



Organisational Policy Manual



VERSION 4: MARCH 2020

REFER HISTORY SUMMARY

Reviewed	–	20 November 2008
Reviewed	–	26 November 2009
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Reviewed	–	11 January 2017
Reviewed	–	4 April 2017
Reviewed	–	23 February 2018 (C2018-0214)
Version 2.3	–	April 2019
Version 3	-	September 2019
Version 4	-	March 2020
Reviewed & Amended	-	November 2020

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HISTORY SUMMARY

Version	Meeting / Action	Purpose	Policy affected
1.1	August 2008	Adoption	All (full review)
1.2	November 2008	Review	2.1, 5.4, 7.3, 8.1, 9.1, 11.2, 11.4
1.3	February 2009	Inserted	Adopted 2.4
1.4	June 2009	Inserted	Adopted 2.5
1.5	August 2009	Inserted	Adopted 1.8, 13.3
1.6	November 2009	Review	Amended – 1.3, 1.7, 7.6, 11.5 Adopted – 1.9, 2.6 5.5, 7.8, 7.9, 11.11, 12.4 Confirmed – 10.1
1.7	January 2010	Amended	Amended – 3.2 (C2010-0135) Conference & Training
2	DRAFT – currently being prepared from review with Council Nov 2010	Proposed but not completed	All (Full review) NB: the litany of events (flood, fire, mining agreements, IPR, staff turnover) and ambitious (successful) capital works and community program 2010-2013 meant that the full review of policy was not completed. Policy was updated on as needs/urgent basis and a number of new strategic policies were added. Refer recommendation to February 2014 ordinary meeting – recommend that Council resources a comprehensive review of policy and delegations to improve efficiency, compliance and useability.
1.7	Updates from August 2011 to December 2013		<ul style="list-style-type: none"> ▪ C2010-0135 Policy & schedules 3.2 Conference and Training ▪ C2011-0804 Policy 2.4 Material Variances ▪ C2011-0706 Policy 2.1 Capitalisation of Assets ▪ C2011-0513 Policy 11.1.1 Selection Panels (new) ▪ C2012-0706 Policy 3.8 Complaints ▪ C2012-0418 Policy 11.5 Superannuation ▪ C2012-0419 Policy 11.6 Interview Travel Cost and 3.2 Conference and Training C2012-0419 ▪ C2013-0202 Policy 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire Roads) (new) ▪ C2013-0520 Policy 11.12 Integrated Planning: Workforce Planning and Management (new) ▪ C2013-0506 Policy 13.5 Road use (RAV Haulage) Agreement (new) ▪ C2013-1005 Policy 2.7 Integrated Planning: Long Term Financial Planning (new) ▪ C2013-1208 Amendment of Policy 1.6 – Councillors Recognition of Service ▪ C2013-1209 Amendment to Policy 11.4 Staff Housing - Subsidies
1.8	February 2014	Review	Amend: 1.3, 7.1, 13.4, 13.5 (C2014-0239) Delete: 2.1, 2.3, 2.4, 2.6 (2014-0238)
2.0	23 February 2018 (C2018-0214)	Adopted & Inserted New	Policy 3.8 Complaints – Inserted 3.8(A) Grievances, Investigations & Resolution Policy, and 3.8(b) Discrimination, Harassment and Bullying Policy

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Version	Meeting	Purpose	Policy affected
3	September 2019 Inserted	Organisational Risk Management	1.12
3	September 2019 Inserted	Social Media Policy	1.13
3	September 2019 Amended	Policy Manual Policy ASSB 1051replace with Policy 00 Hierarchy Model 2019	
3	September 2019 Inserted	Event Management Policy	5.6
3	September 2019 Inserted	Buy Local Policy	7.2A
3	September 2019 Inserted	Regional Preference Policy	7.2B
3	September 2019 Updated Fit for Work Policy	Drugs Alcohol and Fatigue	10.3
3	September 2019 Inserted	Integrated Planning – Asset Management Policy	10.5
3	September 2019 Amended	Private use of vehicles	12.1
3	September 2019 Inserted	CEO performance Review Process	11.1.2
3 /4	September 2019 Inserted in version 3 and March 2020 updated in version 4 post first event	Christmas party for children residing in Shire	7.10
4	March 2020 C2012- 0419 deleted Reviewed and updated to become 3.2A	Conference and Training Policy deleted, replaced by officers training policy in Employee orientation and HR Manual. Councillors attendance at Events	3.2
4	March 2020 Updated	Purchasing thresholds updated	7.2B
4	March 2020 Reviewed	SOY Education scholarships and donations <i>Value reviewed</i>	7.9

INTRODUCTION

This Policy Manual has been prepared to complement the Delegations Register adopted by Council. Should a discrepancy exist between Delegation and Policy, the Delegation is to be followed.

Statutory Context

Policy is subordinate to Delegations, which have a statutory context in which they are made, whereas Policy does not.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various officers.

Delegation gives authority or instructs a particular action to be carried out. Generally, policy details how a function is to be carried out, or the standards to be met, where the action is considered to be normal duties of a position.

Definitions

The LG Act has not defined the term “delegation” or “delegated power”, however:

s.5.16 refers to “... the exercise of any of its powers and duties ...”

s.5.42 refers to “... the exercise of any of its powers or the discharge of any of its duties ...”

The term “policy” is not defined anywhere in the LG Act.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with all enabling legislation referred to within each of the specific delegations.

- “Authority” means the permission or requirement for a Committee or an officer to act in accordance with:
 - the Local Government Act or other legislation or regulation,
 - a delegation made by Council,
 - a policy made by Council, or
 - a specific decision by Council.

“Delegation” means the authority for a Committee or the CEO to act on behalf of Council, where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organisational responsibility.

“Policy”, as the context requires, means either:

- a procedural direction to officers to implement Council’s wishes or instructions in a specific way; or
- the authority for officers to act, where that authority is not considered to be a delegation, but more procedural in nature.

“Instruction” means the requirement for a staff member to act in accordance with a direction given by a senior officer of Council.

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DLGRD Guidelines No.17 – Delegations

The Department of Local Government and Regional Development has published Guidelines for the formation of Delegations.

Of note, the Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision- making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters, similarly, not all “acting through” matters will have listed. Policy describes how that action or some other action, is to be carried through.

New Policies

Council may make new policies at any time. However, unless specifically resolved that the authority is to be included in the Policy Manual, the direction to act is for a specific matter, and is not a general or on-going direction. They must ensure that new or updated policies are also updated in the appropriate Management guidelines and manuals as appropriate (refer to the diagram on the following page)

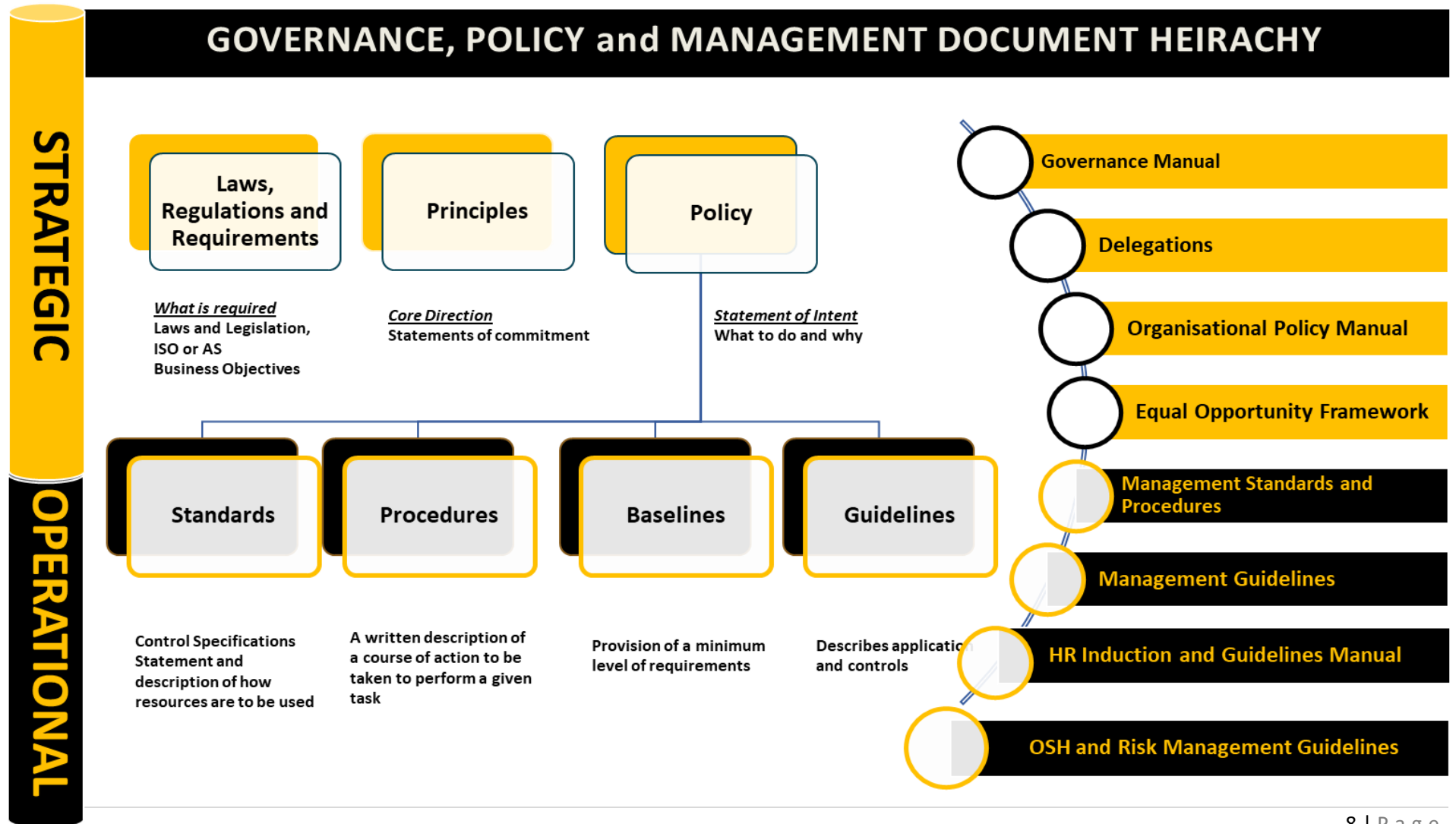
Review of Policies

There is no required timetable for the review of policy, however, it is suggested that it should be done regularly to ensure that policies are relevant, current and understood. It is a requirement of the Local Government Act s.5.18 and s.5.46 (1) that all delegations made under the authority of that Act, be reviewed at least once in each financial year. To maintain the Policy Manual up to date, it should be reviewed at least once a year, and a report made to Council on matters needing amendment or inclusion.

NB: The policies in Section One of this Council Policy Manual have been duplicated in the Elected Members Governance Manual used for inductions of new Councillors and must be updated there when changes are made, or new Governance Policies approved.

POLICY HEIRACHY 2019

The policies outlined in this document have been classified for review and approval using the following hierarchy to demonstrate effective and appropriate governance and management of policies and procedures



COUNCIL / GOVERNANCE

1.1 Code of Conduct

Introduction	The Local Government (Rules of Conduct) Regulations were Gazetted in 2007, effective following the Local Government elections.	
Objective	The Regulations apply to Councillors, but not to employees or members of the public who may be appointed to a Committee.	
History	Adopted	21 August 2008

1. The following Policy Schedule 1.1 – Code of Conduct is adopted, and forms part of this Statement.
2. The Code of Conduct applies to –
 - Councillors, insofar as it is not contradicted by the Local Government Act or Rules of Conduct Regulations,
 - all employees
 - any employee which, for the purpose of the Code of Conduct, means a person employed by the Shire under section 5.36 of the Local Government Act and any volunteer worker,
 - consultant or contractor engaged by the Shire.
 - members of the public appointed to a Committee of Council.
 -

POLICY SCHEDULE 1.1 – CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS & STAFF

Based on WALGA Model of February 2008

PREAMBLE

The Code of Conduct provides Council Members, Committee Members and staff of the Shire of Yalgoo with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in –

- (a) better decision-making by local governments
- (b) greater community participation 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.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective responsibilities may be based.

STATUTORY ENVIRONMENT

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

1. ROLES

1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Shire will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

"A Councillor —

- (a) Represents the interests of electors, ratepayers and residents of the district*
- (b) provides leadership and guidance to the community in the district*
- (c) facilitates communication between the community and the council*
- (d) participates in the local government's decision-making processes at council and committee meetings and*
- (e) performs such other functions as are given to a Councillor by this Act or any other written law."*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community
- achieving sound financial management and accountability in relation to the Local Government's finances
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns
- working with other governments and organisations to achieve benefits for the community at both a local and regional level
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

1.2 Role of Staff

The role of staff is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995: -

"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 law*
- (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 Shire President 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 Shire President or president agrees*

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- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 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.”*

1.3 **Role of Council**

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

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

1.4 **Relationships between Council Members and Staff**

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council’s corporate goals and implement the Council’s strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

- accept that their role is a leadership, not a management or administrative one
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

2. **CONFLICT AND DISCLOSURE OF INTEREST**

2.1 **Conflict of Interest**

- (a) Council Members, Committee Members and staff 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) Staff 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 making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council’s functions (other than purchasing the principal place of residence).
- (d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

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- (e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination, and this is supported by anti-discriminatory legislation.

2.2 Financial Interest

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest

Definition:

In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -

"interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- (a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person 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.
- (b) A person who is an employee and 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 person is required to disclose the nature of any interest the person 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.
- (c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- (d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), 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) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
 - (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person'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. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Council Members and staff will not take advantage of their position to improperly influence other Council Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts

Definition:

In this clause, and in accordance with Regulation 34B of 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;*

“gift” has the meaning given to that term in S 5.82(4) except that it does not include -

- (a) a gift from a relative as defined in S 5.74(1); or*
- (b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

“notifiable gift”, in relation to a person who is an employee, means -

- (a) a gift worth between \$50 and \$300; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

“prohibited gift”, in relation to a person who is an employee, means -

- (a) a gift worth \$300 or more; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*

- (a) A person who is an employee is to refrain from accepting a prohibited gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- (b) A person who is an employee and who accepts a notifiable gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or

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- (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
- (c) The notification of the acceptance of a notifiable 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 a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,of each other gift accepted within the 6-month period.
- (d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- (e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- (f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

4.1 Personal Behaviour

- (a) Council Members, Committee Members and staff will:
- act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - always act in accordance with their obligation of fidelity to the Local Government.
- (b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

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- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Shire President/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Council Members and Committee Members will always exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council and treat all members of the community honestly and fairly.

4.4 Compliance with Lawful Orders

- (a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- (b) Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

(a) Standard of Dress

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly:

- (i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

(b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
 - as a member of the Council there is respect for the decision-making processes of the Council which are based on a decision of the majority of the Council;

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- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and staff will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

Council Members, Committee Members and staff will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

5.3 Access to Information

- (a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- (b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

– End of Schedule

1.2 Standing Orders

Introduction	There is no requirement for a local government to adopt standing orders (as a local law) though it is hard to imagine a Council meeting functioning smoothly without rules of debate. The Shire of Yalgoo recognises this as a broad need and has opted down the path of an abbreviated version of rules in policy format rather than a formal local law.	
Objective	To set down rules of debate for Council or Committee meetings that satisfy the needs of the Shire of Yalgoo.	
History	Adopted	19 July 2007
	Former Policy	1.5
	Amended / confirmed	21 August 2008

Policy Statement

The following Policy Schedule 1.2 – Standing Orders is adopted, and forms part of this Statement.

– End of Policy

POLICY SCHEDULE 1.2 – STANDING ORDERS

1. Interpretation

In this policy, unless the contrary intention appears,

“absolute majority”	“motion”
“CEO”	“meeting”
“committee”	“member”
“council”	“president”
“councillor”	“presiding member”
“local government”	“prescribed,”

shall be interpreted as defined in the Local Government Act 1995.

“Agenda” means a customary list of matters for consideration by the Council or Committee.

“Clause” means each numbered clause of this policy.

“Deputation” means any persons appearing before the Council or a Committee on specific business, other than within the time set aside at the commencement of the meeting for submissions and questions from members of the public.

“Reports” means committee or officer reports supported by a précis, administrative comment (where appropriate) and recommendations that are included in the agenda for Council consideration.

“Standing Orders” means this text.

2. Proceedings to be Conducted According to Standing Orders

The proceedings and business of the Council shall be conducted in accordance with Act, the regulations and any other State law, and where not specifically prescribed, according to this policy.

3. Notice of Meeting – Members to Receive Notice

Notice of a Council or Committee meeting shall be given by CEO in accordance with the Act by means of an agenda setting out the matters for consideration.

4. Notices of Motion – Councillor

A councillor may bring forward business in the form of a written motion, which shall be given to the Chief Executive Officer, either at the meeting previous to the meeting at which it is intended to move the motion, or at any time thereafter, up to 24 hours before the close of the agenda.

5. Agenda

Notice required in clause 3 shall be in the form of an agenda setting out the matters for consideration and decision by the council which shall be closed by the CEO at such a time so as to ensure compliance with the requirements of the Act.

6. Urgent Business

General business will not be admitted to Council.

In cases of urgency or other special circumstances, where a matter cannot or should not be deferred until the next meeting, urgent items may, with the consent of a majority of Councillors present, be heard and dealt with. Any such business shall be in the form of a clear motion, and the President may require such a motion to be written and signed by the Councillor or officer proposing the motion or recommendation.

7. Deputations

Persons wishing to appear before Council or a Committee as a deputation should apply to the CEO at least one week before the date of the meeting, specifying the purpose of the deputation and the number of persons in the deputation. Deputations may be permitted at the discretion of the Presiding Member or by a resolution of the Council or Committee (as the case may not be). Not more than two members of a deputation may address the Council or Committee, except to answer questions from members of the Council or Committee.

8. Ordinary Meeting – Order of Business

As far as practicable, proceedings of the ordinary meeting of the Council shall be:

1. Declaration of Opening/Announcement of Visitors
2. Record of Attendance/Apologies/Leave of Absence
3. Disclosures of Interest
4. Public Question Time
 - Response to Questions Taken on Notice
 - Questions Without Notice
5. Petitions/Deputations/Presentations/Submissions
6. Notice of Matters to be Discussed Behind Closed Doors
7. Applications for Leave of Absence
8. Announcements Concerning Meetings Attended
9. Confirmation of Minutes
10. Minutes of Committee Meetings
11. Reports of Officers
12. Notices of Motion
 - Previous Notice received
 - For Consideration at the Following Meeting
13. Urgent Business
14. Matters for which the Meeting may be Closed
15. Next Meeting
16. Meeting Closure

Deputations may be received at the time determined by the Presiding Member, to fit the purpose deputation to the deputation to the order of business or generally to suit the convenience and good conduct of the meeting.

10. Role of the Presiding Member

- a) The Presiding Member may direct attention to any matter of interest or relevance to the business of the meeting or propose a change to order of business. Any member may move that a change in order of business proposed by the Presiding Member not be accepted and if carried by majority of members present, the propose change in order will not take place.
- b) The Presiding Member may take part in a discussion upon any question before the council, subject to the same conditions as applicable to any Councillor.
- c) To preserve order, when the Presiding Member indicates a wish to speak during the progress of a debate, any member then speaking shall immediately cease. Every person present shall observe silence in order that the Presiding Member may be heard without interruption. This clause is not to be used by the Presiding Member in the exercise of the right to take part in Council discussion.
- d) A Councillor may move a motion to disagree with a ruling made by the Presiding Member. The Presiding Member must immediately call for a seconder and put the motion without debate.

9. Public Conduct at Meetings

- a) Any person or persons may attend meetings of Council provided that there is no expression of dissent, approval or level of conversation that interrupts the proceedings of Council (except by any person making public statements or asking a question in accordance with clause 7).
- b) In the event of an interruption, the Presiding Member may request that the person or the persons cease to do so. If they do not comply, the Presiding Member may direct that the person or persons immediately withdraw from the meeting room. Failure to comply with such a direction shall constitute an offence against these Standing Orders.

11 Maintenance of Order

- a) Members shall speak of each other and staff during this meeting by their respective titles of President, Councillor or CEO. Members shall not impute motives or use offensive or objective expressions in reference to any member, officer of the council, or any other person.
- b) If a member commits a breach of the preceding clause, the Presiding Member, or the Council by resolution, may require that member to withdraw unreservedly any offending comment and to make a satisfactory apology. If the member refuses to do so, the Presiding Member shall direct the member to cease speaking.
- c) A Councillor wishing to address a meeting shall indicate by raising a hand. When invited by the Presiding Member to do so the councillor may address the Council through the Presiding Member.
- d) Councillors shall restrict remarks to the matter under discussion, or to an explanation or point of order.
- e) All addresses shall be limited to maximum of five minutes. Extension of time is permissible only with the agreement of the majority of members.
- f) No member shall interrupt another member whilst speaking unless to raise a point of order or call attention to the absence of a quorum.

12 Procedures for Debate of Motions

- a) It shall be the function of the Presiding Member to determine the majority opinion of the Councillors present at a meeting of any motion placed before the meeting.
- b) As determined by the Presiding Member, recommendations presented on the business paper and serially numbered, may be offered to the meeting as a block for Council endorsement and such motions, with or without amendment, may be moved and seconded as a whole as a motion of the Council. Each item adopted by the Council shall become a resolution of the Council and shall be recorded in the minutes.
- c) Block voting shall not apply in cases where an absolute majority voting is required by the Act.

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- d) Before debate is opened, the motion must be moved and seconded. A motion not being seconded is to be considered and recoded as lapsed.
- e) The elected member moving a motion is not under any obligation to move the recommendation of an Officer but shall give due consideration to the Officer's recommendation on the matter, which may be moved verbatim, or with changes to the wording. If the Officer's recommendation is varied, either in the original motion or by formal amendment, the elected member moving the motion must also provide the reason for variation, to be recorded in the Minutes, as required by the Act.
- f) When a motion is under debate, no further motion shall be accepted.
- g) The Presiding Member will call speakers to a motion in the following order:
 - (i) The mover to state the motion
 - (ii) A seconder to the motion
 - (iii) The mover to speak to the motion
 - (iv) The seconder to speak to the motion
 - (v) A speaker against the motion
 - (vi) A speaker for the motion
 - (vii) Other speakers against and for the motion, alternating in view, if any
 - (viii) Mover takes right of reply which closes debate
- h) If the Presiding Member believes enough discussion has taken place even though all members may not have spoken, he may offer the right of reply to the mover to close the debate.

13. Procedural Motions

To expedite meetings of Council, procedural motions are not required to be in writing but must be moved and seconded –

- a) *"That the Council do now adjourn until (state time and date)."* If carried, will clause the meeting to stand adjournment as specified to any other time not more than seven days from date of adjournment.
- b) *"That the motion be now put."* If carried without amendment requires the Presiding Member to offer the mover the right of reply, and then immediately put the motion to the meeting. If carried during debate on an amendment requires the Presiding Member to put the motion without any right of reply.
- c) *"That the Councillor be heard no longer heard."* If carried this motion requires the Presiding Member not to allow the speaker to speak any further on the motion, excepting the right of reply if the speaker was the mover of the motion.
- d) *"That the ruling of the Presiding Member be disagreed with."* If carried this will cause the ruling of the Presiding Member to be reversed, and for the meeting to proceed accordingly. Such a motion cannot be moved in the case of the Presiding Member's adjournment of the meeting to regain order.
- e) *"That the Council meet behind closed doors."* If carried this will cause the public and any officer or employees the Council determines to leave the room, unless remaining with the consent of Council.
- f) *"That Standing Order (clause or clauses to be stated) be suspended."* If carried will cause the procedure of these standing orders to be suspended in part or in the whole.
- g) *"That the matter lay on the table until (specify meeting)."* If carried, has the effect that all consideration and discussion of the matter is deferred until the meeting specified.

14. Decision Making Processes

- a) Amendments – Any number of amendments may be proposed to a motion, but whenever any amendment is made upon a motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.
- b) Foreshadowed Motion – During the course of debate on an amendment to a motion, a member may give notice of intention to move a motion or amendment when the question before the meeting is decided.

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- c) Motion – If an amendment to a motion is carried, the motion as amendment shall then be submitted as the motion and shall become the question before the meeting upon which any member may speak and any further amendment may be moved.
- d) Consent of Seconder Required to Accept Alteration of Wording – The mover of a motion may not alter the wording of the motion without the consent of the seconder.
- e) Withdrawal of Motion and Amendments – Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment shall not continue.
- f) Limitation of Motion and Amendments – Where an amendment has been proposed to a motion, the motion shall not be withdrawn, except by consent of the, majority of members present, until the amendment proposed has been withdrawn or lost.
- g) Right of Reply – The mover of a motion shall have the right to reply. After the mover of the motion has commenced the reply, no other member shall speak on the question. The reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.
- h) All Members to Vote – Save where the Act otherwise provides, at every meeting of the Council every member shall vote, and if any member who is entitled to vote fails to vote, the Presiding Member shall call upon the member to vote.
- i) Method of Taking Vote – In putting the questions to the council, the Presiding Member may ask whether there is no objection to the motion, and if not, the motion is deemed carried unanimously. If objection is raised to the motion, the Presiding Member shall put the question as often as necessary to determine the decision from a show of hands before declaring a decision.
- j) Declaration of Vote – The Presiding Member shall declare the vote to be carried or lost, stating the number of votes in favour and against the motion.

15. Points of Order

- a) Procedure – Upon a matter of order a Councillor may raise a point of order including interrupting the speaker. A Councillor shall immediately cease speaking while the Presiding Member considers the point of order.
- b) Definition – The following definitions shall constitute a point of order –
 - Discussion of a matter not before the Council or Committee.
 - Use of offensive or insulting language.
 - Violation of any provision of this policy, provided that the Councillor raising the point of order states the standing order believed to be breached.
- c) Ruling – The Presiding Member shall give a decision on any point of order after the point has been raised by upholding or rejecting it. The ruling of the Presiding Member shall final, unless a majority of the members support a motion of dissent with the ruling.
- d) Precedence – All points of order take precedence over any other debate and until decided and suspends the consideration of every other matter.

16. Committees of Council

- a) The Council shall, at the first meeting held after each ordinary election day, review all appointed committees.
- b) Power and Duties – The power and duties of Committees shall be defined and delegated to them by resolution carried by absolute majority of the Council and recorded in the Delegations Register. The constitution and practice of the Committees shall accord with the Act.
- c) Recommendations of Committees – The recommendations of a Committee shall be presented to the next appropriate Council meeting.

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- d) Inspection of Plans – All plans referred to in any recommendation of the Committee shall lay on the table of the Council Chamber for inspection by Councillors at the meeting at which the matter is being considered.
- e) Rights and Responsibilities of Councillors who are not Committee Members – Councillors who are not members of a committee may attend all meetings of all Committees and may participate only at the invitation of the Presiding Member but may not vote. Travel expenses are payable only to Councillors who are members of the Committee unless specifically authorised by Council by resolution prior to the committee meeting.

