



SHIRE OF MENZIES

POLICY MANUAL

**Adopted by Council
February 2021**

**Current version 1.3
Updated December 2021**

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CONTENTS

INTRODUCTION5

Statutory Context	7
Definitions	7
DLGCRD Guidelines No.17 – Delegations	8
New or Amendments to Policies	8
Review of Policies	8
Format of Policies	8

1 COUNCIL / GOVERNANCE

1.1 Codes of Conduct	10
1.1.1 Code of Conduct for Council Members, Committee Members and Candidates	
1.1.2 Code of Conduct for Employees	19
1.2 Disclaimer	34
1.3 Shire Logos	35
1.4 Elected Members Records – Capture and Management	37
1.5 External Organisations – Council Representatives and Expenses	38
1.6 Recognition of Service – Elected Members	40
1.7 Enterprise Risk Management	42
1.8 Official Communication	44
1.9 Internal Control	46
1.10 Legislative Compliance	48
1.11 Attendance at Events	50
1.12 Elected Members Ongoing Professional Development	53
1.14 Universal Training - Elected Members and Candidates	57
1.15 Public Interest Disclosure (Whistle-blower)	60
1.16 Fraud Risk Identification and Prevention	62

2 ACCOUNTING / AUDIT

2.1 Valuation of Non-Current Assets	63
2.2 Capitalisation of Assets	64
2.3 Annual Stocktake of Assets	65
2.4 Goods and Services Tax	66
2.5 Land under Roads	67
2.6 Depreciation of Non-current Assets	69

3 ADMINISTRATION / ORGANISATION

3.1 Policy Manual – Changes to be Authorised	70
3.2 Conferences, Meetings & Training – Attendance and Expenses	72
<i>Policy Schedule 3.2(a) – Conference etc – Request /Approval</i>	74
3.3 Legal Representation Costs Indemnification	75
3.4 Complaints – Administrative	78
3.5 Professional Advice	81
3.6 Information Technology – Access and Use	82
<i>Policy Schedule 3.6(a) – Principles of Access and Use of Information Technology</i>	84
<i>Policy Schedule 3.6(b) – Control, Management and Security</i>	87

	<i>Policy Schedule 3.6(c) – Internet Access</i>	89
	<i>Policy Schedule 3.6(d) – Email Use</i>	90
	<i>Policy Schedule 3.6(e) – Internet and Email Record Keeping</i>	92
3.7	Staff Recruitment – Permanent, Part and Fulltime	94
3.8	Ordinary Council Meetings	96
3.9	Meeting Venue	97
3.10	Agenda Format / Officer's Reports	98
3.11	Council Forums / Briefing Sessions	104
3.12	Annual Performance – Chief Executive Officer	106
4	FINANCIAL MANAGEMENT	
4.1	Budget Preparation Timetable	108
4.2	Purchasing and Tenders	112
4.3	Regional Price Preference	123
4.4	Donations, Sponsorship and Contributions	125
4.5	Credit Card Facilities	127
4.6	Debt Recovery – Outstanding Rates and Sundry Debtors	130
4.7	Creditors – Preparation for Payment	132
4.8	Petty Cash and Till Floats	133
4.9	Investments	134
4.10	Financial Management – Payments of Accounts & Purchasing Authority Limits	137
4.11	Rating Strategy	139
4.12	Financial Hardship Policy	141
4.13	Asset Management	143
4.14	Contract Management	147
4.15	Tender Evaluation Policy	148
5	PERSONNEL	
5.1	Acting Chief Executive Officer	149
5.2	Designated Staff	151
5.3	Staff – Pre-employment requirements	154
5.4	Equal Employment Opportunity	155
5.5	Emergency Services – Call Outs Affecting Work Hours	156
5.6	Staff – Salary Sacrifice	158
5.7	Superannuation	159
5.8	Gratuitous Payments to Employees	160
5.9	Leave Accruals –RDO's, Annual and Long Service	161
5.10	Employees – Housing Allowance	162
5.11	Employees – Loyalty Pay	164
5.12	Local Government Industry Award	166
5.13	Relocation Expenses	167
5.14	Social Media Policy	169
5.15	Use of Mobile Phones and GPS Satellite Devices	172
5.16	CEO Recruitment and Selection, Performance Review and Termination	175
6	OCCUPATIONAL HEALTH AND SAFETY	
6.1	Work Health and Safety	182
6.2	Harassment and Grievances	185
	<i>Policy Schedule 6.2(a) – Harassment Policy</i>	186
	<i>Policy Schedule 6.2(b) – Complaints / Grievance Procedure</i>	188
6.3	Personal Protection Equipment and Uniforms	190
6.4	Fitness for Work	192
	<i>Policy Schedule 6.4(a) – Fitness for Work Procedures</i>	194

7	LAW, ORDER AND PUBLIC SAFETY	
7.1	Dog Act – Enforcement	205
7.2	Bush Fires Act – Enforcement	206
7.3	Impounded Goods	207
7.4	Closed Circuit Television System	208
8	ENVIRONMENTAL HEALTH	
8.1	Compulsory Waste Collection Service	210
9	HOUSING	
9.1	Shire Accommodation – Rental Charges	211
9.2	Shire Housing – Tenancy Conditions	212
9.3	Shire Housing – Inspections	214
10	NATURAL RESOURCE MANAGEMENT	
10.1	Collection of Native Flora and Fauna	215
10.2	Tree Policy	217
11	PUBLIC FACILITIES	
11.1	Council Facilities – Alcohol Consumption	220
12	WORKS, PLANT AND EQUIPMENT	
12.1	Plant Replacement	221
	<i>Policy Schedule 12.1 – Plant Replacement Cycles</i>	222
12.2	Shire Plant, Vehicles and Equipment	204
12.4	Road Train Permits	227
12.5	Private Works	229
12.6	Retention of Stock Grids	230
12.7	Bus Hire	231
13	BUILDING / DEVELOPMENT	
	No Policies in this Section	236
14	UNCLASSIFIED	
14.1	Flying of Australian Flag	237
14.2	Political and Elections Roadside Advertising.	239
	HISTORY SUMMARY	240

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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.



SHIRE OF MENZIES

CODE OF CONDUCT

2021

**Council Members, Committee
Members and Candidates**



POLICY – 1.1.1 – Code of Conduct

Relevant Delegation

N/A

1. Objectives

- 1.1 The Regulations set out general principles to guide the behaviour of Council Members, Committee Members and Candidates.

2. Policy Statement

The Local Government (Model Code of Conduct) Regulations 2021 (Model Code Regulations) bring into effect sections 48-51 of the Amendment Act by introducing a mandatory code of conduct for council members, committee members and candidates.

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Amendment Act:

- Local Government (Administration) Amendment Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021

- 2.1. The following Policy Schedule 1.1.1 – Model Code of Conduct for Council Members, Committee Members and Candidates forms part of this Statement.

- 2.2. The Model Code of Conduct applies to: -

- Councillors, insofar as it is not contradicted by the Local Government Act or Rules of Conduct Regulations;
- Committee Members and Council Election Candidates.

- *End of Policy*

COMMENT

Formerly	New regulations required the adoption of a new Code of Conduct for Council Members, Committee Members and Candidates	Formerly: 1.1- Code of Conduct
Last Reviewed	New Policy	
Next Review Date	March 2022	
Amended		
Adopted	25 March 2021	
Version	1	

POLICY SCHEDULE 1.1.1 – MODEL CODE OF CONDUCT

FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Based on Mandatory Code of Conduct issued by DLGSC

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Menzies Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and act with integrity and honesty; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and participate in decision-making in an honest, fair, impartial and timely manner; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the [form](#) approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, [authorise 1 or more persons to receive complaints](#) and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- 1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- 2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.

- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
 - closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
 - document** includes a part of a document;
 - non-confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
 - interest** —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.

- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

– *End of Schedule*

Formerly	New regulations required the adoption of a new Code of Conduct for Council Members, Committee Members and Candidates	Formerly: 1.1 - Code of Conduct
Last Reviewed	New Policy	
Next Review Date	March 2022	
Amended		
Adopted	25 March 2021	
Version	1	



SHIRE OF MENZIES

1.1.2 - EMPLOYEE CODE OF CONDUCT

AUGUST 2021

Contents

1	INTRODUCTION	4
1.1	<i>Statutory environment</i>	4
1.2	<i>Application</i>	4
2	VISION	4
3	Code of Conduct	5
3.1	<i>Role of Employees</i>	5
3.2	<i>Principles affecting employment by the Shire of Menzies</i>	5
3.3	<i>Personal Behaviour</i>	6
3.4	<i>Honesty and Integrity</i>	6
3.5	<i>Performance of Duties</i>	6
3.6	<i>Compliance with Lawful and Reasonable Directions, Decisions and Policies</i>	6
3.7	<i>Administrative and Management Practices</i>	6
3.8	<i>Intellectual Property</i>	7
3.9	<i>Recordkeeping</i>	7
3.10	<i>Dealing with Other Employees</i>	7
3.11	<i>Dealing with community</i>	7
3.12	<i>Professional Communications</i>	7
3.13	<i>Personal Communications and Social Media</i>	7
3.14	<i>Personal Presentation</i>	8
3.15	<i>Gifts</i>	8
3.16	<i>Conflict of Interest</i>	11
3.17	<i>Secondary Employment</i>	11
3.18	<i>Disclosure of Financial Interests</i>	11
3.19	<i>Disclosure of Interests Relating to Impartiality</i>	11
3.20	<i>Use and Disclosure of Information</i>	12
3.21	<i>Improper or Undue Influence</i>	13
3.22	<i>Use of Shire Resources</i>	13
3.23	<i>Use of Shire Finances</i>	14
3.24	<i>Reporting of Suspected Breaches of the Code of Conduct</i>	14
3.25	<i>Handling of Suspected Breaches of the Code of Conduct</i>	14
3.26	<i>Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour</i>	14
3.27	<i>Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour</i>	15

FOREWORD

The Shire of Menzies Code of Conduct for Employees, (the Code) has been adopted to ensure employees understand and respect their roles and responsibilities. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity, and good government for the community.

