COUNCIL POLICY

ADOPTED – 28 JUNE 2018

AS AMENDED TO 26 SEPTEMBER 2024

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OBJECTIVE

STATUTORY CONTEXT

CORPORATE CONTEXT

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1. Council / Governance

1.1 Code of Conduct

POLICY STATEMENT

The Model Code of Conduct as per Local Government (Model Code of Conduct) Regulations 2021 is in effect as from 3 February 2021

1. The following Policy Schedule is adopted, and forms part of this Statement –
   a) Sch. 1.1– Code of Conduct.

2. The Code of Conduct applies to –
   a) Elected members, insofar as it is not contradicted by the Local Government Act,
   b) members of a committee established by Council,
   c) all candidates for election.

APPLICATION

3. To elected members, committee members and candidates.

OBJECTIVE

To provide guidance and manage the conduct of elected members, committee members and candidates.

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.94 – public inspection of Code of Conduct
- s.5.103 – requirement to prepare a code of conduct for elected members, committee & candidates

Local Government (Administration) Regulations 1996 –

- r.34B – required matters about gifts to employees
- r.34C – required matters about interest affecting impartiality

Local Government (Model Code of Conduct) Regulations 2021

CORPORATE CONTEXT

None

HISTORY

Adopted 28 June 2018
Amended 25 February 2021

REFERENCES

The code of conduct required by the Local Government (Elections) Regulations r.8 is separate to Schedule 1.1, and is therefore binding on elected members.

Shire of Tammin

Code of Conduct

For Council Members, Committee Members and Candidates

Model code of conduct

[r. 3]

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Tammin's *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

(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

(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

Notes

This is a compilation of the *Local Government (Model Code of Conduct) Regulations 2021*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Local Government (Model Code of Conduct) Regulations 2021	SL 2021/15 2 Feb 2021	Part 1: 2 Feb 2021 (see r 2(a)); Regulations other than Part 1: 3 Feb 2021 (see r. 2(b) and SL 2021/13 cl. 2)

1.2 Elected Member Records – Capture and Management

POLICY STATEMENT

1. Each elected member is responsible for determining which records are required for capture and management, and submission of the record to the CEO, for storage.

APPLICATION

2. The Shire as an organisation, in meeting its obligations to facilitate the capture and management of elected member records will –
   a) provide a collection point readily accessible to each elected member to deposit the required materials
   b) materials collected will be separated according to elected member and financial year of deposit
   c) for electronic records (emails, digital photos etc), a suitable format for backup of all electronic records will be provided at least once per year,
   d) the electronic record then to be deposited with other required materials,
   e) where a copy of the record is to be retained by the elected member, photocopying or other duplicate as necessary, will be provided without charge.

3. Access to the records created may be required, and is to be facilitated by the CEO –
   a) as permitted under various legislation such as the Local Government Act, the Freedom of Information Act etc,
   b) by order of an authorised body such as the Standards Panel or a Court of law etc,
   c) by a representative an authorised body such as the Ombudsman or Crime and Corruption Commission etc.

OBJECTIVE

To outline arrangements and responsibilities for elected member records required under the State Records Act.

STATUTORY CONTEXT

Local Government Act 1995 –

State Records Act 2000

- Obligation of elected members
- Obligation of shire

Freedom of Information Act 1992

CORPORATE CONTEXT

Shire of Tammin Records Keeping Plan

HISTORY

Adopted 28 June 2018

REFERENCES

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

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

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

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

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

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

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

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

The principles of relevance and ephemerality apply, for example –

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

1.3 Elected Members – Recognition of Service

POLICY STATEMENT

1. The CEO is to arrange a suitable gift for departing elected members, to the value permitted by the *Local Government (Administration) Regulations 1996* s.34AC, on the basis of –
    a) $50.00 per year for each Elected Member,
    b) an additional $25.00 per year for each year of service as Deputy President,
    c) an additional $50.00 per year for each year of service as President.

APPLICATION

2. Multiple terms of service as a member of Council are to be considered individually according to each period, and not cumulatively.

3. Each departing elected member shall also receive an appropriate plaque or certificate of service.

4. Presentation of the gift and plaque or certificate will generally be made at the final meeting being attended by the elected member, or at a suitable function.

5. Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government, Sporting and Cultural Industries.

OBJECTIVE

To provide for recognition of service to the community as an elected member.

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.60 – when a person has an interest
- s.5.60A – financial interest
- s.5.69 – Minister may allow elected members disclosing interests to participate etc. in meetings
- s.5.100A – gifts to elected members may only be made in prescribed circumstances

Local Government (Administration) Regulations 1996 –

- r.34AC – gifts to council members, when permitted etc.
    (1) at least one 4 year term must be completed
    (2) maximum gift of $100 per year of service to maximum of $1,000

CORPORATE CONTEXT

None

HISTORY

Adopted 22 November 2018

REFERENCES

Statutory requirement –

Prior to adoption, amendment or revocation to clauses 1, 2 or 3 of this Policy, elected members must –

- **declare a financial interest in accordance with the Local Government Act, and**
- **receive written approval of the Minister for Local Government to participate and vote.**

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

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

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

1.4 Related Party Disclosures (AASB 124)

POLICY STATEMENT

1. The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not.

2. Each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

3. The following Policy Schedules are adopted, and form part of this Statement –
   - 1.4(a) – Related Party Disclosures – Definitions
   - 1.4(b) – Related Party Disclosures – Procedure

APPLICATION

4. Application
   This Policy applies to –
   a) Related Parties of Council
   b) Key Management Personnel

5. Key Management Personnel (KMP)
   In accordance with AASB 124, KMP are –
   a) All elected members
   b) CEO
   c) Manager Works and Services
   d) Manager Finance and Administration

6. Related Party – Council
   a) Related entities to Council are those where the Shire of Tammin has significant control or influence, which is deemed to be a greater than 20% –
      - financial interest in the organisation,
      - voting rights in the organisation.
   b) Unless otherwise excluded, the administration will be required to assess all transactions made with these persons or entities.

7. Related Party – KMP
   a) Related parties of the KMP are close family members of the KMP.
   b) For the AASB 124, close family members could include extended family members (such as, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the KMP in their dealings with the Shire.
   c) Related entities to the KMP or close family members are those where the person has control, joint control or influence, which is deemed to be greater than 20% –
      - financial interest in the organisation
      - voting rights in the organisation.
   d) Unless otherwise excluded, the administration will be required to assess all transactions made with these persons or entities.

8. Related Party Transactions (RPT)
   a) A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.
   b) For the purposes of determining whether a related party transaction has occurred, the following transactions or provisions of services have been identified as meeting this criterion –
      i) payments to elected members;
      ii) employee compensation whether it is for KMP or close family member of KMP.

iii) lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a real estate agent)
iv) lease agreements as lessee or lessor, for commercial properties or other properties;
v) monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement).
vi) loan arrangements between related entities or KMP;
vii) contracts and agreements for construction, consultancy or services
viii) purchases or sales of goods; property and other assets;
ix) rendering or receiving of services; or goods;
x) transfers under licence agreements; or finance arrangements (example, loans);
xi) provision of guarantees (given or received);
xii) commitments to do something if an event occurs, or does not occur, in the future;
xiii) settlement of liabilities on behalf of Council or by the Shire on behalf of that related party.

9. Ordinary Citizen Transactions (OCT)
   a) OCT are where there is no special treatment of consideration of either party and are deemed to be any transaction that a member of the public would receive in the usual course of business, and includes but is not limited to –
      i) payment of rates and charges imposed by Budget resolution, fines and penalties etc.
      ii) payment of application or development fees imposed by Council and applying to any applicant
      iii) use of Shire facilities, whether use of the facility incurs a fee or not, and includes recreation facilities, public venues, library, parks, ovals, reserves, waste facility and public open spaces
   b) OCT incorporates transactions resulting from delivery of Public Service Obligations and includes but is not limited to –
      i) attending Shire of Tammin functions that are open to the public
      ii) attending events that are open to the public
   c) All Ordinary Citizen Transactions identified within this policy are unlikely to influence the conclusions that those reading the Shire's financial statements would make.

10. Materiality

For guidance, materiality is generally deemed to apply where –
   a) Where an RPT can be expressed in financial terms
      - Single transaction – greater than $300
      - Cumulative transactions – greater than $1,500 in a financial year
   b) Where an RPT cannot be expressed in financial terms –
      - reasonable person test – would an ordinary person consider that pressure has been applied or influence exerted

11. Related Party Notification
   a) KMP must submit to the CEO a Related Party Declaration, notifying of any existing or potential related party relationship between the Shire and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members.
   b) Related Party Declarations are to be submitted –
      i) within 30 days of commencement;
      ii) annually, prior to 31 August;
   c) Related Party Declarations are to be updated where –
      i) any new or potential related party transaction that is required or likely to be required to be disclosed in the Shire's financial statements; or
      ii) any change to a previously notified related party transaction.

12. Related Party Transaction Notification
   a) A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

b) KMP must submit to the CEO a Related Party Transaction Notification, notifying of any transaction between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members.
c) Related Party Transaction Notifications are to be submitted –
   i) at minimum – within 30 days of the end of each financial year;
   ii) recommended – at Council meeting each month.

13. Confidentiality
   a) All information contained in a disclosure return, will be treated in confidence.
   b) Generally, related party disclosures in the annual financial reports are reported in aggregate and individuals not specifically identified.
   c) Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

14. Discretionary capacity of the CEO
   Where a matter is not covered by this policy, the CEO is authorised to make a determination, and may seek such advice as is necessary in order to do so.

OBJECTIVE
To comply with the requirements of AASB124.

STATUTORY CONTEXT
Local Government (Financial Management) Regulations 1996 –
- r.4 – AAS to be complied with and has priority over Regulations
- r.5 – annual budget, annual financial report and other financial reporting to be in accordance with AAS
- Sch.2 Form 1 – CEO required to certify annual financial reports complied in accordance with AAS

Local Government (Audit) Regulations 1996 –
- r.9 – audit is to be performed in accordance with AAS

Australian Accounting Standard 124 – Related Party Disclosures

CORPORATE CONTEXT
Annual Report Requirements

HISTORY
Adopted 28 June 2018

REFERENCES
Abbreviations –
AASB – Australian Accounting Standards Board
KMP – Key Management Personnel
OCT – Ordinary Citizen Transaction
RPT – Related Party Transaction

The objective of the AASB is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

Effective beginning 1 July 2016 the Shire must disclose in the Annual Report certain related party relationships and transactions together with information associated with those transactions in its Financial Statements, to comply with Australian Accounting Standard 124 Related Party Disclosures.

If there is a related party transaction with the Shire applicable to a reporting financial year, the AASB 124 requires the Shire to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about the Shire's disclosure requirements under the AASB 124, please refer to http://www.aasb.gov.au

Schedule 1.4(a) – Related Party Disclosures – Definitions

ALBT or arm's length business transaction means a transaction where the terms between parties are reasonable in the circumstances of the transaction that would result from –

(a) neither party bearing the other any special duty or obligation; and
(b) the parties being unrelated and uninfluenced by the other, and
(c) each party having acted in its own interest

associate means relation to an entity (the first entity), an entity over which the first entity has significant influence.

close members of the family of a person means relation to a key management person, family members who may be expected to influence, or be influenced by, that key management person in their dealings with the Shire and include –

(a) that person's children and spouse or domestic partner;
(b) children of that person's spouse or domestic partner; and
(c) dependants of that person or that person's spouse or domestic partner.

control means the ability to direct the business' activities of an entity through rights or exposure to returns from its involvement with the entity.

entity can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body or non-profit association.

financial benefit includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.

Examples of "giving a financial benefit" to a Related Party include but are not limited to the following –

(a) Giving or providing the Related Party finance or property.
(b) Buying an asset from or selling an asset to the Related Party.
(c) Leasing an asset from or to the Related Party.
(d) Supplying services to or receiving services from the Related Party.
(e) Issuing securities or granting an option to the Related Party.
(f) Taking up or releasing an obligation of the Related Party.

joint control is the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of 2 or more parties sharing control.

joint venture is an arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement.

KMP or key management personnel or Key management person are those person(s) having authority and responsibility for planning, directing and controlling the activities of the Shire.

KMP compensation all forms of consideration paid, payable, or provided in exchange for services provided.

material is the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

OCT or ordinary citizen transaction are transactions that an ordinary citizen would undertake with the Shire, which is undertaken on arm's length terms and in the ordinary course of carrying out Shire's functions and activities.

related party is a person or entity that is related to the Shire or KMP pursuant to the definition contained in the AASB 124 –

(a) an entity that is controlled, jointly controlled or significantly influenced by the Shire or KMP;
(b) close family members of the KMP; or
(c) an entity controlled, jointly controlled or significantly influenced by a close family member of the KMP.

RPT or related party transaction means a transfer of resources, services or obligations between the Shire and a related party, regardless of whether a price is charged.

significant means likely to influence the decisions that users of the Shire's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions

have occurred between the Shire and related party outside a public service provider/ taxpayer relationship.

remuneration or remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from an RPT.

– End of Schedule

Schedule 1.4(b) – Related Party Disclosures – Annual Reporting Requirements

1. Background

The objective of the standard is to ensure that the Shire's financial statements contain disclosures necessary to advise of the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this policy procedure is to stipulate the information requested from related parties to enable an informed judgement to be made.

2. Identification of Related Parties

AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.

Related parties include a person who has significant influence over the reporting entity, a member of the KMP of the entity, or a close family member of that person who may be expected to influence that person.

KMPs are defined in the Policy Statement as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

The Shire will therefore be required to assess all transactions made with these persons or entities.

3. Identification of Related Party Transactions

A related party transaction is a transfer of resources services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, Council has defined in the Policy Statement the transactions or provisions of services have been identified as meeting this criterion:

4. Related Party Transactions

Some of the transactions listed in the Policy Statement, occur on terms and conditions no different to those applying to the public and have been provided during delivering public service objectives. These transactions are those that an ordinary citizen would undertake with the Shire and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

5. Ordinary Citizen Transactions

Ordinary Citizen Transactions that occur with the identified KMP as defined in AASB124, are identified in the Policy Statement as any transaction with the Shire of Tammin or use of Shire facilities that any member of the public would receive.

Where any of the services OCTs were not provided at arm's length and under the same terms and conditions applying to the public, elected members and KMP will be required to make a declaration about the nature of any special terms received.

All transactions which does not meet the criteria of arm's length business transactions, elected members and KMP as identified, will be required to provide the necessary details to the CEO

6. Ordinary Citizen Transactions (OCTs) – Annual Report

Management will put forward a draft resolution to Council annually, declaring that in its opinion, based on the facts and circumstances, a list of OCTs that are provided on terms and conditions no different to those applying to the public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Shire's financial statements make. As such no disclosure in the quarterly Related Party Disclosures is required.

7. Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

– *End of Schedule*

1.5 Council Policy – Making, amending, deleting

POLICY STATEMENT

1. Additions, deletions or alterations to Council Policy shall only be made by specific Council resolution stating –
   a) stating the current Council Policy number if an amendment or deletion,
   b) the proposed policy number to clearly indicate functional area if a new Council Policy, and
   c) proposed wording and justification for the amendment, deletion or adoption.

APPLICATION

N/A

OBJECTIVE

To ensure that policy is up-to-date and appropriately authorised

STATUTORY CONTEXT

None

CORPORATE CONTEXT

The CEO is to maintain the official copy of the Council Policy Manual, updated as soon as possible after each authorised resolution of Council.

HISTORY

Adopted 28 June 2018

REFERENCES

Policy is the standing instructions of Council essentially about the “how to” whereas delegations are about “who may”. Policy may not be altered without a decision of Council.

The purpose of policy documents is to enable the effective and efficient management of Shire resources and to assist staff and Council achieve an equitable decision making process. Written policies also enable the community to be aware of the reasoning behind administrative and Council decisions, and to be familiar with the philosophy behind individual decisions.

If it is not in the Council Policy Manual, it may be usual practice, but it is not Council Policy. Unless it is specifically stated that the authority is to be included in the Policy Manual, it is to be considered that the authority to act, is for a specific matter and is not general or on-going.

1.6 Legal Representation for Elected Members and Employees

POLICY STATEMENT

1. The following Policy Schedule is adopted, and forms part of this Statement –
   - Sch. 1.6 – Legal Costs Indemnification

2. When there is a need for the provision of urgent legal advice before an application can be considered by Council, the amount determined in accordance with Schedule 1.6 clause 3(e) where the CEO may give authorisation is $10,000.

APPLICATION

3. To instances where elected members or employees may require legal assistance resulting from actions in the performance of their duties with the Shire.

OBJECTIVE

To provide for legal support for elected members and employees in appropriate circumstances

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.103 – requirement to prepare a code of conduct for elected members, committee members and employees

CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct

HISTORY

Adopted 28 June 2018

REFERENCES

None

Schedule 1.6 – Legal Costs Indemnification

1. Introduction

This policy is designed to protect the interests of elected 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 Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

It is necessary to determine that assistance with legal costs and other liabilities is justified for the good government of the district.

2. General Principles

The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Shire or otherwise in bad faith.

The Shire may provide assistance in the following types of legal proceedings –

a) proceedings brought by members and employees to enable them to carry out their local government functions (eg. where a member or employee seeks a restraining order against a person using threatening behaviour);
b) 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
c) statutory or other inquiries where representation of members or employees is justified.

The Shire 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 prevented, however, from taking their own private action. Further, the Shire may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

The legal services under this policy will usually be provided by the Shire'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 Shire.

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, in advance if possible, to the Council providing full details of the circumstances of the matter and the legal services required.
c) An application is to be accompanied by an assessment of the request and a recommendation prepared by the CEO.
d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, must 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 CEO may give an authorisation to the value specified by Council.
f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.
g) Any application is to be subject to an enforceable agreement to repay expenses incurred by the Shire, either –
    - In full but not exceeding the extent recovered by a member in accordance with 4(a) below, or
    - In full where 4(2) applies.

4. Repayment of Assistance

1. 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 Shire.
2. Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
3. Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire may take action to recover any such moneys in a court of competent jurisdiction.

– *End of Schedule*

1.7 Reporting of Elected Members Attendance at Meetings

POLICY STATEMENT

1. That elected members attendance at all Council meetings and Committee meetings which they have been appointed a member, is to be reported in the Annual Report.

APPLICATION

N/A

OBJECTIVE

To inform the community of involvement of elected members in the formal activities of Council.

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

HISTORY

Former Policy	1.8
Adopted	28 June 2018

REFERENCES

1.8 Attendance at Events

POLICY STATEMENT

1. The following Policy Schedules are adopted, and form part of this Statement –
   1.1. Sch. 1.9(a) – Events authorised in advance
   1.2. Sch. 1.9(b) – Attendance at Events – Guidelines

2. Scope
   This Policy addresses attendance at any events including concerts, conferences, functions including sporting events, including hospitality whether provided free of charge to Council, form part of a sponsorship agreement or paid by the Shire that may otherwise initiate conflict of interest provisions of the Local Government Act in respect to Gifts.

3. Legislative requirements for gifts
   Any gift received over $300 is specifically excluded from the conflict of interest provisions if –
   the gift relates to attendance at an event where attendance has been approved by the council in accordance with this endorsed Attendance at Events policy, or
   the gift is from specified entities, (refer Reg 20B – Local Government (Administration) Regulations, 1996) namely WALGA (but not LGIS), ALGA, LG Professionals, a State public service department, a Commonwealth, State or Territory government department or another local government or regional local government.

4. Acceptance and distribution
   Invitations to events are to be accepted and distributed in accordance with this policy and associated guidelines.

5. Council may vary or over-ride policy
   Council may approve attendance by a council member or CEO at an event or hospitality function either as explicitly stated in this Council approved policy or by way of a specific Council resolution.

6. Travel
   6.1. Appropriate provision is to be made in the annual Budget.
   6.2. Travel will be paid for attendance at events to a person:
   - attending required or authorised training
   - attending an approved event as listed in Schedule 1.9(a)
   - as resolved by Council

   6.3. payment for travel will only be made to a person –
   - being the delegate of Council as resolved,
   - being the deputy delegate of Council as resoled, where the delegate is unable to attend,
   - as otherwise determined by Council resolution or in accordance with Schedule 1.9(b) clause 2.2(b)

   6.4. full cost of travel claim will be met, except limited to $500 if determined in accordance with Schedule 1.9(b) clause 2.2(b).

7. Accommodation and meals
   7.1. Appropriate provision is to be made in the annual Budget.
   7.2. Accommodation will be paid for attendance at events to a person –
   - attending required or authorised training
   - attending an approved event as listed in Schedule 1.9(a),
   - as resolved by Council

   7.3. payment for accommodation will only be made to a person –
   - where the event is outside of the Shire,
   - being the delegate of Council as resolved,
   - being the deputy delegate of Council as resoled, where the delegate is unable to attend,

- or as otherwise determined by Council resolution or in accordance with Schedule 1.9(b) clause 2.2

7.4. accommodation will be paid –
- where the event is more than 100km from the person's place of residence,
- for the duration of the event,
- the night –
  - prior to the event, where the event commences earlier than 9.00am, and
  - the night following the event, where the event concludes later than 4.00pm
- or as otherwise determined by Council resolution or in accordance with Schedule 1.9(b) clause 2.2.

7.5. full cost of accommodation will be met, except limited to $1,000 if determined in accordance with Schedule 1.9(b) clause 2.2.

8. Payments or gifts made for making presentation etc to an event

8.1. Should an Elected Member or the CEO be offered payment of gift to attend an event, including Hospitality, as a representative of the Shire, the proposed payment should be declared and be subject to a resolution of Council.

8.2. Unless attendance has been paid in full by the Council Member or CEO, they must disclose the value of the tickets or hospitality to the CEO as a "**gift**" within ten days of receipt; and

8.3. The Council Member and or CEO will also have an interest in any matter that comes before Council involving the donor.

9. Tickets or invitations made direct to a person

An Elected Member or CEO may attend an event outside the requirements of this Policy where tickets are **provided directly to individual Councillor or staff** but they must not also use a ticket that has been given to the Shire or that has been funded by a ratepayer for the same event. One should also be mindful of the requirements in respect to the declaration of gifts.

APPLICATION

10. To elected members, committee members, employees.

11. Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above $300 and the donor has a matter before council. Any gift received that is less than $300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

OBJECTIVE

To provide a framework for the acceptance of invitations to events that Council considers to be beneficial to the community or to the betterment of Councillors and or staff in their understanding of developing issues, whilst providing transparency about attendance at events by Council Members and/or the Chief Executive Officer (CEO).

STATUTORY CONTEXT

Local Government Act 1995

s5.90A – Policy for attendance at events

In this section — event includes the following —
- a concert;
- a conference;
- a function;
- a sporting event;
- an occasion of a kind prescribed for the purposes of this definition.

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

- payments in respect of attendance; and
- approval of attendance by the local government and criteria for approval; and
- any prescribed matter.

* Absolute majority required.

A local government may amend* the policy.

* Absolute majority required.

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

Local Government (Administration) Regulations 1996

Regulation 20B prescribes the specified entities as WALGA (but not LGIS), ALGA, LG Professionals, a State public service department, a Commonwealth, State or Territory government department or another local government or regional local government.

Excluded gifts are still a gift that must be disclosed and published on the gifts register if over the value of $300 and received in the capacity of council member or CEO.

CORPORATE CONTEXT

Annual budget provisions and publication of gifts on the Shire's website

HISTORY

Adopted 27 Feb 2020

REFERENCES

Department of Local Government, Sport and Cultural Activities – Local Government Operational Guidelines – Attendance at events policy

Schedule 1.8(a) – Events authorised in advance

Local Government Act 1995 s.5.62(1B)(b)(ii), 5.90A

Dates of events are as determined by the Shire or the listed organisation from time to time.

Approved attendees are the delegates or deputy delegate (if the delegate is unable to attend) as resolved by Council from time to time, specifically resolved for Council for a particular event or as determined in accordance with Schedule 1.9(b) clause 2.2(b).

Event	**Date of Event**	**Approved Attendees**	**Approved Shire contribution to cost**
WALGA AGM & Conference	1st week of August	Shire President Deputy Shire President + up to 4 Councillors + CEO	Full cost of registration, travel, accommodation & meals, excluding any additional cost for partners
WALGA Zone meetings (primarily Great Eastern	As determined by the Zone	Delegates CEO	As per this Policy
ALGA National General Assembly	2nd week of June	Delegates	As per WALGA AGM
Wheatbelt North Regional Road	TBA	MOW CEO	As per this Policy
Kellerberrin Regional Road Sub-Group	TBA	Shire President Cr Caffell (Proxy)	As per this Policy
All events arranged by the Shire	TBA	Councillors CEO Staff as directed	As per this Policy
All events sponsored by the Shire	TBA	Councillors CEO Staff as directed	As per this Policy
Senior Citizens' Management	TBA	Cr Caffell Cr Batchelor	As per this Policy
Kellerberrin-Tammin Local Emergency Management	TBA	Shire President CEO	As per this Policy
Aged Friendly Committee	TBA	CDO Cr Daniels Cr Caffell (Proxy)	As per this Policy
Health Advisory Committee	TBA	Cr Daniels Cr Greenwood (Proxy)	As per this Policy

Schedule 1.8(b) – Attendance at events - Guidelines

This Attendance at Events and Functions Policy covers all events that the Council Member or CEO attend **in their capacity as an elected member or CEO of the Shire**.

Provision of gifted or discounted tickets or invitations to events

Invitations

- All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Chief Executive Officer, Shire of Tammin;

- Any invitation or offer of tickets not addressed to the Chief Executive Officer, Shire of Tammin is not captured by this policy and must be disclosed by the recipient Member / CEO in accordance with the gift and interest provisions in the Act.

- A list of events and attendees authorised by the local government in advance of the event is at Schedule 1.9(a).

Approval of attendance

- In making a decision on attendance at an event, consideration is to be given to:
  -) who is providing the invitation or ticket to the event,
  - the location of the event in relation to the local government (within the district or out of the district),
  - the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - whether the event is sponsored by the local government,
  - the benefit of local government representation at the event,
  - the number of invitations / tickets received, and
  - the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
  - the provision made in the annual Budget.

- Decisions to attend events in accordance with this policy will be made by –
  - simple majority of Council or
  - by the CEO –
    - for all other staff, or
    - where time does not permit referring the matter to Council for resolution.

Payments in respect of attendance

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

- For any events where a member of the public is required to pay, unless previously approved and listed in Schedule 1.9(a) and subject to 2.2 above, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.

- If determined that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

- Where partners of an authorised local government representative attend an event, any tickets for

that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council

Distribution of gifted or discounted tickets or invitations

- Gifted or discounted tickets or invitations will be distributed in the following priority order –
  - If event coordinated/organised by the Shire to the Shire Community Development Officer or person assisting, at the discretion of the CEO,
  - President,
  - Deputy President,
  - Other councillors,
  - CEO,
  - Other staff at the discretion of the CEO
- Elected Members and or the CEO may elect to donate their tickets to a local community group.

1.9 Councillor Continuing Professional Development

POLICY STATEMENT

Council will ensure professional development activities are available to Councillors on the basis that such professional development contributes to the achievement of the strategic and good governance objectives of Council.

Continuing Professional Development

Each councillor will be required to complete at least 8 hours every financial year of professional development.

APPLICATION

To elected members -

Councillor includes the Shire President, Deputy Shire President and all Councillors.

OBJECTIVE

The Councillor Continuing Professional Development Policy demonstrates Councils commitment to providing professional development for its Councillors.

STATUTORY CONTEXT

Local Government Act, 1995

Section 5.128 requires Council to adopt a Councillor continuing Professional Development Policy.

CORPORATE CONTEXT

Annual budget provisions

HISTORY

Adopted 19 December 2019

REFERENCES

Department of Local Government, Sport and Cultural Activities

Policy Guidelines

Each Councillors will be allocated a maximum of $1,500 per financial year to pay for all professional development (excluding mandatory training).

If a Councillor wishes to exceed the value of this allowance in a financial year they may either:

1.10.1.1 Seek council approval to exceed the allowance; or

1.10.1.2 Pay the difference

An elected member must advise the CEO of his/ her intention to attend professional development at least three weeks prior to the event. The CEO will then advise the Councillor whether sufficient budgeted funds for the professional development are available and then approve the expenditure.

Categories of Professional Development

When selecting professional development opportunities priority will be given for training and seminars that particularly enhance the required skills of Councillors and provide the greatest outcome for the Council including:

1.10.1.2.1 Roles and responsibilities of councillors
1.10.1.2.2 Relationship between Councillors, the CEO and staff
1.10.1.2.3 Meeting procedures
1.10.1.2.4 Conflict of interest
1.10.1.2.5 Code of conduct
1.10.1.2.6 Strategic planning
1.10.1.2.7 Budgets and financial sustainability
1.10.1.2.8 Long term financial planning
1.10.1.2.9 Asset management
1.10.1.2.10 Community engagement and public participation
1.10.1.2.11 Risk management
1.10.1.2.12 Legal issues for councillors
1.10.1.2.13 Specific training due to legislative change

Other professional development opportunities may emerge that are directly related to specific areas and other community issues and addresses environment, social and economic challenges facing the community.

Opportunities for professional development are regularly received from WALGA and other training providers. Specific training that is identified as being directly relevant to Councillors will be sent to Councillors via email seeking an indication of interest.

Method of Professional Development

It is recognised that a range of delivery methods will be required to support the professional development needs of councillors including:

1.10.1.2.14 In house workshop, seminars and briefing sessions conducted by appropriate staff, trainers and guest speakers

1.10.1.2.15 Attendance at workshops, seminars and conferences offered by training providers and including WALGA, LGPro, AIM, AICD and other industry providers and / or appropriate providers offering courses for members to gain new skills and knowledge and to network with other Councillors from other Local Governments.

1.10.1.2.16 Printed material, including training booklets and discussions papers that may be provided for information;

1.10.1.2.17 On line self-paced learning; and

1.10.1.2.18 CD Rom / DVD information

Newly elected Councillors

Councillors who are new to Council are required to undertake all five modules of The Council Member Essential Course which comprises of the following five units:

1.10.1.2.19 Understanding local government;

1.10.1.2.20 Serving on council;

1.10.1.2.21 Meeting procedures;

1.10.1.2.22 Conflict of interests; and

1.10.1.2.23 Understanding financial reports and budgets.

The cost of undertaking the five units of the Council Member Essential Course is excluded from the individually allocated funds for professional development.

Reporting

The Local Government is required to report annually on who has completed professional development and publish this on the Shire's website. The report will list each Councillor and the professional development completed by each councillor in that financial year. This will include both the Council's Members Essential Course where applicable and continuing professional development consistent with this policy

Section 1 - Definitions

Councillor includes the Shire President, Deputy Shire President and all Councillors.

Section 2 - Relevant management practices/documents

Nil

Section 3 - Legislation/local law requirements

2. Administration / Organisation

2.1 Senior employees – Designation

POLICY STATEMENT

1. Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –
   a) Manager of Works and Services

APPLICATION

2. Designation of the position is made due to the functions of the role, and applies regardless of the title of the position at the time.

OBJECTIVE

To designate certain roles as senior employees pursuant to the Act.

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.37 – senior employee or class of employee may be designated

CORPORATE CONTEXT

Nil

HISTORY

Adopted	28 June 2018
Amended	26 Nov 2029

REFERENCES

None

1.10 CEO Recruitment and Selection, Performance Review and Termination

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Tammin S*tandards for CEO Recruitment, Performance and Termination*.

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 Tammin;

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.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

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

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).

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).

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.

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.

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.

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.

10. Application of cl. 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.

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.

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.

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.

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.

Division 3 — Standards for review of performance of CEOs

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.

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.

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.

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.

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.

Division 4 — Standards for termination of employment of CEOs

[H

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.

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.

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.

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.

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.

1.11 Code of Conduct Behaviour Complaints Management Policy

Policy Objective

To establish, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021 and Shire of Tammin Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Tammin Code of Conduct for Council Members, Committee Members and Candidates.
To give effect to the Shire of Tammin commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Policy accessible via below link

https://www.tammin.wa.gov.au/documents/1565/model-code-of-conduct-behaviour-complaints-policy

2.2 Acting / Relieving CEO

POLICY STATEMENT

1. The Manager of Works & Services is approved as Acting CEO in the following circumstances –
   a) in the unforeseen, urgent absence of the CEO, and
   b) for a period of up to 4 weeks, or as otherwise determined by Council.

APPLICATION

2. Where the role is required to be taken up in the unforeseen, urgent absence of the CEO –
   a) the President, or Deputy President, if the President is unable to be contacted, is to be advised immediately,
   b) depending on the circumstances, the President may decide to call a Special Meeting of Council to consider the matter, and the Council may determine to continue with the Manager of Works & Services in the role or engage an external person for the duration,
   c) the Manager of Works & Services continues as Acting CEO until determined otherwise by Council at a Special Council Meeting or the next Ordinary Council Meeting.

3. Where the CEO intends a known, planned period of leave, it is to be approved by the President, and advised to the next Ordinary Meeting of Council, together with the proposed arrangements for Acting CEO.

4. The Acting CEO, is authorised to exercise all duties, powers and responsibilities assigned to that position, whether a delegation, policy, direction or accepted practice, subject only to any limitations that may be imposed by the Council.

OBJECTIVE

To ensure that acting or relieving staff are aware of the extent of their authority and responsibility

STATUTORY CONTEXT

Local Government Act 1995

CORPORATE CONTEXT

Delegations Register –

- 1.2 – Acting CEO – Appointment

HISTORY

Adopted	28 June 2018
Amended	26 Nov 2019

REFERENCES

Appointment as Acting CEO other than as specified in this Policy is by specific decision of Council as per the Local Government Act.

2.3 Social Media

POLICY STATEMENT

1. An employee cannot comment on behalf of the Shire unless expressly authorised by the CEO. If the person wishes to broadcast something (either as an initial broadcast or a response) then a request to the Chief Executive Officer (or authorised delegate) must be made.

2. Employees who use social media for personal / private purposes must not infer or state they are speaking on behalf of the Shire and are reminded that any inappropriate postings or actions carried out on social media may result in disciplinary action.

APPLICATION

3. Scope

This Policy applies to all employees and volunteers of the Shire who access social media for professional or social purposes whether via personal devices or those supplied by the Shire.

4. Definitions

social media means forms of electronic communication (e.g. web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (e.g. videos). Some examples include (but are not restricted to) Facebook, Pinterest, LinkedIn, Twitter, YouTube, and Foursquare.

5. Social Media Use for Shire Purposes

The CEO may authorise specified employees to use social media for Shire purposes.

If a person is provided with express permission by the CEO to use social media they must –

- provide information that is truthful, accurate and in the interests of the Shire,
- must not disclose anything that is financial or technical information, commercially sensitive information, personal information about employees, or any information about customers, suppliers or members of the general public.

Employees who use social media in the course of their work must –

a) Use spell check and proof read each post;
b) Understand the context before entering any conversation;
c) Know the facts and verify the sources;
d) Be respectful of all individuals and communities with which the person interacts with online;
e) Be polite and respectful of other opinions;
f) Seek to conform to the cultural and behavioural norms of the social media platform being used;
g) If a mistake is made, the person must correct it quickly by disclosing it was a mistake (including the particulars of the correction) and inform their supervisor; and
h) Understand and comply with any directions given by the CEO on topics that are not to be discussed for confidential, operational or legal reasons.

A person authorised to use social media should always be aware that the Shire may be liable for any posts made. Guidance should be sought from the Chief Executive Officer if about stating or responding to something on a social media site.

6. Personal / Private Use of the Shire's Corporate Sites

An employee is able to share links that the Shire has posted on the social media sites, or submitting a "like" action, or comment on an event, initiative or program, provided that it is in the best interests of the Shire.

7. Personal / Private Use of Non-Shire Sites

Employees are permitted reasonable use of social media for personal / private purposes on the condition that it does not interfere with the performance of their work.

Use of sites to comment of issues relating to the Shire of Tammin or to bully, harass, discriminate against another employee, may besubject to disciplinary action

8. Consequences of Breaching this Instruction

Any breach of this Instruction, may result in disciplinary action up to and including termination of employment. The Shire may also be obligated to refer any breach of this Instruction to an external agency where an employee may be held personally liable liable for their actions.

People who breach the Instruction may also be personally liable for their actions.

OBJECTIVE

To clarify responsibilities of employees using social media for work purposes or relating to Shire matters.

STATUTORY CONTEXT

Local Government Act 1995

CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct

HISTORY

Adopted 28 June 2018

NOTES

None

2.4 Shire Logo

POLICY STATEMENT

1. The primary logo of the Shire is –

APPLICATION

2. The logo should be used –
   a) on all Shire publications, letterheads, promotional materials etc
   b) where the Shire has provided sponsorship or support for a program, activity or advertisement – e.g. sporting or community event.

3. Private use of the logo is not permitted unless –
   a) the approval of the CEO has been obtained, and
   b) there is an identifiable benefit to the Shire or community through acknowledgement of support or promotion of the area.

4. Approval for private use of the logo may be withdrawn at any if the use is considered to be inappropriate.

STATUTORY CONTEXT

Copyright
Intellectual property

CORPORATE CONTEXT

Nil

HISTORY

Adopted 28 June 2018

REFERENCES

None

2.5 Risk Management

POLICY STATEMENT

1. The Shire of Tammin is committed to managing risk within the organisation and will implement the ISO 31000 Risk Management, as the minimum standard.

APPLICATION

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

3. The purpose of Risk Management is to develop a culture, processes and structures throughout the Shire of Tammin that are directed towards the effective management of potential opportunities and adverse effects. It is also designed to reduce the potential costs of risk by reducing liability, preventing litigation and improving loss control.

4. This policy covers all activities of the Shire of Tammin included in operational, corporate and managerial operations –
   a) To implement the Risk Management Standard ISO 31000.
   b) To define the Shire of Tammin's tolerance to risk and communicate it through the organisation.
   c) To communicate with the community about the Shire's approach to risk.
   d) To protect the reputation of the Shire of Tammin.
   e) To develop a Risk Management Plan that is aligned to the strategic planning process.

5. A comprehensive Risk Management Operations Manual is to be maintained by the CEO.

STATUTORY CONTEXT

Occupational Safety and Health Act 1984

Local Government (Audit) Regulations 1996

- reg.17 – CEO to review risk management and report to Audit Committee

CORPORATE CONTEXT

Terms of Reference – Establishment of Council Committees and Reference Groups – Audit Committee

HISTORY

Adopted 28 June 2018

REFERENCES

Notes –

- Audit Regulations r.17 where the CEO is to report to the Audit Committee at least every 2 years, on a range of matters including risk management.
- An Occupational Safety and Health Committee is a workplace committee established under the Occupational Safety and Health Act, and is responsible to the CEO as the employer, not to Council.

2.6 Complaint Management

POLICY STATEMENT

Introduction

1. The Shire of Tammin recognises the right of its customers to make complaints about services or service delivery, and will make it a priority to address those complaints and rectify unsatisfactory consequences.

2. The Council and its staff will be open and accountable in its dealings with customers.

3. When unable to satisfy the complaint, an explanation will be provided within 10 working days in "plain English" explaining why, be it for legislative/legal reasons, cost constraints or some other matter beyond its control, it is unable to act in accordance with a complainant's request.

4. The Shire recognises that good complaints handling is an integral part of customer service and provides an effective way of reviewing performance and monitoring standards.

Courses of action

5. The Shire may determine to take the following courses of action –
   a) take no further action and advise the complainant of the reason/s;
   b) determine the complaint by use of appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation;
   c) discontinue the assessment in circumstances where it becomes evident that the matter would be referred to another body or person and advise the complainant accordingly.

Confidentiality

6. Complainants have the right to expect that their privacy will be respected when making a complaint or having a complaint investigated. Personal information related to the complaint will be kept confidential in accordance with the *Freedom of Information WA Act 1992*.

7. All complaints are treated confidentially, unless required by law or the complainant provides their permission to release information.

8. A complaint against an employee is considered confidential under the *Freedom of Information Act 1992* and the complainant will not be advised of the outcome, unless required by law.

Dealing with unreasonable complainant conduct

9. An unreasonable complainant is defined as the following –
   a) a rude, angry and harassing customer;
   b) an aggressive customer;
   c) habitual or obsessive behaviour which may include –
      i) cannot 'let go' of their complaint;
      ii) cannot be satisfied despite the best efforts of the Shire;
      iii) makes unreasonable demands on the local government where resources are substantially and unreasonably diverted away from its other functions or are unfairly allocated.

10. The Shire may restrict, withhold or withdraw the provision of service to unreasonable complainants by taking one of the following actions –
    a) require the complainant to make an appointment to meet with employees;
    b) limit all future dealings to writing;
    c) only respond to future correspondence which provides significant new information about the complaint or raises new issues which the Shire believes warrant fresh action; and

d) direct all contact to be through a specific employee or area.

11. The decision to determine an unreasonable complainant or to restrict, withhold or withdraw contact with the Shire will only be made by the Chief Executive Officer.

APPLICATION

Definition

12. A complaint is defined as –

"an expression of dissatisfaction made to or about an organization, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required"

(as defined by the *AS/NZS 10002-2014 Guidelines for Complaint Management in Organisations*).

Application

13. Complaints that are to be dealt with under this policy include, but are not necessarily limited to, expressions of dissatisfaction regarding –
    a) decisions made by Council or staff;
    b) inappropriate behaviour of staff or members such as rudeness, discrimination or harassment;
    c) the standard of works or services provided by the local government;
    d) the standard or condition of a facility provided by the local government; and
    e) failure of the local government to comply with the Local Government Act, Council policies, local laws and other laws administered by the local government.

14. The following issues are not regarded as complaints and will not be dealt with under this policy –
    a) requests for services;
    b) compliance enforcement action;
    c) a civic dispute between private individuals;
    d) a petition;
    e) requests for information or explanations of policies and/or procedures;
    f) the lodging of a formal objection or appeal in accordance with the Local Government Act and other Acts or in accordance with Council policies or standard procedures; and
    g) the lodging of a submission in response to an invitation for comment.

Complaints dealt with by external agencies

15. Complaints regarding elected members are to be directed to the CEO who is responsible for the initial investigation and administrative responses. Matters that may require disciplinary action are to be referred to the Shire President and dealt with under the Council's Code of Conduct.

16. Complaints from Councillors, the Ombudsman, the Local Government Department or from Members of Parliament shall be referred to, and dealt with by, the CEO unless the complaints relates to the CEO whereupon the complaint will be dealt with by the Shire President.

Guidelines

17. Any person or their representative can lodge a complaint.

18. Complaints will be accepted in writing, in person, by facsimile transmission, by email or by telephone. If a verbally received complaint alleges a criminal offence, corruption or other serious matter, the receiving employee is to advise the complainant that the matter must be submitted in writing.

19. Complainants are to be advised that anonymous complaints may not be processed as it is possible that they may be mischievous or vexatious. Depending on the nature of the complaint, it will be at

the discretion of the receiving employee to act or refer the complaint or not to deal with the complaint.

20. When any complaint is made, other than a complaint referred to in clauses 15 or 16, the receiving employee shall, within the limit of their authority, attempt to satisfy the complainant as soon as possible. If a complainant cannot be satisfied immediately, or on the same day, the receiving employee shall immediately issue to the complainant a written acknowledgement of the complaint and if need be, refer to the complaint and a copy of the acknowledgement to a senior employee, or the CEO, as is appropriate, for investigation and determination of the complaint.

21. Where a complainant is advised of a likely delay to the handling of the complaint and the complaint is not finalised within 10 working days, the complainant is to be provided with status reports on a monthly basis until the complaint is satisfied.

22. The CEO shall establish and maintain an appropriate record of all complaints. The record will provide the following –
    a) nature of each complaint;
    b) services or facilities about which the complaints are made;
    c) outcomes;
    d) date resolved; and
    e) other relevant information.

23. The receiving employee of any complaint shall be responsible for ensuring that all details pertaining to the complaint are recorded in the system established under clause 24.

Outcomes

24. Where a complaint has been investigated and found to be justified, the relevant employee who dealt with the complaint will ensure that the remedy is carried out, will advise the complainant within 5 working days that the Shire does acknowledge substance in the complaint and the specific action that will be taken by the Shire to respond to the circumstances of the complaint. The employee will, if appropriate, make follow-up contact with the complainant, as per clause 21, to ensure that the complaint has been resolved satisfactorily.

25. Where a complaint may identify the need for a review of procedures to prevent re-occurrences, relevant staff are to immediately implement any required changes which they feel appropriate. If the matter cannot be easily remedied by the employee, he or she must liaise with his/her Manager or the CEO to agree on a course of action that is to be undertaken within one (1) month.

26. Where the complaint identifies a need for a change of Council policy in a particular area or a need for additional resources, the matter shall be referred to the next Ordinary Council meeting as early as practicable.

27. Where appropriate or necessary, the CEO or other employee may refer the complaint to an external agency having jurisdiction in the matter.

OBJECTIVE

To –

- develop a structured systematic timely approach to dealing with complaints received by the Shire of Tammin from external persons,
- assure the community that complaints may be made without fear of recrimination
- ensure all complaints will be promptly dealt with and a (written if required) response will be given setting out the answer to the complaint providing reasons, where appropriate,
- have complaints dealt with efficiently by an appropriate employee with minimal referral.

- to use complaints statistics to improve the effectiveness and efficiency of Shire operations.

STATUTORY CONTEXT
None

CORPORATE CONTEXT
None

HISTORY
Adopted 22 Aug 2019

REFERENCES

2.7 Fraud and Corruption Prevention

POLICY STATEMENT
The Shire of Tammin, its elected members, committee members, employees and contractors are intolerant of fraud and corruption.

The following Policy Schedule is adopted and forms part of this statement –

a) Sch. 2.7.1 Fraud and Corruption Prevention

APPLICATION
4. To elected members, committee members, employees and contractors.

OBJECTIVE
The objectives of this Policy are to –

- Articulate that the Shire of Tammin is intolerant of fraud and corruption; and,
- Prevent fraud or corruption occurring at the Shire of Tammin.

STATUTORY CONTEXT
Corruption and Crime Act 2003
Local Government (Audit) Regulations – reg 17

CORPORATE CONTEXT
Delegations Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 3.7 – Tenders – Authority to set, specifications, criteria, call, accept, vary
- 3.8 – Contracts - Variations

Policy Manual –

- 3.3 – Credit Cards – including store, fuel and debit cards

HISTORY
Adopted 24 October 2019

REFERENCES
Policy Manual = Policy 1.1 - Code of Conduct

2.8 Employee Leave Policy

RESPONSIBLE OFFICER	Chief Executive Officer

OBJECTIVE
To afford structure and clarity around the taking of leave by individual employees to ensure that equity, accountability and consistency in approach and procedure is achieved.
SCOPE
This policy applies to all full time and part time employees of the Shire of Tammin.
POLICY

Personal Leave
Personal and compassionate leave entitlements will be paid to an employee in accordance with the Local Government Industry Award 2020 and the related procedure. Accrual of personal leave will be on a per pay period basis.

An employee seeking approval for personal (sick) leave is to submit a medical certificate, or statutory declaration or other supporting evidence of illness for absences greater than 2 days.

An employee taking compassionate leave, must produce documented medical evidence or relevant certificates on request from the CEO of the circumstance (ie death, critical illness or injury) for which this leave is being taken. An employee who has used all of their personal and annual leave entitlements will be placed on leave without pay for up to 4 weeks, with the matter to be re-assessed by the CEO beyond this period.

Annual Leave
Annual leave entitlements will be paid to an employee in accordance with the Local Government Industry Award 2020 and the related procedure unless otherwise specified in an employee's contract of employment. Accrual of annual leave will be on a per pay period basis.

The Chief Executive Officer may exercise discretion and:

a) Decline an employee's request to take annual leave where there is an immediate or projected operational need;
b) Direct an employee where an employee's entitled annual leave entitlement is assessed as a financial liability for the organisation to:
    i. Take annual leave; or
    ii. Prepare an "annual leave clearance plan"; or
    iii. Consider a partial pay-out of the employee's annual leave

An employee may request a portion of their leave be 'cashed out' in accordance with the provisions of the Local Government Industry Award.

Time in Lieu/Rostered Days Off/Flexi Time
All full-time depot-based employees are entitled to one rostered day off every two weeks structured on working 76 hours each pay period, with the nominated day determined by the

Chief Executive Officer. Should a depot-based employee not have accrued 7.6 hours over 9 days of work the short fall of hours for their rostered day off shall be taken as unpaid leave.

All full-time administration office employees, other than Chief Executive Officer, are entitled to one rostered day off every four weeks structured on working 80 hours each pay period. Accrual of time in lieu hours must not exceed 30.4 hours (ie 4 days) in total, unless prior written approval has been obtained from the CEO.

An employee may be able to vary their standard starting and finishing times at the discretion of their direct line manager and depending on their responsibilities and duties so long as the employee commences and finishes between the hours of 6.00 am to 6.00 pm.

Long Service Leave

Long Service Leave entitlements will be paid to an employee in accordance with the Local Government (Long Service Leave) Regulations.

COVID-19 Leave

The COVID-19 pandemic will involve absence from work because employees are sick, have caring responsibilities, are required to self-isolate, or are unable to attend work for some other reasons such as widespread disruption to transport or workplace access.

Each employee may be granted up to 10 (ten) days of COVID-19 leave annually where they:

i. Have contracted COVID-19; or

ii. Need to care for another person who:

- Has COVID-19 or is required to self-isolate; or
- Cannot access school or other care arrangements because of COVID-19; or

iii. Are required to self-isolate because of a government requirement and do not have the ability to work from home.

COVID-19 Leave:

i. Will be available after an employee's existing paid personal, carers or sick leave credits have been exhausted.

ii. Will be paid leave, with pay calculated in the same way as for annual leave, excluding loading.

iii. Will be independent and not affecting existing annual leave or long service leave accruals.

iv. Not accruable.

v. Available to all full time, part time and casual employees calculated on the preceding 14 day pay period on a pro rata basis.

Note: This Policy does not override the Local Government Industry Award 2020, National Employment Standards, Fair Work Act 2009 or individual employment letters or contracts. Where this is a conflict between this policy and the various Awards and relevant employment legislation, the Award and relevant legislation shall apply.

DEFINITIONS

Personal leave - means sick leave, Carer's leave, but no compassionate leave, annual leave or long service leave.

Annual Leave - means the amount of hours or days an employee of the organisation is permitted to be away from their employment position on full pay for the purpose taking a break or holiday.

Compassionate Leave - means leave taken when an employee's immediate family member dies or contracts/develops a life-threatening illness or injury that may result in imminent death or permanent disability.

Long Service Leave - means leave granted after having continuously worked 10 years for the Shire.

COVID-19 Leave - means leave granted to an employee who has contracted COVID-19, or needs to care for another person who has COVID-19 or is required to self-isolate, or cannot access school or other care arrangements.

RELEVANT LEGISLATION/ LOCAL LAW
WA State Government – COVID-19 ongoing directions

Office Use Only				
Relevant Delegations				
Council Adoption	**Date**	23/02/2022	**Resolution #**	TSC 07/22
Reviewed/Modified				
Reviewed/Modified				

2.9 Information and Communication Technology Acceptable Use Policy

RESPONSIBLE OFFICER	Chief Executive Officer

OBJECTIVE

To establish guidelines on the appropriate usage of the Shire's information and communication technology (ICT) systems and devices.

SCOPE

This policy applies to all users of the Shire's ICT resources.

POLICY

Effective security is a team effort involving the participation and support of every Shire of Tammin ICT user who deals with information and/or information and communication systems and devices. Every digital device user must understand this policy and carry out their use of digital devices in accordance with this policy.

General Use of ICT Equipment

1. Users should be aware that the data they create on the corporate systems remain the property of the Shire of Tammin. The confidentiality of personal (non-work related) information stored on any network device belonging to the Shire of Tammin cannot be guaranteed.
2. A degree of personal use is allowed on the Shire of Tammin's equipment/devices/systems. Employees should exercise conservative judgment regarding the reasonableness of personal use but should be guided by the following principles:
   • personal use should be conducted either before or after contracted hours of work or during authorised breaks;
   • personal use should be limited and brief, avoiding excessive downloads or transmissions. An example of acceptable personal use would be conducting brief transactions through internet banking;
   • personal use should not breach anything in this policy, particularly relating to the downloading of offensive or copyrighted materials;
   • if there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.
3. For security and network maintenance purposes, authorised individuals within the Shire of Tammin may monitor equipment, systems and network traffic at any time, according to the specific nature and requirements of their roles.
4. The Shire of Tammin reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.

Security and Proprietary Information

1. All information stored on the Shire of Tammin's corporate systems should be regarded as confidential and care must be exercised before sharing or distributing any information. If there is any uncertainty regarding the level of confidentiality involved then employees should consult their supervisor or manager for guidance.
2. Passwords should be kept secure and accounts must not be shared. Authorised users are responsible for the security of their passwords and accounts. Passwords should be changed in accordance with advice from the Shire of Tammin's ICT Consultants.
3. All devices connected to the Shire of Tammin's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software.
4. Employees must use caution when opening files received from unknown senders.

Unacceptable Use

The information in this policy provides a framework for activities which fall into the category of unacceptable use, but do not represent an exhaustive list. Some users are exempted from these restrictions during the course of carrying out responsibilities related to their role.
Under no circumstances is any user authorised to engage in any activity that is illegal under local, state, federal or international law while connected to or utilising Shire of Tammin ICT systems or resources.

System and Network Activities

The following activities are not permitted:

- Violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of pirated or other software products that are not appropriately licensed for use by the Shire of Tammin or the end user.
- Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire of Tammin or the end user does not have an active license.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is in unclear.
- Introduction of malicious programs or codes into the network or onto devices connected to the network.
- Revealing your account password to others or allowing use of your account by others.
- Using Shire of Tammin equipment for the downloading or distribution of any material that could be considered as offensive. If an employee receives such material they should notify their manager and also the ICT Team.
- Making fraudulent offers of products, items, or services, or running private business interests via any Shire of Tammin equipment, device or account.
- Undertaking private work.

Email and Communications Activities
The following activities are not permitted:

- Any form of harassment via electronic/ICT means.
- Unauthorised use, or forging, of email header information.
- Solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies.
- Use of any of the Shire of Tammin network or systems for the purpose of generating unsolicited communications.
- Communicating in a manner that could adversely affect the reputation or public image of the Shire of Tammin.
- Communicating in a manner that could be construed as making statements or representations on behalf of the Shire of Tammin without the CEO's express permission to do so.

Remote Access
Employees with remote access are subject to the same rules and regulations that apply to the Shire of Tammin corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire of Tammin's network and servers to ensure the security and integrity of data and records.

Employees are reminded of the following conditions relating to remote access to the Shire of Tammin system:

- The device that is connected remotely to the Shire of Tammin's corporate network should be secure from access by external non-Shire of Tammin parties and should be under the complete control of the user.
- All devices (whether personal or corporate) connected to the Shire of Tammin's networks via remote access technologies should have up-to-date anti-malicious-code software.

Provision and Use of Mobile Phones and Information/ Communication Devices
Some employees will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile/portable devices supplied remain the property of the Shire of Tammin and users must not change service providers unless authorised in writing to do so.

Where a mobile phone or device provides an email service, all emails sent or received or otherwise processed via the mobile device that are classified as a record of the Shire of Tammin should be sent through the Shire of Tammin's server, to ensure the integrity of the recordkeeping system.

Where the device includes a digital camera, users are to use the technology in a sensible manner. A failure to do so may lead to disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.

A Shire mobile phone is to be used for business use except in the event of a personal emergency, unless otherwise approved by the CEO or documented as a benefit in an Employee's Employment Package.

Should an employee's private use of a mobile phone and/or other device be determined by the CEO to be unreasonable and excessive, such costs attributed to that use shall be reimbursed by the employee.

A Councillor or employee in possession of a mobile telephone and/or other device is responsible for its use and care, and shall provide immediate notification of any loss, damage or malfunction, with explanation to the particular circumstances.

The CEO may award a Mobile Phone Allowance to certain staff to allow them to carry and use their personal mobile phone for calls / texts for work purposes as and when the need arises.

Where a mobile phone or device is willingly or maliciously damaged or lost, the person to which the mobile phone or device is responsible shall repair or replace the mobile phone or device at their cost.

Consequences of Breaching This Policy

- Any employee found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire of Tammin may also be obligated to refer any breach of this policy to an external agency where an employee may be held criminally liable for their actions.
- Private/personal or unauthorised use of corporate ICT systems and/or devices may result in the employee being obligated to pay any extra costs incurred.

DEFINITIONS

Information and Communication Technology Resources: means the Shire's technology, information, email, internet, information systems and communication networks.
Users: are employees, work experience personnel, volunteers, contractors, consultants and Elected Members.

RELEVANT LEGISLATION/ LOCAL LAW

Office Use Only				
Relevant Delegations				
Council Adoption	Date	22/06/2022	Resolution #	TSC 39/22
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

Schedule 2.7.1 – Fraud and corruption prevention

1. The Shire of Tammin is committed to good governance and ethical behaviour as a key ingredient of responsible, effective and accountable Local Government.

2. The Shire of Tammin recognises that fraud and corruption is illegal and contrary to the Town's organisational values. In view of this, a proactive stance is taken to ensure incidences of fraudulent or corrupt activities or behaviours do not occur.

3. Whilst the Shire aims to foster a culture which upholds trust and honesty as part of its core values, it is acknowledged that from time to time, instances of misconduct, corruption, fraud or dishonesty occur throughout the organisation. As such, the Shire will ensure that the effective prevention of fraud and corruption is an integral part of its operating activities.

4. All employees are accountable for and have a role to play in fraud and corruption prevention and control. The Shire encourages employees to disclose actual or suspected fraudulent or corrupt activity, to the Chief Executive Officer (Complaints Officer).

5. If the suspected fraudulent or corrupt activity concerns the Chief Executive Officer, the matter is to be referred to the Shire President and the Corruption and Crime Commission.

6. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate, legal remedies available under the law will be pursued. All alleged incidences will be thoroughly investigated. Wherever possible, the Shire will protect the anonymity of those responsible for reporting the activity. The matter will also be reported to the Corruption and Crime Commission.

7. The Shire will ensure that systems and procedures are in place to prevent, detect, report and investigate incidents of fraudulent or corrupt behaviour or activities and will ensure that employees are made aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

8. The success of this policy will be determined by the employees and Council Members (where appropriate) at the Shire of Tammin being aware of their responsibilities in relation to:
   a. fraud and corruption prevention and control;
   b. the identification of treatment and recording of fraud or corruption risks;
   c. fraud or corruption auditing and detection processes;
   d. reporting;
   e. responsibilities; and
   f. obligations and investigation procedures.

Definitions
For the purpose of this policy:

"*Misconduct*" shall have the same meaning as prescribed by the *Corruption and Crime Act 2003*.

"***Corruption****" is defined as:*
"An act done with an intent to give or receive some advantage or benefit inconsistent with official duty and the rights of others. It includes bribery."

Australian Standard 8001–2003 defines "***fraud***" as:
'dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position.'

3 Financial Management

3.1 Purchasing – Framework

POLICY STATEMENT

1. The following Policy Schedules are adopted, and form part of this Statement –
   - 3.1(a) – Purchasing Principles
   - 3.1(b) – Purchasing Thresholds
   - 3.1(c) – Selection Criteria
   - 3.1(d) – Regulatory Compliance for all Purchasing
   - 3.1(e) – Specific Requirements for Tenders

2. Where the goods or services are to be accessed from the WA Local Government Association Preferred Supplier Panel or State Government Common Use Agreement, compliance with Policy Schedule 3.1(b) Purchasing Thresholds, clause 1 is required.

3. Proposals for consultancies, works and services etc, to be provided on Shire managed sites are also to be assessed in accordance with –
   - Policy 9.1 OSH – Employees, Volunteers, Contractors and Visitors.
   - instructions issued by the CEO

4. Exceptional Circumstances
   a) Under exceptional circumstances, where goods or services need to be purchased urgently and there is insufficient time to obtain quotations, the CEO may make the required purchase, notwithstanding the thresholds and requirements of Schedule 3.1(b), subject to the purchase being less than $250,000.00 ex GST. Unique value for money circumstances that preclude obtaining quotes must exist, such as –
      - it is opportunistic such as eliminating otherwise applicable costs,
      - it enhances operational efficiency, or
      - mitigates against risk etc.
      - it is appropriate for continuity of previous works, services, or design, but is not to exceed 50% of an original competitively sourced provider to a maximum of $20,000
   b) Procurement under exceptional circumstances must be approved in advance by the CEO.
   c) Exercise of this authority is to be in consultation with the Shire President.

APPLICATION

5. This Policy applies to all purchasing and procurement activity, and is not limited to tendering.

OBJECTIVE

The objects are to –

- obtain quality goods and services that are judged to deliver the best value-for-money or be the most advantageous,
- provide compliance with the Local Government Act 1995 and the Functions and General Regulations 1996,
- deliver a best practice approach and procedures to internal purchasing for the Shire,
- ensure consistency for all purchasing activities that integrates within all the Shire operational areas.

STATUTORY CONTEXT

Local Government (Functions and General) Regulations 1996 –

- r.11A – purchasing policy required, and matters to be addressed

CORPORATE CONTEXT

Delegations Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 3.7 – Tenders – Authority to set, specifications, criteria, call, accept, vary
- 3.8 – Contracts - Variations

Policy Manual –

- 3.3 – Credit Cards – including store, fuel and debit cards

HISTORY

Former Policy	1.12 and Attachment 1
Adopted	15 Feb 2007
Reviewed	19 Nov 2009
	20 Dec 2007
	20 Nov 2008
Replaced	28 June 2018
Amended	26 May 2020

REFERENCES

None

Schedule 3.1(a) – Purchasing Principles

1. Ethics & Integrity

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

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

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

2. Value for Money

Value for money is an overarching principle recognise by the Regulations, that allows the best possible outcome to be achieved for the Shire. Compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

What constitutes “value for money” or “most advantageous” considerations are to be itemised and detailed as part of evaluation – use of these terms are not adequate.

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

- all relevant whole-of-life costs and benefits (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal,
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality,
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history),
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable,
- continuity of supply or service, and particularly timeliness of any warranty service, emergency or maintenance/repair response, familiarity with works/conditions etc
- where a new or start up business makes a submission, the anticipated longevity of the business, its relevance to the region and if goods or service previously not available in the region.

Where a higher priced conforming offer is recommended, there should be clear benefits over lower priced conforming offers.

3. Sustainable Procurement

Sustainable procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services, and considerations must be balanced against value for money outcomes.

– End of Schedule

Schedule 3.1(b) – Purchasing Thresholds and Requirements

3.11 Purchasing Policy

RESPONSIBLE OFFICER	Chief Executive Officer

Purchasing Policy

OBJECTIVE

The objectives of this policy are to:

- ensure best practice policies and procedures are followed in relation to procurement for the Shire of Tammin (the Shire);
- ensure compliance with the Local Government Act 1995 (the Act) and Part 4 of the Local Government (Functions and General) Regulations 1996 (the Regulations);
- ensure compliance with the State Records Act 2000 and associated records management practices and procedures of the Shire;
- undertake procurement processes that ensure value for money for the Shire by delivering the most advantageous outcome possible;
- ensure openness, transparency, fairness and equity through the procurement process to all potential suppliers; and
- ensure efficient and consistent procurement processes are implemented and maintained across the Shire.

SCOPE

This policy applies to all procurement activities undertaken by the Shire's officers, appointed representatives and, where applicable, contractors procuring on behalf of the Shire.

POLICY

1 Ethics & Integrity

1.1 Code of Conduct

All officers of the Shire undertaking procurement activities are expected to have regard for the Code of Conduct requirements and observe the highest standards of ethics and integrity. All officers of the Shire are expected to act in an honest and professional manner consistent with the Shire's values.

1.2 Procurement Principles

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

- full accountability shall be taken for all procurement decisions and the efficient, effective and proper expenditure of public monies to achieve value for money;
- all procurement practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's applicable policies and Code of Conduct;
- procurement is to be undertaken on a competitive, in the context of this policy framework, basis where all potential suppliers are treated impartially, honestly and in a similar manner;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed;
- any information provided to the Shire by a supplier shall be treated as commercial-in confidence and should not be released unless authorised by the supplier or relevant legislation; and
- any canvassing of the Shire's Councillors or staff shall disqualify Suppliers / contractors seeking to do business with the Shire in relation to the applicable procurement.

2 Value for Money

Value for money is an overarching principle governing procurement that seeks the best possible outcome for the Shire. Compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, safety and quality standards, sustainable procurement objectives, timeliness of supply, whole of life cycle costing and other relevant service benchmarks.

However, when a higher priced offer(s) is recommended, there should be clear and demonstrable benefits over and above the lowest total priced offer(s).

3 Purchasing Requirements

3.1 Legislative / Regulatory Requirements

The requirements that must be complied with by the Shire are prescribed within the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996.

3.2 Tendering Exemptions

In some instances public tenders or quotation procedures are not required, regardless of the value of expenditure. The permitted exemptions are stipulated in the Local Government (Functions and General) Regulations 1996 s.11.

3.3 Purchasing Thresholds

The Purchasing Threshold relates to the actual or expected value of a contract over the full contract period or the extent to which the Shire will continue to purchase a particular category of goods, services or work and the total value of that purchase.

Purchase Value Threshold *(ex GST)*	**Purchasing Practice**
Up to $2,500 *(ex GST)*	Direct purchase from a supplier based on a verbal or written quote where possible. Quotations not required for items of minor or recurrent nature, such as groceries, stationery, hardware, mechanical, reticulation consumables etc.
From $2,501 and up to $10,000 *(ex GST)*	Seek at least two (2) verbal or written quotations from suitable suppliers except if purchasing from a WALGA Preferred Supplier Agreement (PSA), Common Use Agreement (CUA) or other tender exempt arrangement. The purchasing decision is to be based upon assessment of the suppliers response to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price.
From $10,001 and up to $50,000 *(ex GST)*	Seek at least three (3) written quotations from suitable suppliers except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement. The purchasing decision is to be based upon assessment of the suppliers' responses to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote.
From $50,001 and up to $250,000 *(ex GST)*	Seek at least three (3) written responses from suitable suppliers except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement. The purchasing decision is to be based upon assessment of the suppliers response to: • a detailed written specification for the goods, services or works required; and • Value for Money criteria, not necessarily the lowest quote.
Over $250,000 *(ex GST)*	**Tender Exempt** arrangements (i.e. WALGA PSA, CUA or other tender exemption under *F&G Reg.11(2)*) OR **Public Tender** undertaken in accordance with the *Local Government Act 1995*

Purchase Value Threshold *(ex GST)*	**Purchasing Practice**
	and relevant Shire of Tammin Policy and procedures. The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to: • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations.
Emergency Purchases *(Within Budget)*	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. However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply OR 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.
Emergency Purchases *(No budget allocation available)*	Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the *Local Government Act 1995,* the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred. The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting. The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.
LGIS Services Section 9.58(6)(b) Local Government Act	The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the *Local Government Act 1995* and are 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.

Whenever it is not possible to meet the procurement requirements of the Shire, appropriate justification must be documented through records in accordance with the Shire's Recordkeeping Management Practice and approved by the CEO.

3.4 Inviting Tenders under the Tender Threshold

Where considered appropriate and beneficial, or to manage procurement risk, the Shire may consider publicly advertising Tenders in lieu of undertaking a Request for

Quotation for purchases under the tender threshold ($250,000). This decision should be made after considering the benefits of this approach in comparison with the costs, timeliness and compliance requirements. If a decision is made to undertake a public Tender for contracts expected to be $250,000 or less in value, the Shire's tendering procedures must be followed in full.

3.5 Sole Source of Supply

Where the procurement requirement is of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can demonstrate that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring any alternative sources of supply. From time to time, the Shire may publicly invite an expression of interest to effectively determine that one sole source of supply prevails in this situation.

3.6 Anti-Avoidance

The Shire shall not enter into two or more contracts, or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the purchase in consideration below a particular purchasing threshold. Refer to Regulations 12(1) and 12(2).

3.7 Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase, which is required in response to an emergency situation as provided for in the Local Government Act 1995. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken. An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate the Shire’s procurement requirement in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

4 Records Management

Records relating to all procurement activities must be retained in compliance with the State Records Act 2000 (WA), the Shire's Recordkeeping Management Practice and associated procurement procedures. As a minimum a comprehensive register of all contracts is to be maintained, with all contract information, where the value required an Open Tender to be conducted in line with the Local Government Regulations threshold.

5 SUSTAINABLE PROCUREMENT

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

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

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

6 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.

DEFINITIONS
WALGA PSA

RELEVANT LEGISLATION/ LOCAL LAW

Local Government (Functions and General) Regulations 1996 - s.11A

Office Use Only				
Relevant Delegations				
Council Adoption	Date	25 May 2022	Resolution #	TSC 33/22
Reviewed/Modified	Date	27 July 2023	Resolution #	TSC 55/23
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

Schedule 3.1(c) – Selection Criteria

Category 1 – PLANT (generally vehicles, machinery, small and large plant)

COMPULSORY CRITERIA		**Yes / No**
Timing	Was the offer received at the correct location before the deadline?	
Conformance	Does the offer conform to the specifications and required conditions?	
QUALITATIVE CRITERIA		**Weighting**
Timing	The timeliness of the proposal against Shire requirements	10%
Quality / Life Cycle / Maintenance	The overall quality of the product, eg – - How well does the product satisfy Shire needs? - Are maintenance costs low? - How often is maintenance needed - Will the product last / outlast the required life? - Will resale / disposal be fast, efficient and economically viable? - Is warranty / support readily available?	40%
Price	The total price if the plant including all delivery and other costs	50%
	TOTAL	**100%**

Category 2 – SERVICES (provision of materials, services etc)

COMPULSORY CRITERIA		**Yes / No**
Timing	Was the offer received at the correct location before the deadline?	
Conformance	Does the offer conform to the specifications and required conditions?	
Alternative offers	Does the offer contain qualifications or conditions? Was an alternative offer submitted together with a conforming offer? (if the Shire wishes to consider an alternative offer that meets the purchase objectives, other conforming tenderers are to be notified and given to be opportunity to submit an alternative for consideration.)	
QUALITATIVE CRITERIA		**Weighting**
Relevant experience	Demonstrate experience and skill in all aspects of projects of a similar nature displaying high quality outcomes, with emphasis on provision of similar practices as detailed in the specification. - Provide details of projects including relevant details, project budget and facilities; - Include photo records and location details of projects; and - Provide the scope of the tenderer's involvement including details of outcomes	10%
Key Personnel	Key personnel's experience in completing similar projects and their skills and experience to be used on this service, including as a minimum. - Their role in the performance of the Contract; - Qualifications with emphasis on the experience of personnel in projects of a similar requirement including references; and - • Any additional information.	5%
Past Company Performance	The track record of the company or individuals. - Demonstrated evidence of the quality of past work within the industry; and - • Demonstrated evidence of competency, co-operation and sound judgement in past projects.	10%
Resources	Demonstrate the ability to supply and sustain the necessary resources, including: - Personnel; and - A list of subcontractors to be used in this project, their role in this project, their level of skills, experience and qualifications of key personnel, with emphasis on the experience of personnel in similar projects, including references.	5%
Plant, Equipment and Materials	Any contingency measures or back-up of resources; - Supply of a provisional construction program demonstrating compliance with the requirements of the Contract (where applicable). - And any other information.	5%
Methodology / Quality and OHS Systems / Life Cycle / Risk Management	Provide an overview of the methodology and approach to carrying out the works by providing: - Construction program demonstrating how the contract timeframe will be met (where applicable), including key performance indicators; - Reporting and recording systems to be used;	10%

	- A brief written construction methodology; - Summary of the key risks that may impact on how the works are delivered; and how these risks will be managed; - Warranties and guarantees provided; and - • Any other information	
Insurances	All relevant insurances held	5%
Price	The total price if the plant including all delivery and other costs	50%
	TOTAL	**100%**

Category 3 – INFRASTRUCTURE (construction, upgrading and upkeep of buildings, roads, community facilities etc)

COMPULSORY CRITERIA		**Yes / No**
Timing	Was the offer received at the correct location before the deadline?	
Conformance	Does the offer conform to the specifications and required conditions?	
Alternative offers	Does the offer contain qualifications or conditions? Was an alternative offer submitted together with a conforming offer? (if the Shire wishes to consider an alternative offer that meets the purchase objectives, other conforming tenderers are to be notified and given to be opportunity to submit an alternative for consideration.)	
QUALITATIVE CRITERIA		**Weighting**
Relevant experience	Demonstrate experience and skill in completing projects of a similar nature displaying high quality outcomes, with emphasis on provision of similar facilities as detailed in the specification. - Provide details of projects including relevant details, project budget and facilities; - Include photo records and location details of projects; and - Provide the scope of the tenderer's involvement including details of outcomes	10%
Key Personnel	Key personnel's experience in completing similar projects and their skills and experience to be used on this service, including as a minimum. - Their role in the performance of the Contract; - Qualifications, with emphasis on the experience of personnel in projects of a similar requirement including references; and - Any additional information.	5%
Past Company Performance	The track record of the company or individuals. - Demonstrated evidence of the quality of past work within the industry; and - Demonstrated evidence of competency, co-operation and sound judgement in past projects.	10%
Resources and Personnel	Demonstrate the ability to supply and sustain the necessary resources. A list of all subcontractors to be used in this project: - Their role in this project, - Their level of skills and experience	5%
Plant, Equipment and Materials	Any contingency measures or back-up of resources; - Supply of a provisional construction program demonstrating compliance with the requirements of the Contract (where applicable). - • And any other information.	5%
Methodology / Quality and OHS Systems / Life Cycle / Risk Management	Provide an overview of the methodology and approach to carrying out the works by providing: - Construction program demonstrating how the contract timeframe will be met (where applicable), including key performance indicators; - Reporting and recording systems to be used; - Summary of the key risks that may impact on how the works are	10%

	delivered; and how these risks will be managed; - Warranties and guarantees provided; and - Any other information	
Insurances	All relevant insurances held	5%
Price	The total price of the infrastructure project all delivery and other costs	50%
	TOTAL	**100%**

– End of Schedule

Schedule 3.1(d) – Regulatory Compliance for all Purchasing

1. Sole Source of Supply (Monopoly Suppliers)

a) Procurement from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that –
   - there must genuinely be only one source of supply
   - every endeavour to find alternative sources has been made,
   - written confirmation of this must be kept on file for later audit.

b) The application of provision "sole source of supply" should only occur in very few cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

c) Approval of purchasing from a monopoly supplier other than those exempted in the Regulations is restricted to the CEO.

2. Anti-Avoidance

a) The Shire shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below a particular threshold to avoid the requirements of higher level of compliance.

3. Specifications

a) Before submission or quotes or tenders are sought, the CEO is to determine in writing the specifications under Schedule 3.1(b) for deciding the standards and requirements of the purchase.

4. Selection

a) Before submission or quotes or tenders are sought, the CEO is to determine in writing the selection criteria under Schedule 3.1(b) for deciding which offer should be accepted.

5. Receiving Submissions

a) All submissions are to remain confidential until the purchase decision is made.

6. Evaluation of Submissions

a) Evaluation is to be recorded against the specifications set and assessment criteria established. Reasons for the decision are to be recorded.

b) Where an evaluation panel is established under Schedule 3.1(b) it should include a mix of skills and experience relevant to the nature of the purchase.

7. Records Management

a) All records associated with the procurement process must be recorded and retained. For a tender process this includes –
   - Tender documentation, including specifications and assessment criteria,
   - Internal documentation,
   - Evaluation documentation,
   - Enquiry and response documentation,
   - Notification and award documentation.

b) For a direct purchasing process this includes –
   - Quotation documentation, including any specification and assessment criteria
   - Internal documentation, such as evaluation etc
   - Purchase orders issued and requisitions.

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

– End of Schedule

Schedule 3.1(e) – Specific requirements for tenders

1. Requirement to call tenders

The requirements to call tenders is –

a) as per Regulations;
b) where required or directed by Council,
c) at the discretion of the CEO, and
d) applies to both purchases and disposition of property.

2. Tender Exemption

In some instances public tenders or quotation procedures are not required, regardless of the value of expenditure. The permitted exemptions are stipulated in the Local Government (Functions and General) Regulations 1996 r.11.

3. Tender documentation

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

This is essential since if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Tammin not to compromise its duty to be fair.

4. Purchase Criteria

a) Before submission or quotes or tenders are sought, the CEO is to determine in writing under delegated authority the specifications and selection criteria for deciding which offer should be accepted.

5. Tender Deadline

A tender that is not received in full in the required format by the advertised tender deadline is to be rejected.

6. Receiving and Opening Tenders

a) All tenders must be clearly marked, sealed and placed in the locked tender box until the official opening.
b) When lodgement of tenders by email is permitted, the email is to be sent to a separate email inbox that remains unused until the close of the tender period.
c) When tenders are opened there must be at least two employees present, or one local government employee and at least one person authorised by the CEO.

7. Tender Acceptance

All tenders and procurement over $150,000 are to be presented to Council for decision.

– End of Schedule

3.2 Purchasing – Regional Price Preference

POLCY STATEMENT

1. Council does not have a regional (local) price preference policy.

APPLICATION

N/A

OBJECTIVE

N/A

STATUTORY CONTEXT

Local Government (Functions and General) Regulations 1996 –

- r.24B – terms used
- r.24C – authority to adopt a regional price preference policy
- r.24D – maximum % discount and maximum $ value of discount permitted
- r.24E – once prepared, Statewide notice is required, submissions invited, and if significant changes made, further Statewide notice
- r.24F – Policy can't be adopted until after Statewide notice of adoption, and specified matters must be in the policy, and the policy must be included in tender specifications

CORPORATE CONTEXT

Delegations Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 3.7 – Tenders – Authority to set, specifications, criteria, call, accept, vary
- 3.8 – Contracts – Variations

Policy Manual –

- 3.1 – Purchasing – Framework
- 3.3 – Credit Cards – including store, fuel and debit cards

HISTORY

N/A

REFERENCES

Statutory requirements under the Functions & General Regulations if a policy is to be adopted –

- Statewide notice of proposed policy, amendment or revocation,
- public comment period of 4 weeks,
- submissions considered prior to adoption, and
- Statewide notice of adoption.

Approved panel arrangements for suppliers as permitted by the Regulations are not in place.

3.3 Credit Cards – including store, fuel and debit cards

POLICY STATEMENT

1. Schedules adopted

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

- Sch.3.3(a) – Corporate, Store, Fuel and Debit Cards – Cardholder Agreement
- Sch.3.3(b) – Reconciliation of Credit Cards, Store Cards and Debit Cards
- Sch.3.3(c) – Purchasing using Credit Cards

2. Authority

All cardholders must have either the authority or delegated authority to commit Shire to expenditure

3. Personal Use

a) The card is not to be used to obtain personal items under any circumstances.
b) Breaches may constitute disciplinary action in accordance with Council's policies, the immediate withdrawal of the facility and possible action under the Criminal Code.

4. Use by Persons other than the Cardholder

a) Cardholders must not allow their card to be used by other persons per card conditions of use, even in absences.
b) This will ensure that the cardholder has full responsibility for the use of the card and breaches of this condition will result in the Shire being liable for any unauthorised transactions.

5. Cardholder Responsibilities

a) Ensure each card is maintained in a secure manner and guarded against improper use.
b) Cards are to be used only for Shire official activities; there is no approval for any private use.
c) All documentation regarding a card transaction is to be retained by the cardholder and produced as part of the reconciliation procedure.
d) Card limits are not to be exceeded.
e) Purchases on any card are to be made in accordance with Shire of Tammin – Purchasing Policy.
f) Reconciliation is to be completed within 7 days of the date of the card statement being issued.
g) All cards are to be returned to the CEO on or before the employee's termination date with a full acquittal of expenses.
h) All cardholder responsibilities as outlined by the card provider.
i) Cash advances or withdrawals are not permitted.

6. Cardholder Agreement

a) The Cardholder Agreement is contained in Policy Schedule 3.3(a).
b) Failure to comply with any of these requirements could result in the card being withdrawn from the employee.
c) In the event of loss or theft through negligence or failure to comply with the Shire's Policy any liability arising may be passed on to the cardholder.

7. Consequences of Non-Compliance

Failure to comply with the Delegations, Policy or Procedures may result in disciplinary action up to and including termination of employment.

APPLICATION

8. Card Reconciliation Procedures

a) Card statement accounts will be issued to the relevant cardholder who will, within 7 days, acquit the transactions on the account. A template is attached to this policy identifying the reconciliation requirements.

b) Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the *Goods and Services Tax Act 1999* to enable a GST rebate to be applied.
c) Transactions shall be accompanied by a job number for costing purposes.
d) If no supporting documentation is available the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration all expenditure is of a business nature'. Approval of this expense is referred to the CEO for a decision.
e) Should approval of expenses be denied by the CEO recovery of the expense shall be met by the cardholder.
f) The cardholder shall sign and date the card statement with supporting documentation attached stating all expenditure is of a business nature.
g) A monthly report and reconciliation of all card transactions will be included in the accounts for payment report presented to Council.

9. Use of Cards

Corporate Credit Cards or Debit Cards must not be used to purchase fuel products for Shire vehicles unless in exceptional circumstances – a fuel card should be used for this purpose where possible.

10. Disputed Transactions

a) The Shire is responsible for paying all accounts on the monthly card statement and the bank processes a direct debit from the Shire's operating bank account for such.
b) When a Cardholder believes that charges are incorrect they should first contact the supplier to determine the causes of the discrepancy and if necessary the Creditors Officer will notify the bank in writing.
c) Any amounts in dispute must be highlighted on the copy of the Cardholders statement and a copy of the written notification to the bank attached.

11. Cancelled Cards

Cancellation of a Card may be necessary where the:

a) Cardholder changes job function within the Shire
b) Cardholder terminates employment with the Shire
c) The Shire terminates employment with the Cardholder
d) Card is no longer required
e) Cardholder has not adhered to set procedures
f) Misuse of the Card.

12. Review of Card Use

All receipts and documentation will be reviewed and any expenses that do not appear to represent fair and reasonable business expenses shall be referred to the CEO for a decision.

13. Procedures for Lost, Stolen and Damaged Cards

a) The loss or theft of a credit card must be immediately reported by the cardholder to the card provider regardless of the time or day discovered. The cardholder must also formally advise the Manager Finance & Administration of the loss or theft without delay.
b) Advice of a damaged card is to be provided to the Manager Finance & Administration who will arrange a replacement.

14. Additional Cardholders

The CEO is the primary cardholder for the Shire and may delegate additional cardholders within the Shire's approved total credit limit, and in accordance with the Delegation adopted by Council.

OBJECTIVE
To ensure the proper management of corporate credit, store, fuel and debit cards

STATUTORY CONTEXT
N/A

CORPORATE CONTEXT
Delegation Manual –

- 3.1 – Municipal Fund – Incurring expenditure

Policy Manual –

- 3.1 – Purchasing Framework

HISTORY

Former Policy	N/A
Adopted	28 June 2018

REFERENCES
Fuel card statements have all relevant details provided. Other than certification by the cardholder, no further procedures are required.

Schedule 3.3(a) – Corporate, Store, Fuel and Debit Cards – Cardholder Agreement

Conditions of use of Corporate Credit, Store, Fuel and Debit Cards –

1. Ensure all cards are maintained in a secure manner and guarded against improper use.
2. All cards are to be used only for Shire of Tammin official activities as prescribed by the CEO, there is no approval given for any private use.
3. Ensure no one else other than the authorised cardholder uses any card issued.
4. All documentation regarding a card transaction is to be retained by the cardholder and produced as part of the reconciliation procedure.
5. Card limits are not to be exceeded.
6. Observe all cardholder responsibilities as outlined by the card provider.
7. Purchases on all cards are to be made in accordance with Shire of Tammin Purchasing Policy.
8. Reconciliation is to be completed within 7 days of the date of card statement being issued on the supplied template.
9. Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the *Goods and Services Tax Act 1999* to enable a GST rebate to be applied.
10. Transactions shall be accompanied by a job number, cost centre and element type for costing purposes.
11. If no supporting documentation is available the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration all expenditure is of a business nature. Approval of this expense is referred to the CEO for a decision.
12. Should approval of expenses be denied by the CEO recovery of the expense shall be met by the cardholder.
13. The cardholder shall sign and date each card statement with supporting documentation attached stating all expenditure is of a business nature.
14. Lost or stolen cards shall be reported immediately to the card provider and a written account of the circumstances shall be provided to the CEO on the next working day.
15. All cards are to be returned to the CEO on or before the employee's termination date with a full acquittal of expenses.

ACKNOWLEDGEMENT OF RECEIPT OF CREDIT, STORE, FUEL AND DEBIT CARD/S

a) I have read this policy and understand my responsibilities which include the requirement that the card/s can only be used for official business only and acknowledge receipt of the following cards noted below.
b) I acknowledge that failure to comply with the Delegations or Policies may result in disciplinary action up to and including termination of employment.

Card type Credit, Debit, Store, Fuel	**Organisation**	**Number**

Name and Signature _____ Date _____

– End of Schedule

Schedule 3.3(b) – Reconciliation of Credit Cards, Store Cards and Debit Cards

Standard reconciliation format –

Card Reconciliation

CARD -	**Type**		**Number**		**Cardholder**		
Item No.	**Chq/EFT**	**Date**	**Supplier**	**Purchases**	**Amount**	**Type**	**Funding**

Card Total $

– End of Schedule

Schedule 3.3(c) – Purchasing using Credit Cards

HOW I MAKE A PURCHASE

- Use this form to seek prior approval from the card holder before purchasing goods and services using a Corporate Credit Card.
- Obtain prices for purchases, complete this form and submit to the credit card holder for authorisation.
- Once authorised, complete the purchase and attach the receipt/tax invoice and any other supporting documentation to this form and submit to the Finance department.

Requested by		Date	
Signature		Tax invoice or supporting documentation attached	Yes / No
Request is compliant with Delegation 3.1 and Policy 3.1			Yes / No

Supplier		
GL Account / Job No	**Description of Goods**	**AMOUNT** (incl. GST)
	GST Code	
	TOTAL	

REASON FOR USING CREDIT CARD FOR THE PURCHASE

AUTHORISED

Cardholder positon	Cardholder Name	Cardholder Signature	Date

GST CODES

	Income and purchases subject to GST		Free income and purchase
	No report		Input tax

– End of Schedule

3.4 Requests for Financial and Other Assistance

POLICY STATEMENT

1. The following Policy Schedule is adopted, and form part of this Statement –
   a) 3.4 – Criteria for Assistance

2. The total amount available will be determined in the Budget each year, in the following categories –
   a) assistance for capital projects
   b) annual contributions to local groups
   c) discretionary provision – including for individuals

APPLICATION

3. The Shire of Tammin provides financial and in-kind assistance to sporting, community and welfare groups /organisations to support both normal operational requirements and for specific projects or capital purchases which respond to identified community needs. The Shire may also consider a donation to Tammin residents who have been selected as National or State representatives.

4. This Policy deals with the process and criteria for organisations seeking assistance from the Shire in three categories: annual operating contributions; contributions to capital projects; and individual donations.

OBJECTIVE

To establish guidelines for request for assistance by groups and individuals.

STATUTORY CONTEXT

None

CORPORATE CONTEXT

Delegations Register –

- 3.11 – Donations – Financial and In-kind Works / Services

HISTORY

Former Policy	1.2
Adopted	28 June 2018

REFERENCES

None

Schedule 3.4 – Criteria for assistance

1. Capital projects

The Shire will advertise during March each year inviting applications from local sporting and community groups, for Council to consider including funds in the following financial year budget to contribute towards a planned capital project within the Shire.

All sporting and community groups that are applying for funding must complete the approved application form and lodge with the Shire by the end of May. Applications are to be accompanied by the groups/organisations most recent audited financial statement.

All requests for a contribution will be decided by Council and must demonstrate a thorough planned approach and Council will not generally consider contributing more than one-third of the total cost of the project.

Successful applicants must provide a financial acquittal of funds including receipts relating to the grant and complete a brief evaluation by May 31 of the funding period.

Council may request a presentation to Council prior to considering the request.

2. Annual contributions to local groups

Annual operating contributions will be made to the following groups as determined in the Budget –

Group	In Kind / Not charged	Cash as per Budget
Tammin CWA - WA Week luncheon	chair & trestle hire	Yes
Tammin Fitness Group	hire of lesser hall/pavilion/ oval for two hours a week to $400	No
Tammin Golf Club – In-kind labour	mowing of fairways to $1,500	No
Tammin Economy Shop (Cooinda)	None	Yes
Tammin Primary School	labour – various to $2000	No
Tammin Art Prize – Tammin Art Show	hall hire, photocopying etc	Yes
Tammin Community Christmas Tree function	oval hire, extra bins	Yes
Tammin Playgroup	Labour to $500	No
Wheatbelt Agcare – counselling services	None	Yes
Eastern Districts Display Committee	None	Yes
Royal Flying Doctor Service	None	Yes
Lord Mayors Disaster Appeal	None	Yes
Significant local achievements program	None	Yes

Other – at CEO discretion	Refer Delegation	Yes

3. <u>Assistance for individual</u>

a) The maximum grant that may be awarded in this category is $200 for interstate travel and $300 for international travel.

b) The eligibility criteria for assessing financial support applications (Individual Development) for people who have been selected to represent the State or Nation in interstate or international championships, competitions or significant cultural, academic or community service programs are:

- only residents of the Shire of Tammin are eligible to apply.
- applicants must be selected to represent Western Australia or Australia in the area of sport, arts, cultural or educational activities.
- applications must be supported either by the relevant governing body of sport or the state/federal/voluntary organisation supporting the activity.
- there must be a demonstrated selection process which entitles the applicant to represent the state or national body or activity.
- only one application per financial year may be funded for any one individual.
- a maximum of $500 per year will be funded per family.
- funds will only be provided towards travel or accommodation expenses.
- priority will be given to applicants who have demonstrated initiative and endeavour in raising funds for themselves.

– End of Schedule

3.5 Self-Supporting Loans

POLICY STATEMENT

1. A request to Council to raise a self-supporting loan will be considered only from community or not for profit organisations.

APPLICATION

2. Each request will be considered on its merits, and the organisation may be asked to provide guarantors or other acceptable security.

3. In the event of Council agreeing to make funds available on a self-supporting basis, Council reserves the right to control and/or to carry out any of the following –
   a) the preparation of plans and specifications for the proposed work,
   b) the calling of tenders for the proposed work,
   c) the preparation of the contract documents,
   d) the letting of the contract,
   e) sole supervision of the project,
   f) sole authorisation of expenditure of funds for the project.

OBJECTIVE

To set the circumstances in which a request for a self-supporting loan would be considered

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.20 – Power to borrow
- s.6.21 – Restrictions on borrowing

Local Government (Financial Management) Regulations 1996

- r.20 – Circumstance where local public notice is not required for exercise of power to borrow

CORPORATE CONTEXT

None

HISTORY

Adopted 28 June 2018

REFERENCES

None

3.6 Rates Discount / Prize Eligibility

POLICY STATEMENT

1. In order to qualify for any rates incentive discount or prize, payment of rates must be processed prior to close of business hours on the due date.

APPLICATION

2. Discount will not be permitted after this time and date in any circumstances.

3. Entry to any prize draw will not be allowed after this time and date in any circumstances.

4. The monetary value of any rates incentive prizes offered are to be determined in the relevant Budget.

5. Any prizes are to be drawn by the President within 2 weeks of the due date.

OBJECTIVE

To clarify complying eligibility for rate prize

STATUTORY CONTEXT

Local Government Act 1995

CORPORATE CONTEXT

None

HISTORY

Former Policy 2.2
Adopted 28 June 2018

REFERENCES

Allows for the flexibility of offering prize/s in place of or in addition to discount.

3.7 Timely Payment of Suppliers

POLICY STATEMENT

1. Creditor invoices are to be dealt within in a timely and prompt fashion.

APPLICATION

2. All invoices are to be given to the Creditors Clerk without delay.

3. The Creditors Clerk is to –
   a) date stamp each invoice with the date of receipt by them.
   b) check –
      i) the goods/services are as per purchase order – quantity, price etc,
      ii) calculations,
      iii) invoice information is to be entered into Synergy without delay,
      iv) if no delivery docket is received, direct the invoice to the person who took delivery of the goods or services for confirmation of receipt,
         - target response time for this person is 2 business days
      v) if a delivery docket is received and has been certified by the receiving employee, or once confirmation of (2)(iii) above is received, direct the invoice and attached documentation to the person signing the purchase order for authorisation.
         - target response time for this person is 2 working days,

4. Receiving employee –
   - the employee who received the goods/service is required to process and certify the documentation within 2 business days.

5. Authorising employee –
   - the employee who is to authorise the invoice for payment (i.e. the person who signed the purchase order), is required to process and certify the documentation within 2 business days.

6. Creditors Clerk – once conformation of receipt and authorisation has been given –
   i) verify the authorised details with those entered into Synergy on receipt,
   ii) process the invoice for payment in the next available batch of creditor payment.

7. Target duration from time of receipt of invoice to payment of invoice is 10 working days.

8. The Creditors Clerk is to advise the CEO of –
   a) any consistent non-adherence to this Policy or the timeframes required of employees,
   b) complaints by creditors regarding timeliness of payment,
   c) impediments to meeting the target timeframes,
   d) unreasonable demands of creditors.

OBJECTIVE

To make provision for timely payment of creditors

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

HISTORY

Adopted 28 June 2018

REFERENCES

It is acknowledged and accepted that –

a) complex invoices may require clarification or additional checking,
b) invoices may miss deadlines for processing of payment.

Report of Office of Auditor General, *Timely Payment of Suppliers*, June 2018

3.8 COVID- 19 Financial Hardship Policy

POLICY STATEMENT

The Shire of Tammin recognises the likelihood that COVID19 may increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant and business owner.

When dealing with the recovery of outstanding accounts, the Shire will apply the processes and procedures outlined in the attached Guidelines.

APPLICATION

This policy applies to:

4. Outstanding rates and service charges as at the date of adoption of this policy; and
5. Rates and service charges levied for the 2020/21 financial year.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

OBJECTIVE

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Tammin recognises that these challenges will result in financial hardship for our ratepayers.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

STATUTORY CONTEXT

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

CORPORATE CONTEXT

Delegations Register
3.5 Sundry and Rate Debtors – Recovery and Agreements
Delegation applies to the CEO who has on delegated to the Manager Finance and Administration

HISTORY

New Policy – 23 April 2020

REFERENCES

None

Attachment - Policy Guidelines

1) Payment difficulties, hardship and vulnerability

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt. Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

2) Anticipated Financial Hardship due to COVID 19

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

3) Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment.

  This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4) Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:
That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
The payment arrangement will establish a known end date that is realistic and achievable;

The ratepayer will be responsible for informing the Shire of Tammin of any change in circumstance that jeopardises the agreed payment schedule.
In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

5) Interest Charges
"A ratepayer that meets the Financial Hardship Criteria will not attract interest or penalty charges on rates / service charge debt in 2020/21, subject to the period of time that the Local Government (COVID-19 Response) Ministerial Order 2020 remains effective (SL 2020/67 – Gazetted 8 May 2020).
In the case of severe financial hardship, the Shire of Tammin may consider writing off interest applicable to the Emergency Services Levy and / or interest previously accrued on rates and service charge debts."

It is further noted that the expectation is that those residents that have the capacity to pay will be expected to meet their obligations in a timely manner. The use of repayment plans would remain consistent with other Council delegations in respect to current delegations for the recovery of outstanding debts.

6) Deferment of Rates
Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:
- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

7) Debt Recovery
We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.

8) Review
We will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

9) Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

3.9 Cash Handling Policy

POLICY STATEMENT
To provide a framework and process for cash handling and cash security to ensure the Shire of Tammin fulfils its statutory financial obligations and that any associated risk is minimised.

APPLICATION
This policy applies to all Shire employees involved with the handling of cash at designated sites.

Roles and Responsibilities

Custodian	Custodian Officer Responsible For Implementation
CEO	Manager Finance & Administration
	Community Development Officer (Events)

OBJECTIVE
This Policy is to:

- Ensure all amounts due and receipted to the Shire are collected and deposited to the Shire's bank account on a regular and timely basis.
- Ensure consistency in procedures and standards in cash handling across all Shire sites and services.
- Establish and maintain accountability for the flow of cash through the Shire.
- Ensure the handling of cash throughout the Shire, along with any associated risk, is minimised and all statutory financial obligations are met.

STATUTORY CONTEXT
Local Government Act 1995
Local Government (Financial Management) Regulations 1996

COPORATE CONTEXT
Shire of Tammin - Code of Conduct
Shire of Tammin - Cash Handling Procedure (TBA)

HISTORY
Policy adopted June 2020

GUIDELINES TO POLICY
Definitions

Cash:
Currency including notes and coins, electronic (eftpos), cheque and credit card transactions.

Cash Handling:
Petty cash, manual electronic means of cashier (cash, cheque, eftpos and credit card), handling of cash, floats (special events, collection of money), banking preparation and reconciliation.

Banking:
Cash preparation and reconciliation for collection by the Shire's authorised staff or agent for depositing with the bank.

Authorised Agent:
A person who has written authority and wears identification connecting them to the Shire's sponsored operation or program, or a partner of the Shire at a designated site, who collects, transits and safeguards cash on the Shire's behalf.

Designated Site:
Those sites throughout the Shire that are involved in cash handling operations.

Designated Sites

- The physical environment of each designated site must be established and maintained to minimise the risk to the Shire, staff and authorised agents.

- Each designated site must have a secure storage area for the storage of cash.

- Each designated site must have an acceptable level of security that protects staff, authorised agents and cash.

Computer Applications

- Each operator must have a unique log in and password that is used only by that operator.

- Each operator must be assigned the correct level of access, as approved and authorised by the Manager Finance & Administration, for the requirements of the function performed.

- The operation of cash handling applications must conform to existing backup procedures, interface with existing corporate financial systems and assigned security levels based on the operator's log in.

- Business continuity management procedures must be in place and be familiar to all operators in order to maintain normal business processes in the event of system failure.

- Staff and authorised agents must have access to cash handling applications removed, by the Manager Finance & Administration, on departure from the Shire or when they are no longer employed.

A. PRINCIPLES OF CASH HANDLING

It is the responsibility of the Shire officers involved in the cash handling process to understand the meaning and intent of this policy.

- Council must provide a secure work environment that will protect the welfare of staff and authorised agents and safeguard cash at designated sites.

- All cash must be kept secured in a locked drawer, locked petty cash box or safe. Where cash is kept in a locked petty cash tin, the cash tin is to be stored out of sight at all times in a safe locked cabinet or drawer.

- Borrowing or taking cash from petty cash, float or till for personal benefit is prohibited.

- Where cash floats are given to or taken over by relieving staff, the staff given the float or taking control of the cash need to count these floats along with the designated officer in charge of that cash.

- An official Council receipt must be issued for all cash received at the designated sites within 24 hours or next working day of receipt from the customer.

- All cash received at the Shire Administration office or designated site must be banked on the next banking day, unless prior arrangements are made with the Manager Finance & Administration.

- All cash received at the Shire Administration office or designated sites must be receipted into the Shire's electronic system or an official manual receipt book, each such receipt is to be dated and numbered in sequential order. Managers

and Supervisors responsible for designated sites must maintain current documentation of all cash handling procedures and processes, including:

- Security and safe measure for transporting cash to the Shire Administration Office or bank.
- Security and procedure for access to keys and/or safe combinations
- Record and reconciliation of cash taken and receipted.
- Petty cash reconciliation and claims.

B. DISCREPANCIES / "OVER AND UNDER"

Council acknowledges the minor discrepancies in cash taking occur from time to time when dealing with cash. All discrepancies regardless of whether that discrepancy is a surplus or deficiency must be recorded on the cashier's worksheet, and authorised by the employee's supervisor. Discrepancies must be accompanied by a written explanation by the cashier responsible. Surplus cash held at any site should be deposited into the Shire bank account.

C. REPORTING MISSING OR STOLEN MONEY

- Regardless of the amount, missing money or stolen money must be reported to the Manager Finance & Administration. All stolen money must be reported to the police.

- Should a staff member identify or suspect that money has been stolen or is missing or is aware of suspicious activity they must advise their supervisor.

- Should the missing money be the result of a robbery, a written detailed account of the events must be provided to the Manager Finance & Administration, no later than 24 hours of realising the money is missing.

- Customers and staff will be encouraged to use non-cash methods to make payment.

- Staff and authorised agents must be trained, authorised and delegated with the appropriate level of responsibility in all aspects of the cash handling process.

- Borrowing or taking cash from any float or till for personal benefit, however minor, is prohibited.

3.10 Investments

RESPONSIBLE OFFICER	Manager of Finance & Administration

OBJECTIVE

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of Tammin's procedure for investing municipal funds.

SCOPE

This policy applies to all officers with delegated authority to invest/control surplus funds. To invest funds to ensure the maximisation of returns with due consideration of the associated risks. The policy ensures that Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act.

POLICY

In accordance with Local Government (Financial Management) Regulations 1996 – Reg 19C the Shire of Tammin surplus funds are to be invested in term deposits or negotiable certificated 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 West Australian Treasury Corporation established by the Weather Australian Treasury Corporation Act 1986.

Recommendations are to invest in one or more of the following;

- Commonwealth Bank
- National Australia Bank
- Westpac Bank
- ANZ Bank
- Bankwest
- West Australian Treasury Corporation

Any proposal to invest in another institution, for whatever reason, is to be referred to Council.
Investments from the municipal, loan, reserve and trust accounts are to be kept separate and distinct.

Funds may be invested for a term of up to twelve (12) months based on predicted cash flow requirement. Upon maturity, interest rates from a minimum of two (2) other financial institutions are required for financial accountability and to ensure investment made in the best interest of the Shire, taking into account administrative and banking costs.

Review & Reporting

Cash flow is to be monitored by the Manager of Finance & Administration regularly to ensure cash funds are available to meet commitments. Investments will be managed actively as they mature with review by the Manager of Finance & Administration and Chief Executive Officer.

For audit purposes, certification must be obtained from the bank confirming the amounts of investments held on Council behalf at 30 June each year.

Each investment and details thereof shall be maintained in an investment register and new deposits or matured deposits require an investment cover sheet for clarity.

DEFINITIONS

RELEVANT LEGISLATION/ LOCAL LAW

Local Government Act 1995
Financial Management Regulations
Banking Act 1959

Office Use Only				
Relevant Delegations	3.3 Investments			
Council Adoption	**Date**	27 April 2022	Resolution #	TSC 25/22 Motion
Reviewed/Modified	**Date**		Resolution #	
Reviewed/Modified	**Date**		Resolution #	
Reviewed/Modified	**Date**		Resolution #	

Section 4 - Order / Public Safety

No Council Policies applicable to this area of operations.

Section 5 - Fire Control

5.1 Bush Fire Brigades – Establishment

POLICY STATEMENT
Not required

APPLICATION
N/A

OBJECTIVE
N/A

STATUTORY CONTEXT
None

CORPORATE CONTEXT
None

HISTORY
N/A

REFERENCES
The Shire does not have bush fires brigades as the role is undertaken by the Tammin Fire and Emergency Services Unit under the control of Dept of Fire and Emergency Services.

5.2 Firebreaks and Fuel Hazard Reduction – Inspection & Prosecution

POLICY STATEMENT

1. Firebreaks must be installed and fuel hazard reduction measures taken each year by the date required by the firebreaks and fuel hazard reduction notice.

APPLICATION

2. The inspection of firebreaks is to commence not later than seven days after the required date.

3. The inspection is to be carried out by the Ranger or other person directed by the CEO, and preferably accompanied by an FCO.

4. In accordance with the Bush Fires Act s.56(1), FCO's are to report any firebreaks not in compliance to the CEO as soon as possible, for action.

5. The owner/occupier of a property found not to comply with requirements is to be sent a letter requiring compliance by a specified date not more than 10 days after inspection.

6. A second inspection of non-complying properties is to be carried out, after the specified date for compliance has elapsed.

7. Where a property remains non-compliant, the CEO is authorised without further notice, to –
   a) issue an infringement notice, and
   b) arrange for the carrying out of works so that the property complies, either using the Shire's own staff or contractors.

8. Where compliance has had to be arranged by the CEO, the full cost of achieving compliance, is to be recovered from the property owner either –
   a) if completed by contractor – the cost invoiced by the contractor engaged, plus 10%, or
   b) if completed by Shire staff and plant – at full private works rates.

9. Non-payment of an infringement notice or cost of achieving compliance is to be treated as a sundry debt, and appropriate cost recovery actions.

OBJECTIVE

To determine the process for inspection and enforcement of fire control measures

STATUTORY CONTEXT

Bush Fires Act 1954 –

- s.56(1) – duty of FCO to advise non-compliance

Shire of Tammin fire breaks and fire hazard reduction notice

CORPORATE CONTEXT

Delegation Register –

- 3.5 – Sundry and Rate Debtors – Recovery and Agreements

Policy Manual –

- 5.4 – FCO Duties

HISTORY

Former Policy 3.3
Adopted 28 June 2018

REFERENCES

The firebreaks and fire hazard reduction notice –

- must be published in the Government Gazette and local public notice given in order to be enforceable,
- once published, has the effect of being a local law,
- further publication is required only if amended or revoked.

5.3 Harvest & Movement of Vehicles Bans

POLICY STATEMENT

1. The following persons are authorised to determine a Harvest and Movement of Vehicles Ban is to be imposed and to arrange notification –
   a) Chief Bush Fire Control Officer
   b) Deputy Chief Bush Fire Control Officer
   c) Chief Executive Officer
   d) Manager Works
   e) Community Emergency Services Manager (CESM)

APPLICATION

2. Notification of Harvest and Movement of Vehicles Bans are to be notified to –
   a) ABC Radio, and other radio stations broadcasting locally
   b) Department of Fire and Emergency Services, Department of Parks and Wildlife
   c) adjoining Shires
   d) message placed on the Shire of Tammin Fire and Harvest Bans Information line (answering machine)
   e) by SMS broadcast

3. On notification of a Harvest and Movement of Vehicles ban –
   a) Shire plant on road reserves, in gravel pits etc outside the Tammin townsite are to cease that activity.
      - This restriction does not apply to legal use of vehicles on constructed public roads.
   b) Shire crews undertaking activities that could be considered “hot work” (chainsaw, brushcutter, slashing etc) are to cease that activity.
      - This restriction does not apply where –
        - the activity is within the Tammin or Yorkrakine townsites, and
        - is on green grass/vegetation or surrounded by a clear area complying with the Fire Break and Hazard Reduction Notice.
      - This exemption may be over-ridden by a Total Fire Ban, which prohibits any hot work in the open air, that may be issued by Department of Fire and Emergency Services.

OBJECTIVE
To establish the authority to notify harvest bans etc. on behalf of the Shire

STATUTORY CONTEXT
Bush Fires Act 1954

Shire of Tammin fire breaks and fire hazard reduction notice

CORPORATE CONTEXT
None

HISTORY
Adopted 28 June 2018

REFERENCES
None

5.4 FCO Duties

POLICY STATEMENT

1. In the event of an emergency, an FCO is to ensure the safety of firefighters –
   a) Incident Control is to be established appropriate to the circumstances,
   b) Any FCO or person in charge of a fire, or any other person authorised to do so, may order away from the fire, any person not wearing adequate and appropriate attire, e.g.: inappropriate footwear, synthetic fabrics, shorts, short-sleeved shirt etc

APPLICATION

2. Fighting fires is inherently dangerous. Matters within the control of each FCO, volunteer and person that add to that risk include –
   a) absence of or inadequate management at the fire site (incident control, team leader)
   b) failure to report to the person managing the fire, to follow their instructions
   c) inappropriate attire

3. In the event of an emergency, the FCO / Incident Control should provide relevant details to the CEO and Community Emergency Services Manager (CESM) as able, in order to –
   a) arrange support as needed,
   b) respond to phone calls and enquiries from the community and others,
   c) issue SMS broadcast if necessary.

4. Fire reports
   The appropriate FCO is to submit a written report on the forms supplied by the Shire, of any uncontrolled fires in their area.

OBJECTIVE

To outline primary duties of FCO's in accordance with the Bush Fires Acts and Occupational Safety and Health Act.

STATUTORY CONTEXT

Bush Fires Act 1954

- s.39 – special powers of a fire control officer
- s.56 – duties of police officers, bush fire control officers etc.

Occupational Safety and Health Act 1984

Shire of Tammin fire breaks and fire hazard reduction notice

CORPORATE CONTEXT

Delegation Register –

- 5.1 – Issue of burning permits – CEO
- 5.2 – Fire fighting – Emergency plant hire
- 5.3 – Restricted burning periods – Variation (CEO)
- 18.1 – Issue of burning permits – Fire Control Officers
- 18.2 – Prohibited burning periods – Variation (President & CBFCO jointly)

HISTORY

Former Policy	3.3
Adopted	28 June 2018

REFERENCES

None

5.5 Bushfire Use of Equipment Policy

RESPONSIBLE OFFICER	Chief Executive Officer

OBJECTIVE

To afford structure and clarity to the process of providing Council owned equipment to Bushfire Events in or surrounding the Shire of Tammin.

SCOPE

This policy applies to Bushfire Events that are within the Shire of Tammin or a neighbouring Shire.

POLICY

That Council plant and equipment which can be used for firefighting purposes be made available for firefighting and protective burning as required, subject to consultation with Council's senior management staff and the Chief Bush Fire Control Officer or a person acting in this position.

The operation of this equipment is to be conducted either by a Council employee, or in the case where a Council employee is not available, an operator who has been approved at the time of an incident by a member of the Shire's senior management staff, Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer.

DEFINITIONS

Senior management staff - means the Chief Executive Officer, Manager Works and Services and Manager Finance and Administration of the Shire of Tammin.

RELEVANT LEGISLATION/ LOCAL LAW

Office Use Only				
Relevant Delegations				
Council Adoption	**Date**	27 April 2022	**Resolution #**	TSC 26/22
Reviewed/Modified				
Reviewed/Modified				

6. Environmental Health / Food

No Council Policies applicable to this area of operations.

7. Community Services

7.1 Tammin Achievement Awards

POLICY STATEMENT

1. The purpose of the Awards is to –
   a) acknowledge Tammin residents for their contribution in making a difference to our community and recognise those who put in that extra effort not only in their contribution, but those that become role models and encourage and motivate others to step out and set new boundaries of achievement.
   b) honour and recognise Tammin residents who have achieved success in sporting, cultural and community pursuits.

APPLICATION

2. Categories
   a) These include, but are not limited to –
      - arts and culture,
      - sports and recreation,
      - environment,
      - education,
      - civic duty,
      - community volunteerism and
      - youth or seniors' leadership.
   b) Sporting Awards, as recommended by each respective Tammin Sports Club, for example –
      - best & fairest winners,
      - club champion,
      - team achievement,
   c) Nominees will have made a significant contribution through a unique achievement or outstanding service –
      - as a volunteer;
      - in the course of their work, or
      - in any area that provides a benefit to the Tammin community.

3. Nominations and eligibility
   a) All Tammin clubs and organisations will be invited to nominate members and/or teams for an award. The nominees do not have to be the winner or champions of their respective sport. Who is nominated is entirely at the discretion of the respective club.
   b) To nominate, a completed nomination form including a description of why the person and or team should be considered for an award, is to be submitted within the deadline.
   c) No awards will be granted without a duly completed nomination and nominations received which do not meet the criteria will not be accepted.

4. When
   The presentation should be held on last Thursday of March of each year

5. Venue
   Tammin Bowling Club

6. Invitees
   a) All award recipients and their immediate family are invited as well as the Shire President, elected members, CDO and the CEO.
   b) Two representatives of each club and organisation and residents new to Tammin shall also be invited to the awards night.

7. Format
    a) Semi-formal,
    b) drinks and finger food to be provided.

OBJECTIVE
To recognise achievements by members of the community

STATUTORY CONTEXT
None

CORPORATE CONTEXT
Annual Budget

HISTORY
Former Policy 7.3
Adopted 28 June 2018

REFERENCES
None

8. Personnel

Preamble

Applying to all matters in relation to personnel and employment –

a) Local Government Act 1995 –

s.5.41 Functions of CEO

The CEO's functions are to –

….

(a) manage the day to day operations of the local government; and

….

(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); and

….

b) Local Government (Rules of Conduct) Regulations 2007 –

r.10 Relations with local government employees

(1) A person who is a council member must not –

(a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's 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 person who is a local government employee in the person's capacity as a local government employee.

….

c) Policy 1.1 – Code of Conduct

For clarification regarding appointment, management and direction of employees –

Employee class	Council involvement	Elected member / Committee involvement	CEO involvement
CEO	Required. May delegate selection and interview to a Committee. Appointment must be by Council resolution.	Permitted – to interview and recommend to Council. Prohibited – to appoint, manage or direct.	As directed by Council, usually limited to process, research and reporting on an applicant.
Designated staff LG Act s.3.57	Required – to consent to appointment or dismissal. Permitted – Interview & recommendation can be done by CEO alone or with elected member input. Prohibited – management or direction.	Permitted – to interview and recommend to Council. Prohibited – to appoint, manage or direct.	Required to initiate / consent to appointment or dismissal. Statutory function – to manage and direct.
EHO	If designated senior officer – as above, otherwise – In all cases – qualification must comply with Public Health Act 2016 s.17. - refer also *Government Gazette* of 24 Jan 2017 – Designation of Health Authorised Officers		

Other staff (non-designated)	Prohibited – Involvement in appointment, management or direction.	Prohibited – involvement in appointment, management or direction.	Statutory function – to appoint, manage, direct etc.

8.1 Employees – Travel Allowance Policy

RESPONSIBLE OFFICER	Chief Executive Officer

OBJECTIVE

To guide the allowances provided to Shire of Tammin representatives to cover out of pocket expenses for accommodation, travel, meals and incidentals when travelling on local government business.

SCOPE

This policy applies to any Councillor or Shire employees required to travel while on Shire business.

POLICY

Meals and Incidentals
A meal and incidentals allowance will be paid to employees and Councillors when travelling on local government business and required to stay overnight in a place other than their normal place of residence.

The amount of allowance provided, each for meals and incidentals, will be equivalent to what the Commissioner of Taxation considers to be 'reasonable amounts for domestic travel expenses' for the substantiation exception in Subdivision 900-B of the Income Tax Assessment Act 1997 (Cth), for that income year. For all employees and Councillors, the middle 'employee's annual salary' bracket will be used to determine relevant allowances.

Where meals are provided at conferences, workshops, or other events that the employee or Councillor are required to attend on local government business, the Shire will not provide an allowance for that meal if the Councillor or employee should choose to eat elsewhere. The Shire will also not provide any allowance for a meal that has instead been paid for directly using the Shire's credit card i.e annual WALGA Convention Councillor dinner.

Accommodation
Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at a premises in close proximity to the venue, at the discretion of the Shire. Accommodation will only be paid for those days where the Councillors or employee is required to stay overnight in a place other than their normal place of residence to attend the approved training.

Should the Councillor or employee prefer to book their own accommodation the following amounts will be paid as an allowance:

Commercial Accommodation: Actual cost of accommodation up to the amount specified as ATO Reasonable Amounts for Domestic Travel. Valid tax invoices/receipts will be required to be produced before payment of allowance will be made to the employee.

Private Accommodation: 30% of the accommodation rate specified as ATO Reasonable Amounts for Domestic Travel.

Accommodation will be provided to the Councillor or employee:

- For the duration of the event/training/conference/local government business
- The night –
    - Prior to the event/training/conference/local government business where it commences earlier than 9:00am
    - The night following the event/training/conference/local government business, where it concludes later than 4:00pm

Travel

Where a Councillor or employee utilises a personal vehicle when travelling on local government business, mileage reimbursement will be at the cents per km rate set by the ATO. Proof of miles travelled will need to be provided to claim the reimbursement.

DEFINITIONS

Councillor – a person elected under the Local Government Act 1995 (WA) as a member of the council of the local government and includes the president of the local government.

Employee – a person engaged by the Shire on a permanent, fixed-term or casual basis, either full time or part time.

ATO – Australian Taxation Office.

RELEVANT LEGISLATION/LOCAL LAW

Income Tax Assessment Act 1997 *(Cth)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24/05/2023	Resolution #	TSC 34/23
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

8.2 Leave – Community Service

POLICY STATEMENT

1. An employee who engages in a voluntary emergency management activity during work hours is entitled to be absent from employment for a period (including reasonable travel and rest time) to engage in that activity, in the form of Community Service Leave.

APPLICATION

2. Definitions

employee means paid staff – full time, part time, permanent, casual, or under contract

voluntary activity is where an employee engages in a voluntary activity, and the following criteria are met –

a) the activity is either of –
   - a voluntary community activity, or
   - a voluntary emergency management activity

b) the employee engages in the activity on a voluntary basis;

volunteering leave, in this Policy means refers to leave associated with an employee who is absent from work for purposes of engaging in a voluntary emergency management activity

voluntary community activity is where an employee engages in a voluntary emergency management activity if all the following criteria are met –

a) the employee engages in an activity that involves the community generally or a significant portion of the community;
b) the employee is a member of, or has a member-like association with, a recognised community organisation.

voluntary emergency management activity is where an employee engages in a voluntary emergency management activity if all the following criteria are met –

a) the employee engages in an activity that involves dealing with an emergency or natural disaster;
b) the employee engages in the activity on a voluntary basis;
c) the employee is a member of, or has a member-like association with, a recognised emergency management body; and
d) either –
   i) the employee was requested to engage in the activity by or acts on behalf of the body; or
   ii) no such request was made, but it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made.

3. Introduction

This Policy is intended only to be a summary of the community service leave provisions contained within the Fair Work Act 2009.

The provisions of this Policy allows for employees to access leave for the following circumstances –

- jury service / duty;
- voluntary emergency management activities;
- defence forces reserve activities.

4. Application

This Policy applies to all employees at the Shire, except casual employees unless otherwise stated.

5. Notification

It is the responsibility of the employee to notify the Shire of details of any volunteer commitments and arrangements upon commencement of employment or commencement of volunteer emergency management service.

6. Volunteer Emergency Service Leave

Volunteering leave is designed to support the local community in engaging volunteers to support emergency services such as firefighting, defence reservists leave and recognising the commitment of Shire employees to engage in volunteer service.

Volunteer activities should preferably take place within the Shire area. However, consideration will be given for approval for leave of this type for volunteering activities outside of the Shire's area.

Access to Community Service Leave for the purposes of voluntary emergency management activity will be in the form of unpaid leave.

Employees accessing Community Service Leave must notify their supervisor as soon as is practicable of the period, or expected period of absence. Employees must also provide evidence supporting their application for (unpaid) Community Service Leave.

Granting of paid Volunteering Leave to eligible employees is at the discretion of the CEO.

7. Jury Service

Employees who are selected for jury duty must advise their supervisor as soon as possible of the dates, and submit the relevant documentation to Payroll.

The employee must produce the relevant claim/reimbursement forms and attendance certificates (including dates of leave) and provide to payroll for processing.

As required under West Australian Law, the Shire will continue to pay the employee their usual wages while the employee attends jury duty.

Application will then be made to the WA Sherriff's Office, for reimbursement of the cost of the employees' wages while on jury duty.

8. Applying for Community Service Leave

Eligible employees can apply for Community Service Leave by completing a leave application form and submitting it to their supervisor or manager, as soon as practicable and with sufficient evidence for taking the leave.

Approval after the event will only be considered in the case of emergency response.

OBJECTIVE

To provide guidance for volunteers serving the community in a variety of capacities.

STATUTORY CONTEXT

Fair Work Act 2009 (Commonwealth)
Juries Act 1957

CORPORATE CONTEXT
None

HISTORY

Former Policy	1.11, 3.1
Adopted	28 June 2018

REFERENCES
None

8.3 Workplace surveillance

POLICY STATEMENT

1. The Shire may deploy electronic surveillance devices to protect assets, equipment and people through the recording of unauthorised, unlawful, inappropriate, or dangerous activities or incidents.

2. The Shire may deploy fixed and mobile cameras (of either the motion / CCTV or still variety) in areas where assets or equipment are stored or commonly used, in vehicles or machinery, or in high risk work areas.

3. Cameras may be placed in unobtrusive positions covering the area to be protected. Cameras must not be placed inside toilets or change rooms, residences, or in such a position as to view inside these premises. The Shire will erect signs to inform employees and community members that cameras are in use.

4. Global Positioning System (GPS) devices may be utilised in vehicles or equipment where the operator is often required to work alone, where there are risks associated with the tasks being carried out by an employee or where the Shire has a need to monitor and protect that vehicle or equipment.

APPLICATION

Introduction

This Policy outlines the deployment of workplace surveillance in the Shire. Surveillance may be deployed within the workplace in order to protect the assets and equipment of the Shire and to improve community and employee safety.

The Shire is committed to providing a safe environment for its employees and the community in which unlawful, antisocial, and inappropriate activity is kept to a minimum while respecting the individual rights to privacy. The Shire will ensure that the use of workplace surveillance complies with the requirements of the relevant legislation including the Surveillance Devices Act 1998 (WA).

1. Application

This Policy applies to all employees who work at the Shire including contractors, volunteers and any person performing work for or with the Shire in any capacity.

2. Staff Management

The intention of the Shire is not to deploy workplace surveillance for the general management of the Shire's employees. However, if any workplace surveillance demonstrates an employee acting in an antisocial, inappropriate, or unlawful manner, the Shire may use this information for disciplinary or other appropriate action.

3. Review and Retention of Images

Images that indicate unauthorised or inappropriate activity, either through a record of that activity or due to interference with the camera, are to be referred to the Chief Executive Officer. The CEO will retain these images and any associated information in a secure, confidential location.

If an activity identified by any workplace surveillance device is suspected to be criminal in nature, the matter will be reported to the Police

4. Confidentiality

Image information or data recorded is to be discussed with the Chief Executive Officer. No information regarding the location of surveillance devices or images recorded is to be released or discussed with any other person, except with the approval of the Chief Executive Officer or if required by law.

5. Consequences of Breaching this Policy

Contractors may be liable to penalties up to and including termination of contract.

The Shire may also be obligated to refer any breach of this Instruction to an external agency where an employee or other person may be held personally liable for their actions.

OBJECTIVE

To establish the framework for any workplace surveillance undertaken, including GPS tracking of vehicles.

STATUTORY CONTEXT

Surveillance Devices Act 1998

CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct

HISTORY

Adopted 28 June 2018

REFERENCES

Placement and use of surveillance cameras should also have regard to –
www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/237/2009_05%20Registration%20of%20CCTV%20Systems.pdf

8.4 Employees – Recognition of Service (Gratuity)

POLICY STATEMENT

1. An employee, whose employment is finishing, may be paid a gratuity payment when their employment is ceasing due to –
   a) Resignation (not as a result of any performance management or investigation being conducted or pending/potential disciplinary action by the Shire);
   b) Retirement; or
   c) Redundancy.

2. Long serving employees may be recognised within the parameters set by section 5.50 of the Local Government Act 1995 and the associated Regulations.

3. Gratuity payments should be calculated based on the following prescribed amounts –

Service less than 2 years continuous service	Nil
Continuous service of 2 years but less than 5 years	to the value of $30 per year of service
Continuous service greater than 5 years	to the value of $50 per year of service maximum payment of $1,000

APPLICATION

4. Application
   An employee who has been dismissed by the Shire for any reason other than redundancy, will not be eligible to receive any payment under this policy.

5. Gratuity
   The CEO in consultation with the relevant Manager, may –
   a) provide a gratuity to a qualifying employee in the form of a gift card or voucher, preferably from a local business within the Shire,
   b) exercise their discretion to provide money instead of a gift card or voucher.

6. Exceeding prescribed amounts
   In some circumstances, Council may consider it appropriate to make a payment greater than that specified by this policy. In which case local public notice is required to be given in relation to the proposed gratuity in accordance with the Local Government Act s.5.50 (2), and is not to exceed the amounts as set in the Local Government Administration Regulations 1996, specifically regulation 19a.

7. Determining Service
   For the purpose of this policy, continuous service shall be deemed to include –
   a) any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
   b) any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
   c) any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

For the purpose of this policy, continuous service shall exclude –

a) any period of unauthorised absence from duty unless the CEO determines otherwise;
b) any period of unpaid leave unless the CEO determines otherwise; or
c) any period of absence from duty on parental leave unless the CEO determines otherwise.

8. Financial Liability for Taxation

The employee has full responsibility for any taxation payable on a gratuity payment.

OBJECTIVE

To outline the circumstances and value of any gift or recognition given to an employee when leaving Shire employment.

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.50 – Payments or gifts to employees in addition to Award or contract

Local Government (Administration) Regulations 1996 –

- specifically Regulation 19A

CORPORATE CONTEXT

None

HISTORY

Adopted 28 June 2018

REFERENCES

Statutory requirements –

a) Prior to becoming effective, adoption or amendment of this Policy –
   - **local public notice must have been given, and**
   - **any submissions considered by Council.**

b) Recognition in excess of Policy may be made only if local public notice is given prior to payment being made.

8.5 Employee Superannuation

POLICY STATEMENT

1. The Shire will match any additional contribution in excess of the Superannuation Guarantee Contribution to a maximum of 4.0% of salary.

APPLICATION

2. This Policy applies to all employees whether the full-time, part-time or casual.

3. Employees have freedom of choice over the complying fund that their Superannuation Guarantee Contributions (SGC) are paid into.

4. The superannuation default fund shall be the WA Super.

5. Employees may elect to contribute additional superannuation, either as a deduction (after tax) or as salary sacrifice (before tax).

6. Employees can voluntarily contribute more than the threshold but will not receive a further contribution from the Shire.

7. The additional contribution and the voluntary contribution can be deposited in to the employee's fund of choice.

OBJECTIVE

To establish the level of contributions to superannuation in addition to the SGC.

STATUTORY CONTEXT

Superannuation Guarantee Contribution (Administration) Act 1992 (Cth)

CORPORATE CONTEXT

None

HISTORY

Adopted 28 June 2018

REFERENCES

None

8.6 Equal Employment Opportunity

POLICY STATEMENT

1. Introduction

   The Shire is committed to equal opportunity and diversity and promotes a work environment that is free from discrimination and harassment, and where individuals are treated with fairness, respect, equality and dignity.

   This involves the improvement in the skills and competency levels of employees to provide equal access to further employment or career path progression. The Shire acknowledges and celebrates diversity and commits to continuing to actively and flexibly seek to appoint and accommodate the unique needs of many different employees.

2. Application

   This policy applies to employees, potential employees, volunteers and contractors/consultants.

3. Environment

   The Shire recognises that when conflict, discrimination and harassment occurs in the workplace, job satisfaction, morale and productivity suffers. A healthy and safe work environment free from unnecessary discrimination, harassment and bullying is the a primary objective of the Shire.

4. Diversity

   The Shire appreciates the value inherent in a diverse workforce. Diversity may result from a range of factors; origin, age, gender, race, cultural heritage, lifestyle, education, physical ability, appearance, language or other factors.

5. Awareness

   Upon appointment all employees are to be given a full copy of this Policy and ensure this Policy is easily accessible electronically and in other forms as requested.

6. Monitoring

   Emloyment related practices are to be periodically reviewed in accordance with this Statement, with particular consideration of practices and policies.

APPLICATION

N/A

OBJECTIVE

To state the policy in accordance with the WA Equal Employment Act.

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.40 – principles for employment of staff – to be based on merit and equity etc
- s.5.41 – Role of CEO is to employ and manage staff

WA Equal Opportunity Act 1984

Equal Opportunity Act 1986

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Disability Discrimination Act 1992

CORPORATE CONTEXT
Procedures Manual
Equal Employment Opportunity Management Plan - F:\Governance\Documents, plans & agreements\Equal Employment Opportunities

HISTORY
Adopted 28 June 2018

REFERENCES
None

8.7 Recruitment and Selection Policy

Recruitment and Selection Policy

1. POLICY STATEMENT

This policy is designed to ensure appropriate and consistent recruitment and selection standards are applied at the Shire of Tammin (**Local Government**). This policy outlines the Local Government's commitment to undertake the recruitment and selection of employees in accordance with the principles outlined in section 5.40 of the *Local Government Act 1995 (WA)* (**Act**) and to ensure successful recruitment and selection decisions are made.

2. APPLICATION

This policy applies to the recruitment and selection of all vacant positions excluding the Chief Executive Officer (**CEO**).

CEO recruitment and employment procedures are prescribed in the relevant sections of the Act and the *Local Government (Administration) Regulations 1996 (WA).*

If the CEO is recruiting a 'senior employee' as defined in section 5.37 of the Act, this policy applies in addition to the requirement for the CEO to inform Council of any decision to employ or dismiss a 'senior employee'.

3. OBJECTIVE

To etablish the framework for undertaking the recruitment and selection of local government employees

a) Merit and Equity

The Local Government is committed to ensuring recruitment, selection, promotion and other personnel decisions are fair, consistent, transparent, professional and compliant with the principles set out in section 5.40 of the Act. These principles are outlined below:

- employees are to be selected and promoted in accordance with the principles of merit and equity
- no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage
- employees are to be treated fairly and consistently
- there is to be no unlawful discrimination against employees or persons seeking employment by a Local Government on a ground referred to in the *Equal Opportunity Act 1984 (WA)* or on any other ground of discrimination, and
- employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984 (WA).*

Recruitment and selection practices are to be conducted to ensure high calibre candidates apply for vacancies.

b) Equal Opportunity Employment

The Local Government recognises its legal, moral, social and ethical obligations to actively promote and practice the principles of equal opportunity in all aspects of employment.

The Local Government will ensure it meets its obligations to coordinate a process free from discrimination by ensuring:

- all advertisements, job descriptions and titles are non-discriminatory
- the most suitable person is appointed to a position based on qualifications, skills, expertise, experience and aptitude
- all personnel forms are non-discriminatory and relevant in phrasing and requirements, and
- benefits and entitlements are accessible and administered in a consistent manner throughout the workforce.

c) Authorities and Responsibilities

Managers, in consultation with the CEO are responsible for the recruitment and selection of employees:

- by assessing the need to recruit for a position
- within the scope of their direct or indirect supervision
- within approved budget allocations
- in accordance with this policy and relevant operational procedures, and
- in consultation with Human Resources.

Once an appointment is approved by the CEO, the CEO will execute the employment contract on behalf of the Local Government.

The CEO, or their appointed nominee, is responsible for working with the Manager to ensure procedural integrity of the recruitment and selection process.

d) Confidentiality of Information and Conflict of Interest

All employees involved in the recruitment and selection process will be bound by:

- strict standards of confidentiality, and
- disclosure of interest requirements as outlined in the Local Government's Code of Conduct.

e) Review of Positions

The Local Government reserves the right to review the need for any position within the Local Government's existing organisational structure. All positions need to comply with the allocation of resources to meet the objectives of the Workforce Plan, Community Strategic Plan and Corporate Business Plan.

f) Internal Appointments

The Local Government recognises that it may have internal applicants for vacancies. All internal applicants will be subject to the same recruitment and selection processes and pre-employment checks as external applicants.

g) Selection and Appointment

Selection of the preferred candidate must demonstrate substantial alignment with the requirements of the role as determined in the Recruitment Strategy.

As a general rule, all required pre-employment checks as documented in the Recruitment and Selection Procedure will be undertaken before a preferred candidate is offered a contract of employment for the position.

h) Probation

All new permanent or maximum/fixed term appointments of more than six months will be subject to a probation period of at least three months but no more than six months.

i) Record Keeping

Records must be created and maintained to evidence compliance with this policy, in accordance with the Local Government's Recordkeeping Plan and the *State Records Act 2000 (WA).*

j) Variation to this Policy

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice in recruitment processes and compliance with relevant legislation. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

4. Statutory Context

2.1 Internal

- Recruitment and Selection Procedure
- Equal Employment Opportunity Policy
- Discrimination, Harassment and Bullying Policy
- Grievances, Investigation and Resolution Policy
- Probationary Periods of Employment Guidelines
- Purchasing Policy

2.2 External

- *Local Government Act 1995 (WA)*
- *Local Government (Administration) Regulations 1996 (WA)*
- *Equal Opportunity Act 1984 (WA)*
- *Occupational Safety and Health Act 1984 (WA)*

Document Control

Policy Number	
Policy Version	
Policy Owners	
Creation Date	
Next Review Due	This policy will be reviewed bi-annually or more often where circumstances require.

8.8 Code of Conduct for Employees

1 Introduction

The Shire of Tammin 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's 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 includes persons employed by the Shire of Tammin or engaged by the Shire of Tammin 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. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

2 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;

3.2 Principles affecting employment by the Shire

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.*
>
> *Local Government Act 1995*

2.3 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.

2.4 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 their Line Manager or the CEO in accordance with this Code and the Shire's policies.

2.5 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.

2.6 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 Line Manager, Manager or the CEO.

(b) Employees will give effect to the lawful decisions and policies of the Shire, whether or not they agree with or approve of them.

2.7 Administrative and Management Practices

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

2.8 Intellectual Property

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

2.9 Recordkeeping

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

2.10 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.

(c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

2.11 Dealing with community

(a) Employees will treat all members of the community with respect, courtesy and professionalism.

(b) All Shire of Tammin services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

2.12 Professional Communications

(a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire of Tammin's activities should reflect the status, values and objectives of the Shire.

(b) Communications should be accurate, polite and professional.

2.13 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 of Tammin, it's 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.

2.14 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire of Tammin's relevant policies and procedures.

2.15 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;

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]*

8.9 Equal Employment Opportunity Management Plan

1. Legislative Responsibility

Under the Western Australian Equal Opportunity Act, 1984 (PART IX) it is the responsibility of Local Government Authorities to prepare and implement an equal employment opportunity management plan in order to achieve the objects of the Act. These objects are:

a) to eliminate and ensure the absence of discrimination in employment on the ground of sex, marital status, pregnancy, family responsibility or family status, sexual orientation, race, religious or political conviction, impairment or age;

b) to eliminate and ensure the absence of discrimination in employment against gender reassigned persons on gender history grounds; and

c) to promote equal employment opportunity for all persons.

2. Discrimination

Discrimination is deemed to have occurred where the "discriminator" treats an "aggrieved person" less favourably than in the same circumstances the discriminator treats or would treat another person in any of the areas covered by the Act, and is defined as:

a) Direct Discrimination.

"Any decision or action which specifically excludes a person or group from benefit or opportunity, or significantly reduces their chances of obtaining it, because a personal characteristic, irrelevant to the situation, is applied as a barrier."

b) Indirect Discrimination.

"Rules, policies and procedures that appear neutral but incorporate attitudes and assumptions which disadvantage a particular group."

c) Systemic or Structural Discrimination.

"The result of interaction of a range of objective practices sanctioned by custom, and may be recognised by analysing statistical data."

3. Harassment

Harassment is defined as unwelcome, offensive actions or remarks concerning a person's sex, marital status, pregnancy, race, colour, language, ethnicity, disability, impairment, or religious political conviction.
Harassment is deemed to have occurred, not as a result of a one off or occasional comment or remark, but repeated or continual harassment, as defined.

4. Complaint Machinery

The legislation provides its own machinery for processing complaints which is distinct from the existing legal system. Complaints are referred to the Equal Opportunity Commissioner who attempts to settle by conciliation. If the Commissioner fails to settle the matter it may be referred to the State Administrative Tribunal which may:

a) Dismiss the Complaint.

b) Order Respondent to cease conduct or redress any loss.

c) Order Respondent to pay damages.

A party aggrieved by a decision of the Tribunal may appeal under Section 105 of the State Administrative Tribunal Act 2004.

i) SECTION ONE - EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

ii) (as per Policy 8.6 of Council's Policy Manual)

1. Policy Statement

7. Introduction

The Shire is committed to equal opportunity and diversity and promotes a work environment that is free from discrimination and harassment, and where individuals are treated with fairness, respect, equality and dignity.

This involves the improvement in the skills and competency levels of employees to provide equal access to further employment or career path progression. The Shire acknowledges and celebrates diversity and commits to continuing to actively and flexibly seek to appoint and accommodate the unique needs of many different employees.

8. Application

This policy applies to employees, potential employees, volunteers and contractors/consultants.

9. Environment

The Shire recognises that when conflict, discrimination and harassment occurs in the workplace, job satisfaction, morale and productivity suffers. A healthy and safe work environment free from unnecessary discrimination, harassment and bullying is the a primary objective of the Shire.

10. Diversity

The Shire appreciates the value inherent in a diverse workforce. Diversity may result from a range of factors; origin, age, gender, race, cultural heritage, lifestyle, education, physical ability, appearance, language or other factors.

11. Awareness

Upon appointment all employees are to be given a full copy of this Policy and ensure this Policy is easily accessible electronically and in other forms as requested.

12. Monitoring

Emloyment related practices are to be periodically reviewed in accordance with this Statement, with particular consideration of practices and policies.

APPLICATION
N/A

OBJECTIVE
To state the policy in accordance with the WA Equal Employment Act.

STATUTORY CONTEXT
Local Government Act 1995 –

- s.5.40 – principles for employment of staff – to be based on merit and equity etc
- s.5.41 – Role of CEO is to employ and manage staff

WA Equal Opportunity Act 1984
Equal Opportunity Act 1986
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Disability Discrimination Act 1992

ADOPTION OF POLICY

This policy statement was adopted by the Shire of Tammin on 25 July 2019

POLICY / STAFF MANUALS

This Policy Statement will form part of the Council's Policy Manual.

CIRCULATION

Shire management has distributed this policy to all current employees and will endeavor to advise future job applicants of Council's policy on equal opportunity when preparing job vacancy advertisements.

Present and future Councilors and Staff will have access to a full copy of the Council's Equal Employment Opportunity Management Plan, which contains a copy of Council's adopted Equal Employment Opportunity Policy. Copies of the Policy will be made available to anyone requiring it, upon request.

The Policy forms part of the Council's Policy Manual and can be found on the Shire's website.

REVIEW

The Equal Opportunity Policy Statement is to be reviewed annually by this Council.

iii) SECTION TWO - AWARENESS RAISING

iv) Objective

To raise the awareness, of the Councilors and Employees of the need and desirability of Equal Employment Opportunity (EEO) practices and to endeavor to ensure compliance with the requirements of the Equal Employment Opportunity Act 1984.

v) Action Plan

a) Responsible Officer (EEO Officer)

The Community Development Officer, as appointed by Chief Executive Officer, will be the Officer responsible for raising awareness of Councilors and Staff to EEO issues. This Officer is also responsible for implementing and raising awareness of Shire's EEO Management Plan, and the ongoing work associated with the implementation of the Plan.

b) Staff Training

As part of the ongoing commitment to Equal Employment Opportunity, an EEO component, where considered appropriate by the CEO, will be introduced into staff training.

Training courses held by other appropriate organizations will also be attended by Councilors and staff, where this is considered necessary by the Council and the Chief Executive Officer.

c) Organisation Chart

The attached organisation flow chart has been adopted by the Council, as have the undermentioned schedule of occupations for the Council's workforce. Both the flow chart and the schedule of occupations will be reviewed annually in conjunction with the general review of the EEO Plan.

d) Advice

As and/or when considered necessary by either the CEO or the EEO Officer,
EEO awareness will be raised using any of the following methods: -

a) preparation of notices for both Staff and Councilors.

b) inclusion of EEO issues in staff training

c) inclusion of EEO issues on the agenda for staff meetings (when necessary).

d) accepting feedback from Staff to Management.

e) Complaints

All complaints will be recorded by the EEO Officer. The complainant will be advised of all avenues to have the complaint heard if dissatisfied with the decision or actions of the EEO Officer; or any other party to the dispute, in accordance with the complaint machinery as detailed in the introduction to this plan.

vi) SECTION THREE - PERSONNEL PRACTICES AND POLICIES

From the date of acceptance/implementation of the EEO Management Plan all policies or practices adopted by Council, as recorded in the Council's Minutes, shall be deemed amended in so far as any section that is discriminatory under the Equal Opportunity Act or this Management Plan, will be deleted.

The Personnel Policies and Practices of other Local Government Authorities will be monitored, and where practical and deemed appropriate implemented by this Council and incorporated in this Plan.

Complaints, problems or queries, in relation to personnel policy and practices, will be considered by the EEO Officer, who will make recommendations to Council.

1. Recruitment

All advertised vacancies, descriptions and titles are to be non-discriminatory and all recruitment practices are to be fair and shall not contain any discriminatory requirements or conditions.

2. Appointment, Promotion and Transfer

Council is to appoint the most suitable person to the position of Chief Executive Officer.

Such appointment is to be based on Qualification, Skills, Expertise and Experience and such other criteria as deemed relevant by Council.

The most suitable person for a Position is to be appointed by the Chief Executive Officer to all other positions in the Organisation except the Chief Executive Officer's Position. Such appointments are to be based on qualifications, skills, expertise, experience, aptitude, and such further criteria as is deemed relevant by the Chief Executive Officer. All administrative forms are to be reviewed for relevancy and discriminatory phrasing or requirements deleted. Job Descriptions and Duty Statements are to be drawn up where necessary and reviewed regularly for accuracy.

Qualification requirements for each position are to be reviewed prior to Advertising a Vacant Position for validity, relevance and non-discrimination. All applicants for any position are to be kept fully informed in writing of the outcome of the selection procedure.

3. Training & Development

The CEO encourages participation by any employee in any relevant course of study or training, and reserves the right to apply study requirements or qualification standards to a particular position. The requirements and/or standards shall not be onerous or excessively high and shall be relevant to the position and subject to negotiation with the prospective employee before imposition. The CEO's requirements must be stated briefly in any advertisement for the position and discussed with the prospective employee prior to interview and/or appointment. Relevant training courses should be publicised to all appropriate employees when the course is acceptable in all respects (eg. timing, cost) and where possible, multi-skilling is encouraged.

4. Conditions of Service

Benefits/entitlements are to be consistent throughout the workforce and without restriction. Adequate and safe facilities such as toilets, amenities and work areas are to be provided by Council. Inconsistencies in rates of pay, allowances, and expenses permitted, or entitlements are not permitted.

5. Exit Interviews

Wherever possible and practicable, Staff leaving the employment of the Shire are to be given the opportunity to comment on all aspects of their employment with this Shire, including EEO issues. These comments are to

be recorded and reviewed in conjunction with existing policy and practices along with periodical reviews of existing policy and practices.

vii) SECTION FOUR- DEMOGRAPHIC PROFILE OF EMPLOYEES

To enable effective management and to assist in the elimination of discrimination in employment, Personnel Data will be collected from all staff members:

- On appointment to a position with the Shire; and,
- Annually in June.

Data required incorporates statistics relevant to discrimination on grounds covered by the Equal Opportunity Act.

Specifically, the data includes: -

Gender; salary; occupation; employment status; employment type; length of employment (within organisation) and age.

1. Responsible Officer

The EEO Officer for this Shire is responsible for the preparation and circulation of the demographic profile to all present and future employees.

Confidentiality of the employee is to be ensured by the EEO Officer and the appropriate storage of completed forms in accordance with Council's Recordkeeping Plan.

2. Review of Data

Aggregated information from the demographic survey, from present employees, is attached as an appendage to this Plan.

Changes to the demographic profile of employees is to be aggregated annually. This information will be monitored by the Chief Executive Officer to determine any trends shown by the demographic profile. The Chief Executive Officer will make recommendations to Council, where appropriate, on the implementation of strategies to overcome deficiencies in EEO, revealed by analysis of the demographic profile.

AGGREGATED DEMOGRAPHIC PROFILE OF EMPLOYEES
As at 30 June 2023

All employees	Representation
Headcount	17
FTE	13.4
Women	41.1%
People with disability	0.0%
Aboriginal Australians	0.0%
People from culturally and linguistically diverse backgrounds	11.1%
Youth	0.0%
Mature employees	41.1%
Women in tier 1 management	0.0%
Women in tier 2 management	66.6%
Women in tier 3 management	N/A

Indoor workers	Representation
Headcount	8
FTE	5.8
Women	88.8%
People with disability	0.0%
Aboriginal Australians	0.0%
People from culturally and linguistically diverse backgrounds	11.1%
Youth	0.0%
Mature employees	33.3%
Women in tier 1 management	0.0%
Women in tier 2 management	66.6%
Women in tier 3 management	N/A

Outdoor workers	Representation
Headcount	9
FTE	6.5
Women	0.0%
People with disability	0.0%
Aboriginal Australians	0.0%
People from culturally and linguistically diverse backgrounds	11.1%
Youth	0.0%
Mature employees	55.5%
Women in tier 2 management	0.0%
Women in tier 3 management	N/A

viii) Gender and Salary

Gender	Female			Male			Total	
Salary (or Annual Equivalent if Part Time)	No.	%		No.	%		No.	%
Level 1 < $59,000	5	71.4		8	80.0		13	76.5
Level 2 $59,001 - $67,000				1	10.0		1	5.8
Level 3 $67,001 - $76,000	1	14.3					1	5.8
Level 4 $76,001 - $85,000								
Level 5 $85,001 - $96,000								
Level 6 $96,001 - $115,000				1	10.0		1	5.8
Level 7 $115,001 - $131,000								
Level 8 $131,001 - $150,000	1	14.3					1	5.8
Level 9 $150,001 - $170,000								
Level 10 $170,001 and above								
Total	**7**	**100**		**10**	**100**		**17**	

ix) Gender and Occupation

Gender	Female			Male			Total	
Occupation	No.	%		No.	%		No.	%
Management	2	28.6		1	10.0		3	17.7
Admin	3	42.8					3	17.7
Environment				1	10.0		1	5.9
Community/Youth	1	14.3		-	-		1	5.9
Child Care	-	-		-	-		-	-
Medical	-	-		-	-		-	-
Works	-	-		5	50.0		5	29.4
Parks & Gardens	-	-		2	20.0		2	11.7
Cleaner	1	14.3		1	10.0		2	11.7
Total	**7**	**100%**		**10**	**100%**		**17**	**100%**

x) Gender and Employment Type

Gender	Female			Male			Total	
Employment	No.	%		No.	%		No.	%
Full Time	4	57.2		7	70.0		11	64.7
Part Time	1	14.2		1	10.0		2	11.7
Casual	2	28.6		2	20.0		4	23.6
Total	**7**	**100%**		**10**	**100%**		**17**	**100%**

xi) Sex - Length of Employment (Within Organisation)

Gender	Female			Male			Total	
Length of employment	No.	%		No.	%		No.	%
Less 1 yr.	2	28.5		2	20.0		4	23.6
1 yr. - less than 2	3	42.89		3	30.0		6	35.3
2yrs - less the 5	1	14.3		3	30.0		4	23.6
5yrs - less than 10	1	14.3		1	10.0		2	11.7
10yrs - less than 15	-	-		1	10.0		1	5.8
More than 15	-	-		-				
Total	**7**	**100%**		**10**	**100%**		**17**	**100%**

xii) SECTION FIVE - EEO PLAN REVISION

The Plan is to be reviewed annually, by the EEO Officer unless special issues require earlier changes by Council. Administrative forms and practices, as necessary, will also be reviewed by the EEO Officer.

1. Annual Review

Consideration of reports, complaints and amendments made during the year and assessment of consistency with the Plan will be undertaken. Comments and advice will be sought from employees, Councilors, and other Local Authorities as appropriate.

A complete and updated copy of the Plan is to be supplied to Councilors and Staff upon request and must be placed on Council's Shire Website.

2. Report to Director

The Chief Executive Officer shall report “Annually” to the Director of Equal Opportunity in Public Employment under Section 146 (1) of the EEO Act.

xiii) SECTION SIX- INTERNAL GRIEVANCE PROCEDURES

1. Objective

To ensure that this Council's work environment is discrimination and harassment free.

2. Grievance Officer

For these procedures, the Shire of Tammin Grievance Officer shall be the Manager of Finance and Corporate Services.

A Complainant will be advised that if they so wish, their complaint may be referred to the CEO. Upon such a request to the EEO Officer / Grievance Officer, the CEO or other suitably qualified person shall hear the complaint and act upon that complaint in accordance with the responsibilities and procedures detailed below for the Grievance Officer. The Grievance Officer and CEO will, where necessary, be provided with training in the procedures for resolving grievances.

.

3. Responsibilities of Grievance Officer

Again, due to the size of this Council's workforce, it shall be the responsibility of the EEO and or the Grievance Officer to be aware of the requirements of these procedures.

4. EEO / Grievance Officer to: -

xiv) Have a working knowledge of the Equal Opportunity Act and a clear understanding of what constitutes harassment and / or discrimination. Also be familiar with the dispute settlement procedures set out in the relevant Awards.

xv) Set an example in proper standards of conduct in the workplace.

xvi) Provide present and future Staff Members and Councilors with information on what constitutes discriminatory or harassing acts and inform them that this Shire disapproves such conduct / behavior.

xvii) Advise all employees that they do not have to tolerate harassment or discriminatory acts within their workplace and advise them of the grievance procedures.

xviii) Assist complainants to choose an appropriate course of action to resolve a complaint and to follow through with the chosen course of action.

xix) Closely monitor any incident of discrimination or harassment and bring Council's policy regarding proper standards of personal conduct in the workplace to the attention of the employee.

xx) Ensure that the interests and rights of both the complainant and the employee/s, against whom the allegations are being made, are protected.

xxi) Ensure that complete confidentiality is maintained and take no action on a complaint without the complainant's consent.

5. Procedure on Receiving a Complaint

a. Assure the complainant that confidentiality will be maintained, that victimization of the complainant will not be tolerated, and that further procedures will only be undertaken with the complainant's consent.

b. Clarify the facts of the complaint in so far as they can be established without further investigation.

c. Take brief but accurate notes using the complainant's own words where possible. Check all details with the complainant.

d. Clarify the options available to the Complainant's and the actions, which the complainant or grievance officer could take e.g.:

(i) the Complainant could make it clear to the other party that their behavior is unwelcome and request that it cease.

(ii) the Complainant could contact their Union or the Equal Opportunity Commission; or

(iii) The Grievance Officer could proceed with an investigation of the complaint. This is not to occur without the written consent of the complainant.

e. If the complainant wishes to proceed with an investigation in the first instance, it is undertaken with Confidentiality. It should be recognized that all persons have the right to a fair hearing conducted in a non-accusative and non-judgmental manner.

6. Steps to be taken to Resolve Complaints

Within 14 days of a written request, by the complainant, that they wish their complaint to be acted upon, the Grievance Officer shall: -

1) Interview in an impartial manner, the employees against whom the allegations have been made.
2) State exactly what it is they are accused of doing.
3) Provide the opportunity for the person/s to respond fully to the allegations.
4) Interview any witness to the incidents under investigation.
5) Check the work record of the Complainant to see if any alleged employment disadvantages are evident.
6) Make it clear to all people involved in the investigation that it 1s unlawful to victimize another person in relation to a complaint.

Resolution of a grievance:

i) If the grievance is not substantiated, explain the reasons for this finding to both parties. An example of such a finding may be that there is no evidence to support the complaint, or the conduct does not amount to discrimination under the Equal Opportunity Act. The complainant should be told again of their right to take the complaint to their Union or the Equal Opportunity Commission if they are not satisfied.

ii) If the grievance is substantiated, tell both parties of this conclusion and the reasons for it.

Decide on immediate and appropriate steps to prevent the behavior from reoccurring.

In most cases it should be sufficient to counsel the employee or employees concerned and exercise closer supervision in the work area.

All note, records, statements etc. pertaining to the investigation of any complaint are to remain confidential to the EEO Officer, where appropriate.

Where formal disciplinary action is necessary the steps outlined in the award relevant to the employee should be observed.

Reference: - Dispute Settlement Procedures.

- Local Government Industry Award 2010: Part 2 / Clause 8

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) 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 $50 but less than $300; 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 $50 but less than $300.

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 $300 or a lesser amount determined under regulation 19AF.
>
> [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 chosen not to determine a lesser amount.

(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.

2.16 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 of Tammin, 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.

2.17 Secondary Employment

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

2.18 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.

2.19 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 now 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.

2.20 Use and Disclosure of Information

(a) Employees must not access, use or disclose information held by the Shire of Tammin 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 r 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.

2.21 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.

2.22 Use of Shire of Tammin Resources

(a) In this clause –

Shire of Tammin 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 of Tammin 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 of Tammin 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 of Tammin'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).

2.23 Use of Shire of Tammin Finances

(a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire of Tammin's finances.

(b) Employees will use Shire finances only within the scope of their authority, as defined in position descriptions, 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 of Tammin finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.

2.24 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager or the CEO.

2.25 Handling of Suspected Breaches of the Code of Conduct

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

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

(a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor, Manager, 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.

(a) 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 of Tammin's Public Interest Disclosure Procedures, published on the Shire's website.

2.27 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 of Tammin policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

9. Occupational Safety & Health

9.1 Occupational Safety & Health – Employees, Volunteers, Contractors, Visitors

POLICY STATEMENT

1. The Shire of Tammin will provide a safe and healthy work environment, so far as practicable, for –
   a) the community,
   b) employees,
   c) volunteers,
   d) contractors, and
   e) visitors.

2. The Shire is concerned with protecting the safety, health and welfare of all personnel and visitors. Consistent with this, the Shire will –
   a) Provide and maintain a safe work environment by managing risk through effective hazard identification and control;
   b) Strive for continuous improvement in Occupational Safety and Health performance utilising best practice procedures and taking into account evolving knowledge and technology;
   c) Comply with all applicable legislation and requirements;
   d) Establish, implement and maintain an Occupational Health and Safety Management System; including measureable objectives and targets aimed at elimination of work related injury and illness,
   e) Ensure that all employees, including contractors and volunteers, are fully informed, instructed, trained and supervised in the tasks they are required to perform;
   f) Communicate and consult with employees, including contractors and volunteers, involve them in the development of practices and procedures aimed at the improvement of Occupational Health and Safety performance;
   g) Ensure that all employees, including contractors and volunteers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.

3. Copies of this Policy shall be made available to all employees, volunteers, contractors and visitors, and displayed within the workplace.

4. This Policy is to be reviewed and authorised annually by the President and CEO.

APPLICATION

N/A

OBJECTIVE

To state the policy in accordance with the Occupational Safety and Health Act.

STATUTORY CONTEXT

Occupational Safety and Health Act 1984

CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct
- 9.2 – Drugs and Alcohol

Procedures Manual –

- Discrimination, Harasment and Bullying
- Grievance

HISTORY

Adopted	28 June 2018
Reviewed	28 Nov 2019

REFERENCES

None

9.2 Code of Conduct for Employees

Recruitment and Selection Policy

If the CEO is recruiting a 'senior employee' as defined in section 5.37 of the Act, this policy applies in addition to the requirement for the CEO to inform Council of any decision to employ or dismiss a 'senior employee'.

3. OBJECTIVE

To etablish the framework for undertaking the recruitment and selection of local government employees

b) Merit and Equity

The Local Government is committed to ensuring recruitment, selection, promotion and other personnel decisions are fair, consistent, transparent, professional and compliant with the principles set out in section 5.40 of the Act. These principles are outlined below:

- employees are to be selected and promoted in accordance with the principles of merit and equity
- no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage
- employees are to be treated fairly and consistently
- there is to be no unlawful discrimination against employees or persons seeking employment by a Local Government on a ground referred to in the *Equal Opportunity Act 1984 (WA)* or on any other ground of discrimination, and
- employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984 (WA).*

Recruitment and selection practices are to be conducted to ensure high calibre candidates apply for vacancies.

b) Equal Opportunity Employment

The Local Government recognises its legal, moral, social and ethical obligations to actively promote and practice the principles of equal opportunity in all aspects of employment.

The Local Government will ensure it meets its obligations to coordinate a process free from discrimination by ensuring:

- all advertisements, job descriptions and titles are non-discriminatory
- the most suitable person is appointed to a position based on qualifications, skills, expertise, experience and aptitude
- all personnel forms are non-discriminatory and relevant in phrasing and requirements, and
- benefits and entitlements are accessible and administered in a consistent manner throughout the workforce.

k) Authorities and Responsibilities

Managers, in consultation with the CEO are responsible for the recruitment and selection of employees:

- by assessing the need to recruit for a position
- within the scope of their direct or indirect supervision
- within approved budget allocations
- in accordance with this policy and relevant operational procedures, and
- in consultation with Human Resources.

Once an appointment is approved by the CEO, the CEO will execute the employment contract on behalf of the Local Government.

The CEO, or their appointed nominee, is responsible for working with the Manager to ensure procedural integrity of the recruitment and selection process.

l) Confidentiality of Information and Conflict of Interest

All employees involved in the recruitment and selection process will be bound by:

- strict standards of confidentiality, and
- disclosure of interest requirements as outlined in the Local Government's Code of Conduct.

m) Review of Positions

The Local Government reserves the right to review the need for any position within the Local Government's existing organisational structure. All positions need to comply with the allocation of resources to meet the objectives of the Workforce Plan, Community Strategic Plan and Corporate Business Plan.

n) Internal Appointments

The Local Government recognises that it may have internal applicants for vacancies. All internal applicants will be subject to the same recruitment and selection processes and pre-employment checks as external applicants.

o) Selection and Appointment

Selection of the preferred candidate must demonstrate substantial alignment with the requirements of the role as determined in the Recruitment Strategy.

As a general rule, all required pre-employment checks as documented in the Recruitment and Selection Procedure will be undertaken before a preferred candidate is offered a contract of employment for the position.

p) Probation

All new permanent or maximum/fixed term appointments of more than six months will be subject to a probation period of at least three months but no more than six months.

q) Record Keeping

Records must be created and maintained to evidence compliance with this policy, in accordance with the Local Government's Recordkeeping Plan and the *State Records Act 2000 (WA).*

r) Variation to this Policy

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice in recruitment processes and compliance with relevant legislation. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

5. Statutory Context

2.3 Internal

- Recruitment and Selection Procedure
- Equal Employment Opportunity Policy
- Discrimination, Harassment and Bullying Policy
- Grievances, Investigation and Resolution Policy
- Probationary Periods of Employment Guidelines
- Purchasing Policy

2.4 External

- *Local Government Act 1995 (WA)*
- *Local Government (Administration) Regulations 1996 (WA)*
- *Equal Opportunity Act 1984 (WA)*
- *Occupational Safety and Health Act 1984 (WA)*

Document Control

Policy Number	
Policy Version	
Policy Owners	
Creation Date	
Next Review Due	This policy will be reviewed bi-annually or more often where circumstances require.

10. Occupational Safety & Health

9.2 Occupational Safety & Health – Employees, Volunteers, Contractors, Visitors

POLICY STATEMENT

5. The Shire of Tammin will provide a safe and healthy work environment, so far as practicable, for –
   f) the community,
   g) employees,
   h) volunteers,
   i) contractors, and
   j) visitors.

6. The Shire is concerned with protecting the safety, health and welfare of all personnel and visitors. Consistent with this, the Shire will –
   h) Provide and maintain a safe work environment by managing risk through effective hazard identification and control;
   i) Strive for continuous improvement in Occupational Safety and Health performance utilising best practice procedures and taking into account evolving knowledge and technology;
   j) Comply with all applicable legislation and requirements;
   k) Establish, implement and maintain an Occupational Health and Safety Management System; including measureable objectives and targets aimed at elimination of work related injury and illness,
   l) Ensure that all employees, including contractors and volunteers, are fully informed, instructed, trained and supervised in the tasks they are required to perform;
   m) Communicate and consult with employees, including contractors and volunteers, involve them in the development of practices and procedures aimed at the improvement of Occupational Health and Safety performance;
   n) Ensure that all employees, including contractors and volunteers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.

7. Copies of this Policy shall be made available to all employees, volunteers, contractors and visitors, and displayed within the workplace.

8. This Policy is to be reviewed and authorised annually by the President and CEO.

APPLICATION

N/A

OBJECTIVE

To state the policy in accordance with the Occupational Safety and Health Act.

STATUTORY CONTEXT

Occupational Safety and Health Act 1984

CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct
- 9.2 – Drugs and Alcohol

Procedures Manual –

- Discrimination, Harasment and Bullying
- Grievance

HISTORY

Adopted	28 June 2018
Reviewed	28 Nov 2019

REFERENCES

None

9.3 Drugs and Alcohol

POLICY STATEMENT

1. Fitness for Work
   Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.

2. Pre-Employment Medical Tests
   As part of the recruitment selection process, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing. Failure to provide a negative test result may result in their application for employment being unsuccessful.

3. Random Testing
   Random testing may also be conducted. Random testing may utilise a variety of methods for randomly selecting names such as software, lottery of selection through coloured marbles in a bag drawn by each employee. All staff on site must participate in the random selection.

APPLICATION

4. The CEO is to develop, maintain and enforce detailed procedures in relation to these matters in consultation with Local Government Insurance Services and WALGA Workplace Relations.

OBJECTIVE

To establish foundational requirements for commencing and continuing employment with the Shire in relation to drugs and alcohol.

STATUTORY CONTEXT

Occupational Safety and Health Act 1984

CORPORATE CONTEXT

Policy Manual –

- 9.1 – Occupational Safety and Health – Employees, Volunteers, Contractors, Visitors

Procedures Manual –

- Drugs and Alcohol
- Greivances

HISTORY

Adopted 28 June 2018

REFERENCES

None

9.4 Risk Management

RESPONSIBLE OFFICER	Chief Executive Officer

OBJECTIVE

To ensure the Shire of Tammin has in place systems and processes to identify and manage potential risks to minimise adverse outcomes, ensuring the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

SCOPE

Organisation wide.

POLICY

It is the Shire of Tammin's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management - Guidelines), in the management of all risks that may affect the Shire of Tammin, its customers, people, assets, functions, objectives, operations or members of the public.

Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations. The Shire of Tammin will develop a culture, processes and structures throughout the organisation that are directed towards the effective management of potential opportunities and adverse effects, designed to reduce the potential costs of risk by reducing liability, preventing litigation and improving loss control.

The Shire of Tammin will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. These measures will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity, including, but not limited to:

- strategic direction, decisions about levels of service
- major/ significant projects
- quality of and performance in relation to probity controls, internal controls and monitoring
- workplace and workforce health and safety
- business continuity
- fit for purpose corporate systems and processes

In accordance with Local Government (Audit) Regulations 1996, regular reporting of systems and procedures in relation to risk management will be submitted to the Shire's Audit and Risk Committee.

DEFINITIONS

Risk: the effect of uncertainty on objectives.

Risk Management: the application of coordinated activities to direct and control an organisation with regard to risk.

RELEVANT LEGISLATION/ LOCAL LAW

Local Government (Audit) Regulations 1996:

- reg.17 – CEO to review risk management and report to Audit Committee

Office Use Only				
Relevant Delegations				
Council Adoption	Date	28/06/2018	Resolution #	TSC 61/18
Reviewed/Modified	Date	22/06/2022	Resolution #	TSC 40/22
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

9.5 Asbestos Management

POLICY STATEMENT

1. Shire of Tammin is committed to ensuring a safe place of work for all persons who attend our workplaces which includes the elimination so far as reasonably practical the risk of exposure of Workers and Non-Workers to airborne asbestos fibres. This extends to also managing any adverse impact to the environment from the uncontrolled release of asbestos containing material.

APPLICATION

In undertaking its project activities, Shire of Tammin will:

1. Comply with applicable Commonwealth, State/Territory Health and Safety legislation, Codes of Practice and Australian Standards relevant to the management and control asbestos;
2. Provide the required regulatory notifications prior to asbestos removal and where an emergency, which includes an actual or potential exposure to airborne asbestos, has occurred;
3. Not allow the commencement of any work, at a site, without the management controls necessary to minimise the risk of exposure of asbestos being in place for building:
    - Constructed prior to 31 December 2003; and
    - Constructed after 1 January 2004, where asbestos is likely to be present;
4. Obtain and review the facilities Asbestos Register, and distribute copies to all contractors and other stakeholders before they attend the site;
5. Where the Asbestos Register is not available, out of date or inadequate for the scope of work, engage a competent person as defined in the compliance code, to inspect locations affected by our scope of work and provide and Asbestos Assessment Report;
6. Include, where there is a known asbestos risk, the defined asbestos management details are included in the safe systems of work provided by all subcontractors;
7. Where there is a defined asbestos risk, ensure site specific asbestos management details are included in the safe systems of work provided by all subcontractors;
8. Ensure that all works engaged to remove asbestos containing material are trained and possess the relevant regulatory approved licence;
9. When transporting and disposing of asbestos waste, comply with regulatory requirements;
10. Include in the Site Specific Induction the nominated asbestos management procedures;
11. Ensure worked are informed of and have available approved health monitoring where work with or near asbestos containing material is carried out;
12. Respond effectively to any incident involving, actual or potential, uncontrolled exposure to asbestos containing material;
13. When asbestos has been removed (.10m2), engage a licenced Asbestos Assessor to perform a clearance inspection and to provide a Clearance Certificate; and
14. Upon completion of each project, the Shire of Tammin will provide all asbestos-related information gathered to relevant stakeholders, such as our client and the facility Managers.

OBJECTIVE

Management of risks for all persons who attend our workplaces

STATUTORY CONTEXT
Occupational Safety and Health Act 1984 (WA)
Occupational Safety and Health Regulations 1996 (WA)

CORPORATE CONTEXT
Shire of Tammin Asbestos Management Plan

HISTORY
Adopted 28 November 2019

REFERENCES
None

11. Building / Development

10.1 Relocated buildings

POLICY STATEMENT

1. Second-hand or relocated houses or buildings may be approved where they comply in all respects to the requirements of –
   a) Building Act 2011 and Regulations;
   b) National Construction Code and Building Code of Australia,
   c) Health (Miscellaneous Provisions) Act 1911 and Public Health Act 2016;
   d) Local Government Act (Miscellaneous Provisions), 1995 and Regulations
   e) Local Planning Scheme and Policies.

APPLICATION

2. Applications are to include –
   a) a report from a qualified person with regard to the soundness of the building;
   b) a report from a qualified person addressing the suitability for transportation;
   c) a report from a qualified person addressing the suitability for re-erection in a seismic zone; and
   d) photographs clearly showing the external appearance of the dwelling.

OBJECTIVE

To authorise approval of second hand or relocated buildings, subject to statutory requirements, the Local Planning Scheme and Local Planning Polices concerning their standard, appearance, amenity etc.

STATUTORY CONTEXT

Building Act 2011

National Construction Code and Building Code of Australia

Shire of Tammin Local Planning Scheme

CORPORATE CONTEXT

Shire of Tammin Local Planning Policies

HISTORY

Former Policy	9.3
Adopted	28 June 2018

REFERENCES

Applications for the re-erection of second hand buildings are to be submitted to the Shire.

To be transferred to Local Planning Policy in due time.

12. Public Facilities

No Council Policies applicable to this area of operations.

13. Tourism

No Council Policies applicable to this area of operations.

14. Works & Services

13.1 Road Reserves – Crossovers

POLICY STATEMENT

1. The Shire will meet 50% of the cost of construction of a standard crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, subject to –
   a) prior approval of proposal and estimated cost of construction of a crossover,
   b) written agreement of the landowner/occupier prior to commencement of works,
   c) by payment of the actual contribution cost to the landowner / occupier on completion, or cost recovery by the local government from the landowner / occupier.
   d) any variation to a standard crossover is to be at full cost to the land owner.

APPLICATION

2. An application for a new standard urban crossover specification is –
   a) one crossover per property,
   b) where adjoining road is bitumised, from the bitumen edge of the road to the property boundary, with the following materials –
      - reinforced concrete – minimum 3 metres wide, 125 mm thick,
      - pavers – minimum 3 metres wide, minimum 60mm thick on 150mm compacted gravel base course
      - bitumen seal – minimum 3 metres wide, 2 coat seal on 150mm compacted gravel base course
      - asphalt – minimum 3 metres wide, minimum 60mm thick on 150mm compacted gravel base course
      - if gravel / natural surface – to 4.0 metres wide, 150mm compacted gravel
   c) where the adjoining road is not bitumised, as per standard rural crossover specifications except to a width of 4.88m wide,
   d) drainage under the crossover at Shire cost if required.

3. A standard rural crossover specification is –
   a) one crossover per lot or location adjoining a road.
   b) from the trafficable surface of the road to the property boundary,
   c) compacted gravel, minimum 7.32 metres wide,
   d) appropriate longitudinal drainage if required.

4. Local government costs –
   a) any reinstatement of kerbing,

b) impact on longitudinal drainage in place, up to 3 standard lengths of reinforced concrete pipe under the crossover cost if required, or

c) if crossover affected when carrying out works on the adjoining road.

5. Applicant's costs –

a) kerbing not at the edge of the thoroughfare,

b) costs in excess of a standard crossover construction,

c) costs for crossovers in addition to standard number.

OBJECTIVE
To define standard crossovers in accordance with the Local Government Act

STATUTORY CONTEXT
Local Government Act 1995 –
- Sch 9.1(7) – crossing from public thoroughfare to private land or thoroughfare

Uniform Local Provisions Regulations 1996 –
- r.12 – application and approval for crossing
- r.13 – requirement to repair

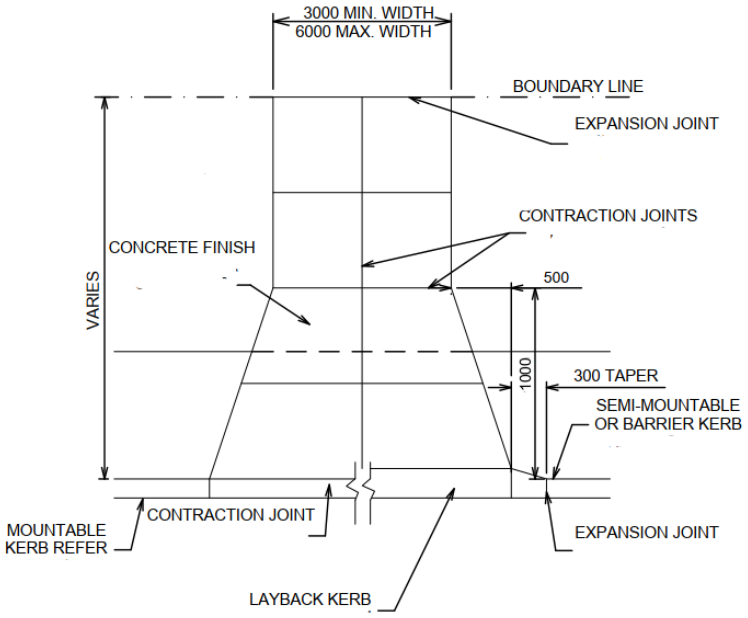
Activities on Thoroughfares and Public Places and Trading Local Law 2019

CORPORATE CONTEXT
None

HISTORY
Adopted 22 October 2020

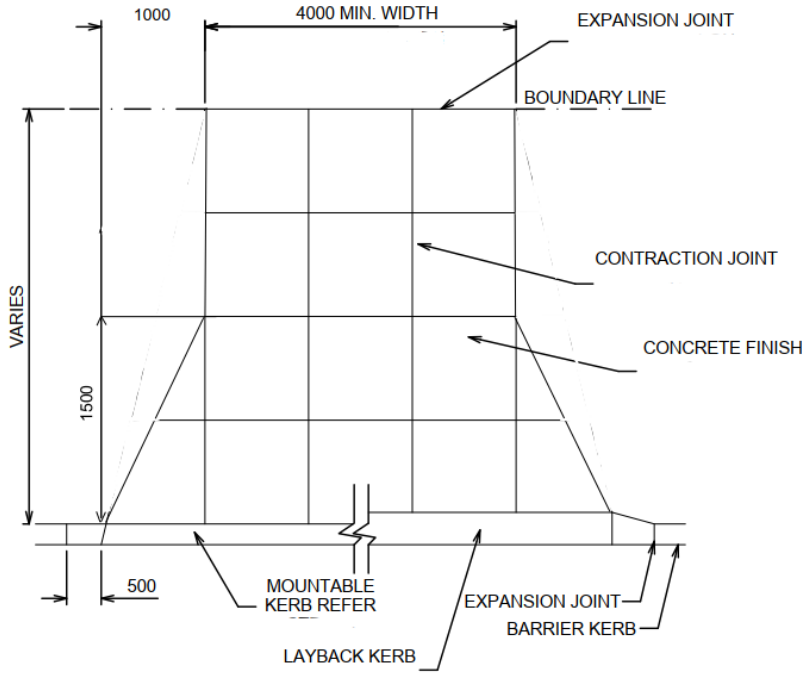
REFERENCES
None

Schedule 13.1(a) – Crossover 1 – Residential



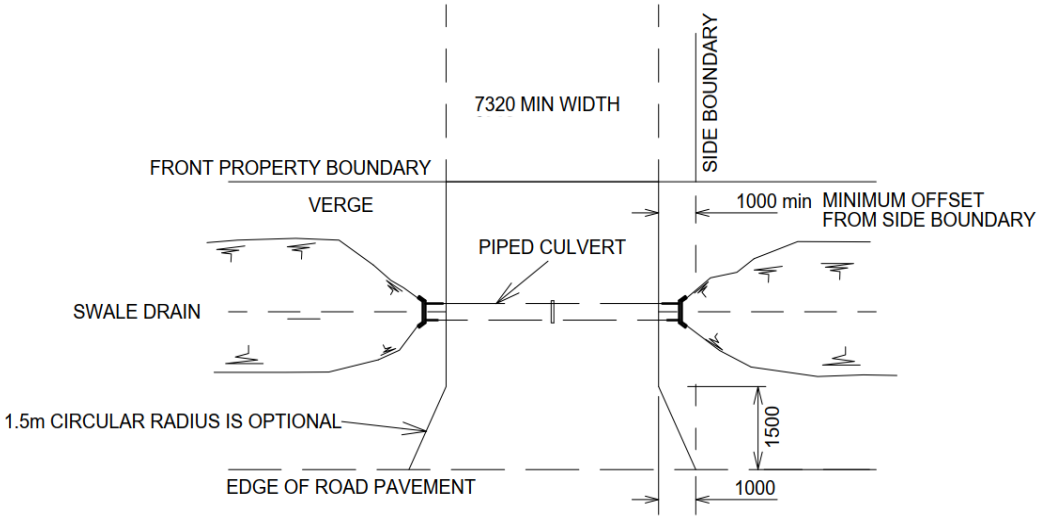
RESIDENTIAL CONCRETE CROSSOVER PLAN

Schedule 13.1(b) – Crossover 2 – Industrial and commercial



COMMERCIAL OR LIGHT INDUSTRIAL CONCRETE CROSSOVER PLAN

Schedule 13.1(c) – Crossover 3 - Rural



RURAL CROSSOVER

13.2 Road Reserves – Stormwater discharge in townsites

POLICY STATEMENT

1. An owner/occupier is permitted to discharge storm and seepage water to the street gutter via pipe drains or a sealed crossover.

APPLICATION

2. All connections are to be submitted in writing and approved by the CEO, who shall have regard to any guidelines or standards of Main Roads WA.

3. Open drains are not permitted across constructed footpaths or natural surfaces regularly used by pedestrians.

4. Small connections may be approved by the CEO, and are to be of galvanised steel or UV stabilised high density PVC as approved by the CEO having regard any relevant guidelines, and –
   a) materials to be approved by pipe with an internal diameter of 100mm, or
   b) RHS (box section) with internal measurements 75mm and 100mm wide and between 75mm and 100mm high.

5. Connection greater than cumulative 200mm –
   a) will require Shire approval,
   b) are to be of an suitable material or construction as approved by the CEO, and
   c) where an adjacent underground stormwater drainage system in the road reserve has been constructed, are to be connected to the system having regards to any relevant standards.

6. Works can be constructed by –
   a) subject to operational requirements, the Shire at private works rates, or
   b) by an appropriate contractor, holding public liability insurance of not less than $10 million.

7. Local government costs –
   a) If drainage affected when carrying out works on the adjoining road.

8. Applicant's costs –
   a) any piping from property boundary to discharge point,
   b) costs of any reinstatement of footpath, road verge, kerbing required,
   c) any connection to the underground stormwater drainage system,
   d) inspection fees.

9. Any works which have been carried out without approval of the CEO or have not been constructed as approved, may be removed or altered, and costs recovered from the owners.

OBJECTIVE

To control discharge of storm water on streets.

STATUTORY CONTEXT

Local Government Act 1995

Activities on Thoroughfares and Public Places and Trading Local Law 2006

CORPORATE CONTEXT

Delegation Register –

- 13.1 – Reserves Under the Control of the Shire
- 13.7 – Private works/infrastructure on, over or under public land

HISTORY

Former Policy	8.1
Adopted	28 June 2018

REFERENCES

Clause 4 and 5(c) – “relevant standards” – refer to Institute of Public Works Engineering Australia or Main Roads WA for guidance.

13.3 Road Reserves – Drainage and interceptor banks

POLICY STATEMENT

1. In limited circumstances, the Shire will permit drainage and interceptor banks to discharge onto a road reserve.

APPLICATION

2. Landholders proposing alterations to existing water courses or flows that impact on road reserves or other Shire controlled lands must –
   - obtain approval under the Environmental Protection Act, and
   - consult the Shire of Tammin for comment on proposed plans.

3. Where contour banks are constructed and water problems are created on roadways, the owner of the contour bank be required to fund the correction action required.

4. Prior to any approval being given for discharge onto or through a road reserve, or construction of any drainage works, the following is required –
   a) a legally enforceable indemnity is required of the land owner for any damage to the road reserve, trafficable surface or endangered flora
   b) an approved plan for any infrastructure to be constructed that may be required, including but not limited to –
      - structures,
      - pipes,
      - signage,
      - road drainage
      - rehabilitation etc.
   c) agreement by the landowner to cover the full cost of any construction works
   d) a deed providing for the future maintenance and replacement of any construction works to be at the landowners cost
   e) details of the indemnity and deed are to be registered on the Certificate of Title of the property as a caveat in favour of the Shire

OBJECTIVE

To control the impact of private drainage etc. on roads

STATUTORY CONTEXT

Local Government Act 1995 –

- Sch.9.1(8) – private works on, over or under public places

Uniform Local Provisions Regulations 1996 –

- r.6 – Obstruction of public thoroughfare by things placed or left
- r.7 – Encroaching on public thoroughfare
- r.11 – Dangerous excavation in or near public thoroughfare
- r.17 – Private works on, over, or under public places
- r.18 – Protection of watercourses, drains, tunnels and bridges
- r.19 – Protection of thoroughfares from water damage

Activities on Thoroughfares and Public Places and Trading Local Law 2006

CORPORATE CONTEXT

Delegations Register –

- 13.1 – Reserves Under the Control of the Shire
- 13.7 – Private works/infrastructure on, over or under public land

HISTORY

Former Policy	8.1
Adopted	28 June 2018

REFERENCES

None

13.4 Road and Street Name and Directional Signs

POLICY STATEMENT

1. The design for road directional signs is black print on white background together with the Shire of Tammin Crest.

Example –

APPLICATION

N/A

OBJECTIVE

To set standard design for street and road name signs

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

HISTORY

Former Policy 8.5
Adopted 28 June 2018

REFERENCES

None

13.5 Private Works

POLICY STATEMENT

1. Subject to work commitments and the capacity to carry out the requested works, the CEO or Manager of Works may authorise the carrying out of private works, upon such terms and conditions as is considered appropriate.

APPLICATION

2. All private works require a written agreement, unless a Purchase Order is supplied e.g. Western Power, Telstra etc.

3. Private works having the potential to affect normal Shire work programs –
   a) are to be referred to Council prior to acceptance,
   b) may have progress payments or other arrangements as determined by Council.

4. Private works not interfering with Shire works programs may be carried out at the discretion of the CEO.

5. