



# Policy Manual



## **VERSION 2.0: - JANUARY 2017**

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## 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 considered to be 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 particular 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 particular 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.

## **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.

## **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.

## 1. 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

#### Policy Statement

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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
  - members of the public appointed to a Committee of Council.

– End of Policy

#### COMMENT

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**Should also cover contractors**

## **Policy Schedule 1.1 – Code of Conduct**

### **FOR COUNCIL MEMBERS, COMMITTEE MEMBERS & STAFF**

*Based on WALGA Model of February 2008*

#### **PREAMBLE**

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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**

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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**

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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**

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#### **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 laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to 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**

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### 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.
- (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**

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#### **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**

*Definitions :*

*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
  - (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**

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##### **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:

- (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 Mayor/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 at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. 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;
  - 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*

### COMMENT

Adoption of Standing Orders as a Local Law to be investigated.

If adopted, Council is obligated to adhere to them, in the same way a private person is obligated to adhere to any Local Law applying to them.



## **Policy Schedule 1.2 – Standing Orders**

### **1. Interpretation**

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In this policy, unless the contrary intention appears,

“absolute majority”

“CEO”

“committee”

“council”

“councillor”

“local government”

“motion”

“meeting”

“member”

“president”

“presiding member”

“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**

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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**

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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**

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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**

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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**

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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**

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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.

## **9. Public Conduct at Meetings**

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- 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.

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## 10. Role of the Presiding Member

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- 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.

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## 11 Maintenance of Order

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- 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.

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## 12 Procedures for Debate of Motions

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- 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.
- 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 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 sufficient 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

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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

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- 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.
- 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 Secunder 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**

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- 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**

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- 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.

- 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**

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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 – 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

#### COMMENT

## 1.4 Council Chambers Usage

Introduction

Objective

History	Adopted	unknown
	Amended	unknown
	Former Policy	1.4
	Amended / confirmed	19 February 2016

### Policy Statement

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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

### COMMENT

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## 1.5 Portraits in Council Chambers

Introduction

Objective

History	Adopted	22 November 1999
	Former Policy	1.6
	Amended / confirmed	21 August 2008

### Policy Statement

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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*

### COMMENT

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## 1.6 Councillors Recognition of Service

Introduction	<p><b>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.</b></p> <p>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.</p> <p>Although Councillors are able to 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.</p> <p>Where qualifying, enquiries should also be made through the Department of Local Government to obtain a Certificate of Appreciation from the Minister.</p>		
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.

*– End of Policy*

### COMMENT

A report was made to DLGC regarding an omission in good faith to seek the necessary ministerial exemption regarding declaration of interest for the recommendation to the December 2013 meeting to make a change to this policy

## 1.7 External Organisations – Council Representatives

Introduction	Council nominated representatives to a number of 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
  - c) President
  - d) Deputy President
  - e) Past Presidents in order of most recent retirement
  - f) Councillors in order of length of service
  - g) CEO

– End of Policy

### COMMENT

*20 February 2014: This policy is out of date and requires review*

At minimum, as individual Councillors are specified, this policy must be reviewed at the first Council Meeting held after general Local Government elections. Review may also be required if a position becomes vacant during the term of office of a Councillor.

As resolved at November 2009 Meetings – (reviewed December 2009)

Organisation	Delegates and number	Deputy/s
Murchison Vermin Regional Council	2 Cr TK Iturbide & Cr L Hodder	Cr MJ Forster
Murchison Country Zone of WALGA	2 Cr TK Iturbide & Cr EC Rowe	Cr MJ Forster
Regional Road Group and sub-Group	1 Cr TK Iturbide	Cr LJ Terry
Yalgoo Land Conservation District Committee	2 Cr EC Rowe & Cr TK Iturbide	Cr MJ Forster
Crosslands Liaison Committee	2 Cr Iturbide – Council Ms Trish Grinham – Community	Cr LJ 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
  - 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.

– End of Policy

## COMMENT

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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

## 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 the proposed use benefits the Shire or community through promotion of the district, directly or indirectly, for example –
    - o permitted on a tourism promotion brochure indicating a facility or event is located within the Shire
    - o 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 particular service, activity etc in preference to others, where no such support has been given
- to imply Council authorisation or endorsement of a particular person or position, where no such endorsement has been given.

– End of Policy

### COMMENT

Private use of the logo is only to be permitted where there is some identifiable benefit to the Shire or community.

## **2. ACCOUNTING / AUDIT**

### **2.1 Deleted**

#### **COMMENT**

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C2014-0238: Deleted 20 February 2014



## 2.2 Valuation of Non-current Assets

Introduction

Objective

History	Adopted	25 July 2002
	Former Policy	4.6
	Amended / confirmed	21 August 2008

### Policy Statement

---

In accordance with Accounting Standard AADB 1041 "Revaluation of Non Current Assets", the cost basis be used for measuring non-current assets by deeming the carrying amounts of all asset at 1 July 2001 to be their cost.

– End of Policy

### COMMENT

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*20 February 2014: This policy requires major review to recognise fair valuation of assets*

## **2.3 Deleted**

*– End of Policy*

### **COMMENT**

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C2014-0238: Deleted 20 February 2014

## **2.4 Deleted**

### **COMMENT**

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C2014-0238: Deleted 20 February 2014

## 2.5 Land Under Roads

Introduction	The Australian Accounting Standards Board 1051.8 (AASB 1051.8) Land Under Roads acquired on or before 30 June 2008 in Western Australia need not be recognised, however the Council must make an election to indicate this.	
Objective	<p>Electing not to recognise the value of land under roads acquired prior to 1 July 2008 will avoid the complex, lengthy and most likely costly process of retrospectively identifying, assessing and measuring land under roads acquired in previous reporting periods.</p> <p>Land under roads acquired from 1 July 2008 will need to be accounted for in accordance with AASB 116 – Property, Plant and Equipment. This will mean its cost will most likely be its fair value at date of acquisition. The recognition of this land will in time inflate the value of infrastructure assets recognised in the Balance Sheet.</p>	
History	Adopted	18 June 2009

### Policy Statement

In accordance with ASSB 1051- Land under Roads, Council elects to continue not to recognise the value of any land under roads acquired on or before 30 June 2008.

– End of Policy

### COMMENT

UHY Haines Norton (Accountants) recommends councils make a final election not to recognise land under roads acquired before 30 June 2008.

The Auditors are not aware of any benefit the Shire would gain from electing to account for the value of land under roads and they made comment it would create more accounting work for the Shire.

In determining whether land under roads should be recognised as an asset there is a conflict between accounting Standard AASB 1051 and Financial Management Regulation 16. In accordance with Financial Management Regulation 4(2) in circumstances where there is such a conflict, the Financial Management Regulation prevail to the extent of any inconsistency.

This inconsistency has the potential to cause issues for local government auditors as they are obliged to qualify financial reports where there is material non-compliance with the Australian Accounting Standards. Electing not to recognise land under roads acquired before 1 July 2008 will reduce the level of conflict between the Standards and the Regulations and therefore the likelihood of a qualified Audit Report.

## **2.6 Deleted**

Deleted 20 February 2014

### **COMMENT**

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## 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;
- 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.***

***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

Introduction	A Policy establishes rules by which the business of the local government is conducted. Policy provides for a consistent approach to a given circumstance and is a statement that will be of considerable benefit to guide and assist councillors, staff and the community in understanding the objectives of Council.	
Objective	To establish principles in regard to the keeping of a Policy Manual and how it may be reviewed or changed.	
History	Adopted	19 July 2007
	Former Policy	5.8
	Amended / confirmed	21 August 2008

#### Policy Statement

1. It is the policy of the Council to maintain a manual recording of the various policies of the Council.
2. Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.
3. The objectives of the Council's Policy Manual are –
  - to provide Council with a formal written record of all policy decisions.
  - to provide the staff with precise guidelines in which to act in accordance with Council's wishes.
  - to enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council.
  - to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
  - to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
  - to enable ratepayers to obtain immediate advice on matters of Council Policy.
4. Maintenance of Council's Policy Manual –
  - an official copy is to be retained by the CEO in a loose-leaf binder and updated as and when a policy is varied by the Council.
  - replacement Policy Manual pages are to be circulated to Councillors as soon as possible after adoption, preferably with the Minutes of the Meeting,
  - in the months after annual adoption of Delegations Register as required by the Local Government Act, the CEO is to carry out an administrative review of the Policy Manual annually, and recommend any additional, amendments or deletion of policies,
  - following any changes resolved by Council, an updated copy of the complete Policy Manual is to be distributed to all Councillors.
5. Changes to Council Policy shall be made only on –
  - an agenda item clearly setting out details of the new or amended policy,
  - specific resolution adopting, amending or revoking a particular policy.



– End of Policy

## COMMENT

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Report on review of Policy Manual to be presented annually together with Delegations Register adoption.

## 3.2 Conference and Training – Attendance and Expenses

Introduction	Given the increasing complexity and responsibilities of local government, Councillors are encouraged to attend appropriate conferences and enable them to be more informed and better able to fulfil their duties of office. In order to support this, the following policy has been adopted.	
Objective	To enable Councillors to develop and maintain skills and knowledge relevant to their roles as a representative of the Shire of Yalgoo.	
History	Adopted	21 August 2008
	Amended:	January 2010 C2010-0135
	Amended	19 April 2012, C2012-0419 (Schedule 3.2(c) 6 – Costs,rate)

### Policy Statement

1. The following Schedules are adopted, and form part of this Statement –
  - Policy Schedule 3.2 (a) – Definitions
  - Policy Schedule 3.2 (b) – Councillors
  - Policy Schedule 3.2 (c) – Staff
2. Council acknowledges that there are various obligations and values for professional development, including –
  - legislative, in particular relating to occupational health and safety of employees and for volunteers under the Bush Fires Act,
  - contractual for senior employees
  - governance
  - individual aspirations and aptitude
  - social and community benefit
3. Council encourages –
  - elected members to participate in training and attend the annual WALGA State Convention,
  - senior staff to attend the Annual State Conference relating to their profession,
  - all staff to improve their skills both those required for their role and that extend their relevant knowledge.
4. While length of service, tenure, and likely future service are aspects to be considered when approving professional development, they are not to be considered as primary factors, as professional development is to be deemed an investment in the individual and community.
5. Where an elected member, employee or other person is authorised to attend a conference, meeting, training course or other business on behalf of Council, the Shire will pay –
  - conference/meeting fees, accommodation and other necessary incidentals and out of pocket expenses upon production of receipts, and
  - travelling
 as specified in this Policy and its Schedules.
6. Approval to attend the conference etc. must be obtained prior to the event. Retrospective claims will only be considered if –
  - shown that prior approval was not possible due to circumstances,

- the person was attending in the place of an authorised nominee, unable to attend, and
  - the CEO is advised prior to the event of attendance or necessary change.
7. There is an automatic disposition against interstate and overseas conferences and training. These will only be approved where there is clear and undisputed direct benefit (not simply relevance) to matters affecting the Shire of Yalgoo. The Council may consider registration fees, accommodation costs and incidentals, but will not reimburse or cover travel costs except as specified in this Policy and its Schedules.
8. Budget provision for professional development will be as follows –
- |                 |   |
|-----------------|---|
| Elected members | 2.5% of budgeted employee wages                               |
| Executive staff | 1% of budgeted employee wages, including contract obligations |
| Other staff     | 4% of budgeted employee wages                                 |
9. Any monetary limitations do not apply where a person to is required or requested by Council to attend, or attendance is authorised by Council in excess of the Policy, prior to the event.
10. The Chief Executive Officer shall have regard to any Council Policy, and to Budget provisions.

– End of Policy

## COMMENT

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*20 February 2014: This policy requires simplification and review*

Suggest change to the effect that attendance is considered approved for Councillors & CEO to attend WALGA and LGMA if is within the annual budget. DCEO pre approved for finance conference. Council approval required for any other professional conferences for senior staff and councillors.

**Policy Schedule 3.2 (a) – Definitions**

<b>Examples include</b>		
	<b>Councillor</b>	<b>Staff</b>
<b>Conference</b> means an event providing generalised information relevant to a position, relating to local government <u>excludes</u> conferences or training that are mainly or only applicable to a private or non-Council role	WALGA Annual Convention (2 days), Tourism conferences	LGMA – State & Branch
<b>Further Development</b> means conferences and training in addition to that relevant to the role, although still related to local government generally		Civil engineering study Mechanical training CAD
<b>Meetings</b> means an event that is necessary as part of the function of the role	Representing the Shire as directed by Council Zone meeting WALGA – - AGM (1 day) - Structural Reform	Murchison Executive Group Regional Roads Group Industrial / union meetings OHS
<b>Personal Development</b> means an event, study, conference etc undertaken, with minimal or no relevance to role or local government, for personal benefit		
<b>Professional Development</b> , an overarching term which means – - conferences as defined - training as defined - proficiency development as defined - further development as defined but excludes – - meetings as defined - personal development as defined	AIM – Company Directors course	
<b>Proficiency Development</b> means conferences and training relevant to a role, although not necessarily essential, and related to local government Aim –to lift expertise beyond general competence and capability		LGMA membership and conferences Engineering supervision certification Accounting qualification
<b>Training</b> means an event providing specialised information in relation to a particular topic or function, required or considered necessary to fulfil the role –		
Required for role	None	OHS, White card
Specific for role but not required Aim – competence and capability	WALGA Councillor training modules, DLG workshops	Machine competency, Traffic management, Rates, Elections, First Aid, Poisons, Fire / emergency training Award training

– End of Schedule

### **Policy Schedule 3.2 (b) – Councillors**

#### Acknowledgment

1. By adopting this Schedule, Councillors acknowledge that professional development –
  - is not a right,
  - is not intended as recognition of service or contribution,
  - is undertaken in response to the community's legitimate expectation of the highest possible standard of governance, and
  - that community funds will be expended appropriately and responsibly for the benefit of the community, and not for private purposes or benefit.

#### Attendance

2. Councillors are entitled to attend either the WALGA Annual Convention or LGMA Annual Conference with associated costs met.
3. In addition to the above, Council will provide an allocation in the Budget annually for professional development expenditure, to be utilised at the direction of Council.
4. Council –
  - is to approve attendance at conferences etc. for Councillors, unless specific provision has already been made and identified in the Budget (e.g. WALGA State Convention),
  - prior approval of Council for Councillor training is not required, subject to Budget provision,
  - acknowledges that prior approval may not be possible where an event is at short notice, in which case Policy 1.7 (External Organisations – Council Representatives) is to apply to the extent relevant.

#### Costs

5. The Council will meet the costs of the elected member attended as follows –
  - registration including Conference Dinner,
  - accommodation and meals
  - out of pocket expenses – parking, taxi, etc
  - travel in the Councillors personal vehicle –
    - o per kilometre rate as approved in Budget –
      - to either the WALGA Annual Convention or the LGMA Conference, and
      - meetings being attended as a representative of Council
    - o reimbursement of fuel purchased to all subsequent events.
6. The Council will meet costs of one accompanying person for each elected member –
  - WALGA Annual Convention – accommodation and meals including the Convention Dinner, and any partner's program to a combined maximum of \$300,
  - other events – accommodation and meals only
7. Costs not eligible to be met by the Shire are –
  - meal expenses of a person other than the accompanying person, unless officially hosted by the Shire,
  - accommodation in excess of the minimum required –
    - o if event within 250km of residence – 1 night for each conference day, if travel during daylight hours before or after the event is impractical
    - o if event beyond 250km of residence– 1 additional night
  - personal expenditure of any kind, including alcohol

### Accountability

8. Council stipulates a minimum attendance at professional development of 80% is required for the Shire to meet all costs –
  - As Federal and State Parliamentarians are expected to bear the full pro-rata cost of any personal benefit arising out of Government funded travel, similarly, attendance of less than 80% will require the Councillor to refund the full pro-rata cost of the portion of the event not attended (registration, accommodation, travel etc).
  - It is recognised that on occasion, there may be unavoidable matters or irreconcilable commitments that intrude, and Council may by resolution waive this requirement to refund costs pro-rata.
9. The CEO is instructed to withhold payment of travel or reimbursements within Council's control until declaration of attendance is made to the CEO of the proportion of the event attended.
10. The CEO is to advise Council of the conferences and training attended by Councillors each month funded by the Shire.