Whereas previously there was a single Code of Conduct for Council Members, Committee Members and Employees, adopted by Council, new legislation requires that there be a separate Code of Conduct for Council Members, Committee Members and Candidates for Election, adopted by the Council, and for Employees, adopted by the CEO.

The Code sets out principles and standards of behaviour that employees must observe when performing their duties and is intended to promote accountable and ethical decision-making. However, the Code does not establish a rule for every situation an employee may face while performing their role and undertaking their duties daily.

The Code should be read in conjunction with the Local Government Act 1995, the Local Government (Administration) Regulations 1996, other legislation, Council and CEO Policy Manuals and operational procedures that affect employees while performing their role and duties and the Code does not override or affect those provisions or requirements.

The Code contains certain matters for employees which must be addressed as a requirement of legislation, including gifts and conflicts of interest, as well as the standards around personal behaviour, which if breached, may lead to reporting and action being taken under the Code.

In view of this, the Code details explanatory matters around key areas of:

- professional conduct
- record keeping
- use of Shire resources and finances
- conflict of interest, gifts, and benefits
- reporting breaches of the Code

Employees of the Shire of Menzies (the Shire) are subject to the provisions of the Code upon their acceptance of employment and while they remain employed by the Shire.

The Code is an important document in outlining the expectations of employee behaviour and aims to ensure that the Shire of Menzies's residents, ratepayers and stakeholders will recognise the high standards of service and ethical decision making by all employees.

If you have any concerns about anything in the Code, please raise it with your immediate Supervisor/Manager, Manager Governance, or me, as your CEO.

Brian Joiner



Chief Executive Officer
Shire of Menzies
September 2021



POLICY – 1.1.2 – Employee Code of Conduct

Relevant Delegation

N/A

1 INTRODUCTION

The Shire of Menzies Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire of Menzies' commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

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

1.1 Statutory environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

1.2 Application

For the purposes of the Code, the term employees include persons employed by the Shire of Menzies or engaged by the Shire under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities.

Where relevant, and appropriate, the Code applies to volunteers, assisting the Shire on general or specific projects.

Clause 3.15 of this Code (Gifts) does not apply to the CEO.

2 VISION

The Shire will endeavour to provide the community services and facilities to meet the needs of the community and enable them to enjoy a pleasant and healthy way of life.

3 Code of Conduct

3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act.

5.41. Functions of CEO

The CEO's functions are to:

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government Act 1995

3.2 Principles affecting employment by the Shire of Menzies

The principles set out in section 5.40 of the Act apply to the employment of the Shire's employees:

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) employees are to be treated fairly and consistently; and*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

3.3 Personal Behaviour

Employees will:

- (a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the Shire,
- (b) perform their duties impartially and in the best interests of the Shire uninfluenced by fear or favour,
- (c) act in good faith (i.e., honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community,
- (d) make no allegations which are improper or derogatory (unless true and in the public interest)
- (e) refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (f) always act in accordance with their obligation of fidelity to the Shire.

3.4 Honesty and Integrity

Employees will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) be frank and honest in their official dealing with each other; and
- (c) report any dishonesty or possible dishonesty on the part of any other employee to the Manager Governance, or the CEO in accordance with this Code and the Shire's policies.

3.5 Performance of Duties

While on duty, employees will give their whole time and attention to the Shire's business and ensure that their work is carried out efficiently, economically, and effectively, and that their standard of work reflects favourably both on them and on the Shire.

3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies

- (a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their immediate Supervisor/Manager, the Manager Governance, or the CEO.
- (b) Employees will give effect to the lawful policies of the local government and/or have due regard for the lawful policies of the local government in decision making, whether or not they agree with or approve of them.

3.7 Administrative and Management Practices

Employees will ensure compliance with proper and reasonable administrative practices and conduct professional and responsible management practices.

3.8 Intellectual Property

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

3.9 Recordkeeping

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire's Recordkeeping Plan.

3.10 Dealing with Other Employees

- (a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (b) Employees must be aware of and comply with their obligations under relevant law and the Shire's policies regarding workplace behaviour and occupational safety and health, set out in Council and/or CEO Policy Manuals.
- (c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

3.11 Dealing with community

- (a) Employees will treat all members of the community with respect, courtesy and professionalism.
- (b) All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly, and equitably.

3.12 Professional Communications

- (a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire's activities should reflect the status, values, and objectives of the Shire
- (b) Communications should be accurate, polite, and professional.

3.13 Personal Communications and Social Media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments, or engage in communication activities about or on behalf of the Shire, its Council Members, employees or contractors, which breach this Code.
- (c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

3.14 Personal Presentation

Employees dress standards are to be neat and responsible at all times. Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees..

3.15 Gifts

(a) Application

This clause does not apply to the CEO.

(b) Definitions

In this clause –

activity involving a local government discretion has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

associated person has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

associated person means a person who —

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

[r.19AA of the *Local Government (Administration) Regulations 1996*]

gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

gift —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
- (b) does not include —
 - (i) a gift from a relative as defined in section 5.74(1); or
 - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
 - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals

Australia WA (ABN 91 208 607 072) or the LG Professionals
Australia (ABN 85 004 221 818);

[r.19AA of the *Local Government (Administration) Regulations 1996*]

gift means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

travel includes accommodation incidental to a journey;

travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person

[Section 5.57 of the *Local Government Act 1995*]

relative, in relation to a relevant person, means any of the following —

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- (b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

[Section 5.74(1) of the *Local Government Act 1995*]

prohibited gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

prohibited gift, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

reportable gift means:

- (i) a gift worth more than \$24 but less than \$50; or
- (ii) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$24 but less than \$50.

threshold amount has the meaning given to it in the *Local Government (Administration) Regulations 1996*, subject to the CEO's determination under subclause (c);

threshold amount, for a prohibited gift, means —

- (a) a gift worth the threshold amount or more; or

- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

(c) Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined the threshold amount for prohibited gifts is \$50.

- (d) Employees must not accept a prohibited gift from an associated person.
- (e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
- (f) The notification of the acceptance of a reportable gift must be in writing and include:
- (i) the name of the person who gave the gift; and
 - (ii) the date on which the gift was accepted; and
 - (iii) a description, and the estimated value, of the gift; and
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (v) if the gift is one of two or more accepted from the same person within a period of one year:
 - (1) a description;
 - (2) the estimated value; and
 - (3) the date of acceptance,of each other gift accepted within the one year period.
- (g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- (h) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire's official website.
- (i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

Prohibition on certain types of Gifts

The CEO has determined that alcohol, in any form, may not be accepted as a gift by any employee, even if it were otherwise valued below the threshold amount, and could ordinarily be accepted (whether reportable, or not).

The CEO has also determined that cash (or gift cards) may not be accepted as a gift by any employee, even if it were otherwise valued below the threshold amount, and could ordinarily be accepted (whether reportable, or not).

Where alcohol is provided as part of an event or seminar where a fee has been paid to attend, and the registration fee includes the dinner or hospitality where alcohol is provided, then it is not a gift and is not prohibited and need not be disclosed/reported.

Where alcohol is provided as part of an event which an employee is attending, consistent with the Attendance at Events Policy, and where alcohol is provided incidental to the event, then it is not a gift and need not be disclosed/reported.

3.16 Conflict of Interest

- (a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.
- (e) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

The Equal Opportunity Act 1984 provides that it is unlawful to discriminate against an employee or prospective employee on the ground of political conviction.

3.17 Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

3.18 Disclosure of Financial Interests

- (a) All employees will apply the principles of disclosure of financial interest as contained within the Act.
- (b) Employees who have been delegated a power or duty, have been nominated as 'designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

3.19 Disclosure of Interests Relating to Impartiality

- (a) In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- (b) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- (c) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- (d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know and could not reasonably be expected to know:
 - (i) that they had an interest in the matter; or
 - (ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:
 - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- (g) If:
 - (i) to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting,the nature of the interest is to be recorded in the minutes of the meeting.

3.20 Use and Disclosure of Information

- (a) Employees must not access, use, or disclose information held by the Shire except as directly required for, and in the course of, the performance of their duties.
- (b) Employees will handle all information obtained, accessed, or created in the course of their duties responsibly, and in accordance with this Code, the Shire's policies and procedures.
- (c) Employees must not access, use, or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation

to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire.

- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
 - (i) is authorised by the CEO or the CEO's delegate; or
 - (ii) is permitted or required by law.

3.21 Improper or Undue Influence

- (a) Employees will not take advantage of their position to improperly influence Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.
- (b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- (c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

3.22 Use of Shire Resources

- (a) In this clause –

Shire resources includes local government property and services provided or paid for by the Shire;

local government property has the meaning given to it in the Act.

local government property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government

[Section 1.4 of the *Local Government Act 1995*]

- (b) Employees will:
 - (i) be honest in their use of the Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
 - (ii) use the Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
 - (iii) not use the Shire's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

Employees should ensure they are familiar with all relevant Shire Policies and Procedures and direct any questions for clarification to their Supervisor/Manager or the Manager Governance, or the CEO.

