



SHIRE OF MENZIES

POLICY MANUAL

**Adopted 30 August 2018
Amended 13 December 2018**

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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 being the higher authority.

Statutory Context

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

Policy requires a simple majority of Council to be adopted, whereas Delegations require an Absolute Majority.

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 Chief Executive Officer 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 organizational 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 the Shire.

There is often confusion about how the terms “Shire” and “Council” are used. In this document –

“**Council**” means the elected members of the local government, as a body

“**Shire**” means, as the context requires –

- the corporate entity of the local government, or
- the physical area of the local government

DLGCRD Guidelines No.17 – Delegations

The Department of Local Government and Communities 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 or Amendments to Policies

Council may make new policies, or resolve amendments, 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 ensure the Policy Manual is up to date, it should have an administrative review by at least once a year, and a report made to Council on matters needing amendment or inclusion.

Format of Policies

Each Policy is laid out so that the foundations and origin of the Policy are listed first. This includes any legislation that may impact on the use of the Policy, as well as a general comment regarding its purpose, and a history of its origins and amendments etc. It is background to the Policy and is not a part of the Policy.

The Policy Statement is the actual resolution of Council, and as such it has the weight of being an instruction.

A Comment section is included that may have additional background information where appropriate, explaining specific aspects of the Policy, an indicator of previous use, or reminder.

Generally, the text of a Policy Statement is kept as brief as reasonable. Where an extended Policy Statement is required, this is usually inserted as a Policy Schedule. Unless specifically stated, a Policy Schedule is to be treated as part of the Policy Statement.

1. COUNCIL / GOVERNANCE

1.1 Code of Conduct

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|-------------------------|--|---------------------------|------------------|
| Introduction | <p>The Local Government (Rules of Conduct) Regulations were Gazetted in 2007, effective following the Local Government elections.</p> <p>The Local Government Act s.5.103 requires Council to adopt a Code of Conduct.</p> <p>Administration Regulations r.34B and 34C detail matters that must be covered by the Code of Conduct.</p> | | |
| Objective | <p>The Regulations apply to Councillors, but not to employees or to members of the public who may be appointed to a Committee.</p> | | |
| History | Formerly Adopted | Separate Document Adopted | 29 November 2012 |
| | Adopted | | 25 June 2015 |
| | Adopted | | 30 August 2018 |
| Policy Statement | | | |

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

Policy Schedule 1.1 – Code of Conduct

FOR COUNCIL MEMBERS, COMMITTEE MEMBERS & STAFF

Based on WALGA Model of February 2008

PREAMBLE

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

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

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

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

STATUTORY ENVIRONMENT

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (S5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

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

1. ROLES

1.1 Role of Council Member

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

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

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

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, Council Members activities will focus on:

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

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

1.2 Role of Staff

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

“The Chief Executive Officer'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 Chief Executive Officer.”*

1.3 Role of Council

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

“(1) The council —

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

1.4 Relationships between Council Members and Staff

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

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

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

- (a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer before a meeting to comply with requirements of items (a) or (b), then -
 - (i) before the meeting the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.

- (f) If -
 - (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting,
 the nature of the interest is to be recorded in the minutes of the meeting.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

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

3.2 Intellectual Property

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

3.3 Improper or Undue Influence

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

3.4 Gifts

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 Chief Executive Officer, 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 Chief Executive Officer 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 Chief Executive Officer, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

4.1 Personal Behaviour

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

4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

- (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 cannot 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 Disclaimer

| | | |
|-------------------------|--|--|
| Introduction | Council has adopted as policy the following Disclaimer, which is to be displayed in the Administration Office in a prominent position. Visitors to the Council and customers must be made aware of the Disclaimer. | |
| Objective | | |
| History | Formerly – – Adopted Adopted | Policy 2.1 Amended 29 November 2012 25 June 2015 30 August 2018 |
| Policy Statement | | |

The following Disclaimer Statement is to be published–

- in the Agendas to all Council and Committee Meetings, and
- on the Shire website at the tab providing access to Agendas and Minutes

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. The Shire of Menzies disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation of approval made by a member or officer of the Shire of Menzies during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Menzies. The Shire of Menzies warns that anyone who has an application lodged with the Shire of Menzies must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

– End of Policy

COMMENT

1.3 Shire Logos

| | |
|-------------------------|--|
| Introduction | The Shire logos are copyright to the Shire. |
| Objective | This Policy is intended to provide guidance concerning use of the logo. |
| History | Formerly – Policy 2.1 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The official logo of the Shire is –



2. The official 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 official 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 Chief Executive Officer
4. Approval for use of materials provided by the Shire or for private use of the official 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.

5. Promotional logos of the Shire are –



6. Use of the promotional logos is encouraged wherever it is appropriate and may enhance the image and recognition of the Shire.

– *End of Policy*

COMMENT

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

1.4 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 | <table> <tr> <td>Adopted</td> <td>29 November 2012</td> </tr> <tr> <td>Reviewed</td> <td>30 October 2014</td> </tr> <tr> <td>Adopted</td> <td>25 June 2015</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> </table> | Adopted | 29 November 2012 | Reviewed | 30 October 2014 | Adopted | 25 June 2015 | Adopted | 30 August 2018 |
| Adopted | 29 November 2012 | | | | | | | | |
| Reviewed | 30 October 2014 | | | | | | | | |
| Adopted | 25 June 2015 | | | | | | | | |
| Adopted | 30 August 2018 | | | | | | | | |
| Policy Statement | | | | | | | | | |

1. State Records Office policy imposes the obligations on elected members and the organisation under the State Records Act 2000.
2. 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.
3. 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.
4. 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.

– *End of Policy*

COMMENT

Policy review in line with Recordkeeping Plan review conducted October 2014.

1.5 External Organisations – Council Representatives and Expenses

| | |
|-------------------------|---|
| Introduction | <p>Council nominated representatives to a number of external organisations from time to time, but the nominated person may not always be available.</p> <p>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</p> |
| Objective | <p>To ensure that Council is represented by an authorised nominee at meetings, by specifying the organisations and order of precedence to represent Council.</p> <p>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)</p> |
| History | <p>Former – Policy 4.4 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018</p> |
| Policy Statement | |

1. Council nominates representatives to the external organisations.
2. Nominations as Council representatives to external organisations are to be reviewed and confirmed or new nominations made, at the first meeting following the ordinary Local Government elections, to hold office 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 of the representative 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) A Councillor as nominated by the President or the Chief Executive Officer

– *End of Policy*

COMMENT

Refer also Policy 3.2 – Conference and Training Expenses concerning accommodation, meals and out-of-pocket expenses etc.

At minimum, nominations must be reviewed at the first Council Meeting held after general Local Government elections as all appointments lapse at this time, other than statutory appointments. Review may also be required if a position becomes vacant during the term of office of a Councillor.

Although external organisations are not Committees of Council, recent changes now mean the elected member is entitled to meeting fees (LG Act s.5.98 (2A)). Admin Regulation 30 (3A) stipulates the meetings where a fee may be claimed, and (3B) stipulates the fee to be between \$30 and \$70 per meeting.

Travel and out of pocket expenses may be paid in accordance with policy.

1.6 Recognition of Service – Elected Members

| | |
|-------------------------|--|
| Introduction | <p>Written permission of the Minister for Local Government must be obtained prior to any change to this Policy.</p> <p>This Policy is a Financial Interest as defined by the Local Government Act s.5.60 and 5.60A and the consent of the Minister under s.5.69, is therefore required prior to any amendment, alteration or revocation of the Policy.</p> <p>The Policy is made under the authority of the Local Government Act s.5.100A and the Administration Regulationsr.34AC.</p> <p>Although Councillors are able to claim travel, meeting expenses etc as of right, it is considered appropriate that there be some recognition fromthe 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 and Communities to obtain a Certificate of Appreciation from the Minister.</p> |
| Objective | To recognise the service of, and show appreciation to, departing Councillors. |
| History | <p>Former – Policies 4.5, 4.6, 4.7</p> <p>Replaced – 29 November 2012</p> <p>Adopted 25 June 2015</p> <p>Adopted 30 August 2018</p> |
| Policy Statement | |

1. Each departing Councillor shall receive an appropriate plaque or certificate of service.
2. Outgoing Shire Presidents, whether retiring from Council or relinquishing the office of President, may be presented with their gavel and striker plate suitably engraved on the completion of their term of Shire President.
3. The Chief Executive Officer is to arrange a suitable gift for departing Councillors, up to the specified value, after the following periods of service –

| | |
|---|---------|
| Less than 4 years of service | Nil |
| More than 4, less than 8 years of service | \$150 |
| More than 8, less than 12 years of service | \$300 |
| More than 12, less than 16 years of service | \$750 |
| 16 or more years of service | \$1,000 |
4. The cumulative value of commemorative plaque or certificate, gavel & striker plate and gift is not to exceed the limits specified in (3) above.
5. Multiple periods of service as a member of Council are to be considered individually according to each period, and not cumulatively.
6. Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government.
7. Presentation of any commemorative plaque, certificate or gavel & striker plate and gift will generally be made at the final meeting being attended by the Councillor, or at an alternative function.
8. Councillors are entitled to a civic dinner after they have completed three (3) terms or twelve (12) years in office.

– End of Policy

COMMENT

The Minister for Local Government must give Councillors written permission to consider adoption or amendment of this Policy.

Councillors must still declare a financial interest.

1.7 Enterprise Risk Management

| | | | | | |
|-------------------------|--|---------|--------------|---------|----------------|
| Introduction | <p>The Shire of Menzies is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.</p> <p>AS/NZS ISO 31000:2009 defines risk as “the effect of uncertainty on objectives”.</p> <p>A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.</p> <p>Risk Management is the application of coordinated activities to direct and control an organisation with regard to risk.</p> | | | | |
| Objective | To manage and review risks throughout the organisation on a continuous basis. | | | | |
| History | <table> <tr> <td>Adopted</td> <td>25 June 2015</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> </table> | Adopted | 25 June 2015 | Adopted | 30 August 2018 |
| Adopted | 25 June 2015 | | | | |
| Adopted | 30 August 2018 | | | | |
| Policy Statement | | | | | |

The Shire of Menzies considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that give rise to that risk.

The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:

- Strategic planning
- Expenditure of large amounts of money
- New strategies and procedures
- Management of projects, tenders and proposals
- Introducing significant change; and
- The management of sensitive issues

Risk Management Objectives:

- The achievement of organisational goals and objectives
- The ongoing health and safety of all employees at the workplace
- Ensuring public safety with the Shire’s jurisdiction is not compromised
- Limited loss or damage to property and other assets
- Limited interruption to business continuity
- Positive public perception of Council and the Shire
- Application of equal opportunity principles in the workforce and the community

Responsibilities:

- Executives, managers and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated, and reasonable protective measures taken.
- All managers will encourage openness and honesty in the reporting and escalation of risks.
- All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.

- All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
- Council is committed morally and financially to the concept and resourcing of risk management.

Monitor and Review

The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored by the shire of Menzies.

– *End of Policy*



April 2015

SHIRE OF MENZIES

Frameworks for –

Enterprise Risk Management

Internal Control

Legislative Compliance

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ENTERPRISE RISK MANAGEMENT

Executive Summary

The purpose of implementing enterprise risk management at the Shire of Menzies is to develop a culture, processes and structures that are directed towards the effective management of risks that may present potential adverse effects and opportunities to the strategic, operational and project functions and objectives of the organisation. It is also designed to reduce the potential cost of risks from adverse incidents by reducing liability, litigation, exposure to loss and to mitigate and control this loss.

The key principles that drive the Shire of Menzies’s risk management are –

- Creates value
- Aids in our decision making based on best available information
- Explicitly addresses uncertainty
- Is systematic and structured
- Can be tailored to suit our organisations structure and capacity
- Takes into account cultural and social aspects of our staff
- Is transparent and inclusive throughout the organisation
- Is dynamic, iterative and responsive to change in the organisation
- Delivers continual improvement and enhancement of processes and practices in the organisation

Enterprise Risk Management

Often, risk management is taken to mean the physical risks associated with employment – possibility of injury, chemicals, assault and so on. However, an organization faces many additional risks from inside and outside the organisation, including some which are completely out of the control of the organisation.

While physical risks are a part of this framework, the intention is to consider the much broader range of risks that confront the enterprise.

In this document “risk”, “risk management” and similar terms are to be taken as meaning all risks that may confront the Shire, and unless specifically stated, are not limited to physical or OHS risks.

Statutory Environment

Local Government (Audit) Regulations 1996 –

17. *Chief Executive Officer to review certain systems and procedures*
 - (1) *The Chief Executive Officer is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
 - (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
 - (3) *The Chief Executive Officer is to report to the audit committee the results of that review.*

Information sources

Information was sourced from –

- City of Albany,
- City of Nedlands,
- Department of Local Government and Communities,
- Local Government Insurance Services – various Councils
- AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines
- Local Government Act 1995
- Shire of Menzies Risk Management Policy and Assessment
- Shire of Leonora, Council Minutes May 2014

ERM POLICY

Adapted from Dept of Local Government Model Risk Management Policy

The following Policy was adopted by Council on 30 April 2015.

| | |
|-------------------------|--|
| Introduction | <p>The Shire of Menzies is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.</p> <p>AS/NZS ISO 31000:2009 defines risk as “the effect of uncertainty on objectives”.</p> <p>A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.</p> <p>Risk Management is the application of coordinated activities to direct and control an organisation with regard to risk.</p> |
| Objective | To manage and review risks throughout the organisation on a continuous basis. |
| History | Draft |
| Policy Statement | |

The Shire of Menzies considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that give rise to that risk.

The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:

- Strategic planning
- Expenditure of large amounts of money
- New strategies and procedures
- Management of projects, tenders and proposals
- Introducing significant change; and
- The management of sensitive issues

Risk Management Objectives:

- The achievement of organisational goals and objectives
- The ongoing health and safety of all employees at the workplace
- Ensuring public safety with the Shire's jurisdiction is not comprised
- Limited loss or damage to property and other assets
- Limited interruption to business continuity
- Positive public perception of Council and the Shire
- Application of equal opportunity principles in the workforce and the community

Responsibilities:

- Executives, managers and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated, and reasonable protective measures taken.
- All managers will encourage openness and honesty in the reporting and remediation of risks.
- All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
- All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
- Council is committed morally and financially to the concept and resourcing of risk management.

Monitor and Review

The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored by the Shire of Menzies.

– *End of Policy*

ERM FRAMEWORK

Objectives

- 1) To communicate the Council's holistic approach to risk management to all key stakeholders.
- 2) To protect and enhance the reputation of the Council and the Shire, demonstrating their robust corporate governance, timely and efficient delivery of services and fulfilment of the Shire's strategic objectives.
- 3) To adhere to and implement risk management procedures in all aspects of business management practices in the organisation.
- 4) To define the Council's level of risk tolerance and risk appetite, ensuring that all key risks are adequately managed
- 5) To ensure all employees are made aware of the need to manage risk and to promote a culture of participation in the process
- 6) To provide a consistent process that enables continual improvement in decision making, and insight into organisational risks and their impacts

Definitions

- **Consequence:** outcome of an event
- **Likelihood:** chance/probability/frequency of an event occurring
- **Residual risk:** remaining level of risk after risk treatment
- **Risk:** The effect of uncertainty on objectives.
- **Risk analysis:** systematic use of available information to determine how often specified events may occur and the magnitude of their consequences
- **Risk Management:** The culture, processes and structures directed towards realising potential opportunities whilst managing adverse effects for all categories of risk, and not limited to OHS.
- **Risk Management Process:** Coordinated activities to direct and control an organisation in regard to risk.
- **Risk Treatments:** the provision of policies, standards and procedures or actions to eliminate or minimise adverse risks
- **Risk tolerance:** level of risk/residual risk that the Shire is willing to accept for every day work, projects or events
- **RMO:** Risk Management Officer.

Scope of responsibility

The responsibility of Risk Management will fall on all levels of the organization including Council, Audit and Risk Committee, and staff.

Council

Council is responsible for –

- Ensuring that a Risk Management Policy has been developed and adopted throughout the Shire;
- Establishing the risk tolerance level of the Shire; and
- Mandating the risk management framework.

Staff

The Shire of Menzies's ERM policy identifies the following responsibilities for all staff –

- Ensuring that risks in the work area are identified and managed
- Proactively working with supervisors in reducing risk in your work area
- Follow through on actions to ensure remediation of risk where identified.

Consultation and Communication

Effective and open communication and consultation with stakeholders during the risk management process is crucial, as each stakeholder will have a varying perception of risk and their decisions will be based on this.

A consultation and communication process will encompass all levels of the organisation to ensure stakeholders impacted by decisions have had sufficient chance to comment and provide feedback.

Process

As part of preparing to undertake daily business tasks, planning and implementing projects and events or coordinating the delivery of business unit's services, it is imperative that all staff recognize risks that may impact deliverables to both internal and external stakeholders.

A - Communicate and Consult.

Provide, share and obtain information with internal and external stakeholders during all stages of the risk management process.

B - Establish the Context. Define both internal and external factors to the Shire that may have an effect on the risk management process such as risk source and risk type

C - Identify Risks. Recognise and adequately describe risks in their day-to-day business routines

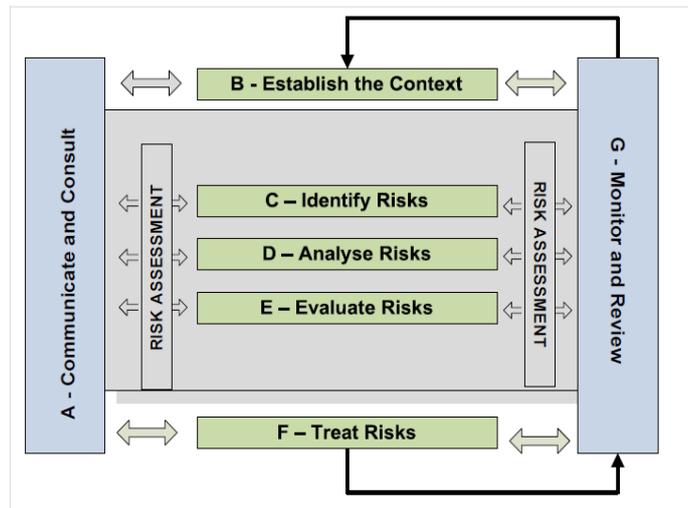
D - Analyse Risks. Three steps to analyse risk. More detail follows.

E - Evaluate Risks. Evaluating the risk will take into account the Shire's risk tolerance rating as and the return on investment in managing the risk

F – Treat Risks.

Introduce the appropriate risk control measure. For example: For people, health and safety use the hierarchy of controls below:

- **Eliminate the Hazard.**
For example: Engage specialist contractor for large tree pruning.
- **Substitute the Hazard.**
For example: Replace ladder with scissor lift, substitute solvent based paint with water based paint.
- **Engineering Controls.** .
For example: Reverse alarms/lights fitted to plant, exhaust ventilation to remove fumes.
- **Administrative Controls.** .
For example: Job rotation, work instructions, safety inspections.
- **Personal Protective Equipment (PPE).** .



G - Monitor and Review.

This stage of the process will assess the implemented treatments to ascertain their effectiveness and alignment to the Shire's risk tolerance ratings. The review may be in the form of self-assessments of risk registers and treatment plans and internal quality assurance audit of the risk management process

Analysing Risks

Categories

The Shire of Menzies has defined its critical success factors and consequences in terms of impact on delivering the Shire's strategic, operational and project functions –

- **Business Interruption.**
The interruption and non-performance of functions by the Council.
- **Environment.**
Environmental risks from poor or inadequate practices and systems when working in the environment.
- **Financial Impact.**
Financial and Budgetary risks arise from the misuse and/or poor management of annual budget, government grants and funding.
- **Legal and Compliance.**
Legal implications and breaches, including fines and custodial sentencing and compliance with legislation and Local Laws.
- **Health and Safety for People.**
Occupational Safety and Health (OSH) of our own staff and that of our contractors, volunteers and members of the public. These risks arise from failing to adhere to the Shire's OSH Policy and failure to report and manage known hazards.
- **Property.**
Damage to Council property arising from mismanagement, vandalism and lack of security.
- **Reputation.**
Reputational and political risks arise from implementing incorrect decisions of Council and Executive, failing to adhere to legislation, misuse of public funds and acting unethically in business dealings.

Consequences

| | Business Interruption | Environment | Financial Impact | Legal & Compliance | Health & Safety for People | Property | Reputational |
|----------------------|---|---|-------------------------|--|---------------------------------------|---|---|
| Insignificant | No material interruption to business or services | Contained, reversible impact managed by on site response | Less than \$1,000 | No noticeable regulatory or statutory impact | Negligible injuries | Inconsequential or no damage. | Unsubstantiated, low impact, low profile or 'no news' item |
| Minor | Short term interruption – backlog cleared < 1 day | Contained, reversible impact managed by internal response | \$1,001 - \$10,000 | Some temporary Non-compliances | First aid injuries | Localised damage rectified by routine internal procedures | Substantiated, low impact, low news item |
| Moderate | Medium term interruption – backlog cleared by additional resources < 1 week | Contained, reversible impact managed by external agencies | \$10,001 - \$50,000 | Short term non-compliance but with significant regulatory requirements imposed | Medical type injuries | Localised damage requiring external resources to rectify | Substantiated, public embarrassment, moderate impact, moderate news profile |
| Major | Prolonged interruption of services – additional resources; performance affected < 1 month | Uncontained, reversible impact managed by a coordinated response from external agencies | \$50,001 - \$500,000 | Non-compliance results in termination of services or imposed penalties | Lost time injury | Significant damage requiring internal & external resources to rectify | Substantiated, public embarrassment, high impact, high news profile, third party actions |
| Sever | Indeterminate prolonged interruption of services – non-performance > 1 month | Uncontained, irreversible impact | More than \$500,000 | Non-compliance results in litigation, criminal charges or significant damages or penalties | Fatality, permanent disability | Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building | Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions |

Risk Rating Criteria

| Risk Rank | Description | Criteria | Responsibility |
|------------------|---------------------------|--|----------------------------------|
| LOW | Acceptable | Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring | SW / Chief Executive Officer |
| MODERATE | Monitor | Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring | Chief Executive Officer |
| HIGH | Urgent Attention Required | Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring | Chief Executive Officer |
| EXTREME | Unacceptable | Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring | Chief Executive Officer/ Council |

Likelihood Ratings

| Level | Description | Example | Operational Frequency |
|-------|----------------|--|----------------------------------|
| 5 | Almost Certain | Expected to occur in most circumstances | More than once per year |
| 4 | Likely | Will probably occur in most circumstances | At least once per year |
| 3 | Possible | Should occur at some time | At least once in three years. |
| 2 | Unlikely | Could occur at some time | At least once in ten years |
| 1 | Rare | May occur, only in exceptional circumstances | Less than once in fifteen years. |

Risk Scoring Matrix

| Likelihood | | Consequences | | | | |
|------------|----------------|--------------------|------------|---------------|--------------|--------------|
| | | 1 Insignificant | 2 Minor | 3 Moderate | 4 Major | 5 Severe |
| 5 | Almost Certain | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| 4 | Likely | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| 3 | Possible | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| 2 | Unlikely | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| 1 | Rare | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Rating of

| Rating | Foreseeable | Description |
|-------------------|---|---|
| Effective | There is little scope for improvement. | Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested. |
| Adequate | There is some scope for improvement. | Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing. |
| Inadequate | A need for corrective and / or improvement actions exist. | Processes (Controls) not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time. |

Training and Development

- 1) Education and further professional development in the areas of risk management will be supported by the Council and Chief Executive Officer.
- 2) Staff assigned to training, workshops and other means of learning will be expected to participate and contribute to the outcomes.
- 3) All new staff and elected members are required to attend a risk management induction.
- 4) Refresher training will be provided to all staff on a yearly or more frequent as needs basis.

ERM ASSESSMENT

Risk Assessment, Review & Reporting Reporting
and Review

Risk reporting demonstrates that key risks are effectively managed and controlled to either mitigate their impact or exploit their outcomes as opportunities for growth.

- Risk identified, analysed and assessed and proposed treatments validated –
 - Chief Executive Officer
- High and extreme risks reported to Audit and Risk Committee –
 - Chief Executive Officer
- Monitor effectiveness by ensuring –
 - procedures used for identifying risks are adequate
 - Audit Committee, Chief Executive Officer
 - a reasonable balance between cost and risk
 - Council
 - the Shire is adequately protected against high and extreme risks
 - Council

Risk Categories.

Reporting of risks in the Shire of Menzies will come under two main organisational functions.

- **Strategic.**
Risks that effect the achievement of the Organisation vision and objectives in the Strategic Plan.
- **Operational.**
Risk of loss resulting from inadequate or failed internal processes, people and systems, or from external events.

Review Time Line

- **Monthly –**
Staff report to SW / Chief Executive Officer.
- **Monthly –**
Staff report of high and extreme risks to the Chief Executive Officer.
- **Quarterly –**
Chief Executive Officer report of high and extreme strategic risks to Audit and Risk Committee

Monitor and Review

- 1) The Shire of Menzies shall implement and integrate an audit program process to report on the achievements of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.
- 2) The Chief Executive Officer will ensure that the risk management process, meetings and all other risk related documents will be stored in an adequate records management system.
- 3) Internal Auditing.
Implementation of an internal auditing program is to be completed by the Chief Executive Officer on an annual cycle or on an as needed basis.
- 4) The internal audit process will test the controls set in place by each directorate and will be supported by the assessment of key performance indicators set by the Chief Executive Officer.
- 5) External Auditing.
Any external auditing will be undertaken routinely, either as set out in the *Local Government (Financial Management) Regulations 1996* (Section 5: Financial management duties of the Chief Executive Officer) or on the direction of Council if required.

INTERNAL CONTROL

Overview

Internal financial control is a risk framework that manages the risk to the organisation from error or fraud and therefore assists in the achievement of a Council's objectives.

Internal financial control is necessary to –

- safeguard assets;
- ensure reliability of reporting;
- comply with legislation and Council directives

Effective internal financial control ensures resources are allocated in the most appropriate manner to operational and financial objectives. The benefits of systematic approach to risk include –

- elected members, the Audit Committee and senior staff having a clear view on key risks facing the Council;
- agreement across elected members, the Audit Committee and senior staff on the priorities to manage the key risks;
- controls operating effectively to reduce risks to an acceptable level;
- cost-savings through an efficient controls environment; and
- Council being confident that its administration is operating effectively.

Internal controls need to address –

- adequate separation of duties in the financial operations, including procurement,
- independent checks of changes to key master data files;
- regular reconciliations and separate certification (e.g. reconciliation of bank account balance to amount showing in general ledger).

Roles

The role of the Audit Committee is to govern the integrity of the entity's financial information, systems of internal control, and the legal and ethical conduct of employees.

The Audit Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer.

The Audit Committee is a formally appointed committee of Council and is responsible to that body.

The Audit Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility.

The Audit Committee does not have any management functions and cannot involve itself in management processes or procedures.

The key role of internal audit is to provide assistance to the Council's audit committee in discharging its governance responsibilities. It does this by –

- Providing an objective assessment of existing risks and the internal control framework
- Performing reviews of the compliance framework and specific compliance issues
- Conducting regular analysis of business processes and associated controls.
- Performing ad hoc reviews for specific areas of concern, including unacceptable levels of risk
- Reviewing the operational performance of the Council and providing recommendations for more effective and efficient use of resources.

The Chief Executive Officer has a key role in the establishment and development of an effective internal control environment, as it ultimately sets the operational tone of the Council, and should reflect the ethics, integrity and values held by the Council.

Important note – In some instance, particularly in relation to staff matters, elected members do not have the legal capacity or the right to know the details, or to influence the process, but are limited to knowing that the process has been undertaken.

General Internal Control

An effective and transparent internal control environment is built on the following key areas –

- integrity and ethics;
- policies and delegated authority;
- levels of responsibilities and authorities;
- audit practices;
- information system access and security;
- management operating style; and
- human resource management and practices.

Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.

Aspects of an effective control framework will include:

- delegation of authority;
- documented policies and procedures;
- trained and qualified employees;
- system controls;
- effective policy and process review;
- regular internal audits;
- documentation of risk identification and assessment; and regular liaison with auditor and legal advisors.

The following are examples of controls that are typically reviewed –

- separation of roles and functions, processing and authorisation;
- control of approval of documents, letters and financial records;
- comparison of internal data with other or external sources of information;
- limit of direct physical access to assets and records;
- control of computer applications and information system standards;
- limit access to make changes in data files and systems;
- regular maintenance and review of financial control accounts and trial balances;
- comparison and analysis of financial results with budgeted amounts;
- the arithmetical accuracy and content of records;
- report, review and approval of financial payments and reconciliations; and
- comparison of the result of physical cash and inventory counts with accounting records.

Financial Internal Control

Financial internal control, as a specific part of a Council's broader internal control processes, is designed to assist the Council in addressing risk of fraud and error, improving reliability of financial reporting and compliance with laws, regulations and policies. It focuses on Council's financial processes and functions that deal with, but are not limited to, budgeting, financial reporting, transaction processing, financial delegations, accounting and works staff.

Financial internal control will not remove all risk but is a means of managing risk and reducing the likelihood and consequence of adverse events. A system of financial internal control is essential to ensure that resources are allocated in the most appropriate manner, operational and financial objectives are being met and facilitate compliance with the accountability provisions of the Local Government Act.

INTERNAL CONTROL FRAMEWORK

IC Framework

The following sets out a step by step process that is proposed to follow for the Shire’s internal controls

- a) Identify problems and risks that have been raised by the external auditor, Audit Committee, Council staff etc. and which should be addressed by internal financial controls;
- b) Consult with staff and elected members regarding the objective of the review and provide an outline of the process, ensuring that senior management is kept informed of progress;
- c) Identify officers responsible for each business activity and arrange for them to participate in the review;
- d) Undertake an internal financial controls review for each of the business activities to –
 - examine current procedures;
 - identify key risks threatening the achievement of Council’s objectives;
 - identify existing internal financial controls;
 - assess current controls for effectiveness;
 - identify any new controls needed as well as existing controls requiring adjustment;
 - identify relevant officers for each internal control.

The review should not be seen as an audit of past transactions. It’s objective is to identify, evaluate and document existing internal financial controls and recommend changes and/or new internal controls where necessary;

- e) Establish a database of internal controls in accordance with an agreed hierarchy;
- f) Propose the following detail should be recorded for each internal financial control –
 - Identification number of internal control for each risk
 - Description of the internal financial control
 - Current situation in regard to each internal control
 - Target date allocated to the implementation of the control
 - Responsible officer for each internal control
 - Checking officer and/or if the internal control is included in the ‘Spot Check’ process (refer below in the Review Process)
- g) For each risk identified, an assessment of its likelihood and consequence should be undertaken according to the classifications included;
- h) The final inherent risk is determined by using the two ratings above and applying these to the table in section 3.6.5 to identify overall risk. The assessment process should not be considered to be exact, however there is value in allocating time to considering the likelihood and consequences of each risk.

The strategy above may be implemented by Councils’ own staff or by external consultants. However, regardless of who undertakes this work, it is important that the risks to Council are kept in mind and necessary internal controls, even if they are unpopular, are recommended. Resources required to implement new internal controls should be considered and an assessment of these costs against the ensuing benefits from the internal control should be made.

Plan of action

An outcome of an internal financial controls review will be a list of controls for implementation or refinement. It is likely that all staff will be affected by the internal financial controls, not just finance staff. To ensure these controls are actioned and the Council receives the full benefit of the review it is important that Council’s senior management team drives the process.

In order to implement these controls Council should prepare an action plan. The plan identifies the internal controls requiring action by each staff member responsible for specific tasks and includes deadlines for completion of each control. The controls which are most critical should be processed first and all timelines identified in the plan should be achievable.

The action plan should be agreed to by all staff members responsible for specific tasks and should be a regular agenda item to the senior management team and Audit Committee meetings, until all controls have been completed.

Review process

A council will need to factor in a review process. Enterprise risks faced by Council can and do change and a critical element of any comprehensive internal financial control model is regular monitoring and/or review to ensure the internal controls remain effective and are functioning properly.

In order to maintain confidence in its internal financial controls, a Council should conduct regular spot checks on key or “core” controls. If spot checks are undertaken regularly the timing for a full review may be extended. Ideally an internal auditor would undertake such checks within an internal audit program but not all Councils have internal auditors. Alternatively, a staff member responsible for specific tasks might be required to certify on a regular basis that the internal financial controls relating to his or her position are in place and are being observed.

When a full review is undertaken, the controls that will be subject to a ‘spot check’ should be identified. These controls can be removed, or new controls added at any time.

If new systems are introduced, or when staff leave the organisation and are replaced, it is essential that any internal financial controls that relate to that position are reviewed within the context of the new system, and/or with new officers.

Issues for Council

Elected members and Chief Executive Officers have a responsibility to ensure that the Councils’ operations are conducted in compliance with appropriate laws, regulations and standards.

An effective suite of internal controls is a vital tool to ensure that activities are carried out in an efficient, compliant, reliable and transparent manner. Effective internal controls help provide a reasonable assurance that Councils’ financial systems produce reliable information for reporting. Councils’ Audit Committee and external auditors take account of internal control practices when forming their advice and opinions.

Council should establish and maintain a robust and wide-spread internal control regime throughout their organisation. These internal controls should –

- reflect a co-ordinated and systematic approach to risk management;
- be embraced by management and the responsible officers within the organisation;
- be consistently recorded within a whole-of-organisation framework;
- have an associated plan of action to ensure that the controls are correctly implemented;
- include procedures for reporting immediately any significant control failings or weaknesses that are identified together with details of corrective action being undertaken; and
- be subject to periodic review at a frequency appropriate for each control. Refer Risk Management Assessment/Report (Business – Statutory Compliance).

One of the Issues / Actions / Treatments proposed is the creation of a Legislative Compliance Calendar for monthly quarterly and annual tasks to be completed. This calendar will have the dual purpose of improving internal control by specifying dates and time periods for appropriate measures.

LEGISLATIVE COMPLIANCE

LC Overview

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include –

- Monitoring compliance with legislation and regulations;
- Reviewing the annual Compliance Audit Return and reporting to Council the results of that review;
- Staying informed about how management is monitoring the effectiveness of its compliance and making recommendations for change as necessary;
- Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints;
- Obtaining assurance that adverse trends are identified and review management's plans to deal with these;
- Reviewing management disclosures in financial reports of the effect of significant compliance issues;
- Reviewing whether the internal and/or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee;
- Considering the internal auditor's role in assessing compliance and ethics risks in their plan;
- Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements; and
- Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest.

LEGISLATIVE COMPLIANCE FRAMEWORK

Refer Risk Management Assessment/Report (Business – Statutory Compliance).

One of the Issues / Actions / Treatments proposed is the creation of a Legislative Compliance Calendar for monthly quarterly and annual tasks to be completed. This calendar will have the dual purpose of improving internal control by specifying dates and time periods for appropriate measures

1.8 Official Communication

| | |
|-------------------------|--|
| Introduction | The Shire of Menzies recognises the importance of the internet and social media as a modern and widely popular tool for community engagement. |
| Objective | These guidelines are intended for use by Councillors, staff members and other representatives of the Shire of Menzies to apply to any online medium where information may reflect back on the image of the Shire of Menzies. |
| Scope | To ensure responsible use of social media for official business whilst protecting the interests of the Shire of Menzies and to give guidelines for engaging in online conversations as representatives of the Shire of Menzies regardless of private or work-related access. Elected member communications must comply with the Code of Conduct and the <i>Local Government (Rules of Conduct) Regulations 2007</i> . |
| History | New Policy 30 August 2018 Adopted 30 August 2018 |
| Policy Statement | |

As a Local Government agency, the Shire of Menzies and its representatives must follow certain rules when participating in social media. This policy applies to:

1. Communications initiated or responded to by the Shire of Menzies with our community; and
2. Elected Members when making comment in either their Shire of Menzies role or in a personal capacity.

Members and staff must be aware that any comments or interactions they perform on a social media platform will be perceived by the public that their comments and views are that of the Shire of Menzies. Elected Members and staff should therefore ensure that their positions are in line with shire policies and positions.

Most conversations on social media platforms are held in an informal manner, so the normal professional writing style is not required for social media communications; however, professional discourse is expected.

If the Shire of Menzies is referenced in any media by its representatives these guidelines apply.

As in all interactions, whether face to face or virtual, elected members and staff are representatives of the Shire of Menzies.

Official Communications

The Shire President is the official spokesperson for the Shire of Menzies and may represent the Shire of Menzies in official communications, including; speeches, comment, print, electronic and social media. [s.2.8(1)(d) of the *Local Government Act 1995*]

Where the Shire President / Mayor is unavailable, the Deputy Shire President may act as the spokesperson. [s.2.9 and s.5.34 of the *Local Government Act 1995*]

The Chief Executive Officer may speak on behalf of the Shire of Menzies, where authorised to do so by the Shire President. [s.5.41(f) of the *Local Government Act 1995*]

The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the Chief Executive Officer if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire of Menzies.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the Shire of Menzies into disrepute,
- compromise the person's effectiveness in their role with the Shire of Menzies,
- imply the Shire of Menzie's endorsement of personal views, or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Menzies.

Elected member communications must comply with the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

– *End of Policy*

COMMENT

2. ACCOUNTING / AUDIT

2.1 Valuation of Non-Current Assets

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly – Policy 3.2 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| 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 assets at 1 July 2001 to be their cost.

– *End of Policy*

COMMENT

2.2 Capitalisation of Assets

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Formerly – Policy 3.10 Replaced – 29 November 2012 Amended – 29 May 2014 Adopted 25 June 2015 Amended 27 July 2017 Adopted 27 July 2017 Adopted 30 August 2018 |
| Policy Statement | |

That assets purchased costing \$10,000 or more be capitalised and depreciated over the estimated life of the asset, and that asset purchases costing less than \$10,000 be accounted for as current expenditure.

– *End of Policy*

COMMENT

2.3 Annual Verification of Assets

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly – Policy 3.12 Amended – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Chief Executive Officer is to ensure an annual verification of Shire Assets is undertaken in conjunction with review of insurances and the principles of Fair Value as required by legislation.
2. A report being presented to Council with recommendations for write-offs for unserviceable assets, noting disposals not yet effected, and inclusions of assets which may have been donated or otherwise acquired by the Shire.

– *End of Policy*

COMMENT

Now linked also to insurance review and regulations relating to fair value

2.4 Goods and Services Tax

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Adopted 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. In accordance with recommended practice, revenue, expenses and assets capitalised are stated net of any GST recoverable.
2. Receivables and payables in the Statement of Financial Position are stated inclusive of applicable GST.

– *End of Policy*

COMMENT

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 | <p>Adopted 29 November 2012</p> <p>Adopted 25 June 2015</p> <p>Adopted 30 August 2018</p> |
| 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 June2008.

– *End of Policy*

COMMENT

UHY Haines Norton recommend Councils make a final election not to recognise land under roads acquired before 30 June2008.

No benefit the Shire would gain from electing to account for the value of land under roads have been identified and 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 prevails 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.

3. ADMINISTRATION / ORGANISATION

3.1 Policy Manual – Changes to be Authorised

| | |
|-------------------------|---|
| 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 | Formerly – Policy 1.1 Amended – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. It is the policy of the Council to maintain a record of the various policies of the Council.
2. Policies are to relate to issues of an on-going nature. Decisions on single issues are not policy and 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 Chief Executive Officer and updated as and when a policy is adopted, amended or deleted by the Council.
 - new, amended or deleted Policies are to be circulated to Councillors as soon as possible after resolution, preferably with the Minutes of the Meeting,
 - in the months after annual adoption of Delegations Register as required by the Local Government Act, the Chief Executive Officer is to carry out an administrative review of the Policy Manual annually, and recommend any additional, amendments or deletion of policies,
 - following the review and 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 specific resolution of Council adopting, amending or revoking a particular policy, and clearly setting out details of the new or amended policy.

– End of Policy

3.2 Conferences, Meetings & Training – Attendance & Expenses

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | <p>Former – Delegations 12, 46 Policies 3.6, 3.7, 4.1, 4.2, 5.6</p> <p>Replaced 29 November 2012</p> <p>Amended February 2014</p> <p>Adopted 25 June 2015</p> <p>Adopted 30 August 2018</p> |
| Policy Statement | |

1. The following Schedules are adopted, and form part of this Statement –
 - Policy Schedule 3.2 (a) – Conference etc – Request / Approval
2. Council acknowledges that there are a range of obligations and values for professional development, including –
 - legislative, in particular relating to occupational health and safety of employees
 - contractual for senior employees
 - governance
 - individual aspirations and aptitude of employees, where consistent with their employment role
 - direct social and community benefit
 - investment in the individual and community
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 required for their role and that extend their relevant knowledge.
4. Where an elected member, employee or other person is authorised to attend a conference, meeting, training course or other business on behalf of Council,
 - a) the Shire will pay as specified in this Policy and its Schedules –
 - conference/meeting fees, accommodation
 - travelling
 - other necessary incidentals and out of pocket expenses upon production of receipts, and
 - b) with the exception of any changes made at the request of the attendee to any confirmed booking for
 - conference/meeting fees, accommodation
 - travelling
 for which the elected member, employee or other person travelling shall be entirely responsible for effecting the changes and all fees and total costs associated with making the changes
5. Approval to attend the conference etc. must be obtained from the Chief Executive Officer prior to the event. Retrospective claims will only be considered if –
 - shown that prior approval was not possible due to circumstances,
 - the person was the authorised deputy delegate attending in the place of an authorised nominee, unable to attend, and
 - the Chief Executive Officer is advised prior to the event of attendance or necessary change.
6. There is a presumption against meeting the expenses of –
 - Accompanying persons, observers or those not involved in the event, except where the

- attendance is appropriate for –
- for events such as WALGA Annual Convention or LGMA State Conference, or
 - Official functions where the accompanying person has also been specifically invited
- Attendance at events that have no requirement for presence of the authorised nominee or deputy, or are voluntarily attended as an observer, unless –
- Specifically authorised by Council, or
 - Clear benefit to the Shire or community is established.
7. There is an automatic presumption against overseas conferences and training. These will only be approved where there is demonstrated clear benefit (not simply relevance) to matters affecting the Shire. 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. Any monetary limitations do not apply where a person is required or requested by Council to attend, or attendance is authorised by Council in excess of the Policy, prior to the event.
9. The Chief Executive Officer shall have regard to any Council Policy, and to Budget provision made for development of elected members and employees.
10. Council will cover costs in the following ways:-
- a) Accommodation shall be booked by administration and shall include all meals at the accommodation provider; or
 - b) A daily allowance shall be provided as determined at budget

– *End of Policy*

COMMENT

Policy Schedule 3.2 (a) – Conferences etc – Request / Approval

| | | | | |
|--|--|--|--------|-----------|
| Request for Approval to attend Conference, Meeting or Training | | | | |
| | | | | |
| Applicant | | | | |
| Position | | | | |
| Event | | | | |
| Location | | | | |
| Departing | | | | |
| Event commences | | | | |
| Event concludes | | | | |
| Returning | | | | |
| COSTS | Registration costs, including | | | \$ |
| Travel | Shire vehicle | Estimated fuel cost | | \$ |
| | Own vehicle | Km | At | \$ |
| | | Hire vehicle | Days | At |
| | Aircraft | No. | Return | \$ |
| Accommodation | Own Arrangements | | | \$ n/a |
| | Required | No nights | | \$ |
| Other | | | | \$ |
| Estimated total cost | | | | \$ |
| Purpose of event | | | | |
| Benefit / Relevance to position | | | | |
| Accompanying person | Requested / Not requested | Estimate of costs to be included above | | |
| Relief staff | Required / Not required | | | |
| Signature & date | | | | |
| Chief Executive Officer Comment | | | | |
| Accompanying person | Approved / Not approved / Comment / Limits – | | | |
| Chief Executive Officer signature & date | | | | |

Original – to Applicant

Copy – to Personnel file

– End of Schedule

3.3 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 | <table> <tr> <td>Former Policy</td> <td>6.2</td> </tr> <tr> <td>Retained –</td> <td>29 November 2012</td> </tr> <tr> <td>Adopted</td> <td>25 June 2015</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> </table> | Former Policy | 6.2 | Retained – | 29 November 2012 | Adopted | 25 June 2015 | Adopted | 30 August 2018 |
| Former Policy | 6.2 | | | | | | | | |
| Retained – | 29 November 2012 | | | | | | | | |
| Adopted | 25 June 2015 | | | | | | | | |
| Adopted | 30 August 2018 | | | | | | | | |
| Policy Statement | | | | | | | | | |

1. Introduction

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

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

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 interest of the local government 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 (eg where a member or employee seeks 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 (eg refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions)]; and
 - 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 the 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 the 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.
- 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 \$5000 provided that the power to make such an authorisation has been delegated to the Chief Executive Officer in writing under section 5.42 of the Local Government Act 1995.
- f) Where it is the Chief Executive Officer who is seeking urgent financial support for legal services the Council 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 the 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 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 moneys in a court of competent jurisdiction.

5. Acknowledgement of Policy

Council requires a person who is going to receive legal support from Council to acknowledge in writing the details of this policy prior to Council providing that legal assistance.

– *End of Policy*

COMMENT

3.4 Complaints – Administrative

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Former – Policy 2.8 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. This Policy does not apply where legislation stipulates a separate complaints procedure, such as –
 - Local Government Act 1995 –
 - s.5.107 – Complaining to complaints officer of a minor breach
 - s.5.114 – Making Complaint of a serious breach

2. For the purpose of this policy, a complaint alleges some irregularity and must be substantive in nature and is to be differentiated from what would be considered to be an error, or dissatisfaction.

Examples –

Error or dissatisfaction

Complaint about pothole in road
Rates too high
Works being done where not
Did not get the answer they
Council decision not in their favour

Irregularity and substantive

Complaint that previous reports not acted on or ignored
Rates improperly assessed
Works being undertaken in unsafe manner wanted
Staff dismissive or rude wanted
Council did not consider material information
in decision

3. A complaint may be general in nature or relate to a particular staff member, a part of the organisation, a Policy or a decision. Any person may lodge a complaint however staff cannot use this process if they are acting in an official capacity. A complaint must contain sufficient detail to enable it to be addressed and recorded.
4. Receiving the Complaint –
 - a) All written complaints and record of verbal complaints are to be directed to the Chief Executive Officer in the first instance
 - b) The Chief Executive Officer is responsible for managing the resolution of disputes and complaints lodged with the Shire.
 - c) The Chief Executive Officer or person directed to resolve the complaint will make every effort to promptly resolve disputes and complaints lodged with the Shire, according to the principles of procedural fairness.
 - d) Complaints can be made – verbally, by letter, by e mail, or by fax.
 - e) Where a verbal complaint is received, or the complainant refuses to put the complaint in writing, detailed notes are to be taken by the person receiving the complaint
 - f) Complaints procedures at the Shire will be determined by –
 - Commitment
 - Fairness
 - Resources
 - Visibility & Accessibility
 - Assistance
 - Responsiveness
 - Charges
 - Remedies
 - Data collection
 - Systemic and recurring problems
 - Accountability
 - Reviews
 - g) A Complaints Register is to be kept.

5. Investigating the Complaint –
 - a) Maintain confidentiality and impartiality
 - b) Resolve at the local level where possible and appropriate
 - c) Establish clear process for the registration and management of complaints and procedural fairness requirements
 - d) Analyse complaints data to facilitate service improvement and for consistency with Local Government Act
 - e) Clear communication to staff, Councillors and community members
 - f) Be proactive with respect to complaints management –
 - induction of staff
 - procedures
 - early intervention and management
 - communication
 - service improvement
 - g) Maintain a consistent approach to resolution of complaints
 - h) Maintain clear documentation
 - i) Quality assure procedures where you have line management responsibilities
 - j) Maintain confidentiality and impartiality
 - k) Acknowledge the corporate and legislative responsibility for complaints management
6. Resolving the Complaint –
 - a) Complaints are to be received and recorded as outlined in this policy.
 - b) All complaints are treated equally regardless of the manner in which they are lodged.
 - c) In all cases complainants are to be treated with courtesy and the contact is to be conducted and ended in a positive way.
 - d) Verbal Complaints –
 - Be courteous and positive to the caller at all times.
 - Assure the caller that their call will be taken seriously.
 - Listen to the caller at all times and without admitting any liability, display empathy with what they are saying.
 - Repeat the substance of their complaint to check your understanding of their position.
 - Explain the course of action that will now follow.
 - e) Written Complaints –
 - Write an acknowledgement letter to the complainant, ensuring that the complainant will receive this within the Shire’s identified timeframe.
 - In the letter, explain the course of action that will now follow and identify yourself/relevant person as the complainant’s contact person with regard to this matter.
 - f) Local complaints should be resolved within 14 work days where practical. This should be seen as the maximum time and should be less wherever possible.
 - g) Where there are likely to be unavoidable delays, the complainant should be contacted and kept informed of the status of their complaint. This contact may be made by telephone.
 - h) Where the Chief Executive Officer or President makes a judgement that a complaint is vexatious, trivial, without substance or does not warrant further action then the complaint is not investigated, and the complainant is informed of this decision in writing.
7. Outcome of the Complaint –
 - a) The Chief Executive Officer will advise the complainant in writing of the outcome of the complaint.
 - b) The outcome of completed complaints must be recorded. The *Register / Database* is used to track and analyse complaints.

– End of Policy

COMMENT

There is a temptation in many organisations to refuse anonymous complaints, however, this practice may leave the organisation open to criticism. An anonymous complaint may still have a valid grievance, but for whatever reason, does not wish to be identified. A judgement will have to be made as to the complaint’s reasonableness and objectivity.

3.5 Professional Advice

| | |
|-------------------------|---|
| Introduction | |
| Objective | To obtain appropriate advice when necessary for the proper management of the Shire's affairs |
| History | Former – Delegations 9, 29 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

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

– *End of Policy*

COMMENT

3.6 Information Technology – Access and Use

| | | | | | | | |
|-------------------------|--|-----------|---------------|---------|--------------|---------|----------------|
| Introduction | <p>This Policy outlines the conditions governing use of all Information Technology (IT) facilities provided by the Shire of Menzies.</p> <p>Information technology resources are provided to support the Shire’s administrative and operational activities. These resources include the Shire’s network, desktop computer systems and software, internet access, electronic mail (email), mobile devices and related services.</p> <p>Users of these systems are expected to comply with the following policy schedule which is written with the intent of protecting the integrity of these systems so as to provide reliable IT services to users, and also to protect the right of each employee to work in a healthy and safe environment.</p> | | | | | | |
| Objective | <p>This policy deals with the provision of information technology resources by the Shire and the associated responsibilities of authorised users when accessing these resources.</p> | | | | | | |
| History | <table> <tr> <td>Adopted –</td> <td>November 2013</td> </tr> <tr> <td>Adopted</td> <td>25 June 2015</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> </table> | Adopted – | November 2013 | Adopted | 25 June 2015 | Adopted | 30 August 2018 |
| Adopted – | November 2013 | | | | | | |
| Adopted | 25 June 2015 | | | | | | |
| Adopted | 30 August 2018 | | | | | | |
| Policy Statement | | | | | | | |

- The following Schedule/s are adopted, and form part of this Statement–
 - Policy Schedule 3.6 (a) – Principles of Access and Use of Information Technology
 - Policy Schedule 3.6 (b) – Control, Management and Security
 - Policy Schedule 3.6 (c) – Internet Access
 - Policy Schedule 3.6 (d) – Email Use
 - Policy Schedule 3.6 (e) – Internet and Email Record Keeping
- This Policy and its Schedules are to be provided to all staff having access to information technology, as part of their induction and employment information provided.
- Policy acceptance by Employee – I have received and read the Policy and associated Schedules and agree to comply with the requirements.

Name _____

Received by

Date _____

Date _____

– End of Policy

COMMENT

Policy Schedule 3.6 (a) – Principles of Access and Use of Information Technology

1. Introduction

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

Users of these systems are expected to comply with the policy which is intended to protect–

- the integrity of these systems so as to provide reliable IT services to users, and
- the right of each employee to work in a healthy and safe environment.

2. Ethics

Respect the rights of others, and comply with other policies regarding occupational health and safety, harassment, equal opportunity etc. Do not engage in behaviour, which violates these policies.

Personal use must not interfere with or detract from work purposes, activity or employee time.

3. Legislation

- a) **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 through the Shire’s IT systems that may cause trauma or distress to other employees, 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.
- b) **Equal Opportunity**
The Equal Opportunity Act 1984 WA prohibits discrimination (on grounds including gender, race and religion etc) and sexual harassment. Examples of discrimination and harassment include but are not limited to the following–
 - reference to a particular class of persons based on their race,
 - sending of pornographic material to a fellow employee,
 - annoyance of others, interference or attempt to modify or destroy their work or data,
 - behaviour that may be construed as intimidating or bullying.
- c) **Freedom of Information**
Computer records including internet usage and emails are subject to FOI obligations.
- d) **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 Chief Executive Officer. Always assume website content to be subject to copyright unless stated otherwise.
- e) **Council Policy**
Council Policies and instructions issued by senior staff apply. These include–
 - Equal Employment Opportunity
 - Occupational Health and Safety
 - Harassment and Grievances
 - Records Keeping Plan
- f) **Records Management**
Respect the need to maintain other internal systems. Use of internet and email is subject to the State Records Act, and the requirements of the Shire’s Record Keeping Plan.

4. **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 personal attributes 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.

5. **Personal Use**

Reasonable personal use of Shire IT resources may be permitted (in the user's own time) provided that it does not –

- negatively impact upon the user's work performance, hinder the work of others nor make any modification to any IT resource,
- result in additional cost to the Shire.

Reasonable use in a particular circumstance will be a matter to be determined by the Chief Executive Officer.

6. **Restrictions**

Prohibited uses of Shire IT resources are –

- any illegal purpose,
- transmission or access to any material in violation of any Commonwealth or State legislation, including copyright material, threatening or obscene material, or information protected by trade secret.
- conduct private commercial activities including eBay and similar online auction sites.
- access, create, store or distribute pornographic material of any type.
- to gamble or play games.

7. **Consequences**

Users found to have breached this policy may be subject to disciplinary action under law or adopted Council policies.

Criminal offences will be reported to the Police. Penalties that may result can be substantial, e.g. up to \$10,000 under the Occupational Health and Safety Act for some offences.

8. **Mobile communications**

In so far as is applicable, this policy applies to mobile phones, tablets etc provided for Shire purposes.

– *End of Schedule*

Policy Schedule 3.6 (b) – Control, Management and Security**1. Access Control**

- a) On-site and remote access to information systems is controlled by the Chief Executive Officer. Users are granted access on the basis that their use of IT resources shall be responsible, ethical and lawful at all times.
- b) When a new employee commences, the Chief Executive Officer is to determine the level of system access required.
- c) As a condition of employment all new employees who have access to Internet and/or email are required to complete the policy acceptance form.
- d) The Shire may modify, upgrade, withdraw or otherwise alter any IT facilities without notice.
- e) The Shire has ownership of all files and e-mail messages stored on Shire computers and may examine and/or monitor without notice, all computer data and software on its facilities.

2. Computer Systems

- a) Work Purpose – Computer systems are provided as a tool to support the operations of the Shire. Each computer is installed with a standard operating environment plus additional user specific tools.
- b) Personal Use – Limited personal use of computer systems is allowed provided such use is reasonable in terms of time and cost.
- c) Prohibited Use – Under no circumstance are users to install –
 - software or utilities on Shire computers that are not licensed, and work related. Permission must be obtained from the Chief Executive Officer before installing applications on Shire computers.
 - software or utilities sourced from the internet. This includes but not limited to ICQ, Gator, Neopets, Bonzibuddy, Internet flowers, Web shots and otherscreensavers.
 - any software on Shire computers without the prior permission of the Chief Executive Officer.
- d) Monitoring – The Shire 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 their duties, Council policy, or unlawful activities.
- e) Maintenance of hardware and software – Maintenance of the Shire’s IT systems is the responsibility of the Chief Executive Officer. Under no circumstance should any employee attempt to repair hardware or software faults without the permission of the Chief Executive Officer or by their instruction.

3. Security

- a) Where the use of any IT facility is governed by a password, the password must not be inappropriately divulged to any other person, but precaution taken to ensure that their passwords, accounts, software and data are adequately protected.
- b) Passwords should contain at least 8 characters and a mix of upper and lowercase alpha, and numbers.
- c) Any computer account or facility allocated to a user is for their exclusive use. The user must not allow another person to use it without appropriate authorisation from the Chief Executive Officer.
- d) Regardless of the prevailing security, users shall not access any data or software except data or software that belongs to the user or has been provided for their use or is stored on a shared medium for which they have been granted access.
- e) Users must not attempt to rename, delete, or modify the data of another user without prior authorisation from the Chief Executive Officer, except in the following circumstances –
 - data or files stored on a shared network facility or transferred in/out via a shared network facility.
 - under direction of their supervising officer(s) to amend data or files stored in a personal directory.

- f) Anti-virus software protection is provided at both server and desktop level. If a user suspects that their machine has become infected with a virus it should be reported immediately to the Chief Executive Officer.
- g) Users should correctly shut their computer systems down before finishing work each day, unless otherwise requested by the Chief Executive Officer.
- h) Users must report to the Chief Executive Officer, without delay, any breaches (either real or perceived) of security.

– *End of Schedule*

Policy Schedule 3.6 (c) – Internet Access

1. Internet provision

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 Shire'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, even if only viewed. The Shire is charged for all data received.

2. Internet Use

- a) **Work Purpose**
Users are permitted to access the internet for work related purposes as outlined in each user's internet usage application.
- b) **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.
- c) **Prohibited Uses**
Use of internet must comply with the Principles outlined in Schedule 3.6 (a). Specifically prohibited is –
 - streaming voice and video media unless work related – e.g.: on-line radio
 - online games.
 - use of chat rooms/channels or instant messaging applications,
 - subscription services, unless approved by the Chief Executive Officer.
 - use MP3 or MP4 download sites (predominantly music and movies),
 - interfering or disrupting to any network, information service, equipment or any user,
 - causing any person to view content which could expose the Shire to prosecution.
- d) **User responsibility**
It is the user's responsibility to ensure that any internet site they access is within the bounds of acceptable and appropriate usage, legal and does not pose a risk to the security of the Shire's operations.

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

– *End of Schedule*

Policy Schedule 3.6 (d) – Email Use**1. Legal Obligations**

Users should be aware that email from the Shire is the same as a letter printed on Shire letterhead, and is therefore subject to the same legal, privacy and records management obligations as paper records and letters.

2. Email Facilities

- a) **Work Purpose**
Email is provided to allow electronic communication with the Shire's partners, clients and staff.
- b) **Personal Use**
Limited personal use is allowed provided such use is reasonable in terms of time and cost and does not interfere with Shire business or present a security risk.
- c) **Prohibited Uses**
Use of email must comply with the Principles outlined in Schedule 3.6 (a), and in addition, specifically prohibited is –
 - circulate personal contact information of employees of the Shire without their consent;
 - disseminate any information that is confidential to Shire;
 - subscribe to any subscription service, unless approved by the Chief Executive Officer.
 - send forged messages.
 - use someone else's mail address without authorisation.
 - send aggressive, rude or defamatory messages.
 - send unsolicited emails (SPAM) or distribute junk emails
 - broadcast messages, regardless of interest, with the exception of urgent messages
- d) **User Responsibilities** Users are required to –
 - protect their email address as able to avoid inclusion in mass mailing lists (SPAM).
 - correspondence via email should be of the same standard for written communication.
 - report emails which contains anything controversial, offensive or discriminatory, to the Chief Executive Officer.
 - treat email attachments with caution due to their susceptibility to viruses, malware etc. Discretion must be exercised, particularly where the email is from an unknown source.
 - maintain compliance with any records procedures regarding email.

3. Email Accounts

- a) Shire emails accounts (name@menzies.wa.gov.au) may only be created by the Chief Executive Officer.
- b) users should check their e-mail frequently, respond, or archive messages, delete any ephemeral messages promptly and manage their e-mail files wisely.
- c) When absent for an extended period (training, conferences, leave etc), users should utilise the ability of the email software to –
 - forward incoming mail to the person acting in/for the position during their absence, or
 - create an automated message advising of absence, and the appropriate contact person.

4. Email Disclaimer to be used

When an email is sent having a Shire logo or email address a suitable disclaimer is to be used, such as –

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

Policy Schedule 3.6 (e) – Internet and Email Record Keeping

1. Shire of Menzies Record Keeping Plan

- a) The principles and procedures of the Shire’s Records Keeping Plan apply to documents downloaded from the internet, or received / sent as emails.
- b) All corporate information including correspondence, minutes of meetings, memos, file notes and reports (other than those generated through the Shire’s databases) are to be stored in the shared server . This is consistent with the legislative requirements of the State Records Act 2000.
- c) E-mails and faxes, sent and received, of a corporate nature must be captured and stored in the shared server. This is consistent with the legislative requirements of the State Records Act 2000.
- d) Corporate documents must not be stored on desktop computers or on portable media (e.g. thumb drives, CD’s). There are appropriate methods for storing draft and ‘working’ documents within the shared server. Network drives are provided for non-corporate documents only and only limited quotas are allowed.
- e) Only the network drives and corporate systems are backed up. ‘C’ drives are not backed up and users will be responsible for any loss of data stored on this drive or on portable media.
- f) Duplication of data is to be avoided. Any documents stored in the shared server should not be stored elsewhere unless access to the shared server is planned to be unavailable or the data is stored on media specifically designed for the purpose of backup.

2. Internet documents

Due to the dynamic nature of the internet, information at a particular date that may be subject to change and which will have relied on in decision making should be copied either by printing and filing or creating a PDF of the page referenced.

Where the information will not change, there is no need to print or retain an e-copy, but reference to the data should be made.

3. Emails received and sent

Since multiple emails may be required to finalise a matter, progressive exchanges do not need to be printed and filed. Once the matter is concluded, if it is a significant matter that a hard copy is considered appropriate, it may then be printed and filed, particularly if–

- a) it documents the actions of the Shire in some way
- b) plays a significant part in making a decision, or
- c) is annotated or has major alterations made by the Shire in some way.

Due to the dynamic nature of the internet, information that may be subject to change which may be relied on at a particular date in decision making should be copied either by printing and filing, or creating a PDF of the final email, including exchange and any final attachments.

Emails considered to be day to day administrative or relating to the progression of a task do not require printing and filing, however the electronic copies of all emails sent and received relating to a matter must be electronically retained in compliance with the State Records Act.

Emails that are ephemeral may be deleted.

– End of Schedule

3.7 Staff Recruitment – Permanent, Part and Full Time

| | |
|-------------------------|---|
| Introduction | |
| Objective | <p>The Recruitment Policy has the following aims and objectives:</p> <ul style="list-style-type: none"> • To ensure all recruitment procedures comply with Council's equal opportunity policies and legislation; • To ensure that all appointments are made on merit; • To attract sufficient applicants, experience and qualifications deemed as being necessary for the job; • To develop and maintain procedures which will assist in ensuring the appointment of the most suitable candidate; • To ensure the recruitment procedures are clear, valid and consistently applied by those involved in recruitment and that they provide for fair and equitable treatment for those who apply for employment; • To base selection decisions and criteria directly to the demands and requirements for the job and the competencies identified as necessary for satisfactory performance; • To ensure that all employees involved in the recruitment and selection process are properly trained in order that the objectives of the policy are met; and • To observe any legal requirements which apply to the recruitment and selection process. |
| History | <p>New Policy 24 September 2015 Adopted 30 August 2018</p> |
| Policy Statement | |

The need to recruit

Generally, the need to recruit arises from either:

- A vacancy due to the departure of the incumbent; or
- The creation of a new position through organisational expansion or restructure.

Recruitment Sources

All positions created or becoming vacant shall be advertised, advertising will be internal and external.

Internal Advertising

May be noticeboards, email, memos or staff circulars, newsletters, word of mouth and shall be distributed so that all receive sufficient notice of vacancies.

External Advertising

Newspapers:

- The West Australian – Wednesdays and Saturdays
- Kalgoorlie Miner
- Internet, Shire website, LGNET

Employment Agencies

External advertising may also be through external agencies such as:

- Centrelink
- Local Government Workplace Solutions
- Schools, Colleges, Universities
- Other – tertiary graduates, traineeships, cadetships, apprentices

Council Discretion

The Chief Executive Officer has the direction to determine which recruitment advertising source is to be utilised for any available employment positions.

Appointment of Chief Executive Officer and Senior Staff

Vacant positions of Chief Executive Officer and senior employees shall be advertised as determined for individual vacancies. All details of the vacant position are to be advertised in accordance with the Local Government Act and Local Government (Administration) Regulation 18A.

Advertisement details as presented in regulation 18A.

– End of Policy

COMMENT

3.8 Ordinary Council Meetings

| | | |
|-------------------------|------------|------------------|
| History | New Policy | 17 December 2015 |
| | Amendment | 25 February 2016 |
| | Adopted | 30 August 2018 |
| Policy Statement | | |

The Council of the Shire of Menzies shall meet on the last Thursday of every month with an Ordinary Council Meeting commencing at 1pm.

– End of Policy

COMMENT

3.9 Meeting Venue

| | | |
|-------------------------|------------|------------------|
| History | New Policy | 17 December 2015 |
| | Adopted | 30 August 2018 |
| Policy Statement | | |

Council meetings will be held in the Council Chambers, Menzies with the exception of two Ordinary Meetings of Council which may be held in Tjuntjuntjara or Kookynie, at a time and date as determined by the Chief Executive Officer in conjunction with the Shire President.

– End of Policy

COMMENT

3.10 Agenda Format / Officer’s Reports

| | | |
|-------------------------|------------|-------------------|
| History | New Policy | 17 December 2015 |
| | Amended: | 29 September 2016 |
| | Adopted: | 30 August 2018 |
| Policy Statement | | |

The policy 3.10 Ordinary Council Meeting Agenda and Officer’s reports be amended to reflect new agenda format to be implemented October 2016.

- 12.1 Health, Building and Town Planning Business
- 12.2 Finance and Administration Business
- 12.3 Works and Services Business
- 12.4 Community Development Business
- 12.5 Management and Policy Business Agenda format to be used for Council meetings:

1.1.1 for the Month of 2...

| | |
|--------------------------------|--|
| LOCATION: | |
| APPLICANT: | |
| DOCUMENT REF: | |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 2017 |
| AUTHOR: | |
| ATTACHMENT: | |
| COUNCIL RESOLUTION: | No. |

OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:

VOTING REQUIREMENTS:

IN BRIEF:

RELEVANT TO STRATEGIC PLAN:

14.1 Sustainable local economy encouraged

- A strong local economy, diversified through encouraging commercial growth, which provides jobs and services.
- A local economy that has close working partnerships with mining companies and other industries.
- A local economy accessing the commercial options and services in place, for timely development.
- The prevention of fire risk throughout the community.
- The significant natural features of the shire for tourism.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.
- The installation of State Government infrastructure such as power, water and broadband to facilitate residential and commercial growth

14.2 Strong sense of community maintained

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- Our community will have access to all necessary service requirements.
- The Shire to review disability access throughout the Shire of Menzies.
- The Shire to acquire appropriate resources to assist with developing the services and facilities required by the community.

14.3 Active civic leadership achieved

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional activities to the benefit of our community.

14.4 Heritage & Natural assets conserved

- Our natural environment will be protected and preserved for future generations.
- Our built environment will be managed to sustain our growing needs, while protecting and restoring buildings of historical value.
- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

STATUTORY AUTHORITY:**POLICY IMPLICATIONS:****FINANCIAL IMPLICATIONS:****RISK ASSESSMENTS:****BACKGROUND:****COMMENT:**

– End of Policy

3.11 Council Forums/Briefing Sessions

| | | |
|-------------------------|------------------------|------------------------------------|
| History | New Policy Adopted: | 25 February 2016 30 August 2018 |
| Policy Statement | | |

That a Council Forum/Briefing Session be held every month, excepting January, one week prior to the Ordinary Council Meeting, commencing 1.00 pm in the Council Chamber.

The following Forum procedure apply:

- Forum to be held each month, one week prior to the Ordinary Council Meeting.
- Forums to be attended by Councillors and the Chief Executive Officer. Consultants and other senior staff to participate by invitation from the Chief Executive Officer in consultation with the Shire President.
- Forums shall include discussion on items included on the next Ordinary Council Meeting Agenda, issues that may result in Agenda items for future Ordinary Council Meetings and concept items.
- The Chief Executive Officer will ensure timely written notice and the Agenda for each forum is provided to all members.
- Forum papers should be distributed to members at least three days prior to the meeting.
- The President is to be the presiding member at all forums.
- Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed.
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to Ordinary Council Meetings. Persons disclosing a financial interest will not participate in that part of a forum relating to their interest and leave the meetingroom.
- There is to be no opportunity for a person with an interest to request that they continue in the forum.
- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

– *End of Policy*

COMMENT

3.12 Annual Performance Review – Chief Executive Officer

| | |
|-------------------------|--|
| Introduction: | |
| Objective: | To ensure the Shire of Menzies (the Shire) complies with section 5.38 of the <i>Local Government Act 1995</i> which requires that the performance of each employee who is employed for a term of more than one year, including the Chief Executive Officer, is to be reviewed at least once in relation to every year of employment. |
| History | New Policy 25 May 2017 Adopted 25 May 2017 Adopted: 30 August 2018 |
| Policy Statement | |

The performance of the Chief Executive Officer will be reviewed annually by Council and responsibility for this task shall sit with the full council. To ensure that the review is conducted with the required transparency and independence, Council will engage the services of an appropriate independent consultant.

Administrative responsibility for the review will be allocated to a consultant. The performance of the Chief Executive Officer will be assessed each financial year against the following criteria:

1. Successful completion of key performance indicators previously set by Council.
2. Achievements which do not relate to set Key Performance Indicators but are of significant benefit to the Shire.
3. Prudent financial management.
4. Delivery of objectives set in the Shire's Strategic and Corporate Plans.
5. Implementation of appropriate risk management strategies.
6. The Chief Executive Officer's advocacy on behalf of the Shire
7. Management of the organisational culture and the recognition of the Shire as an employer of choice.

All matters in relation to the Chief Executive Officer's performance and remuneration will be dealt with as confidential items by Council.

The Chief Executive Officer will ensure the following process is implemented:

1. Expressions of interest to conduct the review, in line with Council's purchasing policy will be sought from appropriately qualified and experienced consultants by March each year.
2. Following consultation with Council and the Chief Executive Officer, the Council will appoint an independent consultant to conduct the review.
3. A formal report on the Shire's achievements for the year is provided by the Chief Executive Officer against the criteria listed (1-7 above).
4. The consultant shall seek feedback from Elected Members and the Leadership Team in relation to the criteria determined above. The Chief Executive Officer and Council may agree on the appropriateness of feedback being sought from other people. Whilst nominated people are requested to provide feedback, they are not required to do so.
5. The Council will consider the report provided by the consultant in sufficient time to allow recommendations to be considered by Council at its July meeting each year.
6. The Council will consider a recommendation that includes:
 - a. Endorsement of the Chief Executive Officer's performance for the period under review.
 - b. The Chief Executive Officer's remuneration for the next 12 months, having regard to the relevant determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officer's.
 - c. If required, the extension or renewal of the Chief Executive Officer's contract.
 - d. Determination of appropriate Key Performance Indicators for the next 12 months.

End of Policy

4. FINANCIAL MANAGEMENT

4.1 Annual Budget – Preparation Timetable

| | |
|-------------------------|---|
| Introduction | There is a need to ensure that the budget preparation and adoption process follows a methodical process with the opportunity being provided for input from members of Council, staff and the community. |
| Objective | <ul style="list-style-type: none"> - To provide clear direction to members of Council, staff and community members on the budget adoption process to be followed, to ensure adoption of the annual budget in compliance with the Local Government Act 1995. - The policy relates to the need to have guidelines for the adoption of the Budget and Plan for the Future to ensure its smooth transition. |
| History | Formerly – Policy part 2.16, 3.5, 7.6 Adopted – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The following Policy Schedule 4.1 – Budget Preparation Timetable is adopted, and forms part of this Statement.
2. Requests for items to be included in the draft budget must be made in writing should be submitted prior to end of April each year.
3. Provision for ongoing commitments and fixed costs are to be included in the draft budget without reference to a committee.
4. In preparation for Budget, Council may direct that the following inspections be arranged–
 - 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
 - e.g. shire office, shire halls, caravan park, depot workshop, cemetery, landfill sites etc
5. In preparation for Budget, the Environmental Health Officer is to inspect Shire housing, and buildings, and provide a report to the May Council meeting.

– *End of Policy*

COMMENT

Policy Schedule 4.1 – Budget Preparation Timetable

| TIMING | STAGE |
|---------------|---|
| End of March | Road inspection |
| April meeting | Approval by Council of draft – <ul style="list-style-type: none"> - capital works program - road preservation program - plant replacement program - dual use/foot path strategies |
| | Consideration of additional and increases/decreases in services |
| End of April | Written budget requests and submissions to be provided by– <ul style="list-style-type: none"> - Community - Councillors - Staff |
| | Finance of expected major projects to be determined |
| | Housing and public building inspections |
| May meeting | Council approval of: <ul style="list-style-type: none"> - Fees & Allowances for Elected Members - Donations - Fees and Charges |
| | Draft Capital Works Program approved by Council – <ul style="list-style-type: none"> - Housing and Building programs - Recreation facilities / development |
| | Budget requests considered by Council |
| | Rate options to be considered by Council (note timeframes if differential rating) |
| End of May | Collate Plan for the Future and Prepare Commentary |
| | Advertise Differential Rates for 21 days |
| June meeting | Review any differential rates submissions |
| | Plan for the Future adopted by Council |
| End of June | Draft Budget ready for consideration by Council |
| July meeting | Adoption of rates by Council (note differential rates requirements) |
| | Adoption of Budget by Council |
| End of July | Budget information to DLGCC |

– End of Schedule

4.2 Purchasing and Tenders

| | | | | | | | | | | | |
|-------------------------|--|---------------|------|---------|------------------|---------|--------------|---------|----------------|---------|------------------|
| Introduction | | | | | | | | | | | |
| Objective | | | | | | | | | | | |
| History | <table> <tr> <td>Former Policy</td> <td>3.15</td> </tr> <tr> <td>Amended</td> <td>29 November 2012</td> </tr> <tr> <td>Adopted</td> <td>25 June 2015</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> <tr> <td>Amended</td> <td>13 December 2018</td> </tr> </table> | Former Policy | 3.15 | Amended | 29 November 2012 | Adopted | 25 June 2015 | Adopted | 30 August 2018 | Amended | 13 December 2018 |
| Former Policy | 3.15 | | | | | | | | | | |
| Amended | 29 November 2012 | | | | | | | | | | |
| Adopted | 25 June 2015 | | | | | | | | | | |
| Adopted | 30 August 2018 | | | | | | | | | | |
| Amended | 13 December 2018 | | | | | | | | | | |
| Policy Statement | | | | | | | | | | | |

1. The following Policy Schedules are adopted, and form part of this Statement–
 - 4.2 (a) – Purchasing Principles
 - 4.2 (b) – Purchasing Thresholds
 - 4.2 (c) – Regulatory Compliance
2. In accordance with Delegation 2.2, the Chief Executive Officer may call tenders for purchases over \$100,000 at an appropriate time, subject to the goods or services being disclosed in the adopted Budget.
3. The Shire of Menzies recognise Local Government (Functions and General) Regulations 1996 Part 4 Division 2 Regulation 11(h) and Regulation 11(i) which set out exemptions from tender limits for Aboriginal Businesses and Australian Disability Enterprises (with conditions).

– *End of Policy*

COMMENT

Policy Schedule 4.2 (a) – Purchasing Principles

1. Objectives

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

2. Why Do We Need a Policy

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

- Provides the Shire with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire receives value for money in its purchasing.
- Ensures the Shire 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 purchasing practices that withstands probity.
- Ensures that environmental impacts across the life cycle of goods and services are considered in the procurement process.

3. Ethics & Integrity

All officers and employees of the Shire 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 Local Government.

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 Menzies 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 by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.
- consideration must be taken in regard to Council's Regional Price Preference Policy,

4. Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire. 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.
- continuity of supply or service, and particularly timeliness of any warranty service, emergency or repair response, familiarity with works etc

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

5. Sustainable Procurement

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

The Shire 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.

Practically, sustainable procurement means the Shire 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.
- 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.
- 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,
- 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.

– *End of Schedule*

Policy Schedule 4.2 (b) – Purchasing Thresholds

Purchasing Thresholds

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

General –

| Amount of Purchase | Requirement | Recommended |
|-----------------------|--|---|
| Up to \$2,999 | Quotations not required | Obtain verbal or written quotations if possible |
| \$3,000 to \$9,999 | Direct purchase from suppliers requiring only two verbal quotations, where possible and practical. | Obtain written quotations if possible |
| \$10,000 to \$39,999 | Obtain at least three written quotations | Consider written specifications |
| \$40,000 to \$149,999 | Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations). | |
| \$150,000 and above | Conduct a public tender process | |

Local Sole Provider exemption –

| Amount of Purchase | Requirement | Recommended |
|---------------------|----------------------------------|-------------------------------------|
| Up to \$4,999 | Quotations not required | Obtain verbal or written quotations |
| \$5,000 to \$19,999 | Obtain written quotations | |
| \$20,000 and above | No local sole provider exemption | |

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$150,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Quotations

The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
 - written specification
 - selection criteria to be applied
 - price schedule
 - conditions of responding
 - validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.

- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

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

If it is not possible to get three written quotations, a supplier's verbal "decline to quote" will be sufficient.

1. Up to \$4,999 for General purchasing or to \$5,000 for Local Sole Provider
Where the value of procurement of goods or services does not exceed the limit, a quotation is not required. However, it is recommended to use professional discretion and occasionally undertake market testing.
2. 5,000 to \$19,999 for General purchasing
Purchase on the basis of at least two verbal quotations is permitted. However, it is recommended to use 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.

3. \$5,000 to \$19,999 for Local Sole Provider
A written quotation to be obtained and is subject to approval of Chief Executive Officer. This provision is intended to be exercised for required services (i.e. trades etc) rather than goods readily obtainable from a variety of sources.

The Chief Executive Officer is required to periodically review of pricing and charges of a person or firm considered to be a Local Sole Provider, comparing their pricing to other providers, to ensure competitive rates are charged.

4. \$20,000 to \$39,999 for General purchasing
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 Menzies employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

5. \$40,000 to \$149,999
For the procurement of goods or services where the value exceeds \$40,000 but is less than \$150,000, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

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

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

– End of Schedule

Policy Schedule 4.2 (c) – Regulatory Compliance

1. Tender Exemption

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

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

2. Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavor 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.

3. Anti-Avoidance

The Shire 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.

4. Tender Compliance

Purchasing over \$100,000 is to comply in all respects with the Local Government Act and Regulations.

Where tenders below that threshold are invited at the direction or discretion of Council or Chief Executive Officer, they must also comply in all respects.

– *End of Schedule*

4.3 Regional Price Preference

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Former – Policy 3.16 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. Subject to (2) below a regional price preference of 10% is to apply to on offer for the supply of goods and services not being construction (building) services–
 - (a) who has been operating continuously out of premises in the Shire of Menzies for at least 6 months;
 - (b) not established within the Shire of Menzies on that component of the price relating to goods and services supplied from sources within the Shire of Menzies
2. A regional price preference of 5% is to apply to an offer for the supply of–
 - (a) construction (building) services who has been operating a business out of premises in the Shire of Menzies for at least 6 months;
 - (b) construction (building) services not established within the Shire of Menzies on that component of the price relating to construction (building) services provided by local suppliers;
3. Notwithstanding (1) and (2) above, price is only one of the factors to be assessed when the Shire decides which offer of supply to accept, and the cheapest or any offer will not necessarily be accepted. Other factors to be considered include–
 - due diligence,
 - quality of the product,
 - terms of supply including after sales service,
 - freight costs,
 - urgency factors,
 - actual cost differential of provision of the goods or services and
 - budget provision.
4. A regional price preference applies whenever tenders are called unless the Council resolves otherwise in reference to a particular tender.
5. That tenders or quotes be called for the annual supply of goods and services where there are benefits to be gained from bulk buying.

– *End of Policy*

COMMENT

Amendment to this policy requires Statewide advertising

– Function & General Regulations 24A to 24G

4.4 Donations, Sponsorship and Contributions

| | | |
|-------------------------|---|------------------|
| 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 | Former | Policy 2.6, 3.3 |
| | Replaced | 29 November 2012 |
| | Adopted | 25 June 2015 |
| | Adopted | 30 August 2018 |
| 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. Criteria for consideration of donation or sponsorship –
 - a) Applicants should note that donations will be made at the absolute discretion of Council.
 - b) Donation requests will not be considered where the applicant is –
 - i) a private and for profit organisation or association
 - ii) an individual person
 - iii) in relation to general fundraising
 - iv) for funding for conferences and conventions
 - c) Priority will be given where –
 - i) The applicant is a registered not for profit organisation and has a base or visible presence in the Shire.
 - ii) The applicant is a community group based in the Shire or has visible presence within the Shire or has a significant impact on residents of the Shire.
 - iii) The applicant can demonstrate that the funds will provide some benefit to the Shire residents.
 - iv) The funds are required for a new initiative or significant once off project.
 - v) The applicant has not received a donation from Council within the previous two years.
 - vi) If the donation is for an event, entry to the event is free of charge to Shire residents to attend and participate.
 - vii) 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.
4. On request, the Chief Executive Officer may make a donation or meet the sponsorship request where the donation or sponsorship is disclosed within the Budget documents.
5. The Chief Executive Officer may refuse applications that do not meet the criteria of (2) or (3)(b) above without further reference to Council, but if considered appropriate, may refer non-complying requests to Council for decision.
6. Contributions to regional organisations, shall take into account, amongst other things, the relevant populations and revenues of the Shires participating.

– End of Policy

4.5 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 | Former – Policy 2.7 Replaced – 29 November 2012 Adopted 25 June 2016 Adopted 30 August 2018 |
| Policy Statement | |

1. Eligibility

The Chief Executive Officer is authorised to hold a Corporate Credit Card to a maximum of \$25,000.