– End of Schedule

### **Policy Schedule 3.2 (c) – Staff**

#### **Application**

This Schedule includes appointed volunteer officers of Council, in relation to training specific to their role.

e.g. – Bush Fire Control Officers, Volunteer Fire Fighters etc.

#### **Attendance**

1. Staff and appointed volunteer officers of Council are entitled to the appropriate p necessary to fulfil their role, with associated costs met.
2. In addition to the above, Council will provide an allocation in the Budget annually for professional development, to be utilised at the discretion of the CEO.
3. Other than as may be provided for in individual contracts, the total proficiency and further development expenditure for an individual staff member is not to exceed the total average cost of the WALGA Conference attended by Councillors. Eligibility for proficiency and further development will generally be on a semester basis, and is non-cumulative year to year.
4. The Chief Executive Officer–
  - may approve proficiency and further development employees at conferences etc. where –
    - o attendance will enhance the skills and capabilities of the employee, and
    - o is relevant to the duties and responsibilities of the employee.
  - may approve paid time off to attend study courses for employees undertaking study for an initial qualification relevant to local government, or additional study as approved by Council.

#### **Costs**

The Council will meet the costs of a staff member as follows –

- registration including Conference Dinner,
- accommodation and meals
- out of pocket expenses – parking, taxi etc
- travel in the staff member’s personal vehicle –
  - o at the rate provided in item 13.3 of the Shire of Yalgoo Comprehensive Enterprise Agreement– Vehicle.  
**IF** there is no Comprehensive Enterprise Agreement in place then the rate reverts to the Australian Taxation Office ruling D1 – Work Related Car Expenses.
    - to one proficiency and further development conference etc each budget cycle, and
    - meetings and training being attended as part of the function of the role or at the direction of the CEO
  - o reimbursement of fuel purchased for all additional proficiency and further development or further development conferences or training approved by the CEO.

The CEO may approve the Shire meeting the costs of one accompanying person, the approval not to exceed –

- Professional association – accommodation and meals including the Convention Dinner, and any partner’s program to a combined maximum of \$300,
- other proficiency and further development – accommodation and meals only

#### **Costs not eligible to be met by the Shire are –**

- meal expenses of a person other than the accompanying person,
- accommodation in excess of the minimum required –

- if event within 250km of residence – 1 night for each event day, if travel during daylight hours before or after the event is impractical
- if event beyond 250km of residence– 1 additional night
- personal expenditure of any kind, including alcohol.

**Accountability**

It is stipulated that a minimum attendance at a proficiency and further development etc, of 80% is required and 100% at training events. It is recognised that on occasion, there may be unavoidable matters or irreconcilable commitments that intrude, and the CEO is to give due regard to this.

*– End of Schedule*



### **3.3 Destruction of Records**

Introduction

Objective

History

Adopted

21 August 2008

#### **Policy Statement**

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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*

#### **COMMENT**

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### 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

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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

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### 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.

##### 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

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## COMMENT

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### 3.6 Usage of Information Technology

Introduction	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.  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.						
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.						
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

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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*

#### COMMENT

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### **Policy Schedule 3.6 – Usage of Information Technology**

#### **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**

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.

### **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.
- 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.



**7) 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.

## 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

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1. That with authority from the Shire President or the Chief Executive Officer individual Councillors are authorised to make press releases or act as spokesperson on behalf of Council.
2. That the Chief Executive Officer regularly keep rate payers and residents informed of Council activities via the Local Newspaper.
3. That the Chief Executive Officer advertise in the Local Newsletter the names and telephone numbers of each Councillor at least once a year.

– End of Policy

### COMMENT

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## 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.		
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)

### 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.
- 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 a sufficient 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.

– End of Policy

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## COMMENT

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## 4. BUILDING / DEVELOPMENT

## 5. PUBLIC FACILITIES

### 5.1 Library

Introduction

Objective

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

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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 date due 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

#### COMMENT

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Delete the word “will” in point 1.

## 5.2 Shire Facilities – Hiring

Introduction

Objective

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

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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

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Policy to be displayed in the buildings.

### 5.3 Shire Facilities – Use and security of private property

Introduction

Objective

History	Adopted	27 September 1989
	Former Policy	7.1.4
	Amended / confirmed	21 August 2008

#### Policy Statement

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1. Any utensils etc. that are donated become the property of the Shire but if utensils etc. belong to a club or organisation and are taken to the complex for a function then they are the responsibility of that club or organisation.
2. Council will allow individual clubs to have a storage locker in the caretaker's room. The locker may be purchased by Council subject to written agreement by the club reimbursing the cost and a signed indemnity stating that no claims for the loss or damages will be made against Council for the lockers or anything stored in them.

– End of Policy

#### COMMENT

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## 5.4 Shire Facilities – Tables & Chairs

Introduction

Objective

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

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1. 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
2. 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*

### COMMENT

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## 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.

*– End of Policy*

### COMMENT

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.

## 6. ENVIRONMENTAL HEALTH

## 7. FINANCIAL MANAGEMENT

### 7.1 Purchasing –to commit funds / incur expenditure within Budget

Introduction	<p>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.</p> <p>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.</p>		
Objective	<p>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.</p>		
Statutory Context	<p>Local Government (Financial Management) Regulations 1996</p> <ul style="list-style-type: none"> <li>- r.5.(1) (e) Financial Management Duties of the CEO – systems for proper authorisation for the incurring of liabilities</li> <li>- 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></li> </ul>		
Related Policy and Delegations	<ul style="list-style-type: none"> <li>- Delegations 2.2 – 2.6</li> <li>- Policies 7.2 Purchasing and Tenders</li> <li>- 7.3 Credit Cards</li> <li>- Any other delegation, policy, procedure, guideline or instruction as may be force at any time</li> </ul>		
History	Adopted	21 August 2008	
	Replaced	20 February 2014	C2014-0239

### Policy Statement

1. The employees listed in the table below are authorised to commit Shire funds / incur Shire expenditure for goods/services to the limit noted in this policy and in accordance with the following conditions and any further conditions imposed:
  - a) The authorisation does not apply until the employee has been inducted in this policy, including all policies/delegations noted above, by the CEO or Executive Manager Corporate. The employee so inducted is to sign the policy, and the signed copy is to be placed on the employee's personnel file;
  - b) The employee must comply with all relevant legislation and Shire policy/ procedure/ instructions in the exercise of this function;

- c) Before committing funds, the employee exercising this delegation must be sure that there are funds disclosed in the budget for the purpose of the expenditure AND there are sufficient unexpended funds remaining in the allocation to cover the expense to be incurred;
- d) Expense may only be incurred under this delegation from suppliers with an Australian Business Number who are registered for GST unless otherwise approved by the CEO or the Executive Manager Corporate;
- e) The employee exercising this delegation must furnish the supplier with a properly completed, coded and signed Shire of Yalgoo purchase order, unless the CEO has authorised another form of written and signed agreement to purchase;
- f) The employee completing the purchase order is responsible for delivering the duplicate copy to the Shire office accounts department as soon as practical and maintaining security of the purchase order book;
- g) The employee completing the purchase order is responsible for attaching all documents such as quotes and cover sheets that are required under Policy 7.2 Purchasing and Tenders;
- h) Due economy, cost effectiveness and reasonable frugality must be observed when purchasing goods and services for the Shire;
- i) Nothing in this policy authorises an employee to commit the Shire to a loan of money.

Employee or Class of Employee	Purchase Order Limit	Further Conditions
CEO		All purchase orders
Executive Managers	\$100,000	Expected to have senior level understanding of purchasing policy, practices and legislation
Community & Youth Development Coordinator	\$5,000	Purchases within the community budget that is under the control of the officer
Caravan Park & Tourism Development Manager	\$5,000	Purchases within the caravan park and tourism budget that is under the control of the officer
Executive Assistant	\$1,000	Purchases generally related to the role and other purchases with verbal approval from CEO or senior officer
Construction Supervisor	\$1,000	Purchases generally related to the role and other purchases with verbal approval from CEO or senior officer
Gardener / town maintenance supervisor	\$200	Minor tools and equipment required for role
Administrative Staff	\$200	Routine office amenity purchases from Yalgoo General Store / Postal Agency and other purchases with verbal authorisation

– End of Policy

## COMMENT

### **Induction (refer 1 a) above) – Office Use:**

Signed CEO or EMC: .....