17. Chief Executive Officer – Duty

It is the duty of the Chief Executive Officer to draw the attention of the Council, any breach or likely breach of these standing orders even if it requires interrupting any person who may be speaking.

– End of Schedule

1.3 Authorised Meetings – Payment Claim

Introduction	The Local Government Act 1995 provides two different classifications of expenses that can be reimbursed to members. They are those that “shall” be paid and those that “may” be paid		
Objective	To establish the basis upon which Council will reimburse travel and other expenses (accommodation and meals) pursuant to section 5.98 of the Local Government Act 1995 (Discretionary Expenses)		
History	Adopted	19 April 2007	ref OC0412
	Former Policy	1.3	
	Amended / confirmed	21 August 2008	
	Amended	26 November 2009	
	Amended	20 February 2014,	C2014-0239

Policy Statement

1. Council will reimburse travel and other expenses where Members of Council have been appointed as delegates by resolution of Council as well as where there is a requirement for a Councillor to attend interviews for senior staff or CEO positions.
2. Refer also Policy 3.2 – Conference and Training Expenses concerning accommodation, meals and out-of-pocket expenses etc

– End of Policy

1.4 Council Chambers Usage

Introduction	The purpose of this policy is to ensure the Chamber is used as a fit for purpose space.	
History	Adopted	unknown
	Amended	unknown
	Former Policy	1.4
	Amended / confirmed	19 February 2016

Policy Statement

1. The Council Chambers are not available for general use.
2. Where the meeting involves the Shire as an organisation or is of importance to the Shire, the CEO has discretion to approve use of the Chambers, for example –
 - meetings with/by visitors (e.g. parliamentarians, government agencies, developers etc)
 - administrative – audit, consultants, meetings requiring additional privacy etc.
3. No meals are to be consumed in the Chambers.

– End of Policy

1.5 Portraits in Council Chambers

Objective	To ensure appropriate portraits are displayed in the Council Chambers	
History	Adopted	22 November 1999
	Former Policy	1.6
	Amended / confirmed	21 August 2008

Policy Statement

That, subject to the agreement by the immediate families, the portraits of Presidents and members of fifteen years service or more of the Council of the Shire of Yalgoo or the Yalgoo Roads Board be exhibited in the Council Chambers.

– End of Policy

1.6 Councillors Recognition of Service

Introduction **The Minister for Local Government must give Councillors written exemption from the requirement to declare a financial interest prior to any change to this Policy.**

This Policy is a Financial Interest as defined by the Local Government Act s.5.60 and 5.60A and an exemption from the Minister under s.5.69, is therefore required prior to any amendment, alteration or revocation of the Policy whatsoever.

Although Councillors can claim travel, meeting expenses etc as of right, it is considered appropriate that there be some recognition from the Shire on behalf of the community, for their commitment to the district. Where qualifying, enquiries should also be made through the Department of Local Government to obtain a Certificate of Appreciation from the Minister.

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Objective	To recognise the service of, and show appreciation to, departing Councillors.		
History	Adopted	16 November 2007	
	Former Policy	3.18	
	Amended / confirmed	21 August 2008	
	Amended	5 December 2013	C2013-1207

Policy Statement

1. Each departing Councillor shall receive an appropriate plaque or certificate of service.
2. The CEO is to arrange a suitable gift for departing Councillors, as per section 34AC of the Local Government (Administration) Regulations 1996.
3. Presentation of the plaque or certificate and gift will generally be made at the final meeting being attended by the Councillor, or at the Annual Shire Christmas function.
4. Multiple terms of service as a member of Council are to be considered individually according to each period, and not cumulatively.
5. Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government.

1.7 External Organisations – Council Representatives

Introduction	Council nominated representatives to several external organisations from time to time, but the nominated person may not always be available.		
Objective	To ensure that Council is represented by an authorised nominee at meetings, by specifying the organisations and order of precedence to represent Council.		
History	Adopted	21 August 2008	
	Amended	26 November 2009	

Policy Statement

1. Council nominates the following people to the external organisations listed –
 - Murchison Vermin Regional Council
 - Murchison Country Zone of WALGA
 - Regional Road Group and sub-Group
 - Yalgoo LCDC
 - Crosslands Resources Community Liaison Committee
2. Nominations as Council representatives to external organisations are to be reviewed at the first meeting following the ordinary Local Government elections, and new nominations to be delegates until the meeting following the next ordinary Local Government elections, subject to the provisions of the Local Government Act.
3. Should a representative or deputy representative resign their nomination or become disqualified to continue as a Councillor, their nomination lapses immediately, and Council will decide a new nomination at the next meeting.
4. Subject to the Constitution or Rules of the Organisation, if precedence needs to be determined due to unavailability or for some other reason, the order of priority will be –
 - a) Council's nominated representative/s
 - b) Council's nominated deputy representative/s

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- c) President
- d) Deputy President
- e) Past Presidents in order of most recent retirement
- f) Councillors in order of length of service
- g) CEO

This table is to be updated post Elections each year

Organisation	Delegates and number		Deputy/s
Murchison Vermin Regional Council	2	Cr G. Payne & Cr P. Lawson	
Murchison Country Zone of WALGA	2	Cr G. Payne & Cr G. trenfield	Cr R. Valenzuela
Regional Road Group and sub-Group	2	Cr R. Valenzuela & Cr P. Lawson	Cr G. Payne
Yalgoo Land Conservation District Committee	2	Cr P. Lawson & Cr T. Hodder	
Yalgoo Arts & Cultural Committee	2	Cr G. Payne, Cr G. Simpson & Cr T Hodder	

1.8 Elected Member Records – Capture and Management

Introduction	The State Records Office requires elected members to retain and produce various records.	
Objective	To meet the obligations imposed on elected members and the organisation by the SRO under the State Records Act.	
History	Adopted	28 August 2009

Policy Statement

1. State Records Office policy which imposes the obligations on elected members and the organisation under the State Records Act, as advised on 30 July 2009, is –

In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision-making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.

Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision-making processes of Council.

2. Each elected member is responsible for determining which records are required for capture and management, and submission of the record to the CEO, for storage.
3. The Shire as an organisation, in meeting its obligations to facilitate the capture and management of elected member records will –
 - provide a collection point readily accessible to each elected member to deposit the required materials

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- materials collected will be separated according to elected member and financial year of deposit
 - for electronic records (emails, digital photos etc), a CD suitable for backup of all electronic records will be provided at least once per year,
 - the CD then to be deposited with other required materials,
 - where a copy of the record is to be retained by the elected member, photocopying or other duplicate as necessary, will be provided without charge.
4. Access to the records created may be required, and is to be facilitated by the CEO –
- as permitted under various legislation such as the Local Government Act, the Freedom of Information Act etc,
 - by order of an authorised body such as the Standards Panel or a Court of law etc,
 - by a representative an authorised body such as the Ombudsman or Crime and Corruption Commission etc.

In effect, any form of record which may affect accountability or contribute to a decision or action made as a Councillor must be retained. These records may be –

- physical – a letter, a handwritten note, a photo someone sends to you to in explanation/complaint, an agenda where you have made notes on various items, etc
- electronic – an email or document sent as an attachment to an email, digital photo, an e-file that is sent for review or comment
- audio – message left on your answering machine, although this is likely to be unusual, since rarely are many details left in a message, but it is a record.

The records are not only those you receive, but also those that you create, such as –

- a note of a conversation where someone asked you to pursue a particular matter,
- a letter that you write in the capacity of Councillor,
- an email you send as a Councillor

The records only need to relate to those *“affecting the accountability of the Council and the discharge of its business ... up to and including the decision- making processes of Council”*. It is the elected members decision and judgement as to what extent this applies, and it is suggested that this not be further defined.

The principles of relevance and ephemerality apply, for example –

- a note to remind you to phone a person is ephemeral, but notes of the conversation may not be
- a copy of an agenda that has no notes made is irrelevant, as the document can be reproduced by the Shire
- a promotional brochure or conference information is not relevant

- End of Policy

1.9 Shire Logo

Introduction	The Shire's logo is copyright to the Shire.	
Objective	This Policy is intended to provide guidance concerning use of the logo.	
History	Adopted	26 November 2009

Policy Statement

1. **The logo of the Shire is –**



2. **The logo should be used –**

- on all Shire publications, letterheads, promotional materials etc
- where the Shire has provided sponsorship or support for a program, activity or advertisement
 - o e.g. – scholarship programs, ICP support etc

3. **Private use of the logo is not permitted unless approved.**

- Private use of the logo will only to be permitted where there is some identifiable benefit to the Shire or community. The proposed use benefits the Shire or community through promotion of the district, directly or indirectly, for example –
 - permitted on a tourism promotion brochure indicating a facility or event is located within the Shire
 - not permitted on private communications, advertising etc
 - on materials which are provided by the Shire, or
 - without the prior approval of the CEO

4. Approval for use of materials provided by the Shire or for private use of the logo may be withdrawn if Council is of the opinion that it is being misused or is for an inappropriate purpose.

For example –

- to imply Shire support of a specific service, activity etc in preference to others, where no such support has been given
- to imply Council authorisation or endorsement of a specific person or position, where no such endorsement has been given.

– End of Policy

1.10 Digital Recording of Proceedings in Council Meetings

COMMENT

C2020-0614: Deleted 26 June 2020 in accordance with council decision at its Ordinary Council Meeting held 19 December 2019.

1.11 Community Engagement and Consultation

Policy Type: Organisational

History Adopted TBA

Legislative Environment Local Government Act (1995) – Regulation S5.56(2)

Associated Policies or Frameworks *DLGC* WA Integrated Planning and Reporting Framework 2011

Policy Purpose

This policy sets out the governing principles for community engagement and consultation that underpin the Integrated Planning and Reporting framework to ensure the strategic direction of the organisation is with in keeping with community values and aspirations.

Objectives

The objective of this policy is to provide guidance to Councillors and Officers in planning, implementing and reviewing community engagement and consultation for key projects, strategic planning and policy development. This will ensure informed decision-making, transparency, timely and effective communication with key stakeholders and the general community.

Policy

- Council is committed to providing leadership and a strong commitment to information sharing, consultation and active participation of the community in contributing to the decision making process.
- Council acknowledges the right of the community to access information, provide feedback, be consulted and actively participate in strategic planning or in key projects of service development. Council's obligations to respond to the community when exercising these rights will be clearly stated in specific consultation processes.
- Objectives for, and limits to, information, consultation and active participation during planning, project and key service development will be defined from the outset. The respective roles and responsibilities of the community (including individuals and groups) and Council (including Councillors and officers) will be made clear as well as to who makes final decisions once the information is analysed.
- The approach for specific consultations will be tailored to the target audiences and consider all other factors outlined in this policy.
- Consultation will be undertaken as early in the planning process as possible to allow to widen the scope of consultation and to improve the outcomes. Adequate time will be made available for consultation to be effective.
- Information provided by Council during planning, project and key service development will be objective, complete and accessible. All those involved in a consultation process will have equal treatment when exercising their rights of access to information and participation.
- Council will ensure adequate financial, human and technical resources are available to make a consultation initiative effective. The allocation of resources will be considered in relation to broader

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budgetary restraints and the implications to existing priorities. Council will support its officers in consultation initiatives.

- Consultation on specific planning, project and key service development will be coordinated across Council to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of “consultation fatigue” within the community.
- Council will be accountable for the use made of input from a consultation process. Council will ensure consultation processes are open, transparent and amenable to external scrutiny and review.
- Council will actively and openly evaluate its consultation processes and practices in planning, project and key service development. The results of evaluation will directly impact upon future consultation initiatives.

Outcomes

Measures of success of consultation will include assessments of whether:

- The interests of all parties have been served
- Expectations concerning the process have been met
- Consensus, consent and commitment have emerged
- The process has encouraged generation of the best options
- Objective criteria have been used to assess the different options under consideration
- Understanding has been enhanced
- Relationships between Council and the community and within the community have been enhanced.
- The decision resulting from the consultation has been stable and enduring.

Responsibility

Responsibility for the implementation of this policy rests with the Council, CEO and staff of the Shire

This policy is to remain in place unless otherwise resolved by Council

1.12 Organisational Risk Management

Rationale

The purpose of risk management is to develop a culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects. It also is designed to reduce the potential costs of risk by reducing liability, preventing litigation and improving loss control. Risk management is a key process in developing the strategic direction of the shire.

The key drivers for risk management are the councillor's responsibility for due diligence as good corporate governance practice and the due diligence requirements by the insurance industry which impacts on the cost of insurance.

Policy Statement

The Council is committed to managing risk in the Shire and will implement the principles of the ISO 31000: 2019 Risk Management Standard as the minimum standard.

It is understood by the Shire that risk management is the systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risk.

The Audit and Risk Committee will be responsible for ensuring there is a Risk Management Plan for the Shire. The Council recognises that adequate resources are needed to implement the risk management program.

The officer responsible for the Risk Management systems and processes of the Shire must ensure that all risk management processes and assessments are fully documented and managed through the records management system.

References

Risk Management Standard AS / ISO 31000 2019 _ Standards Australia

Scope

This policy covers all the operations of the Shire, including corporate governance, legal compliance, infrastructure, business risks, capital assets, finances, information technology, human resources, service delivery and events management.

Objectives

- To develop and implement the principles and practices of the risk management standard. Management
- To define the Shire's tolerance to risk and communicate it throughout the Shire.
- To communicate with the community about the Shire's approach to risk.
- To protect and enhance the reputation of the council.
- To develop a risk management plan which is aligned to the integrated planning processes.

Responsibilities

Audit and Risk Committee is responsible for:

- Ensuring there is a risk management plan for the Shire,
- Establishing the risk tolerance level of the Shire adopted by council.

CEO: is responsible for:

- Reporting to the Council on the implementation progress of the risk management standard and ongoing management of risks in the organisation on a *pre-determined frequency* basis.
- Communicating the policy to all Councillors, employees, contractors and consultants
- full implementation of risk management throughout the Shire,
- ensuring that the Risk Management Policy is adopted, communicated throughout the Shire, and included in induction programs.
- ensuring that the Risk Management Policy and Plan are reviewed annually
- Displaying a copy of the policy on staff notice boards or through other relevant communication mediums
- Ensuring that risk management is a standard agenda item at all meetings including toolbox meetings.
- Development of risk management skills through training and education.
- Development of risk management skills through training and education.
- Identifying and measuring performance indicators for risk management that cascade from the risk management plan to position descriptions and performance appraisals.
- Establishing and maintaining the central risk register (hardcopy or electronic)
- Establishing and maintaining the strategic risk planning register

Management are responsible for:

- Identifying and assessing all the potential risks in their area of responsibility.
- Collating, assessing, treating and reporting to the risk management committee of all areas and tasks under their responsibility.

Employees are responsible for:

- To comply with the Shire's risk management policy and procedures.
- To attend the risk management training.
- Actively participate in the risk management program and organisational performance review and evaluation program.
- Actively participate in the Shire's continuous improvement program

Documentation

The Council, CEO and Officers will ensure that all risk management processes, assessments and plans are fully recorded throughout the Shire.

1.13 Social Media Policy

Policy Type:	Organisational	
History: New Policy	Adopted	March 2020

Policy overview and purpose:

Social media is changing the way we communicate. This policy provides practical guidance allowing all parties to benefit from the use of social media, while minimising potential risks and protecting those involved. This policy contains guidelines for the Shire to engage in social media use. It also includes details of breaches of the policy. This policy applies to all persons who are involved with the activities of the Shire

Scope:

Social media refers to any online tools or functions that allow people to communicate and/or share content via the internet. This policy is applicable when using social media as:

1. an officially designated individual representing the Shire on social media; and
2. if you are posting content on social media in relation to the Shire that might affect the Shire's name, business, services, events, Elected Members, Management or Officers reputation.

Using social media in an official capacity:

You must be authorised by President or the CEO as appropriate to the powers of delegation before engaging in social media as a representative of the Shire.

To become authorised to represent the Shire in an official capacity, you demonstrate you have reviewed the education resources at <https://esafety.gov.au/>

As a part of the Shire's personnel you are an extension of the Shire brand. As such, the boundaries between when you are representing yourself and when you are representing the Shire can often be blurred. It is important that you always represent both yourself and the Shire appropriately online.

Guidelines

You must adhere to the following guidelines when using social media related to the Shire:

- **Use common sense**
Whenever you are unsure as to whether or not the content you wish to share is appropriate, seek advice from others before doing so or refrain from sharing the content to be on the safe side.
- **Protecting your privacy**
Be smart about protecting yourself and your privacy. Refrain from posting any content online that you would not be happy for anyone to see, even if you feel confident that a particular individual would never see it. Where possible, privacy settings on social media platforms should be set to limit access. You should also be cautious about disclosing your personal details.
- **Honesty**
Do not say anything that is dishonest, untrue or misleading. If you are unsure, check the source and the facts before uploading or posting anything – if in doubt, do not post or upload. Do not post anonymously, using pseudonyms or false screen names. Be transparent and honest. Use your real name, be clear about who you are and identify any affiliations you have. If you have a vested interest in something you are discussing, point it out. If you make an endorsement or recommendation about something you are affiliated with, or have a close relationship with, you must disclose that affiliation.

The web is not anonymous. You should assume that all information posted online can be traced back to you. You are accountable for your actions both on and offline, including the information you post via your personal social media accounts.

- Use of disclaimers

Wherever practical, include a prominent disclaimer stating who you work for or are affiliated with (e.g. member of <club name>) and that anything you publish is your personal opinion and that you are not speaking officially. This is good practice and is encouraged, but don't count on it to avoid trouble — it may not have legal effect.

Reasonable use

If you are an employee of the Shire you must ensure that your personal use of social media does not interfere with your work commitments or productivity.

Respect confidentiality and sensitivity

When using social media, you must maintain the privacy of the Shire's confidential information. This includes information that is not publicly accessible, widely known, or not expected to be shared outside of the Shire. Remember, if you are online, you are on the record—much of the content posted online is public and searchable.

Within the scope of your authorisation by the Shire, it is perfectly acceptable to talk about the Shire and have a dialogue with the community, but it is not okay to publish confidential Shire information. Confidential information includes things such as details about litigation, unreleased product information and unpublished details about our Shire services, practices, financial information and information about staff or Elected Members.

When using social media you should be considerate to others and should not post information when you have been asked not to, or where consent has not been sought and given. You must also remove information about another person if that person asks you to do so.

Permission should always be sought if the use or publication of information is not incidental, but directly related to an individual. This is particularly relevant to publishing any information regarding minors. In such circumstances, parental or guardian consent is mandatory.

Gaining permission when publishing a person's identifiable image

You must obtain express permission from an individual to use a direct, clearly identifiable image of that person. You should also refrain from posting any information or photos of a sensitive nature. This could include accidents, incidents or controversial behaviour. In every instance, you need to have consent of the owner of copyright in the image.

Complying with applicable laws

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Do not post or link to content that contains illegal or indecent content, including defamatory, vilifying or misleading and deceptive content.

Abiding by copyright laws

It is critical that you comply with the laws governing copyright in relation to material owned by others and the Shire's own copyrights and brands.

You should never quote or use more than short excerpts of someone else's work, and you should always attribute such work to the original author/source. It is good practice to link to others' work rather than reproduce it.

Discrimination, sexual harassment and bullying

The public in general, and the Shire's employees and elected members, reflect a diverse set of customs, values and points of view. You must not post any material that is offensive, harassing, discriminatory, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate. When using social media you may also be bound by the Shire's values Bullying and Harassment and Equal Employment Opportunity Policies.

Avoiding controversial issues

Within the scope of your authorisation, if you see misrepresentations made about the Shire in the media, you may point that out to the CEO or President. Always do so with respect and with the facts. If you speak about others, make sure what you say is based on fact and does not discredit or belittle that party.

Dealing with mistakes

If the Shire makes an error while posting on social media, be up front about the mistake and address it quickly. If you choose to modify an earlier post, make it clear that you have done so. If someone accuses the Shire of posting something improper (such as their copyrighted material or a defamatory comment about them), address it promptly and appropriately and if necessary, seek legal advice.

Conscientious behaviour and awareness of the consequences

Keep in mind that what you write is your responsibility, and failure to abide by these guidelines could put your employment at risk. You should always follow the terms and conditions for any third-party sites in which you participate.

Branding and intellectual property of the Shire

You must not use any of the Shire's intellectual property or imagery on your personal social media site

- trademarks
- logos
- slogans
- imagery which has been posted on the Shire official social media sites or website.

You must not create either an official or unofficial the Shire presence using the organisation's trademarks or name without prior approval from the Shire.

You must not imply that you are authorised to speak on behalf of the Shire unless you have been given official authorisation to do so by the CEO or the President. Where permission has been granted to create or administer an official Shire social media presence you must adhere to the Shire Branding Guidelines.

Policy breaches

Breaches of this policy include but are not limited to:

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- Using the Shire's name, motto, crest and/or logo in a way that would result in a negative impact for the organisation, clubs and/or its members.
- Posting or sharing any content that is abusive, harassing, threatening, demeaning, defamatory or libellous.
- Posting or sharing any content that includes insulting, obscene, offensive, provocative or hateful language.
- Posting or sharing any content in breach of the Shire's anti-discrimination, racial discrimination, sexual harassment or other similar policy.
- Posting or sharing any content that is a breach of any state or Commonwealth law.
- Posting or sharing any material to our social media channels that infringes the intellectual property rights of others.
- Posting or sharing material that brings, or risks bringing the Shire, its affiliates, Elected Members or Officers into disrepute. In this context, bringing a person or organisation into disrepute is to lower the reputation of that person or organisation in the eyes of the ordinary members of the public.

Reporting a breach

If you notice inappropriate or unlawful content online relating to the Shire or any of its Elected Members or Officers, or content that may otherwise have been published in breach of this policy, you should report the circumstances immediately to the CEO or President as appropriate. For a complaint about the misuse of social media that is general in nature, and/or ongoing or personal refer to the Shire's Grievance Policy Process.

Investigation

Alleged breaches of this social media policy may be investigated according relevant policies or regulations. Where it is considered necessary, the Shire may report a breach of this social media policy to police.

Disciplinary process, consequences and appeals

Depending on the circumstances breaches of this policy may be dealt with in accordance with the disciplinary procedures of the Shire. Employees who breach this policy may face disciplinary action up to and including termination of employment in accordance with the disciplinary procedures of the Shire.

Appeals

Any person who is sanctioned under a disciplinary process for breach of this policy may have a right of appeal.

Other legal considerations that may be applicable include but are not limited to:

- Defamation
- Intellectual property laws, including copyright and trade mark laws, Privacy, confidentiality and information security laws
- Anti-discrimination laws
- Employment and Equal opportunity laws
- Advertising standards
- Charter of Human Rights and Responsibilities Act 2006
- Information Privacy Act 2000

2. ACCOUNTING / AUDIT

2.1 Deleted

COMMENT

C2014-0238: Deleted 20 February 2014

2.2 Deleted

Former policy 4.6 deleted 2019

2.2 A Replacement Non-Current Asset Accounting Policy

Introduction	Non-Current Asset Accounting Policy	
Objective	This policy is intended to outline the prescribed requirements to be followed by Council employed in the acquisition, accounting, control, transfer and disposal of non-current physical assets recognised as property, plant and equipment, and to ensure compliance with the Local Government Act 1995 (Financial Management Regulations 1996 and relevant Australian Accounting Standards	
History	Adopted	March 2020
	Former Policy	2.2
	Amended / confirmed	March 2020

Policy Statement

This policy applies to all decision making in respect to current, proposed and future property, plant and equipment which are classified under the land, buildings, plant and equipment, mobile vehicles and plant, furniture and office equipment, recreation equipment and infrastructure

- 1. Legislative / Local Law Requirements**
Council employees you will follow the prescribed treatment for property plant and equipment as per the relevant Australian accounting standards and government legislation.
- 2. Capitalisation of assets**
any acquisition or construction costs incurred over the life of the asset must be recognised as capital expenditure expense. Capitalisation threshold must be established for the recognition of non-current assets in the statement of financial position i.e. to determine which assets will be capitalised and which ones will be expensed.

2.1 capitalisation thresholds

the capitalisation threshold set the value of expenditure for items of property plant and equipment above which the expenditure is deemed to be material and recognised as capital expenditure, and below which expenditure is deemed to be immaterial and charged as expenses in the reporting period which expenditure is incurred.

Capitalisation threshold amounts are to be reviewed annually to ensure they remain relevant and effective in the face of inflation.

Capitalisation thresholds for each asset class are shown below:

Asset class	Capitalisation threshold
Land	Nil
Building	\$5000
Plant and equipment	\$5000
Mobile vehicles and plant	\$5000
Furniture and office equipment	\$5000
Infrastructure	\$5000
Software	\$50,000

The benefit of setting a threshold is to ensure efficient use of Shire’s resources balanced against the needs to ‘expense’ items through depreciation against more than one financial year therefore present financial information accurately.

3. Definitions

Asset: a resource which is controlled as a result of past events and from which future economic benefits are expected to flow

Capitalisation Threshold: the minimum amount whereby the value of the non-current asset must be capitalised. Amounts below the recognition threshold are to be treated as an expense

Non-current asset: an asset held for use rather than exchange which provides an economic benefit for a period greater than one year

4. Relevant management documents

Australian Infrastructure Financial Management Guidelines
 WALGA Local Government Accounting Manual (Edition Three)
 CPA Guide to Valuation and Depreciation 2013

5. Legislation / Local Law Requirements

State Government Legislation

Local government act 1995
 Local Government (financial management) Regulations 1996

Australian Accounting Standards

AASB5 Non-Current Assets Held for Sale and Discontinued Operations
 AA SP13 fair value measurement
 AA SP 101 presentation of financial statements
 AA SP 116 property plant and equipment
 AA SP 116 Australian implementation guidance (heritage and cultural assets)
 AA SP 16 impairment of assets
 AA SP 1031 materiality
 AA SP 116 Australian implementation guidance (heritage and cultural assets)
 UIG 1030 appreciation of long-lived physical assets
 Relevant AA SP interpretations

2.3 Deleted

COMMENT

C2014-0238: Deleted 20 February 2014

2.4 Deleted

COMMENT

C2014-0238: Deleted 20 February 2014

2.5 Land Under Roads – Deleted

ASSB 1051 Deleted March 2020

2.6 Deleted

COMMENT

Deleted 20 February 2014

2.7 Integrated Planning: Long Term Financial Planning Policy

Introduction	This Policy is intended to provide clear direction on expectations for long term financial planning and applies to elected members, employees and contractors/consultants engaged by the Shire.		
Objective	The objective of this Policy is to establish a framework for the establishment of Long- Term Financial Planning.		
History	Adopted	C2013-1005	25 October 2013
	Former Policy		
	Amended / confirmed		

Policy Statement

As one of the key informing strategies of the Integrated Planning and Reporting Framework, the Long Term Financial Plan takes into consideration the strategic vision and desired outcomes of the Strategic Community Plan and integrates the financial impact of Asset Management Plans, the Workforce Plan, Capital Works Plans and any other service plans to provide a 10 year (or greater) financial forecast of the local government's operations.