The Manager Finance and Administration is authorised to hold a Corporate Credit Card to a maximum of \$10,000

2. Appropriate Use

The cardholder may use the card to purchase goods and services in person or by mail, telephone, fax order, internet or email from supplier, provided that–

- the card is used for the purchase of goods and services where the normal system of acquisition and payment is not feasible or practical.
- The purchase is for Shire business and within the cardholder's authority.
- The value is within the credit limit set.
- It is deemed necessary to use the card in remote or emergency situations.

3. Excluded Uses

The credit card is for Shire purchases only and must not be used for –

- Obtaining cash, bank cheques or similar by any method
- Purchase of goods or services of a personal nature
- Any entity without an Australian Business Number (ABN)

4. Managing the Credit Card

In managing the credit card, the cardholders has a responsibility to–

- Adequately secure the credit card
- Bear any cost of any charges deemed by Council to be of a personal responsibility
- Immediately advise the card provider and Chief Executive Officer if the card is lost or stolen
- Ensure that the credit limit placed on the card is not exceeded
- Ensure that the credit card is not used by anyone other than the cardholder
- Ensure that appropriate documentation is kept for reconciliation. If documentation is not available, written justification of the expense is required.

5. Misuse of Credit Card

The cardholder will be considered to have misused the card if they fail to meet their responsibilities as described above. Misuse of the credit card may result in–

- The cancellation of use of the Corporate Credit Card
- Disciplinary action being taken
- The cardholder being required to bear the cost of any charges incurred by Council arising from misuse by the cardholder.

6. Return of Corporate Credit Card

The cardholder must return the credit card if –

- no longer employed as cardholder of the Shire of Menzies
- Has been suspended or dismissed by Council
- Otherwise requested by Council

7. Reconciliation Procedures

Each month the officer in charge of Bank Reconciliations will;

- Ensure that statements are distributed to the cardholder for authorisation and providing documentation.
- A full reconciliation of the credit card use is completed.
- Expenditure to be summarised and presented to Council with list of payments.

– *End of Policy*

COMMENT

Is compliant with Dept of Local Government & Communities Guidelines No.11 Use of Corporate Credit Cards. The Guidelines do suggest some additional requirements; however, these are not considered necessary at this time, but will be further reviewed as necessary.

4.6 Debt Recovery – Outstanding Rates and Sundry Debtors

| | |
|-------------------------|---|
| 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, and of sundry debtors. |
| History | Formerly – Delegation 7, 22 Policy 3.1, 3.11 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Chief Executive Officer may accept payment of a rate, service charge or sundry debt due and payable by a person in accordance with an agreement made with the person.
 - a) in cases of known or evidenced hardship, special payment agreements may be entered into for payment of outstanding debts.
 - b) should the arrangement negotiated with the Chief Executive Officer not be kept, the provisions below may be implemented.
2. If not paid at time of incurring the debt, sundry debtors –
 - a) are to have an invoice issued as soon as possible after the amount owing is known,
 - b) a reminder issued at the end of the month
 - c) further reminder at the end of the following month advising of over due
 - d) at the end of second month, a further invoice advising that legal action may be taken without further warning after 14 days.
3. Subject to an agreement, legal proceedings should be implemented and 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 fourteen (14) 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 (14) days after the final notice period has expired and no payment has been received, all rates and charges are to be sent to Council’s debtcollector.
 - (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 Chief Executive Officer who 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:
4. Where the amount is relatively minor, and cost of recovery excessive compared to the debt, the Chief Executive Officer may defer legal action until such time as further debt may be incurred.
5. 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 Local

Government Act 1995 s.6.64. The approval of Council is to be obtained before this course of action is initiated.

– *End of Policy*

COMMENT

In May 2012, Council resolved that debt collection should be undertaken by Dunn and Bradstreet. It is suggested that the collection agency does not need to be a Council decision but left to the administration.

4.7 Creditors – Preparation for payment

| | | |
|-------------------------|---------|------------------|
| Introduction | | |
| Objective | | |
| History | Adopted | 29 November 2012 |
| | Adopted | 25 June 2015 |
| | Adopted | 30 August 2018 |
| Policy Statement | | |

1. Where practicable, invoices are to be certified by the person who placed the order to indicate–
 - i) that the purchase was duly authorised;
 - ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and
 - iii) the price and computations on the invoice are correct;
2. As confirmation of compliance with Council’s Purchasing Policy, attached to the invoice or first invoice of a number of payments, should be –
 - the duplicate copy of the purchase order (or photocopy),
 - any documentation regarding quotes obtained both for the successful quote and for the quotes not accepted,
 - any summary of quotes received, or calculations used to make the decision.
3. Information that is solely sales in nature does not need to be attached, unless considered relevant to the decision made.

– *End of Policy*

COMMENT

4.8 Petty Cash and Till Float

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Adopted 29 November 2012 Adopted 25 June 2015 |
| Policy Statement | |

1. Petty Cash –
 - a) A petty cash float may be held in the custody of a suitable officer at the direction of the Chief Executive Officer
 - b) All claims on petty cash are to be supported by receipts for the expenditure, or written explanation of the expenditure, and authorised by Chief Executive Officer prior to payment
 - c) Prior to recoup, payments made and cash on hand are to be reconciled.

2. Till Floats –
 - a) Till floats may be held in the care of suitable officers at the direction of the Chief Executive Officer, at–
 - Shire Office for front counter
 - Community Resource Centre
 - Caravan Park
 - b) No cash payments are to be made from the till float
 - c) Cash on hand is to be reconciled with record of receipts and till float daily.

– *End of Policy*

COMMENT

4.9 Investments

| | | |
|-------------------------|---|-------------------|
| Objective | To document and provide the necessary information for the delegated officers to invest surplus funds. | |
| History | Previous Policy | 24 September 2015 |
| | Amended | 15 November 2016 |
| | Adopted | 24 November 2016 |
| | Adopted | 30 August 2018 |
| Policy Statement | | |

1. Purpose of Policy

- 1.1 The purpose of this policy is to ensure that:
- The Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act and Section 18(1)a of the Trustees Act 1962 (the ‘Prudent Person’ rule);
 - At all times the Council has in place a current set of policies and delegations for its Investment Officers (Delegation Number 2.5); and
 - Adherence to the guidelines by all officers with delegated authority to invest/control surplus funds.
- 1.2 This Policy is to be made available to all employees involved in daily investment decisions.
- 1.3 Notwithstanding the provisions of this Policy, the general financial management obligations imposed under Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 should at all times be complied with.

2. Prudent Person Rule

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

3. Investment Objectives

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

4. Authority to Invest

- 4.1 In accordance with Local Government (Financial Management) Regulations 1996 – Reg 19C the Shire of Menzies surplus funds are to be invested in term deposits or negotiable certificates of deposit with one or more of the following:
 - authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
 - the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986.

- 4.2 Recommendations are to invest in one or more of the following:

- Commonwealth Bank
- National Australia Bank
- Westpac bank
- ANZ Bank
- Bankwest

Any proposal to invest in another institution, for whatever reason, is to be referred to Council:

- 4.3 Investments from the municipal, loan, reserve and trust accounts are to be kept separate and distinct.
- 4.4 Funds may be invested for a term of up to twelve (12) months based on predicted cash flow requirements.
- 4.5 The council elects to pay for the cost of securing the Federal Government Guarantee on funds if such a guarantee is available
- 4.6 In accordance with Financial Management Regulation 19C the Shire of Menzies will not undertake any of the following investment activities:
 - deposit with an institution except an authorised institution;
 - deposit for a fixed term of more than 12 months;
 - invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - invest in bonds with a term to maturity of more than 3 years;
 - invest in a foreign currency.

5. Delegation of Authority

The authority to make investment decisions is to be delegated to the Chief Executive Officer.

6. Review and Reporting

- 6.1 A cash flow report is to be monitored by the Manager of Finance & Administration at least weekly to ensure cash funds are available to meet commitments.
- 6.2 Investments will be managed actively as they mature with reviews by the Manager of Finance & Administration on a monthly basis.
- 6.3 For Audit purposes, certificates must be obtained from the bank confirming the amounts of investment held on Councils behalf at 30 June each year.
- 6.4 A monthly report will be provided to Council on investments made.
- 6.5 Each investment and details thereof shall be maintained in an investment register.

– *End of Policy*

COMMENT

4.10 Financial Management – Payment of Accounts & Purchasing Authority Limits

| | | | | | | | | | |
|-------------------------|--|------------|-------------------|---------|-----------------|---------|---------------|---------|----------------|
| Introduction | | | | | | | | | |
| Objective | To ensure that all payments made by the Council are in accordance with the Local Government (Financial Management) Regulations 1996. | | | | | | | | |
| History | <table> <tr> <td>New Policy</td> <td>24 September 2015</td> </tr> <tr> <td>Adopted</td> <td>29 October 2015</td> </tr> <tr> <td>Amended</td> <td>6 August 2019</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> </table> | New Policy | 24 September 2015 | Adopted | 29 October 2015 | Amended | 6 August 2019 | Adopted | 30 August 2018 |
| New Policy | 24 September 2015 | | | | | | | | |
| Adopted | 29 October 2015 | | | | | | | | |
| Amended | 6 August 2019 | | | | | | | | |
| Adopted | 30 August 2018 | | | | | | | | |
| Policy Statement | | | | | | | | | |

The signing of official purchase orders and certification of invoices for payment can only be carried out by the following positions and in accordance with their respective purchasing limits.

Chief Executive Officer

Authorised to incur expenditure to the delegated level approved by Council, including salaries and wages and in accordance with annual budget provisions.

Authorised as a **primary signatory** for cheques and online payment processing from all Shire bank accounts.

Manager Finance & Administration

Authorised to incur expenditure to the delegated level approved by the Chief Executive Officer, including salaries and wages and in accordance with annual budget provisions.

Authorised as a **primary signatory** for cheques and online payment processing from all Shire bank accounts.

Rates Officer

Authorised as a **second signatory** only for the signing of cheques and processing of online payments from all Shire bank accounts.

Works Supervisor

Authorised to incur budgeted expenditure relating to roads, works, parks, gardens and other technical services to the value of \$5,000.

Officers in an acting capacity may sign official orders and authorise invoices for payment for goods and services as detailed above. Acting capacity, for the purpose of this policy, is defined when the officer is absent, on annual leave, long service leave, sick leave, conferences, meetings or absent from the area during the course of business.

All official orders for goods and services must be countersigned by the Chief Executive Officer where the purchase is likely to exceed \$10,000.

– *End of Policy*

COMMENT

4.11 Rating Strategy

| | |
|-------------------------|--|
| Introduction | |
| Objective | The objective of the Council's rates is to provide for net funding requirements of Council's Operational and Capital budget in order to achieve a balanced budget. |
| History | New 30 August 2018 Adopted 30 August 2018 |
| Policy Statement | |

Purpose of Policy

The purpose of the Rating Strategy is to provide a robust and considered framework for rates categories, minimum rates and differential rates that incorporates the principal of:

- Objectivity
- Fairness and Equity
- Consistency
- Transparency; and
- Administrative efficiency

and to ensure a stable rates revenue stream from year to year; and deliver a stable rating price path for our community.

In arriving at the proposed rate in the dollar and minimum payments Council takes into consideration many factors and attempts to balance the need for revenue to fund essential services, facilities and infrastructure to the entire Community.

Attachment

– *End of Policy*

COMMENT

Surrender of Land

Practice to October 2018 has been that:

- Where a property owner has advised that they no longer wish to retain ownership of a property that, subject to the following conditions, Council will accept the ownership of land subject to
 - All rates and charges are paid in full and
 - All costs for transfer of the title of the property from the owner to the Shire of Menzies are paid by the owner prior to the transfer.

Council has indicated that this advice is no longer to be provided, and

- Where a property owner no longer wishes to retain ownership of a property, they will be advised to either
 - Sell the property or
 - Apply to Landgate to return the property to the Crown.”

5. PERSONNEL

5.1 Acting Chief Executive Officer

| | |
|-------------------------|--|
| Introduction | |
| Objective | To ensure continuity of authority in the unexpected absence of Chief Executive Officer. |
| History | Former – Policy 5.15 Replaced – 29 November 2012 Policy 5.1 Amended 31 August 2017 Adopted 25 June 2015 31 August 2017 30 August 2018 |
| Policy Statement | |

Unless Council has made other prior decision, the Manager Finance and Administration is automatically authorised and appointed as Acting Chief Executive Officer when –

- a) the Chief Executive Officer is on annual, personal or other leave, planned or unplanned (i.e. does not include out of office at meetings, conferences etc),
- b) the Chief Executive Officer position becomes vacant without prior notice (e.g. employment is abandoned etc), subject to –
 - the President being advised immediately, and
 - LG Act processes being initiated at the earliest opportunity.

– *End of Policy*

COMMENT

Amendment of this Policy requires Absolute Majority – refer LG Act s.5.36 (2)

The operation of this Policy is contingent on recognizing that the position Deputy Chief Executive Officer position has been abolished and a new position created of Manager of Finance and Administration which is a designated position.

The Local Government Act requires that the Chief Executive Officer be appointed by Council, clearly requiring that Council also have some input into appointment of Acting Chief Executive Officer, when the Chief Executive Officer is on leave, or their employment concluded.

There are a number of legislative requirements that impact on the function of Acting Chief Executive Officer. While called Acting Chief Executive Officer due to the absence of the permanent Chief Executive Officer or the intended temporary nature of the appointment, the person has all the rights, functions, duties and obligations of the Local Government Act, Regulations and other legislation, as well as the delegated responsibility of the permanent Chief Executive Officer, for the duration of the appointment.

Legislative implications include –

- Local Government Act –
 - s.5.36 –
 - (1) the Council is to employ a Chief Executive Officer, who must be suitably qualified (which may be experience based) for the position
 - (2) the Chief Executive Officer must be under contract
 - (3) if the Chief Executive Officer position becomes vacant, it must be advertised (5A) if vacant, the position can be filled by a person of the prescribed class, i.e. designated officer

- s.5.37 –
 - (1) Council may designate a particular employee or class of employees to be senior employees.
 - (2) Council is to approve the employment or dismissal of designated employees
- s.5.39 –
 - (1) Designated employees must be under contract
 - (1a) Separate contract not required for an employee acting as Chief Executive Officer, ie: The Chief Executive Officer cannot authorise a person to take on the duty to use the delegations made to Chief Executive Officer in the Delegations Register.
- s.5.44 – prohibition on Chief Executive Officer R being able to delegate the power of delegation
- Administration Regulations –
- r.18A – when vacant, Chief Executive Officer position is to be advertised (but is subject to LG Act s.5.36 (5A))

In summary, Council must have a say in the appointment of Chief Executive Officer, whether permanent or acting, not just which position steps up, but the specific person. The Chief Executive Officer does not have the authority to make the decision.

Problems in continuity of authority can arise with unexpected absences, or employment ending unexpectedly, and the Manager Finance and Administration may have to function in a vacuum of authority to actually do so. While their contract may very clearly imply the expectation of the Manager Finance and Administration to take on the Acting Chief Executive Officer role through reference to higher duties etc, it lacks the authority for the person to automatically do so.

The Department of Local Government & Communities advised–

The Act requires that Council cannot employ a person in the position of Chief Executive Officer unless they believe the person is suitably qualified. Therefore, the Department of Local Government and Communities DLGC is of the view that Council has a say in who acts in place of the Chief Executive Officer for periods of leave both short and long. This can be done via a policy document that details who steps into the role or via resolution for each time the Chief Executive Officer goes on leave.

The policy you are planning would adequately address the issue. You may wish to consider, if you have a reasonably new Manager Finance and Administration, to restrict the acting to planned or unplanned short periods of leave (of sick) and perhaps long periods of leave, let Council make the appointment by resolution.

To cover unexpected situations and comply with the Act and Regulations, two policies are needed –

- stipulating Designated Officers
- authority to function as Chief Executive Officer in an acting capacity under certain conditions

The Policy for Acting Chief Executive Officer needs to be made by absolute majority, since it is authorisation for the Manager Finance and Administration to be Acting Chief Executive Officer. To avoid the need to advertise the vacancy and terms of appointment of an Acting Chief Executive Officer, as well as a separate contract of employment, the policy should nominate a designated employee.

5.2 Designated Staff

| | | |
|-------------------------|--|------------------|
| Introduction | The Local Government Act provides that Council may designate a position, thereby reserving the right to have some input into any appointment to that position. | |
| Objective | To ensure continuity of authority in the unexpected absence of Chief Executive Officer. | |
| History | Adopted | 29 November 2012 |
| | Adopted | 25 June 2015 |
| | Amended | 31 August 2017 |
| | Adopted | 30 August 2018 |
| Policy Statement | | |

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

- i) Chief Executive Officer, as required,
- ii) Manager Finance and Administration
- iii) Environmental Health Officer

– *End of Policy*

COMMENT

This Policy is required to ensure validity of the Policy for Acting Chief Executive Officer by the Manager Finance and Administration.

The Local Government Act requires that the Chief Executive Officer be appointed by Council, clearly requiring that Council also have some input into appointment of Acting Chief Executive Officer, when the Chief Executive Officer is on leave, or their employment concluded.

Legislative implications of the Local Government Act include –

s.5.37 –

- (3) *Council may designate a particular employee or class of employees to be senior employees.*
- (4) *Council is to approve the employment or dismissal of designated employees*

s.5.39 –

- (2) *Designated employees must be under contract*
 - (1a) *Separate contract not required for an employee acting as Chief Executive Officer, ie: the Chief Executive Officer cannot authorise a person to take on the duty to use the delegations made to Chief Executive Officer in the Delegations Register.*

In summary, Council must have a say in the appointment of Chief Executive Officer, whether permanent or acting, not just which position steps up, but the specific person. The Chief Executive Officer does not have the authority to make the decision.

The Department of Local Government & Communities advised–

The Act requires that Council cannot employ a person in the position of Chief Executive Officer unless they believe the person is suitability qualified. Therefore the DLGC is of the view that Council has a say in who acts in place of the Chief Executive Officer for periods of leave both short and long. This can be done via a policy document that details who steps into the role or via resolution for each time the Chief Executive Officer goes on leave.

The policy you are planning would adequately address the issue. You may wish to consider, if you have a reasonably new deputy, to restrict the acting to planned or unplanned short periods of leave (of sick) and perhaps long periods of leave, let Council make the appointment by resolution.

To cover unexpected situations and comply with the Act and Regulations, two policies are needed –

- stipulating Designated Officers
- authority to function as Chief Executive Officer in an acting capacity under certain conditions

The Policy for Acting Chief Executive Officer needs to be made by absolute majority, since it is authorisation for the Manager Finance and Administration to be Acting Chief Executive Officer. To avoid the need to advertise the vacancy and terms of appointment of an Acting Chief Executive Officer, as well as a separate contract of employment, the policy should nominate a designated employee.

There are a range of factors in relation to designated staff or otherwise–

| Employee class | Council involvement | Committee involvement | Chief Executive Officer involvement |
|-----------------------------------|---|--|---|
| Chief Executive Officer | <u>Required</u> to appoint, but may delegate selection and interview to a Committee. | <u>Permitted</u> to interview and recommend to Council. <u>Not permitted</u> to appoint, manage or direct. | As directed by Council, but usually none or very limited (process, research, reporting). |
| Designated staff LG Act s.3.57 | <u>Required</u> to consent to appointment or dismissal. <u>Not permitted</u> to manage or direct. | <u>Permitted</u> to interview and comment on recommendation of Chief Executive Officer to Council <i>(view not supported by DLGC)</i> <u>Not permitted</u> to appoint, manage or direct. | <u>Required</u> to recommend appointment or dismissal. <u>Statutory</u> function to manage and direct. |
| | Interview & recommendation can be done by Chief Executive Officer alone or with Council/or input. DLGC recommends no Councillor involvement, other than consent to appointment/dismissal. | | |
| Environmental Health Officer | <u>If designated senior officer</u> – as above and Commissioner’s approval <u>In all cases</u> – approval of Commissioner for Health required for appointment or dismissal. | | |
| Other (non-designated) staff | <u>Prohibited</u> – no involvement permitted in appointment, management or direction. | <u>Prohibited</u> – no involvement permitted in appointment, management or direction. | <u>Statutory</u> function to appoint, manage, direct etc. |

5.3 Staff – Pre-employment requirements

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Formerly – Policy 5.7 Amended – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. Medical Clearance of New Employees

It is Council policy that all prospective new employees are to have a medical examination and drug and alcohol test, at the Council's cost and the Doctor's report is to indicate that the employee is suitable to carry out the duties required, before the prospective employee is engaged.

2. National Police Clearance for New Employees

It is also Council Policy that a national police clearance be obtained, at the Council's expense, to indicate that the employee is suitable to carry out the duties and responsibility of the position.

– *End of Policy*

COMMENT

5.4 Equal Employment Opportunity

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly – Policy 5.9 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Shire Council shall recognise its legal obligations under the Equal Opportunities Act, 1984 and shall actively promote Equal Employment Opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, age, marital status, pregnancy, race, disability, religious or political convictions.
2. All employment training with the Shire Council shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.
3. All promotional policies and opportunities with the Shire Council shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion.
4. All offers of employment within the Shire Council shall be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagement.
5. The Shire Council shall not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, age, political or religious convictions, gender, marital status or disability.
6. The equal employment opportunity goals of the Shire Council shall be designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
7. All new employees (Including the Chief Executive Officer) shall be subject to a three months probationary period at the conclusion of which their suitability for permanent employment will be assessed.

– *End of Policy*

COMMENT

5.5 Emergency Services – Call Outs Affecting Work Hours

| | | | | | | | | | | | |
|-------------------------|---|---------------|------|---------|------------------|---------|--------------|---------|-------------|---------|----------------|
| Introduction | Employees may be involved in the Volunteer Emergency Services Unit or St John's Ambulance or may be Defense Reservists 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 or Defense Reservists. | | | | | | | | | | |
| History | <table> <tr> <td>Former Policy</td> <td>5.10</td> </tr> <tr> <td>Amended</td> <td>29 November 2012</td> </tr> <tr> <td>Adopted</td> <td>25 June 2015</td> </tr> <tr> <td>Amended</td> <td>26 May 2016</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> </table> | Former Policy | 5.10 | Amended | 29 November 2012 | Adopted | 25 June 2015 | Amended | 26 May 2016 | Adopted | 30 August 2018 |
| Former Policy | 5.10 | | | | | | | | | | |
| Amended | 29 November 2012 | | | | | | | | | | |
| Adopted | 25 June 2015 | | | | | | | | | | |
| Amended | 26 May 2016 | | | | | | | | | | |
| Adopted | 30 August 2018 | | | | | | | | | | |
| Policy Statement | | | | | | | | | | | |

1. The National Employment Standards Division 8 Community Service Leave applies, and the following provisions are in addition to the NES where appropriate.
2. So as not to penalise them for their contribution to the community, employees are permitted to leave their workplace to render voluntary emergency assistance to a fire brigade, ambulance service or the FESA, without deduction from that employee's pay whilst so absent on such voluntary service during ordinary time, subject to the following conditions –
 - i) The emergency service is a bona fide organisation, properly constituted for its function and the employee is a registered member of that organisation;
 - ii) The employee recognises and acknowledges that upon leaving his/her workplace, the duty of care of the local government is suspended until such time as he/she returns to the workplace, and that whilst absent he/she is not afforded the protection of the local government's workplace insurances;
 - iii) The local government is indemnified against any claim which may arise by the employee out of his/her voluntary activities;
 - iv) Payment of wages is only applicable for the normal ordinary hours of work during which the employee is absent and engaged in the voluntary emergency service;
 - v) An employee shall not leave their place of employment without notifying their immediate supervisor of departure and indicative time of return. Except as provided by the Award, there is no automatic right for an employee to leave the work-place but approval should not be unreasonably withheld.
 - vi) Approval may be withheld in circumstances such as –
 - to ensure a worksite is left safe
 - if the staff member may be required by the Shire to respond to the emergency in a Shire capacity, e.g. loader operator or administrative support
3. Where the employee is called out on a weekend or overnight, the principles of the Award requiring a minimum time off of 10 hours are 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 7.00 am, the time between 7.00am and midday would be paid as though worked.
4. Where employees may be called out for other emergency purposes (e.g. land search, flood evacuation etc), the Chief Executive Officer is to make a determination as to whether the principles of this policy, are to apply.
5. Should the Chief Executive Officer withdraw or stand-down employees, this does not prevent the person continuing as an unpaid volunteer in their private capacity.

6. For the purposes of this policy, ordinary working hours shall be the time ordinarily worked including standard overtime arrangements
7. Employees involved in Defence Reservists activities shall be entitled to paid leave and top up pay to cover any differences between their military pay and their civilian pay.

– *End of Policy*

COMMENT

5.6 Staff – Salary Sacrifice

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Adopted – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

An employee may utilise salary sacrifice subject to –

- written consent of the Chief Executive Officer
- there being no additional net cost to the Shire, other than as provided for in any contract

– *End of Policy*

COMMENT

5.7 Superannuation

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Former Policy pt 5.12 Replaced 29 November 2012 Reviewed 26 September 2013 Reviewed 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Shire will contribute towards an employee's personal superannuation as follows–
 - a) the Superannuation Guarantee Levy,
 - b) where the employee makes voluntary contributions, either by deduction from pay after tax or by salary sacrifice –
 - the Shire will make an additional contribution subject to an employee making their own contribution, either as salary sacrifice or after tax,
 - to maximum employee contribution of 5% of salary/wages
 - i.e. an employee may contribute in excess of 5% of salary/wages, but the Shire contribution will be limited to the maximum of 17% including the Superannuation Guarantee Levy.
2. Where the Superannuation Guarantee minimum increases, the additional matching percentage is to decrease an equal amount, maintaining a Council standard unmatched contribution of 17%.

– *End of Policy*

COMMENT

Superannuation contributions are governed by the Superannuation Guarantee (Administration) Act 1992.

5.8 Gratuitous Payments to Employees

| | | | | | | | |
|-------------------------|--|---------|------------------|---------|--------------|---------|----------------|
| Introduction | Amendments to this Policy must be advertised and submissions considered in accordance with the Local Government Act, prior to being confirmed. | | | | | | |
| 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 | <table> <tr> <td>Adopted</td> <td>29 November 2012</td> </tr> <tr> <td>Adopted</td> <td>25 June 2015</td> </tr> <tr> <td>Adopted</td> <td>30 August 2018</td> </tr> </table> | Adopted | 29 November 2012 | Adopted | 25 June 2015 | Adopted | 30 August 2018 |
| Adopted | 29 November 2012 | | | | | | |
| Adopted | 25 June 2015 | | | | | | |
| Adopted | 30 August 2018 | | | | | | |
| Policy Statement | | | | | | | |

1. That for the purpose of section 5.50 (1) of the Act, the following maximum total value may be spent on a presentation gift to employees who retire or resign after a period of satisfactory service –

| | |
|---|--------|
| After completing 5 years of service | \$ 700 |
| For each additional completed year of service | \$ 100 |
| Maximum value of gift | \$ |
| 3,000 | |

2. The Chief Executive Officer may at his/her discretion make a presentation gift where an employee leaves prior to 5 years of service to a value not exceeding \$75 for each completed year of service.
3. The Council reserves the right to pay an additional amount to that set out in this policy, where it considers circumstances warrant, in which event local public notice must be given.

– *End of Policy*

COMMENT

Amendments to this policy are required to be advertised for public comment prior to being effective – refer LG Act s.5.50.

Admin Regulations – Maximum value of gift is \$5,000

5.9 Leave Accruals – Annual and Long Service

| | |
|--------------|---|
| Introduction | |
| Objective | |
| History | <p>Formerly – Policy 5.19 Adopted – 29 November 2012 Reviewed 26 September 2013 Revoked 25 June 2015</p> |

Leave accruals, annual and long service leave are governed by the Local Government Officers (Western Australia) Interim Award 2011 and the Municipal Employees (Western Australia) Interim Award 2011.

5.10 Employees – Housing Allowances

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly – Policy Replaced – 29 November 2012 Adopted 25 June 2015 Amended 30 June 2016 Adopted 30 August 2018 |
| Policy Statement | |

1. As from the 2013-2014 financial year, all permanent Shire employees whether full time or part time (i.e. excludes casual staff and trainees) not living in a Shire provided residence be paid a weekly allowance as set by Council in the annual Budget.
2. This allowance is to be paid –
 - through the payroll system each pay fortnight
 - pro-rata according to FTE
 - employees remain eligible whilst on leave or during periods of worker’s compensation.
3. Employees are not eligible in the following instances –
 - The residence is not within the Shire of Menzies boundary.
 - Where two Shire employees are living in one non-Shire residence only one payment is permitted.
 - The employee has been suspended from employment.
 - The employee is on leave without pay for more than one working day.
 - The employee is being provided with free caravan park accommodation
4. That the amount be set at a maximum of \$80.00 per week payable to employees in their own home, or to an employee renting accommodation, with the allowance amount not to exceed the rental paid.
5. And that the allowance be reviewed annually during the budget preparation.

– End of Policy

COMMENT

| Employee group | Eligibility | Conditional on |
|---|-------------|---|
| Chief Executive Officer | Yes | Residence is within the Shire |
| Contract Staff – Manager Supervisor, etc | Yes | Residence is within the Shire |
| Admin Staff | Yes | Permanent Full-time or Part-time Residence is within the Shire |
| Works Staff | | |
| Cleaners | | |
| Trainees and Casual Staff | No | If more than 3 months |
| | No | If less than 3 months |

5.11 Employees – Loyalty Pay

| | |
|--------------|--|
| Introduction | |
| Objective | |
| History | Formerly –Policy 5.12 Replaced - 29 November 2012 Updated – May 2014 Updated – June 2015 Updated – August 2018 |

1. A Loyalty Pay as provided for in the Budget is to be paid to all permanent employees whether full time or part time, except –
 - Chief Executive Officer and other contracted staff
 - trainees and all casual staff regardless of duration of employment subject to any necessary phasing in arrangements for existing permanent staff at date of adoption.
2. The Loyalty Pay is paid pro-rata according to full-time employment equivalent.
3. The amounts, to be paid fortnightly in the employee’s pay is currently:
 - \$ 41.12 after 1 year
 - \$ 82.37 after 2 years
 - \$123.56 after 3 years
 - \$164.75 after 4 years
4. The amounts payable for the Loyalty Pay allowance, is to be increased by the Local Government Cost Index as calculated by WALGA at 30 June annually.

– End of Policy

COMMENT

| Employee Group | Loyalty Pay Eligibility | Conditional On |
|--|-------------------------|-------------------------------------|
| Chief Executive Officer, Manager Finance & Administration Works Supervisor | No No No | |
| Contract Staff | Yes | As per Agreement |
| Admin Staff | Yes | Permanent Full-time or Part-time |
| Works Staff | Yes | |
| Cleaners | Yes | |
| Trainees and Casual Staff | No | If more than 3 months |
| | No | If less than 3 months |

5.12 Local Government Industry Award

| | |
|--------------|---|
| Introduction | |
| Objective | |
| History | Formerly – Delegation 29 Policy 5.19 Amended 29 November 2012 Revoked 25 June 2015 |

The Shire of Menzies staff entitlements are governed by the Local Government Officers (Western Australia) Interim Award 2011 and the Municipal Employees (Western Australia) Interim Award 2011.

5.13 Relocation Expenses

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Adopted 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. Senior Officers

Subject to the terms and conditions contained in paragraph 4 below, the Shire will meet all reasonable relocation expenses on the appointment of the following employees–

- Chief Executive Officer
- Manager Finance and Administration
- Supervisor Works and Services

2. All Other Employees

For other employees, the Chief Executive Officer, at his/her discretion, may approve meeting relocation expenses up to a maximum contribution of \$3,000 subject to the terms and conditions as contained in paragraph 4 below.

3. Alternative Arrangements for Other Employees

For all employees, other than those listed in paragraph 1 above, where their relocation expenses exceed the \$3,000 limit, the Chief Executive Officer may meet the relocation costs up to \$6,000 on their behalf, providing any amount exceeding the \$3,000 as provided for in paragraph 2 above is repaid to Council over a period not exceeding two years, by entering into a simple written agreement and making authorised payroll deductions.

The base amount of \$3,000 is then subject to the terms and conditions as stated in paragraph 4 below.

4. Terms and Conditions

New employees may select one of the following options –

Option One: If Council pays the relocation expenses in accordance with either paragraph 1 or 2 above, then the employee will be required to remain with Council for a period of 2 years. If the employee leaves before 12 months, then the full amount of the relocation expenses will be met by the employee and reimbursed to Council. After 12 months of service, pro-rata repayment to Council shall be made.

Option Two: If an employee pays for their own relocation costs initially, then reimbursement will be made by Council after 12 months of service by the employee to the levels as provided for in paragraph 1 or 2 above

5. Relocation Expenses - Definition

In respect to this Policy, “Relocation Expenses”, generally means costs incurred in the removal of household furniture and effects to Menzies.

The Chief Executive Officer, may however, consider approving requests for other expenses incurred by the employee in relocation to Menzies, subject to these costs being of a reasonable nature, and, if approved, will be included in any consideration of the amounts mentioned in the foregoing sub-clauses.

6. Alternative Quotations

For Employees proceeding along the lines of Option 1 in paragraph 4 above, three alternative quotes are required to be submitted.

– End of Policy

COMMENT

5.14 Social Media Policy

| | |
|-------------------------|--|
| Introduction | The Shire of Menzies recognises the importance of the internet and social media as a modern and widely popular tool for community engagement. |
| Objective | To ensure responsible use of social media for official business whilst protecting the interests of the Shire of Menzies and to give guidelines for engaging in online conversations as representatives of the Shire of Menzies regardless of private or work-related access |
| Scope | <p>These guidelines are intended for use by Councillors, staff members and other representatives of the Shire of Menzies to apply to any online medium where information may reflect back on the image of the Shire of Menzies.</p> <p>Therefore, this Social Media Policy applies to all forms of social media including, but not limited to: blogs, Facebook, Wikipedia or other wikis, Snapchat, Twitter and LinkedIn.</p> <p>These guidelines also apply to any comments representatives of the Shire of Menzies may leave on others' blogs or Facebook pages, edits to wikis, responses to tweets, posting on message boards/forums and opinions on online polls. Reference should also be made to the Shire of Menzies Code of Conduct</p> |
| History | <p>New Policy 30 August 2018</p> <p>Adopted 30 August 2018</p> |
| Policy Statement | |

As a Local Government agency, the Shire of Menzies and its representatives must follow certain rules when participating in social media. This policy applies to:

3. Communications initiated or responded to by the Shire of Menzies with our community; and
4. Elected Members when making comment in either their Shire of Menzies role or in a personal capacity.

Members and staff must be aware that any comments or interactions they perform on a social media platform will be perceived by the public that their comments and views are that of the Shire of Menzies. Members and staff should therefore ensure that their positions are in line with shire policies and positions.

Most conversations on social media platforms are held in an informal manner, so the normal professional writing style is not required for social media communications; however, professional discourse is expected.

All social media accounts, blogs and web pages carrying the Shire of Menzies brand identity are to be endorsed by the Shire of Menzies. If the Shire of Menzies is referenced in any media by its representatives these social media guidelines apply.

As in all interactions, whether face to face or virtual, elected members and staff are representatives of the Shire of Menzies.

Official Communications

The purposes of the Shire of Menzies's official communications include:

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the Community.
- Promoting Shire of Menzies events and services.

- Promoting Public Notices and community consultation / engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire of Menzies.
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire of Menzies's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The Shire of Menzies will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases prepared by the Shire President, to promote specific Shire of Menzies positions;
- Social media; and
- Community newsletters, letter drops, and other modes of communications undertaken by the Shire of Menzies's Administration at the discretion of the Chief Executive Officer.

Guidelines

The internet is not anonymous, nor does it forget

Everything written on the Web can be traced back to its author one way or another and very easily.

There is no clear line between your work life and your personal life. Always be honest and respectful in both capacities.

With the ease of tracing authors back from their posts and the amount of information online, finding the actual identity of a poster from a few posts and a screen name is not impossible. This creates an avenue for outside parties to link your personal writings to the Shire of Menzies. Always write as if everyone knows you. Never write anything you wouldn't/couldn't say out loud to all parties involved.

Avoid hazardous materials

Do not post or link to any materials that are defamatory, harassing or indecent.

Don't promote other brands with our brand

Do not promote personal projects or endorse other brands, causes or opinions when posting on behalf of the Shire of Menzies. The endorsement of the Shire can be sought if required. If a personal opinion must be posted, clearly state that it does not represent the opinions of the Shire.

Maintain confidentiality

Do not post any confidential information in regard to the Shire of Menzies including personal information of employees, Councillors and other individuals associated with the Shire of Menzies.

Always acknowledge

When reposting/referencing a post or someone else's comments provide a link to the original item or acknowledge the author.

Identify yourself

When relevant, identify your affiliation with the Shire of Menzies to add credibility to your profile and to increase the visibility of the Shire of Menzies.

Do not qualify your work

Do not post statements regarding the quality or quantity of your work/load.

Do not return fire

If a negative post or comment is found online about the Shire of Menzies or one of its representatives, do not counter with another negative post. Publicly offer to remedy the situation through positive action.

Do not action requests made through social media

Actioning requests must be done only through our regular procedures to avoid conflicts and other ethical problems.

It should be noted that comments considered to be offensive or defamatory will be removed by the Administrator and repeat offenders blocked.

– *End of Policy*

COMMENT

5.15 Use of Mobile Phones and GPS Satellite Devices

| | |
|-------------------------|---|
| Introduction | To provide staff with clear guidelines on use of mobile electronic devices such as mobile phones and GPS Spot Satellite Messengers to ensure the safety of workers. |
| Objective | To ensure responsible use of mobile phones and GPS satellite devices to ensure that work of the Shire of Menzies is not impacted, and the health and safety of staff members or others is not endangered. |
| Scope | These guidelines are intended for use by Councillors, staff members and other representatives of the Shire of Menzies to apply to any device which |
| History | New Policy 30 August 2018 Adopted 30 August 2018 |
| Policy Statement | |

Electronic Communications

1 Mobile Phones

Safe Usage

Mobile phones are to be used in a safe manner. The following guidelines are to be observed at all times.

- A mobile phone (including SMS text messaging) is not to be used in the following situations:
 - Whilst driving, unless using a hands-free system (SMS text messaging not permitted while driving);
 - Whilst refuelling a vehicle, plant or equipment;
 - Whilst dealing with chemicals;
 - Whilst using any equipment or machinery.
 -

An employee allocated a mobile phone is to make themselves familiar with the owner's guide and specifically the safety guidelines pertaining to its use.

Use of personal mobile phones

Where practicable:

- a) Personal mobile phones are to be set to "silent mode" or turned off during work hours and usage should be kept to a minimum.
- b) Personal mobile phones should not normally be used to make business calls. The Shire does not undertake to refund any business calls made on personal mobiles.

2 GPS Spot3 electronic locator

Section 3.3 of the Occupational Safety and Health Regulations 1996 requires that an employee isolated from other persons, because of time, location or nature of the work, have a means of communication in the event of an emergency, or alternatively there is a procedure in place for regular contact to be made.

Consideration of the regulations must be given by managers and supervisors when determining the allocation of GPS Spot Satellite Messengers.

Daily Safety Checks

Staff who are designated to be an isolated employee and are allocated a GPS Spot Satellite Messenger must ensure that this is attached to their body at all times and that they comply with the following guidelines.

- a) Prior to leaving their designated “*accommodation spot*” they should send an electronic alert to the Chief Executive Officer and Works Supervisor by using the pre-recorded message on their GPS Spot Satellite Messenger :-

“Daily Check in from Staff Member – All OK”

- b) At midday or as close to as possible they should send an electronic alert to the Chief Executive Officer and Works Supervisor by using the pre-recorded message on their GPS Spot Satellite Messenger.

“Daily Check in from Staff Member – All OK”

- c) Upon returning to their designated “*accommodation spot*” at the end of the day they should send an electronic alert to the Chief Executive Officer and Works Supervisor by using the pre-recorded message on their GPS Spot Satellite Messenger:-

“Daily Check in from Staff Member – All OK”

This procedure provides the Chief Executive Officer or the Works Supervisor to verify the location of the employee at the designated times and in the event of an emergency assist in pin pointing a location to send assistance to.

Emergency Alerts – HELP Spot

In the event of requiring medical or other urgent assistance staff who are designated to be an isolated employee and are allocated a GPS Spot Satellite Messenger have the capacity to summon assistance by using the HELP Spot button. This sends a message to the Chief Executive Officer and the Works Supervisor immediately stating: -

“HELP message from Staff Member”

The Chief Executive Officer or Works Supervisor can immediately locate the exact position of the staff member and can dispatch assistance to the exact location of the staff member.

Emergency Alerts – HELP Spot

There is no message to edit for the S.O.S. alert. S.O.S. alerts along with your GPS coordinates are routed directly to GEOS International Emergency Response Coordination Center.

The S.O.S. button should only be used in *life-threatening situations*.

The ability to send S.O.S. alerts to GEOS is covered in the SPOT service plan. However, the cost associated with rescue efforts are billed directly to the user so this alert should only be used as stated above. For all other situations, the HELP Spot is adequate coverage to provide assistance.

– *End of Policy*

COMMENT

6. OCCUPATIONAL HEALTH and SAFETY

6.1 Occupational Health and Safety

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Adopted 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Shire of Menzies is committed to –
 - a) Maintaining and improving, as far as is practicable, a safe and healthy working environment conducive to job satisfaction and productivity.
 - b) Controlling and, where practical, eliminating hazardous elements from the workplace.
 - c) Prevent ill health and accidents caused by working conditions.
 - d) Ensuring that all employees receive training in safe working practices. It is the responsibility of each employee to perform duties in a manner which adheres to these safe working practices, thus ensuring the individual's safety and health and that of others.
 - e) Developing and implementing preventative strategies which include workplace and job design, the identification of hazards in the workplace and taking of appropriate remedial action to control the hazards.

2. The Chief Executive Officer is required is to ensure that an Employee Safety Manual and systems of work are maintained which recognise the principles contained in statement (1) and that this Manual –
 - a) be reviewed at least annually by the Chief Executive Officer as required;
 - b) be issued to employees who are to sign an acknowledgement that they have read and understood the requirements and are prepared to abide by them.

– *End of Policy*

COMMENT

The Policy is to be reviewed and adopted annually as required by the Occupational Health and Safety Act

6.2 Harassment and Grievances

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Former Policy 5.8 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The following Policy Schedules are adopted, and form part of this Statement
 - 6.2 (a) – Harassment Policy
 - 6.2 (b) – Complaints/Grievance Procedures
2. This Policy and Procedure does not restrict in any way, the right of an employee to make formal complaint to the Police, Worksafe, Equal Opportunity Commissioner or other authority.

– *End of Policy*

COMMENT

Policy Schedule 6.2 (a) –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 harassment and the Council is committed to providing such an environment.

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

Harassment includes –

- a) Sexual harassment – any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited. The following examples may constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public –
 - i) Deliberate and unnecessary physical conduct such as patting, pinching, fondling, kissing, brushing against, touching.
 - ii) Subtle or explicit demands for sexual activities or molestation.
 - iii) Intrusive enquiries into a person’s private life.
 - iv) Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
 - v) Unsolicited leers and gestures of a sexual nature and the display within the workplace

- b) Bullying and intimidation, for example –
 - i) Abusive, insulting or offensive language by one or more persons to another or others
 - ii) Behaviour or language that frightens, humiliates, belittles, degrades, criticism that is verbally aggressive
 - iii) Inappropriate comments about a person’s appearance, lifestyle or their family
 - iv) Teasing or regularly making someone the brunt of pranks or practical jokes
 - v) Interfering with a person’s personal effects or work equipment
 - vi) Physical assaults or threats
 - vii) Behaviour that undermines, treats less favourably or disempowers others
 - viii) Excluding or isolating employees
 - ix) Constant criticisms or insults
 - x) Manipulating the impression of others to split the work group into taking sides
 - xi) Displaying, written or pictorial material which may degrade or offend certain employees
 - xii) Initiation pranks
 - xiii) Where bullying involves assault or threat of assault it becomes a police matter.

Council recognises that 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 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 harassment made against another person associated with the Shire will be viewed seriously, treated confidentially and thoroughly investigated by appropriate persons.

Any person making a claim of 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 harassment will not have their employment status or conditions disadvantaged in anyway.

A formal complaints/grievance procedure is adopted and will be utilised to resolve complaints of harassment.

– *End of Schedule*

Policy Schedule 6.2 (b) – Complaints/Grievance Procedure

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

Wherever possible, the handling and resolution of complaints 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 harassment may occur between supervisor and employees and as such, alternative methods of raising complaints are provided for by this procedure.

1. A complaint of 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 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 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 minimum period of 12 months, whereupon the record may be destroyed if so 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*

6.3 Personal Protection Equipment and Uniforms

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Formerly – Policies 5.1, 5.2, 5.13 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. Employees engaged in generally open-air duties, Standard of personal protective equipment, and clothing etc to be issued as follows –

| Description | Number issued |
|--|---------------|
| Clothing – | |
| - high visibility (orange/yellow) long sleeve, light weight shirt, sleeves are not rolled up and the shirt must have a collar. | 4 |
| - trousers or “long shorts” no higher than 50mm above the knee. | 2 |
| - high visibility (orange/yellow) jacket <u>or</u> jumper for cold weather | 1 |
| - boots – at least ankle height, with reinforced toe cap | 1 |
| Chemical and hazardous substances – | |
| - breathing masks, gloves, disposable overalls | As required |
| Sun protection – | |
| - wide brimmed sun hat | 1 |
| - sunglasses | 1 |
| - sunscreen applied at least twice daily to all exposed skin | As required |
| Other – | |
| - gloves – gardening, welding etc | As required |
| - safety glasses | As required |
| - ear plugs | As required |
| Where reasonable, employee’s personal preferences may be taken into account, with the type of equipment or clothing etc, selected after consultation with employees. | |

2. Administrative staff uniforms –

| | |
|---|-------------------------|
| Uniforms – - Councils approved colour scheme is to apply | \$500pa <i>pro-rata</i> |
|---|-------------------------|

3. General provisions-

- All shirts, blouses, jackets, jumpers etc to have an approved logo featured prominently –
 - the Shire of Menzies logo
 - the Lake Ballard logo
 - WALGA preferred supplier corporate local government logo
- purchases are to comply with Australian Tax Office requirements

– End of Policy

6.4 Fitness for Work

| | |
|-------------------------|--|
| Introduction | The Shire of Menzies 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 | Formerly – Policy 5.3 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The following Policy Schedules are adopted, and form part of this Statement
 - 6.4 (a) – Fitness for Work Procedures
 - 6.4 (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 work sites, including mobile plant and vehicles.
12. This policy applies to all employees including office and managerial staff.
13. This policy applies to contractors undertaking works on behalf of Council.
14. This policy applies 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)*.
15. 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, if not all,
 - method of testing used
 - need for additional testing,
 - laboratories to be used etc
16. To ensure confidentiality of results, and safeguard privacy –
 - results are to be emailed to the Chief Executive Officer only,
 - the documents password secured,
 - one copy only of the test results printed by the Chief Executive Officer and given to the employee personally,
 - an electronic version of the documents is to be retained in a secure location accessible by the Chief Executive Officer only.
 - As each employee's test is only reviewed by the Chief Executive Officer, the Chief Executive Officer's test should be reviewed by the President.
17. This Policy and Schedules are to be distributed to all new employees as part of their induction.

– *End of Policy*

COMMENT

Based on the Model Policy prepared by WALGA Workplace Solutions, and policies adopted by other Shires

Policy Schedule 6.4 (a) – Fitness for Work Procedures

1. Testing individuals for presence of drugs or alcohol

Employees shall be notified of testing programs — not individual test dates — 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 Chief Executive Officer or delegate may remove the employee from duty pending an urgent medical examination to determine fitness for duty.

2. Purpose

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 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 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

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

| | |
|----------------------------------|---|
| <i>Alcohol</i> | – any substance containing alcohol |
| <i>Drugs</i> | – amphetamines, cannabinoids THC, opiates, barbiturates, cocaine, methadone, benzodiazepines, alcohol and other narcotics, prescription drugs and non-prescription drugs |
| <i>Fatigue</i> | – 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) |
| <i>Fit for Work</i> | – not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance, or not being fatigued, ill or unduly stressed etc |
| <i>Impaired Work Performance</i> | – sudden or gradual deterioration in a person’s ability to function appropriately at work |
| <i>Misuse</i> | – inappropriate use of a substance on the Shire premises or property, including overdose of a drug or the failure to take a prescribed drug in accordance with medical advice |

| | |
|-----------------------|---|
| <i>Substance</i> | – any drug that may have adverse effects causing impaired work performance |
| <i>Unfit for Work</i> | – being impaired for work and therefore unable to perform duties in a safe manner |
| <i>Use</i> | – eating, drinking, inhaling, injecting or dermal absorption of any substance or drug |

4. Objectives

The objectives of introducing a Fitness for Work procedure is to reduce the risk posed to the Shire 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

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, through its elected members, Chief Executive Officer, 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

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 may 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.

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 work 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 that employees make alternative arrangements to get home.

The Shire 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. 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 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).

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, Illness, Stress etc

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) –

- (i) lack of sleep due to illness or other personal issues
- (ii) voluntary work
- (iii) 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, illness or stress etc, 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 Shire 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 that may impact accordingly.

Depending on the circumstances, the Shire may agree to come to a compromise with the employee to ensure there is an equilibrium between regular hours worked at the Shire 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 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

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

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

7.1 Level One

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

- 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 Level Two

The participants at Level 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 Level Three

If the issue is serious or remains a problem, the third level of the procedure is in accordance with the Shire's disciplinary procedure.

8. Disciplinary Action – Drugs and Alcohol

If the 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 may be stood down from their work and not permitted to continue or 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 level 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 may be sent home without pay. This will act as the employee's warning and will be confirmed in writing. The employee will not be allowed to commence work again until they have proven themselves fit for work.

Following the 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 above zero or a drug screen result above the cut off threshold limit (as attached) then they will be sent home without pay and dismissal may follow.

8.4 Minor 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.

It is required 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 Significant 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 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 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. If screen testing confirms positive on any occasion, dismissal may follow.
- (vii) If the employee refuses to comply, dismissal may follow.

8.6 Major 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'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

- (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.
- (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 –
 - 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

Signature

Date

– *End of Schedule*

Policy Schedule 6.4 (b) – Drug Testing: Additional Information**Counselling and Assistance**

Many agencies are able to assist, including –

Aboriginal Alcohol and Drug Services

Individual and family counselling. Assessment. Referrals. AOD education & therapeutic programs for schools, prisons & community groups. Prevention through community development activities. Men's, women's & youth camps. Cultural consultancy & advise to mainstream service providers working with Aboriginal clients. Anger management and Parenting support.

Web: www.aads.org.au/

Alcohol and Drug Clinical Advisory Service (Drug and Alcohol Office, WA Govt)

A 24 hour statewide telephone service for doctors or other health professionals seeking advice about patient management from an alcohol and other drug medical specialist.

Ph: 08 9442 5042 or 1800 688 847 Tollfree

Web: www.dao.health.wa.gov.au

Alcohol and Drug - Parent Drug Information Service (Drug and Alcohol Office, WA Government)

24 hour, statewide, confidential telephone service. Callers can opt to speak to a trained parent volunteer (all have experience of children with alcohol or drug problems). Parents also offer information/support at the Drug Court and the Children's Court.

Ph: 08 9442 5050 or 1800 653 203 for country callers

Web: www.dao.health.wa.gov.au

Goldfields Community Drug Service Team

The Goldfields CDST is located within the structure of Centrecare Goldfields Agency and caters for the unique needs of the large regional mining and remote communities in Goldfields Esperance region. The Agency aims to provide services to individuals, their families, service providers, community groups, employee assistance programs and to the community as a whole.

Ph: (08) 9091 1833

Extensive resources are available from the State Government's Drug and Alcohol Office–
Website – www.dao.wa.gov.au 24 hour helplines –

Alcohol and Drug Information Service

Tel (08) 9442 5000

Country toll free 1800 198 024 Email

adis@health.wa.gov.au

Parent Drug Information Service

Tel (08) 9442 5050

Country toll free 1800 653 203 Email

pdis@health.wa.gov.au

There are also resources available on –

Website – [http://www.wwda.org.au/portalc.htm#wa Laboratory](http://www.wwda.org.au/portalc.htm#wa_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 Thresholds

As recommended by Australian Standard 4308.

Examples –

| Class | Individual Drug | Screening Test ($\mu\text{g/L}$) | Confirmatory Tests ($\mu\text{g/L}$) |
|-------------------------------|-----------------|------------------------------------|--|
| 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 |

$\mu\text{g/L}$ = microgram per litre

– End of Schedule

7. LAW, ORDER and PUBLIC SAFETY

7.1 Dog Act – Enforcement

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly – Delegation 41 Amended – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. In accordance with the Dog Act 1976, the Chief Executive Officer is authorised to undertake actions to alleviate complaints or offences relating to dogs, including the issue of infringement and orders.
2. Where it is proposed to implement legal proceedings, the prior consent of Council is required.

– *End of Policy*

COMMENT

7.2 Bush Fires Act – Enforcement

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly – Delegation 39 Amended – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. In accordance with the Bush Fires Act 1954, the Chief Executive Officer is authorised to undertake actions to alleviate complaints or offences relating to the Act or Fire Control Order, including the issue of infringement and orders.
2. Where it is proposed to implement legal proceedings, the prior consent of Council is required.

– *End of Policy*

COMMENT

7.3 Impounded Goods

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Former – Delegations 32, 33 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Chief Executive Officer is an authorised person under the Local Government Act section 3.39 (1) to remove and impound goods.
2. The Chief Executive Officer is authorised to then dispose of any unclaimed vehicles, animals or goods that have been impounded in accordance with Delegation 2.3.

– *End of Policy*

COMMENT

7.4 Closed Circuit Television System

| | |
|-------------------------|---|
| Introduction | The Shire of Menzies provides CCTV units to the district in order to assist in the deterrence of offences against person or property; |
| Overview | This policy will apply to all persons who are authorised to manage or use the CCTV units within the Shire of Menzies |
| History | New Policy – 13 December 2018 Adopted – 13 Decemberv2018 |
| Policy Statement | |

Definitions

“*Authorised Person*” means a person appointed by the Chief Executive Officer (CEO) to manage, maintain, view and have access to the Shire’s CCTV system.

“*CEO*” means the Chief Executive Officer of the Shire of Menzies.

“*CCTV*” means Closed Circuit Television System.

“*WAPOL*” means the Western Australian Police and where the context requires any person duly sworn as a member of the WA Police.

“*Ownership and Control of CCTV Units*”

The CCTV unit is owned by and is the sole property of the Shire of Menzies.

Surveillance

- a) Authorised Persons may scan and monitor all cameras routinely for the purpose stated on the record.
- b) Members of the public going about their normal and lawful business shall not be the subject of undue or illegal surveillance.

CCTV System Control

Recording of Images and Still Photographs

- a) Images and still photographs may only be recorded by an Authorised Person.
- b) Copying images or still photographs shall only occur if the Shire of Menzies Authorised Person is of the opinion that a situation of concern is being or is likely to be committed.
- c) At no time shall copying of images or still photographs be undertaken of the public going about their lawful business.
- d) At no time shall the CCTV units be used to provided surveillance of individuals or groups engaging in rallies, protests or other political behaviour unless there is a well-founded belief that an offence against statute law is likely to or is taking place.
- e) All information recorded, collected and collated by means of the CCTV units shall remain the sole property of the Shire of Menzies.
- f) Any incident recorded or still photograph taken shall be recorded in a register kept for that purpose including date, time and category of incident.
- g) All original recordings shall be erased and still photographs shredded after twenty eight (28) days after the date of the recording unless a request is made in writing for it to be held.
- h) Authorised Persons may view any recording on a random basis.

View of Recorded Footage

- a) WAPOL, Lawyers acting on behalf of individuals engaged in legal proceedings related to a recorded incident, or individuals acting as their own legal counsel in relation to a recorded incident may request to view the footage of that incident.
- b) Such a request must specify the subject, date, time and location of the incident, which the person wants to view.
- c) Requests by lawyers and individuals shall be made in writing and lodged with the CEO.

Record Keeping

The CEO shall be responsible for the keeping of records relating to the CCTV units including recorded footage and still photographs.

Legislation and Other References:

Local Government Act 1195

WA Criminal Code Act Compilation Act 1913

Criminal Procedures Act 2004

State Records Act 2000

State CCTV Memorandum of Understanding (MOU) as attached provides list the Services who are approved to access Local Government CCTV systems.

COMMENT

8. ENVIRONMENTAL HEALTH

8.1 Compulsory Waste Collection Service

| | |
|-------------------------|--|
| Introduction | |
| Objective | To provide an equitable and financially sustainable waste collection service |
| History | New Policy 24 September 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. In accordance with the Waste Avoidance and Resource Recovery Act 2007, Section 66(1), Council will impose a compulsory annual waste collection charge for all properties used for residential purposes in the Menzies and Kookynie townsites.

– *End of Policy*

COMMENT

9.0 HOUSING

9.1 Shire Accommodation – Rental charges

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly – Delegation 6, 29 Replaced – 29 November 2012 Amended – 27 February 2014 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. Rental charges for all accommodation is to be reviewed annually, and the charges adopted by Council in the annual Budget.
2. Housing bonds and pet bonds for all accommodation is to be reviewed at least annually.
3. Rubbish removal and other charges on Shire owned accommodation are incorporated in the overall rental structure, rather than levied on the tenant as a separate item.

– *End of Policy*

9.2 Shire Housing – Tenancy Conditions

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Formerly – Delegation 6, 29 Replaced – 29 November 2012 Amended – November 2014 Adopted 25 June 2015 Amended 25 February 2016 Adopted 30 August 2018 |
| Policy Statement | |

1. Guiding Principles –
 - a) All tenancies of Shire owned/administered accommodation 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.
 - b) Inspection as per Tenancy Act provisions may be made by Chief Executive Officer or nominated representative
 - c) Security and pet bonds may be paid by payroll deduction over not more than 3 full pays.
 - d) Shared occupancy with a non-relative may be approved by Chief Executive Officer with or without conditions

2. General Conditions, to be included as part of the Tenancy Agreement –
 - a) It is a condition of tenancy that the tenant who signs the lease agreement holds a permanent full-time position with the Shire of Menzies –
 - The Chief Executive Officer is not obligated to enter into a new agreement with an alternative member of the household
 - Termination of employment automatically terminates the Tenancy Agreement
 - b) Persons other than the direct family of the person renting Shire accommodation (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.
 - c) Smoking inside the accommodation or within 5m of open doors or windows is prohibited
 - d) Dogs are not permitted inside the accommodation, without written consent of the Chief Executive Officer.
 - e) Power, gas, telephone etc, are the responsibility of the tenant, unless otherwise provided for by employment conditions etc.
 - f) Unless stipulated in their employment contract, a security bond of \$500.00 is to be paid, and held in accordance with the Residential Tenancies Act.
 - g) Where the tenants propose to keep pets, a pet bond of \$200.00 is required
 - h) Upon vacating the residence, it is required that the tenant will have thoroughly cleaned the premises, including professional carpet cleaning if appropriate, that there is no damage beyond normal wear and tear, and that utilities etc will be paid. Should cleaning or repairs etc beyond what is reasonable be required, deduction will be made from the bond/s prior to refund to the tenant. Should the bonds not be sufficient to cover the costs, the Chief Executive Officer may issue an invoice to the tenant and recover the cost as a sundry debtor. Examples include –
 - Washing walls, carpet cleaning etc to remove the smell of smoking or pet hair/fur, or if premises left in an untidy or unclean state etc
 - Repairs of damage beyond normal wear and tear, such as holes in the walls, broken windows etc.
 - Unpaid water, power, telephone accounts etc.

3. Temporary accommodation of former or non-employees –

Employee housing will not generally be available to non-employees, but may be agreed by the Chief Executive Officer 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 employees, and is to be vacated within two weeks if subsequently needed,
- the period of occupancy as a non-employee is strictly limited,
- the period of occupancy is at prevailing market rental, and
- is not subject to staff subsidies.

– *End of Policy*

9.3 Shire Housing – Inspections

| | |
|-------------------------|--|
| Introduction | |
| Objective | To ensure staff accommodation is cared for appropriately by the occupant, and to identify any matters for attention. |
| History | Adopted – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Chief Executive Officer is to arrange regular inspection of all Shire housing –
 - unless there is a perceived need, inspection is not to be more often than 3-monthly,
 - not to be longer than 6-monthly between inspections
2. Inspection is to be made –
 - by the Chief Executive Officer or delegate, and as far as is possible, by the same person each time,
 - after being vacated by an employee, and prior to return of the bond,
 - prior to occupancy of the next employee.
3. A standard inspection form/report is to be used for continuity and comparison of condition.
4. A summary report is to be made to the Chief Executive Officer of conditions, and any matters requiring attention.

– *End of Policy*

COMMENT

Residential Tenancies Act provides for frequency of inspection, notice of intention, hours permitted, who may inspect etc

It is essential to note that while the residence is owned by the Shire, it is the home of the employee, and the Act provides significant protections for the resident.

10. NATURAL RESOURCE MANAGEMENT

10.1 Collection of Native Flora and Fauna

| | | |
|-------------------------|--|------------------|
| Introduction | Approval of the Shire is required before Department of Biodiversity, Conservation and Attractions (DBCA) will issue permission to people wishing to pick wildflowers, collect seed or take native fauna. Local Government Act 1995 – - s.3.54 – management of reserves vested or placed under Council’s control Wildlife Conservation Act – - protection of native flora and fauna | |
| Objective | | |
| History | Adopted | 29 November 2012 |
| | Adopted | 25 June 2015 |
| | Adopted | 30 August 2018 |
| Policy Statement | | |

1. On written application, the Chief Executive Officer 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 Chief Executive Officer may re-issue permission in subsequent consecutive years under identical terms and conditions, without further reference to Council.