Signed Officer: .....

Signed induction to be placed on employee personnel file

## 7.2 Purchasing and Tenders

Introduction

Objective

History	Adopted	15 February 2007
	Former Policy	5.4B
	Amended / confirmed	21 August 2008

### Policy Statement

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1. The following Policy Schedule 7.2 – Purchasing and Tenders, is adopted, and forms part of this Statement.
2. In accordance with Delegation 2.2, the CEO may call tenders for purchases over \$100,000 at an appropriate time, subject to the goods or services being disclosed in the adopted Budget.

*– End of Policy*

### COMMENT

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## **Policy Schedule 7.2 – Purchasing and Tenders**

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

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

### **1 Ethics & Integrity**

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

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

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

### **2 Value for Money**

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

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

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

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

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

### 3 Sustainable Procurement

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

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

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

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

Amount of Purchase	Model Policy
Up to \$1,000	Direct purchase from suppliers – <ul style="list-style-type: none"> <li>- where an item of frequent supply or in association with other work, quotations not required</li> <li>- where an infrequent supply over \$500 two verbal quotations required</li> </ul>
\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 to \$99,999	Obtain at least three written quotations to be considered by panel of CEO and either of Executive Manager Corporate or Executive Manager Works and Infrastructure

### 4 Purchasing Thresholds

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

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

### **Up to \$1,000**

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

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

Record keeping requirements must be maintained in accordance with record keeping policies.

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

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

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

The general principles for obtaining verbal quotations are –

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

Record keeping requirements must be maintained in accordance with record keeping policies.

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

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

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

*NOTES: The general principles relating to written quotations are –*

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

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

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

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

Record keeping requirements must be maintained in accordance with record keeping policies.

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

Consideration is to be by CEO and either of Executive Manager Corporate or Executive Manager Works and Infrastructure, as appropriate.

## **5 Regulatory Compliance**

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### **Tender Exemption**

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

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

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

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

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

### **Anti-Avoidance**

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

### **Tender Criteria**

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

Unless authorised by Council, and delegation of acceptance made to specific Committee or panel, all tenders are to be presented to Council for decision.



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## 6 Advertising Tenders

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

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

The notice must include –

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

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## 7 Issuing Tender Documentation

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

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

### Tender Deadline

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

### Opening of Tenders

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

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

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

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

### No Tenders Received

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

- a sufficient number of quotations are obtained;

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

#### Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Yalgoo by means of a written evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

#### Addendum to Tender

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

#### Notification of Outcome

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

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

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

#### Records Management

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

1. Tender documentation,
2. Internal documentation,
3. Evaluation documentation,
4. Enquiry and response documentation,
5. Notification and award documentation.

For a direct purchasing process this includes –

6. Quotation documentation,
7. Internal documentation,
8. Order forms and requisitions.

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

– End of Schedule

### 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 –
  - Executive Manager Corporate \$1,000
  - Community Development Officer \$1,000
 to 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.
3. *(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
4. Purchases of a personal nature are not permitted on any Shire credit card.
5. 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.

6. Improper use may render the cardholder liable to disciplinary action.
7. Rewards/Bonus Points

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**

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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 Deferments) 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.
    - (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"> <li>1. To provide clear direction to members of Council, staff and community members on the process of determining rate changes.</li> <li>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.</li> <li>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.</li> </ol>	
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.

*– End of Policy*

### COMMENT

*20 February 2014: This policy is out of date and 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 regards 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"> <li>- 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.</li> <li>- 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.</li> </ul>	
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 Plan for the Future 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
    - o 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

### COMMENT

*20 February 2014: policy is important; but is out of date and needs to be reconsidered by the new finance committee to align with the requirements of integrated planning and reporting)*

Road inspection – in April-May? (in 2008, only one Cr on north trip, 5 Crs on south trip in bus)

- What is the purpose of the road inspection? –
  - o to look at work that needs to be done?
  - o to look at work that has been done?
  - o familiarisation?
  - o just to get out and have a drive?

- Usually done over 2 days – do in alternate years?
  - o One day – south – 8 am at office, lunch at Payne’s Find Roadhouse
  - o Other day – north – 8 am at office, esky lunch, unless back in town
- Do it Community Bus?

Amend Schedule –

- to incorporate above dates
- to be date based rather than activity based



### **Policy Schedule 7.6 – Budget Preparation Timetable**

<b>STAGE</b>	<b>TIMING</b>
<b>Input from Members of Community and Council</b>	
Written budget requests and submissions to be provided by:	
- Community	28 February
- Councillors	28 February
Budget requests considered by Council	31 March
<b>Staffing Budgets</b>	
Requests for staff changes, additional staff	28 February
Estimated cost of changes prepared	15 March
Staff impact considered by Council	31 March
<b>Consideration of Acquisition/Construction of Assets</b>	
Adoption by Council of:	
- road preservation program	31 March
- plant replacement program	31 March
- dual use path strategies	31 March
Finance of expected major projects	15 February
Impact of major projects considered by Council	15 March
Draft Capital Works Programme prepared	31 March
Capital Works Programme adopted by Council	30 April
<b>Other Items</b>	
Council approval of:	
- Fees & Allowances for Elected Members	31 March
- Donations	31 March
- Fees and Charges	30 April
<b>Plan For The Future - Adoption</b>	
Capital Works Program including Capital Expenditure and Capital Funding possibilities and options (i.e. general revenue, grants, loans or reserve funding)	30 April
Prepare Future Operating Revenue and Expenditure	30 April
Collate Plan and Prepare Commentary	31 May
Plan adopted by Council	30 June
<b>Operational Budgets</b>	
Staff requests received	28 February
Consideration of additional and increases/decreases in services	31 March
Draft departmental budgets completed	30 April
<b>Draft Budget</b>	
Draft Budget considered by Council	15 May
Draft Budget revisions considered by Council	31 May
Draft Budget considered by Council	15 June
<b>Rating</b>	
Prepare rate options for consideration by Council	30 April
Rates approved for advertising by Council	15 June
Advertise Differential Rates for 21 days	30 June
Adoption of Rates by Council	31 July
<b>Budget Adoption</b>	
Consideration of submissions and adoption of Budget by	31 July

– 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

– End of Policy

### COMMENT

Format change to point 3 to list both Schedules

### **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	

**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.

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

Introduction	In 2009, functions of the Healthy Community Project concerning children’s activities, family support and development etc, were transferred to Centacare, together with the Government funding.	
Objective	This Policy is intended to provide guidance concerning support for the ICP.	
History	Approved in Principle	June 2009
		Ref – C2009-0633 to 0635
	Adopted	26 November 2009

### Policy Statement

1. Scope of support
 

The Shire will –

  - Enter into the appropriate tenancy agreements to provide office space and a 2 bedroom unit at nil rental to Centacare
  - Tenancy of the office space and unit is for the duration of the funding from FaHCSIA to deliver services under the Indigenous Children’s Program
    - o Initially to 30 June 2011
    - o Renewable by mutual agreement at that time
    - o Council to have regard to the impact of the services and therefore the community, of non-renewal of either office space or residential accommodation
  - rental charge on both office and unit to be nil, with all out-goings met by the Shire, other than electricity consumption at the unit
2. Vehicle and equipment
  - all equipment, including the vehicle, purchased by grant funding, remaining the ownership of the Shire for the specific use by Centacare for delivery of the activities, for the duration of their useful life,
  - replacement of equipment purchased by grant funding, except for the vehicle, to be the responsibility of Centacare at the appropriate time, as Council cannot exercise rights of ownership over these items,
  - future replacement of the vehicle is to be negotiated at the appropriate time, in good faith, having regard to the financial contributions made to the vehicle by various funding organisations, including the Shire.
3. Value of support
 

The Shire will make an allocation of \$20,000 in the 2009-2010 Budget, indexed each successive year according to the rates increase, for the purpose of funding –

  - o office – space, consumables and utilities at the Shire Hall
  - o vehicle – maintenance and operation
  - o accommodation – for Centacare staff excluding electricity
  - o activities – hire of Shire Hall, Community Bus, materials etc
  - o any remaining balance – to be available for general activity expenses of Centacare in Yalgoo, not met by FaHCSIA, MMG community benefit contributions, or other grants or sponsorship
4. Information to Council
 

Centacare is requested to provide a brief written or in person report to Council every 2 months, so that Council is able to remain informed of activities, developments or issues, as they arise.