The first four forecast years of the Long Term Financial Plan provide the financial context for the Corporate Business Plan and the first year of the Corporate Business Plan provides the financial context for the annual Budget.

The Shire will plan for the long term financial, resources to be used efficiently and effectively by:

- Preparing a long term financial plan annually;
- Establishing principles for the appropriate use of financial resources such as loans and reserves;
- Establishing principles for the level of revenue generated from rates and fees and charges;
- Consider workforce expenditure requirements detailed in the Workforce Plan;

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- Consider asset management renewal, upgrade and replacement needs detailed in the Asset Management Plan;
- Reporting progress against indicators and ratios of financial performance; and
- Undertaking sensitivity analysis to determine the financial impact of various assumptions.

COMMENT

Definitions

The following definitions are relevant to this Policy.

Budget/Annual Budget is a statutory requirement outlining the financial estimates to deliver the Corporate Business Plan.

Corporate Business Plan is a local government's internal business planning tool that translates Council priorities into operations within the resources available. In its entirety, it details the services, operations and projects a local government will deliver over a defined period, the processes for delivering these and the associated cost.

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Integrated Planning and Reporting is a framework for establishing community priorities and linking this information into different parts of a local government's functions.

Long Term Financial Planning is the mechanism that enables local governments to determine their capability to sustainably deliver the assets and services required by the community. It allows the local government to set priorities, within its resourcing capabilities, to deliver short, medium and long term community priorities.

Policy Review

The Long Term Financial Planning Policy will be reviewed annually.

References

WA Department of Local Government: *Integrated Planning and Reporting Framework and Guidelines, October 2010.*

WA Department of Local Government: *Long Term Financial Planning Framework and Guidelines, May 2011.*

3. ADMINISTRATION / ORGANISATION

3.1 Policy Manual – Deleted

3.2 Conference and Training - Attendance and Expenses

Deleted C2012-0419 – Officers training policy in Employee Orientation and HR Manual

3.2B Councillors Conference and training Replaced by 3.2C

3.2C – Attendance at Events Policy 2020

OBJECTIVES

- To introduce policy to address section 5.90A. of the Local Government Act 1995 Policy for attendance at events
- To provide elected members and staff with consistent guidelines to ensure transparency, relevance, and value for money for ratepayers.

POLICY STATEMENTS

- In developing the Attendance at Events Policy, council needs to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council. The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings.
- This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the Chief Executive Officer (CEO).
- Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

LEGISLATION

5.90A. Policy for attendance at events

In this section — **event** includes the following —

- a) a concert
- b) a conference
- c) a function
- d) a sporting event,
- e) an occasion of a kind prescribed for the purposes of this definition.

A local government must prepare, and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- a) the provision of tickets to events; and
- b) payments in respect of attendance; and
- c) approval of attendance by the local government and criteria for approval; and
- d) any prescribed matter.

**Absolute majority required.*

A local government may amend* the policy.

**Absolute majority required.*

When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section. The CEO must publish an up-to-date version of the policy on the local government's official website.

PROVISION OF TICKETS TO EVENTS

Invitation

- All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Chief Executive Officer. Invitations made directly to an Elected

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Members are to be handed to the Chief Executive Officer for action to be taken in accordance with this Policy.

- Any other invitation or offer of tickets not addressed to an Elected Member or the Chief Executive Officer in general is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- A list of events and attendees authorised by the local government in advance of the event is recorded in Attachment A.

APPROVAL OF ATTENDANCE

In deciding on attendance at an event, the Council will consider:

- who is providing the invitation or ticket to the event,
- the location of the event in relation to the local government (within the district or out of the district),
- the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
- whether the event is sponsored by the local government,
- the benefit of local government representation at the event,
- the number of invitations / tickets received, and
- the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

The CEO is authorised to determine matters relating to staff attending conferences, seminars or training (in addition to those listed at Attachment A) that form part of the ongoing operational requirements of the Shire using the considerations as outlined in Training and Development Policy in the Employee Orientation and Induction manual.

PAYMENTS IN RESPECT OF ATTENDANCE

Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.

- 6.1 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 6.2 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 6.3 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

Attachment A – Attendance at Events Policy

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
Western Australian Local Government Association (WALGA) Annual Conference and AGM	Annual Event	President, Deputy President 2 x Elected Members CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	Elected Members – Adopted March 2020 Staff – CEO discretion – Approval of attendance
Zone Conferences	Periodical	President, Deputy President Elected Members CEO DCEO	Elected Members & CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	Elected Members – Adopted March 2020 Staff – CEO discretion – Approval of attendance
State Government Budget announcement, launches and other events	Ongoing	President, Deputy President CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	Elected Members – Adopted March 2020 CEO discretion – Approval of attendance
WALGA Road Conference	Annual Event	President, Deputy President 2 x Elected Members CEO Works Foreman	Elected Members & CEO Works Foreman	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	Elected Members – Adopted March 2020 CEO discretion – Approval of attendance

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Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
Local Government Professionals Annual Conference	Annual Event	CEO DCEO	CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	CEO discretion - Approval of attendance
Synergy Soft or Ozone/Datacom Annual User Group Conference	Annual Event	CEO	CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	CEO discretion - Approval of attendance
Moore Stephens Annual Budget Finance Conferences	Annual Event	CEO	CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	CEO discretion - Approval of attendance
Works Supervisors Annual Conference	Annual Event	CEO Works Foreman	CEO Works Foreman	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.	CEO discretion - Approval of attendance

3.3 Destruction of Records

Introduction

Objective

History Adopted 21 August 2008

Policy Statement

The CEO may authorise the destruction of records in line with the Local Government General Disposal Authority as prepared by the State Records Office

– End of Policy

3.4 Professional Advice

Introduction

Objective To obtain appropriate advice when necessary for the proper management of the Shire’s affairs

History Adopted 21 August 2008

Policy Statement

1. The CEO may obtain from Council’s solicitors, auditors, workplace relations representatives etc, such advice and opinion as is considered to be necessary to enable the proper administration of the Shire’s business.
2. The advice sought may be in support of a report or submission to the Council or a Committee or to clarify any other matter that requires specialist advice.

– End of Policy

COMMENT

3.5 Legal Representation Costs Indemnification

Introduction From time to time, Members and Officers of Council may need legal representation.

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

History Adopted 19 July 2001
Former Policy 1.7
Amended / confirmed 21 August 2008

Policy Statement

1. Introduction

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

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2. General Principles

- a) The local government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government, contrary to the local government's Code of Conduct or otherwise in bad faith.
- b) The local government may provide such assistance in the following types of legal proceedings:
 - i) Proceedings brought by members and employees to enable them to carry out their local government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
 - ii) Proceedings brought against members or employees. This could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions); and
 - iii) Statutory or other inquiries where representation of members or employees is justified.
- c) The local government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d) The legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by local government.

3. Applications for Financial Assistance

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$10,000
- f) Where it is the Chief Executive Officer who is seeking urgent financial support for legal services the President shall deal with the application.

4. Repayment of Assistance

- a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by local government.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government, contrary to the local government's Code of Conduct or otherwise in bad faith: or where information from the person is shown to have been false or misleading.
- c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The local government may take action to recover any such monies in a court of competent jurisdiction.– *End of Policy*

COMMENT

3.6 Usage of Information Technology

Introduction	<p>Information technology resources are provided to support the Shire’s administrative and operational activities. These resources include the Shire’s network, desktop computer systems and software, internet access, electronic mail (email) and related services.</p> <p>Users of these systems are expected to comply with the following policy schedule which is written with the intent of protecting the integrity of these systems so as to provide reliable IT services to users, and also to protect the right of each employee to work in a healthy and safe environment.</p>						
Objective	<p>This policy deals with the provision of information technology resources by the Council and the associated responsibilities of authorised users when accessing these resources.</p>						
History	<table><tr><td>Adopted</td><td>18 October 2007</td></tr><tr><td>Former Policy</td><td>3.17</td></tr><tr><td>Amended / confirmed</td><td>21 August 2008</td></tr></table>	Adopted	18 October 2007	Former Policy	3.17	Amended / confirmed	21 August 2008
Adopted	18 October 2007						
Former Policy	3.17						
Amended / confirmed	21 August 2008						

Policy Statement

1. The following Policy Schedule 3.6 – Information Technology is adopted, and forms part of this Statement.
2. Policy Schedule 3.6 is to be provided to all staff having access to information technology, as part of their induction and employment information provided.

– End of Policy

Policy Schedule 3.6 – Usage of Information Technology – **Included in HR Manual**

1) Objective

This policy deals with the provision of information technology resources by the Council and the associated responsibilities of authorised users when accessing these resources.

2) Policy

Introduction

Information technology resources are provided to support the Council’s administrative and operational activities. These resources include the Council’s network, desktop computer systems and software, internet access, electronic mail (email) and related services.

Users of these systems are expected to comply with the following policy which is written with the intent of protecting the integrity of these systems so as to provide reliable IT services to users, and also to protect the right of each employee to work in a healthy and safe environment.

Ethics

Respect the rights of others, and comply with other policies regarding sexual, racial, and other forms of harassment. Do not engage in behaviour, which violates these policies.

Occupational Safety and Health

Employees have a duty not to adversely affect their own or any other person’s health and safety at work. Distribution of offensive material that may cause trauma or distress to other employees through the Council’s IT systems, or the use of these systems to bully or intimidate other employees may be construed as a breach of the Occupational Safety and Health legislation. This carries a penalty of \$10,000 for an employee who breaches section 19 and \$100,000 for an employer who breaches section 20 of the Occupational Safety and Health Act.

Equal Opportunity

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The Equal Opportunity Act 1984 WA prohibits discrimination (on grounds including gender, race and religion) and sexual harassment. Examples of discrimination and harassment include but are not limited to the following:

Referring in emails to a particular class of persons based on their race would be in breach of the EO Act. The sending of pornographic material to a fellow employee via email constitutes sexual harassment and is in breach of the EO Act.

Defamation

A person defames another if they publish a statement or comment (written or verbal) which is likely to cause an ordinary, reasonable member of the community to think less of that other or to shun or avoid that other. Generally any comments which disparage another person's business or professional acumen, suggest that a person may have committed a crime or refer in a disparaging way to a person's sexual chastity would be considered to be seriously defamatory. Any person who is party to the publication of defamation may be liable for payment of substantial damages.

Personal Use

Reasonable personal use of Council IT resources is permitted (in the user's own time) provided that it does not negatively impact upon the users work performance, hinder the work of others nor make any modification to any IT resource.

Such use shall not cause additional cost to the Council.

Reasonable use in a particular circumstance will be a matter to be determined by the user's supervisor.

Restrictions

Users are not permitted to use Council IT Resources to conduct private commercial activities including eBay and similar online auction sites.

Users are not permitted to utilise Council IT resources to access pornographic material or to create, store or distribute pornographic material of any type.

Users are not permitted to utilise the Council's IT resources to gamble or play games.

Users are not permitted to use MP3 download sites such as Kazaa, iTunes, LimeWire.

Consequences

Users found to have breached this policy will be subject to disciplinary action.

Criminal offences will be reported to the Police.

Monitoring

The Council reserves the right to monitor email, internet activity, logs and any electronic files for any reason, including but not limited to, suspected breaches by the user of his or her duties, breaches of Council policy, unlawful activities. The DCEO will monitor use of IT systems.

Maintenance

Maintenance of the Council's IT systems is solely the responsibility of the DCEO. Under no circumstance should any other employee attempt to repair hardware or software faults without the express permission of afore mentioned persons.

3) Access Control

Granting of Access to Information Systems

Access to information systems is controlled by the DCEO. Users are granted access on the basis that their use of IT resources shall be responsible, ethical and lawful at all times.

The Supervisor must advise the DCEO, before a new employee commences, of the level of system access required to carry out their daily tasks.

As a condition of employment all new employees who have requested access to Internet and/or Internet email are required to complete the policy acceptance form.

4) Computer Systems

Work Purpose

Computer systems are provided as a tool to support the operations of the Council. Each computer is installed with a standard operating environment plus additional user specific tools.

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Personal Use

Limited personal use of computer systems is allowed provided such use is reasonable in terms of time and cost.

Prohibited Use

Under no circumstance are users to install software or utilities on Council computers that are not licensed and work related. Permission must be obtained from the DCEO before installing applications on Council computers.

Under no circumstance are users to install software or utilities sourced from the internet. This includes but not limited to: ICQ, Gator, Neopets, Bonzibuddy, Internet flowers, Web shots and other screensavers.

Under no circumstances are users to install software on Council computers without the prior permission of the DCEO.

5) Internet

Internet costs are incurred based upon the amount of data that is received from the internet and can be significant. The internet also presents a security risk to the Council's operations. The following points are aimed at reducing the cost and risk of providing internet access.

It should be noted that downloading does not mean only copying a file or document over the internet to a computer. It is all information coming into the system from another computer. The Shire is charged for all data received. Being a satellite system, all information sent out is also charged.

Accordingly, there is no free access to the internet.

Work Purpose

Users are permitted to access the internet for work related purposes as outlined in each user's internet usage application.

Personal Use

Limited personal use of internet facilities is allowed, such as online banking, travel bookings, browsing, provided such use is reasonable in terms of time and cost.

Prohibited Use

- Streaming voice and video media is prohibited unless it is proven to be work related – e.g.: on-line radio
- Online games are prohibited.
- Use of instant messaging applications is prohibited.
- Use of personal Web Mail is prohibited.

User responsibility

It is the user's responsibility to ensure that any internet site they access is within the bounds of acceptable usage, legal and does not pose a risk to the security of the Council's operations.

Web based applications must be approved by the CEO and the DCEO informed of the intended use of the application so that appropriate security measures are taken.

6) Email

Work Purpose

Email is provided to allow electronic communication with the Council's partners, clients and staff.

Personal Use

Limited personal use is allowed provided such use is reasonable in terms of time and cost and does not interfere with Council business or present a security risk.

Prohibited Uses

- a) Users shall not use Council email accounts to conduct a private business.
- b) Users shall not execute any attachments received via email that are not work related. Any executable attachment including but not limited to, movies, sound files, documents containing macros, screen savers can harbour viruses.

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- c) Users shall not use their Council provided email address to subscribe to any subscription service, unless approved by the DCEO.
- d) Users shall not send forged messages.
- e) Users shall not use someone else’s mail address without authorisation.
- f) Users shall not send aggressive, rude or defamatory messages.
- g) Users shall not transmit sexually explicit material.
- h) Users shall not send unsolicited emails (SPAM).
- i) Use of personal Web Mail is prohibited.

User Responsibilities

Users shall take care to protect their email address and not unwittingly provide it to any party that may include it in mass mailing lists (SPAM). Correspondence via email should be of the same standard for written communication.

Email, which contains offensive or discriminatory material or language, should be reported to the CEO or DCEO.

Users shall maintain compliance with any records procedures regarding email.

Copyright

Respect the legal copyright rules. Copyright provisions also relate to downloading of software and documents. Do not distribute or install software without first obtaining approval from the DCEO. Always assume website content to be subject to copyright unless stated otherwise.

Records Management

Respect the need to maintain other internal systems. All incoming email should be treated the same as other correspondence that is public record. Emails should be forwarded to the Executive Assistant for processing and referenced for filing purposes. Outgoing emails should also be printed, and treated the same as normal correspondence.

Responsibility

It is the responsibility of the Chief Executive Officer to ensure that this policy is disseminated to staff and properly applied.

See also 1.13 Social Media Policy

3.7 Press Releases

Introduction

Objective

History	Adopted	15 September 2005
	Amended	8 October 1997
	Former Policy	5.2
	Amended / confirmed	21 August 2008

Policy Statement

1. The Shire President to make press releases or act as spokesperson on behalf of council;
2. With authority from the Shire President, the Chief Executive Officer individual Councillors are authorised to make press releases or act as spokesperson on behalf of Council.
3. That the Chief Executive Officer regularly keeps rate payers and residents informed of Council activities via the Local Newspaper.

4. That the Chief Executive Officer advertises in the Local Newsletter the names and telephone numbers of each Councillor at least once a year.

– End of Policy

COMMENT

3.8 Complaints

Introduction	This policy applies to resolution of disputes arising between an external person or organisation and the operations of the Shire of Yalgoo or its staff. Section 3.8 (A) and (B) refers to internal staff.	
Objective	All persons affected by the operations of the Shire of Yalgoo are entitled to a fair and timely procedure for resolution of complaints.	
History	Adopted	Original policy 25 October 2001
	Former Policy	5.6
	Amended / confirmed	21 August 2008
	Reviewed with new policy adopted	July 2012 (C2012-0706)
	Reviewed with new policy adopted	23 February 2018 (C2018-0214)

Policy Statement

All persons, whether making a complaint or the subject of a complaint, are entitled to present their case and be heard with respect and courtesy. The laws of natural justice will apply.

Where a complaint is outside the jurisdiction of the Shire or is covered by another process, the complainant will be advised to refer their complaint to the appropriate authority or have the matter dealt with under the appropriate process. Examples include:

- Complaints against Councillors for minor breaches of the Local Government Act s5.121, s5.110(6)(b).
- Other matters that have in place an existing resolution or appeal procedure through legislation or other instrument – eg: planning and development approvals or
- Internal staff disputes – these are covered by the Shire of Yalgoo staff grievance procedures
- Disputes relating to pay and conditions – these are covered under the Shire of Yalgoo Comprehensive Enterprise Agreement
- Matters outside the jurisdiction of the Council – eg: a criminal or civil law matter.

The Shire may refuse to deal with complaints that are scurrilous or vexatious and may seek advice from the Department of Local Government in such cases.

Procedure for managing complaints

- 1) A complaint must be in writing to be formally considered under this policy. However:
 - a) Where a verbal complaint is made, good customer service dictates that the officer to whom the complaint is made will take reasonable measures to resolve, or refer, the complaint.
 - b) Persons with an unresolved verbal complaint will be advised of their right to lodge a written complaint.
- 2) The CEO is responsible for receiving written complaints and ensuring that the appropriate complaint procedure is followed. The CEO may nominate an appropriate senior officer to deal with some or all complaints.

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- 3) All written complaints dealt with under the policy/procedure will be recorded in a register of complaints kept by the CEO.
 - a) A complainant has the right to withdraw the complaint at any time by giving notice in writing and if this occurs, the CEO will not record the matter as a formal complaint.
- 4) The complaint will be acknowledged in writing within 7 days of receipt, with a copy of the Council's complaint policy.
 - a) The complainant may be asked to provide further information and/or invited to suggest how they would like the complaint resolved.
 - b) If it is unclear whether a matter is a complaint or not, the correspondent will be asked to confirm in writing whether they want the matter to be considered as a formal complaint.
- 5) The complaint will be referred within 14 days of receipt to the other party/ies for comment. The other party/ies will be invited to provide written comment within 14 days of receipt of the request.
- 6) The CEO will consider the information of all parties and may elect to interview the complainant and/or the other party/ies to obtain further details.
- 7) The CEO will take action to satisfactorily resolve the complaint. Any such action should occur within 14 days of receiving the information of all parties.
- 8) The CEO will advise the complainant and other party/ies in writing within 14 days of any decision regarding the complaint, including advising that any party, if not satisfied with the decision, has the right to have the matter further considered by the Council.
 - a) If requested in writing by the complainant or any party, the CEO will present the matter to the next Council meeting for a decision of Council
 - i) The CEO will inform the complainant in writing of any decision made by the Council
 - b) The CEO may decline to place a matter before the Council that in the CEO's opinion is:
 - i) Trivial or of a minor operational nature;
 - ii) Frivolous, vexatious or not made in good faith;
 - iii) The complainant does not have enough personal interest or direct knowledge of the matter raised in the complaint.
- 9) In any case, the Chief Executive Officer shall advise complainant of their right to present their complaint to the Parliamentary Commissioner for Administrative Investigations (Ombudsman) or other appropriate authority.

3.8(A) –Grievances, Investigations and Resolution Policy

Introduction	This policy applies to resolution of grievances arising between staff, contractors, Volunteers and Council.
Objective	The Shire of Yalgoo is committed to the effective and fair resolution of employee grievances. This policy provides a framework to support the resolution of grievances in the workplace in a prompt, respectful and cooperative manner. This is also incorporated in the HR Employee Manual

Policy Statement

1. Definitions:

“Grievance” - any work-related disagreement, complaint, or matter which someone believes is unfair or unjustified, and which is causing that person concern or distress. The problem may be real or perceived.

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The grievance may be between an employee (staff, contractors, volunteers or elected members) and the Shire as a whole, or be between employees, and may involve a union.

Grievances may relate to such matters as:

- Transfer and promotion
- Rosters and assignment of work location
- Approval or taking of leave
- The physical work environment
- Health or safety in the workplace
- Performance appraisal
- Employment conditions
- Changes to human resources policies or procedures
- Disciplinary action
- Discrimination
- Harassment
- Bullying

“Discrimination” - where an employee (staff, contractors, volunteers or elected members) experiences adverse action (such as losing their job, not receiving their correct leave or pay entitlements, having their job changed to their disadvantage, or being treated differently from other employees) because of their race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer responsibilities, pregnancy, religion, political opinion, national extraction or social origin. Discrimination may be direct, indirect or systemic.

“Harassment” - any unwelcome, offensive, abusive, humiliating or threatening comment or action, usually linked to the characteristics of the person being harassed (age, race, sex, religion, etc.). Threats, insults, abuse and taunts.

“Bullying” - repeated unreasonable or inappropriate behaviour directed towards an employee or group of employees that creates a risk to health and safety.

2. General Principles

- Where bullying involves assault or threat of assault, it should be referred to the police.
- The Shire will endeavour to resolve grievances through mediation, consultation and discussion.
- All grievances will be dealt with confidentially. Only those individuals who are directly involved will have access to information (extracts) about the complaint.
- All grievances will be handled impartially and fairly. No action will be taken until all relevant information has been collected, investigated and considered.
- No repercussions or victimisation of the person making the complaint will be tolerated.
- Complaints will be dealt with in a timely manner.
- Trivial or vexatious complaints will not be pursued through this policy.
- Where the process for lodgement and resolution of a grievance is prescribed by legislation, that process will be followed.

3. Making a Complaint

All employees have the right to make a complaint to their supervisor; manager; or the Chief Executive Officer.

Employees may seek advice or assistance from a union or professional association.

Employees may seek advice from, or complain to, an external body (such as the Equal Opportunity Commission or the Fair Work Ombudsman).

Employees must ensure that any complaint they make is factual.

4. Employees who are the Subject of a Complaint

An employee who is the subject of a complaint has the right to –

- Be informed verbally of what behaviour they are being accused of.
- Respond to the allegations and provide witnesses, if appropriate.
- Be treated fairly and impartially.
- Be heard by an unbiased person.

5. Employees Receiving / Dealing with a Complaint

CEO has a responsibility to ensure grievances are dealt with confidentially, impartially, promptly and with a high priority. They must ensure that the principles of natural justice are applied throughout the process.

Throughout the process, the person receiving a complaint is required to ensure that the employee making the complaint is informed of the process to be undertaken and possible time frame. If the time frame is delayed, all parties to the grievance must be informed.

Reported grievances will be dealt with in accordance with the Grievance Management Procedure in the Employee Human Resources Manual.

6. Related Corporate Documents

- Discrimination, Harassment, & Bullying Policy
- Code of Conduct
- Employment Equal Opportunity framework
- Employee Human Resources Manual – Grievances Resolution Procedure & Discrimination, Harassment and Bullying in the workplace
- Local Government Act
- Fairwork Australia
- Occupational Safety and Health Act 1984 WA
- Occupational Safety and Health policy

3.8(B) Discrimination, Harassment and Bullying Policy

Introduction This policy is to ensure employees are aware of what constitutes workplace bullying, harassment and discrimination and their responsibilities in preventing and managing such incidents.

Objective The Shire of Yalgoo is committed to providing a workplace that is free from any form of bullying, harassment and discrimination, where all employees are treated with dignity, courtesy and respect. This is also incorporated in the HR Employee Manual

Policy Statement

1. Workplace bullying, harassment and discrimination are prohibited and will not be tolerated by the Shire. Disciplinary action, which may include termination of employment, will be taken against any person found to have breached this policy.

This policy applies to:

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- All Shire employees; and
- Any consultant, volunteer or contractor engaged by the Shire whilst working at a Shire workplace or site.
- Elected Members

2. Definitions

Bullying – is repeated behaviour that a reasonable person, having regard to all of the circumstances, would anticipate being humiliating, intimidating, undermining or threatening and which causes risk to health and safety. Types of behaviour that may amount to bullying include:

- Verbal abuse
- The use of offensive language
- Exclusion or isolation
- Persistent teasing, joking or holding a person up to ridicule
- Repeatedly speaking in a manner which is sarcastic or designed to humiliate
- Repeatedly sending offensive or humiliating emails
- Assigning meaningless tasks unrelated to the job
- Deliberately changing working hours to inconvenience staff
- Deliberately withholding information that is vital for effective work performance; or
- Sabotaging another's work

Some instances of bullying can also amount to unlawful discrimination and/or sexual harassment.

Legitimate, appropriate and reasonable management actions (i.e. managing workplace performance or disciplining a team member), undertaken appropriately, do not constitute bullying.

Code of Conduct – standards of behaviour and conduct that are expected of all Shire of Yalgoo employees, elected members, consultants and contractors.

Discrimination – occurs if a person is treated less favourably than how another person would be treated in comparable circumstances. Discrimination can be direct or indirect.

Direct Discrimination – occurs when a person is treated less favourably than another person due to a specific attribute or characteristic that is protected under anti-discrimination laws.

Indirect Discrimination – occurs when a person with an attribute or characteristic that is protected under anti-discrimination laws cannot comply with a particular policy or condition, with which the majority of persons not having that attribute or characteristic or having a different attribute or characteristic are able to comply (and that policy or condition is unreasonable).

The attributes or characteristics protected by anti-discrimination laws includes sex, marital status, pregnancy, family responsibility, family status, race, religious or political convictions, gender history, impairment, age or sexual orientation.

Harassment – unwelcome behaviour (verbal, written or physical) that has the effect of making a person feel humiliated, intimidated or offended based on an attribute or characteristic (such as race). Harassment may be a single example of offensive behaviour or repeated examples of such behaviour regardless of whether it has been indicated by the individual as unacceptable. Harassment is not just sexual.

Sexual Harassment – includes any verbal, written or physical behaviour of a sexual nature that is unwelcome and uninvited where the harasser in all the circumstances should have reasonably anticipated that the other person would be offended, humiliated or intimidated.

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The person does not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of the behaviour for this conduct to be against the law.