5. The approval of the Department of Biodiversity, Conservation and Attractions is mandatory, and Shire consent is invalid without the Department’s permission.

– *End of Policy*

–

COMMENT

Department of Biodiversity, Conservation and Attractions may issue a permit for a maximum of 1 year.

10.2 Tree Policy

| | | |
|-------------------------|--|----------------|
| Introduction | It is proposed that this policy be developed that will assist administration to understand the importance of vegetation to the Community, and to ensure that the direction set by Council is honoured. | |
| Objective | To provide guidance and direction in the management of all the Shire's trees. To develop a Tree Policy for the Town of Menzies to manage and protect vegetation in the Menzies Town Site. | |
| History | New | 30 August 2018 |
| | Adopted | 30 August 2018 |
| Policy Statement | | |

General

All trees are assets of the Shire that contribute to the well-being of the community and to the natural environment. The Shire recognises and values the significance of trees within the townsite for the many social, environmental benefits they provide.

The Shire of Menzies is committed to protecting, maintaining and increasing its tree population whilst meeting its obligation to provide a safe environment for the community. The Shire is responsible for planting, establishing, maintaining and removing all trees within the Shire. The Shire will actively protect existing trees, promote the planting of trees and reserves the right to plant street trees on Council verges adjacent to properties where no street trees currently exist

Tree Planting:

The Shire is responsible for planting all trees within the Shire of Menzies. In keeping with good horticultural practices, the Shire will undertake a seasonal tree planting program, ordering in advance to ensure good stock availability.

When planting a tree, the Shire will:

- nominate the species.
- consider the mature species size and shape suitability for the site.
- plant a pot size suitable for the site. *Where practicable plant tree species endemic to the area when planting adjacent to natural areas.*
- choose a location that considers the
 - safety for both pedestrian and vehicles, including restriction to sight lines or impact on road safety,
 - impact on utilities or underground services.
 - impact on adjacent infrastructure.
- provide post installation care including watering and maintenance until established
- position the tree in line with any existing street tree alignment and centrally between property boundaries where practicable.

Tree Pruning, Maintenance and/or Removal:

The Shire is responsible for all pruning, maintenance and removal works on all street and park/reserve trees, this includes trees adjacent to developments. All work shall be undertaken by Shire staff under the supervision of the Works Supervisor in consultation with the Chief Executive Officer.

Pruning is undertaken by the Shire of Menzies, as deemed necessary to:

- to clear the canopy or branches from interference with overhead services and/or poles;
- remove overhanging branches considered hazardous to traffic, pedestrian, buildings or structures;
- remove low branches considered hazardous to pedestrians or traffic, or impeding statutory signage;
- remove dead, dying, pest infested or diseased branches or abnormal growth;
- define form, structure or framework of the tree, conducting preventative maintenance; and
- be in accordance with AS 4373 Pruning of Amenity Trees, or as specified by the Shire.

At the Shire of Menzies discretion, a tree will be considered for removal in the following circumstances:

- the tree is an unauthorised planting;
- the tree is dead or in decline;
- the tree is irreparably damaged or structurally unsound;
- the tree has been or will be affected by infrastructure works and cannot be retained;
- the tree has been deemed to be a hazard to persons or property, as assessed by the Shire
- the tree is deemed, by the Shire, to be inappropriate for that location;
- if the street tree impedes development on the adjacent lot and all possible design options have been exhausted by the Shire; and
- the Shire President and the Councillors, with agreement from the Chief Executive Officer, agree that the tree is inappropriate.

The Shire shall investigate and respond to all requests for pruning and/or removal of a tree. However, the following do not provide sufficient or justifiable reasons:

- the tree is disliked
- the tree is considered to be the wrong species, shape or size
- the tree is perceived to cause health problems
- the tree is perceived as a safety concern
- the tree attracts unwanted fauna
- the tree causes nuisance by producing natural debris like leaf fall, bark, nuts, flower, or fruit etc.
- the tree obstructs, partially or fully, views (other than vehicular/pedestrian sightlines)
- the tree shades other features like gardens, lawns, vegetable patches, solar panels, solar hot water systems, satellite dishes etc.
- the tree restricts access, or is an inconvenience, during development or works.

Where a tree is required to be removed, by the Shire, a replacement tree will be planted in the next planting season.

Vandalism

The Shire of Menzies encourages the reporting of vandalism towards the Shire's trees and all reports will be investigated and responded to appropriately.

– End of Policy

COMMENT

It appears that there have been a number of tree planting programs, undertaken by the Shire, the School and the general community. However, the pressures from other sectors to reduce fire hazard, control pest species, and protect the residents from dangers (both perceived and actual) has seen some trees removed on occasions without proper consideration or consultation.

The development of this policy is to ensure that trees and vegetation planted by one administration will not be wiped out by the next. It recognises the importance of the environment to all the community and ensures that the removal of vegetation and trees will not be undertaken without consultation.

This policy can be used to recognise existing significant trees within the townsite of Menzies, and once identified they can be incorporated into the Town Planning Strategy.

11. PUBLIC FACILITIES

11.1 Council Facilities – Alcohol consumption

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Formerly – Delegation 20 Replaced – 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. Council has no objection to the consumption of liquor in Council facilities, when Council facilities are hired.
2. Details to be provided for Shire approval are –
 - a) name of the person or organisation holding the function
 - b) name and contact details for person to be responsible for the event
 - c) date and time of commencement and conclusion
 - d) area of consumption and/or service of alcohol is to be specified, e.g. within a particular building, a delineated outdoor area
 - e) whether or not the alcohol is to be sold
3. Police approval is also required where alcohol is to be sold.
4. Police are to be provided with a copy of each permit issued.

– *End of Policy*

COMMENT

Shire organised functions are also to complete a permit and the Police advised.

Bond for consumption of alcohol to be included in each year's Budget, together with the hire charges/fees applicable.

Liquor Licensing Act S.59 and S.119 apply

12 WORKS, PLANT and EQUIPMENT

12.1 Plant Replacement

| | |
|-------------------------|--|
| Introduction | |
| Objective | This Policy is intended to provide guidance as to the timing of changeover of plant and equipment |
| History | Formerly – Policy 7.6 Replaced - 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The following Policy Schedule 12.1 – 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

Policy Schedule 12.1 – Plant Replacement Cycles

| Description | Recommended cycle earlier of - | Comments |
|-------------------------------|--------------------------------|-----------------|
| Road Plant and Trailer | | |
| Grader | 5 Years / 10,000hrs | |
| Wheel loader | 5 Years / 10,000hrs | |
| SP Vibrator Roller | 5 Years / 4,000hrs | |
| SP Multi Tyre Roller | 6 Years / 4,000hrs | |
| Towed M/T roller | 20+ Years | |
| Trucks and Trailers | | |
| Prime mover | 6 years / 300,000km | |
| Side Tipper | 12-15 Years | |
| Drop deck semi trailer float | 8-10 Years | |
| Tri-axle water tanker | 8-10 Years | |
| Tandem Dolly | 8-10 Years | |
| Service Truck – crew cab | 4 Years / 80,000 km | |
| Town truck – standard cab | 5 Years / 150,000klm | |
| Fire Vehicles | | |
| Light Tanker | 4 Years / 80,000 km | Subject to DFES |
| Other Plant | | |
| Backhoe | 7 Years / 8,000 hrs | |
| Ride on mower – front deck | 5-7 Years | |
| Ride on mower – mid mount | 2 Years | |
| Trailers | | |
| Box trailers | 8-10 Years | |
| Car Trailer | 8-10 Years | |
| Fuel Trailer | 8-10 Years | |
| Light Vehicles | | |
| Chief Executive Officer Car | 1 Year / 40,000km | |
| Admin Vehicles | 2 Years / 80,000km | |
| Dual Cab Work Ute | 2 Years / 80,000km | |
| Gardeners Ute | 3 Years / 90,000km | |

– End of Schedule

12.2 Shire Plant, Vehicle and Equipment

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Formerly – Delegations 8, 13 Policies 5.18 & 7.3 Replaced 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. Any Councillor or staff member may be permitted to use a Council passenger vehicle (i.e. sedan or utility) anywhere on Council business, as the Chief Executive Officer directs.
2. An employee having private use of a passenger vehicle, whether as an employment condition or temporary approval, is responsible to ensure that it is –
 - a) appropriately garaged, secured or supervised at all time
 - b) is not driven by a person without a valid motor vehicle license
 - c) is not driven by any person who is not an employee of the Council, unless the responsible employee is a passenger in the vehicle,
3. The Chief Executive Officer may permit other employees temporary limited private use of a passenger vehicle should circumstances appear to necessitate, under such conditions as is appropriate, including –
 - a) appropriately garaged, secured or supervised at all time
 - b) fuel contribution may be required
 - c) the employee is the only person authorised to drive the vehicle
4. Notwithstanding the limitations of 2(c) and 3(c) above, in exceptional circumstances the Chief Executive Officer may approve strictly limited use of a vehicle by a person who is not a spouse or partner, provided that –
 - a) the employee accepts responsibility for the other person's use of the vehicle
 - b) such use is closely linked to the business purposes of the Shire or provisions of the employment contract
 - c) the use is of minimal duration, time and distance

Examples –

 - *ferrying a vehicle to/from repairs if the employee is unavailable*
 - *delivering or picking up an employee from a commitment*
5. Large plant (e.g.) trucks, graders, backhoe, sweeper, front end loader and the like, only be provided for private use by an employee, with approval from the Chief Executive Officer and, that the use be restricted to –
 - Shire owned property and improvement thereof,
 - a community purpose approved by the Chief Executive Officer,
 - a suitably qualified operator is operating the plant,
 - usage within the townsite area,
 - the employee/person authorised accepting full responsibility for any loss or damage caused,
 - times where the use will not conflict with Shire requirements.
6. Small plant (e.g.) whipper snippers, lawn mowers, and the like be allowed for use by Shire Staff only for maintenance at Shire owned property. Private use of chainsaws is not permitted.
7. All private use of vehicles, plant, equipment etc, terminates immediately on conclusion of employment, unless specifically agreed by the Chief Executive Officer.
8. Smoking is not permitted in any Shire vehicle or item of plant.

– End of Policy

12.3 Stock Grids

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | <p>Formerly Policy 7.4.1, 7.4.2</p> <p>Amended 29 November 2012</p> <p>Amended 28 February 2013</p> <p>Adopted 25 June 2015</p> <p>Adopted 30 August 2018</p> |
| Policy Statement | |

1. Prior to the installation and replacement of stock grids, Council requires an application in writing to be sent to the Chief Executive Officer.
2. The Chief Executive Officer shall instigate an investigation of the fence line in question and other details relating to the installation of the grid, and present the request to Council.
3. In considering the application, Council will apply the following conditions:
 - i) no grid will be authorised for construction unless a stock-proof fence adjoins the proposed grid installation/replacement;
 - ii) capable of handling ALL stock;
 - iii) twenty (20) metres either side of the grid be sealed (if practical) to prevent the inadvertent filling up of the grid during the process of maintenance grading; and
 - iv) each grid be determined at no less than eight (8) metres wide.

– *End of Policy*

12.4 Road Train Permits

| | |
|-------------------------|---|
| Introduction | |
| Objective | |
| History | Formerly Delegation 17 and Policy 7.5 Amended 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. The Chief Executive Officer may approve or reject applications to use road trains on roads under Council's control under the following terms –
 - for the transport of stock,
 - where the application is for occasional use or for a limited period,
 - where the road has been assessed by Main Roads WA as being suitable for the configuration proposed
2. Details of any approvals or rejections issued under this delegation are to be reported to Council via the Information Bulletin.
3. The Chief Executive Officer shall have regard to any policy or precedent established by the Council and with particular regard to the imposition of requirements for a bond or bank guarantee (subject to legal advice) to insure reinstatement of the road should that be required.
4. Where the application is for continuous use or to be permanent, the request is to be referred to Council.
5. In considering the application, Council will–
 - apply the provisions of Local Planning Policy 11 Developer Contributions in negotiations with the person or company,
 - require an enforceable contract with the person or company having the ultimate responsibility for the application
 - consider the standards and/or assessment of the road by Main Roads WA as being suitable for the configuration proposed
 - include provisions in the contract for bringing the road up to the necessary standards, and maintenance of the road at that standard
 - apply other conditions as necessary.
6. Non-compliance with Council requirements will result in withdrawal of Council approval for use of the road.

– *End of Policy*

COMMENT

Performance bonds are not legal.

Should consider the road access to mine sites etc, as part of the development approval process for a mine, and subject to any Planning Policy in place.

12.5 Private Works

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Formerly Replaced Adopted Adopted Delegation 15 29 November 2012 25 June 2015 30 August 2018 |
| Policy Statement | |

Private works will only be carried out where –

- a) the works and maintenance program will not be adversely affected unless the Chief Executive Officer is of the opinion that the advantages of carrying out the private works justifies some reassessment of the works program;
- b) full costs including supervision, travel time to and from the project, and administration costs are recovered through private works charge rates to be set annually in the Schedule of Rates and Charges;
- c) agreements for private works are made in writing and signed by the person requesting the works. Where deemed necessary prepayment may be required before the commencement of work.

– *End of Policy*

COMMENT

12.6 Retention of Stock Grids

| | |
|-------------------------|--|
| Introduction | |
| Objective | |
| History | Created 16 September 2014 Adopted 25 September 2014 Adopted 25 June 2015 Adopted 30 August 2018 |
| | |
| Policy Statement | |

1. The Chief Executive Officer will write to the property owner advising that the grid is to be removed and invite the owner to make application to have the grid retained.
2. The Chief Executive Officer shall consider all requests for retention and present a report to Council making recommendations to either retain or remove the grid.
3. In considering any request to retain the grid, Council will apply the following criteria:
 - i) The grid must be a part of a properly functioning stock proof fenceline;
 - ii) The grid must be a minimum of 8 metres in width;
 - iii) Grids removed from any fence line with a stock proof fence intact shall have a four wire, star picket and strainer post fence erected along the road sides for a distance of 50 metres either side of the grid location;
 - iv) Any grid to be retained shall have grid warning signs erected at 150 metre approaches; and
 - v) The retention of boundary grids shall have priority over intermittent grids.

– *End of Policy*

13 BUILDING / DEVELOPMENT

THIS SECTION REMAINS BLANK

14 UNCLASSIFIED

14.1 Flying of Australian Flag

| | |
|-------------------------|---|
| Introduction | |
| Objective | As a mark of respect and condolence |
| History | Formerly Policy 2.4 Amended 29 November 2012 Adopted 25 June 2014 Adopted 30 August 2018 |
| Policy Statement | |

1. The Australian Flag is to be flown during the opening hours of the Shire Offices.
2. The flag at the Council Office be flown at half-mast for the passing of ex-members of Council on the day of the funeral, and for all local funerals.
3. Floral tributes may be made in the case of ex-members of the Council and notables of the district, at the discretion of the Shire President.
4. The flag will also be flown at half-mast on the dates of national significance (ANZAC Day, Remembrance Day etc.) provided the event is recognised during office opening hours.

– End of Policy

COMMENT

Australian Government flag protocol –

Flying flags at half-mast

Flags are flown at half-mast as a sign of mourning.

The half-mast position will depend on the size of the flag and the length of the flagpole. The flag must be lowered to a position recognisably half-mast to avoid the appearance of a flag which has accidentally fallen away from the top of the flagpole. An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole. There are times when direction will be given by the Australian Government for all flags to be flown at half-mast. The Commonwealth Flag Network can notify you of these occasions by email.

Flags in any locality can be flown at half-mast on the death of a local citizen or on the day, or part of the day, of their funeral.

When lowering the flag from a half-mast position it should be briefly raised to the peak and then lowered ceremoniously.

The flag should never be flown at half-mast at night even if it is illuminated.

When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.

<http://www.itsanhonour.gov.au/symbols/flag.cfm#halfmast>

January 2011

14.2 Political and Elections Roadside Advertising

| | |
|-------------------------|--|
| Introduction | |
| Objective | To ensure no political statements are made on Council controlled land |
| History | Adopted 29 November 2012 Adopted 25 June 2015 Adopted 30 August 2018 |
| Policy Statement | |

1. No advertising materials of a political nature, whether elections or general is permitted on any lands controlled by the Shire –
 - “advertising materials” includes materials –
 - relating to a Commonwealth, State, local or organisation election erected for or on behalf of a political party or candidate,
 - identifying or are promoted by a political party
 - attempting to influence for political purposes but does not include –
 - notices of impending elections
 - notification of right to vote, closure of enrolment, directions to polling station etc
 - “lands” includes –
 - road reserves
 - recreation or other reserves
 - land owned in freehold
2. Political and election advertising materials erected on Shire controlled lands will be removed by the Shire, without prior notice to the advertiser, and an invoice raised for costs of removal at private works rates, with a minimum charge for half an hour.

– *End of Policy*

COMMENT

The Goldfields Highway is under the control of Main Roads WA and not the Shire. If Main Roads WA requested removal of materials, part 2 would still apply as it becomes a private works request by Main Roads WA.

HISTORY SUMMARY

| | Meeting | Purpose | Policy affected |
|----|-------------------|------------------------------------|---|
| 1 | November 2012 | Revocation, Review and Adoption | Full review – revocation of all previous policies, review and amendment of those policies to continue, and adoption of new policies |
| 2 | September 2013 | Review and Adoption | Full review |
| 3 | November 2013 | Adoption | 3.6 Information Technology – Access and Use |
| | | Review | 9.1 Shire Accommodation – Rental Charges |
| | | Review | 9.2 Shire Housing – Tenancy Conditions |
| 4 | February 2013 | Amendment | 12.3 Stock Grids |
| 5 | February 2014 | Amendment | 3.2 Conferences and Meetings |
| 6 | May 2014 | Amendment | 2.2 Capitalisation of Assets |
| 7 | October 2014 | Adoption | 12.6 Retention of Stock Grids |
| 8 | November 2014 | Review | 1.4 Elected Member Records – Capture & Management |
| 9 | April 2015 | Adoption | 1.7 Enterprise Risk Management and Framework |
| 10 | 25 June 2015 | Revocation, Review and Adoption | Full review – revocation of all previous policies, review and amendment of those policies to continue, no new policies adopted. |
| 11 | 30 July 2015 | Review | 6.4 Fitness for Work |
| 12 | 24 September 2015 | Revocation and Adoption | 3.7 Staff Recruitment – Permanent, Part and Full Time 4.9 Investments 8.1 Compulsory Waste Collection Service |
| 13 | 29 October 2015 | Adoption | 4.10 Financial Management – Payment of Accounts & Purchasing Authority Limits |
| 14 | 17 December 2015 | Adoption | 3.8 Ordinary Council Meetings 3.9 Meeting Venue 3.10 Agenda Format / Officer's Reports |
| 15 | 25 February 2016 | Amendment Amendment Adoption | 9.2 Shire Housing – Tenancy Conditions 3.8 Meeting of Council 3.11 Council Forums/Briefing Sessions |
| 16 | 26 May 2016 | Amendment | 5.5 Emergency Services – Callouts affecting work hours |
| 17 | 30 June 2016 | Amendment | 5.10 Employee Housing Allowance |
| 18 | 29 September 2016 | Amendment | 3.10 Agenda Format |
| 19 | 24 November 2016 | Adopted | 4.9 Investments |
| 20 | 25 May 2017 | Adoption | 3.12 Annual Performance Review |

| | | | |
|----|------------------|---|---|
| 21 | 27 July 2017 | Amendment | 2.2 Capitalization of Assets |
| 22 | 31 August 2017 | Amendment | 4.5 Credit Card Facilities 5.1 Acting Chief Executive Office 5.2 Designated Staff |
| 23 | 30 August 2018 | New Amendment New New New Amendment New Amendment New New New | 1.8 Official Communication 3.2 (4)(a) Conferences, Meeting & Training Expenses 3.2 (4)(b) Conference, Meetings & Training Expenses 3.2 (10(a) Conferences, Meetings & Training Expenses 3.2 (10(b) Conferences, Meetings & Training Expenses 4.9 (4)(4.2) Investments (add Bankwest) 4.11 Rating Strategy Policy 5.11 Loyalty Pay – <i>formerly Menzies Allowance & Service Pay</i> 5.14 Social Media Policy 5.15 Use of Mobile Phones and GPS Satellite Devices 10.2 Tree Policy |
| 24 | 30 August 2018 | Revocation and Adoption | Full review – August 2018 Revocation of all previous policies, Adoption of Manual Review and amendment of those policies to continue. |
| 25 | 13 December 2018 | Amendment Amendment New | 4.2 Purchasing and Tenders 4.11 Rating Strategy Policy 7.4 Closed Circuit Television System |