– End of Policy

### COMMENT

## 7.9 Shire of Yalgoo Education Scholarships and Donations

Introduction	The purpose is to provide some financial support for deserving students attending Years 8, 9 and 10.	
Objective	This Policy is intended to provide assistance towards 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 7 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 7 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

– End of Policy

### COMMENT

20 February 2014: this policy is out of date and requires review. It has not been enacted for several years



## 8. FIRE CONTROL

### 8.1 Bush Fire Brigade Vehicles

Introduction

Objective

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

#### Policy Statement

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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

#### COMMENT

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## 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**

<b>History</b>	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
  - 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.

*– End of Policy*

#### **COMMENT**

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

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## 10. OCCUPATIONAL HEALTH and SAFETY

### 10.1 Occupational Health and Safety

Introduction

Objective

History	Adopted	21 August 2008
	Confirmed	26 November 2009

#### Policy Statement

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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

*– End of Policy*

#### COMMENT

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## **Policy Schedule 10.1 – Occupational Safety & Health Statement**



### **OCCUPATIONAL SAFETY & HEALTH 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: \_\_\_\_\_

– End of Schedule

## 10.2 Employees Health and Safety Policy

Introduction

Objective

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

### Policy Statement

---

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

– End of Policy

### COMMENT

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## **Policy Schedule 10.2 – Employees Health and Safety**

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:

1. 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.
2. 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.
3. 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.
4. 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:

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



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**10.3 Sexual Harassment Policy**

Introduction

Objective

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

**Policy Statement**

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

*– End of Policy*

**COMMENT**

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A comprehensive policy for grievances or against harassment or workplace discrimination etc, is to be developed.

### **Policy Schedule 10.3 – Sexual Harassment Policy**

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

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

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non verbal) which is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public –

- a) Deliberate and unnecessary physical conduct such as patting, pinching, fondling, kissing, brushing against, touching.
- b) Subtle or explicit demands for sexual activities or molestation.
- c) Intrusive enquiries into a person's private life.
- d) Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
- e) Unsolicited leers and gestures of a sexual nature and the display within the workplace

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.

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

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

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

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

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

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

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

#### **Procedure**

1. A complaint of sexual harassment may be lodged with any of the following persons –
  - Immediate Supervisor/Manager (except where this person is the alleged harasser)
  - Divisional Manager (if applicable - except where this person is the alleged harasser)
  - A Nominated Grievance Officer (if applicable)
  - Chief Executive Officer
  - Union Shop Steward
  - President (only if the alleged harasser is the Chief Executive Officer)
2. A person receiving a complaint of sexual harassment will –

- Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
  - Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
  - Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow-up reports are provided until the matter is resolved.
  - Ensure no information regarding the complaint is discussed outside this procedure.
  - In a case where a union shop steward received the complaint, the divisional manager and/or grievance officer is to be advised of the details of the complaint.
3. The person handling the complaint, whether it is the person who received the complaint or a more senior person, will, with the approval of the complainant –
- As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.
  - Advise the alleged harasser of the right to contact their Union for advice and representation.
  - Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.
  - Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.
4. If it is not possible to resolve the complaint simply by discussion with complainant and the alleged harasser.
- The matter will be investigated and where the complainant or the alleged harasser is a member of the Union, the Union will be party to the investigation.
  - All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.
5. During the period of the investigation of a case of serious sexual harassment, if requested by either party or by management, alternative working arrangements may be made.
6. If, following investigation and resolution, a complaint is judged to have foundation –
- Appropriate remedial action will be taken including where appropriate disciplinary/counselling action appropriate to the circumstances and/or seriousness of the matter.
  - A record of the detail of the disciplinary action will remain on the employee's personal file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.
7. If, following investigation, a complaint is judged to have no foundations –
- The complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
  - Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

– End of Schedule

## 10.4 Fitness for Work

Introduction	The Shire of Yalgoo is committed to a zero tolerance of alcohol and drugs in the workplace and will 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

1. The following Policy Schedules are adopted, and form part of this Statement
  - 10.4 (a) – Fitness for Work Procedures.
  - 10.4 (b) – Drug Testing: Additional Information
2. The policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.
3. The use of drugs or alcohol in the workplace is forbidden. An employee being under the influence of alcohol, drugs or illegal substances is not acceptable.
4. Conduct by an employee while under the influence of alcohol or drugs is likely to be subject to disciplinary action.
5. The Shire has a responsibility to maintain a safe and healthy workplace, and will take all reasonable steps to ensure that no-one is exposed to unnecessary risk arising from impaired work performance as a result of any of the following –
  - Alcohol and other drug use
  - Fatigue/Illness
  - Psychological impairment
6. Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health.
7. When a manager or supervisor has reason to suspect that an individual's work performance is impaired by substance related problems the manager is required to address the issue with the employee concerned. The employee will be entitled to natural justice and procedural fairness including –
  - the right to explain their apparent impairment
  - the right to be accompanied by a friend or advocate
  - the opportunity to address any issues identified
8. Employees are personally responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.
9. Employees experiencing problems with alcohol or other drugs, are encouraged to discuss this with their manager; and/or seek counselling or treatment
10. Employees displaying impaired work performance as a result of issues other than alcohol and or illicit drug use will be counselled on performance and, if appropriate, be offered alternate duties and requested to seek medical advice.
11. This policy applies to all Shire of Yalgoo premises and work sites, including mobile plant and vehicles and applies to all employees including office and managerial staff.

12. Testing to be carried out is to be at random by an independent contractor or person, who is to independently determine all relevant matters such as –
  - date of testing
  - selection of persons to be tested
  - method of testing used
  - need for additional testing,
  - laboratories to be used etc
13. This Policy and Schedules apply to the elected members of Council, to the extent permitted by law, specifically the *Local Government (Rules of Conduct) Regulations 2007 r.3 (1)(h)*.
14. This Policy and Schedule 10.4 are to be distributed to all new employees as part of their induction.

– End of Policy

## COMMENT

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*20 February 2014: this policy is out of date and requires review. Both WALGA (who drafted the original policy) and the Shire's HR consultant, Marg Hemsley of Risk ID, have advised that this policy is obsolete due to case law and modern HR practices. Marg Hemsley has been engaged to consult with staff to develop an appropriate new policy. Marg has been unavailable for personal reasons but the visit will be arranged in due course.*

Based on the Model Policy prepared by WALGA Workplace Solutions, and policies adopted by Shires of Mingenew and Perenjori.

Policy and Schedules to be checked by Workplace Solutions

## **Policy Schedule 10.4 (a) – Fitness for Work Procedures**

### **1. Testing individuals for presence of drugs or alcohol**

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Employees shall be notified of testing programs — not individual tests — and the consequences.

These procedures are not intended to address general decline in performance unless there is some external factor affecting fitness for work. General performance issues will be dealt with through normal supervision, performance management and performance review processes.

If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Shire reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

### **2. Purpose**

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The purpose of this procedure is to detail the guidelines and actions required to manage fitness for work within the workplace, including -

- (i) Illicit drug use
- (ii) Alcohol use
- (iii) Prescription medication
- (iv) Other medication
- (v) Fatigue
- (vi) Any other factors where concentration and agility of an employee is affected

The Shire of Yalgoo recognises there are many factors that have the potential to affect a person's ability to concentrate or function appropriately whilst at work. This risk could adversely affect the safety and health of the employee, other employees and/or members of the public.

