



SHIRE OF MENZIES

POLICY MANUAL

**For Council Review and Adoption
January 2021**

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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 inaccordance 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 organisational responsibility.

“Policy” as the context requires, means either:

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

“Instruction” means:

the requirement for a staff member to act in accordance with a direction given by a senior officer of 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.



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SHIRE OF MENZIES

CODE OF CONDUCT

2020 - 2021

Adopted 29th November 2012

Adopted 25th June 2015

Adopted 30th August 2018

Adopted 30 April 2020



POLICY – 1.1 – Code of Conduct

Relevant Delegation

N/A

1. Objectives

- 1.1 The Regulations apply to Councillors, but not to employees or members of the public who may be appointed to a Committee.

2. Policy Statement

The Local Government (Rules of Conduct) Regulations were Gazetted in 2007, effective following the Local Government elections.

The Local Government Act Act 2.5.103 requires Council to adopt a Code of Conduct.

Administration Regulations r.34B and 34C detail matters that must be covered by the Code of Conduct.

- 2.1. The following Policy Schedule 1.1 – Code of Conduct is adopted, and forms part of this Statement.

- 2.2. 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; and
- Members of the public appointed to a Committee of Council.

- *End of Policy*

COMMENT

Formerly	Separate document Adopted 29 November 2012	
Last Reviewed	30 April 2020	
Next Review Date	February 2021	
Amended	30 April 2020	
Adopted	30 August 2018 30 April 2020	June 2015
Version	2	

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 -

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

- (b) A person who is an employee and who accepts a notifiable gift from a person who -
 - (a) is undertaking or seeking to undertake an activity involving a local government discretion; or

- (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion, 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–

- (a) the name of the person who gave the gift; and
 - (b) the date on which the gift was accepted; and
 - (c) a description, and the estimated value, of the gift; and
 - (d) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (e) 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.

(g) **Amendment to disclosure of gifts:**

Following the publication of the Governance Bulletin - Issue 11 - March 2016 the Local Government Act 1995 was amended with regard to the disclosure of gifts. A relevant person who accepts a gift which is worth greater than \$200 must disclose acceptance of the gift within ten days of receipt to the Chief Executive Officer. Rather than in an annual return, the disclosure must be made online.

(h) **Disclosure of a contribution to travel:**

The disclosure of a contribution to travel must include:

- Name of relevant person making the disclosure;
 - A description of the contribution to travel;
 - The name and address of the person who made the contribution to travel;
 - The date on which the contribution to travel was received;
 - The estimated value of the contribution to travel at the time it was made;
 - The nature of the relationship between the relevant person and the person who made the contribution;
 - A description of the travel undertaken; and
 - Date of travel undertaken.
- (i) The Chief Executive Officer is required to keep a record of the disclosures by way of a register. This is to be published on the local government's official website as well as made available for public inspection at the council offices.
- (j) As soon as is practicable after a person ceases to be a relevant person, the Chief Executive Officer must remove all records relating to that person from the register. However, a Chief Executive Officer must ensure that these disclosures are kept for a period of at least 5 years and made available for public inspection if requested.

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*



POLICY – 1.2 - Disclaimer

Relevant Delegation

N/A

Policy Statement

Council has adopted 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.

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

Formerly	Policy 2.1	
New Policy		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 1.3 – Shire Logos

Relevant Delegation

N/A

1. Objective

- 1.1 This Policy is intended to provide guidance concerning use of the logo..

2. Policy Statement

- 2.1. The official logo of the Shire is:-

- 2.2. 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
 - e.g. – scholarship programs, ICP support etc.

- 2.3. 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:-
 - Permitted on a tourism promotion brochure indicating a facility or event is located with the Shire
 - 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

- 2.4. 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 authorization or endorsement of a particular person or position, where no such endorsement has been given

2.5. Promotional logos of the Shire are:-



– End of Policy

COMMENT

Formerly	Policy 2.1 (Replaced)	
Last Reviewed	20 August 2018 – No changes made	
Next Review Date	February 2021	
Amended	29 November 2012	28 February 2013
Adopted	25 June 2015	
Version	2	



POLICY – 1.4 – Elected Member Records – Capture And Management

Relevant Delegation

N/A

1. Objectives

To meet the obligations imposed on elected members and the organisation by the SRO (State Records Office) under the State Records Act.

2. Policy Statement

- 2.1. The SRO requires elected members to retain and produce various records.
- 2.2. State Records Office policy imposes the obligations on elected members and the organisation under the State Records Act 2000.
- 2.3. 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.
- 2.4. 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.
- 2.5. 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

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

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	30 October 2014
Adopted	29 November 2012 25 June 2015	30 August 2018
Version	2	



POLICY – 1.5 – External Organisations - Council Representatives and Expenses

Relevant Delegation

N/A

1. Objectives

To ensure that Council is represented by an authorized nominee at meetings, by specifying the organisations and order of precedence to represent Council.

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)

2. Policy Statement

- 2.1. Council nominate representatives to a number of external organisations from time to time, but the nominated person may not always be available.

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.

- 2.2. Council nominates representatives to the external organisations
- 2.3. 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.
- 2.4. 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.
- 2.5. 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) 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

– *End of Policy*

COMMENT

Formerly	Policy 4.4 Replaced	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	
Adopted	29 November 2012 25 June 2015	30 August 2018
Version	2	



POLICY – 1.6 – Recognition of Services – Elected Members

Relevant Delegation

N/A

1. Objectives

To recognise the service of, and show appreciation to, departing Councillors.

2. Policy Statement

- 2.1. Written permission of the Minister for Local Government must be obtained prior to any change to this Policy.

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

The Policy is made under the authority of the Local Government Act s.5.100A and the Administration Regulations r.34AC.

Although Councillors are able to claim travel, meeting expenses etc as of right, it is considered appropriate that there be some recognition from the Shire on their behalf of the community for their commitment to the district.

Where qualifying, enquiries should also be made through the Department of Local Government and Communities to obtain a Certificate of Appreciation from the Minister.

- 2.2 Each departing Councillor shall receive an appropriate plaque or certificate of service.
- 2.3 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.
- 2.4 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 |
- 2.5 The cumulative value of commemorative plaque or certificate, gavel and striker plate and gift is not to exceed the limits specified in (2.4) above.
- 2.6 Multiple periods of service as a member of Council are to be considered individually according to each period and not cumulatively.
- 2.7 Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government.

- 2.8 Presentation of any commemorative plaque, certificate or gavel and striker plate and gift will generally be made at the final meeting being attended by the Councillor, or at an alternative function.
- 2.9 Councillors are entitled to a civic dinner after they have completed (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.

Formerly	Policies 4.5, 4.6, 4.7 (Replaced)	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	
Adopted	29 November 2012 25 June 2015	30 August 2018
Version	2	



POLICY – 1.7 – Enterprise Risk Management

Relevant Delegation

N/A

1. Objective

- 1.1 To encourage an integrated, effective and organisation wide approach to risk management within the Shire of Menzies, facilitating value creation and protection

2. Policy Statement

The Council is committed to the use of risk management in the course of achieving its strategic objectives and delivery of services to the community. Management of risk is considered the responsibility of all elected members, employees and contractors, and is to be integrated throughout the Shire.

A *Risk Management Strategy* is to be maintained and implemented utilising the Principles, Framework and Process as defined within *AS/NZS ISO 31000:2018 Risk management - Guidelines*.

Risk Tolerance and Appetite:

Risk tolerance or risk appetite refers to the amount and type of risk that the Shire is willing to take in order to meet its strategic objectives. As a public body, there is an expectation the Shire will maintain an inherent low appetite for risk and as a consequence adopt policies and maintain systems and procedures to create value and protect, the Shire, and its stakeholders.

Council's risk tolerance and appetite is articulated with the *Risk Management Strategy* and any change to the level of risk tolerance and appetite within the Strategy can only be made with Council approval.

Risk Management Commitment:

Council will maintain a continual commitment to risk management through the appropriate allocation of resources to facilitate application of the principles, framework and process as defined within *AS/NZS ISO 31000:2018*, through the '*Risk Management Strategy*'. The *Risk Management Strategy* will assist the organisation to integrate risk management into decision making and operational activities, across the organisation. This commitment will work towards:

- Aligning the objectives, culture and strategy of the Shire with risk management;
- Addressing and recognising all obligations (including voluntary commitments) of the Shire;
- Communicating the risk appetite of the Shire to guide the establishment of risk criteria, to all employees, contractors and elected members and stakeholders;

- Promoting and conveying the value of risk management across the Shire;
- Encouraging methodical monitoring of risks;
- Ensuring that the *Risk Management Strategy* remains relevant to and considers the context of the organisation.

- *End of Policy*

COMMENT

Formerly		
Last Reviewed	24 April 2019	
Next Review Date	February 2021	
Amended	24 April 2019	
Adopted	24 April 2019 (Res: 1635) 25 June 2015	30 August 2018
Version	2	



POLICY – 1.8 – Official Communication

Relevant Delegation

N/A

1. Objective

- 1.1 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 on the image of the Shire of Menzies.

2. Policy Statement

The Shire of Menzies recognizes the importance of the internet and social media as a modern and widely popular tool for community engagement.

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 Local Government (Rules of Conduct) Regulations 2007.

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 Menzies 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

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	
Version		



POLICY – 2.1 – Valuation of Non-Current Assets

Relevant Delegation

N/A

Policy Statement

In accordance with Accounting Standard AADB 1041 “Revaluation of Non-Current Assets”, the cost basis 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

Formerly	Policy 3.2 Replaced	
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	June 2015	
Adopted	30 August 2018	June 2015
Version	2	



POLICY – 2.2 – Capitalisation of Assets

Relevant Delegation

N/A

Policy Statement

That assets purchased costing \$5,000 or more be capitalised and depreciated over the estimated life of the asset, and that asset purchases costing less than \$5,000 be accounted for as current expenditure.

– *End of Policy*

COMMENT

Formerly	Policy 3.10 Replaced – 29 November 2012	
	29 November 2012	
Last Reviewed	28 August 2019	
Next Review Date	February 2021	
Amended	29 May 2014	27 July 2017
Adopted	29 June 2014 30 August 2018	27 July 2017 28 August 2019
Version	3	



POLICY – 2.3 – Annual Verification of Assets

Relevant Delegation

N/A

1. Policy Statement

- 1.1. 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.
- 1.2. 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

Formerly	Policy 3.12 Replaced	
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	November 2012	
Adopted	30 August 2018	June 2015
Version	1	



POLICY – 2.4 – Goods and Services Tax (GST)

Relevant Delegation

N/A

1. Policy Statement

- 1.1. In accordance with recommended practice, revenue, expenses and assets capitalised are stated net of any GST recoverable.
- 1.2. Receivable and payables in the Statement of Financial Position are stated inclusive of applicable GST.

– *End of Policy*

COMMENT

Formerly	Policy 3.12 Replaced	
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	November 2012	
Adopted	30 August 2018	June 2015
Version	1	



POLICY – 2.5 – Land Under Roads

Relevant Delegation

N/A

1. Objectives

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.

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.

2. Policy Statement

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.

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

– End of Policy

COMMENT

UHY Haines Norton recommend Councils make a final election not to recognise land under roads acquired before 30 June 2008.

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.

Formerly		
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	29 November 2012 30 August 2018	25 June 2015
Version	2	



POLICY – 3.1 – Policy Manual – Changes to be Authorised

Relevant Delegation
N/A

1. Objectives

To establish principles in regard to the keeping of a Policy Manual and how it may be reviewed or changed.

2. Policy Statement

- 2.1. 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.
- 2.2. It is the policy of the Council to maintain a record of the various policies of the Council.
- 2.3. 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.
- 2.4. 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.
- 2.5. 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.