Depending on the circumstances, the following kinds of behaviour may be deemed sexual harassment:

- Jokes or cartoons about someone's appearance, body shape, or any other personal matters that may cause embarrassment and make people feel uncomfortable
- Sexual or physical contact such as putting your arm around someone, slapping them, kissing, touching or patting them
- Staring or leering in a sexual manner (looking someone up and down)
- Standing too close to someone or brushing him or her as you walk past
- Verbal abuse or comments that put down or stereotype people because of their sex, appearance or sexual preference. These gestures may not need to be obviously crude for the behaviour to be deemed sexual harassment
- Offensive gestures and "wolf" whistling
- Displaying in the workplace or in personal belongings material that is sexist, sexually explicit or homophobic (anti-gay). This includes offensive emails, screensavers or PC wallpaper
- Repeated sexual invitations and
- Intrusive questions or remarks about a person's sexual activities or private life.

Vexatious Claims – an allegation that is brought without enough grounds, purely to cause annoyance, disruption or worry to another employee.

Victimisation – occurs where a person is treated or threatened to be treated in an adverse manner as a result of making or threatening to make a complaint. Victimisation also occurs when there is adverse treatment because a person has supported the complaint of another. As with discrimination generally, motive is irrelevant.

It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under anti-discrimination laws or to help someone else to do the same.

Manager – a person at the level of Team Leader, Supervisor, Coordinator, Manager or Executive with one or more direct reports.

3. Unlawful Conduct

Conduct that is a breach of this policy may be **unlawful** under the following legislation:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Fair Work Act 2009 (Cth)
- Equal Opportunity Act 1984 (WA); or
- Occupational Safety and Health Act 1984 (WA).

Persons who engage in conduct that is bullying, harassment and/or discrimination under the above legislation can be held personally liable and penalised. Furthermore, the Shire can be held vicariously liable for breaches of the above legislation by its employees.

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4. Accountabilities

Manager are accountable for:

- Promoting a workplace culture free from bullying, harassment and discrimination and may be held personally liable for such conduct of direct reports unless they have taken all reasonable steps to prevent or eliminate the behaviour
- Ensuring their team members are made aware of their obligations and know what action to take if they believe they have been subjected to or witnessed inappropriate behaviour as defined within this Policy
- Actively monitoring the workplace to ensure acceptable standards of conduct are always observed and acting upon either their own concerns and observations, or those that are brought to their attention
- Treating all complaints seriously and confidentially in a timely manner
- Undertaking appropriate training/education to ensure their knowledge in this area is current
- Regularly promoting this Policy and the code of conduct to direct reports (i.e. toolbox meetings, staff forums and the general working environment); and
- Ensuring that no victimisation occurs against the person who makes a complaint.

Employees are accountable for complying with this Policy by:

- Not bullying, harassing, discriminating or victimising other employees
- Ensuring their behaviours and actions are aligned to the Shire's Code of Conduct
- Completing mandatory training on appropriate workplace behaviours as assigned to them
- Reporting to their Manager any concerns they have in relation to other staff who may be the victim or be the perpetrator of bullying, harassing or discriminating behaviours and
- Cooperate with the Shire with respect to any action taken to comply with requirements under all relevant legislation, including if they are called by the CEO or their Manager to participate in any investigation.

5. Complaints Procedure

Complaints about bullying, harassment or discrimination will be treated seriously and dealt with promptly, confidentially, and impartially in accordance with the Shire's Grievances Resolution Procedure.

6. Additional Support

The Shire engages the services of an external Employee Assistance Provider who can provide employees with free and confidential counselling.

7. Related Corporate Documents

- Grievances, Investigation and resolution Policy
- Code of Conduct
- Employment Equal Opportunity Framework
- Occupational Safety and Health policy
- Employee Human Resources Manual – Grievances Resolution Procedure & Discrimination, Harassment and Bullying in the workplace
- Local Government Act

4. BUILDING / DEVELOPMENT

Deletion date not known

5. PUBLIC FACILITIES

5.1 Library

History	Adopted	16 October 1991
	Amended	08 October 1997
	Amended	23 May 2001
	Amended	27 February 2003
	Former Policy	5.1
	Amended / confirmed	21 August 2008

Policy Statement

1. Lost or damaged books must be paid for by the offending party. Librarian must be notified on return of item or library membership may be suspended and library card suspended.
2. An invoice is to be raised for the lost or damaged item.
3. If more than three Inter Library Loans are returned after due date, then the Inter Library Loan Service is suspended to that borrower for an indefinite period. The borrower is to be liable to pay to the Shire the full costs associated with the late return of any inter-library loan books.
4. Not more than three items at a time are to be issued to a user, except at the discretion of the librarian who may issue up to ten items to bona fide borrowers who require books for research purposes or to borrowers who live at some distance from the Yalgoo townsite.

– End of Policy

5.2 Shire Facilities – Hiring

History	Adopted	15 September 1993
	Amended	8 October 1997
	Amended	17 July 2003
	Former Policy	7.1.1 and 7.1.3
	Amended / confirmed	21 August 2008

Policy Statement

1. For the Yalgoo Sporting Complex, Paynes Find Sporting Complex and Shire Hall the following conditions apply –
 - the person hiring the facility is required to do any major cleaning.
 - if equipment is required to be shifted from one facility to another or one room to another, then it is the responsibility of the user to shift the equipment and then return it to its original place of keeping.
 - the appropriate hire fee and security bond is to be paid before the hirer receives the keys.
2. On written application, the CEO is authorised to give permission to hirers of Council property to consume and sell liquor on such premises, under such conditions and in such areas as considered appropriate.
3. Each permit for consumption/sale of alcohol issued is to be advised to Yalgoo Police.

– End of Policy

COMMENT

Policy to be displayed in the buildings.

5.3 Shire Facilities – Use and security of private property –

Deletion date unknown

5.4 Shire Facilities – Tables & Chairs

History	Adopted	27 September 1989
	Amended	25 October 2001
	Former Policy	7.1.5
	Amended / confirmed	21 August 2008
	Amended	20 November 2008

Policy Statement

- 5 The tables and chairs at Shire facilities are not generally available for public hire for use off-premises. All applications for private use off-premises are to go to Council for decision, and will be subject to such considerations as considered necessary
- 6 In exceptional circumstances where the function being held is for the community, and is not a private event, the Chief Executive Officer has the discretion to allow their use off-premises.

– End of Policy

5.5 Swimming Pool – Criteria for Planning

Introduction	The community has desired the construction of a swimming pool for many years, however, in early 2009, Council made the decision that it was economically unsustainable.		
Objective	This Policy is intended to provide guidance concerning future consideration of construction of a swimming pool in Yalgoo.		
History	Approved in Principle	June 2009	Ref – C2009-0613 and 0614
	Adopted	26 November 2009	

Policy Statement

1. Consideration will not be given to the construction of a swimming pool, or enclosure courts facilities until such time as all construction funding is firmly committed or in hand.
2. Once capital funding is fully secured, construction will not commence until such time as a minimum of 50% replacement cost of the swimming pool and enclosed courts –
 - is actually held in Reserve specifically for replacement or refurbishment of the facilities, or
 - the funds necessary are secured by enforceable agreement.
- In recognition of changing circumstances, Council has not discarded the concept entirely, but has set in place a number of criteria to be met before further consideration or construction of a swimming pool.

5.6 Event Management Policy

Introduction The Shire of Yalgoo recognises that a public event is a great way of bringing the community together and achieving the objectives of community focussed persons and groups.

Objective The Shire of Yalgoo is required by legislation to ensure events within the district comply with basic requirements and is responsible for guaranteeing environmental sustainability and public safety.

History	Adopted	New
	Amended	New
	Former Policy	N/A
	Amended / confirmed	APRIL 2019, March 2020

Policy Statement

1. The role of the Shire of Yalgoo, as the approving body for events held on Shire of Yalgoo land (public spaces) or other location (public or private), is to ensure all reasonable and practical precautions are taken by any event organiser regarding risk and so to protect the health and safety of patrons, and the amenity of surrounding residents.
2. Whether an event is private or accessible to the public, if the event takes place in any of the Shire's public spaces or other location, the event organiser is required to obtain the relevant approval. This includes an approval from the Shire and the relevant state government authority if applicable.
3. A public space is land (including buildings or other structures and features) owned by or managed by the Shire and can include:
 - Sports grounds and facilities
 - Public reserves, gardens or open spaces where the public are permitted access
 - Thoroughfares including streets, footpaths, laneways or carparks
 - Crown land (except Family Centres and Government Schools).
4. Any place of assembly is a public building. This includes most buildings and places where numbers of people assemble or gather for one or more purposes named in the Health Act and the Health (Public Building) Regulations -does not include hospitals.
5. This policy does not apply to regular community facility hire or regular public open space users such as sporting groups.
6. The Comments and Policy Schedule 5.6 forms part of this policy statement, which is to be reviewed every two years.

– End of Policy

COMMENT

Definitions:

Amenity: Has a wide meaning including the comfort, pleasantness and attractiveness of a place, the benefit of a property and its quality and environmental good or even access to facilities.

Public Event: An event conducted by the Shire or another person or organisation in any place of assembly (which is defined under the Health Act and the Health (Public Building) Regulations as a public building).

Relationship to other Policies:

The Event Management Policy is to be read in conjunction with the other policies regarding public facilities.

Relevant legislation, standards and guidelines (including codes of practice) regarding holding an event includes the following:

- AS/NZS 3002 Electrical Installations – Shows and Carnivals
- *Bushfire Regulations 1954* governs the use of fireworks
- *Caravan Parks and Camping Grounds Regulations 1997* regarding camping in relation to an event
- *Civil Aviation Safety Regulations 1998* – Matters regarding fireworks.
- Department of Health’s Guidelines for concerts, events and organised gatherings regarding compiling an event application including what would be considered an “event management plan”
- *Environmental Protection (Noise) Regulations 1997* – regarding allowing a CEO of a local government to approve noise emissions exceeding assigned noise levels
- *Food Act 1984, its regulations* and the *Australian Food Safety Standards* regarding the selling of food
- *Health Act 1911* regarding what is, and the use of, a public building. This includes a place of assembly and is the only approval that applies to every event and the *Health (Public Buildings) Regulations 1992* regarding temporary electrical installations and other structures
- *Liquor Control Act 1988* regarding the consuming and selling of alcohol at an event,
- *Misuse of Drugs Act 1981 and the Industry Code of Practice*
- *Occupational Safety and Health Act 1984* and its regulations regarding the construction of structures as well as amusement structures (Shows, carnivals and fairs)
- *Radiation Safety (General) Regulations 1983* and the associated standard and the ‘Code of practice for the safe use of lasers in the entertainment industry (1995)’;
- *Road Traffic Act 1974, the Road Traffic (Events on Roads) Regulations 1991* regarding holding an event on a main and/or local road and the Main Roads WA Code of Practice: Traffic Management of Events for the holding of road-based events on both main and local roads and matters regarding parking;
- *Tobacco Products Control Regulations 2006.*

Event Management Policy Schedule –

The Shire of Yalgoo will process an **event application** to hold an event subject to the following criteria:

General Requirements

1. If the event is to be held on a public space or other location, the Shire via an application process will assess and issue a permit, which will outline information on availability, regulations and other approvals required. This includes the matters provided in **Policy Schedule 5.6** and **Guideline A - What Should Be in an Event Application** along with consideration of the following:
 - a. The responsibilities listed for local government approval under the checklist for holding an event listed in Table 1 in the Department of Health's Guidelines for concerts, events and organised gatherings.
 - b. An application may be required for an event on a Shire road and/or a main road. The requirements are detailed in the Main Roads WA Code of Practice: Traffic Management of Events. For a Shire road, the application (Refer to the *Road Traffic (Events on Roads) Regulations 1991 - Form 1*) will need to be signed off by the Shire CEO and the local Police. If the event is on a main road, Main Roads WA will also need to sign off on the application.
2. An event application should be submitted at least 8 weeks prior to your event. Should the event be considered large or high risk, an application can be made up to 12 months in advance.

Public Building Approval

3. The *Health Act 1911* requires a local government such as the Shire to issue a Certificate of Approval for an event in a public building. This is so that all health and safety issues are addressed, so that the capacity of the event can be set and whether the event can be closed, or ticket sales prevented.

The Health Act defines any assembly as a public building. The requirements for the issue of a Certificate of Approval include:

- a. Existing building. A Shire building would generally have a Certificate of Approval for its normal type of use, so a Certificate of Approval would not be required
- b. Temporary extension to an existing building. This is considered something that will allow the increase in attendees to an event including a minor alteration to the building, the implementation of temporary toilet facilities, the installation of additional lighting and so on
- c. Temporary structure such as a marquee, tent, spectator stands. Under the Health Act, or the Building Regulations regarding a temporary structure, the CEO may waive the requirement for public building design regarding low risk structures
- d. An event application is considered to meet the requirements regarding a public building approval.

Planning Approval

4. If an event is to be conducted on a site that is not in compliance with the Local (Town) Planning Scheme, the Shire may require a separate planning approval. A formal planning application is not required to approve one-off events.

Temporary Structures

5. With temporary structures used at an event, the CEO will require a certificate of construction/installation to verify that the person erecting the structure has constructed it in accordance with all manufacturer's recommendations and guidelines. However, if it is a low risk structure, the CEO can waive this requirement.

Electrical Installation Approval

6. A Certificate of Electrical Compliance (Form 5) signed off by a licensed electrical contractor is required by the CEO regarding the temporary electrical installations at events in accordance with the *Health (Public Buildings) Regulations 1992*. However, the CEO can apply a concession to this requirement. A concession is defined under the AS/NZS 3002 Electrical Installations – Shows and Carnivals as applying to low risk structures including any booth, display or any other single entertainment unit.

Liquor Licence

7. Commercial and non-commercial events held on Shire public property or other location, where alcohol will be served and consumed by attendees, must submit an application to the Shire for consent to consume liquor. The Shire's fee (including GST) must accompany the application. Note: A separate approval is also required from the Office of Liquor, Gaming and Racing if alcohol is to be sold at the event.

Serving of Food

8. Events held on public spaces or temporary venues owned by the Shire or other location that will sell or serve food or provide food vendors at an event will need to ensure that food standards meet the requirements of the Food Act and its regulations and any other matters required by the Department of Health.

Noise Management and Other Nuisances

9. Generally, noise emitted from a premise must comply with the *Environmental Protection (Noise) Regulations 1997*. A Noise Regulation 18 application should be submitted to the CEO. If the noise emissions from an event are likely to exceed assigned noise levels and the event would lose its character or usefulness in order to meet the assigned levels, the CEO can issue an approval and set conditions for a non-complying event. An application must be made to the Shire at least 60 days before the event and the CEO can charge a \$500 application fee.

Regulation 16 stipulates that noise from "agricultural shows, fairs, fetes, exhibitions and like events" is "exempt noise" that is not required to meet the allowable noise limits. A Noise Regulation 18 approval is therefore not required in these circumstances.

10. The use of any lasers is subject to the requirements of the Radiation Safety (General) Regulations and the associated standard and the 'Code of practice for the safe use of lasers in the entertainment industry (1995)'.

11. The use of pyrotechnics must be encapsulated within the applicant's risk management plan (if applicable). Regulation 39E of the *Bush Fires Regulations 1954* also governs the use of fireworks. Further to this, persons or organisations who wish to conduct firework activities at a place within 3 nautical miles of an aerodrome (including an airfield or helipad) or if using projectiles capable of reaching more than 400 feet above ground level are required to notify CASA at least 2 working days prior to the conduct of

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such activities. The notification must be provided to CASA by the operator of the display - that is, the person or organisation that places or fires off the fireworks.

Camping and Recreational Vehicles

12. With regard to camping in relation to an event, the *Caravan Parks and Camping Grounds Regulations 1997* require local governments to approve and manage designated camping areas. However, for short-term use, the CEO may approve alternative arrangements.

Additional public space may be made available to accommodate recreational vehicles (caravans, motor homes).

Guideline A - What Should Be in an Event Application

Event applications should at the very least contain (but not be limited to) the following information:

- A description of the event (type of event, date, time, number of attendees, is alcohol available and so on);
- A letter of consent from the landowner (or owner's agent) stating that the owner has approved the use of the property
- Promoter's previous experience in similar events, together with letters of reference or referees
- A layout plan of the venue which depicts locations of proposed stages, lighting towers, temporary structures, water, toilets, first aid, safety services and muster points, entry & exit points, and other features or attractions
- A risk management plan:
 - Mandatory under the Health (Public Building) Regulations for events over 5,000 people
 - May be required by the Shire for events where alcohol is present
 - May be required by the Shire for other medium and high-risk events
- How waste management will be handled including whether the Shire's assistance is required
- Whether any camping is applicable and/or additional space is required for recreational vehicles
- Prior to the Shire considering any application for the staging of a concert, written comments should be obtained from the Officer in Charge (OIC) of the relevant police station. These comments should be submitted to the Shire with the application for approval
- Parking arrangements should be made with the Shire and an approved parking layout submitted with the application. Parking control measures need to also be advised and can include the use of emergency services personnel, sports groups and other community organisations
- Event organisers must make a separate application to the Shire if road or street closures are required (*Road Traffic (Events on Roads) Regulations 1991* - Form 1); and
- Provide sufficient information to allow approving officers to understand critical safety issues that may be associated with any event structure.

Note: All events are required to be drug free and smoke (i.e. tobacco free)

The CEO is responsible for implementing and administering an Event Management Application Form for the purposes of this guideline and policy.

– End of Schedule

6. ENVIRONMENTAL HEALTH

Legislative and Management Guidelines to be followed

7. FINANCIAL MANAGEMENT

7.1 Purchasing –to commit funds / incur expenditure within Budget

Introduction	The LGA Financial Management Regulations prescribe the financial management duties of the CEO and bind the CEO to establish efficient systems and processes to ensure proper authorisation for the incurring of liabilities and the making of payments. Employees must be properly authorised before they can commit funds / incur a Shire expense to purchase goods and services that they require to carry out their functions and duties.		
Objective	To delegate limited/conditional authority to certain employees to enable them to commit budgeted funds / incur a Shire expense for the purchase of goods and services that they require to carry out their duties.		
Statutory Context	Local Government (Financial Management) Regulations 1996 <ul style="list-style-type: none">- r.5.(1) (e) Financial Management Duties of the CEO – systems for proper authorisation for the incurring of liabilities- r.11 (2) – A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant <i>debt was incurred by a person who was properly authorised to do so.</i>		
Related Policy and Delegations	<ul style="list-style-type: none">- Delegations 2.2 – 2.6- Policies 7.1 Purchasing and Tenders- 7.3 Credit Cards- Any other delegation, policy, procedure, guideline or instruction as may be force at any time		
History	Adopted	21 August 2008	
	Replaced	20 February 2014	C2014-0239
		31 July 2020	C2020-0708
	Reviewed & Amended	26 November 2020	C2020-1107

Policy Statement

Legislation and Exemptions

The requirements that must be complied with by Local Governments, including purchasing thresholds and processes, are prescribed within the Local Government (Functions and General) Regulations 1996 and in addition for the Shire of Yalgoo this Purchasing Policy. This Policy should be read in conjunction with the Local Government Act 1995 and associated legislation.

Purchasing that is below \$250,000 in total value (excluding GST) must utilise a Request for Quotation process, either direct to the market or through a panel of pre-qualified suppliers (such as a WALGA Preferred Supply Contract).

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Purchasing that exceeds \$250,000 in total value (excluding GST) must be put to public Tender unless a regulatory Tender exemption is utilised by the Local Government. Tender exemptions apply in the following instances:

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is from a WALGA Preferred Supply Contract or Business Service. All WALGA Preferred Supply Contracts have been established utilising a competitive public procurement process to pre-qualify suppliers that meet compliance requirements and offer optimal value for money to the Local Government sector.
- The purchase is supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or a Regional Local Government or another Local Government;
- The purchase is under auction that has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 that apply.

Determining purchasing value is to be based on the following considerations:

1. The actual or expected value of a contract over the full contract period (including all options to extend); or
2. The extent to which it could be reasonably expected that the Local Government will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased.

WALGA Note: When making a decision about whether to conduct a public Tender or utilise a Tender exempt arrangement, the Local Government should compare the cost and benefits of both processes.

The compliance requirements, time constraints, costs and risks associated with a public Tender should be evaluated against the value delivered by such a process. This should then be compared with the costs and benefits of using a Tender exempt arrangement which include direct access to pre-qualified suppliers, full regulatory compliance, risk mitigation, administrative efficiencies and cost savings.

Officer Considerations when Incurring Liability

Ethics

Officers are to follow their applicable Code of Conduct, Yalgoo Shire Policies and comply with relevant legislation or audit requirements.

Officers are to act in an honest and professional manner that encompasses the following principles:

- Impartiality – fairness and consistency that results in a competitive process
- Accountability – based on value for money (efficient and effective use of public money)
- Transparency - adequate reporting of decisions that is free from bias (actual or perceived conflicts of interest are appropriately managed)
- Privacy – supplier information is commercial-in-confidence unless permission is obtained from the supplier or dictated by legislation

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Value for Money – Cost, Quality and Sustainability

Best value for money is the most advantageous combination of Cost, Quality and Sustainability. A Life Cycle Assessment that is appropriate to the scale of a purchase should be performed.

Cost

An Officer shall consider all relevant Whole of Life Costs for both goods and services. These may include but are not limited to; transaction costs associated with acquisition, delivery, distribution, holding costs, consumables, deployment, maintenance and disposal. It is important to note that obtaining the lowest price is not more important than Specification or Sustainability.

Quality

Officers are to assess the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. Products and suppliers should be assessed on the following basis:

- The product or service is fit for purpose
- The supplier has a demonstrated financial viability and capacity to deliver the goods or services without risk (or an acceptable mitigated risk)
- That the goods or services offered are competitive when compared to the market (a sufficient number of quotations needs to be obtained)

Sustainability

The Shire of Yalgoo is committed to sustainable procurement of goods and services that have less environmental and negative social impacts than competing products and services.

Officers shall endeavour to procure products and services that –

- Demonstrate environmental best practice in efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling (Energy, Water, Emissions)
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy to produce
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste

Renewable energy options and safe, energy efficient materials should be seriously considered for any new construction or building redevelopments.

Motor vehicles shall be fit for purpose and within budget. Significant weighting shall be given to fuel efficiency, emission type and volume.

Buy Local

Where the opportunity exists to purchase goods or services of a comparable quality locally, the officer is to have due regard for additional costs arising from a non local purchase such as:

- Freight
- Fuel
- Staff travel

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- Project/staff downtime

Support shall be provided to local businesses in the following way:

1. Ensure that specifications are not determined which unfairly disadvantage local business, unless those specifications could be perceived as avoidance of a tender and would contravene Section 12 of the Local Government (Functions and General) Regulations 1996 – Anti-avoidance provision.
2. Ensure that procurement plans address local business capability and local content.
3. Regularly approach local businesses to bid for work and actively seek capability statements so that opportunities to provide work locally are not missed.
4. All weighted criteria used for the evaluation of a tender will include a category of no less than 10% for Tenderers to demonstrate utilization of local labour or purchases through local businesses.

Purchasing Thresholds - Requirements

Below is the purchasing process that must be followed based on the actual or expected value of each purchase by the Local Government:

Purchasing Thresholds (ex GST) Up to \$1,000

Obtain one (1) verbal or written quotation from suppliers supported by evidence of the quotation (eg email, fax, website print screen or record of quotation) in each instance. Verbal quotations should be written on the Purchase Order by the Officer. Officers should regularly test the market by obtaining other quotes or by comparing to similar requests for goods or services.

Purchasing Thresholds (ex GST) \$1,000 - \$9,999

Obtain at least two (2) verbal or written quotations from suppliers supported by evidence of the quotation (eg email, fax, website print screen or record of quotation) in each instance. All quotations from suppliers should be in writing.

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts using a simple quotation process either through eQuotes or directly in writing.

Purchasing Thresholds (ex GST) \$10,000 - \$249,999

Obtain at least three (3) written quotations (eg email, fax or original copy) from suppliers containing price and specification of goods and services. The procurement decision is to be based on all value for money considerations in accordance with the definition stated within this Policy.

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the Local Government source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

Purchasing Thresholds (ex GST) \$250,000 and above

Conduct a public Tender process in accordance with this policy and the WALGA Procurement Toolkit (if there is no access to the Toolkit refer to the Local Government Act 1995 and Tender specific Regulations). The procurement decision is to be based on value for money considerations in accordance with the definition stated within this Policy.

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OR

Obtain quotations directly from a Tender exempt and pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the Local Government source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

The Tender Process is to be conducted in accordance with the Local Government Act 1995 and subsidiary legislation – Specifically Part 4 – Provision of Goods and Services of the Local Government (Functions and General) Regulations 1996.

The preparation of tender documents and calling of a tender must be conducted by way of delegated authority. This decision should be based on a previously adopted Council Resolution which includes the adoption of a budget capital project.

Purchase Orders and Incurring Liability

WALGA Notes

Incurring liabilities is not described in the Local Government Act or Regulations as an express power or duty, rather it is only described as a requirement for the Local Government and the CEO to control by developing “systems and procedures” [see FM Regs 5 and 11].

Incurring liabilities is therefore not an express (written) power or duty which is capable of being delegated.

Therefore the CEO must establish systems and written procedures which give effect to compliance with legislation and purchasing policy and provide appropriate internal controls and risk mitigation for incurring liabilities.

Issuing a Requisition – the Requisition is only a proposal to purchase (FM Regs 5 & 11), describing the goods or services required to enable a decision to issue a Purchase Order. It does not incur a liability as the goods / services may only be provided on the basis of an appropriately issued Purchase Order.

A decision to issue a requisition and therefore Purchase Order, is informed by other, previous Council decisions, for example – the Budget adopted by Council, Council decisions to approve projects or implement policies.

The decision to incur a liability is in fact and in operation a method of implementing a Council decision and therefore accords with the CEO’s duties under s.5.41(c) to cause council decisions to be implemented.

Issuing a Purchase Order – The Purchase Order, creates a contract between the supplier and the Local Government. It incurs a liability (FM Regs.5 & 11), provided that the goods or services are ultimately supplied in accordance with the requirements specified in the purchase order. Administrative procedures should establish which positions are authorised to issue Purchase Orders, with pre-requisite requirements for a Purchase Order to only be issued, where due diligence confirms:

- a) Compliance with the Purchasing Policy
- b) The committal value of the Purchase Order is within an appropriate and available budget allocation.
- c) The proposed goods / services are within the scope of implementing a Council decision either specific or generally.

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Using Credit or Transaction Cards (store card, fuel card or corporate credit card) are a method of incurring a liability, with the goods or services received and a monthly statement provided to the Local Government for acquittal (verification of a liability) on a monthly basis. Please refer to the Credit Card Policy.

Verification of Liability

Goods / Services Received – Officers are required to check packing slips and follow up directly any discrepancies. Reports and evidence of goods/services are to be kept as per the Shires Record Keeping Plan.

Verification of Invoice or Transaction Card Statement – Officers, their Manager or the CEO are to ensure that charges align with the accepted quote or the contracted schedule or rates and are to sign all such invoices as being both Received and Authorised for payment.

Council through its Audit Committee, may form an opinion as to its satisfaction with the procedures prepared in accordance with FM 11, when it undertakes the review of Internal Controls in accordance with Audit Reg. 17(1)(b).