This procedure outlines guidelines and the expectations of the Shire of Yalgoo to demonstrate their duty of care under the Occupational Safety and Health Act and control the incidence of risk of injury or accident as a result of an employee being unfit for work. Employees found to be under the influence of or suffering from the adverse effects of drugs, alcohol or any other substance whilst at work will be disciplined appropriately. Serious offences or recurrent behaviour may result in dismissal.

### **3. Definitions**

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For the purpose of this policy and procedure the following definitions apply –

*Alcohol* – any substance containing alcohol

*Drugs* – amphetamines, cannabinoids thc, opiates, barbiturates, cocaine, methadone, benzodiazepines, alcohol and other narcotics, prescription drugs and non-prescription drugs

*Fatigue* – the inability to perform work effectively or safely due to lack of sleep, or the adverse effects of medication, alcohol, drugs and/or other substances (including “hangovers” and/or “come downs”, etc)

*Fit for Work* – not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance, or not being fatigued

*Impaired Work Performance* – sudden or gradual deterioration in a person's ability to function appropriately at work

*Misuse* – inappropriate use of a substance on the Shire of Yalgoo premises or property, including overdose of a drug or the failure to take a prescribed drug in accordance with medical advice

*Substance* – any drug that may have adverse effects causing impaired work performance

*Unfit for Work* – being impaired for work and therefore unable to perform duties in a safe manner

*Use* – eating, drinking, inhaling, injecting or dermal absorption of any substance or drug

#### **4. Objectives**

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The objectives of introducing a Fitness for Work procedure is to reduce the risk posed to the Shire of Yalgoo employees by the abuse of alcohol, drugs and substances or impaired work performance.

This procedure is not aimed at regulating individual's private behaviour outside the workplace, providing that behaviour does not have a residual effect on work performance.

#### **5. Guiding Principles**

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##### **5.1 Employee Responsibilities**

Employees have a responsibility to ensure that when they attend work they are fit to undertake that work without impairment. This includes ensuring –

- that they are not affected by alcohol or illicit drugs
- that they are not impaired by prescription or over the counter medication
- they are not affected by fatigue as a result of illness or lifestyle issues
- they are not impaired by emotional or personal problems.

If an employee has a problem that will result in impairment they have a duty to ensure that they do not put themselves or others at risk and take appropriate steps to ensure that the problem is addressed.

Employees should seek advice or alternative treatment options if medication affects their capacity to perform their duties. If no alternative is available it may be necessary to get an appropriate medical certificate and take sick leave.

Employees also have a responsibility to take appropriate action if they become aware that someone else in the workplace is affected by some impairment.

It is the employee's responsibility to comply with the procedures and advise their Supervisor if they are taking any prescribed drug or medication which may affect their fitness for duty or work performance.

The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

##### **5.2 Employer Responsibilities**

The Shire of Yalgoo, through its elected members, CEO, senior staff and supervisors has a responsibility to ensure it maintains a safe and healthy workplace. The Shire has a responsibility to address any impairment by its employees that may put that employee or any other person at risk.

The Shire also has a responsibility to ensure that any employee found or suspected of being impaired in their capacity to perform their duties is afforded natural justice and procedural fairness.

A manager or supervisor may identify that an employee's performance is impaired in some way by –

- (i) disclosure by an employee or family member
- (ii) report from another staff member
- (iii) observation of performance, or an increase in errors or mistakes.

#### **6. Procedures**

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If a manager or supervisor has reasonable ground to believe that alcohol or drugs (including prescription or over the counter medications) affect an employee, either through observation or the results a random test, the employee will be sent home immediately and may not return to work that day.

Prior to any test, the employee should disclose to the person conducting the test, any prescription medication being taken that may cause a presumptive positive result.

Where there may be a time lapse between the tests being undertaken and the results being received the employee, if sent home, will be paid. However, if the test results are returned positive the pay for the relevant time will be forfeited.

#### 6.1 Alcohol at work

Persons being under the influence of alcohol will not be permitted to work on premises, or with property of the Shire of Yalgoo.

If an employee deems him/herself fit for work, commences work and subsequently appears impaired due to the influence of alcohol including working under the adverse effects of alcohol, they will be stood down from their duties and taken for a blood alcohol test. If the employee is found positive to having a blood alcohol level of 0.05 or over then dismissal may follow.

If an employee refuses a breath or blood alcohol test then dismissal may follow.

If the employee is over the legal limit to drive, alternative transport will be required.

**All persons in charge of Council vehicles may be breathalysed prior to operating a vehicle to assure compliance with the provisions of the Road Traffic Act 1974.**

**All employees may be breathalysed at the commencement of their shift or any other time at the discretion of the Manager of department.**

#### 6.2 Alcohol at functions

There may be occasions where alcohol may be included as part of a work function or other recognised work event. Where management has properly approved the consumption of alcohol, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing. Failure to behave in a sensible and responsible manner with due care, or any failure to follow any directions given by management with regard to the consumption of alcohol may result in disciplinary action. It is a condition of the Shire of Yalgoo that employees make alternative arrangements to get home.

**The Shire of Yalgoo accepts no responsibility for employees during travel to and from the function.**

#### 6.3 Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Yalgoo. Being under the influence of, suffering adverse effects or in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire of Yalgoo property or premises will result in disciplinary action and possibly dismissal.

If demonstrating signs of the above, an employee must undergo a drug screen (paid by the Shire of Yalgoo).

Refusal to a drug screen may result in dismissal.

Employees are required to determine their fitness for work prior to commencing their duties.

If an employee deems him/herself fit for work, commences work and subsequently appears impaired due to the influence of drugs including working under the adverse effect of drugs, they will be stood down from their duties and taken for a drug screen. If the employee's drug screen is found to be above the recommended threshold levels (as attached) then dismissal may follow.

#### 6.4 Prescription and Other Medication

It is an employee's responsibility to inform their supervisor of any medication they are taking that is deemed to potentially affect their ability to perform their duties.

This information should be recorded on their personnel file for reference in the event of an emergency.

It is also recommended for the employer to record any information regarding an employee taking prescription medication or known allergic reactions to any medication an employee may have (e.g. penicillin) that may be useful in a medical emergency.



Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturer's recommendations.

Failure to follow these requirements may result in disciplinary action.

## 6.5 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) –

- (vii) lack of sleep due to illness or other personal issues
- (viii) voluntary work
- (ix) external work commitments

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 an 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 result.

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.

## 7. Procedure for Dealing with Drug and Alcohol Use

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The procedure for dealing with drug and alcohol use is divided into three stages, and is separate from any disciplinary action that may be taken –

- Stage One – discussion between the employee and immediate Supervisor.
- Stage Two – discussion between the employee, supervisor, manager and representative (optional).
- Stage Three – disciplinary action.

### 7.1 Stage One

The employee and immediate Supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends.

- The first stage of the process should be presented as a counselling session. Procedural fairness must be observed and the Supervisor must clearly state the performance-related reasons for the interview with the employee must be given the opportunity to respond. The Supervisor must clearly state what standards of performance are required or expected.
- The Supervisor should offer assistance by encouraging the employee to participate in an Employee Assistance Scheme, although the employee is not obliged to accept.

- A timeframe for a review should be established. The employee should be informed of expected changes, on-going performance monitoring by the supervisor and the compulsory interview at the end of the review period.
- The employee should be made aware of possible consequences if there is no significant improvement.
- The Supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign one of the copies and return it to the Supervisor. This copy should be placed under confidential cover on file.
- The review interview should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance-based problems should also be identified and discussed. The Supervisor should again prepare a summary of the interview.

## 7.2 Stage Two

The participants at Stage Two should be the employee, supervisor, manager, and at the option of the employee, a representative.

The second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.

## 7.3 Stage Three

If the issue remains a problem, the third stage of the procedure is in accordance with Local Government's disciplinary procedure.

# 8. Disciplinary Action – Drugs and Alcohol

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If the Drug and Alcohol policy or Fitness for Work procedure is in any way contravened by an employee, it is the supervisor's discretion as to the disciplinary action that may follow.

## 8.1 General Guidelines

Any employee who tests positive to an alcohol or drug screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work.

Depending on the severity of the positive test, the provisions of clause 7 at any stage may also be applied.