2.6. 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*

COMMENT

Formerly	Policy 1.1 Amended	
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2018	
Adopted	25 June 2015	30 August 2018
Version	1	



POLICY – 3.2 – Conference, Meetings & Training – Attendance & Expenses

Relevant Delegation

N/A

1. Policy Statement

1.1. The following Schedules are adopted, and form part of this Statement –

- Policy Schedule 3.2 (a) – Conference etc – Request / Approval

1.2 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

1.3 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.

1.4 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

- 1.5. 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 The Chief Executive Officer shall have regard to any Council Policy, and to Budget provision made for development of elected members and employees.
- 1.10 Council will cover costs in the following way:-
- 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

Refer to attached Policy Schedule 3.2 (a) – Conferences etc. – Request / Approval

Formerly	Delegations 12, 46 Policies 3.6, 3.7, 4.1, 4.2 5.6 Replaced 29 November 2012	
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	February 2014	
Adopted	25 June 2015	30 August 2018
Version	2	

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



POLICY – 3.3 – Legal Representation Costs Indemnification

Relevant Delegation
N/A

1. Objectives

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

2. Policy Statement

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

2.1. 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.

2.2 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.

2.3 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.

2.4 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.

2.5 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

Formerly	6.2	
	Retained 29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	29 November 2012 30 August 2018	25 June 2015
Version	2	



POLICY – 3.4 – Complaints - Administrative

Relevant Delegation

N/A

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 –

<u>Error or dissatisfaction</u>	<u>Irregularity and substantive</u>
Complaint about pothole in road	Complaint that previous reports not acted on or ignored
Rates too high	Rates improperly assessed
Works being done where not	Works being undertaken in unsafe manner wanted
Did not get the answer they	Staff dismissive or rude wanted
Council decision not in their favour	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.

Formerly	Policy 2.8 Replaced	
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	November 2012	
Adopted	30 August 2018	June 2015
Version	2	



POLICY – 3.5 – Professional Advice

Relevant Delegation

N/A

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

Formerly	Delegations 9, 29	
	Replaced 29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	
Adopted	30 August 2018	June 2015
Version	1	



POLICY – 3.6 – Information Technology – Access and Use

Relevant Delegation

N/A

1. Objective

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

2. Policy Statement

This Policy outlines the conditions governing use of all IT (Information Technology) facilities provided by the Shire of Menzies.

Information technology resources are provided to support the Shires administrative and operation activities. These resources include the Shires network, desktop, computer systems and software, internet access, electronic mail (email), mobile devices and related services.

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

2.1. 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

2.2. 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.

2.3. 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

Refer to Schedule 3.6(a) – Principles of Access and Use of Information Technology – attached to this Policy

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	29 November 2012 30 August 2018	25 June 2015
Version	2	

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.

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.

7. 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 other screensavers.
 - 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.

– End of Schedule

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*



POLICY – 3.7 – Staff Recruitment – Permanent, Part and Full Time

Relevant Delegation

N/A

1. Objectives

The Recruitment Policy has the following aims and objectives:

- 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 who apply for employment;
- To base selection decisions 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

2. 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

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

Formerly		
New Policy	24 September 2015	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	
Version		



POLICY – 3.8 – Ordinary Council Meeting

Relevant Delegation

N/A

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

Formerly		
New Policy	17 December 2015	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	25 February 2016	
Adopted	30 August 2018	
Version	1	



POLICY – 3.9 – Meeting Venue

Relevant Delegation

N/A

Objective

Council meetings will be held in the Menzies Council Chambers 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

Formerly		
New Policy	17 December 2015	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	
Version		



POLICY – 3.10 – Agenda Format – Officers Report

Relevant Delegation

N/A

Policy Statement

The policy 3.10 Ordinary Council Meeting Agenda and Officer's reports be amended to reflect new agenda format to be implemented June 2020.

12.1 FINANCE AND ADMINISTRATION

12.2 WORKS AND SERVICES

12.3 HEALTH BUILDING AND TOWN PLANNING

12.4 COMMUNITY DEVELOPMENT

12.5 MANAGEMENT AND POLICY

12.5.4 Confirmed Minutes of the GVROC and NGWG Meetings

Please refer to Attachment 1 and 2 for Agenda format to be used for Council meetings.

ATTACHMENT A – REPORT TEMPLATE

1.1.1 TITLE

LOCATION:

APPLICANT:

DOCUMENT REF:

DISCLOSURE OF INTEREST:

DATE:

AUTHOR:

IN BRIEF:

BACKGROUND:

COMMENT:

CONSULTATION:

STATUTORY AUTHORITY:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy

STRATEGIC IMPLICATIONS:

Select one or more of the outcomes from the Strategic Plan – delete those not relevant

14.1 Sustainable local economy encouraged

- A local economy accessing the commercial options and services in place, for timely development.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

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.

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.
- 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

- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

VOTING REQUIREMENTS:

Simple / absolute majority

OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:

That Council

COUNCIL DECISION:

COUNCIL RESOLUTION:	No.
----------------------------	------------

MOVED: Cr

SECONDED: Cr

Carried /

ATTACHMENT B – ORDER OF THE MEETING

ORDER OF THE MEETING

- 1 DECLARATION OF OPENING
- 2 ANNOUNCEMENT OF VISITORS
- 3 RECORD OF ATTENDANCE
- 4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
- 5 PUBLIC QUESTION TIME
- 6 APPLICATIONS BY MEMBERS
- 7 DECLARATIONS OF INTEREST
- 8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS
- 9 CONFIRMATION / RECEIVAL OF MINUTES
- 10 PETITIONS / DEPUTATIONS / PRESENTATIONS
- 11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
- 12 REPORTS OF OFFICERS
 - 12.1 FINANCE AND ADMINISTRATION
 - 12.1.1 Statement of Financial Activity for the Month of
 - 12.1.2 Monthly Listing of Payments for the Month of
 - 12.1.3 Monthly Investment Report for the Month of
 - 12.1.4 Other Reports on Financial Matters
 - 12.2 WORKS AND SERVICES
 - 12.3 HEALTH BUILDING AND TOWN PLANNING
 - 12.4 COMMUNITY DEVELOPMENT
 - 12.5 MANAGEMENT AND POLICY
 - 12.5.1 Actions Performed under Delegation for the period April - May 2020
 - 12.5.2 CEO Status Report
 - 12.5.3 Other Management and Policy Reports
 - 12.5.4 Confirmed Minutes of the GVROC and NGWG Meetings
- 13 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS
- 14 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

- 15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED
BY DECISION OF THE MEETING (LATE ITEMS)
- 16 NEXT MEETING
- 17 CLOSURE OF MEETING

– *End of Policy*

COMMENT

Formerly		
New Policy	17 December 2015	
Last Reviewed	June 2020 (Res 1901)	
Next Review Date	February 2021	
Amended		
Adopted	June 2020	30 August 2018
Version	1	



POLICY – 3.11 – Council Forum/Briefing Sessions

Relevant Delegation

N/A

Policy Statement

That a Council Forum/Briefing Session be held every month, except January, one week prior to the Ordinary Council Meeting on a Wednesday, 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 meeting room.
- 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

Formerly		
New Policy	25 February 2016	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	
Version		



POLICY – 3.12 Annual Performance Review – Chief Executive Officer

Relevant Delegation

N/A

1. Objective

To ensure the Shire (the Shire of Menzies) complies with section 5.38 of the *Local Government Act 1995* which requires that the performance of each employee who is employed for a term of more than one year, including the CEO (Chief Executive Officer), is to be reviewed at least one in relation to every year of employment.

2. 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*

COMMENT

Formerly		
New Policy	25 May 2017	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	25 ay 2017	30 August 2018
Version	1	



POLICY – 4.1 – Preparation Timetable

Relevant Delegation

N/A

1. Objective

- 1.1 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*.
- 1.2 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.

2. Policy Statement

- 2.1 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.
- 2.2 The following Policy Schedule 4.1 – Budget Preparation Timetable is adopted, and forms part of this Statement.

– End of Policy

COMMENT

Formerly	Policy part 2.16, 3.5, 7.6	
New Policy		
Last Reviewed	31 October 2019	
Next Review Date	February 2021	
Amended	31 October 2019	
Adopted	31 October 2019 29 August 2019 30 August 2018	29 November 2012 25 June 2015
Version	4	

Policy schedule 4.1 - Budget Preparation Timetable (as at 31.10.19)

TIMING	STAGE
Late January /early February	Road assessments – use RAMS and asset management software
Feb / March	Public advertising of budget requests <ul style="list-style-type: none"> - Community - Councillors - Staff Review Corporate Business Plan
Early March	From the Corporate Plan prepare for Council draft; <ul style="list-style-type: none"> - Capital works programme - Road preservation programme - Plant replacement programme - Dual use/footpath projects Consider increase / decrease in services Review financing of expected major projects
Mid March	Commence housing and public building maintenance inspections Collect data for rate options for April Meeting
March Council Meeting	Council approval of Capital projects
April Council Meeting	Council approval of: <ul style="list-style-type: none"> - Proposed annual Rates for advertising (if differential) - Fees and allowances for elected members - Donations - Fees and charges
April Council Meeting	Council approval of: <ul style="list-style-type: none"> - Housing and building Capital programme - Recreation facilities / developments - Various budget requests -
Early May	Advertise differential rates – Local advertising
May Council Meeting	Review differential rate submissions Adoption of rates Present Draft Budget – for review Adoption of Corporate Business Plan
Early June	If required hold a Budget Planning Meeting Prepare budget for adoption
Early June	Prepare Ratepayers Information Pamphlet
June Council Meeting	Adoption of the Budget
Early July	Issue rate notices
	Adopted budget sent to the DLGCC



POLICY – 4.2 – Purchasing and Tenders

Relevant Delegation

N/A

1. Policy Statement

1.1 The attached Purchasing Policy Schedule - Attachment A form part of this Statement.

- Shire of Menzies Purchasing Policy (adopted July 2020 – Res. No. 1974)

1.2 In accordance with Delegation 2.2, the Chief Executive Officer may call tenders for purchases over \$250,000 at an appropriate time, subject to the goods or services being disclosed in the adopted Budget.

– End of Policy

COMMENT

See attached Purchasing Schedule (Attachment A)

- WALGA template utilised.

Formerly	Policy 3.15	
New Policy		
Last Reviewed	30 July 2020	
Next Review Date	July 2022	
Amended	30 July 2020	
Adopted	30 July 2020 13 December 2018	25 June 2015 30 August 2018
Version	3	



Shire of Menzies

Purchasing Policy

Adopted by Council July 2020

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1. Purchasing

The Shire of Menzies is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire's strategic and operational objectives.

1.1 OBJECTIVES

The Shire's purchasing activities will:

- (a) Achieve best value for money that considers sustainable benefits, such as; environmental, social and local economic factors;
- (b) Foster economic development by maximising participation of local businesses in the delivery of goods and services;
- (c) Use consistent, efficient and accountable purchasing processes and decision-making, including; competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements;
- (d) Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;
- (e) Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- (f) Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire's Policies and procedures;
- (g) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Menzies.
- (h) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire's Risk Management framework;
- (i) Ensure records evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan;
- (j) Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

1.2 ETHICS & INTEGRITY

The Shire's Code of Conduct applies when undertaking purchasing activities and decision making, requiring Council Members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

1.3 VALUE FOR MONEY

The Shire will apply value for money principles in critically assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

1.3.1 Assessing Value for Money

Value for money assessment will consider:

- (a) All relevant Total Costs of Ownership (TCO) and benefits including; transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to; holding costs, consumables, deployment, training, maintenance and disposal;
- (b) 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. This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc.
- (c) The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;
- (d) A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;
- (e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- (f) The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits regarding the supplier's operations, in accordance with this Policy and any other relevant Shire Policy including Local Economic Benefit; and
- (g) Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

1.4 PURCHASING THRESHOLDS AND PRACTICES

1.4.1 Defining the Purchasing Value

The Shire will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- (a) The appropriate purchasing threshold and practice is applied in all purchasing activities; and
- (b) Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities where the requirements can be provided by a single supplier.

A **category of supply** can be defined as groupings of similar goods or services with common: supply and demand drivers; market characteristics; or suppliers.

1. Strategic Purchasing Value Assessments

The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire will have continuing need and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

2. Individual Purchasing Value Assessments

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

- (a) Exclusive of Goods and Services Tax (GST); and
- (b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.
- (c) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.
- (d) Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg. 12].

The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

1.4.2 Table of Purchasing Thresholds and Practices

(1) Supplier Order of Priority

The Shire will consider and apply, where applicable, the following Supplier Order of Priority:

Priority 1:	<p>Existing Prequalified Supplier Panel or another Contract Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract.</p> <p>If the Shire/Town/City does not have a current contract relevant to the required supply, then a relevant WALGA PSA may be used.</p>
Priority 2:	<p>Local Suppliers Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority.</p> <p>If no relevant local supplier is available, then a relevant WALGA PSA may be used.</p>
Priority 3:	<p>Tender Exempt - WALGA Preferred Supplier Arrangement (PSA) Use a relevant WALGA PSA regardless of whether the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include:</p> <ul style="list-style-type: none"> i. Local supplier availability (that are not within the PSA); or, ii. Social procurement – preference to use Aboriginal business or Disability Enterprise. <p>If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.</p>

Priority 4:	Tender Exempt - WA State Government Common Use Arrangement (CUA) Use a relevant CUA regardless of whether the Purchasing Value will exceed the tender threshold.
	However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO. If no relevant CUA is available, then a Tender Exempt [F&G Reg.11(2)] arrangement may be used.
Priority 5:	Other Tender Exempt arrangement [F&G Reg. 11(2)] Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire will investigate and seek quotations from tender exempt suppliers, and will specifically ensure that wherever possible quotations are obtained from a WA Disability Enterprise and / or an Aboriginal Owned Business that is capable of providing the required supply.
Priority 6:	<u>Other Suppliers</u> Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below.

(2) Purchasing Practice Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with clause 1.4.1, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

Purchase Value Threshold (ex GST)	Purchasing Practice
Up to \$2,999 (ex GST)	Quotations not required. The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.
From \$3,000 and up to \$9,999 (ex GST)	Direct purchase from suppliers requiring only two (2) verbal quotations, where possible and practical.
From \$10,000 and up to \$50,000 (ex GST)	Seek at least three (3) written quotations from suitable suppliers. The purchasing decision is to be based upon assessment of the supplier's response to: <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods, services or works required; and • Value for Money criteria, not necessarily the lowest quote. The purchasing decision is to be evidenced using the Brief Evaluation Report Template retained in accordance with the Shire's Record Keeping Plan.

From \$50,001 and up to \$250,000	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p>
	<ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.</p>
Over \$250,001 (ex GST)	<p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg. 11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p><u>OR</u></p> <p>Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the supplier's response to:</p> <ul style="list-style-type: none"> • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The purchasing decision is to be evidenced in the Tender assessment process and retained in accordance with the Shire's Record Keeping Plan.</p>
Emergency Purchases (Within Budget) Refer to Clause 1.4.3	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p> <p>If there is no existing Panel or contract, then clause 1.4.2(1) Supplier Order of Priority will apply wherever practicable.</p> <p>However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.</p> <p>The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan.</p>
Emergency Purchases (No budget allocation available) Refer for Clause 1.4.3	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i>, the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>

LGIS Services	The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS.
Section 9.58(6)(b) Local Government Act	LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.

1.4.3 Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

- (a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets;
OR
- (b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Local Government Act 1995 and Functions and General Regulation 11(2)(a); OR
- (c) A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

1.4.4 Inviting Tenders Though not Required to do so

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 prescribed tender threshold, but only where an assessment determines that the purchasing requirement cannot be met through a tender exempt arrangement and the use of a public tender process will enhance; value for money, efficiency, risk mitigation and sustainable procurement benefits.

In such cases, the tender process must comply with the legislative requirements and the Shire's tendering procedures [*F&G Reg. 13*].

1.4.5 Expressions of Interest

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process [*F&G Reg. 21*] where the required supply evidences one or more of the following criteria:

- (a) Unable to sufficiently scope or specify the requirement;
- (b) There is significant variability for how the requirement may be met;
- (c) There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- (d) Subject to a creative element; or

- (e) Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes will be based upon qualitative and other non-price information only.

1.4.6 Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

- (a) purchasing value is estimated to be over \$5,000; and
- (b) purchasing requirement has been documented in a detailed specification; and
- (c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- (d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature will only be approved for a period not exceeding one (1) year. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

1.4.7 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

1.4.8 Contract Renewals, Extensions and Variations

Where a contract has been entered into as the result of a publicly invited tender process, then *Functions and General Regulation 21A* applies.

For any other contract, the contract must not be varied unless

- (a) The variation is necessary for the goods or services to be supplied and does not change the scope of the contract; or
- (b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

2. Sustainable Procurement

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).

The Shire will apply Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes.

Sustainable Procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

Requests for Quotation and Tenders will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

2.1. LOCAL ECONOMIC BENEFIT

The Shire promotes economic development through the encouragement of competitive participation in the delivery of goods and services by local suppliers permanently located within its District first, and secondly, those permanently located within its broader region. As much as practicable, the Shire will:

- (a) consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
- (b) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- (c) ensure that procurement plans, and analysis is undertaken prior to develop Requests to understand local business capability and local content availability where components of goods or services may be sourced from within the District for inclusion in selection criteria;
- (d) explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- (e) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
- (f) consider the adoption of Key Performance Indicators (KPIs) within contractual documentation that require successful Contractors to increase the number of employees from the District first; and
- (g) provide adequate and consistent information to local suppliers.

To this extent, a weighted qualitative criterion will be included in the selection criteria for Requests for Quotation and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

The Shire has adopted a Regional Price Preference Policy, which will be applied when undertaking all purchasing activities over \$20,000.

2.2. SOCIALLY SUSTAINABLE PROCUREMENT

The Shire will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire's strategic and operational objectives.

A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

(1) Aboriginal Businesses

Functions and General Regulation 11(2)(h) provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where the consideration under contract is

\$250,000 or less, or worth \$250,000 or less.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other registered Aboriginal Businesses as noted in *F&G Reg.11(2)(h)*) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Aboriginal Business for any amount up to and including \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

(2) Australian Disability Enterprises

Functions and General Regulation 11(2)(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Australian Disability Enterprise for any amount, including an amount over the Tender threshold of \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

2.3. ENVIRONMENTALLY SUSTAINABLE PROCUREMENT

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Shire's strategic and operational objectives.

Qualitative weighted selection criteria will be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:

- (a) demonstrate policies and practices that have been implemented by the business as part of its operations;
- (b) generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- (c) encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

3. Panels of Pre-qualified Suppliers

3.1 OBJECTIVES

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- (a) there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- (b) the Panel will streamline and will improve procurement processes; and
- (c) the Shire has the capability to establish a Panel and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

3.2 ESTABLISHING AND MANAGING A PANEL

If the Shire/Town/City decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or several similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO/ Executive Director.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money

assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

3.3 DISTRIBUTING WORK AMONGST PANEL MEMBERS

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- (a) obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- (b) purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- (c) develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- (a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded based on value for money in every instance; or
- (b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under *Functions and General Regulation 24AD(5)(f)* when establishing the Panel.
 - i. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken.
 - ii. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract.
 - iii. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in clause 1.4.2(2) of this Policy.
 - iv. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

3.4 PURCHASING FROM THE PANEL

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every Panel member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

3.5 COMMUNICATIONS WITH PANEL MEMBERS

The Shire will ensure clear, consistent and regular communication with Panel Members.

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be captured in accordance with the Shire's Record Keeping Plan. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.

4. Record Keeping

All Local Government purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

In addition, the Shire must consider and will include in each contract for the provision of works or services, the contractor's obligations for creating, maintaining and where necessary the transferral of records to the Shire's relevant to the performance of the contract.

5. Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the Local Government Act 1995 and Regulation 11A of the Local Government (Functions and General) Regulations 1996 and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire's policies and procedures.

If non-compliance with; legislation, this Purchasing Policy or the Code of Conduct, is identified it must be reported to the Chief Executive Officer or the Deputy Chief Executive Officer.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- (a) an opportunity for additional training to be provided;
- (b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
- (c) where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

– *End of Schedule*

Formerly	Policy 3.15	
New Policy		
Last Reviewed	30 July 2020	
Next Review Date	February 2021	
Amended	30 July 2020	
Adopted	30 July 2020 13 December 2018	25 June 2015 30 August 2018
Version	3	



POLICY – 4.3 – Regional Price Preference

Relevant Delegation

N/A

Policy Statement

1. Subject to (2) below a regional price preference of 10% is to apply to an 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

Formerly	Policy 3.16	
New Policy	Replaced 29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 4.4 – Donations, Sponsorship and Contributions

Relevant Delegation

N/A

1. Objective

To establish a framework for the consideration of requests for donations, sponsorship or in-kind support.

2. Policy Statement

2.1 As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.

2.2 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.

2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 Contributions to regional organisations, shall take into account, amongst other things, the relevant populations and revenues of the Shires participating.

– *End of Policy*

COMMENT

Formerly	Policy 2.6, 3.3	
New Policy	Replaced	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	25 June 2015 29 November 2012
Version	1	



POLICY – 4.5 – Credit Card Policy

Relevant Delegation

N/A

1. Objective

To enable payments or purchases where normal creditors process is not available.

2. Policy Statement

2.1. 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.

2.2. Eligibility

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

The Deputy Chief Executive Officer is authorised to hold a Corporate Credit Card to a maximum of \$12,500.

2.3. 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–

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

2.4. 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)

2.5. Managing the Credit Card

In managing the credit card, the cardholders have 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.

2.6. 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.

2.7. 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

2.8. 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.
- The Accounts Officer or person undertaking that role is to check that all purchases are within the guidelines for Policy 4.5 – Credit Card Facilities.
- The Chief Executive Officer, Deputy Chief Executive Officer and Accounts Officer is to carry out checks each month and sign the Reconciliation document.
- 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.

Formerly	Policy 2.7 – Replaced 29 November 2012	
New Policy		
Last Reviewed	28 May 2020	
Next Review Date	February 2021	
Amended		
Adopted	28 May 2020 30 August 2018	15 June 2016
Version	2	



POLICY – 4.6 Debt Recovery – Outstanding Rates and Sundry Debtors

Relevant Delegation

N/A

1. 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.

2. Policy Statement

The Local Government Act 1995 provides for a Local Government to impose rates and charges on land in its district.

- 2.1 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.
- 2.2 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 overdue
 - d) at the end of second month, a further invoice advising that legal action may be taken without further warning after 14 days.
- 2.3 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 debt collector.
- (ii) The debt collector will follow a process to collect outstanding monies.
- (iii) The debt collector, if unable to collect outstanding rates and charges will advise the rates officer.
- (iv) The rates officer will present this to the 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:

2.4 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.

2.5 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.

