To mitigate against this risk, the Shires legal advice is that the Applicant should enter into a legal agreement with the Shire, at the applicants cost to address the following:

- Standard of works
- Time for completion
- Recovery of costs in the event of default
- Indemnity
- Insurance

- Rectification of defects
- Lodgement of a caveat on the certificate of title of Lot 8487 for security pending completion of the works

The recommendation to this report contains a condition that reflects the legal advice to enter into a legal agreement to this effect.

Consultation

The Shire have met informally with the Weavers and the Dewings to discuss various options. Staff have been onsite to get a sense of the terrain where the road reserve is located. Once the Application was received the Shire wrote to the Dewings for comment.

The Dewings provided a submission (Attachment 5) that confirmed that they are opposed to the road reserve being constructed for the following reasons:

- A new road formation will impact on their farming operations given that the road reserve is straddled by the Dewings property. Currently the unmade road reserve is used by the Dewings for grazing as part of the farming operations.
- In the event that the Shire grant approval and a road is constructed, do not support a road that is of a lesser standard than stipulated in Shire Policy for road construction standards.

External to the Shires's consultation process, the Weavers advise that they also had direct communication with the Dewings to seek permission to create a rights of carriageway easement through the Dewings property as an alternative to constructing a new road within the road reserve. A rights of carriageway easement would be located on the most favourable terrain to develop a road formation which is understood to be located close the river reserve. This option could minimise construction costs and impact on the Dewings farming operations.

The Shire is advised that the Dewings did not support for this option for reasons including:

- Uncertainty with responsibility for maintenance of the road easement;
- Unknown attitudes of future owners of Lot 8487 with this type of access;
- Potential for conflict for managing gates on the road easement;
- Potential inadequacy of this road for larger vehicles including stock transport, house building, log trucks etc; and
- Risk of times where the track would not be passable due to high river levels or weather conditions.

Conclusion

The Applicants find themselves in a difficult situation as physical access to Lot 8487 that was once afforded to them at the time of purchase of the land has now been removed. Whilst historically there is a road reserve that connects Lot 8487 to the Shires road network it was never constructed given the cost and/or need.

There are numerous examples of bona fide farming operations that contain contiguous land holdings where all land parcels are accessible via internal road formations. The problem arises when individual land parcels are sold without legal and constructed road access and informal arrangements that are available at the time of sale, are not formalised and become unavailable due to changes in circumstances leaving the new land owner with an access predicament.

The cost to construct a road to the Shires standard as proposed via Suttons Road will be expensive to deliver given the length of road construction, terrain, ground conditions and other civil and engineering challenges. Close professional oversight through the planning and delivery stage will be critical to ensure that the works meets quality control requirements so that the asset can be taken over by the Shire once completed. This quality control is guided by *Shire Policy R 1 - Provision of Roads and Associated Civil Works for Subdivisions and Developments.*

The Shires legal advice confirms that it would be difficult to refuse this application in the absence of sound planning justification. Reasons including projected difficulty and cost to construct the road or impact on farming operations for the owners of Lot 8486 does not meet this test. Council is therefore advised to approve the development approval with conditions.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

POLICY IMPLICATIONS

R 1 - Provision of Roads and Associated Civil Works for Subdivisions and Developments

FINANCIAL IMPLICATIONS

Application fees for development applications are payable based on the estimated costs for the development in accordance with the *Planning and Development Regulations 2009.* The Applicant has paid some fees for the development application based on an estimated cost. However in this case the estimated costs will not be known until the scope of works is confirmed and design completed. Condition No 6 confirms the methodology on determining the relevant fees payable for this development application, supervision and defects liability.

STRATEGIC COMMUNITY PLAN

7 Responsible and attractive growth and development.

CORPORATE BUSINESS PLAN

Nil

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

If the road is constructed it will become part of the Shire's road network where it will need to be maintained in accordance with the Shires road maintenance program.

WORKFORCE PLAN

Nil

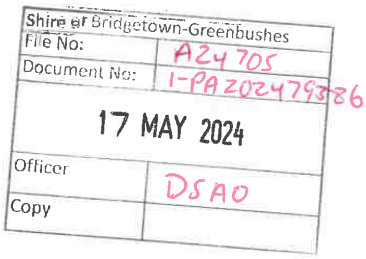
RISK MANAGEMENT

In the event that an approval is issued for this application, the risks identified are associated with a scenario where the road construction works have commenced and can not completed due to capacity issues of the Applicant due to the projected difficulty of the works. The types of risks to the Shire include financial and reputational risk for incomplete works.

When you evaluate these risks using the Shires Risk Assessment and Acceptance criteria the financial risk is considered high and the reputation risk is considered moderate. The Risk treatment is contained within Condition 5 requiring the Applicant to enter into a legal agreement with the Shire as per the recommendation to this report.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5



Nicole Gibbs
Chief Executive Officer
Shire of Bridgetown/Greenbushes

Dear Nicole
Re: Development Application - Road Reserve - Weaver

Please find attached a Development Application seeking approval to construct a gravel track within the boundaries of the road reserve traversing Lot 8486 (Dewing)and servicing Lot 8487 (Weaver).

In considering the application we seek that the Council take into account the following in placing conditions on the type of road construction.

1. The gravel track on the road reserve will only service one property (Weavers) and as such the current traffic usage on Suttons Road should not be relevant in determining the type of road construction.

2. The Road (Suttons) leading to the road reserve is in places only approx 3 metres wide and unless widened limits the type of equipment available for the road construction within the road reserve.

3. The Shire has provided and referred us to section R1 of the Bridgetown / Greenbushes Policy Manual that details type of road construction. We note however that section R1 specifically deals with road construction for subdivision development whereas this application is not for subdivision but merely access to one property. We therefore ask that the Shire uses discretion in applying the policy to ensure unreasonable and onerous requirements are not placed on the Development Approval. For example we note that Main Roads allows 100mm road base for T3 standard gravel tracks whereas the policy indicates 200mm is required effectively doubling the cost of gravel.

4. In addition to item 3 and to minimise the environment impact we ask that discretion be shown by council in approving a single lane track (3m) and take into consideration the above points and that the track will only service one property. The 5m wide track shown in R1 of the policy would have a greater impact on the existing gateways (Dewings) and vegetation and consequently a greater environmental impact.

We note that on the Development Application it is a Landgate requirement for the vested authority (Local Government Authority) to sign the Development application for Road Reserves and we therefore ask that an authorised officer sign the attached application on our behalf.

We thank you for your consideration of this matter and look forward to approval as soon as

possible.

Regards

Kevin and Nadene Weaver

52 Nickajack Place

Kangaroo Gully WA 6255

16th May 2024

Shire of Bridgetown-Greenbushes
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DEVELOPMENT APPLICATION FORM

OWNER DETAILS		
Names(s):		ABN (if applicable):
Postal Address:		State/Post Code:
Home Phone:	Work Phone:	Mobile Phone:
E-mail Address:		Fax:
Owner's Signature(s):		Date:
Contact person for correspondence:		

APPLICANT DETAILS (IF DIFFERENT FROM OWNER)		
Name(s): Kevin and Nadene WEAVER		ABN (if applicable):
Postal Address: PO BOX 839 Bridgetown WA		State/Post Code: 6255
Home Phone: 0409083515	Work Phone:	Mobile Phone: 0407477781
E-mail Address: nads_weaver@hotmail.com		Fax:
Applicant's Signature: Nadene Weaver		Date: 16/05/2024
Contact person for correspondence: (must be signed) Nadene Weaver Nadene Weaver		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. ☑ Yes ☐ No		

PROPERTY DETAILS		
Location No(s):	Lot No(s): 8486	Street No(s)(urban or rural):
Diagram or Plan No: 253728	Certificate of Title Volume/Folio:	Title Encumbrances (if any):
Street Name: SUTTONS RD	Suburb/Locality: KANGAROO GULLY WA 6255	
Nearest Street Intersection: MOTTERAM + SUTTON	Total Land Area (m^2 or ha): 81.0489 ha	

PROPOSED DEVELOPMENT			
Nature of development: Works ☐ Use ☐ Works and Use ☐			
Description of proposed works and/or land use: Gravel access track on Road Reserve traversing Lot 8486			
Nature of any existing buildings and/or use:			
Is an exemption from approval claimed for part of the development? No ☐ Yes ☐ If yes, is the exemption for: Works ☐ Use ☐ Description of exemption claimed (if relevant):			
Approximate cost of proposed development:	Estimated time of completion:		
Services known to be available:	Y	N	Development already commenced or completed?
Electricity			
Scheme water			* Y ☐ N ☐
Reticulated sewer			
Stormwater drainage			
Sealed road access			* Penalty fees may apply

OFFICE USE ONLY: Date received:_____ Shire Reference:_____ Checked (Officer's Initials):_____ Fee received:_____ Plans Attached: Y ☐ N ☐

- The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application and owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations Schedule 2 clause 62(2).
- All registered proprietors must sign the application form. If signing on behalf of a Company authority must be signed by: one director of the company accompanied by the company seal; or two directors of the company; or one director and one secretary of the company, or one director if a sole proprietorship company. Applications made by either private owners or companies that have recently changed names must provide supporting documentation showing the change of name.
- Applications made by prospective purchasers under contract of sale must be accompanied by a letter of consent from the current owners of the property giving the purchaser authority to make the application; or a copy of the Landgate transfer lodgement approval to make the application; or contract(s) of sale or offers and acceptances expressly including a provision of consent by the Vendor to the application proposed.
- The executor(s) of a deceased estate must provide evidence of grant of probate.
- Applications made by a State government agency must be signed by an 'authorised officer,' clearly stating their name and position held.
- An 'authorised officer' of Landgate must sign applications made on Crown Land.
- Where the Crown Land has been vested in a local/government authority, an 'authorised officer' of that local authority can sign the application form, stating his/her full name and position held.

Shire of Bridgetown-Greenbushes
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DEVELOPMENT APPLICATION CHECKLIST

*All sections to be ticked √ where relevant or crossed **X** where not applicable*

- ☐ **Development Application Form**
- ☑ All required sections completed
- ☑ Signature of Applicant
- ☑ Signature(s) of each Owner/Registered Proprietor(s) of subject land

- ☐ **Covering Letter** (may be waived for compliant or minor proposals)
- ☑ Addressed to the Chief Executive Officer
- ☑ Thoroughly, accurately and truthfully outlines details of the proposal
- ☐ If applicable, justification why the proposal does not comply with requirements of the Residential Design Codes (see Part 3 of the R-Codes), relevant Town Planning Scheme or Shire Policy

- ☐ **Development Application Checklist** (this form)
- ☐ All required section completed
- ☐ Signature of Applicant

- ☒ **Site Plan x 2 (A4 or A3 only)**
- ☐ For Residential zoned development see application information matrix in Part 3 of R-Codes
- ☐ Scale not less than 1:100 or 1:200 (Residential, Commercial, Industrial), 1:1000 (Rural)
- ☐ Full Address: Lot No, Street No. (urban or rural), Street Name and Suburb/Locality
- ☐ North Point and Scale Bar
- ☐ Natural features (e.g. streams, lakes, rock outcrops)
- ☐ Setbacks of all structures from lot boundaries or building envelope
- ☐ Stream or Landscape Protection Area
- ☐ Full site area and all lot boundaries
- ☐ Dimensions of all boundaries (Rural and Special Rural zones exempt)
- ☐ Site area by survey
- ☐ Location of any easements and services (ie. power lines, water lines, service lines)
- ☐ Vehicle entrance and exit points
- ☐ Vehicle access ways and parking bays, all pedestrian areas
- ☐ Location and description of open space areas, landscaped areas, types of screening or fencing
- ☐ Proximity of adjoining buildings and their uses
- ☐ Existing and proposed buildings and structures
- ☐ Structures and vegetation proposed to be removed
- ☐ Height Contours and Spot Levels
- ☐ Finished Ground Levels and Finished Floor Levels
- ☐ Height of Cut and Fill and Location of Embankments
- ☐ Onsite effluent disposal system

- ☒ **Floor Plan x 2 (A4 or A3 only)**
- ☐ For Residential zoned development see application information matrix in Part 3 of R-Codes
- ☐ Scale not less than 1:100
- ☐ Finished Floor Levels
- ☐ Proposed and existing buildings
- ☐ All windows, doors and other entryways
- ☐ Use of buildings clearly indicated

- [x] **Elevations x 2 (A4 or A3 only)**
- [ ] For Residential zoned development see application information matrix in Part 3 of R-Codes
- [ ] Scale not less than 1:100
- [ ] All elevations (views)
- [ ] Proposed buildings and signage
- [ ] Windows, doors and other entryways
- [ ] Materials, colours and finishes of exterior construction
- [ ] Natural and Finished Ground Levels (cross section)
- [ ] Wall and Roof Heights (above natural and finished ground levels)
- [ ] Dimensions of Patios, Verandahs and Balconies, etc

- [x] **Heritage Issues**
- [ ] Desktop assessment of Aboriginal Heritage Issues (any findings)
- [ ] Desktop assessment of Post-Settlement Heritage Issues (any findings)

- [x] **Bushfire Issues**
- [ ] Desktop assessment of property located within bushfire prone area
- [ ] Desktop assessment of development site located within bushfire prone area
- [ ] Bushfire Attack Level (BAL) Assessment (including BAL Basic)
- [ ] Bushfire Management Plan/Statement

- [ ] **Development Application Fees**
- [ ] Refer to Town Planning section of the Shire's Schedule of Fees and Charges

By signing the development application form and the development application checklist, the applicant acknowledges, without prejudice, the accuracy and content of the forms, plans and supporting information submitted with or subsequent to lodgement of the development application.

Applicant's Signature: Nadene Weaver Date: 16/05/2024
16.05.2024.

Faxed or email copies of applications may be accepted initially however an original copy bearing all signatures is required, unless otherwise agreed.

Incomplete applications may be returned or suspended pending receipt of all required information. Additional information not stipulated above may also be required.

The information is required as part of the assessment process for an application and compliance with the checklist does not necessarily mean that a proposal will be supported.

R 1 – Provision of Roads and Associated Civil Works for Subdivisions and Developments

1 Policy

1.1 Preliminary

1 It is the responsibility of subdividers who have received conditional approval which includes the provision of roads and associated civil works to deliver to Council's Chief Executive Officer (CEO) full drawings designs and information which would enable the CEO to make a decision on approving this work.

2 A Consulting Engineer or qualified practicing Civil Engineer or person with relevant experience or qualification approved by the CEO must be engaged to prepare detailed design drawings and specifications sufficient to show exact details of materials, locations (both horizontal and vertical) and construction methods of all physical features such as, but not limited to, roads, drainage, sewage, earthworks, landscaping, signage (regulatory and directional), guideposts and all necessary works.

3 Plans need to be submitted to the CEO for approval following amendment and revision (if required).

4 If the subdivider does not accept Council's requirements the subdivider may appeal to the Minister for Planning and Infrastructure within 30 days. The State Administrative Appeals Tribunal is the sole arbiter on the matter as per the Local Government Miscellaneous Provisions Act, Clause 2.95.

5 When an approved plan is available the subdivider may call tenders or engage a contractor of their choice.

6 A defects liability bond to the value of 5% of the total cost of the work shall be paid to Council to cover any defects which may arise in the first 12 months after clearance of the relevant Planning Commission condition(s) relating to roads and/or drainage, landscaping or any other details included within the Council or CEO approved plans or specifications. The bond may take the form of a payment to Council or alternatively an irrevocable Bank Guarantee. Unused portions of the bond are refundable.

7 It is the subdividers responsibility to ensure that the contractor engaged has the capacity to fully complete the work in accordance with the approved plans and to the applied standards.

8 If day to day site supervision is to be provided by the Consulting Engineer or Site Supervisor, the subdivider must pay to the Council an amount of 1½% of the total cost of construction as estimated by Council, to cover the costs incurred by Council through activities such as officer attendance at site meetings/inspections etc.

9 If day to day site supervision is not provided by the Consulting engineer or Site Supervisor then the amount required is 3%.

10 Public access to all or part of the roads as applicable within the subdivision will not be allowed until a certificate of completion from the Consulting Engineer is given and accepted by the CEO.

11 Clearance of the subdivision by the CEO shall be granted at such time as the subdivisional civil works are fully completed, all other relevant conditions set by the Planning Commission are satisfied, supervision fee (1.5% or 3%) paid, and the 7.5% retention bond is in place as per clause (e) above.

Clearance may also be granted to an uncompleted subdivision whereby bonds will be negotiated to cover the cost of the incomplete works or relevant conditions. This will be decided, at the discretion of the CEO, on a case by case basis however generally bonds will only be permitted where the majority of the work or the majority of the relevant conditions set by the Planning Commission have been satisfied. Bonds will be held until such time as the outstanding issues are completed to the satisfaction of the CEO.

The amount of the bond will be determined based on the value of the work subject to the bond plus 20%.

1.2 Contributions to Upgrading Adjoining and Feeder Roads

1 Subdivisions which increase the volume of traffic on Council controlled roads may attract a contribution from the subdivider for the upgrading of the Council road.

2 In instances where a subdivision attracts a road upgrading condition, the CEO shall specify and justify the work in the response to the Planning Commission. Depending upon the size and scale of the proposed subdivision the CEO is to either stipulate the specific road upgrading requirements (eg; upgrade 'x' road to 6m seal from intersection with 'y' road to entrance of proposed internal access road of subdivision) or a financial contribution towards the future upgrading of the subject road.

3 In some instances the size of the subdivision will generate such a significant increase in traffic volume on an existing road that a total (100%) contribution towards the upgrading of the road will be required.

4 This is to allow appeal by the subdivider through the normal appeal process.

5 All financial contributions received from subdividers not expended in the same year as receipt are to be placed in reserve and quarantined for use on the nominated road.

1.3 Outline Specification for Bitumen Construction

1.3.1 General

All work should be carried out to the complete satisfaction of the Shire of Bridgetown-Greenbushes and in accordance with best accepted engineering practice. As a guide, developers should refer to the text "Local Government Guidelines for Subdivisional Development" published by the Institute of Public Works Engineering Australia (WA Division), ISBN 0-646-36284-4.

1.3.2 Design

A preliminary design for the work must be prepared by a qualified practicing Civil Engineer or suitably qualified or experienced person (as approved by the CEO. The design should show longitudinal plans and cross sections of the proposed road(s), general specifications, levels, drainage, nature of soil and other such information to enable the CEO to make a decision on approving the work.

It is important that subdividers establish road standards with the Shire before commencing design.

1.3.3 Design Drawings

Design drawings and specifications should be to the extent and in accordance with that recommended at Section 3 of the text "Local Government Guidelines for Subdivisional Development". However, as a minimum design drawings shall include plans and longitudinal sections generally at the scale of 1 in 1000. Levels should be reduced to AHD where possible.

Cross sections shall be included for all roads.

The design shall be forwarded to the CEO for approval in two hard copies minimum drawing size A1 unless specifically approved. The design will be reviewed after which either approval or changes will be suggested. Any changes or amendments will need to be reflected in revised drawings prior to approval being issued.

All geometric design to be based on a minimum Design Speed of 80km/h unless ground conditions make this impossible. Where this occurs the standard reached shall be clearly indicated and provision for appropriate road signs included in the contract.

1.3.4 Drainage

Drainage detail should be specific and include constructional detail of all structures being utilised.

Storm water should be discharged as soon as possible onto the land surface or to a natural water course.

Where grades exceed 6% or where sub-grade material is particularly subject to erosion, stormwater shall not be carried in unlined water-tables or open drains unless specific approval is given by the CEO.

All storm water drainage is to be designed in accordance with Australian Rainfall and Runoff 1997 and the relevant Austroads Guides. Flow widths along kerb lines are not to exceed 2.0m from the face of kerb and water velocity is not to exceed the scour velocity of the road and kerb surface. Kerbing is to be provided as required in in the section of this policy entitled 'Road Standards'.

All drainage discharge points shall be protected against erosion in a approved by the CEO.

All drainage lines shall be of a standard recommended by the concrete pipe association (or equivalent design code for other types of pipe such as PVC or polypropylene) for the proposed installation situation. Pipes are to be laid in straight lines between structures, true to grade and line. At all structures, pipes, etc., shall be connected with cement mortar or as specified by the manufacturer to ensure water-tightness and exclusion of ground water, unless otherwise approved in the design.

1.3.5 Earthworks & Formation

Subgrade

Roads shall be formed and compacted true to location, level and grade as shown on the design drawings. All fill areas shall be compacted from the bottom up, with the base dimensions calculated to comply with acceptable angles of repose. All material used in fills must be capable of compaction as per Main Roads Western Australia specifications. The CEO reserves the right to require compaction testing as per Main Roads Western Australia specifications at the contractors or subdivider's cost.

1.3.6 Pavement Design

Road base material shall be laterite gravel (or other approved material) taken from a pit approved by the CEO Laboratory tests may be required on representative samples at the contractors or subdivider's expense.

The pavement design shall be carried out as per Main Roads Western Australia specifications. Details submitted in the design shall include the materials and the pavement structure being proposed.

Road base depth shall be not less than 200mm compacted unless approved by the Shire or justified by laboratory test results on the sub-grade and base material.

1.3.7 Surface Treatment

The Consulting Engineer shall submit a seal design to the CEO giving full details of the proposed seal treatment(s). Seals shall conform to Main Roads Western Australia specifications. No seal shall be applied prior to the seal design being approved by the CEO The approval process will include an inspection of the base course.

1.4 Outline Specification for Unsealed (Gravel) Construction

1.4.1 General

All work should be carried out to the complete satisfaction of the Shire of Bridgetown-Greenbushes and in accordance with best accepted engineering practice. As a guide, developers should refer to the texts "Local Government Guidelines for Subdivisional Development" published by the Institute of Public Works Engineering Australia (WA Division), ISBN 0-646-36284-4 and ARRB's 'Unsealed Road Manual – Guidelines for Good Practice'.

1.4.2 Design

A preliminary design for the work must be prepared by a qualified practicing Civil Engineer or suitably qualified or experienced person (as approved by the CEO The design should show longitudinal plans and cross sections of the proposed road(s), general specifications, levels, drainage, nature of soil and other such information to enable the CEO to make a decision on approving the work.

It is important that subdividers establish road standards with the Shire before commencing design.

1.4.3 Design Drawings

Design drawings and specifications should be to the extent and in accordance with that recommended at Section 3 of the text "Local Government Guidelines for Subdivisional Development". However, as a minimum design drawings shall include plans and longitudinal sections generally at the scale of 1 in 1000. Levels should be reduced to AHD where possible.

Cross sections at a scale of 1 in 200/100 (H/V) should be provided where cross falls exceed 10% or cut or fill depths exceed 1 metre.

The design shall be forwarded to the CEO for approval in two hard copies minimum drawing size A1 unless specifically approved. The design will be reviewed after which either approval or changes will be suggested. Any changes or amendments will need to be reflected in revised drawings prior to approval being issued.

All geometric design to be based on a minimum Design Speed of 80km/h unless ground conditions make this impossible. Where this occurs the standard reached shall be clearly indicated and provision for appropriate road signs included in the contract.

1.4.4 Drainage

Generally drainage on gravel roads will consist of open drains with culverts with headwall structures installed transversely beneath the road surface.

Drainage detail should be specific and include constructional detail of all structures being utilised

Storm water should be discharged as soon as possible onto the land surface or to a natural water course.

Where grades exceed 6% or where sub-grade material is particularly subject to erosion, stormwater shall not be carried in unlined water-tables or open drains unless specific approval is given by the CEO.

All storm water drainage is to be designed in accordance with Australian Rainfall and Runoff 1997 and the relevant Austroads Guides.

All drainage discharge points shall be protected against erosion in a manner approved by the CEO.

All drainage lines shall be of a standard recommended by the concrete pipe association (or equivalent design code for other types of pipe such as PVC or polypropylene) for the proposed installation situation. Pipes are to be laid in straight lines between structures, true to grade and line. At all structures, pipes, etc., shall be connected with cement mortar or as specified by the manufacturer to ensure water-tightness and exclusion of ground water, unless otherwise approved in the design.

1.4.5 Earthworks & Formation

Subgrade

Roads shall be formed and compacted true to location, level and grade as shown on the design drawings. All fill areas shall be compacted from the bottom up, with the base dimensions calculated to comply with acceptable angles of repose. All material used in fills must be capable of compaction as per Main Roads Western Australia specifications. The CEO reserves the right to require compaction testing as per Main Roads Western Australia specifications at the contractors or subdivider's cost.

1.4.6 Pavement Design

Road base material shall be laterite gravel (or other Shire approved material) taken from a pit approved by the Shire. Laboratory tests may be required on representative samples at the contractors or subdivider's expense.

The pavement design shall be carried out as per Main Roads Western Australia specifications. Details submitted in the design shall include the materials and the pavement structure being proposed. Crossfalls shall not be less than 5%.

Road base depth shall be not less than 200mm compacted unless approved by the Shire or justified by laboratory test results on the sub-grade and base material.

1.4.7 Surface Treatment

The surface shall be water bound, compacted and shaped as per the design to give a smooth and solid running course with a minimum of loose material.

1.5 Subdivisional Road Requirements

1.5.1 Internal Roads (Access Roads)

The full cost of all internal roads will be at the cost of the developer.

The standard of road will conform to Council's Road Standards, and the level of construction will be as dictated by the number of lots serviced, terrain, number of spur roads, and potential traffic generated.

1.5.2 Servicing by Existing Roads

When subdivisional lots are permitted to be serviced by existing roads a contribution will be required to upgrade the road to an acceptable standard dictated by the number of lots and the volume of potential additional traffic.

1.5.3 Feeder Road Upgrading (District Distributor B Roads)

Where subdivisional roads connect to an existing Shire feeder road which is of a standard inadequate for the potential traffic after the subdivision is fully developed, a contribution sufficient to raise that standard to an acceptable level will be required after taking into consideration future contributions from other adjacent subdividable land.

NOTE: A feeder road standard not less than that required for the internal road provided for the subdivision will be required.

1.5.4 Major Feeder Road Connection (Primary Distributor, District Distributor A or Regional Distributor Roads)

Where subdivisional roads connect to an existing major feeder road (eg. highway or secondary road) already adequate in standard, a contribution will be required for any traffic controlling treatments, containing drainage, entry treatments, and dealing with specific safety problems such as visibility, signage etc. Where the feeder road is a highway or secondary road under the control of Main Roads Western Australia approval from Main Roads Western Australia is required prior to submission of design drawings to the Shire.

1.5.5 Connecting Road Presently Not Existing

Where a subdivision is created which will require connection to a feeder road or highway and no formed road exists then the full cost of this connecting road to a standard dictated by the number of created lots and potential volume of traffic generated will be required.

1.5.6 Additional or Connecting Roads –

Where contributions have been assessed in accordance with this Policy, Council reserves the right to fully utilise the contribution on the section of adjoining or connecting road with the greatest priority.

1.5.7 Road Standards

1.5.7.1 *Minimum Gravel Track* - Farm gate situation servicing 1 - 4 rural properties. Formed road, sheet with suitable pavement material where required. Minimum width 5.0 metres.

1.5.7.2 *Standard Gravel Road* - Typical rural road servicing 5 - 10 rural properties. Formed road with a gravel pavement minimum width 6.0 metres.

1.5.7.3 *Bitumen - 4 metre* - Acceptable for short internal spur road only when servicing maximum 5 lots in acceptable terrain only.

1.5.7.4 *Bitumen - 6 metre without Kerbs* - Minimum main internal road for Special Rural subdivision. Kerbing required for drainage, traffic control and entry only.

1.5.7.5 *Bitumen - 6 metre with Kerbs* - Minimum Residential standard. Minimum standard for Special Residential.

1.5.7.6 *Bitumen - 7.4 metre without Kerbs* - Main internal Special Rural/Residential road if planned to be extended as a feeder road. Kerbing required for drainage, traffic control and entry only.

1.5.7.7 *Bitumen - 7.4 metre with Kerbs* - Main internal distributor in a large Special Rural/Residential subdivision. Residential distributor road.

2 Applicable Legislation and Documents

Act	s.2.7(2)(b) *Local Government Act 1995* – The council is to determine the local government's policies
Regulation	N/A

Local Law	N/A
Shire Policies	LUP 3 – Road Access to New Development Policy
Related Documents	Local Government Guidelines for Subdivisional Development Unsealed Road Manual – Guidelines for Good Practice
Related Procedure	N/A

3 Administration

Original Adoption Date	27 September 2007
Last Reviewed	26 November 2020
Scheduled Reviewed Date	27 April 2023

Leigh Guthridge

From: mdewing@iinet.net.au
Sent: Monday, 24 June 2024 8:01 AM
To: Leigh Guthridge; jenny dewing
Subject: Re: Suttons Road - Application of Construction of Unmade Road Reserve

Dear Leigh,
Thank you for giving us the opportunity to comment on the Development Approval (DA) from Nadene and Kevin Weaver.
We believe the Shire should not approve the Weaver's development application to construct a single lane track through lot 8486. It is a short-term solution to maximise profit from the sale of their block.
This proposal to construct a 1.2-kilometer road through our property will have a significant impact on our farming enterprise, as the road cuts off a sizable patch of land (about 10 hectares) which currently has no water supply and will be difficult to graze once isolated. 5 separate fence lines will need to be realigned to accommodate the road and in addition we expect that we will be required to fence the twenty-metre road reserve, some two kilometres of fencing. We assume the Shire will need to manage this new road reserve as it will not be accessible to stock.
We pointed out to you and Shire CEO Nicole Gibbs on your site visit in May, the terrain is hilly and rocky so the road will need to be well constructed to provide all weather access. Its construction also requires the clearing of bushland.
The proponents ask that the road be single track as the last part of the existing Suttons Road is less than 4 metres. It is true that the last 50 metres from our front gate is less than 4 metres, but the rest of the road to that point is a well-constructed 4 metre road. We don't agree with their logic that the new road should be substandard. Likely future uses of Lot 8487 (Weavers), include grazing and forestry, both of which require large trucks for haulage. And if the purchasers of the land wish to construct a house or sheds they too would require suitable access for trucks. A single-track road through steep country may not be adequate for these requirements.
Looking to the longer term there are some points to note.
In view of the new road being a public road, even though it serves one property, the public will want to avail themselves of the opportunity to gain more river access.
Suttons road is a gazetted road right through to the concrete bridge over the river where it is contiguous with Everton's Lane. At least 5 properties, including the Weavers and Tassos's are situated along this road. All bar the Tassos's have no all-weather access to their properties as the concrete bridge floods for part of each winter and in summer flood events. All depend on an informal agreement with Tassos's to access their property through the Tassos's property when the concrete crossing is flooded. Once Suttons Road is constructed on our property one would expect these landholders to request the Shire to provide them with all-weather access by completing Suttons Road from the newly constructed site to Everton Lane. Therefore, it makes sense for the proposed road through our property to be built to Shire Road construction standards.
We are unhappy about a road being constructed through our land, but if we must have one, we wish to have a properly constructed road that will serve the whole community in the long term.
Yours sincerely,
Mick & Jenny Dewing

18.2 Draft Local Planning Scheme No 6 - Proposed Advertising

File Ref	770.8
Responsible Officer	Nicole Gibbs, Chief Executive Officer
Reporting Officer	Leigh Guthridge, Executive Manager, Planning & Development
Attachments	Nil
Voting Requirements	Simple Majority
Disclosure of Interest	Reporting Officer: Responsible Officer:

RESOLUTION: OCM 196-24/25

Moved: Councillor M Christensen
Seconded: Councillor T Pratico

That Council advertise the draft Local Planning Scheme No 6 for a minimum of 90 days that includes a copy of the Scheme Text, associated Scheme Maps and Frequently Asked Questions in the following manner:

- Placing a notice on the Shire's website;
- Providing a hard copy of the draft Local Planning Scheme No 6 at the Shire Administration Building, Bridgetown Public library and Greenbushes Community Resource Centre;
- Placing a notice on the Shire's Facebook page;
- Placing a notice on the Shire noticeboards located at the Shire Administration Building, the Bridgetown Community Kiosk and Greenbushes Community Resource Centre with the notices containing a Q-R code that directs users of the Q-R code to the electronic copy of the Draft Local Planning Scheme No 6 Package; and
- Placing a notice in the Bridgetown – Manjimup Times, The Mailbag and the Greenbushes-Balingup Newsletter.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The Western Australian Planning Commission (WAPC) has provided consent to the Shire of Bridgetown-Greenbushes to advertise the Draft Local Planning Scheme No 6 (LPS6). This report seeks to establish the advertising methodology for the draft LPS6.

MATTER FOR CONSIDERATION

The Shire has embarked on a process to review its town planning schemes No 3 and 4 (The Schemes). This review is long overdue with the existing schemes being gazetted in the 1980's and both schemes having in excess of 70 amendments to date.

The WAPC has agreed for the Shire to prepare a Local Planning Strategy and Local Planning Scheme in a 3 Staged approach. The first stage is for an administrative update and simplification of the existing Schemes as per Council's resolution passed at its July 2022 meeting.

BACKGROUND

Council at its July 2022 meeting resolved the following:

1. ***Decide that the preparation of Local Planning Scheme 6 will be a 3 stage process involving the following;***

   Stage 1 – Preparation, adoption and completion of a new Local Planning Scheme No 6 text and maps as a simplification and administrative update of the current Schemes, with a focus on combining the two operational Schemes in a manner consistent with the Model Scheme Text and the Deemed Provisions. At this first stage, the scope of the new Scheme will be limited to include consideration of only such changes as are required by law or WA Planning Commission policy, and are necessary to enable the Schemes to be combined and updated, as listed below:

   (a) Remove provisions inconsistent with the Model Provisions and the Deemed Provisions as prescribed in the Planning and Development (Local Planning Schemes) Regulations 2015.

   (b) Restructure the scheme to follow the format of the Model Scheme Text.

   (c) Zone land according to the model land use zones and reserves and their corresponding objectives, as set out in the Model Scheme Text, as much on a like for like basis as is possible. In particular, this includes:
      i. change of existing Special Residential (generally 2,000-4,000m²) zones to Residential (R2.5 to 5) to reflect the minimum lot sizes set out in Schemes 3 and 4, also zone in a manner consistent with the Regulations, and in the WAPC position statement of May 2021 in regard to the Special Residential zone; and
      ii. existing Special Rural (generally 1 to 4ha) estates, to be rezoned Rural Residential (1 to 4 ha), to reflect the minimum lot sizes set out in Schemes 3 and 4.

   (d) Rural zoned land in the Bridgetown townsite, subdivided to 1 to 4 ha, with a rural residential character and land use, to be rezoned to Rural Residential with a minimum lot size to match the prevailing lot size.

   (e) In the zoning table of the scheme and in Part 6 (clause 37) apply model land use definitions set out in the Model Scheme Text, which will generally be a like for like conversion.

   (f) Existing development control provisions will be carried over to the new scheme.

   (g) Existing site specific development control provisions will be carried over in the new scheme text excepting where:
      i. they set out provisions for the subdivision of the land and the subdivision has been completed;
      ii. the issues they deal with can be incorporated into generic scheme provisions; or
      iii. they have been overtaken by matters covered under other legislation, that has been introduced after Schemes 3 and 4 were gazetted in the 1980's.

(h) Inclusion of provisions for development that does not requiring planning approval, in addition to those exemptions already required by the deemed provisions.

Stage 2 – Progression and finalisation of the Local Planning Strategy in accordance with Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Stage 3 – Preparation of a series of logically grouped planning amendments to Local Planning Scheme 6 to enable the implementation of the Local Planning Strategy.

2. Recommend to the WA Planning Commission that the new scheme text and maps can be finalised prior to the completion of the Local Planning Strategy, with the 3 stages of this process, to some extent, overlapping with each other.

3. Note that although the intent of the Stage 1 is an administrative update and simplification of the existing Local Planning Schemes, it is likely that some new provisions will result in changes to the level of regulatory control and possible planning outcomes. In order that the implications of these can be properly considered, the officer report on the draft Local Planning Scheme No 6 (Stage 1) shall specifically identify where the new and consolidated provisions may change the level of regulatory control and possible planning outcomes, in order to enable their specific consideration as part of the overall consideration of the draft Scheme.

Carried 7/0

COMMENT

A draft of the TPS6 (Scheme text, associated scheme maps) has been prepared by Shire staff in consultation with staff at the Department of Planning Land and Heritage (DPLH). The WAPC has provided consent for the Shire advertise the draft LPS6 and the Environmental Protection Authority (EPA) has determined that the draft LPS6 will not require formal assessment. The Shire is now able to formally advertise the draft LPS6.

This report seeks direction on the level of advertising that Council wants to undertake with regards to Stage 1. The minimum requirements for advertising a new LPS in accordance with regulation 76(A) of the *Planning and Development (Local Planning Schemes) Regulations 2015* is as follows:

- A minimum of 90-day advertising period;
- Placing a notice on the website of the local government and providing access to the draft LPS text and maps;
- Provide a hard copy of the draft LPS documentation available for public inspection at a place in the district of the local government during normal office hours;
- Placing an advert in a newspaper circulating in the district of the local government and informing the Community the purpose of the proposed LPS and where you can access the draft LPS text and maps. It is proposed that the Manjimup-Bridgetown Times be utilised for this purpose.

In addition to the above minimum statutory requirements other mechanisms for consulting with the Community is recommended:

- Utilising the Shire Facebook page;
- Placing a notice on Shire noticeboards;

- Placing a notice in minor newspapers circulating in the Shire including The Mailbag and the Greenbushes-Balingup Newsletter;

Given that Stage 1 is intended to be a consolidation of the existing Schemes with no proposed strategic changes normally informed by an endorsed Local Planning Strategy (Proposed Stages 2 and 3), but rather to contemporise the existing Schemes in line with state legislation and planning policy, the level of consultation recommended is considered proportionate to the objectives of Stage 1.

Broadening the consultation methods in addition to the minimum requirements and what is recommended in this report will require additional resources and potentially create delays in delivering Stage 1.

The recommendation in this report reflects discussion held at the July 2024 concept forum to ensure that Stage 1-LPS6 review is delivered in a structured and timely manner.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

The minimum requirements for advertising a new Local Planning Scheme are confirmed as per regulation 76(A) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY IMPLICATIONS

Nil

Policy CE8 – Community Engagement establishes framework for the types of community engagement for various types of projects or other service delivery. This has guided the level of consultation recommended for this TPS6 review.

FINANCIAL IMPLICATIONS

Staff have allocated funds in the draft budget for progressing Local Planning Scheme No 6 including costs for human resources, mapping and gazettal.

STRATEGIC COMMUNITY PLAN

7 Responsible and attractive growth and development.

CORPORATE BUSINESS PLAN

Action 7.1.2 of the Corporate Business Plan has identified that a consolidated Local Planning Scheme (amalgamation of TPS 3 and TPS 4) will occur in the 24/25 budget year.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The risk area identified according to Policy RM 1 – Risk Management is Compliance.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

ITEM 19 INFRASTRUCTURE

19.1 Adopt FM 12 – Pre-qualified Supplier Panels

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments 1. FM 12 - Pre-qualified Supplier Panels Policy ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

MOTION

Moved: Councillor R Redman
Seconded: Councillor T Pratico

That Council adopt the proposed FM 12 – Pre-qualified Supplier Panels Policy.

RESOLUTION: OCM 197-24/25

Moved: Councillor M Christensen
Seconded: Councillor T Pratico

That in accordance with clause 11.1(c) of the Standing Orders Local Law, debate on Item 19.1 - Adopt FM 12 – Pre-qualified Supplier Panels, be deferred to a future ordinary meeting of Council.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

The Shire aims to streamline its procurement processes and enhance operational efficiency through the adoption of FM 12 – Pre-qualified Supplier Panels Policy. This policy provides a structured framework for creating and managing panels of pre-qualified suppliers to supply goods and services on a regular basis. By adopting this policy, the council will ensure value for money, reduce procurement risks, and maintain compliance with legislative requirements.

The policy outlines the objectives, scope, definitions, and procedures for establishing and using these panels. It ensures that panels are only created when they are justified by factors such as the need for ongoing procurement, the availability of multiple suppliers, and the ability to manage and benefit from the panels. The policy also stipulates methods for distributing work among panel members and ensures compliance and reporting mechanisms are in place.

MATTER FOR CONSIDERATION

Whether Council adopts the proposed policy FM 12 – Pre-qualified Supplier Panels.

BACKGROUND

The Shire's procurement activities are integral to its operations, supporting the delivery of essential services and infrastructure to the community. Historically, managing these activities has required a considerable amount of time and resources. The introduction of pre-qualified supplier panels presents an opportunity to optimise these processes by providing a pool of vetted suppliers who can deliver required goods and services efficiently and effectively.

The key aspects of the policy include:

1. Objectives

    a. Establish panels in accordance with Regulation 24AC of *the Local Government (Functions and General) Regulations 1996*.

    b. Use panels for similar goods and services required on a continuing and regular basis.

    c. Ensure panels consist of multiple suppliers that offer value for money.

    d. Assess panels as low to medium risk and ensure they improve procurement processes.

    e. Establish panels only when the Shire can manage the associated risks and benefits effectively.

2. Establishing a Panel

    a. Panels must be created in line with the *Local Government (Functions and General) Regulations 1996*.

    b. Panels can be established for one or multiple supply requirements and must appoint at least three suppliers per category.

    c. The Shire must state the expected number of suppliers in the invitation to apply.

    d. If the panellist number falls below three and cannot be replenished, the panel may be disbanded.

    e. The CEO has the authority to approve works under an established panel.

3. Distributing Work among Panel Members

    a. The distribution of work can be managed through written quotations, exclusive purchasing, or a ranking system.

b. Detailed processes for each distribution method ensure transparency and equity among panel members.

4. Purchasing from a Panel

a. Depending on the panel's operating method, officers must obtain quotations, distribute work evenly, or follow a ranking system.

b. If no panel member accepts an offer, suppliers outside the panel may be invited according to the Shire's procurement policy.

5. Compliance and Reporting

a. The Shire will implement processes for reporting and addressing non-compliance.

b. Quarterly reports on non-compliance will be provided to the Audit and Risk Committee.

6. Non-compliance can result in additional training, disciplinary action, or misconduct investigations.

7. The policy works in conjunction with the Shire's FM 4 – Procurement, Budget Management, and Supporting Local Business Policy to mitigate procurement risks and ensure compliance with tendering processes.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996 - Divisions 1 and 2

POLICY IMPLICATIONS

CM 3 - Asset Management

FM 4 - Procurement, Budget Management and Supporting Local Business Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

14 Effective governance and financial management.

CORPORATE BUSINESS PLAN

14.2 Improve real and perceived value for money from council rates.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Risk Rating of adopting policy - LOW

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

FM 12 – Pre-qualified Supplier Panels Policy

1 Objectives

The objectives of the Pre-qualified Supplier Panels are to:

1.1 Ensure that any Pre-qualified Suppliers are created in accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*.

1.2 The Panel of Prequalified Suppliers (panel) is created when the following factors apply:

a. The Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis.

b. There are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money.'

c. The purchasing activity under the intended panel is assessed as being of a low to medium risk.

d. The panel will streamline and will improve procurement processes.

e. The Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed panel.

1.3 The Shire does not create a panel unless most of the above factors are firmly and quantifiably established.

2 Scope

This policy applies to all employees engaged in establishing and managing a panel for purchasing purposes.

3 Definitions

3.1 Construction (including works)

means the carrying out of any improvement on or over any area of land, lake, river or ocean, and any services related to that activity in the prescribed area. This includes the construction of buildings, housing and other public infrastructure as well as related services such as architectural, surveying, facilities management and general maintenance.

3.2 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

3.3 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also referred to as staff.

3.4 Goods

means tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by the Shire.

3.5 Panel

means a panel of Pre-Qualified Suppliers established under Regulation 24AC of *the Local Government (Functions and General) Regulations 1996*.

3.6 Panellist or Supplier

means a Pre-qualified Supplier that is an approved member of a panel.

3.7 Purchasing or Procurement

means the entire process by which all classes of resources (including but not necessarily restricted to human, material, plant, equipment, facilities and services) are obtained generally for a local government activity, function or specific project by payment. This can include the functions of planning, design, standards determination, specifications writing, selection of suppliers, financing and other related functions.

3.8 Services or Provision of Services

means any task, consultancy, work or advice to be performed or provided that is procured by the Shire. Included are services such as management consultancies, outsourcing, maintenance contract/ agreement, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector provider for the Shire. Excluded are payments made directly to employees, superannuation and pension payments, statutory or involuntary payments and grants, subsidies and transfer payments.

3.9 Worker

means a councillor, an employee (part-time, full-time and casual), a contractor, a subcontractor, a self-employed person, an outworker, an apprentice or trainee, a work experience student, an employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

4.1 Establishing a Panel

If the Shire wants to create a panel, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or several similar supply requirements under defined categories within the panel. Panels may be established for a minimum of two years and for a maximum length of time determined by the local government.

The Shire may enter a contract arrangement with a panellist for the provision of goods or services under a Panel in accordance with Regulation 24AJ and subject to the following conditions:

a. The contract may only be for a maximum twelve months term; and

b. There is no extension of term provisions included in the contract.

Evaluation criteria must be determined and communicated in the tender process by which tender submissions will be assessed and accepted.

When a panel is to be established, the Shire will endeavour to appoint at least three suppliers to each category, on the basis that best value for money can be demonstrated.

If fewer than three suppliers are appointed to each category within the panel, the category is not to be established.

In each invitation to apply to become a panellist (through a procurement process advertised through a State-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.

Should a panellist leave the panel within six months, they may be replaced by the next ranked tenderer determined in the value for money assessment should the tenderer agree. This intention is to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the panel.

If a panellist leaves a panel and this results in the panel being reduced to just two panellists and the Shire is unable to replace the panel member, then that panel may be disbanded. This should be documented in the request document and any subsequent agreements/contracts.

As a panel may only be approved by council following a public tender process, the CEO is authorised to approve works under such a panel.

4.2 Distributing Work amongst Panel Members

To satisfy Regulation 24AC(2), the distribution of work between the panellists will be dependent on the unique nature of the goods or services. The detailed information associated with each invitation to tender to join the panel (the request document) will prescribe one of the following options:

a. The Shire will obtain written quotations from each pre-qualified supplier on the panel with respect to all purchases.

   This will ensure each panellist will have the opportunity to bid for each item of work under the panel, with pre-determined criteria forming part of the invitation to bid to assess the suitability of the panellist for items of work.

   OR

b. The Shire will purchase goods and services exclusively from any pre- qualified supplier appointed to that panel.

   The Shire will endeavour to distribute the goods or services required between each panellist evenly. However, there will be instances when the Shire will purchase goods and services exclusively from a pre- qualified supplier appointed to that panel due to logistical, financial, timing and/or other operational requirements.

   OR

c. The Shire will develop a ranking system for selection to the panel.

   The Shire will invite the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a contract.

   Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Shire may then invite suppliers that are not pre-qualified under the panel, in accordance with the purchasing thresholds stated in the Shire's Procurement, Budget Management and Supporting Local Business Policy. As per Regulation 24AD(5)(f) the request document must clearly stipulate that the Shire does not intend to purchase exclusively from the panel.

   When a ranking system is established, the panel is not to operate for a period exceeding 12 months.

4.3 Purchasing from a Panel

Subject to the stipulated method of awarding works for the specific panel being utilised, the Officer will:

a. Obtain written quotations from each panellist on the panel. The goods/services are to be awarded based on best outcome for the Shire (value, quality, timeframe etc.). The officer will arrange for a purchase order to be raised to the panellist as per the requirements of the Procurement, Budget Management and Supporting Local Business Policy. The officer will use the contract identification number and make reference to the Supplier Panel being used in the Declaration of Quotes.

   OR

b. If the Shire is purchasing all goods and services exclusively from any panellist appointed on that specific panel, the officer will distribute the goods or services required between each panel member evenly, subject to the operational requirements of the Shire at the time those goods and/or services are required. Care will be taken to ensure that no one panellist is overloaded at any time by keeping accurate records of the timelines of each job. The officer will arrange for a purchase order to be raised to the panellist as per the requirements of the Procurement, Budget Management and Supporting Local Business Policy. The officer will use the contract identification number and make reference to the Supplier Panel being used in the Declaration of Quotes.

   OR

c. If the Shire has developed a ranking system for the specific panel being used, the officer will liaise with the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a contract. The officer will arrange for a purchase order to be raised to the panellist as per the requirements of the Procurement, Budget Management and Supporting Local Business Policy. The officer will use the contract identification number and make reference to the Supplier Panel being used on the Declaration of Quotes.

   Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Shire may then invite suppliers that are not prequalified under the panel, in accordance with the purchasing thresholds stated in the Procurement, Budget Management and Supporting Local Business Policy.

4.4 Compliance and Reporting

The Shire will:

a. Implement processes to facilitate this policy and associated management procedures, and will implement processes to report departures, non- compliance and/or exceptions.

b. On a quarterly basis report to the Shire's Audit and Risk Committee any identified non-compliance with this policy and associated management procedures, and any occurrence of the CEO exercising his/her discretion to undertake any policy exempt procurement; and

c. Review, and if appropriate, seek to revise this policy and associated management procedures to ensure ongoing relevance.

A failure to comply with the requirements of this policy will be subject to investigation.

Findings will be considered in context of the Code of Conduct, and reasonable expectations for the officer's performance of their role. Where a breach is substantiated, it may be treated as:

a. An opportunity for additional training to be provided.

b. A disciplinary matter, which may or may not be subject to reporting requirements.

c. Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

It is the responsibility of all Shire employees undertaking procurement activities to comply with this policy and it's supporting systems and procedures. All Shire employees when undertaking procurement activities are required to observe the highest standards of ethics and integrity and act in an honest and professional manner that supports the standing of the Shire of Bridgetown-Greenbushes.

5 Accountabilities & Responsibilities

5.1 The council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and the council directives.

5.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

6 Risk Management

This policy, used in conjunction with the Shire's Procurement, Budget Management and Supporting Local Business Policy (FM 4), will continue to mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers. The use of pre-qualified supplier panels will streamline and improve procurement processes, reducing the risk of non-compliance relating to cumulative expenditure exceeding Tender threshold for the regular supply of goods and services without a tender process being undertaken and/or a contract being in place.

7 Reference Documents

Act	*Local Government Act 1995* s.2.7(2)(b) – The council is to determine the local government's policies *State Records Act 2000*

Regulation	*Local Government (Functions and General) Regulations 1996* - Divisions 1 and 2
Local Law	n/a
Policy	FM 4 - Procurement, Budget Management and Supporting Local Business Policy
Procedure	n/a
Other Documents	WALGA Procurement Handbook

8 Version Control

Version	Date	Author	Amendments
V1	August 2024	N Gibbs (CEO)	Original Document
V2	August 2027		Three year review
Scheduled Reviewed Date			

19.2 Monthly Works Report

File Ref

Responsible Officer	Steele Alexander, Executive Manager, Infrastructure
Reporting Officer	Lyn Blechynden, Supervisor Waste & Technical Services
Attachments	Nil
Voting Requirements	Simple Majority
Disclosure of Interest	Reporting Officer: Nil Responsible Officer: Nil

RESOLUTION: OCM 198-24/25

Moved: Councillor J Mountford
Seconded: Councillor R Redman

That Council note the status of the Infrastructure (Works & Services) programme for the month of July 2024.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

IN BRIEF

To provide a monthly Infrastructure (Works & Services) project status report to Council.

MATTER FOR CONSIDERATION

For Council to consider the monthly Infrastructure (Works & Services) project status report.

MONTHLY STATUS REPORT

Project Updates:

Construction

Gravel Sheeting

Tweed Road and Donnelly Mill Road projects will be carried over to the 24/25 financial year and will proceed as soon as conditions are suitable. These projects need to be completed before the end of December 2024 as per our funding requirements under the Federal Roads to Recovery program.

Asphalt Works

The remaining asphalt works have now been completed. Apex Grove will be need to be considered for carry over into the 24/25 financial year as significant preparation work to the end of the road will need to carried out prior to any asphalt works. Blechynden Street kerbing has significantly deteriorated and will be considered in the 24/25 financial year for replacement.

Lakeview Crescent asphalt complete

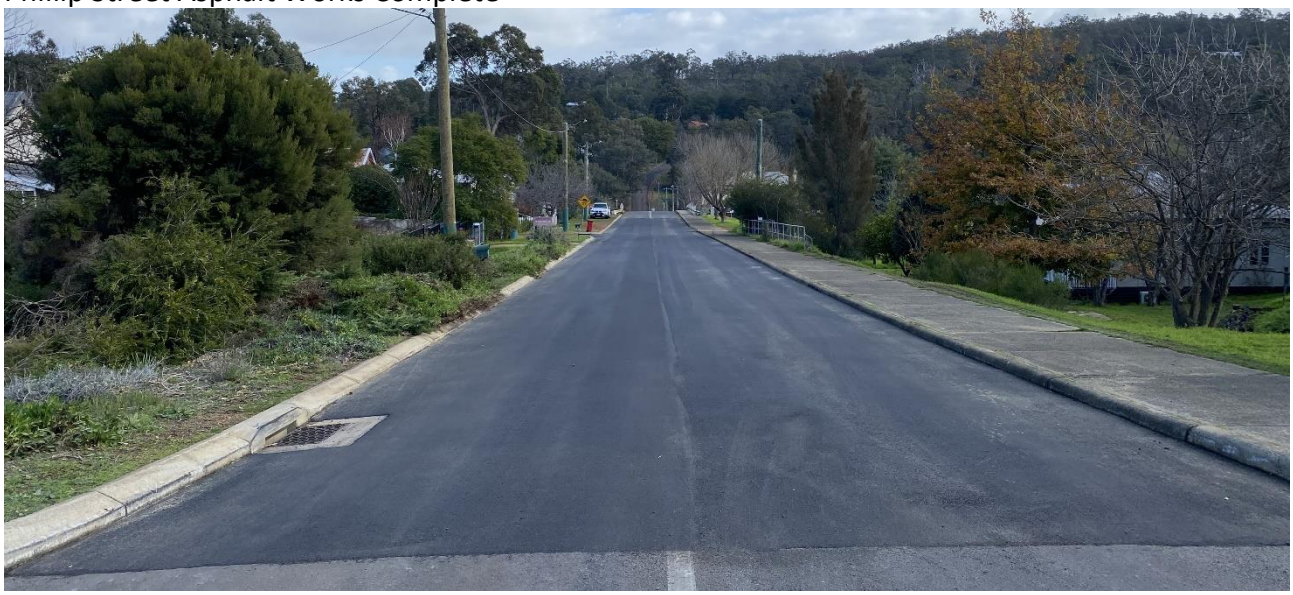
Blechynden Street (including Roe Street Intersection) Asphalt Complete. Line marking still needs to be re-instated.

Profiling works prior to asphalt overlay.

Blechynden Street Asphalt Works Complete

Hackett Street Asphalt Works Complete

Phillip Street Asphalt Works Complete



Maintenance

Grading

Winter grading is well underway and the use of rollers travelling behind the graders during winter months and spot treatment with gravel from the depot stockpile has improved the quality of our maintenance grading process and quality of work. The following roads have been graded through June and July:

- Polina Road
- Greystones Road
- Rifle Range Road
- Huitson Road
- Lowe Road
- Tillman Road
- Bevan Street
- Eastcott Ave
- Polly Dakin Drive
- Walter Road
- Bussell Street
- Dreyfus Street
- Warburton Road
- Trott Road
- Blackwood Park Road
- Fletchers Road
- Forrest Park Ave
- Whim Landing Road
- Kangaroo Gully Road
- Elwins Road
- Strauss Road
- McLarty Street
- Lefory Road
- Kularda Place
- Arkle Road
- Brand Street
- Mersea Road
- Scriven Road
- Mottram Street
- Suttons Road
- Smith Street
- Wheatley Street
- Naylor Yates Road
- Grange Road

Storm Damage

The works crew are concentrating on tree cleanup along road verges and clearing drains from storm damage.

General

The drainage crew are undertaking culvert cleaning, drainage headwall repairs and drainage pipe replacement where damaged. Pothole patching and sign maintenance are ongoing.

Parks and Gardens

Maintenance of parks and mowing has been kept up to date. Parks and Gardens crew have been concentrating on verge, footpath and gutter maintenance. Maintenance at the Bridgetown and Greenbushes cemeteries has also been concentrated on this month. Weed control, leaf litter cleanup and under pruning throughout Bridgetown and Greenbushes townsites is ongoing.

Plant

The new Tracked Loader has arrived which will be a valued asset at the Waste Facility.

The new Grader is expected to arrive before the end of the month. It is currently in the Westrac Bunbury workshop having the final fit out before being delivered.

STATUTORY ENVIRONMENT

Local Government Act 1995

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS - NIL

STRATEGIC COMMUNITY PLAN

9 Safe, affordable and efficient movement of people and vehicles.

9.1 Improve road safety and connectivity.

CORPORATE BUSINESS PLAN

Nil

LONG TERM FINANCIAL PLAN - NIL

ASSET MANAGEMENT PLANS - NIL

WORKFORCE PLAN - NIL

RISK MANAGEMENT

N/A

19.3 Sanitation Reserve Transfer

File Ref

Responsible Officer	Nicole Gibbs, Chief Executive Officer
Reporting Officer	Steele Alexander, Executive Manager, Infrastructure
Attachments	Nil
Voting Requirements	Absolute Majority
Disclosure of Interest	Reporting Officer: Nil Responsible Officer: Nil

RESOLUTION: OCM 199-24/25

Moved: Councillor M Christensen
Seconded: Councillor T Pratico

That Council approve funding the already completed purchase of a tracked Loader for the Bridgetown Waste Facility by $250,000 from the Sanitation Reserve with the balance to be drawn from the Plant Reserve.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 9/0

MATTER FOR CONSIDERATION

Council is requested to approve a transfer of $250,000 from the Sanitation Reserve to fund part of the purchase cost of a tracked loader for the Bridgetown Waste Facility. The purchase has already been completed and the requested transfer is required to manage reserve balances to meet planned requirements in the 2024/25 budget.

BACKGROUND

The 2023/24 annual budget provided for $370,000 changeover cost to replace the waste compactor at the Bridgetown Waste Facility. The budget stated that this would be funded by $150,000 from the Sanitation Reserve with the balance to be funded from the Plant Reserve. With the waste site review and development plan underway, but yet to be completed, it was decided that replacement of the machine was premature and therefore was not undertaken.

The 2023/24 annual budget also included for $347,280 changeover cost to replace the tracked loader at the Bridgetown Waste Facility to be funded entirely from the Plant Reserve. This was undertaken as it is considered a necessary machine regardless of the review outcome.

The balance of the Sanitation Reserve is currently $224,261 with $68,607 yet to be transferred to the reserve as budgeted in the 2023/24 year. This will result in a balance of $292,868.

The current balance of the Plant Reserve is $667,295 with $322,198 yet to be transferred to the reserve as budgeted in the 2023/24 year. This will result in a balance of $989,493 however the purchase of a new grader is not reflected in this figure. The new grader is due for delivery in the last week of July so there is a committed amount of $448,000 to be drawn from the reserve once that transaction is completed. The available balance of the Plant Reserve will therefore be $541,493.

COMMENT

It is proposed that the budgeted $150,000 from the Sanitation Reserve and an additional $100,000 be used to partially cover the cost of the tracked loader. The Sanitation Reserve purpose is "To be used for the provision of waste management services and waste facilities" so use of the reserve to fund the tracked loader is appropriate.

Drawing $250,000 from the Sanitation Reserve is necessary to enable funding of the planned plant program in the 2024/25 budget.

If the total value of the tracked loader is to be drawn from the Plant Reserve as budgeted, then the available balance for the 2024/25 program will be $194,213. The proposed plant program for 2024/25 has an estimated cost of $634,500, leaving a shortfall of $440,268 to be funded in the 2024/25 budget. Funding the shortfall alone would leave the reserve affectively at zero balance. For reference, approximately $320,000 is the usual annual budgeted amount transferred to the Plant Reserve.

Assuming the usual annual transfers of $320,000 and $70,000 to the Plant and Sanitation reserves respectively, then the proposed transfer of $250,000 from the Sanitation Reserve will enable the full plant program cost of $634,500. This will result in estimated 2024/25 closing balances of $113,000 for the Sanitation Reserve and $140,000 for the Plant Reserve (balances include estimated interest earned).

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As outlined in the report.

STRATEGIC COMMUNITY PLAN

14 Effective governance and financial management.

14.1 Achieve excellence in organisational performance and service delivery.

CORPORATE BUSINESS PLAN

Nil

LONG TERM FINANCIAL PLAN

There may be some implications since changes to reserve balances are proposed.

ASSET MANAGEMENT PLANS

There may be some implications since changes to reserve balances are proposed.

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The proposed reserve changes are needed to fully fund the proposed 2024/25 plant program. This program has been developed to address identified issues in Works service delivery around efficiency and capacity. If the proposed program cannot be undertaken then the identified risk areas are Service Interruption – Major, and Reputational – Major. Likelihood of these is considered Almost Certain so the overall risk rating is Extreme.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

19.4 Urgent Unbudgeted Capital Works

File Ref	
Responsible Officer	Nicole Gibbs, Chief Executive Officer
Reporting Officer	Steele Alexander, Executive Manager, Infrastructure
Attachments	Nil
Voting Requirements	Absolute Majority
Disclosure of Interest	Reporting Officer: Responsible Officer:

At 6:44pm, Cr Lansdell declared a financial interest in item 19.4 – Urgent Unbudgeted Capital Works as her husband is a Manager at Fulton Hogan and they have shares with the company. As a consequence, there may be a perception that her impartiality on this matter may be affected and left the meeting.

RESOLUTION: OCM 200-24/25

Moved: Councillor M Christensen
Seconded: Councillor T Pratico

That Council approve unbudgeted expenditure of $110,000 to undertake Microsurfacing road works on various suitable road segments.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

MATTER FOR CONSIDERATION

The Shire has an unexpected opportunity to apply cost effective Microsurfacing treatment to suitable road segments. The opportunity only exists for the month of August and the 2024/25 annual budget is yet to be adopted. Council is requested to approve an unbudgeted amount of $110,000 to allow the work to be undertaken. If Council takes advantage of this opportunity, there will be a cost savings of $310,000.

BACKGROUND

The Shire generally applies two different methods of sealed road resurfacing, Spray Seal and Asphalt. The method chosen depends on a number of factors but put very simply, a Spray Seal is thin surface generally used to rejuvenate the surface but does not provide any correction of the surface shape such as wheel ruts whereas Asphalt is a thicker treatment and can be used correct significant surface shape problems however it is approximately 4-5 times the price of a spray seal. Asphalt is more durable than a spray seal and performs well in high stress situations such as intersections. Asphalt is generally not suitable for high-speed environments due to its smoother surface compared to a Spray Seal.

Another treatment not previously used by the Shire is Microsurfacing. This treatment is a thin surface but provides some shape correction of minor problems. It also has a smoother surface than a Spray Seal and is not suitable for high-speed environments. Its cost is comparable to a Spray Seal and is a cost-effective method of improving the road surface in urban environments where that surface has not deteriorated so far that Asphalt is required. Micosurfacing however has a lifespan about half that of Asphalt.

The Shire has not applied Microsurfacing treatments before due to the very limited pool of providers and lack of availability of those providers. However, the Shire has been approached by a reputable supplier of Microsurfacing treatments about an unplanned gap in their program after completing a large 6-month project. The team and equipment are due to mobilise back to the eastern States where they are based sometime in the next few months but in the meantime, they are able to undertake work in the South West during August.

COMMENT

It is proposed that the Shire take advantage of this opportunity and urgently approach all known suppliers with a request for quote (to comply with procurement policy). A minimum of 15,000 m/2 is required to justify mobilisation and the below road sections have been identified as candidates with the total area being just over 15,000 m/2

Road	Section
Forrest St	Gifford Rd to Barlee St
Orchard Close	All
Loftie St	All
Blechynden St	Gifford Rd to Barlee St
Phillip St	Spencer St to Roe St
Roe St	Roley St to Phillips St
Roe St	Steere St to Rowley St

These roads are subject to inspection by the contractor for suitability and if some areas are found to be unsuitable, replacement road sections of similar area will be identified.

Estimated cost for the works is $110,000 which is currently unbudgeted since the 2024/25 budget is yet to be adopted. The cost of the work is proposed to be covered by changes to the capital works program proposed for the 2024/25 budget. The 2024/25 capital works program was presented to council during the July concept forum and includes works on Roe St from Steere St to Rowley St. This job included an amount of $150,000 for asphalt resurfacing. The same section has been identified as likely suitable for Microsurfacing and is included in the above table. If this is undertaken, then the asphalt works will not be required and funds will be available for other works to be added to the program.

It should be noted that to apply Asphalt resurfacing to the same area would cost approximately $310,000 more that the Microsurfacing treatment. This is not a direct comparison however due to the shorter lifespan of Microsurfacing. Actual cost saving when considering the full life cycle is closer to $150,000.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FM 4 – Procurement, Budget Management and Supporting Local Business Policy

FINANCIAL IMPLICATIONS

The amount of $110,000 is currently unbudgeted however it is to be funded by changes to the proposed capital works program so there is no net increase in expenditure in the 2024/25 budget.

STRATEGIC COMMUNITY PLAN

9 Safe, affordable and efficient movement of people and vehicles.

14 Effective governance and financial management.

14.2 Improve real and perceived value for money from Council rates.

CORPORATE BUSINESS PLAN

Nil

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Undertaking the proposed work will bring forward some asset renewal works but at a lower than planned cost.

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The risk area identified is financial. The cost savings realised by the proposed work is estimated to be $150,000 so the rating is Major. The likelihood is Almost Certain, giving a risk rating of Extreme.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

At 6:49pm, Cr Lansdell returned to the meeting.

ITEM 20 RECEIVAL OF MINUTES FROM MANAGEMENT COMMITTEES

No matters for consideration

ITEM 21 URGENT BUSINESS APPROVED BY DECISION

15.17 Removal of Trees at the War Memorial on Blackwood Road

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Nicole Gibbs, Chief Executive Officer

Attachments Nil

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 201-24/25

Moved: Councillor J Boyle
Seconded: Councillor M Christensen

That Item 15.17 - Removal of Trees at the War Memorial on Blackwood Road, be accepted as urgent business.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 202-24/25

Moved: Councillor T Pratico
Seconded: Councillor R Redman

That Council approve the request by the Returned Services League to remove the two trees blocking the view of the War Memorial on Blackwood Road during the Anzac Day Ceremony every year.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

Cr Christensen requested a discussion be held at a future Concept Forum regarding a Tree Planting Policy for every tree removed, one new tree to be planted.

IN BRIEF

At the July 2024 Concept Forum Council discussed a request by the Returned Services League to remove the two trees blocking the view of the War Memorial on Blackwood Road during the Anzac Day Ceremony every year.

MATTER FOR CONSIDERATION

Whether Council approves the request by the Returned Services League to remove the two trees blocking the view of the War Memorial on Blackwood Road during the Anzac Day Ceremony every year.

BACKGROUND

At the July 2024 Concept Forum Council discussed a request by the Returned Services League to remove two trees blocking the view of the War Memorial on Blackwood Road during the Anzac Day Ceremony every year. Whilst this is technically an operational matter, the removal of street trees is a contentious issue and so officers have asked Council to make the final decision.

Regardless of the decision made, officers will inform the community about the reasons behind this decision post the August 2024 Ordinary Council Meeting.

The two trees in question are situated on either side of the memorial on Blackwood Road. The trees cannot undergo understory pruning due to power lines above them preventing them from growing taller. Additionally, the large trunks are already quite low, making it impractical to work with them. The exact cost of removing the trees can be covered with the operational budget. The main expense will involve hiring a stump grinder and redoing the verge.

The Principal Project Manager has met with the landscape architect working on the detailed design for the footpaths, and the idea of creating a larger feature entrance to the memorial, possibly extending it into the road, was discussed. The footpath Master Plan includes bringing tree walls out into the road to reduce traffic speed and enhance the atmosphere. Removing the trees could significantly improve the area through landscaping.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

CR 3 - Community Engagement

CE 1 – Feedback Policy

FINANCIAL IMPLICATIONS

Minimal (tree removal costs)

STRATEGIC COMMUNITY PLAN

1 A growing community that is diverse, welcoming and inclusive.

8 Local history, heritage and character is valued and preserved.

15 A well informed and engaged community.

CORPORATE BUSINESS PLAN

2.4 Build community capacity by supporting community organisations and volunteers.

7.3 Create vibrant, attractive and welcoming towns.

7.5 Provide attractive and sustainable parks, playgrounds and reserves.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

Risk Rating is LOW.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

UNCONFIRMED

17.2 Recommendation for Levying Differential Rates for the 2024-25 Financial Year

File Ref

Responsible Officer Nicole Gibbs, Chief Executive Officer

Reporting Officer Megan Richards, Executive Manager, Community & Economic Development

Attachments 1. Community Consultation Report ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer:

Responsible Officer:

RESOLUTION: OCM 203-24/25

Moved: Councillor R Redman
Seconded: Councillor T Lansdell

That item 17.2 - Recommendation for Levying Differential Rates for the 2024-25 Financial Year, be accepted as urgent business.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

MOTION

Moved: Councillor T Pratico
Seconded: Councillor M Christensen

That Council;

1. Applies differential rates for rating in the 2024-25 financial year in accordance with Section 6.33 of the Local Government Act 1995; and
2. The differential rates and minimum payments applied in the draft 2024-25 Budget are the same as those advertised in the Public Notice to Levy Rates.

RESOLUTION: OCM 204-24/25

Moved: Councillor S Mahoney
Seconded: Councillor M Christensen

A motion was moved that Council invoke clause 18.1 to suspend standing orders at 7:01pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

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AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 205-24/25

Moved: Councillor S Mahoney
Seconded: Councillor T Pratico

A motion was moved that Council cease clause 18.1 to resume standing orders at 7:19pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 206-24/25

Moved: Councillor T Pratico
Seconded: Councillor M Christensen

That Council;

1. Applies differential rates for rating in the 2024-25 financial year in accordance with Section 6.33 of the Local Government Act 1995; and
2. The differential rates and minimum payments applied in the draft 2024-25 Budget are the same as those advertised in the Public Notice to Levy Rates.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

Cr Redman formally requested her comments be minuted.

I would like to propose an amendment to the motion, dot point three, that says that Council will make an undertaking that for the 25-26 financial year, a detailed analysis of rates categories, minimum payments, and rates in the dollar is completed with a view to enhancing fairness and equity for rate payers.

In addition to applying the differential rates for this year, an option was one percentage increase for the rural and residential rates, and a different percentage increase for the mining GRV and mining UV rates. There's a whole lot of work involved in modelling any changes to those rates and for Council to commit to having that detailed review next year, where we look at what rating categories we have, what minimum payments we impose, the rates in the dollar for each category, to try and make the rating system as fair and equitable as possible, especially for the people that have the least capacity to absorb an increase.

Cr Redman was given the option to raise a separate motion at this meeting or next month's meeting as the amendment is mixing issues.

Cr Redman fully intends to bring a motion forward.

Public Document made available at the meeting.

Considerations for Rates Increase Figure 7.5%

A. As part of the 2024/25 budget preparations officers have considered the following before recommending 7.5% rates increase figure:

1. The outcomes from Council's annual assessment of the current Corporate Business Plan.
2. The initiatives within the Shire's Strategic Community Plan.
3. The review of the funding allocation included in Council's forward capital works plans for Road Infrastructure.
4. The review of the Plant Replacement Program.
5. The need to purchase financial software before the current software (Synergy) ceases to exist in its current form and the Shire is left without a financial management tool.

B. To attempt to keep the proposed rates figure as low as possible, the following efficiency measures have been introduced:

A review of the organisational structure to ensure all positions were necessary and fit-for-purpose.

1. Reducing the number of management positions from 10 to 6.
2. Creating three more positions on the outdoors crew which was severely under-resourced.
3. Created sharing opportunities with neighbouring local governments (e.g. Work Environment Health Officer).
4. The reduced number of employees required once the financial and payroll software has been introduced.
5. Securing external funding to rebuild the Shire depot, complete two fire stations and complete the Town Hall refurbishment so that rate payers do not need to fund the builds.
6. Applying for half a million dollars' worth of Drought Relief Grant for infrastructure to support farmers into the future.

C. Following consideration of the above items officers have determined the preliminary budget requirement for 2024/25 on the following basis:

1. The review of all operational revenue sources and expenditure.
2. Proposed Corporate Business Plan actions for 2024/25.
3. Funding allocations identified in Capital Works Plans.
4. All community grants and other donations have been incorporated in line with Council's Working Group recommendations.
5. The increase in discretionary fees and charges as per Council's recommendations.
6. The employee salaries and wages – 4.6% increase (EBA).
7. The employee's superannuation – 0.5% increase in accordance with legislative requirements.
8. Insurance premiums - 8.5% increase as estimated by Council's insurer.
9. Additional insurance premium for increase in buildings insured values.

10. Salary underspend and other underspend.

PLEASE NOTE:

1. In 2024/2025 year, employee wages and other entitlements are less per ratio than 2023/2024 even though we have added three people onto the outdoors crew, increased recreation centre hours and increased library hours.
2. All local governments in WA are insured by the Local Government Insurance Scheme (LGIS), a self-funded Scheme. The Shire of Bridgetown-Greenbushes must use this Scheme and does not have the discretion to shop around for a cheaper insurance option (i.e. the 8.5% increase is non-negotiable).
3. The Shire has a legislative responsibility to honour employee pay increases and superannuation entitlements.

IN BRIEF

Council is asked to consider submissions in response to the shire's advertised proposal for applying differential rates for the 2024-25 financial year.

MATTER FOR CONSIDERATION

In accordance with the provisions of Section 6.36 of the Local Government Act 1995 (the Act), the Shire advertised its intention to apply differential rating for the 2024-25 financial year and outlined the proposed differential rating, objectives and reasons in the community consultation process.

Residents and ratepayers were advised through a Public Notice which was advertised in the following locations;

- Shire Website
- Shire Facebook Page
- Bridgetown CRC
- Greenbushes CRC
- Shire Noticeboards
- Greenbushes CRC Notice Boards
- The Bridgetown Library
- The Bridgetown Leisure Centre
- The Shire Administration Building – Customer Service Area
- Manjimup Bridgetown Times

The Public Notice included a document outlining the Objectives and Reasons for the Proposed Differential Rates for the Year Ending 30 June 2025 (Attached). The minimum advertising period of 21 days was completed, as outlined in section 6.36 of the Act, during which time the Shire invited submissions in relation to the proposed differential rates. The closing date for public submissions was Tuesday 23 July 2024. 1 submission relating to the levying of differential rates above double the lowest general rate was received. 4 Submissions focusing on general rate rise were received.

The outcome of the invitation for submissions is listed in the Community Consultation Outcomes Report attachment to this report. The Shire received 4 submissions opposing the residential rate increase. 1 submission relating to differential rates was received.

Council is required, under section 6.36 of the Local Government Act to consider any submissions received that respond to the proposed differential rates. Council received 1 submission commenting on the proposed differential rates. The Public Noice submissions relating to the general rate increase are included in the Community Consultation Report (attached) for Council's viewing, even though these submissions were not related to the proposed differential rate, will not be included in the application to the Minister for Local Government and should not impact the considerations of Council for this recommendation. Council is required to consider the submission focusing on differential rates in its consideration regarding the officer recommendations. This submission is provided in full as an attachment (3) to the Community Consultation Report.

The proposed differential rates for 2024-25 are estimated to yield general rates revenue that is 7.46% higher than general rates revenue in 2023-24, which incorporates a 0.84% decrease in the cents per dollar and an 8.3% increase due to natural movement in values and volumes during the current year. In 2023/24 the differential rates raised an extra $31,843.78 in differential Mining UV rates above the general rates and in 2024/25 that figure will be $29,800.49.

Council can either;

- Amend any or all of the differential rate, cents in the dollar and/or minimum payments proposed and advertised in accordance with the provisions of Section 6.33 and 6.36 of the Act, or
- Approve the differential rates as advertised for the draft 2024-25 budget.

Option 2 is recommended.

BACKGROUND

At its meeting held in June 2024 Council considered the proposal to apply differential rates when drafting the 2024-25 budget and agreed to advertise the proposal for public submissions in accordance with section 6.36 of the Local Government Act 1995.

The Proposed Differential Rates:

Rate Category	**Rate in $**	**Minimum Payment**
General Gross Rental Value (GRV) Properties	11.0431	1,195.00
Mining Gross Rental Value (MRV) Properties	21.4750	1,195.00
Rural Unimproved Value (UV) Properties	0.4623	1,481.00
Mining Unimproved Value (MUV) Properties	6.8326	219.00

Differential rating (above double the lowest rate in the dollar) was introduced in the Shire of Bridgetown Greenbushes in 2011-12 financial year to maintain the equitable distribution of the rate burden between classes of residential, rural, urban farming and mining land, taking into consideration the levels of services provided to each of the respective land classes within the Shire. The differential rates levied under the Mining Unimproved Value Properties is included as part of the general rate revenue.

A 4th rating category, Mining Gross Rental Value (MRV), was included in the 2022-23 budget, in agreement with Talison, to enable Shire funds to be raise from Talison to be allocated specifically for the repair and maintenance of Shire roads impacted by the expansion of the Talison Mining operation. The difference between the General Gross Rental Value rate and the differential rate applied to Mining Gross Rental Value (MRV) Properties (1) is allocated to the Maintenance and Renewal of Mine Heavy Haulage Roads Reserve and does not require Ministerial approval as it is under double the lowest rate in the dollar.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.33 sets out the provisions in relation to differential rates and enables the Shire to apply separate rates in the dollar for different categories of property based on zoning, land use, improved or unimproved value.

Section 6.36 requires the Shire to provide a local public notice of its intention to apply differential rates and invite submissions in relation to the proposed differential rates and minimum payment, within 21 days of the date of notice. Before making a final decision in relation to the setting of rates in the dollar and the adoption of the budget Council is required to consider any submissions received in relation to differential rates.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If Council support the officer recommendations the estimated revenue to be generated from the proposed rates and minimum payments will be $6,158,693.91 and will be included in the draft 2024/25 budget to cover the 2024-25 budget deficit. $29,800.49 will be raised in differential Mining UV rates above the general rates, given the application to apply differential rates above double the minimum payment is supported by the Minister.

STRATEGIC COMMUNITY PLAN

14 Effective governance and financial management.

CORPORATE BUSINESS PLAN

Nil

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The current recommendation address's the following Risk Management Priority area identified according to Policy RM 1 – Risk Management - Compliance, Reputational (External).