3.23 Use of Shire Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances.
- (b) Employees will use Shire finances only within the scope of their authority, as defined in their position descriptions, Council and CEO Policies and procedures and administrative practices.
- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Employees exercising purchasing authority will comply with the Shire's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) Employees will ensure that any use of Shire finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.

Employees should ensure they are familiar with all relevant Shire Policies and Procedures and direct any questions for clarification to their Supervisor/Manager or to Manager Governance, or the CEO.

3.24 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to the Manager Governance, or the CEO.

3.25 Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code will be dealt with in accordance with the relevant Shire policies and procedures, depending on the nature of the suspected breach.

3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal, or corrupt behaviour to the Manager Governance, or the CEO.
- (b) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
 - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
 - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (c) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.

- (d) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal, or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures, published on the Shire's website.

3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

– End of Schedule

COMMENTS

A copy of this Code of Conduct is to be placed on the local government's official website, pursuant to Section 5.51(3) of the *Local Government Act 1995*.

Formerly	February 2021 regulations required the adoption of a separate Code of Conduct for Council Members, Committee Members and Candidates (provided by DLGC)	Formerly: 1.1 - Code of Conduct – Council Members and Shire Employees
Last Reviewed	New Policy now 1.1.2 29 April 2021	September 2021
Next Review Date	September 2022	
Amended	Amended Policy 1.1.2 September 2021	
Adopted	29 April 2021 (NWI120)	30 September 2021
Version	2	



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 – 1.9 – Internal Control

Relevant Delegation

N/A

Objective

To evidence Council's commitment to appropriate and effective internal controls and their importance to the organisation through the implementation of policies, procedures and processes designed to promote compliance, encourage effective and efficient operations and to protect the Shire's assets as follows:

- a) Implement and maintain risk management activities to consider and address the risk of loss caused by fraud, error and / or misstatement;
- b) Protect the Shire's assets, including people, property, reputation, finances and information;
- c) Continually monitor, review and address gaps / weaknesses with internal controls;
- d) Ensure appropriateness of internal controls to meet compliance with regulations, good governance principles and achievement of strategic objectives; and
- e) Maintain adequate safeguards and supervision to any update or changes to established internal controls.

Policy Statement

The Shire is committed to maintaining an emphasis on integrity, ethical values and competence.

The Council is responsible for mandating a strong internal control framework be implemented to ensure Council objectives are achieved efficiently and effectively and the principles of good governance are applied throughout the organisation.

The Chief Executive Officer is responsible for developing and maintaining an internal control framework and will report periodically through the Audit and Risk Committee on the appropriateness, effectiveness, monitoring and evaluation of internal controls. All employees are accountable for documenting and implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework.

Elements of an Internal Control Framework:

The essential elements and examples of an effective internal control framework includes:

1. Control environment

- Structure and culture of Council
- Senior management compliance
- Proper tone at the top

2. Risk Assessment

- Risk identification and evaluation
- Assessment of impact and likelihood
- Implementing safeguards to treat risks

Elements of an Internal Control Framework: (Continued)

3. Control activities

- Delegations of Authority
- Policies and procedures
- Trained and properly qualified staff

4. Information and communication

- IT controls
- Liaising with auditors and legal advisors
- Consultation and organisational communication

5. Monitoring

- Review process e.g. internal audits
- Self-assessment and continuous improvement
- Evaluation and reporting

Monitoring, Reviewing and Reporting:

Procedures are to be established to allow for the appropriate development, review, amendment and authorisation of internal control documentation (such as processes and checklists). This is intended to reduce the risk of breakdowns in controls through unilateral undocumented changes to authorised established procedures.

Internal controls will be reviewed and assessed through risk management activities aligned with the Risk Management Policy and Strategy and reported through the appropriate channels as detailed in these documents.

In line with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of risk management, internal controls and legislative compliance every three calendar years. This is in addition to the three yearly review required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* which also includes a review of the Shire's financial internal controls.

– End of Policy

COMMENT

Amendments to this Policy

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

Formerly	New Policy	
Last Reviewed	April 2021	
Next Review Date	February 2022	
Amended		
Adopted	April 2021	
Version	1	



POLICY – 1.10 – Legislative Compliance

Relevant Delegation

N/A

Policy Objective

To ensure that the Shire upholds its commitment to meet a high level of compliance with legislative requirements applying to local government and takes any necessary action to rectify any breach as soon as reasonably possible.

Many principles of good governance make reference to ensuring appropriate policies, procedures and processes are in place for local governments to comply with both the letter and the spirit of the law.

The community elected members and employees of the Shire have an expectation that the local government will comply with applicable legislation and the Council should take all appropriate measures to ensure this expectation is met.

Policy Statement

The Shire will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the local government.

These processes and structures will aim to:

- a) Develop and maintain a system for identifying legislation applicable to the Shire's activities;
- b) Assign responsibilities for ensuring that regulatory obligations are fully considered and implemented;
- c) Provide relevant and appropriate training for staff, elected members, volunteers and other applicable people in the legislative and regulatory requirements affecting them;
- d) Provide necessary resources to identify and remain up-to-date with new legislation;
- e) Establish a mechanism for recording and reporting non-compliance;
- f) Review instances where there may have been non-compliance and report through risk management processes to mitigate against future occurrences;
- g) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved;
- h) Ensure audits are performed to assess compliance;
- i) Requires necessary action to rectify any identified breach as soon as reasonably possible; and
- j) Establish an internal audit function to provide an independent and objective evaluation of the Shire's internal procedures and controls.

Roles and Responsibilities

Elected Members and Committee Members

Councillors and Committee members have a responsibility to be aware of and to abide by legislation applicable to their role.

Senior/Executive Management

Senior staff should ensure that directions relating to compliance are clear, unambiguous and applicable legal requirements for each activity they are responsible for administering are identified. All staff are to be given the opportunity to be regularly informed, briefed, updated and/or trained about key legal requirements relative to their position description, utilising available resources to accomplish this.

Employees

Employees have a duty to seek information and guidance on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to Senior Management any areas of non-compliance they become aware of.

Implementation of Legislation

The Shire will have procedures in place to ensure that when legislation changes, steps are taken to ensure future actions comply with the amended legislation and changes are appropriately communicated to all required personnel.

– *End of Policy*

COMMENT

Amendments to this Policy

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

Formerly	New Policy	
Last Reviewed		
Next Review Date	February 2022	
Amended		
Adopted	29 April 2021	
Version	1	



POLICY – 1.11 – Attendance at Events

Relevant Delegation

N/A

Objective

This policy addresses attendance at events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and CEOs. This policy should be read in conjunction with section 5.90A of the *Local Government Act 1995*, and any associated prescribed requirements.

Attendance at an event in accordance with this policy will exclude the event attendee from the requirement to disclose an interest if the event ticket is above the prescribed amount and the donor has a matter before council.

Policy Statement

To enable council to actively consider the purpose of and benefits to the community from attendance at events by elected members and the chief executive officer (CEO) of the Shire. Invitations / tickets to an event provided to an individual (rather than the Shire) are to be treated as a gift and disclosed as required.

Entertainment Events

Where there is an event of a commercial nature (i.e. ticketed events where a member of the public is required to pay to attend) such as concerts or sporting events, this policy provides for how invitations to events are to be managed.

If attendance by the CEO or elected member/s at an entertainment event is considered in the best interest of the Shire, the CEO will prepare details for council to consider and make a decision on attendance at that event as detailed within the 'Approval of Attendance' sections of this policy.

Non-Entertainment Events

Where there is an event of a commercial nature (i.e. ticketed events where a member of the public is required to pay to attend) such as conferences or seminars, this policy provides for how invitations to events are to be managed.

If attendance by the CEO or elected member/s at a commercial non-entertainment event is considered in the best interest of the Shire, the CEO will prepare details for council to consider and make a decision on attendance at that event as detailed within the 'Approval of Attendance' sections of this policy.

Community / Local Events

A community / local event is defined as an event held within the district, is open to all members of the general public and where members of the public are not required to pay to attend the event. Invitations received by elected members and / or the CEO to community/local events (including where to attend in an official capacity to perform a civic function) are included as a 'Preauthorised Event' within this policy.

Provision of Tickets to Events

Invitations

- All invitations for a council member or CEO to attend an event shall be in writing and addressed to the Shire.
- Any invitation not provided to the Shire is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- A list of preauthorised events and attendees is included under the heading 'Preauthorised Events'.

Approval of Attendance – General

The CEO will prepare an agenda item for council to consider, relating to attendance at events, detailing the following information:

- Who is providing the ticket to the event (the organiser of the event or a third party);
- The location of the event in relation to the local government (within the district or out of the district);
- The role of the council member, CEO when attending the event (participant, observer, presenter);
- Whether the event is sponsored by the local government;
- The benefit to the district of council representation at the event;
- Which elected member and / or officer should be authorised to attend event; and
- The cost to attend the event and availability of funding within adopted annual budget.

Decisions to attend events in accordance with this policy will be made by simple majority.

Approval of Attendance – Short Notice

Where the timing of receipt of an invitation and the event itself does not provide an opportunity for council to consider attendance at an event (such as when received at short notice), the CEO shall:

- a) Prepare an agenda item in accordance with 'Approval of Attendance – General' and circulate to the council via email;
- b) Email correspondence is to set a reasonable period of notice for elected members to respond (not less than 24 hours);
- c) If no objections are raised within the set notice period by an elected member to the CEO, it will be taken by the CEO the elected member agrees with the recommendation;
- d) Decision to attend events at short notice will be made once agreement has been received from a simple majority of all elected members; and
- e) Decision is to be presented for noting at the next ordinary meeting of council.

The council may also delegate attendance to an event to another council member or the CEO or another officer after a decision has been made, by a circular email from the CEO explaining the proposed change. The subsequent process shall be as described at (b), (c) and (d) above.

Payments in Respect of Attendance

For an invitation to attend an event where a ticket is provided with no charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district.

For any events where a member of the public is required to pay, unless listed under heading 'Preauthorised Events', the council will determine whether it is in the best interests of the local government for a council member or the CEO to attend on behalf of the council.

If the council determine that a council member or the CEO should attend a paid event, the local government will pay the cost of the ticket and appropriate expenses, such as travel and accommodation for events outside the district, and the cost of the ticket for events within the district.

Any ticket purchased or additional travel / accommodation costs for the partner or family member of the local government representative is not paid for by the local government.

Preauthorised Events

Event	Date	Attendee	Contribution to cost
Community / Local Event (as defined within policy)	Misc	Misc	N/A

Amendments to this Policy

Amendments to this policy require an absolute majority decision of council, and the amended policy is to be published on the Shire's official website.

– *End of Policy*

COMMENT

Formerly	New Policy March 2021	
Last Reviewed		
Next Review Date	March 2022	
Amended		
Adopted	March 2021	
Version	1	



POLICY – 1.12 – Elected Members Ongoing Professional Development

Relevant Delegation
N/A

Objective

To ensure equitable access to ongoing professional development and training opportunities to enable elected members to fulfil their function and perform the duties required of them under the *Local Government Act 1995*.

This Policy should be read in conjunction with Policy 1.11 Attendance at Events.

Statement

In recognition of the complexity and demands on elected members in undertaking their role, the Shire is committed to resourcing elected members to support them in performing their duties of office and to enable attendance at conferences or to undertake professional development training relevant to their role and as required by legislation.

To ensure each elected member is provided reasonable opportunity to participate in required, as well as ongoing, professional development, a budget provision will be included annually for each elected member for planning purposes to meet the costs of registration, travel and accommodation for elected member professional development.

Professional development may include (but is not limited to):

- Mandatory elected member training as specified within section 5.126 of the Local Government Act 1995;
- Study tours;
- West Australian Local Government Association and Australian Local Government Association conferences;
- Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important issues;
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities;
- Municipal Training Service's Councillor Induction Program;
- West Australian Local Government Association Elected Member Training and Development;
- Training relating to the role of elected members; and
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of elected members, meeting procedures, etc.

Approval of Attendance

If attendance by elected member/s for professional development is considered in the best interest of the Shire, and where appropriate budget provision remains to facilitate attendance, the CEO will prepare details for council to consider for the relevant member's attendance at the event as detailed within the 'Approval of Attendance' sections of this policy.

Approval of Attendance – General

The CEO will prepare an agenda item for council to consider, relating to attendance at professional development, detailing the following information:

- Who is providing the ticket to the professional development (the Shire, the organiser of the event or a third party);
- The location of the professional development in relation to the local government (within the district or out of the district);
- The role of the council member, CEO when attending professional development (participant, observer, presenter);
- Whether the professional development is sponsored by the local government;
- The benefit to the district of council representation at the professional development;
- Which elected member and / or officer should be authorised to attend the professional development; and
- The cost to attend the professional development and availability of funding within adopted annual budget.

Decisions to attend events in accordance with this policy will be made by simple majority.

Approval of Attendance – Short Notice

Where the timing of receipt of an invitation and the professional development itself does not provide an opportunity for council to consider attendance at professional development (such as when received at short notice), the CEO shall:

- a) Prepare an agenda item in accordance with 'Approval of Attendance – General' and circulate to the council via email;
- b) Email correspondence is to set a reasonable period of notice for elected members to respond (not less than 24 hours);
- c) If no objections are raised within the set notice period by an elected member to the CEO, it will be taken by the CEO the elected member agrees with the recommendation;
- d) Decision to attend professional development at short notice will be made once agreement has been received from a simple majority of all elected members; and
- e) Decision is to be presented for noting at the next ordinary meeting of council.

The council may also delegate attendance to professional development to another council member or the CEO or another officer after a decision has been made, by a circular email from the CEO explaining the proposed change. The subsequent process shall be as described at (b), (c) and (d) above.

Study Tours

A study tour is designed to enable elected members (and staff) to travel intrastate, interstate and/or overseas to research and study specific issues fronting Council.

Details of study tours are to be arranged in advance so that suitable provision can be included in each year's budget. When no details of study tours have been arranged, or arrangements are incomplete, an appropriate amount may be included in the budget to cover the cost of an annual study tour.

Study tours will be considered with the following guidelines:

- The maximum attendance at any study tour is to be two Elected Members (and two staff);
- Attendance at a study tour shall only take place where there are appropriate funds provided in the annual budget; and
- A detailed report including recommendations on each study tour is to be submitted to Council for noting.

Special Provision

To provide an opportunity to network with Federal Ministers, Members of Parliament and/or Senior Departmental Officers on issues affecting the Shire, the Shire President (and the Chief Executive Officer), with the prior approval of Council, are to attend an appropriate interstate conference incorporating a visit to Canberra where possible on an annual basis.

Guidelines for Conference and Training Attendance

Generally, no more than two elected members may attend a particular Conference or Training event outside Western Australia at the same time. The CEO or Council may, however, approve attendance by more than two elected members if a particular purpose or need arises.

Attendance at Overseas Conferences

An elected member may, with prior Council approval, attend an overseas conference. The Council approval must include a specific Council resolution indicating how the conference attendance will be of benefit to the Shire and the elected member and detailing any conditions applied.

Report

Upon return from any professional development event as detailed within this policy, where registration and other associated costs are met by the Shire, the attending elected member is required to provide a written report on their attendance and the benefits to them and the Shire, to the CEO. The CEO is to record these reports in a register to support required annual reporting required by legislation.

– *End of Policy*

COMMENT

Formerly	New Policy March 2021	
Last Reviewed	March 2021	
Next Review Date	February 2022	
Amended	December 2021	
Adopted	March 2021	December 2021
Version	2	



POLICY – 1.14 – Universal Training - Elected Members and Candidates

Relevant Delegation

N/A

Policy Statement

Reforms to The Local Government Act 1995 (“the Act”) introduced in February 2021 requires all Elected Members and Election Candidates undertake mandatory training.

Councillors play an important community leadership role and being on a council is a way to make sure community perspectives are heard and considered.

Elected Members

Elected Members are to undertake [compulsory training](#) within 12 months of being elected. The Shire of Menzies is required under the Act to adopt and report on compulsory training and continuing professional development for Elected Members of the Shire of Menzies.

Candidates

Candidates nominating in a local government election are required to complete the Department of Local Government’s compulsory online induction – [Local Government Candidate Introduction](#) (prior to nominating)

Scope

This policy applies to Elected Members and Nominating Candidates for the Shire of Menzies.

Compulsory Elected Member Training

Elected Members of the Shire of Menzies have significant and complex roles that require a diverse skillset. From 2019, all newly Elected Members are required under the *Local Government Act 1995* to complete the [Council Member Essentials Course](#), unless they meet limited exemptions (having previously served as a Councillor does not constitute an exemption).

The exemptions are provided for in regulation 36 of the Local Government (Administration) Regulations 1996.

The Shire’s preferred provider for the conduct of the compulsory training courses is the Western Australian Local Government Association (“WALGA”)

The expenses for the compulsory Elected Member Training will be form part of the Elected Member training annual spend limits for Elected Members as per Policy 1.12 – Elected Members Ongoing Professional Development.

The training is valid for five years. The courses must be completed within 12 months of appointment to Council unless the elected member meets any of the above exemptions and will take approximately 5 days to complete.

Continuing Professional Development

Further professional development training in addition to the mandatory training will be as per the provisions contained in council policy [1.11 Attendance at Events](#) and [1.12 Elected Members Ongoing Professional Development](#).

Reporting

The Shire is required to report annually on completed training. Completed training must be published on the Shire's website for that financial year. The Shire will publish the Elected Member training register on the Shire's website, updated annually following the report to Council. This will include the Council Member Essentials Course and any continuing professional development undertaken by Elected Members.

Compulsory Candidate Induction

To be able to nominate in a Western Australian local government election nominees are required to complete the [online induction](#) and declaration (it is an offence to make false or misleading statements on the nomination form).

The induction is free of charge and takes approximately 1 hour to complete.

Council members who are recontesting their seat will also be required to complete the Candidate Induction.

Induction topics:

- About government in Australia
- A closer look at government
- Local government decision making process
- The role of a councillor
- Relationship between Councillors and staff
- What you will need to do as a Councillor
- Decisions you might make as a Councillor
- Qualities and skills of effective Councillors
- Other things that are helpful to know
- Advice from the WA Electoral Commission
- Why stand for Council?
- What should you do now?
- Support for candidates

Reporting

Nil

– *End of Policy*

COMMENT

Note: Candidate Profiles are to be placed on the local government website.

Formerly		New Policy April 2021 (Reforms)
Last Reviewed		
Next Review Date	February 2022	
Amended		
Adopted	29 April 2021	
Version		



POLICY – 1.15 – Public Interest Disclosure (Whistle-blower)

Relevant Delegation

N/A

Objective

To encourage employees, elected members, contractors, consultants and members of the public to report unlawful, unethical, or undesirable conduct they genuinely believe has been committed by a person or persons in breach of the Shire of Menzies policies or the law.

To evidence the Shire's commitment to facilitating the disclosure of such information under the *Public Interest Disclosure Act 2003* (PID Act) and ensuring protection for those making such disclosures.

Policy Statement

1. The Shire of Menzies does not tolerate corrupt or other improper conduct including mismanagement of public resources in the exercise of its public functions.
2. The Shire of Menzies is committed to the aims and objectives of the PID Act and to meeting its obligations under that Act.
3. The Shire strongly supports disclosures being made by elected members and employees about corrupt or other improper conduct. The Shire also strongly supports contractors and members of the community making disclosures about corrupt or improper conduct.
4. The Shire of Menzies does not tolerate any of its employees, contractors or subcontractors taking reprisal action against anyone who makes or proposes to make a public interest disclosure.
5. The Shire of Menzies will take all reasonable steps to protect those who make disclosures from any detrimental action in reprisal for the making of a public interest disclosure.
6. The Shire of Menzies is also committed to responding to the disclosure thoroughly and impartially. It will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.
7. The Shire of Menzies will provide as much information as possible to people considering making a public interest disclosure. A copy of the Shire of Menzies PROCEDURE – Public Interest Disclosure (PID) is available on the Shire website. This procedure outlines how the Shire will meet its obligations under the PID Act. It covers the roles and responsibilities of the Chief Executive Officer, the person designated as the proper authority in accordance with s. 23(1)(a) and s. 5(3)(h) of the PID Act and referred to as the PID Officer, the discloser and the subject of the disclosure.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed	November 2021	
Next Review Date	February 2022	
Amended		
Adopted	November 2021	
Version	1	



POLICY – 1.16 Fraud Risk Identification and Prevention

Relevant Delegation

N/A

Objective

The best strategy for addressing fraud is to identify and raise awareness of the risks and put in place effective controls to mitigate those risks. The intent of this policy is to promote awareness of fraud risks and good practice approaches to managing them.

Policy Statement

1. Shire of Menzies has a zero tolerance for fraudulent conduct within the performance of its functions and interactions with contractors and suppliers, the community and all other stakeholders of the City. Such conduct will be thoroughly investigated and the appropriate reporting, disciplinary, prosecution and recovery actions initiated.
2. The Shire's organisational structure provides clearly defined responsibilities and appropriate segregation of duties and controls within systems, particularly financial and procurement, that inhibits opportunities for fraud to occur.
3. The Shire's Audit and Risk Committee is a proactive committee which regularly reviews the appropriateness and effectiveness of internal control, legislative compliance and risk management.
4. The Shire's Risk Management Framework outline the Shire's commitment and approach to managing risks and all employees are encouraged to develop an understanding and awareness of risk and contribute to the risk management process.
5. The Shire's Purchasing and Tender Policy and the associated procedures are designed in such a way to help prevent fraud occurring and to detect it if it does occur. This includes adequate segregation of duties, financial and compliance reports and appropriate reporting lines and management oversight.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed	November 2021	
Next Review Date	February 2022	
Amended		
Adopted	November 2021	
Version	1	



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 Stocktake of Assets

Relevant Delegation

N/A

1. Policy Statement

- 1.1. The Chief Executive Officer is to ensure an annual stocktake 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	November 2021	
Next Review Date	February 2022	
Amended	November 2021	
Adopted	November 2021	June 2015 30 August 2018
Version	3	065



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 – 2.6 Depreciation of Non-current Assets

Relevant Delegation

N/A

Objective

To provide a framework for how depreciation methods and rates are calculated to Shire of Menzies's non-current assets, which is clear, transparent and consistent, while meeting all statutory obligations.

Policy Statement

In accordance with AASB 116 a non-current asset begins to be depreciated when it becomes available for use. Assets shall be depreciated using the straight-line method and based on the effective useful life less residual value. The effective useful life of an asset is to be reviewed by Management annually.

The current effective useful lives, as recommended by management are:

Asset class	Useful life
Buildings	20 to 50 years
Furniture and equipment	4 to 10 years
Plant and equipment	5 to 15 years
Sealed roads and streets	
formation	not depreciated
pavement	50 years
seal	
- bituminous seals	20 years
- asphalt surfaces	25 years
Gravel roads	
formation	not depreciated
pavement	50 years
Footpaths – slab	20 years
Sewerage piping	100 years
Water supply piping and drainage systems	75 years

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	February 2022	
Amended	November 2021	
Adopted	November 2021	
Version	1	



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	081
Version	1	June 2015



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 Elected Member and 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

– 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	28 October 2021	
Next Review Date	February 2022	
Amended		
Adopted	29 November 2012 30 August 2018	25 June 2015 28 October 2021
Version	3	

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 Elected Member and 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 anytype.
- 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) The Shire may modify, upgrade, withdraw or otherwise alter any IT facilities without notice.
- d) 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 Elected Member or 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) Elected Members and employees are not to use private email accounts to conduct business associated with the role and purpose of Council. Elected Members and Employees who receive an inquiry from a community member, contractor, developer or other agency via their personal email should immediately direct the sender to forward that inquiry to their official Shire of Menzies address.
- c) users should check their e-mail frequently, respond, or archive messages, delete any ephemeral messages promptly and manage their e-mail files wisely.
- d) 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 Tjuntjuntara 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 – Budget Preparation Timetable

Relevant Delegation

N/A

Objective

To provide clear direction to elected members, staff and community members on the adoption of the Annual Budget, in compliance with the *Local Government Act 1995*.

Policy Statement

The decision to adopt the annual budget is an approval given by Council to the Chief Executive Officer (CEO) for all items of expenditure to be committed without further authorisation except:

- Major projects requiring Council design approval.
- Works subject to tenders that require Council approval in accordance with Section 3.57 of the *Local Government Act 1995* and have not been delegated to the CEO under Section 5.43(b) of the *Local Government Act 1995*.
- Any other items specified by the Council at the time of adopting the Annual Budget requiring the approval of the Council.

This policy establishes a structure for the formalisation, administration and management of the Council's budget that satisfies statutory and Council requirements.

1. Budget Formalisation Principles

- a) In setting budget priorities, the Strategic Community Plan, Corporate Business Plan, and Council-adopted initiatives provide guidance.
- b) The annual budget will be based on financial indicators from the Corporate Business Plan and other financial-related initiatives.
- c) Rating revenue is to be set at a level that will produce a balanced or small surplus budget.
- d) All budget submissions must include comprehensive cash flow requirements.
- e) When evaluating new initiatives, sustainability and value for money must both be considered.
- f) During the formalisation of the annual budget, the end-of-year current surplus/deficit will need to be estimated.
- g) General Rates revenue will be budgeted using a Differential Rates model pursuant to the *Local Government Act 1995*.
- h) Modelling of the proposed Differential Rates will be presented to Elected Members at a Budget Forum.

2. Key Components of the Annual Budget

- a) Operational Income.
- b) Operational Expenditure.
- c) Capital Management.
- d) Reserves

3. Budget Considerations for Reserve Funds
 - a) The requirement for each reserve Fund and associated target values will be assessed, and nett transfers to Reserves will be managed in accordance with the Council's Long Term Financial Plan's goal of achieving target values.
 - b) Any budget excess found at the conclusion of each fiscal year is to be transferred to a Reserve account.
4. Form and Content of Budget and Working Papers
 - a) The budget will be produced and considered at a series of executive briefings and budget forums involving Elected Members before being submitted to Council.
 - b) The official budget will be presented to Council in accordance with Part 3 of the *Local Government (Financial Management) Regulations 1996*.
5. Mid-Year Budget Review and Corporate Business Plan Progress Report

Council will conduct a mid-year budget review between January and March each year for the purpose of addressing budget variations during the first half of the year, in line with financial regulations.
6. Community Engagement of the draft Municipal Budget
 - a) Posted on the Shires website for public comment for a period of 28 days.
 - b) The proposed differential rates will be advertised in accordance with the *Local Government Act 1995*, seeking additional and formal feedback.
7. Budget Management Timetable

The timetable below includes all of the major activities associated with the Council's budget processes, including the adoption of the Budget by a Special Meeting of Councillors in June of each financial year. It is only a guide and may be subject to minor changes.

– End of Policy

COMMENT

Formerly	Policy part 2.16, 3.5, 7.6	
New Policy		
Last Reviewed	25 February 2021	
Next Review Date	February 2022	
Amended	31 October 2019	
Adopted	21 December 2021 February 2021 31 October 2019 29 August 2019	30 August 2018 25 June 2015 29 November 2012
Version	4	

POLICY – 4.1 – Annual Budget Preparation Timetable

Budget Management Timetable

Timing	Stage
December	<ul style="list-style-type: none">• Long Term Financial Plan reviewed and adopted.• Progress report on Corporate Business Plan projects and actions drafted.• Mid-year budget review commenced.
January	<ul style="list-style-type: none">• Community residents are encouraged to submit budget requests and priorities for the coming financial year's budget via local advertising.• CEO and Chief Financial Officer (CFO) to consider the proposed Mid-year budget review in consultation with senior managers.• Corporate Business Plan six-month review updated with year-to-date financial data and progress against actions.• Completion of budget and Corporate Business Plan progress report for Council adoption or consideration.• Budget Review amendments included in the Council monthly reports for February.
February	<ul style="list-style-type: none">• From the Corporate Plan prepare for Council draft:<ul style="list-style-type: none">○ Capital Works program○ Road preservation program○ Plant replacement program○ Dual-use footpath projects• Commence housing and public buildings maintenance inspections.• Proposed new initiatives/capital works considered by the CEO & CFO.• Advertising of differential rates.• Review of fees and charges register by CFO.• Operational budgets completed.• Council to adopt the Budget Review included in the monthly reports for February.• Community residents' submissions to be received by the Shire end of February.