Formerly	Delegation 7, 22 Policy 3.1, 3.11 – Replaced 29 November 2012	
New Policy		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 4.7 – Creditors Preparation for Payment

Relevant Delegation

N/A

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 –
 - i) the duplicate copy of the purchase order (or photocopy),
 - ii) any documentation regarding quotes obtained both for the successful quote and for the quotes not accepted,
 - iii) 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

Formerly	Delegation 7, 22 Policy 3.1, 3.11	
Replaced	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	25 June 2018
Version	1	



POLICY – 4.8 – Petty Cash and Till Float

Relevant Delegation

N/A

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

Formerly		
New Policy		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	29 November 2012
Version	1	



POLICY – 4.9 - Investments

Relevant Delegation

N/A

1 Objective

To document and provide the necessary information for the delegated officers to invest surplus funds.

2 Policy Statement

2.1 Purpose of Policy

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.

2.2 This Policy is to be made available to all employees involved in daily investment decisions.

2.3 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.

3 Prudent Person Rule

3.1 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.

3.2 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.

3.3 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 and the results of a review of existing investments.

4 Investment Objectives

4.1 To add value through prudent investment of funds;

4.2 To have ready access to funds for day-to-day requirements, without penalty.

5 Authority to Invest

5.1 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.

5.2 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:

5.3 Investments from the municipal, loan, reserve and trust accounts are to be kept separate and distinct.

5.4 Funds may be invested for a term of up to twelve (12) months based on predicted cash flow requirements.

5.5 The council elects to pay for the cost of securing the Federal Government Guarantee on funds if such a guarantee is available

5.6 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.

6 Delegation of Authority

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

7 Review and Reporting

7.1 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.

7.2 Investments will be managed actively as they mature with reviews by the Manager of Finance & Administration on a monthly basis.

7.3 For Audit purposes, certificates must be obtained from the bank confirming the amounts of investment held on Councils behalf at 30 June each year.

7.4 A monthly report will be provided to Council on investments made.

7.5 Each investment and details thereof shall be maintained in an investment register.

– *End of Policy*

COMMENT

Formerly		
New Policy		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	15 November 2016	
Adopted	30 August 2018	24 November 2016
Version	1	



POLICY – 4.10 – Financial Management – Payments of Accounts & Purchasing Authority Limits

Relevant Delegation

N/A

Objective

To ensure that all payments made by the Council are in accordance with the Local Government (Financial Management) Regulations 1996

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 of \$1,000,000, 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.

Deputy Chief Executive Officer

Authorised to incur expenditure to the delegated level approved by the Chief Executive Officer of \$20,000, 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 Manager

Authorised to incur budgeted expenditure relating to roads, works, parks, gardens and other technical services to the value of \$50,000

Building Maintenance Officer

Authorised to incur budgeted expenditure relating to the maintenance of all Shire buildings and infrastructure to the value of \$10,000

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.

– *End of Policy*

COMMENT

Formerly		
New Policy	24 September 2015	
Last Reviewed	30 April 2020	
Next Review Date	February 2021	
Amended	30 April 2020 30 April 2020	6 August 2019
Adopted	30 August 2018 30 April 2020	29 October 2015
Version	2	



POLICY – 4.11 – Rating Strategy

Relevant Delegation

N/A

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.

Policy Statement

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.

– 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.”

Formerly		
New Policy	30 August 2018	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	
Version		



POLICY – 4.12 – Financial Hardship Policy (Rates Relief)

Relevant Delegation

N/A

Objective

To guide the Chief Executive Officer / administration in considering applications to support ratepayers experiencing genuine financial hardship.

Policy Statement

The Shire acknowledges exceptional circumstances will exist at varying times which may lead to ratepayers encountering difficulty in paying rates and service charges by their due date.

Where ratepayers are experiencing genuine financial hardship, the Shire will endeavour to minimise additional hardship potentially resulting from debt recovery processes by:

- Suspending debt recovery processes whilst considering applications made under this policy;
- Giving consideration to acceptable payment arrangements to clear (wherever possible) rates debts prior to the end of the current financial year; and/or
- Where any interest charges on rates and service charges are imposed which may cause further financial hardship, consider applications to write off interest up to \$1,000.

Applications are required to meet the criteria and evidence requirements noted by this Policy and are to be submitted in writing to the Chief Executive Officer.

The Chief Executive Officer will assess each application as required against relevant delegations, Council policies and legislation to finalise applications or escalate for consideration by Council as required.

Criteria:

For consideration of alternative payment arrangements for outstanding rates and charges, the ratepayer is to submit their request in writing to the Chief Executive Officer to consider a payment arrangement to clear their debt (where possible) prior to the end of the current financial year.

For consideration of write-off of any interest on outstanding rates, the following conditions are all required to be met:

- The ratepayer is experiencing extreme and genuine financial hardship;
- The ratepayer had either no outstanding rates from a previous financial year or the ratepayer has an approved payment arrangement and continues to adhere to the terms of that agreement;
- The ratepayer's circumstances are supported by an original hardship letter from a qualified financial body (e.g. a fully accredited member of Financial Counsellors Association of Western Australia, CPA/ICA accounting firm or bank);

The ratepayer is not a corporation or trustee;

- Where the ratepayer is an individual that:
 - they are not bankrupt or subject to a bankruptcy petition; and
 - no revenue is being derived from the property the subject of the application;
 - The maximum amount of interest to be written off is \$1,000; Write offs are applicable to interest on the ratepayer's principal place of residence or business only; and
 - The applicant must be the owner / occupier of the property and liable for payment of rates and charges.

Evidence:

Applications for financial hardship assistance must be made in writing to the Chief Executive Officer to substantiate the criteria noted in this policy, and supported by the following:

- Sufficient detail to identify the ratepayer and property which are the subject of the application;
- Original copy of extreme hardship letter from a qualified financial body (e.g. a fully accredited member of Financial Counsellors Association of Western Australia, CPA/ICA accounting firm or bank); and
- Where the applicant is not the owner of the property, evidence (such as executed lease agreement) to support liability for payment of rates and charges.

Outcomes of Decisions:

The Shire will notify ratepayers of the outcome of their application in writing at the earliest available opportunity. Where a ratepayer is aggrieved by the decision, they may request Council to consider the application. The decision of Council will be final.

Amendments to this Policy:

Amendments to this policy require a simple majority decision of council.

– *End of Policy*

COMMENT

Formerly	New Policy	
New Policy	28 May 2020	
Last Reviewed	28 May 2020	
Next Review Date	May 2021	
Amended		
Adopted	28 May 2020	
Version		



POLICY – 5.1- Acting Chief Executive Officer

Relevant Delegation

N/A

Objective

To ensure continuity of authority in the unexpected absence of Chief Executive Officer.

Policy Statement

Unless Council has made other prior decision, the Deputy Chief Executive 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 employee 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
 - (1) 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.

- *End of Policy*

COMMENT

Formerly	Policy 5.15 Replaced 29 November 2012	Policy 5.1 Amended 31 August 2017
New Policy	17 December 2015	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	31 August 2017 25 June 2015
Version	2	



POLICY – 5.2 – Designated Staff

Relevant Delegation

N/A

Objective

To ensure continuity of authority in the unexpected absence of Chief Executive Officer.

Policy Statement

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.

- i) Chief Executive Officer, as required,
- ii) Deputy Chief Executive
- 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 Deputy Chief Executive Officer.

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 suitably 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 Deputy Chief Executive Officer 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 (view not supported by DLGC) <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.

-End of Policy

COMMENT

Formerly	Policy 5.7 Amended	Amended 29 November 2012
New Policy		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 5.3 – Pre-employment Requirements

Relevant Delegation

N/A

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

Formerly	Policy 5.15 Replaced 29 November 2012	Policy 5.1 Amended 31 August 2017
New Policy	17 December 2015	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	31 August 2017 25 June 2015
Version	2	



POLICY – 5.4 – Equal Employment Opportunity

Relevant Delegation

N/A

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.

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

Formerly	Policy 5.9 Replaced 29 November 2012	
New Policy	17 December 2015	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 5.5 Emergency Services – Call Outs Affecting Work Hours

Relevant Delegation

N/A

Objective

This Policy is intended to ensure that employees are not penalised for volunteering for emergency services or Defense Reservists.

Policy Statement

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.

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 workplace 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

Formerly	5.10	
New Policy	17 December 2015	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	26 May 2016	
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 5.6 – Staff – Salary Sacrifice

Relevant Delegation

N/A

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

Formerly		
New Policy		
Last Reviewed	30 August 2018	
Next Review Date	March 2021	
Amended		
Adopted	30 August 2018	25 June 2015 29 November 2012
Version	2	



POLICY – 5.7 Superannuation

Relevant Delegation

N/A

Policy Statement

1. The Shire will contribute towards an employee's personal superannuation as follows—
 - a) the Superannuation Guarantee Levy, plus
 - b) where an employee makes voluntary contributions, either by:
 - (i) deduction from pay after tax; or
 - (ii) by salary sacrifice,the Shire will make an additional contribution equal to 1.5 times the employee's contribution to a maximum employee contribution of 5% of salary or wages.
 - c) Notwithstanding the employee's personal contribution, the Shires contribution will be limited to a maximum of 17% of salary or wages including the Superannuation Guarantee Levy.
2. Where the Superannuation Guarantee Levy increases, the additional matching percentage contribution by the Shire is to decrease an equal amount, maintaining a maximum Shire contribution of 17%.

– End of Policy

COMMENT

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

Formerly	Pt 5.12 Replaced 29 November 2012	
New Policy		
Last Reviewed	17 December 2020	
Next Review Date	February 2021	
Amended	17 December 2020	
Adopted	30 August 2018	17 December 2020
Version	1	



POLICY – 5.8 – Gratuitous Payments to Employees

Relevant Delegation

N/A

Objective

To show appreciation to valued employees, who are leaving the Shires employ and to comply with section 5.50(1) of the Local Government Act 1995.

Policy Statement

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

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	\$3000
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

Formerly		
New Policy	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	25 June 2015 29 November 2012
Version	2	



POLICY – 5.9 – Leave Accruals – RDO's, Annual and Long Service

Relevant Delegation

N/A

Policy Statement

Annual and Long Service Leave:

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.

RDO's (Rostered Day Off)

Staff are not to accrue more than 3 RDO's at any time (unless authorised by the Chief Executive Officer).

Staff that have in excess of 3 RDO's owing at the time of issue of this Policy will have 6 months to acquit the RDO's.

– End of Policy

COMMENT

Formerly	Policy 7.4.1, 7.4.2	
Last Reviewed	January 2021	
Next Review Date	February 2022	
Amended	January 2021 29 November 2012	28 February 2013
Adopted	29 October 2020 (Res: 2013) 25 June 2015	30 August 2018
Version	3	



POLICY – 5.10 – Employees – Housing Allowances

Relevant Delegation

N/A

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

Formerly	Policy Replaced 29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	30 June 2016	28 February 2013
Adopted	25 June 2015	30 August 2018
Version	2	



POLICY – 5.11 – Employees – Loyalty Pay

Relevant Delegation

N/A

Policy Statement

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:
 - \$ 41.69 after 1 year
 - \$ 83.52 after 2 years
 - \$125.29 after 3 years
 - \$167.06 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

Formerly	Policy 5.12 Replaced 29 November 2012	
Last Reviewed	August 2019	
Next Review Date	May 2021	
Amended	May 2014 30 August 2018	June 2015
Adopted	29 August 2019	30 August 2018
Version	1	



POLICY – 5.12 – Local Government Industry Award

Relevant Delegation

N/A

Policy Statement

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.

– *End of Policy*

COMMENT

Formerly	Delegation 29 Policy 5.19	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	
Adopted	30 August 2018	30 August 2018
Version	3	



POLICY – 5.13 – Relocation Expenses

Relevant Delegation

N/A

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

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018 25 June 2015	29 November 2012
Version	2	



POLICY – 5.14 – Social Media

Relevant Delegation

N/A

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

Policy Statement

The Shire of Menzies recognises the importance of the internet and social media as a modern and widely popular tool for community engagement.

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 on the image of the Shire of Menzies.

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.

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.

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. 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.

1. 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

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	
Version		



POLICY – 5.15 – Use of Mobile Phones and GPS Satellite Devices

Relevant Delegation
N/A

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.

Policy Statement

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.

These guidelines are intended for use by Councillors, staff members and other representatives of the Shire of Menzies to apply to any device which is used for Shire business.

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 Centre.

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

Formerly	New Policy	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	30 August 2018	30 August 2018
Version		



POLICY – 6.1 – Occupational Health & Safety

Relevant Delegation

N/A

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 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.

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	20 November 2012 25 June 2015	30 August 2018
Version	2	



POLICY – 6.2 – Harassment & Grievances

Relevant Delegation

N/A

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

Refer to schedule 6.2 (a) – Harassment Policy

Refer to schedule 6.2 (b) - Complaints/Grievance Procedure

Formerly	Policy 5.8	
Last Reviewed	August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	28 February 2013
Adopted	30 August 2018	25 June 2015
Version	1	

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

Formerly	Policy 5.8	
Last Reviewed	Replaced 29 November 2012	
Next Review Date	February 2021	
Amended	29 November 2012	28 February 2013
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 6.3 – Personal Protection Equipment & Uniforms

Relevant Delegation
N/A

Policy Statement

- 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. - trousers or “long shorts” no higher than 50mm above the knee. - high visibility (orange/yellow) jacket <u>or</u> jumper for cold weather - boots – at least ankle height, with reinforced toe cap	4 4 1 1
Chemical and hazardous substances – - breathing masks, gloves, disposable overalls	As required
Sun protection – - wide brimmed sun hat - sunglasses - sunscreen applied at least twice daily to all exposed skin	1 1 As required
Other – - gloves – gardening, welding etc - safety glasses - ear plugs	As required As required 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.	

- Administrative staff uniforms –

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

COMMENT

Formerly	Policies 5.1, 5.2, 5.13 Replaced 29 November 2012	
Last Reviewed	19 August 2020	
Next Review Date	February 2021	
Amended	19 August 2020 (Res# 1972)	28 February 2013
Adopted	19 August 2020 25 June 2015	30 August 2018
Version	3	



POLICY – 6.4 – Fitness for Work

Relevant Delegation

N/A

Objective

The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol.

Policy Statement

The Shire of Menzies is committed to zero tolerance of alcohol and drugs in the workplace and will conduct random drug and alcohol screening to ensure compliance.

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.

Refer to:

- Schedule 6.4 (a) – Fitness for Work Procedures
- Schedule 6.4 (b) – Drug Testing: Additional Information

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</i>	sudden or gradual deterioration in a person's ability to function
<i>Performance</i>	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:
 1. The unacceptability of the employee's behaviour

2. The risk that such behaviour creates for the safety of the individual and other employees or members of the public
 3. The employee's responsibility to demonstrate that the problem is being effectively addressed
 4. 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. 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.
 - i. 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 –
 - a. Contact the employee's next of kin to arrange pick up
 - b. 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 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 (µg/L)	Confirmatory Tests (µg/L)
Amphetamines (i.e. Speed)		300	300
Benzodiazepines (i.e. Valium)		200	200
Opiates (i.e. Heroin)		300	
	Codeine		300
	Morphine		300
Cannabinoids (i.e. Marijuana)		50	15
Cocaine	Cocaine	300	150

µg/L = microgram per litre

– End of Schedule

Formerly	Policy 5.3 Replaced 29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		
Adopted	25 June 2015	30 August 2018
Version	1	



POLICY – 7.1 – Dog Act - Enforcement

Relevant Delegation

N/A

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

Formerly	Delegation 41	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	28 February 2013
Adopted	25 June 2015	30 August 2018
Version	1	



POLICY – 7.2 – Bush Fires Act Enforcement

Relevant Delegation

N/A

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

Formerly	Delegation 39	
Last Reviewed	August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	28 February 2013
Adopted	25 June 2015 29 November 2012	30 August 2018
Version	2	



POLICY – 7.3 – Impounded Goods

Relevant Delegation

N/A

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

Formerly	Delegations 32, 33	
Last Reviewed	19 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	28 February 2013
Adopted	20 November 2012 25 June 2015	30 August 2018
Version	2	



POLICY – 7.4 – Closed Circuit Television System

Relevant Delegation

N/A

Objective

The Shire of Menzies provides CCTV units to the district in order to assist in the deterrence of offences against person or property.

Policy Statement

This policy will apply to all persons who are authorised to manage or use the CCTV units within the Shire of Menzies.

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 (Attachment A) provides list the Services who are approved to access Local Government CCTV systems

– *End of Policy*

COMMENT

Refer to Attachment A – State CCTV Memorandum of Understanding (The Minister for Police)

Formerly	New Policy 13 December 2018	
Last Reviewed		
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	13 December 2018	
Version		



MEMORANDUM OF UNDERSTANDING

BETWEEN

The Minister for Police

AND

Participants as listed in Clause A of the Schedule to this Memorandum

FOR THE PROVISION OF A COORDINATED STATE CCTV NETWORK THAT
ALLOWS DATA SHARING BETWEEN OWNERS OF CCTV
CAMERAS FACING PUBLIC AREAS TO ENHANCE THE SAFETY AND
SECURITY OF THE WESTERN AUSTRALIAN COMMUNITY

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MEMORANDUM OF UNDERSTANDING

Date

This Memorandum of Understanding ('MOU') commences on the date properly executed by the Participants. If other Participants opt into this MOU at a later date, the obligations of this MOU will apply to those additional Participants on the date properly executed by those other Participants.

Parties

This MOU is made between:

1. The Minister for Police
 2. Participants, as listed Clause A of the Schedule to this MOU
- together known as 'the Parties'.

Recitals

-
1. The Parties acknowledge that CCTV has increasingly featured in the community as a safety and crime prevention tool. The use of CCTV in public areas supports law enforcement, public amenity, counter terrorism and emergency services operations.
 2. There are numerous CCTV systems in Western Australia (WA), many of which have cameras facing public areas that have the potential to contribute to improving community safety, security and public amenity outcomes. The State CCTV Strategy provides a clear vision and framework for how CCTV in public areas can best be used and provides the mechanism by which CCTV owners can volunteer the Data from any public facing camera that they manage to one or more agreed Clients. By coordinating the State's CCTV resources through a voluntary framework, the State CCTV Strategy aims to make the data sharing process in WA as efficient as possible, both for CCTV owners who donate Data and Clients (such as WA Police and emergency services) who are authorised to access this Data.
 3. The State CCTV Register (currently called Blue Iris) will be reformed and updated to provide better functionality and operability for those CCTV owners who, subject to being approved as a Donor, wish to voluntarily provide Data from their public facing cameras. The State CCTV Register will form a comprehensive database containing information on the State's CCTV infrastructure and, in the event of an incident, WA Police and

emergency services will be able to respond more effectively by obtaining Data from cameras detailed in the State CCTV Register.

4. A set of criteria and supporting documents will be published as part of the State CCTV Strategy to provide a range of information on CCTV and leading practice for owners of CCTV systems to adopt, whether in the private or public domain. In addition, policy and whole-of-government guidance will be provided for State agencies and Local Government Authorities to support agency planning and coordination of CCTV and related infrastructure.
5. Of the CCTV owners who register their infrastructure, it is expected that a small subset will have a large number of cameras covering public spaces. These owners will be encouraged on a case by case basis to become connected so that WA Police can directly access their live, and potentially recorded, CCTV Data for safety and security purposes. Other Clients may be added if agreed by the CCTV owner and if they meet certain eligibility criteria. A technology solution will be trialled and developed as part of the State CCTV Strategy to connect these identified high value CCTV owners. This connection will serve to minimise disruption to Donor operations and increase police responsiveness to critical incidents.
6. Contributing to a safer and more secure WA is not limited to owners of traditional CCTV infrastructure, as everyone with a smart phone or tablet now possesses a CCTV camera. As part of the State CCTV Strategy, a Mobile Video Sharing solution will be tested to unlock this potentially rich source of Data, providing a new way for members of the community to themselves contribute to WA's safety and security.
7. The Parties acknowledge that limitations may exist in respect of legal and privacy issues, participation issues, and technological limitations. To address this, the State CCTV Strategy will review existing legislation; develop criteria, guidelines and procedures to govern the collection, use and storage of CCTV Data; and will prioritise the registered Donors to identify those of the highest value for public safety.
8. Under this MOU, WA Police will always be the primary client and will manage the CCTV State Strategy.

1. **Memorandum of Understanding**

This document is a statement of understanding and is not intended to create binding or legal obligations on any Party.

2. **Interpretation**

2.1. **Definitions**

- 2.1.1. In this MOU, unless a contrary intention appears:

Approved Client	means an approved receiver of Data pursuant to a Registered Agreement between an individual Donor and another person;
Approved Purposes	means the approved purposes for which Data may be accessed and used as described in Clause B of the Schedule;
Business Day	means a weekday other than a public holiday;
Client	means an Emergency Services Client or an Approved Client;
CCTV	means closed circuit television;
Commencement date	means the date this memorandum of understanding is executed by a Party;
Data	means any CCTV footage provided or accessible via the State CCTV Strategy;
Donor	means an approved provider of Data to the State CCTV Strategy;
Emergency Services Client	means an approved receiver of Data listed as a Participant in clause A.1 of the Schedule;
Harmful Code	includes any computer code or instruction that is intentionally designed, created, replicated or distributed to have the ability to damage, inhibit, interfere with or adversely affect computer programs or data or information and communications technology systems, or to compromise or adversely affect the security, integrity, confidentiality or privacy of such systems or programs or data of any person, or that otherwise is or is intended to be disruptive, vexatious, harmful, malicious, or destructive to any person or thing without limitation including any computer 'worm', 'Trojan horse', 'spyware', 'malware' or 'backdoor';
MOU	means this Memorandum of Understanding and its Schedule;
Participants	means Clients and Donors;

Personnel	means a Participant's officers, employees, agents, contractors and subcontractors (and, where relevant, each agent's contractor's and subcontractor's personnel);
Registered Agreement	means an agreement between a Donor and an Approved Client that has been registered with WA Police;
Security Incident	means a security breach, violation, contact or approach from those seeking or gaining unauthorised access to Data;
State CCTV Register	Means the comprehensive database which will provide Participants with information on voluntarily registered CCTV cameras monitoring public spaces;
CCTV State Strategy	means the coordinated framework which facilitates data sharing between Donors and Clients;
WA Police	means Western Australia Police.

2.2. Construction

2.2.1. In this MOU, unless the contrary intention appears:

- a. words importing a gender include any other gender;
- b. words in the singular include the plural and words in the plural include the singular;
- c. clause headings are for convenient reference only and have no effect in limiting or extending the language of provisions to which they refer;
- d. words importing a person include a partnership and a body whether corporate or otherwise;
- e. a reference to any legislation or legislative provision includes any statutory modification, substitution or re-enactment of that legislation or legislative provision;
- f. if any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- g. the Schedule forms part of this MOU;
- h. if any conflict arises between the terms contained in the clauses of this

MOU and any part of the Schedule, the terms in the clauses prevail;

- i. a reference to the Schedule, is a reference to the Schedule to this MOU, including as amended or replaced from time to time; and
- j. a reference to writing is a reference to any representation of words, figures or symbols, whether or not in a visible form.

3. Term

3.1. Term of this MOU

- 3.1.1. This MOU commences on the Commencement Date and remains in force indefinitely.
- 3.1.2. A review may be undertaken at any time as agreed by all Parties of this MOU.

4. Variation

4.1. Variation to this MOU

- 4.1.1. The list of Participants in Schedule A may be amended at any time by WA Police to reflect the addition or withdrawal of Participants to this MOU.
- 4.1.2. This MOU may otherwise be varied by the written agreement of all Parties.

5. Withdrawal

5.1. Withdrawal of a Participant from this MOU

- 5.1.1. A Participant may, by written notice of at least three months to WA Police, withdraw from this MOU at any time and such notice will take effect on a date determined by WA Police.
- 5.1.2. Upon notice of withdrawal, WA Police and the withdrawing Participant will produce a plan to manage transition and termination of the MOU and associated services.
- 5.1.3. Upon withdrawal of a Participant, the remaining Participants acknowledge they have no right to claim compensation or reimbursement of any kind.

6. Roles and Responsibilities of Parties

6.1. The Minister for Police

- 6.1.1. The Minister for Police is accountable for the implementation and outcomes of the State CCTV Strategy and provides oversight on behalf of the government of the day.

6.2. WA Police

- 6.2.1. WA Police are the primary Client and cannot be excluded from access to Data;
- 6.2.2. WA Police have sole discretion to permit Emergency Services Clients to access Data as and when required;
- 6.2.3. WA Police will:
 - i. maintain the State CCTV Register;
 - ii. assess and determine applications from persons wishing to be approved as a Participant;
 - iii. maintain control of the State CCTV Strategy to allow access to Clients pursuant to this MOU;
 - iv. determine if individual agreements between a Donor and another person for access to Data meet eligibility requirements and, if so, will approve the other person as an Approved Client and will register the agreement as a Registered Agreement;
 - v. provide Donors with leading practice guidelines for CCTV system configuration and maintenance.

6.3. Donors

- 6.3.1. Donors may independently negotiate with other persons who are not Participants to establish parameters that will allow the other person to become an Approved Client on agreed terms;
- 6.3.2. Donors will:
 - i. provide system capability to ensure access to Data by Clients as envisaged by this MOU;
 - ii. provide access to a Data owned, controlled or operated by the Donor to Clients in accordance with clause 7.1;
 - iii. if contacted by WA Police and requested to do so, store and preserve particular Data for the time period specified by WA Police;
 - iv. provide WA Police a copy of any individual agreement reached with another person for access to Data and request WA Police assess it to approve the other person as an Approved Client and to register the agreement as a Registered Agreement; and

- v. provide initial user training to selected Personnel if required.

6.4. Clients

- 6.4.1. WA Police are permitted access to Data for the approved purposes described in Schedule B;
- 6.4.2. Emergency Services Clients are permitted access to Data for the approved purposes described in Schedule B at the sole discretion of WA Police;
- 6.4.3. All other Clients are permitted access to Data for the approved purposes described in Schedule B and as limited by any parameters outlined in the Registered Agreement relevant to that Client.

7. Ownership

7.1. No change to ownership

- 7.1.1. Nothing in this MOU affects the ownership of any Intellectual Property in Data or other information supplied by any Participant.
- 7.1.2. Donors are individually responsible for the storage and preservation of Data owned, controlled or operated by them.
- 7.1.3. Participants are individually responsible for CCTV infrastructure owned, controlled or operated by them.

8. Disclaimer

8.1.

No warranty of accuracy

- 8.1.1. The Parties acknowledge that any Data made available under this MOU is made available to the Participants 'as is' and no guarantees are made by any Party to this MOU as to its accuracy or completeness.
- 8.1.2. The Parties disclaim all warranties, express or implied, and accept no liability for any errors or omissions the Data may contain.

8.2. No warranty of functionality

- 8.2.1. WA Police does not warrant the availability or performance of the State CCTV Strategy and accepts no liability for any malfunction, defect, and downtime resulting from system maintenance, unavailability, Harmful Code or any other performance issue related to the State CCTV Strategy.
- 8.2.2. WA Police will endeavour to provide timely advice of scheduled downtime to the Participants.

9. Other Responsibilities

9.1. Good faith

- 9.1.1. The Parties commit to working with each other in good faith to implement and comply with the terms of this MOU.

9.2. Maintenance of Data supplied by the Participants

- 9.2.1. The Parties acknowledge that WA Police is not responsible for the maintenance or accuracy of the Participants' Data available through the State CCTV Strategy;

9.3. Compliance with laws

- 9.3.1. The Parties will comply with all laws and legislation relevant to operating CCTV in public facing areas.
- 9.3.2. The Parties acknowledge that Data may fall within the meaning of 'document' for the purposes of the *Freedom of Information Act 1992*. If any Data becomes the subject of a request received by a Party under the *Freedom of Information Act 1992*, the Party will notify WA Police and otherwise act in accordance with the provisions of the *Freedom of Information Act 1992*.

9.4. Virus checking

- 9.4.1. The Participants will use their best endeavours to ensure that their participation in the State CCTV Strategy and provision of Data to Clients does not result in any Harmful Code being transferred.

10. Fees

10.1. No fees payable

- 10.1.1. No fees are payable to or by the Participants for the provision or use of Data pursuant to the State CCTV Strategy.

11. Confidential Information

11.1. Confidential Information not to be disclosed

- 11.1.1. A Party will not, without the prior written consent of the relevant Participant, disclose any Confidential Information of that Participant to a third party.
- 11.1.2. A Participant may impose conditions it considers appropriate when giving consent under this clause and the Party who has requested disclosure shall comply with these conditions.

11.2. Exceptions to responsibilities

- 11.2.1. The responsibilities of Parties under this clause do not extend to situations in which Confidential Information:
- i. is disclosed by a Participant to its Personnel solely in order to discharge its responsibilities or ensure discharge of another Participant's responsibilities under this MOU,
 - ii. is disclosed to a Party's internal management Personnel to enable effective management or auditing of MOU-related activities, iii. is disclosed by a Participant to their responsible Minister,
 - iv. is disclosed by a Party in response to a request by an Australian parliamentary house or a committee,
 - v. is shared by a Party with their internal management boards,
 - vi. is required by law to be disclosed, or
 - vii. is in the public domain otherwise than due to a breach of this clause 11.
- 11.2.2. Where a Party discloses Confidential Information to another person pursuant to clause 11.2.1, the disclosing Party must notify the person that the information is confidential and obtain agreement that the information will be kept confidential.

11.3. Additional Confidential Information

- 11.3.1. The Parties may agree in writing after the date of commencement of this MOU that certain additional information is to be Confidential Information for the purposes of this MOU.

11.4. Period of confidentiality

- 11.4.1. The responsibilities under this clause 11 continue, notwithstanding the withdrawal of a Participant.

12. Security**12.1. Secure Access to State CCTV Strategy**

- 12.1.1. The Participants will collaborate to establish and maintain secure connectivity to the State CCTV Strategy as WA Police considers appropriate.
- 12.1.2. In addition to the clause 12.1.1, the Participants will ensure that all requirements as advised by WA Police to the Participants from time to

time for securely accessing the State CCTV Strategy are in place and meet the specifications notified by WA Police.

12.2. Security Reports

- 12.2.1. The Participants will provide a written security report to WA Police immediately upon becoming aware that a Security Incident has or may have occurred.
- 12.2.2. The security report will include the following information:
 - i. an outline of the Security Incident,
 - ii. steps taken by the respective Participant to address the Security Incident, iii. where appropriate, recommendations for security improvements, and
 - iv. any other information which WA Police reasonably requires in relation to the Security Incident.

13. Dispute resolution

- 13.1.1. The Parties agree that any dispute under the MOU shall be resolved in a spirit of fair and open communication at the level at which the issue arises.
- 13.1.2. If the dispute cannot be resolved at the lower level, the Party alleging a dispute will notify WA Police of the nature and details of the dispute. The dispute will then be dealt with through discussion and negotiation between the Parties.
- 13.1.3. In the event of a dispute, the Participants will, unless requested not to do so by WA Police, continue to perform their obligations under this MOU.

14. Notices

14.1. Format, addressing and delivery

- 14.1.1. A notice under this MOU is only effective if it is in writing addressed to the relevant Party.
- 14.1.2. A notice is to be:

- i. signed by the person giving the notice and delivered by hand; or
- ii. signed by the person giving the notice and sent by pre-paid post;
- or
- iii. transmitted electronically by the person giving the notice by electronic mail or facsimile transmission.

14.2. Effective notice

14.2.1. A notice is deemed to be effected:

- i. *if delivered by hand* - upon delivery to the relevant address; ii.
- if sent by post* - upon delivery to the relevant address; iii. *if transmitted electronically* - upon actual receipt by the addressee.

14.2.2. A notice received after 5.00 pm, or on a day that is not a Business Day in the place of receipt, is deemed to be effected on the next Business Day in that place.

SIGNED for and on behalf of:

[insert name]
Police

[insert name] *Minister for Police* WA

Date:

Date:

[insert name]

[insert name]

Date:

Date:

[insert name]

[insert name]

Date:

Date:

[insert name]

[insert name]

Date

Date:

[insert name]

[insert name]

Date: Date:

SCHEDULE

A. Participants

A.1. Emergency Services Clients

- WA Police Force
- Department of Fire and Emergency Services
- Australian Federal Police
- Australian Border Force
- Australian Criminal Intelligence Commission
- Australian Security Intelligence Organisation

A.2. Government Agencies

- To be confirmed

A.3. Local Government Authorities

- City of Albany
- Town of Bassendean
- City of Bayswater
- City of Bunbury
- Shire of Broome
- Shire of Carnarvon
- City of Cockburn
- Shire of Derby-West Kimberley
- City of Geraldton
- City of Gosnells
- Shire of Halls Creek
- Shire of Katanning
- City of Kwinana
- Shire of Kalgoorlie
- Shire of Kalamunda
- City of Joondalup
- Shire of Leonora
- Shire of Laverton
- Shire of Moora
- Shire of Mundaring

- Shire of Narrogin
- Shire of Northam
- Town of Port Hedland
- The City of Vincent

A.4. Private Businesses/Persons

- To be confirmed

MOU for the State CCTV Strategy

B. Approved Purposes for access to Data

B.1. Emergency Services Clients may access Data:

- following a critical incident in which the lives or safety of members of the public are or may be at risk, in order to coordinate the delivery of emergency services and/or response of law enforcement officers;
- to gather intelligence and/or evidence to assist in the prevention of crime or terrorist activities;
- to gather evidence following a critical incident;
- a purpose that is otherwise required by or under law.

B.2. **Approved Clients** may only access Data in accordance with a Registered Agreement and for the following purposes:

- crime deterrent strategies of relevance to the Approved Client;
- to improve community safety in an area of relevance to an Approved Client;
- to improve security outcomes in crime hotspots of relevance to an Approved Client;
- a purpose that is otherwise required by or under law.



POLICY – 8.1 – Compulsory Waste Collection Service

Relevant Delegation

N/A

Objective

To provide an equitable and financially sustainable waste collection service.

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

Formerly	New Policy 13 December 2018	
Last Reviewed		
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	13 December 2018	
Version		



POLICY – 9.1 – Shire Accommodation – Rental Charges

Relevant Delegation

N/A

Policy Statement

1. Rental charges for each category of accommodation are to be reviewed annually and the charges included in the schedule of fees and charges as adopted by the Council as part of the annual Budget.
2. Housing and pet bonds for all accommodation are to be in accordance with the Residential Tenancies Act 1987.
3. Water, 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.
4. Utilities such as power, gas and communications (telephone & internet) are the responsibility of the tenant.
5. Categories of Staff Accommodation

Category 1	Dwelling	4 bed 2 bath
Category 2	Dwelling	3 bed 2 bath
Category 3	Dwelling Unit or Chalet	2 bed 1 bath
Category A	Dwelling, Unit or Chalet	Furnished or semi furnished
Category B	Dwelling, Unit or Chalet	Pet bond

6. The Council may vary or waiver rental and utility charges for staff accommodation as part of their negotiations in relation to an employment contract

– End of Policy

COMMENT

Formerly	Delegation 6, 29	Replaced 29 November 2012
Last Reviewed	17 December 2020	
Next Review Date	December 2021	
Amended	27 February 2014 17 December 2020	28 February 2013
Adopted	30 December 2018 17 December 2020	25 June 2015
Version	2	



POLICY – 9.2 – Shire Housing – Tenancy Conditions

Relevant Delegation

N/A

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 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*

COMMENT

Formerly	Delegation 6, 29	Replaced 29 November 2012
Last Reviewed	17 December 2020	
Next Review Date	February 2021	
Amended	25 February 2016	28 February 2013
Adopted	30 August 2018 17 December 2020	25 June 2015
Version	2	



POLICY – 9.3 – Shire Housing - Inspections

Relevant Delegation

N/A

Objective

To ensure staff accommodation is cared for appropriately by the occupant and to identify any matters for attention.

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

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	29 November 2012 30 August 2018	25 June 2015
Version	2	



POLICY – 10.1 – Collection of Native Flora and Fauna

Relevant Delegation

N/A

Policy Statement

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
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.

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	29 November 2012 30 August 2018	25 June 2015
Version	2	



POLICY – 10.2 – Tree Policy

Relevant Delegation

N/A

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.

Policy Statement

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.

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.

Formerly		New Policy 30 August 2018
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	30 August 2018	
Version		



POLICY – 11.1 – Council Facilities – Alcohol Consumption

Relevant Delegation

N/A

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

Formerly	Delegation 20	Replaced 29 November 2012
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	25 June 2015	30 August 2018
Version	1	



POLICY – 12.1 – Plant Replacement Program

Relevant Delegation

N/A

Objective

The objective of this policy is to help ensure that the Council's vehicles, plant & equipment is replaced at a time which optimises its use and minimises the whole of life cost.

Policy Statement

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

In order to enable this policy to be implemented effectively and to eliminate the requirement to amend the policy each time vehicles, plant or equipment is replaced, the Council's current list of plant has been separated into several categories with a replacement strategy for each category.

1. The attached table forms part of the policy and identifies the plant replacement cycle and vehicle types and specifications.
2. The replacement cycles are intended as a guide only and are subject to review during the Budget adoption process.
3. The Shire will purchase ANCAP five (5) star rated motor vehicles where practicable.
4. The Shire will generally purchase vehicles fitted with diesel engines

Vehicle Use	Description	Replacement Strategy	Equipment Standards / Comments
Road Plant and Trailer			
Grader	specifications to be determined	5 Years / 10,000hrs	Window tint, floor mats, seat covers, UHF radio, Sat phone, Emergency GPS, first aid kit, fire extinguisher, twin flashing beacons
Wheel loader	specifications to be determined	5 Years / 10,000hrs	Window tint, floor mats, seat covers, UHF radio, Sat phone, Emergency GPS, first aid kit, fire extinguisher, twin flashing beacons
SP Vibrator Roller	specifications to be determined	5 Years / 4,000hrs	twin flashing beacons, window tint, floor mats, seat covers, UHF radio, fire extinguisher
SP Multi tyre Roller	specifications to be determined	6 Years / 4,000hrs	twin flashing beacons, window tint, floor mats, seat covers, UHF radio, fire extinguisher
Towed M/T roller	specifications to be determined	20+ Years	twin flashing beacons, window tint, floor mats, seat covers, UHF radio, fire extinguisher
Trucks and Trailers			
Prime mover	specifications to be determined	6 years / 300,000km	Roo bar, towbar, window tint, floor mats, seat covers, UHF radio, Sat phone, Emergency GPS, first aid kit, fire extinguisher, twin flashing beacons
Side Tipper	specifications to be determined	12-15 Years	Roo bar, towbar, window tint, floor mats, seat covers, UHF radio, Sat phone, Emergency GPS, first aid kit, fire extinguisher, twin flashing beacons
Drop deck semi trailer float	specifications to be determined	8-10 Years	
Tri-axle water tanker	specifications to be determined	8-10 Years	
Tandem Dolly	specifications to be determined	8-10 Years	
Service Truck – crew cab	specifications to be determined	4 Years / 80,000 km	Roo bar, towbar, window tint, floor mats, seat covers, UHF radio, Sat phone, Emergency GPS, first aid kit, fire extinguisher, twin flashing beacons
Town truck – standard cab	specifications to be determined	5 Years / 150,000klm	towbar, window tint, floor mats, seat covers, UHF radio, first aid kit, fire extinguisher, twin flashing beacons

Fire Vehicles			
Light Tanker	specifications to be determined with DFES	4 Years / 80,000 km	Subject to DFES requirements
Other Plant			
Backhoe	specifications to be determined	7 Years / 8,000 hrs	twin flashing beacons, window tint, floor mats, seat covers, UHF radio, fire extinguisher
Ride on mower – front deck	specifications to be determined	5-7 Years	Fire extinguisher
Ride on mower – mid mount	specifications to be determined	2 Years	Fire extinguisher
Trailers			
Box trailers	specifications to be determined	8-10 Years	galvanized
Car Trailer	specifications to be determined	8-10 Years	galvanized
Fuel Trailer	specifications to be determined	8-10 Years	Galvanized, fire extinguisher
Light Vehicles			
Chief Executive Officer	4WD Executive Vehicle Toyota Prado GXL or equivalent	3 years or 100,000km	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, Sat phone, UHF radio, emergency GPS, first aid kit, fire extinguisher, spotlights
DCEO or Manager Finance	4WD Executive Vehicle – Toyota RAV 4 GXL or equivalent	3 years or 100,000km	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, Sat phone, UHF radio, emergency GPS, first aid kit, fire extinguisher, spotlights
Works Manager/ Supervisor	4x4 Crew Cab Hilux or equivalent	3 years or 100,000km	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, Sat phone, UHF radio, Emergency GPS, flashing beacon 1 st Aid kit, Spotlights
Single Cab Work Utes	Hilux WorkMate or equivalent	3 years or 100,000km	Aircon, towbar, seat covers, floor mats fire extinguisher, twin flashing beacons
Dual Cab Work Utes	Hilux WorkMate or equivalent	3 years or 100,000km	Aircon, towbar, seat covers, floor mats fire extinguisher, twin flashing beacons

– End of Policy

COMMENT

Formerly	Policy 7.6	
Last Reviewed	26 November 2020 (Res # 2042)	
Next Review Date	February 2021	
Amended	26 November 2020	28 February 2013
Adopted	29 November 2012 30 August 2018	25 June 2015 26 November 2020
Version	3	



POLICY – 12.2 – Shire Plant, Vehicle and Equipment

Relevant Delegation

N/A

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*

COMMENT

Formerly	Delegations 8, 13 Policies 5.18 & 7.3	Replaced November 2012
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 12.3 - Stock Grids

Relevant Delegation

N/A

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:
 - 3.1. no grid will be authorised for construction unless a stock-proof fence adjoins the proposed grid installation/replacement;
 - 3.2. capable of handling ALL stock;
 - 3.3. 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
 - 3.4. each grid be determined at no less than eight (8) metres wide.

– End of Policy

COMMENT

Formerly	Policy 7.4.1, 7.4.2	
Last Reviewed	29 October 2020	CURRENTLY AWAITING COMMENTS FROM PUBLIC CONSULTATION
Next Review Date	March 2023	
Amended	29 November 2012	28 February 2013
Adopted	25 June 2015	30 August 2018
Version	1	



POLICY – 12.4 – Road Train Permits

Relevant Delegation

N/A

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.

Formerly	Delegation 17 and Policy 7.5	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	29 November 2012	
Adopted	30 August 2018	25 June 2015
Version	1	



POLICY – 12.5 – Private works

Relevant Delegation

N/A

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

Formerly		
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended		28 February 2013
Adopted	29 November 2012 30 August 2018	25 June 2015
Version	2	



POLICY – 12.6 – Retention of Stock Grids

Relevant Delegation

N/A

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 fence line;
 - 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 side 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

COMMENT

Formerly		
Last Reviewed	30 August 2018	Created: 16 September 2014
Next Review Date	March 2021	
Amended		
Adopted	25 September 2014 30 August 2018	25 June 2015
Version	2	



POLICY – 12.7 – Bus Hire

Relevant Delegation

N/A

Policy Statement

This Policy applied to the Hire of the Shire of Menzies bus (capable of seating 11 passengers):

- All booking to be made at the SHIRE OF MENZIES administration office.
- A standard booking is no longer than 3 days to ensure the bus is accessible to everyone. A longer term maybe negotiated on request.
- The key to be picked up from the administration office of Shire; the hirer need to provide an appropriately licenced driver 25 years or older.
- Bus return times are to be negotiated with the Shire.
- A bond will be charged and must be paid at the time of booking the bus to ensure confirmation of that booking. (See fees & Charges for the current bond fee).
- The bond may be retained in the event that:
 - a cancellation notice is not received should you decide against using the bus with no refund if the cancellation is less than 3 days before the intended date.
 - the cleanliness of the bus is not satisfactory
 - the hirer fails to pay the hire costs of the bus.
- The hirer is to ensure the inside of the bus is clean and tidy before returning the keys. If not clean, they will be required to clean the bus or a cleaning fee of \$35.00 per hour will apply.
- If the hirer picks up the bus in an unsatisfactory condition, the hirer must notify the Shire immediately.
- Damage or breakages which result from misuse by the hirer are the responsibility of the hirer and all replacement or repair costs will be charged to the hirer, repairs arising from normal usage are the responsibility of Council.
- The hirer is Responsible for the safety of all passengers at all times. The driver and passengers must be restrained in suitable seat belts at all times.
- Children who are of the age requiring a safety capsule or seat must be appropriately restrained.
- The hirer should check the oil, water and tyres before and after use.
- Children should be supervised by parents / guardians at all times.
- Smoking, consumption of food and drinking of alcohol or soft drinks is not permitted in the bus at any time.

- In case of breakdowns of the bus, the hirer is to make every endeavour to return the bus to the Shire. The alternative transport of passengers becomes the sole responsibility of the hirer.
- When picked up, the bus will have full tank of diesel fuel.
- In the case of motor vehicle accident where the hirer is proven to be negligent, the hirer is liable for the insurance excess currently \$500.00 arising out of an insurance claim.
- In other circumstances where the driver is not at fault the Shire will pay the excess.
- The Shire retains the right: to change, alter or adopt new rules as they wish and to refuse use of the bus if they wish.



Contact Us

124 Shenton Street (PO Box 4)
Menzies WA

Phone: (08) 9024 2041

Email: admin@menzies.wa.gov.au

SHIRE OF MENZIES BUS HIRE APPLICATION FORM

HIRER CONTACT DETAILS

Name/Organisation: _____

Email: _____ Phone: _____

Address: _____

Contact Person: _____ Mobile: _____

HIRE DETAILS

Dates of Hire: _____ Time: _____

Purpose of Hire: _____

Estimated Distance: _____ Estimated Passenger No.: _____

DRIVER (MINIMUM LICENCE REQUIREMENT IS C CLASS 25 YEARS AND OLDER)

Name: _____ Alternative Driver: _____

Address: _____ Address: _____

Licence No: _____ Licence No: _____

CHARGES:

- Apply for non-community purposes or if it is hired by non-residents of the SHIRE.
- The charge for the bus is \$100.00 for the first 100km and \$0.90c per km after that,
- A bond of \$200.00 is to be paid immediately to confirm booking dates or else the booking date maybe re-booked.
- An account will be sent to you at the completion of your trip.

SIGNATURE OF HIRER: _____

DATE: _____

OFFICE USE ONLY

- ☐ Signed Hire Application Form
- ☐ Copy of Agreement to Hirer
- ☐ Photocopy of Driver's Licence
- ☐ Booking in Calendar
- Officer Name _____
- Date _____
- ☐ Key Issued - Date _____
- ☐ Returned
- Comments _____

SHIRE OF MENZIES BUS HIRE POLICY & AGREEMENT



POLICY – 12.7 – Bus Hire

Relevant Delegation

N/A

Policy Statement

This Policy applied to the Hire of the Shire of Menzies bus (capable of seating 11 passengers):

- All booking to be made at the SHIRE OF MENZIES administration office.
- A standard booking is no longer than 3 days to ensure the bus is accessible to everyone. A longer term maybe negotiated on request.
- The key to be picked up from the administration office of Shire; the hirer need to provide an appropriately licenced driver 25 years or older..
- Bus return times are to be negotiated with the Shire.
- A bond will be charged and must be paid at the time of booking the bus to ensure confirmation of that booking. (See fees & Charges for the current bond fee).
- The bond may be retained in the event that:
 - a cancellation notice is not received should you decide against using the bus with no refund if the cancellation is less than 3 days before the intended date.
 - the cleanliness of the bus is not satisfactory
 - the hirer fails to pay the hire costs of the bus.
- The hirer is to ensure the inside of the bus is clean and tidy before returning the keys. If not clean, they will be required to clean the bus or a cleaning fee of \$35.00 per hour will apply.
- If the hirer picks up the bus in an unsatisfactory condition, the hirer must notify the Shire immediately.
- Damage or breakages which result from misuse by the hirer are the responsibility of the hirer and all replacement or repair costs will be charged to the hirer, repairs arising from normal usage are the responsibility of Council.
- The hirer is Responsible for the safety of all passengers at all times. The driver and passengers must be restrained in suitable seat belts at all times.
- Children who are of the age requiring a safety capsule or seat must be appropriately restrained.

- The hirer should check the oil, water and tyres before and after use.
- Children should be supervised by parents / guardians at all times.
- Smoking, consumption of food and drinking of alcohol or soft drinks is not permitted in the bus at any time.
- In case of breakdowns of the bus, the hirer is to make every endeavour to return the bus to the Shire. The alternative transport of passengers becomes the sole responsibility of the hirer.
- When picked up, the bus will have full tank of diesel fuel.
- In the case of motor vehicle accident where the hirer is proven to be negligent, the hirer is liable for the insurance excess currently \$500.00 arising out of an insurance claim.
- In other circumstances where the driver is not at fault the Shire will pay the excess.
- The Shire retains the right: to change, alter or adopt new rules as they wish and to refuse use of the bus if they wish.

OTHER INFORMATION:

- **The bus has comfortable seats for 12 including the driver.**
- **A copy of this form is to be retained by the hirer for their information.**

1. DECLARATION:

I agree to be responsible for and indemnify the SHIRE for any loss or damage that is caused to the bus either by negligence, poor driving skills or improper use by any person. I also agree to observe all provisions to the Road Traffic Act and Regulations.

I hereby agree to pay all hire charges and additional costs associated with the hire of the SHIRE OF MENZIES BUS.

I acknowledge that a deposit or part/full payment may be required prior to hire and if the bus is not clean, I am liable for cleaning cost of \$35.00 per hour.

SIGNATURE OF HIRER: _____ **DATE:**

– End of Policy

COMMENT

Formerly		New Policy 31 October 2019
Last Reviewed	31 October 2019	
Next Review Date	February 2021	
Amended		
Adopted	31 October 2019	
Version		

POLICY MANUAL

SECTION 13 – BUILDING / DEVELOPMENT

NIL POLICIES



POLICY – 14.1 – Flying of Australian Flag

Relevant Delegation

N/A

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

Formerly		New Policy 31 October 2019
Last Reviewed	31 October 2019	
Next Review Date	February 2021	
Amended		
Adopted	31 October 2019	
Version		



POLICY – 14.2 – Political and Elections Roadside Advertising

Relevant Delegation

N/A

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.

Formerly		New Policy 31 October 2019
Last Reviewed	31 October 2019	
Next Review Date	February 2021	
Amended		
Adopted	31 October 2019	
Version		

HISTORY SUMMARY (2012 – 31.1.21)

	Meeting	Purpose	Policy affected	Date to be Reviewed
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	February/March 2021
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	

	Meeting	Purpose	Policy affected	Date to be Reviewed
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	1.2 Purchasing and Tenders 4.11 Rating Strategy Policy 7.4 Closed Circuit Television System	
26	13 December 2018 Res# 1577	Amended Adopted	4.11 Rating Strategy Change made to COMMENT Surrender of Land Practice to October 2018 has been that: <ul style="list-style-type: none"> Where a property owner has advised that they no longer wish to retain ownership of a property that, subject to the following conditions, Council 	

	Meeting	Purpose	Policy affected	Date to be Reviewed
			<p>will accept the ownership of land subject to</p> <ul style="list-style-type: none"> ○ 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. <p>Council has indicated that this advice is no longer to be provided, and</p> <ul style="list-style-type: none"> • Where a property owner no longer wishes to retain ownership of a property, they will be advised to either <ul style="list-style-type: none"> ○ Sell the property or ○ Apply to Landgate to return the property to the Crown." 	
27	13 December 2018 Res# 1583	Adopted	7.4 Closed Circuit Television System That Council adopt Policy 7.4 being Closed Circuit Television Policy and not the Memorandum of Understanding between the State of Western Australia and WALGA.	
28	13 December 2018 Res#1576	Amended Adopted	<p>4.2 Purchasing and Tenders Addition of clause 3 –</p> <p>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).</p>	
29	24 April 2019 Res# 1635	Amended Adopted	<p>1.7 – Enterprise Risk Management</p> <p>In February 2018, <i>AS/NZS ISO 31000:2018 Risk Management Guidelines</i> was released, requiring the existing Risk Management Policy to be updated to align with the new standard.</p>	
30	30 May 2019 Res# 1653	Amended Adopted	<p>3.10 Agenda Format / Officer's Report Reverted to the agenda format adopted by Council on 8th December 2015.</p> <p>Council considered the current format as deficient and in particular the placement of the Council Resolution at the head of the Item is a format not used in any known local governments.</p>	

	Meeting	Purpose	Policy affected	Date to be Reviewed
31	28 August 2019 – Res#1692	Amended & Adopted	2.2 Capitalisation of Assets Change of purchased costing figure from \$10,000 to \$5,000 Asset purchases costing less than \$5,000 to be accounted for as current expenditure	
32	28 August 2019	Amended & Adopted	5.11 – Employees – Loyalty Pay Annual increase to loyalty pay rates as per Local Government cost index as calculated by WALGA at 30 June annually	Annually
33	31 October 2019 Res# 1744	Amended & Adopted	4.1 – Budget Timetable This policy was changed so that the various task required to adopt the budget have been placed in a timetable allowing the budget to be adopted in June each year as per Council requirement	February 2021
34	31 October 2019 Res# 1729	New Policy Adopted 31.10.20	12.7 Shire Bus Hire	
35	30 April 2020 Res# 1855	Amended & Adopted	1.1 – Code of Conduct Section 5.103. Codes of Conduct no. 49 of 2004 s. 55, No. 1 of 2007 were amended	(Bi-annually) This year - February 2021 (due to Reforms)
36	30 April 2020 Res#1856	Amended & Adopted	4.10 – Financial Management Review <ul style="list-style-type: none"> • CEO \$1,000,000 • DCEO \$20,000 • Works Manager \$50,000; and • Building Maintenance Officer \$10,000 The clause “All official orders for goods and services must be countersigned by the CEO where the purchase is likely to exceed \$10,000” be removed	
37	28 May 2020 Res# 1878	Amended Adopted	4.5 Credit Card Facilities Reconciliation process was updated further to a review of Financial Management that was conducted by Moore Australia. Change in staff structure from Manager of Finance and Administration to Deputy Chief Executive Officer	
38	28 May 2020 Res# 1879	New Policy Adopted	4.12 Financial Hardship Policy	
39	June 2020 Res# 1901	Amended & Adopted	3.10- Agenda Format – Officers Report Minor changes to the Agenda Format to keep similar items together. Addition of some new standard report	

	Meeting	Purpose	Policy affected	Date to be Reviewed
			<p>items in the monthly meetings:</p> <ul style="list-style-type: none"> • Report on investments • Presentation of confirmed minutes of GVROC meetings and NGWG meetings. 	
40	30 July 2020	Amended & Adopted	<p>4.2 – Purchasing and Tenders</p> <ul style="list-style-type: none"> • Inclusion of a policy for establishing Panels of Pre-qualified Suppliers. In accordance with Local Government (Functions and General) Regulation 24AC a Local Government is not to establish a Panel of Pre-qualified Suppliers unless it has a written policy that makes provision in respect of matters set out in Sub -regulation (2) and the Local Government is satisfied that there is, or will be, a continuing need for goods and services to be supplied by pre-qualified suppliers. • Local Government (Functions and General) Regulations were recently amended to increase the Tender threshold from \$150,000 to \$250,000. The Purchasing and Tendering policy reflects this change. 	
41	August 2020 Res# 1972	Amended & Adopted	<p>6.3 – Personal Protection Equipment and Uniform</p> <p>Amended to provide four (4) pairs of trousers/shorts per annum</p>	
42	29 October 2020 Res# 2013	Under review	<p>12.3 – Stock Grids Policy</p> <p>Policy was provided by McLeods Lawyers.</p> <p>Currently awaiting responses to Public Consultation</p>	Feb/Mar 2021
43	29 October 2020 Res#2013	Under review	<p>12.6 Retention of Stock Grids</p> <p>REFER TO 12.3 above (29 October 2020 Res#2-13)</p>	Feb/Mar 2021
44	October 2020	New Policy	<p>12.7 – Bus Hire</p> <p>Procedure and Management of Bus hire</p>	
45	26 November 2020 Res#2042	Amended & Adopted	<p>12.1 Plant Replacement</p> <p>Schedule – Plant Replacement Cycles</p> <p>Amendment to the Plant Replacement Cycles</p>	
46	17 December 2020	Amended & Adopted	<p>5.7 – Superannuation</p> <p>Reviewed and amended to reflect a clearer understanding of the additional contribution Shire makes to employee</p>	

	Meeting	Purpose	Policy affected	Date to be Reviewed
			contributions. Allows for increases to the Superannuation Guarantee Levy.	
47	17 December 2020	Amended & Adopted	9.1 – Shire Accommodation – Rental Charges Rental charges to be reviewed annually. Rental and Pet Bonds are to be in accordance with the Residential Tenancies Act 1987. Responsibility for utilities Dwelling categories	
48	17 December 2020	Amended & Adopted	9.2 – Tenancy Conditions Unless stipulated in an employment contract, a security Bond is to be paid and held in accordance with the Residential Tenancies Act 1987	
49	January 2021	Amended to be Adopted	5.9 – DRAFT - Leave Accruals – RDO's, Annual and Long Service Leave Amended to include capped accrual of RDO's.	
50	January 2021	Updated Policy Template	All Policies populated in the new template. Any spelling or formatting required was done at this time and version control added to all Policies.	