Any person who is found to be significantly fatigued may also be stood down from work with or without pay, depending on the circumstances, until such time as they have proven they are fit for work.

## 8.2 Pre-commencement of Work

Employees are expected to present themselves fit for work on all occasions. Should an employee present him/herself for work and prior to commencing their duties is observed to be unfit for work he/she may be required to undertake an alcohol or drug screen. If the screen proves positive they will be sent home without pay. This will act as the employee's first warning. The employee will not be allowed to commence work again until they have proven themselves fit for work.

Following the first instance and warning if the employee continues to come to work unfit for work, further warnings or disciplinary action may follow.

## 8.3 Post-commencement of Work

If an employee deems himself or herself fit for work, commences work and subsequently appears impaired due to the influence of alcohol or drugs including working under the adverse effects of alcohol or drugs, they will be stood down from their duties and taken for a blood alcohol test or drug screen. If the employee is found positive to having a blood alcohol level of 0.05 and over or a drug screen result above the cut off threshold limit (as attached) then dismissal may follow.

#### 8.4 First Offence

- (i) The employee may be immediately suspended from duty without pay if found unfit to work.
- (ii) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- (iii) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (iv) The employee will be counselled by their supervisor and will focus on:
  - The unacceptability of the employee's behaviour
  - The risk that such behaviour creates for the safety of the individual and other employees or members of the public
  - The employee's responsibility to demonstrate that the problem is being effectively addressed
  - That any future breach of the policy will result in a second warning or dismissal.
- (v) The employee will be formally offered the opportunity to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug/substance problem is the responsibility of the employee and cannot be made mandatory.

The Shire of Yalgoo will insist that the employee provide satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work.

#### 8.5 Second Offence

- (i) The employee will be immediately suspended from duty without pay if found unfit for work.
- (ii) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (iii) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- (iv) The employee will be counselled by their supervisor that will focus on:
  - The unacceptability off the employee's behaviour
  - The risk that such behaviour creates for the safety of the individual and other employees or members of the public
  - The employee's responsibility to demonstrate that the problem is being effectively addressed
  - That any future breach of the policy will result in dismissal.
- (v) Counselling will be offered (refer to 6.2 (v)), if counselling was not used in the first instance.
- (vi) The employee will be submitted fortnightly or randomly, at the supervisor's discretion, for alcohol and/or drug screen for a period of two months, paid for by the Shire of Yalgoo. If screen testing confirms positive on any occasion, dismissal may follow.
- (vii) If the employee refuses to comply, dismissal may follow.

#### 8.6 Third Offence

- (i) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (ii) The employee will be immediately dismissed from duty without notice.

#### 8.7 Dismissal

The following are guidelines to specific circumstances that may result in dismissal without notice –

- (i) any attempt to falsify the drug and alcohol screen
- (ii) cultivating, selling or supplying drugs and/or other substances on the Shire of Yalgoo's premises or property

- (iii) consumption of illicit drugs or unauthorised consumption of alcohol whilst on the work site or during the working period
- (iv) unlawful behaviour.
- (v) refusing a random drug or alcohol test.

## 9 Other

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- (i) If an employee is found to be heavily intoxicated, above the legal limit to drive or extremely fatigued at work and they are sent home, it is a requirement of the supervisors to –
  - Contact the employee's next of kin to arrange pick up
  - If next of kin is unable to be contacted or unable to take employee home, alternative arrangements must be made. The employee is to be advised that their vehicle must be collected that day wherever practicable.
- (ii) As part of their pre-employment medical all new employees may be required to undertake a drug and alcohol screen prior to commencing work at the Shire of Yalgoo.
- (iii) Any person who requires a Driver's License to perform their duties may be dismissed if they lose their license and are therefore unable to fulfil their duties.
- (iv) The Shire's responsibilities extend beyond managing its own workforce. The Shire also has a role to play in community safety, crime prevention and community building. Any employee who is convicted of a criminal offence including drug offences may face disciplinary action that may include eviction from Shire housing (if provided) or dismissal. The test to be used will be –
  - o *If this offence was revealed on a police clearance prior to employment would the person be employed?*

### Acknowledgement

*I have read understand this policy and have been provided with a copy.*

---

*Printed Name*

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*Signature*

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*Date*

*– End of Schedule*

### **Policy Schedule 10.4 (b) – Drug Testing: Additional Information**

#### Counselling

The Midwest Community Drug Service team offers free counselling for drug related issues.

The team can be contacted on 9956 2424 and are located at Community Health Centre, Shenton Street, Geraldton.

#### Laboratory Testing

The laboratory must comply with Australian Standard 4308.2001 and be NATA accredited for quality assurance.

A 'presumptive positive result' on a screening test is if the result is above the recommended cut off threshold as stated in the Australian Standard 4308. If a presumptive positive result is found then a confirmatory test is performed.

#### Cut-off Threshold

As recommended by Australian Standard 4308 –

Class	Individual Drug	Screening Test (µg/L)	Confirmatory Tests (µg/L)
Amphetamines (i.e. Speed)		300	300
Benzodiazepines (i.e. Valium)		200	200
Opiates (i.e. Heroin)		300	
	Codeine		300
	Morphine		300
Cannabinoids (i.e. Marijuana)		50	15
Cocaine	Cocaine	300	150

µg/L = microgram per litre

– End of Schedule

## 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	If designated senior officer – as above, otherwise, as below In all cases – 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.

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**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**

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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**

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## 11.2 Removal Expenses

Introduction

Objective

History	Adopted	21 August 2008
	Amended	20 November 2008

### Policy Statement

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1. New employees are entitled to reimbursement of reasonable removal expenses to the value of \$5,000 –
  - 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

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### 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

### Introduction

### Objective

History	Adopted	Former Policy 3.12 and 3.14
	Amended / confirmed	21 August 2008
	Amended	20 November 2008
	Amended	5 December 2013 C2013-1208

### 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 service 120 units per week
  - b) where an Aerobic Treatment Unit is powered by electricity 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

## **COMMENT**

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Update to policy by Council motion C2013-1208 change rental amount from \$45 to \$50.

## 11.5 Superannuation

### 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, a minimum of 9% of salary/wages,
  - 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

2012-0418 related to a private Australian Tax Office Ruling and correspondence with UHY Haines Norton in early 2009 regarding payment of superannuation on overtime. This is no longer relevant under the Shire of Yalgoo Comprehensive Enterprise Agreement.

## 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

- 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,
  - 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*  

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

- 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

Introduction

Objective

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

### Policy Statement

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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

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Delete the word “Senior” for compliance with the Local Government Act terminology.

## **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.

### **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 provide additional benefits to such employees. In this event details of the total redundancy package for such an employee shall be published in accordance with section 5.50(2) of the 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 Weeks 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. 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).*

### **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).

### **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

### 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
  - 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**

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## 11.9 Gratuitous Payments To Employees

Introduction	<b>Amendments to this Policy must be advertised and submissions considered in accordance with the Local Government Act, prior to being confirmed.</b>	
	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

- 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
- 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.
- 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"> <li>- Local Government Act s.5.82</li> <li>- Administration Regulations 25 and</li> <li>- Rules of Conduct Regulations 12</li> </ul>
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.
- 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 a number of 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 Fit 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 make a determination as to 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

## 11.12 Integrated Planning: Workforce Planning and Management Policy

Introduction	<p>Definition of Workforce Planning:</p> <p>Workforce planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future.</p> <p>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.</p>
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.
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**

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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.

## 12. PLANT and EQUIPMENT

### 12.1 Shire Plant, Equipment and Vehicles

#### Introduction

#### Objective

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

#### Policy Statement

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1. The Chief Executive Officer's vehicle is to be driven only by –
  - the Chief Executive Officer, and spouse/partner in accordance with contract of employment,
  - Councillors,
  - Councillor's spouse/partner whilst accompanied by the Chief Executive Officer or a Councillor and
  - any other Council employee at the Chief Executive Officer discretion.
2. The HCP vehicle is to be driven by –
  - the Community Development Officer for work duties and in accordance with any contract of employment negotiated
  - authorised volunteers of the HCP, as specifically directed by the CDO, and
  - any other Council employee at the Chief Executive Officer discretion.
3. Passengers are at the drivers discretion, and are strictly limited to vehicles capable and intended to carry passengers.
4. No person other than an authorised Council employee or contractor, is permitted to ride in or on any Council plant and machinery.

– End of Policy

#### COMMENT

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*20 February 2014: this policy is inadequate to provide policy guidelines for use of plant, equipment and vehicles. Requires comprehensive review and consultation with staff. Suggest that CEO seeks to obtain a suitable draft policy from another Shire to start with.*

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## 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

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

– End of Policy

### COMMENT

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### **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.
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 obey traffic laws at all times. 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

## 12.3

Omitted in error



## 12.4 Plant Replacement Cycles

### Introduction

**Objective** This Policy is intended to provide guidance as to the timing of changeover of plant and equipment

**History** Adopted 26 November 2009

### Policy Statement

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1. The following Policy Schedule 12.4 – Plant Replacement Cycles is adopted, and forms part of this Statement.
2. The cycles are intended as a guide, and are subject to annual review and decision by Council, during the Budget process.

– End of Policy

### COMMENT

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*20 February 2014: requires comprehensive review and alignment with integrated plans. Suggest this is driven by the EMWI in consultation with the new Shire finance committee.*

**Policy Schedule 12.4 – Plant Replacement Cycles**

Description	Recommended cycle earlier of -	Recommended by	Comments
<b>ROAD PLANT and TRAILERS</b>			
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	
<b>TRUCKS and TRAILERS</b>			
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	
<b>FIRE VEHICLES</b>			
Light Tanker	4 Years / 80,000 km	GTS	Subject to FESA
Heavy tanker 3.4	4 Years / 80,000 km	GTS	Subject to FESA
<b>OTHER PLANT</b>			
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	
<b>TRAILERS</b>			
Box trailers	8-10 yrs	CEO	
Car Trailer	8-10 yrs	CEO	
Fuel Trailer	8-10 yrs	CEO	
<b>LIGHT VEHICLES</b>			
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

Introduction

Objective

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

#### Policy Statement

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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."

– End of Policy

#### COMMENT

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## 13.2 Airstrip Grades

### Introduction

### Objective

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.

– End of Policy

### COMMENT

20 February 2014: requires review, EMWI/EA sought information from stations in Jan 2014 and did not receive adequate response to update for the Feb policy review.

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"> <li>- the level of importance of each road, to assist with planning of future construction and general maintenance of the road system</li> <li>- the frequency and level of maintenance for each road</li> <li>- priority of works</li> </ul>	
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 –
  - 1<sup>st</sup> urgent works where road conditions are unsafe, or could be considered to be unsafe
  - 2<sup>nd</sup> 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
  - 3<sup>rd</sup> construction works funded wholly or in part by grants or contributions
  - 4<sup>th</sup> construction works required prior to grant works being done
  - 5<sup>th</sup> 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

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
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
45	Burnerbinmah Rd	0	4.50	4.50	1	S	L	1



Road No.	Road Name	Start SLK	End SLK	Length (Km)	Cross Section	Frequency	Loading	PRIORITY
46	Meka - Mt Wittenoorn	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	Unknown			
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						

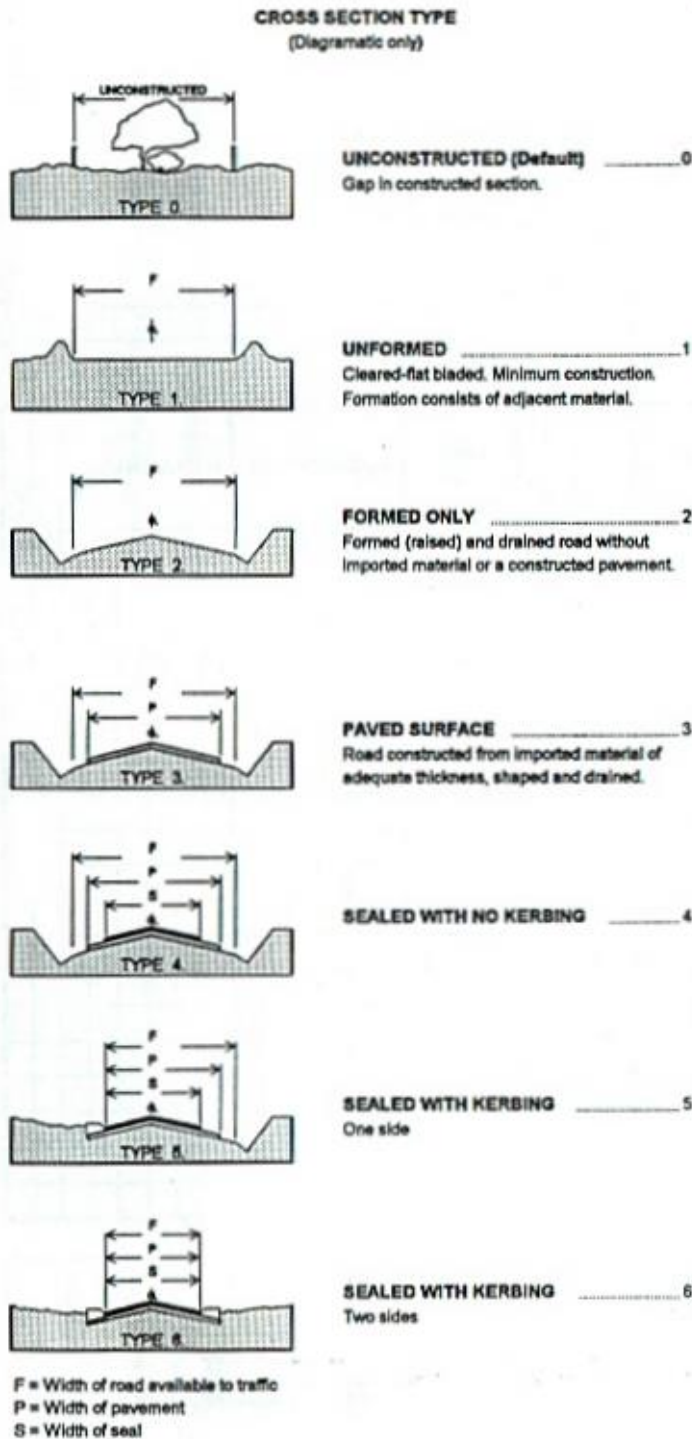
– End of Schedule

**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**



– 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"> <li>• Placement of CA07 condition for RAV access on Shire roads</li> <li>• The method of application</li> <li>• Which applications the CEO can determine, and which must be submitted to Council for determination.</li> </ul>		
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.).



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.
6. The Agreement will cover the following minimum provisions:
  - Prework: 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.

**14. UNCLASSIFIED****14.1 Acquisition and disposal of land**

Introduction

Objective

History                      Adopted                                      21 August 2008

**Policy Statement**

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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**

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## HISTORY SUMMARY

Version	Meeting	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"> <li>▪ C2010-0135 Policy &amp; schedules 3.2 Conference and Training</li> <li>▪ C2011-0804 Policy 2.4 Material Variances</li> <li>▪ C2011-0706 Policy 2.1 Capitalisation of Assets</li> <li>▪ C2011-0513 Policy 11.1.1 Selection Panels (new)</li> <li>▪ C2012-0706 Policy 3.8 Complaints</li> <li>▪ C2012-0418 Policy 11.5 Superannuation</li> <li>▪ C2012-0419 Policy 11.6 Interview Travel Cost and 3.2 Conference and Training C2012-0419</li> <li>▪ C2013-0202 Policy 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire Roads) (new)</li> <li>▪ C2013-0520 Policy 11.12 Integrated Planning: Workforce Planning and Management (new)</li> <li>▪ C2013-0506 Policy 13.5 Road use (RAV Haulage) Agreement (new)</li> <li>▪ C2013-1005 Policy 2.7 Integrated Planning: Long Term Financial Planning (new)</li> <li>▪ C2013-1208 Amendment of Policy 1.6 – Councillors Recognition of Service</li> <li>▪ C2013-1209 Amendment to Policy 11.4 Staff Housing - Subsidies</li> </ul>
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)