If Council does not accept the Officer recommendations, the risks are:

- There is a risk to Council that the 2024/25 Budget will not be adopted by the statutory deadline of 31 August 2024 if the Minister does not approve Council's Mining UV differential rate.
- Reputational Risk (External)– the reputational risk is high given the potential of community becoming aware that Council have been unable to adopt the 2024/25 Budget within the statutory deadline.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

		Consequence				
		Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood	5 Almost certain	Moderate 5	High 10	Extreme 15	Extreme 20	Extreme 25
	4 Likely	Moderate 4	High 8	High 12	Extreme 16	Extreme 20
	3 Possible	Low 3	Moderate 6	High 9	High 12	Extreme 15
	2 Unlikely	Low 2	Moderate 4	Moderate 6	High 8	High 10
	1 Rare	Low 1	Low 2	Low 3	Moderate 4	Moderate 5

COMMENT

Nil

Shire of Bridgetown-Greenbushes

Community Consultation Report

Proposal to Levy Differential Rates 2024-25

Shire of Bridgetown-Greenbushes

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Shire of Bridgetown-Greenbushes

Overview

The community was invited to provide feedback from Monday 1 July 2024 to Tuesday 23 July 2024 on Council's proposal to levy differential rates in 2024-25. Feedback was sought via written submission to the CEO.

There was 1 submission made in response to the proposed differential rates and 4 submissions by residents regarding the proposed general rate rise. Although not specifically related to the current community consultation, for reasons of transparency the 4 responses by residents opposing the increase to General Gross Rental Value were included in this report. They will not be included in the application to the Minister.

Consultation Materials

The consultation Materials included a Public Notice with a request to write to the CEO, emails were also accepted are attached to this document (1 and 2).

The consultation materials included;

- Public Notice – Attachment 1
- Objectives and Reasons for Differential Rates 2024-25 – Attachment 2

The Shire advertised the consultation to residents and rate payers via the following means;

- Shire Website
- Shire Facebook Page
- Bridgetown Community Notice Community Facebook Page
- Bridgetown CRC
- Greenbushes CRC
- Shire Noticeboards
- The Bridgetown Library
- The Bridgetown Leisure Centre
- The Shire Administration Building – Customer Service Area
- Manjimup Bridgetown Times

The Facebook page posts were uploaded on the 1 July 2024 and included a link to the Shire website where community could access the Objectives and Reasons for Differential Rates 2024-25 document. The Public Notice hard copies were distributed on 1 July 2024 and included the web address for the Shire website page to direct interested parties to the Objectives and Reasons for Differential Rates 2024-25 document. The Public Notice and support document also included the contact name and number of an Officer able to answer queries regarding rates and the community consultation process.

The 4 email submissions regarding the general rates are included in the table below. The 1 submission regarding the inclusion of differential rates –is included in full as Attachment 3. The names of the residents and ratepayers have been redacted to protect privacy.

Shire of Bridgetown-Greenbushes

Email Submission – General Rates

Dear Councillors
I STRONGLY OBJECT TO ANY INCREASE IN OUR SHIRE RATES.. All effort should be aimed at REDUCING our rates by EFFICIENCY measures. All members of our community have had to tighten their belts & SPEND LESS to make ends meet & get through tough times. The rate payers are constantly being BLED for more money so that those in the shire offices can expand & improve their lot. It would be wonderful if the Shire actually undertook efficiency measures that brought about a REDUCTION of our rates during these difficult times. Please ensure this email is made available to all councillors.
Kind regards
[redacted]

Dear Councillors

WE STRONGLY OBJECT TO ANY INCREASE IN OUR SHIRE RATES.

All efforts should be aimed at REDUCING our rates by EFFICIENCY measures.
All members of our community have had
to tighten their belts & SPEND LESS to make ends meet to get through very tough times. The rate payers are constantly being BLED for more money.

It would be helpful if the Shire actively engaged in efficiency measures that brought about a REDUCTION of our rates during these difficult times.
Please ensure this email is made available to ALL councillors.

Thank you to the Councillors who vetoed this rate rise & called for canvassing of the rate payers.

Regards

[redacted]
Farmers
Yornup

Dear Councillors
I STRONGLY OBJECT TO ANY INCREASE IN OUR SHIRE RATES..
All effort should be aimed at REDUCING our rates by EFFICIENCY measures.
All members of our community have had to tighten their belts & SPEND LESS to make ends meet & get through tough times.
The rate payers are constantly being BLED for more money so that those in the shire offices can expand & improve their lot.
It would be wonderful if the Shire actually undertook efficiency measures that brought about a REDUCTION of our rates during these difficult times.
Please ensure this email is made available to ALL councillors.
Regards [redacted]
PS: I also wish to thank the Councillors who vetoed this rate rise & called for canvassing of the rate payers - unfortunately only those who get the local newspaper will be aware of this matter & the news article did not give clear instructions on how ratepayers were to register their objections.

I STRONGLY OBJECT TO ANY INCREASE IN OUR SHIRE RATES.

All effort should be aimed at REDUCING our rates by EFFICIENCY measures.
All members of our community have had to tighten their belts & SPEND LESS to make ends meet & get through tough times.
The rate payers are constantly being BLED for more money.
It would be wonderful if the Shire actually undertook efficiency measures that brought about a REDUCTION of our rates during these difficult times.
Please ensure this email is made available to ALL councillors.

PS: I also wish to thank the Councillors who vetoed this rate rise & called for canvassing of the rate payers - unfortunately only those who get the local newspaper will be aware of this matter & the news article did not give clear instructions on how ratepayers were to register their objections.

Regards, [redacted]

Shire of Bridgetown-Greenbushes

Attachment 1 - Public Notice

PUBLIC NOTICE

NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES FOR THE 2024/25 FINANCIAL YEAR

In accordance with section 6.36 of the *Local Government Act 1995*, notice is hereby given with respect of the intention of the Shire of Bridgetown-Greenbushes to adopt and levy in the 2024/25 financial year the following rates in the dollar (Rate in $) and minimum payments for differential general gross rental value (GRV) and differential general unimproved value (UV) rates:

Rate Category	Rate in $	Minimum Payment
General Gross Rental Value (GRV) Properties	11.0431	1,195.00
Mining Gross Rental Value (MRV) Properties	21.4750	1,195.00
Rural Unimproved Value (UV) Properties	0.4623	1,481.00
Mining Unimproved Value (MUV) Properties	6.8326	219.00

The proposed rates in the dollar and minimum payments will fund the estimated budget deficiency of $6,152m. Any further updates to valuations received will result in the rate in the dollars being updated to achieve this advertised rate yield.

A Statement of Objectives and Reasons for adopting these rates is available for inspection at the Shire Administration Building or Bridgetown Library during operating hours or may be downloaded from the Shire website https://www.bridgetown.wa.gov.au/council/news-information/public-notices.aspx

Submissions from electors and ratepayers in respect of the proposed rates or minimum payments and any related matter may be made (in writing) addressed to the CEO by close of business on Tuesday 23 July 2024. Any general enquiries should be directed to Bruce Mead - Executive Manager, Corporate Services.

NICOLE GIBBS
CHIEF EXECUTIVE OFFICER

1 JULY 2024

Attachment 2 - Objective and Reasons for Differential Rates

OBJECTIVES AND REASONS FOR PROPOSED DIFFERENTIAL RATES FOR THE YEAR ENDING 30 JUNE 2025

In accordance with Section 6.36 of the *Local Government Act 1995*, the Shire of Bridgetown-Greenbushes is required to publish its Objectives and Reasons for implementing Differential Rates.

Overall Objective

The purpose of levying rates is to meet Council's budget requirements in each financial year to deliver services and community infrastructure. The Shire of Bridgetown-Greenbushes maintains facilities for and provides services to a diverse and changing district comprising residential, commercial, industrial, rural and mining land.

Property valuations provided by the Valuer General are used as the basis for the calculation of rates each year. Section 6.33 of the *Local Government Act 1995* provides the ability differentially rate properties based on zoning and/or land use as determined by the Shire of Bridgetown-Greenbushes. The application of differential rating maintain equity in the rating of properties across the Shire, enabling the Council to provide facilities, infrastructure and services to the entire community.

As part of its budget deliberations Council has determined the budget deficiency by:

- Assessing the current Corporate Business Plan taking into consideration the Shire's Strategic Community Plan
- Review the funding allocation included in Council's forward capital works plan for Road Infrastructure
- Reviewed the Plant Replacement Program
- Consideration of the following efficiency measures;
    - A review of the staff structure across the organisation
    - Continued investigation into employment sharing opportunities with neighbouring local governments including the Environmental Health Officer

The estimated budget deficiency will require an increase to the rate yield on 7.5% from the 2023/24 rate yield (adjusted for natural growth).

In setting the rates in the dollar Council has considered its existing differential rating categories in line with the key values contained within the Rating Policy Differential Rates (s6.33) released by the Department of Local Government, Sport and Cultural Industries, being:

- Objectivity
- Fairness and equity
- Consistency

- Transparency and administrative efficiency

For the 2024/25 financial year Council will maintain all existing differential rating categories that applied in 2023/24. These categories ensure that rate revenue is collected on a fair and equitable basis, taking into consideration the cost of delivering services to each of the respective land classes in the district.

Council will maintain existing relativities between all rating categories to those that applied in 2023/24 (adjusted for natural growth). This will ensure a consistent and equitable distribution of the required rates yield from one year to the next.

RATING CATEGORIES

Gross Rental Value (GRV) Properties

The *Local Government Act 1995* determines that properties of a non-rural purpose be rated using the Gross Rental Valuation (GRV) as the basis for the calculation of annual rates. The Shire of Bridgetown-Greenbushes applies the following differential Gross Rental Value rating categories:

General Gross Rental Value (GRV) – Consists of properties that are used for residential, commercial and industrial purposes and is considered to be the base rate by which all other GRV rated properties are assessed. The rate in the dollar applied ensures this rating category will pay a particular percentage of the overall rate yield to reflect the level of services provided.

Mining Gross Rental Value (GRV) – This category applies to mining leases with improvements of the land. These improvements include offices, workshops and processing facilities.

The object of this differential rate is to raise additional revenue to contribute towards higher road maintenance and renewal costs associated with mine site activity, specifically the high volume of heavy haulage traffic on Council roads.

Differential Gross Rental Value (GRV) Rates

	Rate in the $	Minimum Payment
General Gross Rental Value (GRV)	11.0431 cents	$1,195
Mining Gross Rental Value (GRV)	21.4750 cents	$1,195

Unimproved Value (UV)

The *Local Government Act 1995* indicates that where the land is used predominantly for rural purposes, the unimproved value of the land will be used as the basis for the rates. Unimproved Value (UV) means the capital amount that an estate of fee simple in the land might reasonably be expected to realise upon sale, assuming that any improvements to the land had not been made. Unimproved values are supplied and updated by the Valuer General on an annual basis. Council applied the following differential unimproved value rating categories:

Rural Unimproved Value (UV) – Consists of properties that are exclusively for rural use and is considered to be the base rate by which all other UV rated properties are assessed. The rate in the dollar applied ensures this rating category will pay a particular percentage of the overall rate yield to reflect the level of services provided.

Mining Unimproved Value (UV) – Consists of mining prospecting and exploration tenements located in the district. The higher rate applied to this category reflects the Shire's experience that mining activities associated with these tenements impact as follows:

- there is greater burden on the Shire's internal road network caused by heavy haulage mining vehicles e.g. trucks , drill rigs and excavators;
- disturbance to the landscape on and adjacent to tenements requires Shire oversight and input with noxious weed mitigation and management; and
- administration and oversight of the application and approvals process for new tenement areas noting that these applications do not attract a fee to the Shire.

Differential Unimproved Value (UV) Rates

	Rate in the $
Rural Unimproved Value (UV)	0.4623 cents
Mining Unimproved Value (UV)	6.8328 cents

Differential Minimum Payments (UV)

A reduced minimum payment will apply to Mining (UV) properties. This will ensure not more than 50% of properties within this category are on the minimum payment as required by Section 6.35 of the *Local Government Act 1995*.

	Minimum Payment
Rural Unimproved Value (UV)	$1,481
Mining Unimproved Value (UV)	$219

SUMMARY

In arriving at the proposed rates in the dollar Council has attempted to balance the need for revenue to fund essential services and facilities with the desire to limit increase for ratepayers to an affordable level in an equitable manner.

Submissions addressed to the Chief Executive Officer, Shire of Bridgetown-Greenbushes, PO Box 271, Bridgetown WA 6255, by electors or ratepayers in respect of the proposed Differential Rates shall be lodged and received at the Shire Offices by close of business Thursday, 22 July 2024.

Shire of Bridgetown-Greenbushes

Attachment 3 – Submission

Dear CEO,

Re: Notice of the Shire of Bridgetown-Greenbushes' intention to levy differential rates for the 2024-25 financial year.

I am making this submission as a concerned resident/ rate payer and former local government employee (for several shires throughout the state) having experience levying differential rates where approval is being sought from the Minister to impose a differential general rate that is more than twice the lowest differential general rate imposed by that local government. As it turns out, I was the Executive Manager of Corporate Services who first introduced this kind of rating strategy to the Shire of Bridgetown-Greenbushes (the shire) in 2011-12, or there abouts.

Having had regard for the matters set out under the key values in the Department of Local Government Sport and Cultural Industries' (DLGSCI, the Department) *Rating Policy: Differential Rates* I have formed the view that the shire has not correctly addressed some of the Department's matters.

The Department's Objectivity key value
Regarding the Department's *Objectivity* key value, I have formed the view that the matters contained therein were correctly addressed by the shire.

The Departments' Fairness and Equity key value
Fairness and Equity Matter 1.
The council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

This value will have it that council:

- has adopted a budget strategy;
- endorsed the objects and reasons for each differential rating category and each minimum payment; and
- will have reviewed its expenditure and considered efficiency measures when deliberating on the above two dot points.

Given that for 2024-25 budget process council: has not adopted a budget strategy; and did not demonstrated that it reviewed its expenditure when endorsing its objects and reasons for differentially rating (and refer council decision OCM 155-23/24), this fairness and equity matter has not been correctly addressed.

Fairness and Equity Matter 2.
If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

As I understand it, in the 2023 calenda year Tallison Lithium Greenbushes (Tallison) made a financial contribution to the shire of some $1.5m, and then some $2.5m in the 2024 calenda year. Notwithstanding these substantial contributions, made toward the upkeep of the road, drainage

and footpath networks in Greenbushes, among other projects, in its 2024-25 *Objects and Reasons* council argues that it will impose a higher rate burden on the mining sector as follows:

Mining Gross Rental Value (GRV) *– This category applies to mining leases with improvements on the land. These improvements include offices, workshops and processing facilities. The object of this differential rate is to raise additional revenue to contribute towards higher road maintenance and renewal costs associated with mine site activity, specifically the high volume of heavy haulage traffic on Council roads.*

Mining Unimproved Value (UV) *– Consists of mining prospecting and exploration tenements located in the district. The higher rate applied to this category reflects the Shire's experience that mining activities associated with these tenements impact as follows:*
• there is greater burden on the Shire's internal road network caused by heavy haulage mining vehicles e.g. trucks, drill rigs and excavators;

As council has not demonstrated that it has taken into consideration the mining sector's substantial financial contributions when imposing differentially higher rates on them, Fairness and Equity Matter 2. has not been correctly addressed.

Fairness and Equity Matter 3.
If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- *the terms of this policy (through the provision of a copy of this document to the ratepayer)*
- *the local government's objects of and reasons for proposing to impose the differential general rate*
- *the differential general rate that will apply to the ratepayer's property*
- *the differential general rate that applied in the previous year for comparison and was given at least 21 days to make submissions to the local government on the proposal.*

On Thursday 18 July 2024 I commenced engaging with the shire's Executive Manager Corporate Services (Mr Bruce Mead) about this matter. Notwithstanding this, by close of business on Monday 22 July Mr Mead had not responded to me as to whether the shire had written directly to the mining sector ratepayers who in 2024-25 will be levied a differential rate which is more than twice the lowest rate in the UV rate class. What I have been able to learn from Mr Mead is that public notice of the proposed 2024-25 differential rates was done in accord with the act, and not in accord with the department's *Rating Policy: Differential Rate* i.e. in accordance with the above Fairness and Equity Matter 3. For this reason, I would estimate that the level of probability that Fairness and Equity Matter 3. has been correctly addressed would be low (approaches zero).

The Department's Consistency key value
Consistency Matter 1.
The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

Firstly, what does a rating strategy look like? It could be a set of precepts, I suppose, or it could look something like what the Shire of Boddington has produced in their *Strategic Rating Review Draft Report April 2022.* The below is a copy of the contents page from the report, and the full report can be viewed at

https://www.boddington.wa.gov.au/Profiles/boddington/Assets/ClientData/Shire_of_Boddington_-_Draft_Strategic_Rating_Review.pdf

Strategic Rating Review Draft Report Shire of Boddington April 2022

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When you contrast the shire's rating strategy with that of the Shire of Boddington, one gets the impression that the shire's is more of a *vibe* than a strategy as such, and refer the following:

Council last reviewed its rating strategy as part of the 2023/24 budget process. Council considered its existing differential rating categories in line with the key values contained within the Rating Policy Differential Rates (s.6.33) released by the Department … (this is an excerpt from the officer report from which council decision OCM 155-23/24 was made),

and,

Council last reviewed its rating strategy as part of the 2022/23 budget process. Council considered its existing differential rating categories in line with the key values contained within the Rating Policy Differential Rates (s.6.33) released by the Department …(this is an excerpt from the officer report from which council decision C.10/0523 was made).

Each of the above examples refer to some vague concept from a past time, and clearly the level of probability that the shire's rating strategy was reviewed as part of the 2023-24 budget process must be zero, i.e. could not be true, as decision c.10/0523 purports that the last review took place in 2022-23.

As neither the shire's long term financial plan (LTFP) nor its corporate business plan (CBP) outline a rating strategy or reference a tangible rating strategy document, no decision can be made as to whether the 2024-25 differential rates adopted by council (OCM 155-23/24) align with anything in the LTFP or CBP. Further, in its decision has not claimed that all three are aligned.

There is evidence that council's decision does not align with the LTFP, however. The officer report to council decision OCM 155-23/24 asserts that:

Rate in the dollar has been modelled at 7.5% for this report based on Councillor feedback from rate percentage workshops.

and public questions at the 27 June 2024 ordinary meeting of council revealed the following:

The 7.5% figure emerged as the most agreeable among councillors on average.

Contrasting with this, the shire's LTFP sets the rates revenue increase from 2023-24 to 2024-25 at 6.56%. Notwithstanding that the difference between the LTFP's 6.56% and council's 7.5% is substantial, council's reason for taking the higher increase (… *the most agreeable .. on average*) is hardly 'detailed', and for this reason and others outlined above the Department's Consistency Matter 1 has not been correctly addressed.

Consistency Matter 2.
The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

In the table below I've endeavoured to compare and contrast wealth generated by the respective mining sectors in Bridgetown-Greenbushes and the shire of Boddington. Apparently, gold extraction from the Boddington mine eclipses that from the Super Pit in Calgoorlie. Annual wealth generated from mining at Greenbushes is in excess of $6.2 billion I understand, and that from gold & copper mining in Boddington is of the order $3.0 billion. Contrasting with this, the rateable value of mining land in Greenbushes ($2,034,622) is and order of magnitude less than that in Boddington ($51,515,342), the consequences of which are enormous for the shire. Mining rates revenue for the shire represents only 4.6% of the total rates revenue levied, compared with 30.2% in Boddington. Does the cost of servicing the mining sector in Bridgetown-Greenbushes really represent only 4.6% of the total cost of servicing the whole of the district? I don't think so.

Wealth ($billions) generated by the mining sector in the Shire of Bridgetown-Greenbushes compared with Boddington
- including comparatives of the value of rateable land (mining as a percent of the total) and revenue generated from rates

	Annual Wealth*	Rateable Value - Mining	Rateable Value - All	Mining % of Rateable Value	Mining Revenue $	Revenue $ all sectors	Mining % of Total Revenue
Greenbushes (Lithium)	> 6.2	2,034,622	290,539,475	0.7%	246,609	5,343,483	4.6%
Boddington (Gold & Copper)**	3.0	51,515,342	224,253,354	23.0%	1,847,890	6,124,419	30.2%

* Annual wealth is an estimate of product value/profit in 2022-23 in $au billions.

** Value of alimina mined in Boddington and transferred to Worsely in Collie - not included.

For this reason I have come to the view that the Department's Consistency Matter 2 (… *reviewed and considered rates proposed in … similar local government districts …*) has not been correctly addressed.

I've run out of time and will have to wind up on that note. Thank you for listening to my concerns.

kind regards,
[redacted]

15.1.1 BUSHFIRE ADVISORY COMMITTEE RECOMMENDATIONS

RESOLUTION: OCM 207-24/25

Moved: Councillor L Pearce
Seconded: Councillor R Redman

That the Item of recommendation from the Bushfire Advisory Committee, be accepted as urgent business.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 208-24/25

Moved: Councillor J Mountford
Seconded: Councillor T Pratico

I shall move that Council, on the recommendation of the Bushfire Advisory Committee, that Council appoint the following persons by delegated authority for the 2024, 25 fire season.

Bush Fire Control Officers:

Bridgetown – Aaron McKnight

Catterick – Santo Pratico

Greenbushes – Tim Hingston

Hester Brook – Keith Clothier

Kangaroo Gully – Chris Doherty

Kangaroo Gully – Kendall Raneri

Maranup – Andrew Browne

Sunnyside – Martin Winchcombe

Wandillup – Robert Moyes

Winnejup – Hugh Wheatley

Yornup – Lyndon Pearce

Chief Bush Fire Control Officer: Greg Kennedy

Deputy Chief Bush Fire Control Officer: Chris Doherty

Deputy Chief Bush Fire Control Officer: Keith Clothier

Shire Appointed Bush Fire Control Officers:

Community Emergency Services Manager - Ben Armstrong

Emergency Services Officer - Bob McCance

Ranger - Donna Baker

Outgoing Fire Control Officers to have appointment removed:

Harry Welmink, Hal Reid, Kevin Wrightson

Amendment to include Annette Currie to be removed also.

FOR:	Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman
AGAINST:	Nil

CARRIED 9/0

ITEM 22 RESPONSES TO ELECTED MEMBERS QUESTIONS TAKEN ON NOTICE

Cr Pratico – Town Hall Completion Date

CEO Response – November 2024. The current budget does not include funds for public toilets, which require an additional $600,000. We are working with DFES to secure this money by using the town hall as an evacuation centre, making us eligible for DFES funding. This funding will help refurbish the toilets, including making them accessible for people with disabilities. We aim to source external funds instead of using ratepayers' money. The application process starts early next year, causing a delay in completing the toilets.

Cr Pratico – Councillors appear to now be paid in advance rather than arrears. This is poor governance because a councillor may leave owing the local government money.

CEO Response - Even with monthly payments, you were sometimes paid in advance and sometimes in arrears. We implemented fortnightly payments at the council's request. Payments can be 4 to 10 days in advance or arrears depending on the time of the month. Regular fortnightly payments mean sometimes paying slightly in advance, but only by up to 10 days. Changing to mid-month and end-of-month payments would complicate the schedule and incur additional costs, as the specific days would vary each month. Regular payments are needed to avoid monthly adjustments.

ITEM 23 ELECTED MEMBERS QUESTIONS WITH NOTICE

Cr Redman – To propose a motion that says that Council will make an undertaking that for the 2025-26 financial year, a detailed analysis of rates categories, minimum payments, and rates in the dollar is completed with a view to enhancing fairness and equity for rate payers.

ITEM 24 NOTICE OF MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

The next Ordinary Council Meeting is scheduled to take place on Thursday 29 August 2024 commencing at 5:30pm in the Council Chambers.

ITEM 25 MATTERS BEHIND CLOSED DOORS (CONFIDENTIAL ITEMS)

The Meeting will be closed by Council Resolution to the public under Part 5 Division 2 Section 5.23(2)(a) and (b) of the Local Government Act 1995 as the Items relates to : -

(a) a matter affecting an employee or employees

(b) the personal affairs of any person

RESOLUTION: OCM 209-24/25

Moved: Councillor T Pratico
Seconded: Councillor R Redman

That Council close the meeting to the public at 7:28pm to consider the confidential reports listed below in accordance with Section 5.23(2) of the Local Government Act 1995:

25.1 Project Officer for the Climate Change Action Plan Implementation Reference Group - Request for Funding

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

25.1 Project Officer for the Climate Change Action Plan Implementation Reference Group - Request for Funding

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MOTION

Moved: Councillor M Christensen
Seconded: Councillor R Redman

That Council support the Warren Blackwood Alliance of Councils in appointing a Project Officer for the Climate Change Action Plan Implementation Reference Group and contributes $10,000 per annum the officer's terms and conditions.

RESOLUTION: OCM 210-24/25

Moved: Councillor R Redman
Seconded: Councillor M Christensen

A motion was moved that Council invoke clause 18.1 to suspend standing orders at 7:30pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

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AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 211-24/25

Moved: Councillor T Lansdell
Seconded: Councillor T Pratico

A motion was moved that Council cease clause 18.1 to resume standing orders at 7:42pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

RESOLUTION: OCM 212-24/25

Moved: Councillor M Christensen
Seconded: Councillor R Redman

That Council support the Warren Blackwood Alliance of Councils in appointing a Project Officer for the Climate Change Action Plan Implementation Reference Group and contributes $10,000 per annum the officer's terms and conditions.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

The above mentioned report/s were provided to Elected Members under separate cover. The report/s are not for publication.

RESOLUTION: OCM 213-24/25

Moved: Councillor T Pratico
Seconded: Councillor J Boyle

That the meeting be open to members of the public at 7:43pm.

FOR: Crs J Mountford, S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman

AGAINST: Nil

CARRIED 9/0

Public Reading of Resolution

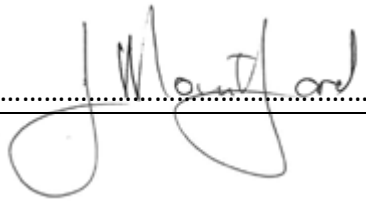
Should there be any members of the public in attendance at the re-opened Meeting, the Shire President is to read aloud the decisions made by Council while the Meeting was closed to the public.

ITEM 26 CLOSURE

The Presiding Member closed the meeting at 7:45pm.

It is noted that no members of the public returned to the meeting prior to closure.

As Presiding Member, I certify that the Minutes of the Ordinary Council Meeting held 25 July 2024 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 29 August 2024.



…… 29 August 2024