Internal Controls

The Shire of Yalgoo utilises an Ozone Purchase Order Software Module distributed by Datacomm.

All Municipal and Trust Payments require dual authorisation so that if a payment batch contains an invoice approved by an officer with Delegation of “Payments from the Municipal or Trust Funds” there is a second officer separating the roles of verifying the liability and approving the payment.

Payment batches require each of the following for a payment to a creditor:

- Quotes or exemption explanations
- A valid purchase order
- Invoice
- An “authorising/received” signature from the issuer of the Purchase Order or their Manager/ the CEO.
- A “checked” signature showing that a second officer has entered the Invoice and compared it to the Purchase Order.
- A signature and date from a Financial Manager or Chief Executive Officer agreeing with the total amount of the batch and its allocations including the allocation of GST.

All purchase orders require the following:

- (i) The date authorised (prior to the services, goods and invoice being received).
- (ii) The appropriate number of supporting quotes or the relevant contract as per the Purchasing Policy. This includes a description of an exemption if it applies such as “Fuel”.
- (iii) An allocation that is within budget or variance. Officers are required to regularly check and operate within adopted budget allocations.
- (iv) The cost of the work (goods or services) - actual or a maximum estimation that is below that particular officers liability threshold.
- (v) A brief description of the services and an itemised list of goods – reference can be made to a quote for itemised descriptions but all other requirements (i) to (v) must be included on the purchase order.

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(vi) The signature of the officer showing that they accept, on behalf of the Shire of Yalgoo, liability for the purchase of the detailed goods or services.

- If instances arise where it is impractical to obtain the requisite number of quotations, the reasons should be recorded and attached to the purchase order at the time of the purchase being made.
- Any quotes obtained verbally should be recorded by the officer on the purchase order that is made out to the successful supplier.

Purchase Order Threshold

Position thresholds based on position titles may be updated via memo by the CEO and placed on an employees file. This excludes the CEO threshold or positions that do not exist under the workforce plan.

≤ \$249,999	≤ \$100,000	≤ \$9,999	≤ \$5,000	≤ \$500
CEO	Works Manager / Foreman	Manager Community Wellbeing, Arts & Culture	Rates Officer	Admin Officers/Assistants
		Finance Administration Officer	Caravan Park Manager	Supervisor Parks, Gardens & Town Maintenance
			Executive Assistant	

An Officer may, with the verbal or written permission of another officer provide Purchase Orders above their threshold for requested items, that will be countersigned by the requesting officer at the earliest possible opportunity and is not above the Purchase Threshold for the requesting officer.

Officers may provide a Purchase Order above their threshold for a payment that was directly approved via minuted Council Resolution at the verbal or written request of the CEO.

The Council Resolution number and/or WALGA preferred supplier contract number must appear in the purchase order description.

Nothing in this policy authorises an employee to commit the Shire to a loan of money.

Authorising officers are responsible for attaching all supporting documentation to a purchase order.

7.3 Credit Card Facilities

Introduction	From time to time, purchases are necessary from businesses that do not accept a Purchase Order, or in circumstances where it is impractical to obtain a Purchase order or make alternative arrangements.		
Objective	To enable payments or purchases where normal creditors process are not available.		
History	Adopted	18 March 2004	
	Former Policy	3.15.2	
	Amended / confirmed	21 August 2008	
	Amended / confirmed	20 November 2008	
	Amended / confirmed	16 December	2016C2016-1223

Policy Statement

1. That the credit card be issued to the Chief Executive Officer with the minimum corporate card limit for the following Council related purposes –
 - purchase of fuel.
 - purchase of accommodation and meal expenses as necessary.
 - purchase of printing and stationary as appropriate.
 - conference expenses for councillors and staff.
 - early rate payer prizes.
 - purchases where council does not have a business account.
 - purchases deemed expedient by the Chief Executive Officer.
2. (*Credit*) card facilities may be arranged for the following positions and amounts –
 - Manager Corporate \$1,000
 - Community Development Officer \$1,000to be used for the following purposes –
 - purchase of fuel
 - purchase of activity materials as appropriate
 - purchases where council does not have a business account
 - other purchases as authorised by the CEO.
- 7 (*Credit*) card purchases must be fully reconciled and accounted for, and must not be used –
 - for regular or periodic purchases
 - where payments can be made through the normal creditors processes
- 8 Purchases of a personal nature are not permitted on any Shire credit card.
- 9 Cardholders –
 - are personally responsible for the use and security of the credit card they hold
 - providing transaction slips and tax invoices for reconciliation
 - must not obtain cash advances, except in emergency situations, and must provide a full report detailing the circumstances to the CEO, as soon as possible thereafter
 - must immediately advise the CEO and Council’s bankers if stolen or lost
 - return the card immediately, when no longer entitled to use it, or on request of the CEO.
- 10 Improper use may render the cardholder liable to disciplinary action.
- 11 Rewards/Bonus Points

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Where the corporate cards carry rewards in Bonus Points, usually to encourage the use of the card by the issuing institution these rewards or points will be accumulated in the name of the Shire of Yalgoo. The CEO will decide how these points are to be utilised and may include a charitable, social or sporting contribution. Under no circumstances will rewards or bonus points be redeemable for an Officer's private benefit.

– End of Policy

COMMENT

Amend point 2 and 3 to include “Credit”.

Amend point 3 to permit regular purchases on the CEO's credit card only, and only if no other option is available.

Delete Community Development Officer from paragraph 2

Add point 7 “Rewards/Bonus Points”.

7.4 Outstanding Rates

Introduction	The Local Government Act 1995 provides for a local government to impose rates and charges on land in its district.	
Objective	To establish a formal standard for the recovery of outstanding rates and charges levied under the Local Government Act 1995.	
History	Adopted	19 July 2007
	Former Policy	4.1
	Amended / confirmed	21 August 2008

Policy Statement

1. The Chief Executive Officer may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person. Special payment agreements may be entered into for cases of special hardship for payment of rates, service charges, and domestic rubbish removal charges.
2. Subject to an agreement, the following process is to be followed for the recovery of outstanding rates and service charges. Legal proceedings will continue until payment of the rates and service charges are made in full –
 - a) Issue Final Notices –
 - (i) A Final Notice is to be issued 14 days after the due date, to those persons who have made either no payment, or insufficient payment to cover the first instalment. The Final Notice is to specify that the ratepayer/s have seven (7) days to pay in full or to enter into a special repayment arrangement.
 - (ii) Final Notices are not to be issued to eligible persons registered to receive the pensioner rebate under the Rates and Charges (Rebates and Deferrals) Act 1992 as such persons have until 30 June in the year of rating to make payment, without incurring any late payment penalties.
 - b) Debt Collections –
 - (i) After (7) days has expired and no action has been recovered all rates and charges are to be sent to Council's debt collector.
 - (ii) The debt collector will follow a process to collect outstanding monies.
 - (iii) The debt collector, if unable to collect outstanding rates and charges will advise the rates officer.

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(iv) The rates officer will present this to the Deputy Chief Executive Officer who, in liaison with the Chief Executive Officer, will issue the debt collector an instruction to proceed with legal action.

(v) Should the debt collector not be able to collect the rates and charges then:

3. Local Government Act 1995 section 6.64 – Sale of Land

If any rates and charges which are due to Council in respect of any rateable land have been unpaid for at least 3 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 to be obtained before this course of action is undertaken.

4. Should the arrangement negotiated with the CEO not be kept, the provisions of (2) above may implemented. – End of Policy

COMMENT

7.5 Annual Budget – Rates Calculation

Introduction	To determine the percentage by which rates in the dollar and minimum rates should be increased to meet the increasing expenditure demands of a rapidly growing local government and to balance the budget.	
Objective	<ol style="list-style-type: none">1. To provide clear direction to members of Council, staff and community members on the process of determining rate changes.2. To allow sufficient time for ratepayers and electors to make submissions and comment on rate setting as required by the Local Government Act 1995.3. To ensure that the budget preparation and adoption procedure follows a methodical process with the opportunity being provided for input from members of Council, staff and the community.	
History	Adopted	19 April 2007
	Former Policy	4.5 and 4.8
	Amended / confirmed	21 August 2008

Policy Statement

1. As a base standard for preparation of the annual budget, staff apply the following principles to establish the rate yield:
2. Using Local Government Cost Index (LGCI), calculate rate yield based on the previous years rate in the dollar or in a revaluation year, calculate rate yield on the previous years rate yield.
3. With reference to section 6.35 of the Local Government Act 1995, the minimum rates set by the Council are the minimum payments due in respect of any assessable property held for any part of the rating year and no refunds or allowances are to be made merely because a property has been surrendered, forfeited or otherwise disposed of during the course of a rating period. This policy recognises the considerable expense incurred by the Council in administering the rating system, and the disproportionate cost of collecting the small sums due as minimum rates.
4. Where land that becomes rateable during the year attracts a minimum rate, the minimum rate be apportioned on the number of days left in the year except where the amount is less than \$20 then the charge not be raised in that year, but be raised in the next subsequent year.
5. Council may adopt or vary the rate used for calculations, to suit Budget considerations.
6. Needs to be aligned with the long term financial plan that council adopted in September 2013

7.6 Annual Budget – Preparation timetable

Introduction	In past years difficulties have arisen in regard to members of Council and staff not being aware when various sections of the budget process are required to be completed to enable a smooth transition to the adoption of the budget. There is a need to ensure that the budget preparation and adoption process follows a methodical process with the opportunity being provided for input from members of Council, staff and the community.	
Objective	<ul style="list-style-type: none">- To provide clear direction to members of Council, staff and community members on the budget adoption process to be followed, to ensure adoption of the annual budget in compliance with the Local Government Act 1995.- The policy relates to the need to have guidelines for the adoption of the Budget and Plan for the Future to ensure its smooth transition.	
History	Adopted	19 April 2007
	Former Policy	4.9
	Amended / confirmed	21 August 2008
	Amended	26 November 2009

Policy Statement

1. All requests for items to be included in the draft budget must be made in writing and be submitted prior to 31 January each year.
2. Provision for ongoing commitments and fixed costs are to be included in the draft budget without reference to a committee.
3. The following Schedule 7.6 – Budget Preparation Timetable is applicable to the Long Term Financial Plan and Budget adoption, and forms part of this Statement.
4. In preparation for Budget, the following inspections are to be arranged by the CEO –
 - roads – date/s to be agreed at the March Council meeting.
 - plant and equipment – on the day of the March Council meeting,
 - public facilities – on the day of May Council meeting
 - Shire Office, Shire Hall, Old Railway Station, Caravan Park, Depot Workshop, Cemetery, St Hyacinth’s Chapel etc
5. In preparation for Budget, the EHO is to inspect Shire housing, and buildings, and provide a report to the May Council meeting

– End of Policy

– End of Schedule

7.7 Donations and Sponsorship

Introduction	From time to time, requests are received for Council to donate to particular causes or events, or to support individuals financially.	
Objective	To establish a framework for the consideration of requests for donations, sponsorship or in-kind support	
History	Adopted	15 May 2008
	Former Policy	4.10
	Amended / confirmed	21 August 2008

Policy Statement

1. As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.
2. Sponsorship of individuals will not be considered, unless it is determined by Council that –
 - the person is representing the Shire as a community,
 - is acting for the Shire’s benefit to some extent, and
 - is authorised by a non-profit and non-government organisation which benefits the community.
3. The following Policy Schedules are adopted, and form part of this Statement –
 - 7.7 (a) – Request for Support.
 - 7.7 (b) – Criteria for Assessment of Requests

Policy Schedule 7.7 (a) Request for Support

Donation requests should be made before 1 April each year for funding in the next financial year.

Priority is given to new initiatives which enhance the lifestyle of those living within the area.

Previously successful applicants should not assume that funding will always be granted. Other sponsorship priorities and eligibilities are listed on an attached sheet.

This information form is designed to assist you in making your application for donation and to enable us to efficiently deal with your request.

**Please return to: Chief Executive Officer Shire of Yalgoo
37 Gibbons Street YALGOO WA 6635**

Name of Organisation		
Postal Address		
Contact & Position		
Telephone	(W)	(H)
Aims of Organisation		
When was your organisation established?		
Is your group a non-profit organisation?	YES / NO	
Is your group a registered association?	YES / NO	
Does your group have an ABN?	YES / NO If yes, ABN	

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DONATION AGREEMENT

If donation is approved, I agree:

- To provide the Shire of Yalgoo with a tax invoice for the amount granted
- To present the Shire with a report on the event including a financial report of the sponsorship expenditure, copies of material which feature the Shire's logo and a brief assessment of the projects' success (donations over \$500 only)
- Notify Council immediately, if the donation amount granted is used differently to what was listed in the application form.

I certify that the information supplied in this form is correct, and that I am authorised to make application for assistance on behalf of the organisation named

Signature		Name	
Position		Date	

PREVIOUS ASSISTANCE

Details of any previous assistance of your organisation by either direct donation or by waiving service costs

Date	
Amount	
Purpose	

PRESENT APPLICATION

If you have any further information you would like to include with your application form please attach.

Amount requested	
Date when support is required	
Project description	
How will the event/project benefit the Shire of Yalgoo community?	
Is this a regular project or a one-off event? Please provide detail	
Please detail how the support of Shire will be used	
What acknowledgement will the Shire receive for its support?	

BUDGET SUMMARY

Please attach a detailed budget for the project if appropriate.

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INCOME	Shire support requested	\$
	Other sources –	\$
		\$
	Total	\$

EXPENDITURE		\$
		\$
		\$
		\$
	Total	\$

– End of Schedule

Policy Schedule 7.7 (b) – Criteria for Assessment of Requests

Applicants should note that donations will be made at the absolute discretion of Council and that Council may use the following criteria when addressing applications.

Donation requests will not be considered where:

- The applicant is a private and for-profit organisation or association
- The applicant is an individual person
- The applicant is in relation to general fundraising
- The application is for funding for conferences and conventions

Priority will be given where;

- The applicant is a registered not for profit organisation and has a base or visible presence in the Shire of Yalgoo.
- The applicant is a community group based in the Shire of Yalgoo or has visible presence within the Shire of Yalgoo or has a significant impact on residents of the Shire of Yalgoo.
- The applicant can demonstrate that the funds will provide some benefit to the Shire of Yalgoo residents.
- The funds are required for a new initiative or significant once off project.
- The applicant has not received a donation from Council within the previous two years.
- If the donation is for an event, entry to the event is free of charge to Shire of Yalgoo residents to attend and participate.
- The application is made in the financial year prior to the funds being required in time for inclusion in the coming year’s budget deliberations.

– End of Schedule

7.8 Centacare – Support for Indigenous Children’s Program –DELETED

7.9 Shire of Yalgoo Education Scholarships and Donations

Introduction	The purpose is to provide some financial support for deserving students attending Years 7, 8, 9 and 10.	
Objective	This Policy is intended to support administrative and other secondary school expenses for Yalgoo Primary School students, and recognition of achievement for a Meekatharra School of the Air student	
History	Approved in Principle	April 2009 Ref – C2009-0416
	Adopted	26 November 2009

Policy Statement

1. The following amounts are to be included in the 2009-2010 Annual Budget, and thereafter –
 - Yalgoo Primary School – two scholarships of \$150 each.
 - Meekatharra School of the Air – donation of **\$100** towards graduation gifts/prizes.
2. The 2009-2010 base year amounts are to be indexed each year by the same percentage as the rates increase, rounded up to the next \$5.
3. Yalgoo Primary School Year 6 Scholarships –
 - are intended to be a rolling three-year scholarship program, with two new scholarships to be awarded each year,
 - to be awarded to up to two graduating year 6 students, selected by the Yalgoo Primary School staff, and not limited solely to academic achievement,
 - the School staff are not required to award either or both scholarships each year,
 - any scholarship not awarded is not cumulative,
 - the scholarship will continue each year for the first three years of secondary education, subject to the student remaining in education,
 - the scholarship will be paid direct to the institution the successful recipient attends, upon notification/claim by the school, to assist paying for items such as fees, books, uniform etc,
 - although the recipient will not receive payment direct, a letter from the Shire confirming the award of the scholarship to the student and the arrangements, should be handed to the student at the time of announcement of the scholarship award,
 - if the student discontinues their education the scholarship will no longer be payable.
4. Meekatharra School of the Air Graduation Gifts/Prizes –
 - to be used at the discretion of MSOA, is not limited to graduating students

7.10 Christmas Party for Children Residing in the Shire

Introduction	The purpose of this policy is to provide funds from the Shire budget for the purpose of a providing a Christmas party for families with children to come together and share the Christmas spirit. The event is an alcohol-free event that may include a Carols by Candlelight theme and a barbeque is provided	
Objective	This funding is intended to provide food, entertainment and token gifts for attending children	
History	Approved	TBA
	Adopted	TBA

Policy Statement

5. Projected costs are to be included in the Annual Budget
6. The allocated budget will be used for food, beverages, entertainment and appropriate Christmas gifts for children residing in the Shire of Yalgoo.
7. Residents from outside the Shire of Yalgoo can register their Children for the Christmas Party and provide their Children's present to the value of those being provided to local children, from newborn to Primary school age.
8. That value of gifts was \$20 in 2019 and may increase at the discretion of the CEO
9. The primary purpose of this event to commit to social inclusion and wellbeing and add value to the community and:
 - Not seek to promote a product, service or company (sponsorship excepted).
 - Entry to the event is free and appropriately inclusive
 - This event may be supported by a local community group.
 - This event is not to promote religious or political ideas.
10. All residents will be notified of the time and date of the event each year.
11. Residents will need to ensure their children have been registered with Shire by a published cut off day in order to be included in the Christmas party event. If token gifts are distributed to Children (under the age of XXX), they will need to be age and gender appropriate and within the allocated overall budget for this event.
12. Residents, who will also be attending the event, will also need to notify the Shire of their attendance in order to make sure attendance is managed and monitored.
13. A short summary to be compiled post event relating to costs and attendance to guide management planning in subsequent years

8. FIRE CONTROL

8.1 Bush Fire Brigade Vehicles

History	Adopted	21 October 1998
	Former Policy	10.7
	Amended / confirmed	21 August 2008
	Amended	20 November 2008

Policy Statement

1. Fire appliances are to be kept fully fuelled including auxiliary motors and fire-lighters, and fire-fighting water tanks are to be kept full to ensure operational readiness.
2. Fire trucks are not to leave town until authorised by the incident controller. This is to protect personnel and ensure that the trucks are available for fire-fighting service when required.
3. In the case of a rural bush fire, the actual location of the fire will first have to be determined and then a decision made by the incident controller as to the appropriate deployment of resources.
4. Fire appliances are to be equipped to the standard stowage configuration and all equipment is to be regularly serviced, maintained and cleaned to ensure operational readiness.
5. All fire appliance equipment is to be secured appropriately.
6. Fire appliances are to be regularly serviced, maintained and cleaned to ensure operational readiness.

– End of Policy

9. NATURAL RESOURCE MANAGEMENT

9.1 Native Flora and Fauna

Introduction Approval of the Shire is required before DEC will issue permission to people wishing to pick wildflowers, collect seeds or take native fauna.
Local Government Act 1995 –
s.3.54 – management of reserves vested or placed under Council’s control
Wildlife Conservation Act –
protection of native flora and fauna

Objective

History	Adopted	unknown
	Former Policy	10.1 adopted 21 June 1989
	Former Policy	10.10 adopted 2 August 2003
	Amended / confirmed	21 August 2008
	Amended	20 November 2008

Policy Statement

1. On written application, the CEO may provide permission to pick wildflowers and / or collect seed on lands under Council’s control, under the following conditions –
 - it is for their own domestic or hobby use
 - permission is given for a period not exceeding one week
 - the area of picking and/or collection is strictly limited

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- not more than one collector is permitted in any one location
 - a maximum of 10% of seed only to be taken in any one area
2. All applications for commercial picking of wildflowers or collection of seed are to be referred to Council, for consideration of –
 - collector’s credentials and purpose (collector includes the permit holder and up to 2 assistants),
 - duration of approval, if any,
 - the area of picking and/or collection
 - not more than one collector being permitted in any one location
 - a maximum of 25% of seed only to be taken in any one area
 3. All applications for the collection of reptiles, amphibians and birds from lands under Council’s control, are to be referred to Council for consideration, having regard to –
 - collector’s credentials
 - purpose of collection – domestic, hobby, display, educational, commercial
 - fauna to be collected – rarity, locality, need for preservation etc
 - locality of collection – ease of access, likelihood of general public-knowledge or access
 - period of duration
 4. Where Council has previously permitted an application, the CEO may issue permission in subsequent consecutive years under identical terms and conditions, without further reference to Council.
 5. The approval of the Department of Environment and Conservation is mandatory, and Shire permission is invalid without the Department’s consent

COMMENT

DEC may issue a permit for a maximum of 1 year.

10. ORGANISATIONAL POLICIES

10.1 Occupational Health and Safety

History	Adopted	21 August 2008
	Confirmed	26 November 2009

Policy Statement

1. The following Policy Schedule 10.1 – Occupational Health and Safety Statement is adopted, and forms part of this Statement.
2. Policy Schedule 10.1 is to be reviewed and adopted annually as required by the Occupational Health and Safety Act.
3. Policy Schedule 10.1 is to be distributed to all new employees as part of their induction

Policy

The Shire of Yalgoo is committed to providing a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors. To achieve this, the council has allocated responsibilities and accountabilities to all levels of persons within the council to ensure the maintenance of the occupational safety & health program is optimal.

- An annual reduction of workplace injury and disease.
- The provision and maintenance of a safe workplace, plant and systems of work.
- The identification, elimination and control of workplace hazards.
- The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard

The Shire of Yalgoo encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the council's employees and property.

Safety is considered a shared responsibility and the council will strive to ensure the compliance and integrity of this policy is maintained.

Shire President

Chief Executive Officer

Employee Representative

Date: _____

Review Date: _____

COMMENT

10.2 Employees Health and Safety Policy – Included in HR Manual

History	Adopted	25 May 1994
	Amended	8 October 1997
	Former Policy	10.4
	Amended / confirmed	21 August 2008

Policy Statement

- The following Policy Schedule 10.2 – Employees Health and Safety is adopted and forms part of this Statement.
- The Schedule is to be reviewed annually as required by the OSH Act, adopted and circulated to all staff.

– End of Policy

Policy

The Shire of Yalgoo is committed to providing and maintaining a safe working environment. We have an accident-free record of which we are extremely proud. The aim of this policy is to ensure the safety and welfare, so far as is practicable, of employees and contractors whose services are engaged by the Shire of Yalgoo. It is also to ensure the safety of members of the public who may drive through or visit our worksites.

The Chief Executive Officer is responsible for the management of occupational safety and health. The Shire of Yalgoo identifies the requirements and responsibilities under the Occupational Safety and Health Act 1984, the Occupational Safety and Health Regulations 1996, approved Codes of Practice, Guidance Notes and relevant Australian Standards.

To ensure that the Shire of Yalgoo is a safe place in which to work, the following areas of responsibility must be accepted:

- All staff, contractors and volunteer workers must take reasonable care to ensure their own safety and health at work and that of other persons in the workplace.
- All staff, contractors and volunteer workers must observe safe work practices and use personal protective equipment. All staff and volunteer workers are to be provided with personal protective equipment as required. Contractors are to provide, at their own expense, personal protective equipment that meets the conditions of the Shire of Yalgoo.
- It is the duty of all staff, contractors and volunteer workers to report any incidents, accidents and hazardous situations arising or having been observed in the course of work.
- It is the duty of all staff, contractors and volunteer workers to maintain a copy of the Occupational Safety and Health Policy and Safety Rules. Contractors must also maintain a copy of the Contractor Check List.

The Shire of Yalgoo seeks the co-operation of all people associated with working for the council in upholding a high standard of personal safety and accident prevention procedures and in maintaining our accident-free record.

This policy will be reviewed annually to ensure relevance, comprehensiveness and clarity of purpose.

Safety Rules

The safety and health of all people working for the Shire of Yalgoo is of primary concern. The following rules are to be observed and complied with to reduce the risk of injury to any person:

- Safe working practices must be observed at all times. If there is doubt, speak to your supervisor.
- Report any injury or incident immediately.
- Safe and appropriate clothing and personal protective equipment (including seatbelts) must be worn while performing work tasks.

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4. Council vehicles, machinery, equipment and facilities are to be used only by authorised personnel.
5. Lift all objects safely and correctly. If in doubt, ask someone to assist you or ask your supervisor.
6. In the event of fire or other emergency, follow the instructions of the council emergency procedures.
7. Alcohol and drugs, other than prescribed drugs, must not be consumed at any worksite or work location unless officially authorised. Workers must be free of the influence of alcohol and drugs throughout working hours. Failure to observe this requirement may result in dismissal or suspension without pay.
8. Speed limits on public roads and at work locations must be observed at all times.
9. Machinery, equipment, materials and tools must be secured whilst in transit.
10. Any unsafe working conditions must be reported immediately to the supervisor. You must not work in unsafe conditions.
11. Appropriate road signs must be placed at all points of entry to construction zones, and all machines must have their yellow beacons operating within the works zone.
12. All road works must comply with the MRWA standards as found in the General Field Guide MRWA Traffic Management for Road Works.
13. All plant and equipment is to be inspected regularly to ensure that it is well maintained and in safe condition. These inspections should be carried out at least daily and an inspection checklist should be completed at least fortnightly. Particular attention must be paid to safety devices such as beacons and reversing alarms. Any faults must be brought to the immediate attention of the Supervisor. Any equipment which is unsafe will be stood down until repaired or replaced.
14. Greasing, refuelling or cleaning machinery, plant and equipment that is running is strictly prohibited.

These Safety Rules apply to Contractors as well as to Shire Employees

Safety Guidelines with regard to Contractors

1. Before commencing work on any Shire contract, contractors will be provided with a copy of the Occupational Safety and Health Policy and the Safety Rules, Contractor Safety Checklist and Contractor Safety Agreement.
2. Before commencing work on any Shire contract, contractors will provide the Shire with certificates of currency with regard to Public Liability insurance and, where applicable, Workers Compensation insurance, Plant insurance and Personal Accident insurance.
3. Before commencing work on any Shire contract, contractors provide to the Shire copies of their employees drivers licences and certificates of competency as appropriate.
4. Before commencing work on any Shire contract, contractors will satisfactorily complete and sign both the Contractors Safety Checklist and Contractors Safety Agreement. These documents acknowledge that the Contractor is bound by the Shire's Occupational Safety and Health Policy and Safety Rules and that the contractor is complying with its safety and health responsibilities.
5. All tender documents for Shire works will contain appropriate safety and health provisions.

– End of Schedule

10.3 Sexual Harassment Policy

History	Adopted	21 May 1996
	Former Policy	10.3
	Amended / confirmed	21 August 2008

Policy Statement

The following Policy Schedule 10.3 – Sexual Harassment Policy is adopted and forms part of this Statement.

Objective

Council strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment. Council considers sexual harassment to be an unacceptable form of behaviour which will not be tolerated and recognises that sexual harassment is unlawful.

Scope

This policy applies:

- To everyone who works at the Shire, including elected members, employees, potential employees, trainees, volunteers and contractors, regardless of whether they work full time, part-time or as casual staff.
- In the workplace and at any other place where a person is a representative of Shire of Yalgoo including work outside normal work hours and at work related events such as conferences, training events and social functions like Christmas party or other functions.

The Equal Opportunity Act 1984 (WA) and the Sex Discrimination Act 1984 (Cth) provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc);
- Gestures of a sexual nature
- Leering or staring
- Offensive telephone calls, emails, text messages or notes
- Sexual suggestive jokes or comments
- Tales of sexual exploits
- Repeated requests for a date
- Unwelcome comments or questions about a person's sex life, appearance or dress; and
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).
- Other acts or behaviours that may amount to an offence of sexual assault under the relevant criminal legislation.

The Shire of Yalgoo is an Equal Opportunity Employer committed to providing a safe workplace that is free from harassment, discrimination and bullying and one where diversity is valued and encouraged.

Elected Members who engage in misconduct as outlined in this policy may be suspended or disqualified from holding office. Employees who engage in misconduct as outlined in this policy may be subject to disciplinary action, which may include instant dismissal.

Responsibilities:

Elected Members

Shire of Yalgoo's Elected Members must be aware of this policy.

They are responsible for ensuring that:

- Their behaviour in the workplace complies with this policy.
- They must inform the Chief Executive Officer or Shire President as soon as possible if they observe behaviour in the workplace that may contravene this policy.
- They seek assistance from the Chief Executive Officer if they have any questions in relation to this policy. They respect confidentiality in relation any complaint made or any suspected inappropriate conduct.

Elected Members may be personally liable for their actions if they do not comply with the above requirements.

Council recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workplace and specific training for officers identified to deal with complaints.

Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

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

Any person making a claim of sexual harassment will be protected at all times.

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

A formal complaints/grievance procedure will be utilised to effectively resolve complaints of sexual harassment.

COMMENT - EMPLOYEES COMPONENT OF SEXUAL HARASSMENT POLICY HAS BEEN TRANSFERRED TO HR MANUAL UNDER DISCRIMINATION, HARASSMENT AND BULLYING IN THE WORKPLACE POLICY.

– End of Schedule

10.3 Drugs, Alcohol and Fatigue – (Previously Fitness for Work)

Introduction	The Shire of Yalgoo is committed to a zero tolerance of alcohol and drugs in the workplace and may conduct random drug and alcohol screening to ensure compliance.	
Objective	The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol.	
History	Adopted	21 August 2008

Policy Statement

The Shire of Yalgoo's commitment

The Shire of Yalgoo and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and other drug usage become an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired. For the purposes of this policy, the term "employee/s" shall extend to cover contractors, volunteers and any person performing work for or with the Shire of Yalgoo in any capacity.

The Individual's Responsibility

Under the Occupational Safety and Health Act 1984 (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions. Employees, Volunteers, Contractors and Elected Members are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.

Elected Members Responsibility

Elected Members should be aware of their standing as community leaders and ensure that alcohol consumption is kept to a minimum, particularly at functions hosted by the Shire. Alcohol should not be consumed prior to or during any Council or Committee meeting. Elected Members behaviour is not to be impaired by mind affecting substances and therefore the use of or consumption of any drug or drug related substance is prohibited.

Reporting Requirements

Employees, Volunteers, Contractors or Elected Members must report to their employer or Shire President (Elected Members) any situation where they genuinely believe that an employee, volunteer/contractor or elected member may be affected by alcohol and/or other drugs.

Drug Use on the Premises

Employees, Volunteers, Contractors or Elected Members who buy, take, or sell drugs on Shire of Yalgoo premises, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.

Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their manager or CEO and disclose any side effects that these medication/drugs may cause.

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Consumption of Alcohol on the Premises

Except in situations where the Shire of Yalgoo holds a function on the premises and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace.

Drug/Alcohol Treatment Programs

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, Shire of Yalgoo will aid the employee.

- Shire of Yalgoo will allow an employee to access any accrued personal or annual leave whilst they are undergoing treatment. And;
- Shire of Yalgoo will take steps to return the employee to its employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line manager or members of senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or possible termination from employment if the employee is unable to safely carry out the requirements of their role.

Managers' Responsibilities - Consumption of Alcohol at Work Sponsored Functions

Team managers shall:

- encourage their people to make alternative arrangements for transport to and from work prior to the function;
- ensure that the following is made available: - Low alcohol beer, soft drinks and water - Beverages: Tea, Coffee and Food;
- if the manager believes a person may be over the BAC 0.05 limit, assist the person with safe transport home (including contacting a family member or arranging a taxi); and
- if the manager has to leave the function early, appoint a delegate to oversee the rest of the function.

Pre-Employment Medical Tests

As part of the recruitment selection criteria, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing.

Identification of Impairment & Testing

The Shire reserves the right to conduct pre-employment, random, blanket and suspicion alcohol and drug testing throughout the whole organisation. A qualified Testing Service Provider will perform those tests. The outcome may or may not affect the perception of an employee's fitness for duty on that day and may entail disciplinary action. If the Shire of Yalgoo has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue. Reasonable grounds may include (but are not limited to), where an employee's coordination appears affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.

If the Shire of Yalgoo suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

- direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
- require that an employee undergo drug and alcohol testing administered by a representative of the Shire of Yalgoo
- direct an employee to go home.

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A medical assessment may include a drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008. A Testing Service Provider will conduct this form of testing by breathalysing/oral testing the employee first. A urine test may be ordered as a result of the first tests to determine the presence of a serious misconduct, such as a criminal offence or a serious breach of Council's policy providing reasonable grounds for terminating employment (in accordance with the Local Government Act and/or relevant Awards).

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Shire of Yalgoo may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Shire of Yalgoo may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

The subject employee will be entitled to full payment of entitlements until such time as the medical examination determines that the employee is unfit for work.

If the employee is deemed fit for work, the employee will be returned to work immediately.

If the employee is deemed unfit for work, the employee will be placed on leave without entitlements until such time as a medical examination determines fitness for duty.

All testing results will be kept private and confidential wherever possible. Refusal to an alcohol and drug testing may result in dismissal.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment, undertake an Alcohol and Drug test or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.

The following steps are to be taken where an employee who has submitted to a medical assessment returns a positive test result for alcohol and/or drugs:

- The employee tested and the supervisor (or respective employer) will be informed of the result;
- A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire of Yalgoo and HR Drug and Alcohol in the workplace guidelines.

An employee who returns a positive test will be in breach of this policy. A breach of this policy may result in disciplinary action being taken against the employee up to an including the termination of employment.

Other Fitness to work issues

Fatigue

Fatigue can be the result of many different situations. Accordingly, this procedure will directly reflect the implications of fatigue through the following external triggers (but are not limited to):

- lack of sleep due to illness or other personal issues
- voluntary work
- external work commitments

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In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore increasing the potential to cause injury or harm to themselves, personnel or members of the public.

It is the Shire of Yalgoo policy to provide a safe place of work for its employees. It is the employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside their employment with the Shire of Yalgoo that may impact accordingly.

Depending on the circumstances, the Shire of Yalgoo may agree to come to a compromise with the employee to ensure there is an equilibrium between regular hours worked at the Shire of Yalgoo, sleep/rest and additional hours worked elsewhere (including paid and voluntary work).

If deprivation of sleep is the cause of fatigue due to other external circumstances (that are not listed above), a drug and alcohol screen may be required. If a positive result occurs, disciplinary action may apply.

If sleep deprivation is due to illness or personal issues the Shire of Yalgoo will endeavour to find a short-term compromise and support the employee in whatever capacity is appropriate.

In circumstances where the employee is unfit to remain at work as to the judgement of their employer, the employee may be stood down from work for the remainder of the day and depending on the circumstances this may occur with or without pay and/or a medical assessment may be requested.

Education, Training & Awareness

The Shire of Yalgoo will provide education and training to all employees at the workplace about the effects of alcohol and other drugs and their risks to safety and health.

Line managers will be given training that they may identify situations where an employee is potentially misusing alcohol or drugs.

Employees who recognise that they have a drink or drug problem, or that they are at risk of developing one, are encouraged to come forward so that they can be assisted to get the appropriate help.

The Shire of Yalgoo engages the services of an external Employee Assistance Provider who can provide the organisation's people with free and confidential counselling

Variation to this Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents

- Counselling, Disciplinary and Dismissing staff guidelines (Employee Orientation and HR Manual)
- Grievances Resolutions Procedure (where applicable) (Employee Orientation and HR Manual)
- Drugs and Alcohol in the workplace (Employee Orientation and HR Manual)

– End of Schedule

10.4 Integrated Planning: Workforce Planning and Management Policy

Introduction	Definition of Workforce Planning: Workforce planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future. It provides the framework for assessing the demand and supply of the workforce and aims to have the right people in the right place at the right time to affect the delivery of organisational goals, resourced through effective long term financial and business plans.		
Objective	The intent of this policy is to demonstrate that the Council of the Shire of Yalgoo is committed to ensuring that strategic, operational and legislative objectives are met by effective workforce planning and resourcing to demonstrate compliance with the Integrated Planning requirements of the Local Government Act (1995) Regulation S5.56(2)		
Type (Council or Operational)	Council Strategic Policy		
History	Adopted	23 May 2013 by Council decision	C2013-0520

Policy Statement

Principles – Framework - Process

1. Council considers workforce planning to be an essential management function in its operations.
2. Council recognises that the achievement of all goals and objectives are reliant on the appropriate capacity, skills, knowledge of the workforce.
3. Council recognises that the responsibility for managing people lies with the person who has the executive responsibility for the objectives of the service/activity/ function of their division.
4. Council is committed to resourcing workforce requirements through its integrated planning processes.
5. Council will ensure that its Workforce Plan addresses current and future best practice human resource management practices that include:
 - effective and efficient recruitment and retention
 - role and responsibility definition and appropriate performance management
 - support and encouragement for staff to perform
 - staff training and development
 - legislative compliance
 - staff health and wellbeing (occupational safety and health known as OSH)
 - flexibility in employment and work practices to meet organisational and employee needs.

Responsibilities

1. All Elected Members and officers involved in organisational, operational or project planning will ensure that workforce implications are considered and included in all strategic or operational plans.
2. Managers and supervisors have the responsibility and accountability for ensuring that staff under their control are managed appropriately within their own work areas.
3. In each work area current and future demand and supply should be assessed as part of the annual and strategic planning cycles.
4. Executive managers will ensure effective setting of KPIs and performance criteria for their staff that will meet relevant organisational objectives.
5. Staff appraisals will incorporate training and development plans to ensure the current and future skills and knowledge needs are met wherever practicable, with gaps and omissions reported to the CEO or other designated officer for inclusion in the Workforce Planning process.

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6. The corporate services team will collect and monitor relevant workforce data and statistics.
7. The relevant organisational planning and performance monitoring personnel will research and relevant workforce data, demographics and trends as part of the integrated planning cycle.

Monitor and Review

1. The Shire's executive will implement a reporting and recording system that will be monitored to ensure human resource supply and demand management is appropriately implemented and sustained across the organisation and there is ongoing identification of issues and trends.
2. Workforce planning key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored by the Shire's Executive and Council as appropriate and reported as required, being mindful of human resource management confidentiality requirements.

– End of Policy

COMMENT

This policy is the first of a new suite of policies to underpin the Shire's Integrated Planning processes.

In due course the CEO will arrange for a full review of policies such that policies set by Council (strategic) will be separated from operational policies.

The overall policy format will be reviewed at this time but in the meantime the policy manual will be maintained in its current format in the interest of consistency and expediency.

10.5 Integrated Planning: Asset Management Policy

Introduction	Asset Management is inextricably linked with service delivery. The primary goal for the Shire of Yalgoo in managing its assets is to provide the services, and levels of service, consistent with the desires of the community, and within the financial resources of the Shire.
Objective	<p>The intent of this policy is:</p> <p>To ensure that the Shire’s services and infrastructure are provided in a sustainable manner, taking into consideration the whole of life costs of assets and ensure the appropriate levels of service are provided to customers in line with the Shire’s Community Strategic Plan and Corporate Plan;</p> <p>To safeguard Shire assets, including physical assets and employees, by implementing appropriate asset management strategies and allocating appropriate financial resources for those assets;</p> <p>To create an environment where all Shire employees take an integral part in overall management of Shire assets by creating and sustaining asset management awareness throughout the organisation;</p> <p>To meet legislative requirements for asset management in accordance with the Integrated Planning requirements of the Local Government Act (1995) Regulation S5.56(2);</p> <p>To ensure resources and operational capabilities are identified and responsibility for asset management is allocated;</p> <p>To demonstrate transparent and responsible asset management processes that align with demonstrated best practice.</p>
Type (Council or Operational)	Council Strategic Policy
History	Adopted TBA

Policy Statement

1. Council considers Asset Management to be an essential management function in its operations.
2. A consistent asset management improvement strategy shall be developed for implementing systematic and best practice asset management practices in all of the Shire’s operations.
3. All relevant legislative requirements together with political, social and economic environments shall be taken into account in asset management.
4. The asset management process shall be integrated within existing planning and operational processes and supported by a cross functional, multidisciplinary Asset Management Working Group.
5. Asset management plans shall be developed for all major service/asset categories. The plans shall be informed by community consultation and statutory requirements for local government financial planning and reporting;
6. Reviews of current services and service levels shall be undertaken in consultation with the community;
7. An inspection regime shall be used to ensure agreed service levels are maintained and to identify asset renewal priorities;
8. Asset renewals required to meet agreed service levels shall be identified in adopted asset management plans and long-term financial plans and shall form the basis of annual budget estimates, with the service and risk consequences of variations in defined asset renewals and budget resources to be reported annually;
9. Service levels shall be defined in adopted asset management plans and shall form the basis of annual budget estimates with the service and risk consequences of variations in defined services levels and budget resources to be reported annually;

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10. Asset renewal plans shall be prioritised and implemented progressively based on agreed service levels and the capacity of the current assets to provide that level of service;
11. Systematic and cyclic reviews shall be applied to all asset classes to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards;
12. Future whole of life costs shall be reported and considered in all decisions relating to new services or assets and upgrading of existing services and assets.
13. Preference will be given to renewing infrastructure assets before acquisition of new assets is considered.
14. Training in asset and financial management shall be provided for councillors and relevant staff.

11. PERSONNEL and STAFF HOUSING

11.1 Designated Staff

Introduction	Section 5.37 of the Local Government Act states that a local government may designate employees or persons belonging to a class of employee to be senior employees		
Objective	To nominate the Designated Staff positions in accordance with the Local Government Act s.5.37.		
History	Adopted	21 August 2008	
	Amended	C2013-0523 4. Changes to designated staff as a result of adoption of new workforce structure.	

Policy Statement

In accordance with the Local Government Act s.5.37, the following positions are Designated Staff as defined –

- Chief Executive Officer, as required by the Act,
- Persons belonging to the class of staff known as Executive Managers (C2013-0523).
- Environmental Health Officer

– End of Policy

COMMENT

Employee class	Council involvement	Committee involvement	CEO involvement
CEO	<u>Required</u> . May delegate selection and interview to a Committee, but appointment must be by Council	<u>Permitted</u> to interview and recommend to Council. <u>Not permitted</u> to appoint, manage or direct.	As directed by Council, usually limited to process, research and reporting.
Designated staff LG Act s.3.57	<u>Required</u> to consent to appointment or dismissal. Interview & recommendation can be done by CEO alone or with Council/or input. <u>Not permitted</u> to manage or direct.	<u>Permitted</u> to interview and recommend to Council. <u>Not permitted</u> to appoint, manage or direct.	<u>Required</u> to consent to appointment or dismissal. <u>Statutory</u> function to manage and direct.
EHO	<u>If designated senior officer</u> – as above, otherwise, as below <u>In all cases</u> – approval of Commissioner for Health required for appointment or dismissal.		
Other (non-designated) staff	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Statutory</u> function to appoint, manage, direct etc.

To be reviewed when changes to the Local Government Act 1995 are formalised from the 2020 Review

11.1.1 Selection Panels

Introduction	Councillors from time to time sit on interview panels for selection of the CEO and may sit on a panel for other executive staff if invited by the CEO.	
Objective	To ensure that Councillors who sit on interview panels are trained to carry out the task in keeping with equal employment opportunity and other professional considerations.	
History	Adopted	26 May 2011

Policy Statement

Councillors who sit on, or who are likely to be required to sit on, staff interview panels are to have relevant professional experience or undertake relevant Selection Panel training.

– End of Policy

COMMENT

11.1.2 CEO Performance Review Process

Objective

A consistent, transparent and accountable performance review process.

Scope

This policy position applies to the conduct of CEO performance reviews.

Policy Statements

(a) Rationale

This process is documented and adopted by Council to ensure a consistent approach to the Shire of Yalgoo CEO review. The review process must be a collaborative, constructive process that is designed to enhance performance and provide guidance for the ensuing twelve months, using the Shire's agreed Strategic Plan and/or Business Plan.

Councillors must be prepared to take a corporate view of this process. The performance review process should be regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes which will improve the performance and the profile of the Shire of Yalgoo.

Councillors participating in the review process must:

- Show an ability to be fair and objective
- Use good communication skills
- Possess preparation and evaluation skills
- Avoid Bias
- Be able to concentrate on outcomes
- Provide negotiation skills

(b) Briefing session

It is essential to gain input from all Councillors into the review and appraisal process. A briefing session will be organised to cover the performance appraisal, the procedures followed, keeping in mind current progress of the Strategic Plan and the skills required of the panel members; an independent person with relevant skills will be brought in to facilitate the session/process.

(c) Contract

- The CEO contract must contain the Shire's dispute resolution policy for both parties.
- The Shire's agreed CEO review procedure shall be contained within the CEO contract.
- The review procedure contained within the CEO contract can be varied by agreement between the Council and the CEO under an amendment clause between reviews.
- The contract should be reviewed by WALGA or a recognized practitioner to ensure legislative requirements are satisfied.

(d) Review periods

- It is a statutory requirement that the CEO's performance is reviewed annually.
- For planning purposes, the appraisal is to be undertaken in the month of July.
- In the event that Council has concerns about the performance of the CEO, the Shire President will, at the request of Council, undertake an interim performance review.

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- The Shire President must write to the CEO if Council has requested an interim performance review, outlining the areas of concern to allow the CEO the opportunity to prepare.
- The Shire President must allow the CEO a minimum of two weeks' notice prior to the commencement of an interim performance review.

(e) Composition of the Review Panel

The CEO performance review panel will consist of:

- The Shire President; and
- Three Councillors nominated by resolution of Council.

This panel is to be facilitated by an Independent/external person appointed by a resolution of Council.

All Councillors seeking appointment to the CEO review panel must undertake the relevant CEO performance review training course within six months of appointment to the panel; it is important for those actually involved in the appraisal interview to feel comfortable with their skill level and role.

(f) Interview process

The Interview process undertaken during the formal performance meeting must be conducted in good faith for all parties.

(g) CEO Key Performance Indicators (KPIs)

- Must contain a balance of both tactical and strategic KPIs.
- Must refer to the Corporate Business Plan and or Community Strategic Plan.
- The annual review of the Corporate Business Plan must be included as part of the KPIs that defines realistic milestones and reporting requirements.
- Must mirror the expectations of Council and Community.
- Must acknowledge leadership.
- Be reviewed annually and then agreed between the CEO and the Shire of Yalgoo Council after each review period.
- Once agreed upon, the KPIs shall not be changed.

(h) Procedure for the Review of the CEO

- Establish Review panel.
- Set the review procedure, timeline requirements and notify parties.
- Assess performance and agree on key focus areas for interview.
- Review Panel conducts appraisal interview along with an independent facilitator.
- Findings are shared with full Council in a briefing session.
- Manage follow up (Remuneration, KPIs, contract variations, review outcomes, analysis of interview feedback).
- CEO must be provided an opportunity to respond to interview findings.
- Full report distributed to all Elected Members and the CEO.

(i) Completion of review

The Shire President, as head of the Review committee, must provide Shire of Yalgoo Councillors and the CEO with a formal report that summarises the finding of the review. The CEO is to be invited to provide comment.

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The KPIs are reviewed immediately after the report is handed to the CEO and must be completed and signed off within 28 days of the CEO review process having been completed.

(j) Completion of process

The performance review panel must deliver a report to Council that outlines:

- The new KPIs for the next 12 months
- Recommended changes, if any, to this process over the next 12 months.

(k) Record Keeping

The Shire President is to hold the record of the Performance review. All documents relating to the review process must be registered on the Shire of Yalgoo's records management system.

Legislative and Strategic Context

Local Government Act 1995, s5.38 - The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Review Position and Date

To be reviewed annually by Council.

COMMENT

Review Strategic KPIs and Performance Measures periodically

11.2 Removal Expenses

Introduction

Objective

History	Adopted	21 August 2008
	Amended	20 November 2008

Policy Statement

1. New employees are entitled to reimbursement of reasonable removal expenses to the value of \$6,000 –
 - 50% on commencement, and
 - balance after 12 months service
2. Where a removal company is used –
 - 3 quotes are to be obtained and the CEO's approval for the preferred company sought
 - if the CEO's prior approval is not obtained, the lowest of any quotes received may be used as the basis of reimbursement
 - the Shire will meet the cost of one accompanying vehicle, one way.
3. Should the employee undertake their own relocation, the Shire will meet the costs of –
 - hire of truck or trailer, and fuel for one return trip (i.e. relocation, return of truck / trailer)
 - fuel cost of one accompanying vehicle, one way,
 - where relocation is in excess of 600 km, one night's accommodation only for the employee and dependent persons being relocated.

– End of Policy

COMMENT

11.3 Shire Housing – Tenancy Conditions

Introduction

Objective

History	Adopted	24 January 1990
	Amended	8 October 1997
	Former Policies	3.9 and 3.11
	Amended / confirmed	21 August 2008

Policy Statement

1. All tenancies of Shire residences are subject to the requirements of the Residential Tenancies Act, and the agreement shall provide for the termination of the tenancy on termination of employment with the Shire.
2. Persons other than the direct family of the person renting a Council house, with direct family being their spouse/partner or children, are permitted to stay in the house for a maximum of two weeks after which Chief Executive Officer’s approval is required.
3. Unless stipulated in their employment contract, a security bond equivalent to 4 weeks rent is to be paid, and held in accordance with the Residential Tenancies Act.
4. Where the tenants propose to keep pets, a pet bond of \$100 is required.
5. The security bond may be paid by payroll deduction out of their first two full pays, and the pet bond (where applicable) shall be taken out of their third full pay.
6. Shire housing will not generally be available to non-employees, but may be agreed by the CEO in appropriate circumstances, such as –
 - where a terminating employee wishes for members of their family to complete their own employment, school year etc,
 - as short term accommodation for contractors providing services to the Shire,provided that –
 - the residence is not currently required for other employees, but is to be vacated within two weeks if subsequently needed,
 - the period of residence as a non-employee is strictly limited,
 - the period of “non-employee” residence is at prevailing market rental, and is not subject to staff subsidies.

– End of Policy

COMMENT

20 February 2014: this policy requires extensive review to simplify, correct out of date matters and provide reward to staff who are in their own home

The Residential Tenancies Act applies to all rental situations, even to those of Shire owned housing to Shire employees. Accordingly, it is a requirement that the Shire comply with this Act, which provides the tenant with rights of use, stipulates periods of notice for inspection, maintenance, or termination etc.

11.4 Staff Housing – Subsidies

History	Adopted	Former Policy	3.12 and 3.14
	Amended / confirmed		21 August 2008
	Amended		20 November 2008
	Amended		5 December 2013

Policy Statement

1. Shire Rental – Rental of Shire owned accommodation occupied by an employee is set at \$50 per week for both units and houses.
2. Water –
 - a) The Council will pay water consumption charges at Shire owned housing having individual meters, occupied by an employee –
 - where the lawns and gardens are not maintained by the tenant, the first 700 kilolitres per year,
 - where the tenant maintains the lawns and gardens, the first 1200 kilolitres per year,
 - the allocated kilolitres are to be calculated pro-rata for each billing period or period of occupancy.
 - b) Council will pay all water charges where meters are shared between units / residences.
3. Electricity –
 - a) an employee residing in Shire owned housing shall be entitled to the rental reduction to the value of the following –

- first 2 years of service	40 units per week
- between 2 & 5 years of service	70 units per week
- between 5 & 10 years	100 units per week
- more than 10 years of service	120 units per week
 - b) where an Aerobic Treatment Unit is powered by electricity and supplied through their meter shall be entitled to a further reduction of 50 units per week
 - c) non-salaried staff residing in non-Shire accommodation shall be entitled to be paid the amounts in (a) above, plus their marginal tax rate (including any Medicare or similar levy).
4. Gas –
 - a) the Shire will meet the annual cost of rental for 2 cylinders only, for each Shire-owned residence using gas
 - b) gas consumption is at the employee’s cost, as it is considered that energy subsidy is provided through electricity subsidy
5. Private Rental, where Shire accommodation is not available –
 - a) upon production of evidence of rental payments, employees residing in non-Shire accommodation will have their rent subsidised, to the extent that the net cost to the employee is equivalent to staff in Shire owned accommodation
 - b) the subsidy is subject to the rental being charged the employee, not being more than market value for similar accommodation in Yalgoo
 - c) the market value is to be reviewed annually and apply for the following 12 months.
6. Only one staff member per household shall be eligible for staff housing subsidies.
7. The subsidies are not available –
 - for “cashing up” for inclusion as part of an employee’s salary package,
 - to non-employees, or to part-time or casual employees.

– End of Policy

11.5 SUPERANNUATION – REVISED POLICY

Introduction

Objective

History	Adopted	20 March 1996	
	Amended	20 October 1999	
	Former Policy	3.2	
	Amended / confirmed	21 August 2008	
	Amended	26 November 2009	
	Amended	19 April 2012	(C2012-0418)

Policy Statement

1. Council will contribute towards an employee's personal superannuation as follows –
 - a) where required by the Superannuation Guarantee Levy, as per the Superannuation Guarantee (Administration) Regulations 2018 AG and Superannuation Guarantee (Administration) Act 1992 AG.
 - b) where the employee makes voluntary contributions, either by deduction from pay after tax or by salary sacrifice –
 - up to an additional maximum of 5% of salary/wages,
 - to be on a dollar for dollar basis to the 5% maximum,
 - this contribution is in addition to council's compulsory payment in respect of non-contributory superannuation.
 - c) or as otherwise negotiated in an employee's contract
- (2. Deleted Refer council decision C2012-0418).

– End of Policy

COMMENT

11.6 Interview Travel Cost

Introduction

Objective

History	Adopted	15 February 1995	
	Amended	8 October 1997	
	Former Policy	3.8	
	Amended / confirmed	21 August 2008	
	Amended	19 April 2012	C2012-0419 (rate)

Policy Statement

1. An applicant attending an interview at the Shire's request, who has to travel in excess of 100 km return, is to be offered a contribution towards their travel cost calculated as follows –
 - distance travelled – the shortest practical route from place of residence, to the site of interview, and return, in excess of 100 km,

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- rate per kilometre – at the rate provided in Item 13.3 of the Shire of Yalgoo Comprehensive Enterprise Agreement - Travel. (Note: If no Comprehensive Enterprise Agreement is current then the amount reverts to the Australian Taxation Office ruling D1 – Work Related Car')
- reimbursement – distance travelled by rate per kilometre.

Example – Geraldton based applicant attending an interview in Yalgoo

$$= (225\text{km} \times 2) - 100 \text{ km} \times 73.7 \text{ c/km} = \$257.95.$$

2. Where necessary, Council will pay for travel by public transport (in lieu of contribution above) and accommodation.

– End of Policy

COMMENT

11.7 Severance and Redundancy Pay

History	Adopted	12 May 1997
	Former Policy	3.10
	Amended / confirmed	21 August 2008

Policy Statement

1. The following Policy Schedule 11.7 – Severance and Redundancy is adopted, and forms part of this Statement.
2. In accordance with the Local Government Act s.5.41 (g), the CEO is to –
 - negotiate all matters relating to “Designated Staff” and report to Council for decision prior to implementation (unless otherwise authorised);
 - negotiate and resolve all matters other than those relating to “Designated Staff”.

– End of Policy

COMMENT

Policy Schedule 11.7 – Severance and Redundancy

Part A – Severance Pay

1. Local Government Act

The purpose of this Policy is to set down the maximum severance payable to terminating employees for the purpose of the Local Government Act section 5.50 (1) (the “Act”). Note however these severance payments may be exceeded in accordance with clause 7 at the discretion of Council.

2. Terminating Employee

A terminating employee is entitled to severance pay and benefits in accordance with –

- a) Any federal or state award or industrial agreement applicable to that employee;
- b) Any applicable provisions within the employee’s contract of employment;
- c) Any applicable award or order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right appeal;
- d) Where Council so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

Settlement with a dismissed employee

Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, Council may decide to settle to avoid expensive litigation.

Matters to be taken into consideration by Council as to whether it will seek settlement and if so, the extent of any financial offers may include:

- a) the strength of the respective cases in any litigation
- b) the cost of legal advocacy and support;
- c) the cost of the witnesses;
- d) the cost of travel and accommodation in running the case;
- e) the cost of having staff tied up in the preparation and hearing of the case; and the disruption to operations.

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Part B – Redundancy Benefits

Payment of Redundancy Benefits

Redundancy benefits shall be made pursuant to Council's Redundancy Policy. This does not preclude Council from agreeing to a higher severance benefit where clauses 2 or 3 above apply.

Redundancy benefits are-

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to maximum of 4 weeks;
- b) Payment of 2 weeks pay;
- c) Plus 2 weeks pay for each completed year of service with the local government;
- d) The maximum payable under (b) and (c) shall be 2 ~ weeks pay;
- e) Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations;
- f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee;
- g) Where the employee was originally engaged from a distant location, reasonable relocation assistance may be provided to the place of engagement or another place (at a cost no more than relocation to original point of hire). Relocation assistance will be Council's discretion and considered according to circumstances;
- h) Where the circumstances of a retrenched employee are such that it will be extremely difficult for that employee to find another job, Council may exercise its discretion to provided additional benefits to such employees. In this event details of the total redundancy package for such an employee shall be published in accordance with section 5.50(2) of the Act.

Mutual settlement with Employees

Council may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

Matters to be taken into consideration by Council in determining the extent of any financial offers may include:

- a) the length of service;
- b) the conscientiousness of the employee over the past employment;
- c) the value of the employee's service having regard to position(s) held and the regard given by Council to the employee's contribution;
- d) the length of time to retirement;
- e) the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
- f) possible exposure to litigation if the employee was dismissed having regard to obligations of Council under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.

Definition of a week's pay

The term "weeks pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermitted payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in case of a senior position, the normal superannuation provided to all employees etc).

Additional monies payment in exceptional circumstances

Nothing in this Policy prevents Council from determining that in special circumstances, terminating employees may be paid additional monies or provided additional benefits where justified.

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If Council so determines, details of the severance pay and benefits shall be published in accordance with section 5.50 (2) of the Act.

Part C – Redundancy

Background

The need for a proforma redundancy policy arises because of changes and challenges faced by Local Government –

- a) “Hilmer”, the National Competition Policy, accountability for delivery, cost efficient services demanded by electors, competitive tendering and contracting-out.
- b) New trends in WA Local Government requiring a re-evaluation of existing structures and services, and ways and means of reacting to demands from the State Government and the electors.
- c) The possibility of future amalgamations of local governments, splits of existing large local governments and changes in boundaries.

Commission TCR Standard

The commission’s standard award minimum is the so-called “TCR” standard arising from the Full Bench Termination, Change and Redundancy Decisions. Some organisations have recently chosen to apply higher benefits which have been included in some enterprise agreements. Nevertheless the appropriate award provisions will continue to apply and this policy is to be read in conjunction with those award provisions – see clause 47 of the Local Government Officers’ (WA) Award and clause 6B of the Municipal Employees’ (WA) Award.

Consultation

- a) The Local Government will consult employees likely to be affected by any proposed change as to the need for and/or reason for the change and no definite decision will be made until this process has been followed.
- b) Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to continue, and this is not due to the ordinary and customary turnover of labour and the decision may lead to the termination of employment, the employer shall hold discussions with the employees directly affected and with their union or unions.
- c) The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provisions of paragraph (b) hereof, and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.
- d) For the purposes of discussion the employer shall as soon as practicable provide in writing to the employees concerned and their union(s), all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected and the number of workers normally employed and the period over which the terminations are likely to be carried out.

Provided that any employer shall not required to disclose confidential information, the disclosure of which would be inimical to the employer’s interests.

(NOTE: paragraphs (b), (c) and (d) have been taken directly from the awards and reflect the TCR requirements as to discussion prior to termination).

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Transfers Within the Organisation

Wherever possible and practical, appropriate employees should be offered a transfer to other positions within the enterprise and also offered the necessary and reasonable training to effect a successful transition.

Where an employee is transferred to other duties for the purpose of avoiding retrenchment and those duties attract a lesser rate of pay than the incumbents previous position, the Local Government will make up the difference between the two rates of pay for the period of twelve months (or 2 years in the case of employees covered by clause 6 below). After this time, the lesser rate will apply.

Severance Benefits

Where a position has been made redundant and a suitable transfer has not been possible, an employee may be retrenched on the following basics:

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks;
- b) Payment of 2 weeks pay;
- c) Plus 2 weeks pay for each completed year of service with the local government;
- d) The maximum payable under (b) and (c) shall be 26 weeks pay provided that the severance payments shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date;
- e) Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations;
- f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee will be paid;
- g) During the notice period the employee shall be allowed reasonable time off from the job without loss of pay to attend employment interviews or other similar activities to assist the employee find employment.
- h) (Optional provisions for local governments in remote locations). Where the employee was originally engaged from a distant location, reasonable relocation assistance may be provided to the place of engagement or another place (at a cost no more than relocation to original point of hire). Relocation assistance will be at Council's discretion and considered according to circumstances;
- i) Where the circumstances of a retrenched employee are such that will be extremely difficult for that employee to find another job, Council may exercise its discretion to provided additional benefits to such employees. In this event, details of the total redundancy package for such an employee shall be published in accordance with section 5.50(2) of the Local Government Act.
- j) The terms "weeks pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermitted payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation contribution provided to all employees etc).

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Local Government Boundary Change Amalgamations and Break-ups

- a) Where a restructuring of Local Government boundaries (such as a break up of a Local Government or an amalgamation of Local Governments) results in a surplus of employees. Schedule 2.1 clause 11(4) of the Local Government Act provides for two years guaranteed employment except where employer and employee are able to agree to a mutually acceptable severance package.
- b) Clauses 3 and 4 above will apply. If a transfer is arranged, the “no reduction” provision in clause 4(b) will apply for two years.
- c) Where a transfer is not possible, retrenchment will be offered on the basis of clause 5 above. Additional benefits may be offered in accordance with clause 5(i) in an endeavour to reach a mutually acceptable severance package.
- d) If agreement on a severance package is not possible, the employee will be offered work for two years on conditions no less favourable than the existing contract of employment.
- e) At any time during the two years additional employment the Local Government and employee may re-open negotiations in an endeavour to reach agreement on a mutually acceptable severance package.
- f) Where an employee remains in employment for two years pursuant to schedule 2.1 of the Local Government Act and is then made redundant, there will be no entitlement to the redundancy benefits provided in clause 5. Redundancy benefits in accordance with the appropriate award will still apply.

Counselling

Counselling by a professional counselling service shall be available for any employee who has been or is to be retrenched. In appropriate circumstances an outplacement service may also be offered. In this event no payment in lieu of such service will be made.

Termination During Notice

An employee who has been given notice of retrenchment in accordance with clause 5 may terminate during the period of notice and shall be entitled to the same benefits and payments as if he/she had remained until the expiry of the notice. Provided that in such circumstances, the employee shall not be entitled to payments in lieu of notice.

Alternative Work

Should the Local Government have made suitable arrangement for alternative employment and the employee is not consequently unduly prejudiced, the additional benefits over and above the appropriate award arising from this Policy shall not apply. In addition the Local Government may make application to the Commission to have the award severance pay prescription varied in the case of such an employee according to the particular circumstances.

Exclusions

- a) Benefits provided under this Policy which go beyond the appropriate award shall not apply where employment is terminated as a consequence of conduct that justifies Instant dismissal, including malingering, inefficiency or neglect of duty.
- b) This Policy does not apply in the case of casual or temporary employees who were engaged for a specific time period or for a specific reason or specific task, project or program.
- c) This Policy does not apply to an employee engaged on a fixed term contract where the term of the contract expires.

– End of Schedule

11.8 Offer of Employment – Included in HR Manual

Introduction

Objective

History	Adopted	18 August 1999
	Former Policy	3.13
	Amended / confirmed	21 August 2008

Policy Statement

1. All letters offering employment shall be signed by the Chief Executive Officer, or the CEO's authorised delegate.
2. All letters offering employment will contain the following details (as and if appropriate to the position):
 - a) The details of any probationary period
 - b) The name of the position
 - c) That the position has been designated "senior" pursuant to s.5.37 of the Act
 - d) The pay rate and hours of work (and salary review provisions)
 - e) A statement as to whether overtime will be paid
 - f) A statement that Council reserves the right to reduce overtime where circumstances warrant
 - g) A statement as to whether Rostered Days Off apply to the position and, if so, the conditions pertaining thereto
 - h) A statement as to any regular allowances that will be paid
 - i) A statement as to award coverage (or workplace agreement coverage)
 - j) A statement concerning travelling and camping
 - k) A statement concerning superannuation
 - l) A statement concerning housing, including the need to enter a written tenancy agreement, the rent payable, the right of council to review rents, the bond payable, and how the bond instalments will be deducted from pay
 - m) A statement of subsidies to be paid
 - n) A detailed statement as to leave, including a statement as to leave entitlement, whether or not leave loading applies (and the rate), a statement that annual leave must be taken at a mutually agreed time, and a statement of obligation to notify as soon as possible concerning unexpected absences.
 - o) A statement concerning relocation expenses
 - p) A statement that a medical examination will be required
 - q) Proposed commencement date
 - r) Any other matter the CEO considers relevant
3. All letters of offices of employment shall have enclosed with them:
 - a) Copy of the current Shire of Yalgoo Code of Conduct
 - b) A copy of the Occupational Health and Safety Policy and Rules
 - c) A copy of the relevant entry in the Delegations Register (where applicable)
 - d) Any other applicable information, such as – Use of Information Technology, Confidential Information etc.
4. All letters of offer of employment shall require the addressee to respond by signing and returning an acceptance that the offeree:
 - a) acknowledges and accepts the conditions of employment set out in the letter

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- b) acknowledges and agrees to abide by the Code of Conduct
- c) acknowledges and agrees to abide by the Safety Policy and Rules
- d) (where applicable) acknowledges and agrees to act within the delegated authorities of the position

– End of Policy

COMMENT

Included in HR manual under recruitment and selection policy

11.9 Gratuitous Payments to Employees

Introduction	Amendments to this Policy must be advertised and submissions considered in accordance with the Local Government Act, prior to being confirmed.	
	Policy 11.7– Severance and Redundancy Pay only goes so far as to set out circumstances whereby payments may be made for severance and redundancy. This additional policy addresses the situation of gratuitous payments to departing employees who have provided satisfactory service.	
Objective	To show appreciation to valued employees, who are leaving the Shire’s employ and to comply with section 5.50 (1) of the Local Government Act 1995.	
History	Adopted	19 July 2007 and advertised
	Former Policy	3.16A
	Amended / confirmed	21 August 2008

Policy Statement

1. That for the purpose of section 5.50 (1) of the Act, and on the recommendation of the CEO, the following approximate amounts be spent on a presentation gift to employees who retire or resign after a period of satisfactory service –

5 – 10 years \$200	15 – 20 years \$600
10 – 15 years \$400	20 years plus \$1,000
2. The CEO may at his/her discretion make a presentation gift where an employee leaves prior to 5 years service, at a value not exceeding \$25 for each year of service.
3. The Council reserves the right to pay an additional amount to that set out in this policy, where it considers circumstances warrant, in which event local public notice will be given.

– End of Policy

COMMENT

11.10 Gifts to Employees by Third Parties

Introduction	Various aspects relating to the declaration and receipt of gifts is covered by – <ul style="list-style-type: none">- Local Government Act s.5.82- Administration Regulations 25 and- Rules of Conduct Regulations 12
Objective	To clarify Council’s expectations relating to receiving, notification and declaration of gifts by employees
History	Adopted 21 August 2008

Policy Statement

Insofar as is practicable –

- Local Government Act s.5.82
- Administration Regulations 25 and
- Rules of Conduct Regulations 12

are extended so as to apply to –

- o designated officers as per Policy 11.1,
- o employees either exercising a purchasing function, as per Policy 7.1, or making recommendations regarding purchasing to those employees.

– End of Policy

COMMENT

Local Government Act s.5.82 –

- (1) – details of the gift to be disclosed in annual return
- (2) – exclusions from disclosure: if the cumulative total of gifts does not exceed the prescribed amount, or the gift/s is from a relative
- (3) – value of the gift is the value at the time the gift was made
- (4) – definition of “gift”

Administration Reg.25 –

- this regulation deals with the declaration of gifts in annual returns – not notification of gifts to CEO, nor whether or not a gift may or may not be received
- requires that a “relevant person” (elected member or designated employee – refer LG Act s.5.74) must declare any gift over \$200 in an Annual Return
 - o declaration is not limited by the qualifications of Rules of Conduct Regs 12 (2) and (3) – it applies to all gifts
 - o designated employees are the CEO and those as determined by Council. They are required to complete primary and annual returns, and are usually those who prepare reports and recommendations for Council decision,
 - o some employees may prepare reports, exercise a purchasing function, or have effective control of purchasing for a particular area, but not be designated employees

Rules of Conduct Reg.12 –

- this regulation applies to “council members” (i.e. elected members) not employees
- r.12 (2) – over \$300 is prohibited, if from someone who now or in the future, may seek a discretionary decision of Council.
- r.12 (3) – a gift between \$50 and \$300 is notifiable, if from someone who now or in the future, may seek a discretionary decision of Council.

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- corollary of (2) and (3) – if the person giving the gift does not, has not, and is never likely to approach Council for a decision, and is not subject to any Shire authority, the gift does not need to be declared, and is not subject to any limits.
 - o **Extreme care** needs to be taken with this corollary, as it would be reasonable to expect that almost every person giving a gift would be likely to have some commercial or regulatory contact with Council at some point that may require a decision to be made.

A gift is not a single occurrence and multiple gifts do not have to be of similar character – it is the total gifts received from a single source within a period of 6 months.

- a gift of \$30 is considered token and does not have to be declared, but if 2 gifts of \$30 in a six-month period are received from the same source, both must be declared.
- the ultimate source of a gift must be considered. A company may have several different business names but be essentially the same entity. The Regulations must not be evaded by declaring different donors when, to all intents and purposes, it is the same person/company.

11.11 Emergency Services – Call Outs During Work Hours

Introduction	Many staff are involved in either the Volunteer Fire Brigade or St John’s Ambulance Sub-Centre, and can be called out to attend an emergency during or after work hours.
Objective	This Policy is intended to ensure that employees are not penalised for volunteering for emergency services.
History	Adopted 26 November 2009

Policy Statement

1. Employees who are required to respond to an emergency service call is to be paid for the duration of the call out that overlaps with usual work hours, as though they are at work, so as not to penalise them for their contribution as a volunteer to the community.
2. Where the employee was called out on a weekend or overnight, the principles of the Awards requiring a minimum time off of 10 Hours is to apply.

Example – if after a callout, the employee does not get back to town until 2.00am, they are not expected to commence work until midday, thus giving them a break of 10 hours. As the works crew commences work at 6.30 am, the time between 6.30am and midday would be paid as though worked. This principle also complies with Council’s Fitness for Work Policy.
3. In the case of Volunteer Bush Fire Brigade members, as the organisation is the responsibility of the Shire, payment will be continued for the hours “worked” for duration of the emergency, unless the CEO considers it necessary to withdraw or stand-down employees from the emergency duty for whatever reason.
4. In the case of St Johns Ambulance volunteers, as the organisation is not the responsibility of the Shire, the payment will be limited to those hours which would normally have been worked.
5. Where employees may be called out for other purposes (e.g land search, flood evacuation etc), the CEO is to decide whether the principles of (3) or (4) above, are to apply.
6. Should the CEO withdraw or stand-down employees, this does not prevent the person continuing as an unpaid volunteer in their private capacity.

– End of Policy

COMMENT

20 February 2014: cross check against DFES policies for fatigue management

12. PLANT and EQUIPMENT

12.1 Private use of Council Vehicles – REVISED POLICY

Introduction

Objective To establish parameters for private use of all vehicles purchased, leased or hired by Council. This includes conditions of use for private use.

History	Adopted	20 July 1988
	Amended	8 October 1997
	Amended	28 April 2019
	Former Policy	8.1
	Amended / confirmed	21 August 2008

Policy Statement

The primary use of Council vehicles is for the purpose of providing works, services and facilities to the community to achieve corporate and program objectives. Any other use is classified as secondary use for these vehicles.

Supply of Vehicles for Private Use – Senior Staff

Council will provide vehicles for private use to various senior employees. The positions held by employees to whom this refers to are:

- Chief Executive Officer
- Senior Officers as required or appropriate

The type of vehicle supplied for private use will be determined by Council or the Chief Executive Officer., in relation to Executive Officers.

The private use of vehicles for the above-mentioned applies as part of a salary package/contract which has been approved by Council as part of that package.

Supply of Vehicles for Private Use – Other Staff

No private use of any vehicle by all other staff may be approved without the express approval of the Chief Executive Officer, prior to any use.

General Conditions of Use

- a) Where an employee is provided with private use, he/she will ensure the adequate security of the vehicle whilst in private use and carry out regular routine maintenance and cleaning to ensure the vehicle is kept in a safe and clean condition, to agreed standards.
- b) The motor vehicle shall be available for business during normal working hours, except whilst the employee is absent on leave (apart from the CEO's).
- c) The vehicle may be used by any member of staff at the discretion of the Chief Executive Officer.
- d) Council prohibits any member or employee of Council, from smoking in any Council vehicle at any time.

Other Conditions of Use

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a) Unrestricted private use of the vehicle shall be limited to the participating employee and his/her partner. Members of the employee's immediate family who have a current driver's license, may also drive the vehicle, however under no circumstances shall they to use the vehicle for their own private use.

b) In the event of a Council officer having their license suspended, the officer is forbidden to drive any Council vehicle.

c) Vehicles are not to be used for rally or endurance racing.

Vehicle Replacement

The replacement of passenger vehicles is to be carried out to provide the most cost-effective return to Council, within budget, as determined by the Chief Executive Officer.

– End of Policy

12.2 Community Bus

Introduction

Objective

History	Adopted	17 February 1999
	Amended	16 August 2001
	Former Policy	10.8
	Amended / confirmed	21 August 2008

Policy Statement

The following Policy Schedule 12.2 – Community Bus Conditions of Use is adopted and forms part of this Statement.

– End of Policy

COMMENT

Policy Schedule 12.2 – Community Bus Conditions of Hire

1. Applications for use are to be in writing on forms available from the Shire Office, Lot 173 Gibbons Street, Yalgoo.
2. Each application is treated on its own merits and authority to approve or refuse rests with the Chief Executive Officer.
3. Groups wishing to make permanent bookings may do so only for one calendar year in advance. The applications are then processed according to individual merit having regard to the financial and social needs of the group.
4. Only nominated authorised drivers may operate the bus. Authorised drivers must be nominated at the time of booking the bus. If it is proposed to travel more than 500kms in a single day, at least two authorised drivers must be nominated.
5. To be authorised as a driver, a person must –
 - Hold and produce a valid driver's licence of an appropriate class (i.e. minimum Class LR).
 - Undertake a satisfactory familiarisation session in the operation of the vehicle, under the supervision of a senior officer of the Council.
 - Have a good driving record, and be seen to be a responsible driver within the community of Yalgoo.
6. Approved groups may apply for permission to use their own authorised driver. Organisations wishing to provide their own drivers must provide identification details and proof of licence. All drivers may be required to pass a test run to the satisfaction of a nominated Council representative, if not known to the Shire.

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7. All groups using the vehicle shall be required to complete the appropriate forms and abide by the terms and conditions of use.
8. Users shall pay in advance the daily hire fee for use of the bus. The daily charge will be as adopted by the Council from time to time in its Schedule of Fees and Charges.
9. Users shall also pay in advance a security deposit as adopted by the Council from time to time in its Schedule of Fees and Charges. This deposit will be refunded in full only if the bus, on return, is clean, undamaged, and fully refuelled.
10. User groups shall be responsible for any costs incurred for damage to the vehicle while the vehicle is in their care. The cost of any damage (including any insurance excess), will be deducted from the security deposit. In the event that the security deposit is insufficient to meet the costs of damage, the hirer is liable for the value of any damage in excess of the security deposit.
11. Users are to be responsible for cleaning the bus and returning it to the Council in the same condition as they found it. Failure to do so will incur a cleaning cost which will be deducted from the security deposit.
12. The bus will be full of fuel at the commencement of every hiring. It is to be fully refuelled prior to its return at the end of the hiring. Failure to return the bus full of fuel will result in the value of any fuel deficiency being deducted from the security deposit.
13. The vehicle is to be returned on the nominated day and time. Additional fees may be charged for late return of the vehicle. Such additional fees may be deducted from the security deposit.
14. Nothing in these conditions is to be construed as relieving users of any liability in the event that the security deposit is insufficient to cover any or all of additional hire fees, charges for fuel, cleaning charges and charges in respect of damage.
15. Passenger numbers shall not exceed authorised seating. Where seat belts are provided, they are to be worn by occupants.
16. Availability of the vehicle shall be subject to collection/return at times advised by the Booking Officer of the Council.
17. The Vehicle is to be returned in a clean and tidy condition, with any vehicle difficulties to be reported immediately.
18. The vehicle may only be driven on sealed public roads unless specific permission is given to the contrary. Permission may be granted to use the bus on public unsealed roads if there is no practical sealed route to the hirer's destination. Under no circumstances is the vehicle to be used off public roads (except for designated parking areas).
19. Users of the vehicle shall always obey traffic laws . The Shire of Yalgoo is not responsible for penalties or fines levied on vehicle users under any circumstances.
20. Any accidents shall be immediately reported to the Chief Executive Officer or his nominee and the appropriate form is to be completed and forwarded to the Chief Executive Officer.
21. Drivers are required to complete checklist card prior to operating the vehicle and complete the Log form after each use of the vehicle.
22. The vehicle and keys shall be picked up and returned to the location designated at the time of booking and within the specified time.
23. Fares shall not be sought by user groups from their passengers.
24. Donations may be invited of user groups and/or passengers.
25. The vehicle may only be used for the purpose stated on the application form.
26. Smoking and consumption of food and drinks on the bus is strictly prohibited.

– End of Schedule

Policy Schedule 12.3 – Plant Replacement Cycles

Description	Recommended cycle earlier of -	Recommended by	Comments
ROAD PLANT and TRAILERS			
Grader	7 Yrs / 10,000hrs	GTS	
Wheel loader	7 Yrs / 10,000hrs	GTS	
Track loader	6 Yrs / 10,000hrs	GTS	
SP Vibrator Roller	6 Yrs / 4,000hrs	GTS	
SP Multi tyre Roller	6 Yrs / 4,000hrs	GTS	
Towed M/T roller	20+ yrs	CEO	
TRUCKS and TRAILERS			
Prime mover	6 years / 300,000km	GTS	
Side Tipper	12-15 yrs	CEO	
Drop deck semi trailer float	8-10 yrs	CEO	
Tri-axle water tanker	12-15 yrs	CEO	
Tandem Dolly	6-7 yrs	CEO	
Service Truck – crew cab	4 Years / 80,000 km	GTS	
Town truck – standard cab	5 Years / 150,000 km	GTS	
FIRE VEHICLES			
Light Tanker	4 Years / 80,000 km	GTS	Subject to FESA
Heavy tanker 3.4	4 Years / 80,000 km	GTS	Subject to FESA
OTHER PLANT			
Backhoe	7 Years / 8,000 hrs	GTS	
Forklift	10 yrs	CEO	
Ride on mower – front deck	5-7 yrs	CEO	
Ride on mower – mid mount	2 yrs	CEO	
Bitumen Sprayer	15-16 yrs	CEO	
TRAILERS			
Box trailers	8-10 yrs	CEO	
Car Trailer	8-10 yrs	CEO	
Fuel Trailer	8-10 yrs	CEO	
LIGHT VEHICLES			
CEO Car	1 yr / 40,000km	CEO	GTS recommend 6 months / 40,000 km
CDO Vehicle	2 Years / 80,000km	GTS	
Dual Cab Work Ute	1 yr / 50,000km	CEO	GTS recommend 2 Years / 80,000km
Gardeners Ute	2 Years / 40,000km	GTS	GTS recommend 2 Years / 80,000km
Community Bus	8 Years / 130,000km	GTS	10 years under funding contract

GTS – indicates recommendation by Greenfields Technical Services 10 September 2009, after contacting representative dealers for the type of vehicle described.