March	<ul style="list-style-type: none"> • Community and business submissions to be assessed in line with the Long-Term Financial Plan, Corporate Business Plan, adopted Strategies and Asset Management Plans. • Annual review of the Corporate Business Plan. • CEO, CFO, and senior managers consider initial draft Budget and Corporate Business Plan progress review. • First Budget and Corporate Business Plan forum for Elected Members. • Fees and Charges Schedule updated. • Council approval of Capital Projects.
April	<ul style="list-style-type: none"> • Budget forum for Elected Members covering the operational budget and differential rating model. • Review of completed budget by CEO and CFO. • Finalisation of Statutory Budget and draft annual review of the Corporate Business Plan. • Council approval of proposed: <ul style="list-style-type: none"> ○ Annual Differential Rates ○ Fees and allowances for Elected Members ○ Donations ○ Fees and charges ○ Housing and building Capital program ○ Recreation facilities and developments ○ Extra-ordinary budget requests
May	<ul style="list-style-type: none"> • Commence community engagement of draft budget via shire website providing 28 days to provide feedback • Advertise proposed differential rates including reasons and seeking feedback.
June	<ul style="list-style-type: none"> • Briefing to Elected Members on feedback from community engagement • Report back to community via website on the draft budget submissions included in the draft budget for consideration by Council • Carried forward projects estimated by management • Adoption of reviewed Corporate Business Plan and Budget at Special Council Meeting • Adopted budget sent to the DLGCC • Adopted budget cascaded to CFO and senior managers
September	<ul style="list-style-type: none"> • Budget amended to reflect final position with regard to estimated carried forward projects and end of financial year current surplus/deficit



POLICY – 4.2 – Purchasing and Tenders

Relevant Delegation

N/A

Objective

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.

Policy Statement

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.

2. Ethics and integrity

The Shire's Codes of Conduct for Elected Members and Employees apply when undertaking purchasing activities and decision making, requiring elected members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

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.

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.

4. Purchasing thresholds

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.

Purchasing threshold tables

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:	<p>Tender Exempt - WA State Government Common Use Arrangement (CUA) Use a relevant CUA regardless of whether the Purchasing Value will exceed the tender threshold.</p>
	<p>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.</p> <p>If no relevant CUA is available, then a Tender Exempt <i>[F&G Reg. 11(2)]</i> arrangement may be used.</p>
Priority 5:	<p>Other Tender Exempt arrangement <i>[F&G Reg. 11(2)]</i> 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.</p>
Priority 6:	<p><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.</p>

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 \$5000 (ex GST)	<p>Quotations not required.</p> <p>The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.</p>

Over \$5000 and up to \$15,000 (ex GST)	<p>Direct purchase from suppliers requiring only two (2) verbal quotations, where possible and practical.</p> <p>The purchasing decision is to be evidenced using the SoM-Pur-01 Recommendation Report Template retained in accordance with the Shire's Record Keeping Plan</p>
Over \$15,000 and up to \$50,000 (ex GST)	<p>Seek at least three (3) written quotations from suitable suppliers.</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 brief outline of the specified requirement for the goods, services or works required; and • Value for Money criteria, not necessarily the lowest quote. <p>The purchasing decision is to be evidenced using the SoM-Pur-02 Recommendation Report Template retained in accordance with the Shire's Record Keeping Plan.</p>
Over \$50,000 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 SoM-Pur-03 Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.</p>
Over \$250,000 (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 above.</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)	<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 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)	<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 Section 9.58(6)(b) Local Government Act	<p>The suite of LGIS insurances is established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and is provided as part of a mutual, where WALGA Member Local Governments are the owners of 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.</p>

5. 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.

6. 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.

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

7. 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.

8. 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 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 must be signed off by the Chief Executive Officer 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.

9. 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.

10. 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.

11. 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.

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.

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.

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.

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.

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.

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.

12 Panels of Pre-qualified Suppliers

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

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

13 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.

14 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 Policy

COMMENT

- WALGA template utilised.

Formerly	Policy 3.15	
New Policy		
Last Reviewed	30 July 2020	
Next Review Date	February 2022	
Amended	25 November 2021	
Adopted	25 November 2021 30 July 2020 13 December 2018	25 June 2015 30 August 2018
Version	4	



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	133



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/Chief Financial 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	29 July 2021	
Next Review Date	July 2022	
Amended	30 April 2020 30 April 2020	6 August 2019 29 July 2021
Adopted	30 August 2018 30 April 2020	29 October 2015 29 July 2021
Version	3	



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 – 4.13 – Asset Management

Relevant Delegation

N/A

Policy Statement

To ensure that the Shire has sufficient systems, processes, resources and organisational commitment in place to deliver asset management service outcomes on a financially optimal basis.

Service delivery may be via the provision of Shire owned Infrastructure Assets, in which case assets are to be managed to support financially optimal service delivery outcomes for the lowest whole of life cost.

Alternatively, service delivery may be via a third party, in which case the Shire has a role in ensuring third party Infrastructure Assets are provided and managed to achieve financially optimal service delivery outcomes with the lowest possible draw on Shire resources.

The policy also assists the Shire in compliance with the provisions of the State Government's Integrated Planning & Reporting Framework by having an integrated approach to Planning for the Future.

Adherence to the policy will ensure that the Shire will continue to deliver (or facilitate the delivery) of financially optimal asset services aligned with the aspirations of the community.

Scope and Limitations

This policy covers all service delivery of the Shire and relates specifically to the management of infrastructure assets under the care, control and responsibility of the Shire. This includes assets used to deliver services or the infrastructure management regime of third parties where the Shire facilitates service delivery by a third party. This may include but is not limited to:

- Government Agencies;
- Private Enterprise; and
- Contractors,

Background

The community relies on the Shire to deliver services. The Shire has finite resources and limited income streams that can be targeted to fund service delivery. The Shire must ensure service delivery is well targeted and aligns with the Community's aspirations identified via the development of the Strategic Community Plan.

To help ensure scarce resources are optimally allocated, it is important informed decisions are made when considering the acquisition, ongoing ownership, management and disposal of infrastructure assets. The Shire also needs to continuously consider whether it needs to provide and / or own assets in order to deliver services to the community or whether it can simply facilitate the provision of the service by a third party, i.e. non-asset ownership service delivery.

To assist with making informed decisions in relation to this, the Shire will put in place the following:

- A Strategic Asset Management Framework, consistent with National standards in Asset Management and Long Term Financial Planning (Nationally Consistent Approach);
- Maintain and regularly review a contemporary Asset Management Policy;
- Develop, maintain and regularly review an Asset Management Improvement Strategy clearly articulating a sustainable path for continuous improvement and identifying resources to implement via the budget process;
- Develop, maintain and regularly review Asset Management Plans;
- Asset Management Plans will document the Council adopted desired level of service for each asset class which will be derived from Service Level Plans and the community engagement processes used to develop the Strategic Community Plan; and
- Ensure processes are in place to train Councillors and Officers in key aspects of asset management and long term financial planning.

Key Commitments

Prior to making a decision to either, deliver a new service, vary the current service (up or down) or cease the delivery of a service, the following key commitments are to be adhered to:

- The need for the service will be reviewed;
- The service must align with the Strategic Community Plan and fit within the Corporate Business Plan;
- Options for the Shire to facilitate delivery of the service by a third party are to be identified and considered;
- If the service is needed and a third party cannot deliver the service, infrastructure assets that are required to deliver the service will be identified along with:
 - The whole of life cost of delivering the service; and
 - The whole of life planning, maintenance, operation, renewal and disposal cost of the asset required to support the service delivery.
- The service delivery and asset whole of life cost must find within the 10 Year Long Term Financial Plan (once developed);
- Options to renew infrastructure asset before acquiring a new infrastructure asset are to be considered;
- Options to rationalise assets will be considered; and
- The Executive Management Group will develop the systems and processes to comply with the above key commitments.

Responsibility and Reporting

Council - is responsible for approving (including amendments to) the following documents:

- Asset Management Policy;
- Asset Management Improvement Strategy; and
- Asset Management Plans.

Council is also responsible for ensuring resources are allocated to achieve the objectives of the above documents (upon recommendation of the CEO).

In adopting asset management plans, Council determines the Level of Service for each asset class.

“Chief Executive Officer (CEO)” - is responsible for ensuring systems are in place to develop, maintain and regularly review Council’s asset management policy, asset management improvement strategy and asset management plans. The CEO reports to Council on all matters relating to asset management.

“Executive Management Group (EMG)” – is responsible for monitoring the implementation of asset management across the organisation. The EMG also undertakes the functions of “Asset Management Working Group (AMWG)” and “Integrated Planning and Reporting Working Group (IPRWG)”

The EMG will ensure that strategies are put in place to remove barriers to the successful implementation of asset management.

The EMG will be responsible for ensuring that Council’s asset management improvement strategy is achieved and asset management plans are prepared and maintained in line with Council’s policy on asset management. Where changes to Council’s asset management policy, asset management improvement strategy or asset management plans are identified, the EMG is responsible for considering and making recommendation to Council in relation to changes.

Where aspects of Council’s asset management policy, asset management improvement strategy or asset management plans are not being achieved or adhered to, the EMG will maintain a list of non-compliances and take corrective action. The EMG reports to the CEO (who is also a member of the group) on all matters relating to asset management.

“Works Manager (WM)” – is responsible for resource allocation (from Council approved resources) associated with achieving Council’s Asset Management Improvement Strategy. The WM reports to the CEO in relation to Asset Management resource allocation.

“All Co-ordinators”– are responsible for ensuring that resources under their control are appropriately allocated to resource asset management. All Co-ordinators must report to the CEO on all matters relating to Asset Management under their area of control.

Policy Definitions

“Asset” means a recognisable non-financial asset owned or controlled by the Shire, which enables the local government to achieve its objectives.

“Asset Management Plan” means a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the assets.

“Infrastructure Assets” are fixed assets that support the delivery of services to the community. These include the broad asset classes of roads, drainage, buildings, parks and bridges.

“Level of Service” means the combination function, design and presentation of an asset. The higher the Level of Service, the greater the cost to deliver the service. The aim of asset management is to match the asset and level of service of the assets to the community expectations, need and level of affordability.

“Life Cycle” means the cycle of activities an asset goes through while it retains an identity as a particular asset.

“Whole of Life Cost(s)” means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance and rehabilitation and disposal costs.

“Maintenance” means regular ongoing day-to-day work necessary to keep an asset operating and to achieve its optimum life expectancy.

“Operations” – means the regular activities to provide public health, safety and amenity and to enable the asset to function e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal. Operation expenses are normally incurred annually or even more frequently.

“New” – means creating of a new asset to meet additional service level requirements.

“Resources” means the combination of plant, labour and materials, whether they be external (contractors/consultants) or internal (staff/day labour).

“Renewal” means restores, rehabilitates, replaces existing asset to its original level of service. This may include the fitment of new components necessary to meet new legislative requirements in order for the asset to achieve compliance and remain in use.

“Risk” means the effect of uncertainty on objectives. The focus should be on the effect of incomplete knowledge of events or circumstances on the Shire’s decision making.

“Stakeholders” are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

“Upgrade” means enhances existing asset to provide higher level of service.

Amendments to this Policy

Amendments to the policy require a simple majority decision of Council.

– *End of Policy*

COMMENT

Formerly		New Policy May 2021
Last Reviewed	New Policy	
Next Review Date	May 2022	
Amended		
Adopted	27 May 2021	
Version	1	



POLICY – 4.14 Contract Management

Relevant Delegation

N/A

Objective

To evidence Council's commitment to ensuring procurement contracts, including those obtained via Request for Quote and Request for Tender processes, once awarded, are managed appropriately to ensure the Shire receives value for money, enforce performance against the contract and minimise the exposure to financial and reputational risk.

Policy Statement

1. Contracts are to be proactively managed during their lifecycle to ensure works are carried out as per the specification and in accordance with agreed timelines.
2. A contract management plan will be developed at the time the contract is drafted, then utilised and modified (as required) throughout the management of the contract.
3. When varying a contract for the supply of goods or services, where a contract has been entered into as the result of a publicly invited tender process, then *Local Government (Functions and General) Regulations 1996 r21A* applies.

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

- a) the variation is necessary in order 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 within the original contract.

Contract variations, extensions and renewals must be signed by a person with appropriate delegation and authorisation.

4. Supplier performance assessments are completed post-contract relative to the value, complexity and risks involved. The outcomes of such reviews shall be recorded in the Shire's record keeping system and used to inform corrective actions and guide future contracting decisions.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	February 2022	
Amended		
Adopted	November 2021	
Version	1	



POLICY – 4.15 Tender Evaluation

Relevant Delegation

N/A

Objective

To evidence Council's commitment to identifying tenders that offer the best overall outcome for the Shire of Menzies, while ensuring all legislative and best practice requirements are met.

Policy Statement

1. Open and effective competition is a key element in achieving value for money. All potential suppliers are given the same opportunities to compete for business with the Shire of Menzies.
2. The process for formally evaluating tenders will be run fairly and transparently, with decisions that provide consistency and confidence.
3. All tenders received will be formally assessed, via an evaluation panel of assessors, to determine best value for money.
4. There will be at least two evaluation panel members, preferably three. There is an option for one of these members to be external to the Shire.

The evaluation panel should establish a standard process of measuring value for money (scoring matrix) and assessing suppliers based on qualitative requirements as stated in the RFQ or RFT document.

The tender evaluation must only include factors that are quantifiable and must only be conducted using information that is contained within the tender returns.

All evaluation panel members are required to sign the ***SoM-Pur-05 Conflict of interest declaration form***.

5. Decisions are to be formally documented, with all evaluation panel members signing off on the recommendation to award services to a particular supplier, then formally approved.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	February 2022	
Amended		
Adopted	November 2021	
Version	1	



POLICY – 5.1 – Acting Chief Executive Officer

Relevant Delegation

N/A

Objective

To guide the taking of leave by the Chief Executive Officer and arrangements for the appointment of an Acting Chief Executive Officer in the absence of the Chief Executive Officer due to annual leave, long service leave, extended personal leave or other circumstances.

Policy Statement

The Chief Executive Officer is eligible to annual leave, long service leave and personal leave (including carer's leave, sick leave, and compassionate leave) as provided in the contract of employment. The Shire should:

- Manage annual and long service leave to reduce its leave liability and ensure leave accruals do not accumulate; and
- Ensure regular breaks from work are taken for employee wellbeing.

To facilitate those arrangements and to ensure the continuous operations of the Shire, the following guidelines are provided:

1. For periods of leave less than five working days:

- 1.1 The Chief Executive Officer will provide notification to the President and Councillors of planned leave of less than five days one week in advance, or as soon as practicable if the leave is unplanned, for approval by the President. Such approval should not be unreasonably withheld.
- 1.2 Staff will manage issues relevant to their area of responsibility.
- 1.3 For governance matters or issues that would be dealt with by the Chief Executive Officer, the Chief Financial Officer will assume responsibility.
- 1.4 The Chief Executive Officer will monitor communications and be contactable for urgent matters.

2. For periods of leave of more than five consecutive working days:

- 2.1 Councillors will be informed of periods of planned leave for the Chief Executive Officer.
- 2.2 The Chief Executive Officer will submit a report to Council for planned leave of more than five working days for approval at least one month prior to the leave commencing.
- 2.3 An Acting Chief Executive Officer will be appointed by Council.
- 2.4 Appointments by Council to act as Chief Executive Officer will have delegations in accordance with the Council resolution.
- 2.5 Officers acting in the role of Chief Executive Officer, for periods longer than 5 working days, will be eligible to be paid higher duties for the period of acting.

2.6 The following employees are eligible to be appointed to the role of Acting Chief Executive Officer:

(a) any employee deemed suitably qualified and experienced by Council.

3. Other Matters:

3.1 Where possible, the Chief Executive Officer will manage leave to avoid being absent from ordinary Council meetings.

– *End of Policy*

COMMENT

Formerly	Policy 5.15 Replaced 29 November 2012	Policy 5.1 Amended 31 August 2017 Policy 5.1 Amended 27 May 2021
Last Reviewed	May 2021	
Next Review Date	May 2022	
Amended	May 2021	
Adopted	31 October 2019 27 May 2021 (Amended)	25 March 2021
Version	V3	



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 (<i>view not supported by DLGC</i>) <u>Not permitted</u> to appoint, manage or direct.	<u>Required</u> to recommend appointment or dismissal. <u>Statutory</u> function to manage and direct.
	Interview & recommendation can be done by Chief Executive Officer alone or with Council/or input. DLGC recommends no Councillor involvement, other than consent to appointment/dismissal.		
Environmental Health Officer	<u>If designated senior officer</u> – as above and Commissioner’s approval <u>In all cases</u> – approval of Commissioner for Health required for appointment or dismissal.		
Other (non-designated) staff	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Statutory</u> function to appoint, manage, direct etc.

-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 – RDOs, 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.

RDOs (Rostered Day Off)

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

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

– End of Policy

COMMENT

Formerly	Policy 7.4.1, 7.4.2	
Last Reviewed	February 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 – 5.16 – CEO Recruitment and Selection, Performance Review and Termination

Relevant Delegation

N/A

Policy Statement

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

1. Division 1 — Preliminary Provisions

1.1 1. Citation

These are the Shire of Menzies Standards for CEO (Chief Executive Officer) Recruitment, Performance and Termination.

1.2 2. Terms Used

(1) In these standards —

Act means the Local Government Act 1995;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the Shire of Menzies;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.

2. Division 2 — Standards for Recruitment of CEOs

2.1 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

2.2 4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

2.3 5. Determination of Selection Criteria and Approval of Job Description Form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

2.4 6. Advertising Requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

2.5 7. Job Description Form to be made Available by Local Government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

2.6 8. Establishment of Selection Panel for Employment of CEO

- (1) In this clause —

independent person means a person other than any of the following —

- (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
- (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

2.7 9. Recommendation by Selection Panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
- (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
- (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
- (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
- (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

2.8 10. Application of Clause 5 where New Process Carried Out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

2.9 11. Offer of Employment in Position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

2.10 12. Variations to Proposed Terms of Contract of Employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

2.11 13. Recruitment to be Undertaken on Expiry of Certain CEO Contracts

- (1) In this clause —

commencement day means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.
- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
 - and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

2.12 14. Confidentiality of Information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

3. Division 3 — Standards for Review of Performance of CEOs

3.1 15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

3.2 16. Performance Review Process to be Agreed between Local Government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

3.3 17. Carrying Out a Performance Review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

3.4 18. Endorsement of Performance Review by Local Government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

3.5 19. CEO to be Notified of Results of Performance Review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and

- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

4. Division 4 — Standards for Termination of Employment of CEOs

4.1 20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

4.2 21. General Principles Applying to any Termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

4.3 22. Additional Principles Applying to Termination for Performance Related Reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

4.4 23. Decision to Terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

4.5 24. Notice of Termination of Employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

– *End of Policy*

COMMENT

A copy of this Policy is to be placed on the local government's official website, pursuant to Section 5.39B(6) of the Local Government Act 1995.

Formerly		New Policy under February 2021 Reforms
Last Reviewed		
Next Review Date	February 2022	
Amended		
Adopted	29 April 2021	
Version	1	



POLICY – 6.1 Work Health and Safety

Relevant Delegation

N/A

Policy Objective

The Shire of Menzies is committed to protecting the health and safety of all persons in the workplace including workers, contractors, and visitors. The Shire of Menzies demonstrates this commitment through its health and safety management system that is integrated with all Shire activities, services, and people.

The Shire of Menzies endeavours to take all reasonable and practicable steps to:

- Improve work safety conditions;
- Continuously review and improve its safety performance; and
- Strive to uphold its core values of safety, knowledge, integrity and leadership to achieve its goal of zero harm to people, equipment and the environment.

Policy Scope

This policy applies to all employees, contractors, volunteers, and visitors at all Shire of Menzies's sites and centres.

Policy Statement

The Shire of Menzies recognises its moral and legal responsibility to provide a safe and healthy work environment for workers (including contractors and workers of contractors), clients and visitors to the workplace.

The Shire of Menzies is committed to the prevention of work-related injury and ill health of its staff, contractors and visitor within its working environment. It is our aim that any work carried out within the scope of the business is conducted in compliance with the Safety Management System.

Emphasis will be placed on effective management, ensuring a systematic approach to the identification of risks using a hierarchy of controls and, the allocation of financial and physical resources to control these risks. To deliver these responsibilities, the Shire of Menzies undertakes to:

- maintain a safe and healthy place of work by providing plant, equipment and systems of work which reduces risks to people's health and safety;
- promote WHS (Work, Health & Safety) awareness within the company and encourage workers to participate in the decision-making processes for WHS;
- Support compliance with all relevant safety legislation, regulations, codes of practice and other requirements associated with our operations;
- where any process or service is outsourced, the Shire of Menzies will determine criteria and methods of control to support conformity to our requirements.

- arrange for the effective planning, organisation, control, monitoring and review of preventative and protective measures;
- have in place a framework for setting and reviewing our WHS objectives and targets;
- train, educate and inform our workers about WHS issues that may affect their work; and
- commit to reporting WHS performance with measurable targets to ensure continued improvement.
- openly encourage all staff and contractors to report hazards, including near misses, without fear of reprisal.

This WHS Policy is deemed appropriate for the Shire of Menzies. It includes a commitment to comply with this policy and all applicable regulatory requirements where reasonably practicable.

Responsibilities

Management is committed to:

- integrating WHS into all aspects of the Shire's operations where reasonably practicable;
- doing everything reasonably practicable to ensure the health and safety of its workers while they are at work;
- support compliance with legislative requirements, current industry WHS standards and co-operation with regulatory bodies, as far as is reasonably practicable;
- identifying any hazards in the workplace that may be a risk to health and safety and eliminating or controlling the risk of harm from those hazards;
- measurable targets to encourage continued improvement reflected in accountability/key performance indicators at all levels;
- provision and maintenance of a work environment that is safe and manages risks to health;
- consultation with workers and other parties to improve decision-making on WHS matters;
- development, implementation and review of written safe work procedures;
- distribution and communication of safety information and safe work procedures;
- information, training and supervision to workers, contractors, clients and visitors to support safety;
- support and assist workers in effective injury management and rehabilitation;
- encouraging compliance with WHS and taking swift rectification where required; and,
- review and assessment of WHS policies.

Workers are expected to:

- take reasonable care for the health and safety of themselves and others at work;
- cooperate with the organisation to support compliance with WHS legal obligations;
- participate in consultative arrangements;
- assist management in meeting WHS targets/key performance indicators;
- participate in return to work programs;
- comply with all reasonable instructions from managers concerning health and safety issues at work where reasonably practicable; and,
- strive to use equipment safely and that they correctly use all equipment.

The Shire of Menzies has appointed a management representative (as shown on the noticeboards) for the purposes of this WHS Policy. The Management Representative has the full support of the leadership of the Shire of Menzies to establish, implement and maintain WHS, and other applicable regulations, standards and guidance.

Review Procedure

The Shire of Menzies appointed 'WHS Safety Committee' will review this policy as required. The review schedule is directed in response to organisational and/or legislative changes and requirements. The review will be undertaken in consultation with workers, Shire representatives and other relevant parties. All relevant persons will be made aware of changes made due to the review. This policy will be reviewed if:

- there are changes in the workplace that may affect the policy;
- the policy is not effective;
- there are legislative changes that affect the policy; and,
- there is a breach of this policy.

This policy is reviewed at least annually, and all version control is managed via the Shire of Menzies WHS software system.

– *End of Policy*

COMMENT

Formerly		Policy 6.1 - 31 October 2019 Replacement Policy 6.1 - 27 May 2021
Last Reviewed	May 2021	
Next Review Date	May 2022	
Amended	Replacement Policy May 2021	
Adopted	31 October 2019	May 2021
Version	1	



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.	4
- trousers or “long shorts” no higher than 50mm above the knee.	4
- high visibility (orange/yellow) jacket <u>or</u> jumper for cold weather	1
- boots – at least ankle height, with reinforced toe cap	1
Chemical and hazardous substances –	
- breathing masks, gloves, disposable overalls	As required
Sun protection –	
- wide brimmed sun hat	1
- sunglasses	1
- sunscreen applied at least twice daily to all exposed skin	As required
Other –	
- gloves – gardening, welding etc	As required
- safety glasses	As required
- ear plugs	As required
Where reasonable, employee’s personal preferences may be taken into account, with the type of equipment or clothing etc, selected after consultation with employees.	

- Administrative staff uniforms –

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

3. General provisions-

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

– *End of Policy*

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		



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 – 12.4 – 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	April 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 – 21.12.21)

	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	4.2 Purchasing and Tenders Addition of clause 3 – The Shire of Menzies recognise Local Government (Functions and General) Regulations 1996 Part 4 Division 2 Regulation 11 (h) and Regulation 11 (i) which set out exemptions from tender limits for Aboriginal Businesses and Australian Disability Enterprises (with conditions).	
29	24 April 2019 Res# 1635	Amended Adopted	1.7 – Enterprise Risk Management 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.	
30	30 May 2019 Res# 1653	Amended Adopted	3.10 Agenda Format / Officer's Report Reverted to the agenda format adopted by Council on 8th December 2015. 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.	

	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
			items in the monthly meetings: <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	4.2 – Purchasing and Tenders <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	6.3 – Personal Protection Equipment and Uniform Amended to provide four (4) pairs of trousers/shorts per annum	
42	29 October 2020 Res# 2013	Under review	12.3 – Stock Grids Policy Policy was provided by McLeods Lawyers. Currently awaiting responses to Public Consultation	Feb/Mar 2021
43	29 October 2020 Res#2013	Under review	12.6 Retention of Stock Grids REFER TO 12.3 above (29 October 2020 Res#2-13)	Feb/Mar 2021
44	October 2020	New Policy	12.7 – Bus Hire Procedure and Management of Bus hire	
45	26 November 2020 Res#2042	Amended & Adopted	12.1 Plant Replacement Schedule – Plant Replacement Cycles Amendment to the Plant Replacement Cycles	
46	17 December 2020	Amended & Adopted	5.7 – Superannuation Reviewed and amended to reflect a clearer understanding of the additional contribution Shire makes to employee	

	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	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.	
50	January 2021	Amended and Adopted	5.9 – Leave Accruals – RDOs, Annual and Long Service Leave Amended to include capped accrual of RDO's.	
51	February 2021	Adopted	Policy Manual 2021	
52	March 2021	Adopted	1.1.1 Code of Conduct for Council Members, Committee Members and Candidates – Requirement following LGA reforms	
53	March 2021	Adopted	1.11 Attendance at Events	
54	March 2021	Adopted	1.12 Elected Members Ongoing Professional Development	
55	April 2021	Adopted	5.16 CEO Recruitment and Selection, Performance Review and Termination – Requirement following LGA reforms	
56	April 2021	Adopted	1.14 Universal Training - Elected Members and Candidates	Required to be reviewed following each LG election

	Meeting	Purpose	Policy affected	Date to be Reviewed
57	April 2021	Adopted	1.9 Internal Control	
58	April 2021	Adopted	1.10 Legislative Compliance	
59	May 2021	Amended & Adopted	5.1 Acting Chief Executive Officer	
60	May 2021	Adopted	4.13 Asset Management	
61	May 2021	Amended & Adopted	6.1 Work Health & Safety	
62	July 2021	Amended & Adopted	4.10 Financial Management - Payment of Accounts & Purchasing Authority Limits	
63	September 2021	Adopted	1.1.2 Code of Conduct for Employees – Requirement following LGA reforms	
64	October 2021	Amended & Adopted	3.6 Information Technology - Access and Use	
65	November 2021	Adopted Adopted Amended Amended Amended Adopted Adopted	1.15 Public Interest Disclosure (Whistle-blower) 1.16 Fraud Risk Identification and Prevention 2.3 Annual Stocktake of Assets 2.6 Depreciation of Non-current Assets 4.2 Purchasing and Tenders 4.14 Contract Management 4.15 Tender Evaluation Policy	
66	December 2021	Amended and adopted Amended and adopted	1.12 Elected Members Ongoing Professional Development 4.1 Budget Preparation Timetable	1.12 Required to be reviewed following each LG election