– End of Schedule

13. WORKS and SERVICES

13.1 Extraction of Gravel and Other Materials

History	Adopted	17 October 2002
	Former Policy	6.9
	Amended / confirmed	21 August 2008

Policy Statement

1. That the Shire approach Department of Environment for permits to clear vegetation as applicable.
2. That, where the Shire intends to extract gravel or other materials from land over which a pastoral lease or some sort of mineral tenement exists, the Shire should liaise with the person or persons holding the other rights over the land in order to maintain good relations and to cause minimum disruption to the operations of the person or persons holding those rights.
3. Where the Shire opens up a gravel pit, it will budget for and carry out the rehabilitation of the pit at the conclusion of extraction operations.
4. In relation to subparagraph (2) above, where further use of gravel or other material has not been identified and scheduled, the extraction operations shall be deemed to have concluded and the pit should be promptly rehabilitated."

13.2 Airstrip Grades

History	Adopted	19 November 1997
	Deleted	17 December 1997
	Former Policy	10.6
	Amended / confirmed	27 May 2016

Policy Statement

1. All private homestead airstrips within the Shire of Yalgoo receive one free grade annually provided that the work is carried out at a time when the council graders are working within the area.
2. Only one airstrip for each holding, individual station or collective, is eligible for grading.
3. The CEO is to compile a list attached to this policy, and amend the details as advised from time to time.
4. That airstrips located on privately run stations be graded once per calendar year, when the Shire of Yalgoo work teams are in the area.
5. DPAW/Government owned/managed stations are to be graded as "private works" at the current charge rate if requested.

A register of the airstrips to be graded (as a Listing to this Policy) to be developed.

Station	Advised	Located	RFDS?
Burnerbinmah	04.07.08	Near homestead	n/s
Jingemarra	30.06.08	Near homestead	Possibly
Warriedar	02.07.08	Near homestead	n/s
Carlaminda or Noongal (TBC)	11.07.08	Carlaminda – near shearing shed Noongal – near homestead	No – need to be longer
Thundelarra	22.07.08	Western side of homestead	n/s
Gabyon / Pindathuna	Phone	Pindathuna	
Ninghan	11.09.08		
Wagga Wagga		PHONE FIRST	

NOT TO BE GRADED Edah 20.09.08 Advised by Leith Peskett

13.3 Road Asset Management Priorities

Introduction	The purpose of this policy is to clarify the level of maintenance and attention that is to be given to roads under the Shire's responsibility.	
Objective	This Policy is intended to provide guidance as to – <ul style="list-style-type: none">- the level of importance of each road, to assist with planning of future construction and general maintenance of the road system- the frequency and level of maintenance for each road- priority of works	
History	Adopted	18 June 2009

Policy Statement

1. The following Schedules are adopted, and form part of this Statement –
 - Policy Schedule 13.3 (a) – Main Roads WA Road Listing
 - Policy Schedule 13.3 (b) – Road Use and Priority Listing
 - Policy Schedule 13.3 (c) – Road Use and Priority Codes
 - Policy Schedule 13.3 (d) – Main Roads Cross Section Types
2. The general order in which works should be undertaken are –
 - 1st urgent works where road conditions are unsafe, or could be considered to be unsafe
 - 2nd flood / storm damaged roads brought to an adequate standard (i.e. fit for use as defined by MRWA), but not necessarily being up to the desired standard
 - 3rd construction works funded wholly or in part by grants or contributions
 - 4th construction works required prior to grant works being done
 - 5th general maintenance
3. Generally, the higher priority road, as defined by Policy Schedule 13.3 (b) should take precedence over lower priority roads.
4. The Frequency and Priority assigned to the roads in Policy Schedule 13.3 (b) are guides, not fixed requirements, and vary according to conditions and need.
5. It is acknowledged that –
 - the Shire has a responsibility to maintain all roads in the Shire that are open to public use, not just the main access routes
 - conditions can vary over the whole of the Shire, and roads may need to remain or be left in a rough but safe condition, in order to attend to higher priority works needed elsewhere
 - simply being rough is not sufficient reason to incur the extra costs in relocating the works crew from one road to another, out of the cycle of the planned work
 - flood / storm damage, additional tied funding for works etc, will interfere with the general cycle of maintenance grading, and will necessarily delay general maintenance works

– End of Policy

COMMENT

Policy Schedule 13.3 (a) – MRWA Road Listing

Source – Main Roads WA (February 2006)

Road No	Road Name	Length (km)	Start Terminus	End Terminus
1	Gibbons St	0.68	M15	Henty St No.5
2	Shamrock Rd	0.27	Henty St No.5	Yalgoo Town Boundary
3	Campbell St	0.46	M15	Queen St
4	Weeks St	0.12	Gibbons St	Campbell St
5	Henty St	0.50	Gibbons St No.1	Dead End
6	Stanley St	0.30	King St No.65	Res 29476 East Corner
7	Queen St	0.13	Gibbons St No.1	Campbell St No.3
8	Yalgoo - Ninghan Rd	137.35	H050	H6
9	Yalgoo North Rd	109.40	Yalgoo North T/S Boundary	Meka-Mt Wittenoom Rd No.46
10	Gabyon - Tardie Rd	76.30	M15	Shire Boundary (Murchison)
11	Mellenbye - Kadji Rd	7.03	Yalgoo-Morawa Rd S78	Shire Boundary (Morawa)
12	Paynes Find - Sandstone Rd	7.60	H6	Shire Boundary (Sandstone)
13	Dalgaranga – Cue	18.00	Dalgaranga-Cue Rd	Shire Boundary (Cue)
14	Old Warriedar Rd	16.30	Paynes Find-Yalgoo Rd 8	New Warriedar Rd 69
15	Warriedar - Perenjori Rd	5.40	Warriedar Rd No.69	Shire Boundary (Perenjori)
16	Burnerbinmah - Nalbarra Rd	50.63	Paynes Find-Yalgoo Rd No.8	Shire Boundary (Mt Magnet)
17	Paynes Find - Wagga Wagga Rd	44.00	M15	Paynes Find-Yalgoo Rd No.8
18	Dalgaranga Rd	53.70	Yalgoo North Rd	Dalgaranga -Cue Rd No.13-Rd51
19	Barnong - Wurarga	23.70	Gabyon Tardie Rd No.10	Yalgoo Morawa Rd S78
20	Meka - Noondie Rd	17.59	Junction Rd 9-Meka Stn	Shire Boundary (Murchison)
21	Barnong Rd	9.20	Yalgoo-Morawa Rd S78	Barnong-Wurarga Rd No.19
22	Gabyon - Pindathuna Rd	50.00	Yalgoo North Rd No.9	Gabyon-Tardie Rd No.10
23	Bunnawarra Rd	11.60	Yalgoo-Morawa Rd S78	Bunnawarra Station
25	Maranalgo Rd	47.90	H6	Shire Boundary (Mt Marshall)
26	Ninghan Rd	11.40	H6 (East)	H6 (West)
27	Mt Gibson	28.00	H6	Mt Gibson Station
28	Woogalong Rd	14.79	Yalgoo North Rd No.9	Out Camp
29	Noongal Rd	10.00	Yalgoo North Rd No.9	Noongal Station
30	Warriedar Copper Mine	4.17	New Warriedar Rd No 69	Copper Mine
31	Badja Rd	12.70	Paynes Find-Yalgoo Rd No.8	Badja Station Homestead
32	Badja Woolshed	20.90	M15	Badja Woolshed
33	Jingemarra - Murgoo Rd	3.20	Yalgoo North Rd No.9	Shire Boundary (Murchison)
35	Pindabunna Rd	16.49	Se Boundary With Sandstone	Road No 25
36	Goodingnow Rd	12.87	H6	Station Outcamp
37	Narndee West Rd	24.40	H6	Shire Boundary (Sandstone)
39	Edah Rd	4.83	M15	Edah Station
40	Carlaminda Woolshed	6.50	M015 Geraldton-Mt Magnet Rd	Woolshed
41	Narloo - Yuin	14.23	Gabyon Tardie Rd No.10	Narloo-Tardie Rd No.42
42	Narloo - Tardie Rd	16.80	Narloo Yuin Rd No.41	Gabyon-Tardie Rd No.10
43	Tardie - Woogalong Rd	33.45	Narloo Tardie Road No 42	Old Out Camp
44	Melangata	21.40	Yalgoo North Rd No.9	Dalgaranga Rd No.18
45	Burnerbinmah Rd	4.50	Burnerbinmah-Nalbarra Rd No.16	Burnerbinmah-Nalbarra Rd No.16

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Road No	Road Name	Length (km)	Start Terminus	End Terminus
46	Meka - Mt Wittenoom	8.85	Yalgoo North Rd No.9	Shire Boundary Murchison
47	Oudabunna Access Rd	3.20	H6 Great Northern Hwy	Oudabunna Station
48	Thundelarra Rd	3.27	Paynes Find-Yalgoo Rd No.8	Paynes Find-Yalgoo Rd No.8
51	Dalgaranga - Mt Magnet Rd	28.50	Dalgaranga Rd No.18	Shire Boundary
52	Dalgaranga - Meteorite Rd	23.20	Dalgaranga-Cue Rd No.13	Dalgaranga-Mt Magnet Rd No.51
53	Uanna Hill Rd	11.00	Dalgaranga Meteorite Rd South	Dalgaranga Meteorite Rd North
54	Golden Grove Nth Acc Rd (P)	3.50	Paynes Find-Yalgoo Rd No.8	Scuddles Rd No 73 (P)
56	Joker Mine Rd	1.80	Paynes Find-Yalgoo Rd No.8	Joker Mine
57	Warriedar Access Rd	2.60	Warriedar-Perenjori Rd No.15	Warriedar Station Homestead
58	Paynes Find Battery Rd	4.20	Paynes Find Town Rd No 75	Battery
59	Gnows Nest Rd	1.40	Paynes Find-Yalgoo Rd No.8	Minesite
60	Melville Mines Rd	3.50	Yalgoo North Rd No 9	Mine
61	Fields Find Rd	2.00	Paynes Find Yalgoo Rd No 8	Mine
64	Milligan St	0.30	Gibbons St No.1	Townsite Boundary
65	King St	0.23	Queen St No.7	Stanley St No.6
66	Wanarra East Rd	5.20	H6	Shire Boundary (Perenjori)
67	Paynes Find - Yalgoo Deviation	2.50	Paynes Find-Yalgoo Rd	Badja Woolshed Rd
68	Selwyn St	0.21	Gibbons St No.1	King St No.65
71	Mouroubra Rd	5.40	Paynes Find-Marshall Rd No.25	Paynes Find-Marshall Rd No.25
72	Mellenbye Station Access Rd	3.40	Yalgoo-Morawa Rd S78	Mellenbye Station H/Stead
73	Scuddles Rd	5.68	Scuddles Mine	Golden Grove Townsite
74	Old Paynes Find Hwy Rd North	2.00	Paynes Find Town Rd No 75	No Through Rd
75	Paynes Find Town Rd	0.80	H6 North	H6 South
76	Morawa - Yalgoo Rd	82.95	Shire Boundary	Geraldton-Mt Magnet Rd
77	Paynes Find - Thundelarra Rd	86.40	Yalgoo-Ninghan Rd	H006

– End of Schedule

Policy Schedule 13.3 (b) – Road Use and Priority Listing

Road No.	Road Name	Start SLK	End SLK	Length (Km)	Cross Section	Frequency	Loading	PRIORITY
1	Gibbons St	0	0.68	0.68	6	T	H	4
2	Shamrock Rd	0	0.14	0.14	6	T	H	3
		0.14	0.27	0.13	4	T	M	3
3	Campbell St	0	0.46	0.46	4	D	L	3
4	Weeks St	0	0.12	0.12	4	D	L	1
5	Henty St	0	0.50	0.50	4	D	L	2
6	Stanley St	0	0.30	0.30	5	D	L	2
7	Queen St	0	0.13	0.13	4	D	L	2
8	Yalgoo - Ninghan Rd	0.00	55.00	55.00	6	C	RT	4
		55.00	80.00	25.00	6	C	RT	4
		80.00	137.35	57.35	2	C	RT	4
9	Yalgoo North Rd	0	109.40	109.40	2	T	M	3
10	Gabyon Tardie Rd	0	76.57	76.30	2	T	L	1
11	Mellenbye - Kadji Rd	0	7.03	7.03	1	S	L	1
12	Paynes Find - Sandstone Rd	0	7.60	7.60	3	C	RT	4
13	Dalgaranga - Cue	0	18.00	18.00	2	T	L	2
14	Old Warriedar Rd	0	16.30	16.30	1	S	L	1
15	Warriedar - Perenjori Rd	0	5.40	5.40	2	S	L	1
16	Burnerbinmah - Nalbarra Rd	0	50.63	50.63	2	S	L	1
17	Paynes Find - Wagga Wagga Rd	0	44.00	44.00	1	S	L	1
18	Dalgaranga Rd	0	53.70	53.70	2	S	L	2
19	Barnong - Wurarga	0	23.70	23.70	1	S	L	1
20	Meka - Noondie Rd	0	17.59	17.59	1	S	L	1
21	Barnong Rd	0	9.20	9.20	1	S	L	1
22	Gabyon - Pindathuna Rd	0	50.00	50.00	1	S	L	1
23	Bunnawarra Rd	0	11.60	11.60	1	S	L	1
25	Maranalgo Rd	0	17	17	1	T	M	3
		17	22	22	0	U	U	0
		22	47.90	25.90	1	T	M	3
26	Ninghan Rd	0	11.40	11.40	1	S	L	1
27	Mt Gibson	0	28.00	28.00	1	S	L	1
28	Woogalong Rd	0	14.79	14.79	1	S	L	1
29	Noongal Rd	0	10.00	10.00	1	S	L	1
30	Warriedar Copper Mine	0	4.17	4.17	0	U	L	0
31	Badja Rd	0	12.70	12.70	1	S	L	1
32	Badja Woolshed	0	20.90	20.90	1	S	L	1
33	Jingemarra - Murgoo Rd	0	3.20	3.20	0	U	U	0
35	Pindabunna Rd	0	16.49	16.49	0	U	U	0
36	Goodingnow Rd	0	12.87	12.87	1	S	L	1
37	Narndee West Rd	0	24.40	24.40	1	S	M	2
39	Edah Rd	0	4.83	4.83	1	S	L	1
40	Carlaminda Woolshed	0	6.50	6.50	1	S	L	1

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41	Narloo - Yuin	0	14.23	14.23	1	S	L	1
42	Narloo - Tardie Rd	0	7	7	0	U	U	0
		7	16.80	9.80	1	S	L	1
43	Tardie - Woogalong R	0	33.45	33.45	0	U	U	0
44	Melangata	0	21.40	21.40	1	S	L	1
								1
45	Burnerbinmah Rd	0	4.50	4.50	1	S	L	
Road No.	Road Name	Start SLK	End SLK	Length (Km)	Cross Section	Frequency	Loading	PRIORITY
46	Meka - Mt Wittenoom	0	8.85	8.85	2	T	M	3
47	Oudabunna Access Rd	0	3.20	3.20	1	S	L	1
48	Thundelarra Rd	0	3.27	3.27	1	S	L	1
51	Dalgaranga - Mt Magnet Rd	0	22	22.00	2	S	L	2
		22	28.50	6.50	3	S	L	2
52	Dalgaranga - Meteorite Rd	0	3	3.00	3	S	L	2
		3	20	17.00	0	S	L	0
		20	23.20	3.20	3	S	L	2
53	Uanna Hill Rd	0	11.00	11.00	3	S	L	2
54	Golden Grove Nth Acc Rd (P)	0	3.50	3.50	4	C	RT	Mine?
56	Joker Mine Rd	0	1.80	1.80	1	S	L	1
57	Warriedar Access Rd	0	2.60	2.60	1	S	L	1
58	Paynes Find Battery Rd	0	4.20	4.20	0	U	L	0
59	Gnows Nest Rd	0	1.40	1.40	0	U	U	0
60	Melville Mines Rd	0	3.50	3.50	1	S	L	1
61	Fields Find Rd	0	2.00	2.00	1	S	L	1
64	Milligan St	0	0.30	0.30	4	D	L	1
65	King St	0	0.23	0.23	4	D	L	2
66	Wanarra East Rd	0	5.20	5.20	1	S	L	1
67	Paynes Find - Yalgoo Deviation	0	2.50	2.50	Unknow			
68	Selwyn St	0	0.21	0.21	6	T	M	3
71	Mouroubra Rd	0	5.40	5.40	2	T	M	3
72	Mellenbye Station Access Rd	0	3.40	3.40	1	S	L	1
73	Scuddles Rd	0	5.68	5.68	4	C	RT	Mine?
74	Old Paynes Find Hwy Rd North	0	2.00	2.00	4	S	D	1
75	Paynes Find Town Rd	0	0.80	0.80	4	C	RT	4
76	Morawa - Yalgoo Rd	0	53	53	2	C	RT	4
		53	82.95	29.95	4	C	RT	4
77	Paynes Find - Thundelarra Rd	0	86.40	86.40	2	T	M	3
	Town Streets	Estimated						

- End of Schedule

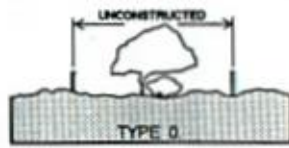
Policy Schedule 13.3 (c) –Road Use and Priority Codes

CROSS SECTION – MRWA	
0	Unconstructed
1	Unformed
2	Formed
3	Paved (gravelled)
4	Sealed – not kerbed
5	Sealed – kerbed one side
6	Sealed – kerbed both sides
	<i>Where sealed – shoulders should be pulled up and compacted once a year– patching of potholes done twice a year</i>
FREQUENCY	
U	Unconstructed
S	Station traffic only
T	Through route – occasional heavy transport
D	Town – mainly domestic
C	Constant
LOADING	
U	None – unconstructed
L	Light – essentially cars and 4WD
M	Medium – rigid trucks not uncommon, occasional semi or road train
H	Heavy – frequent semi trailer, occasional road train
RT	Road Trains – regular users
PRIORITY – Number of times to be maintenance / grading each year	
0	None – unconstructed
1	Low – when needed
2	Normal
3	High
4	Peak

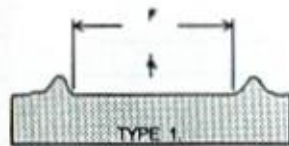
– End of Schedule

Policy Schedule 13.3 (d) – MRWA Cross Section Types

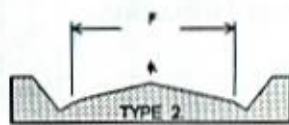
CROSS SECTION TYPE
(Diagrammatic only)



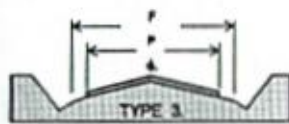
UNCONSTRUCTED (Default) 0
Gap in constructed section.



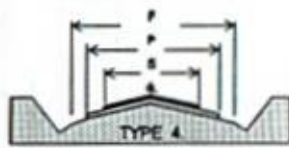
UNFORMED 1
Cleared-flat bladed. Minimum construction.
Formation consists of adjacent material.



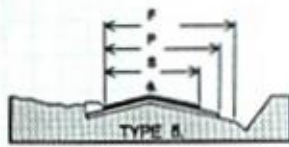
FORMED ONLY 2
Formed (raised) and drained road without
Imported material or a constructed pavement.



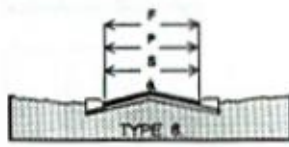
PAVED SURFACE 3
Road constructed from imported material of
adequate thickness, shaped and drained.



SEALED WITH NO KERBING 4



SEALED WITH KERBING 5
One side



SEALED WITH KERBING 6
Two sides

F = Width of road available to traffic
P = Width of pavement
S = Width of seal

– End of Schedule

13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads)

Introduction	Main Roads WA issues road network use permits for RAV (restricted access vehicles). Where the road network includes Shire road/s, a local government can impose a condition, called a CA07 condition, for RAVs that requires the operator to carry written approval from the LG authority permitting use of the road.	
Objective	This policy is intended to provide guidance as to: <ul style="list-style-type: none">• Placement of CA07 condition for RAV access on Shire roads• The method of application• Which applications the CEO can determine, and which must be submitted to Council for determination.	
History	Adopted	28 May 2013 (C2013-0506)
	Former Policy	Nil
	Amended / confirmed	

Policy Statement

The Shire maintains its road network in accordance with Policy 13.3 Road Asset Management Priorities.

1. The CEO of the Shire is authorised to apply CA07 conditions on Shire roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avert financial losses through heavy vehicle damage.
2. Where a CA07 condition exists, RAV operators must complete and lodge a written application on the Shire's CA07 application form and pay the CA07 processing fee. Operators must provide all information detailed on the form, and additional information where requested.
3. The CEO of the Shire of Yalgoo is authorised to determine the outcome of applications where the total tonnage is 50,000 per annum or less.
 - (i) Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.
4. For applications exceeding 50,000 tonne per annum, the application must be submitted to Council for consideration and must contain a full proposal from the operator including, but not limited to:
 - Vehicle movements
 - Operational controls
 - Contribution to road maintenance
 - Capital investment
 - Asset replacement
 - Consultation with other stakeholders

COMMENT

Note that Council grants administrative or 'acting through' authority to the CEO under this policy. The authority cannot be made as a delegation under the Local Government Act, and adoption of the policy does not require an absolute majority of Council (confirmed 14/2/13 by email, Andrew Borrett, Senior Project Officer, Advice and Support, Department of Local Govt.).

13.5 Road Use (RAV Haulage) Agreements Policy

Introduction	<p>The Shire of Yalgoo manages over 1,000 kilometres of local roads, of which the majority are gravel. As at May 2013 less than 200 kilometres of Shire roads are sealed, and most seal is only single lane.</p> <p>The Shire constructs, maintains and renews these road assets for low volume general traffic with funding from rates, local government financial assistance grants (FAGS), Main Roads through the regional roads group and federal funding through the Roads to Recovery program.</p> <p>Some of the roads on the Shire’s network are classified under the Main Roads WA network for Restricted Access Vehicles (RAV).</p> <p>RAV traffic (ie: multi-trailer heavy vehicles) results in significantly increased cost to maintain the road asset, particularly if the road construction is not engineered to sustain such traffic. Wear and tear increases proportionally with the vehicle length, number of trailers, axle combinations and weight of the load carried.</p> <p>Requests from mines to haul on Shire roads have increased exponentially with multiple potential users in particular for the Yalgoo Ninghan Road.</p> <p>It is important that the Shire receives adequate compensation from these users to ensure that the Shire can fund construction, maintenance and renewal of its affected road assets.</p>
Objective	<p>This policy establishes the common factors for Road Use (RAV Haulage) Agreements between the Shire and the road user to enable the Shire to process requests efficiently and consistently; and to secure funding from road users to construct, maintain and renew the Shire’s affected road assets to an appropriate standard of safety and access.</p>
Cross Reference 13.4	<p>This policy should be read in conjunction with 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads).</p>
Type (Council or Operational)	<p>Council Strategic Policy</p>
History	<p>Adopted 23 May 2013 by Council decision C2013-0504</p>

Policy Statement

1. Council is committed to maintaining its road assets in accordance with the integrated long term financial and asset management plans and associated policies including 13.3 Road Asset Management Priorities.
2. In principle, Council maintains its road assets for general use, and does not have funding to construct or maintain road assets for heavy haulage by Restricted Access Vehicles (RAV).
3. Where road users apply to Council for a CA07 authority to operate Restricted Access Vehicles on roads in the Shire of Yalgoo that are classified under the Main Roads WA permit network, Council may require the user to enter into a Road Use (Restricted Access Vehicle Haulage) Agreement with the Shire.
4. The Agreement will be a legally binding contract in a standard format that will be developed and updated from time to time under professional advice from the Shire’s engineers and lawyers.
 - Council approval is required if the applicant makes any material modification to the standard agreement.
5. Council will require the other party to the Agreement to bear all costs associated with the Agreement including but not limited to legal fees involved in entering into the agreement, and the cost of all professional and engineering advice.

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6. The Agreement will cover the following minimum provisions:
- Pework: road works that the user agrees to fund and complete before the haulage task commences, in order to prepare the road for the haulage task. The specification for such tasks will be established by the Shire in consultation with engineers and Main Roads as required.
 - Safety Management Plan: the user will be required to prepare and lodge a road safety risk assessment and management plan to the Shire for all of the route that is in the Shire (ie: this will include roads under control on Main Roads WA as well as Shire roads).
 - Bank Guarantee: the Agreement will stipulate lodgement by the user of a bank guarantee, in an amount that is equal to 50% of the estimated annual haulage task payment. The minimum bank guarantee will be \$200,000 and the maximum will be \$500,000 unless otherwise authorised by Council.
 - Rate: the user will pay to the Shire the amount of 1.26 cents per kilometre per tonne. This rate has been established as at May 2013 in consultation with WALGA using statistics and methodology aligned with Austroads. The rate will be reviewed annually through the Shire's annual fees & charges setting process, and the Agreement will provide for earlier review of the rate should the amount prove insufficient to maintain the road to an adequate standard.
 - Payment: the user will calculate and pay the amount to the Shire in advance at intervals of no less than quarterly. The first payment will be non refundable in its entirety.
 - Adjustments: the user will provide a report to the Shire after each year of haulage showing the total tonnes and kilometres, supported by documentary evidence (eg: reports to Main Roads, rail/port statistics), against which under/over adjustments will be made in the following invoice.
 - Community Benefit: Council and community believe in principle that mining activities should return a direct benefit to local communities. The Agreement will therefore state how the user will contribute to the Shire's community programs and/or community infrastructure for the long term benefit of residents of the Shire.
7. The Shire will expend no more than 70% of the funds received by users on construction and maintenance of the road, and will deposit a minimum of 30% in a reserve for the purpose of future renewal of the road asset.
8. Where relevant the Shire may convene, or request the user to convene, user group/s for the purpose of establishing forward works programs on the affected roads and to identify and address safety issues.
9. The costs of administering road use agreements will be apportioned to the cost of maintaining the road; and the Shire executive may elect to engage external professional services to administer the agreements.

– End of Policy

COMMENT

In 2013, Mark Bondietti (MSc Eng CPEng), Policy Manager Transport and Roads of WALGA initially calculated a rate of 1.26 cents per tonne per kilometre using tools developed by Austroads to assess the cost of wear and tear that RAV traffic will cause on rural/regional roads.

Mark subsequently advised that he had re-run the calculation and the amount should be 1.62 cents per kilometre.

Negotiations with mining companies had already commenced based on 1.26 cents. The method of calculation is untested therefore it is recommended that the Shire implements the inaugural Agreements at 1.26 cents which can be reviewed annually against actual costs.

UNCLASSIFIED

14.1 Acquisition and disposal of land

Introduction

Objective

History

Adopted

21 August 2008

Policy Statement

1. Although enquiries may be made prior in accordance with Council's interests and general direction, all proposals to purchase or sell land, even if disclosed in the Budget are to be referred to Council for direction, prior to any commitment being given, as required by Delegation 2.2 clause (4).
2. All leasing or rental of property for more than 12 months to be referred to Council for decision, except for staff in Shire owned housing.
3. The CEO may determine leases, licences or rental of land or property for periods of less than 12 months or less, in accordance with any guidelines or conditions as set by Council from time to time.

– End of Policy

COMMENT
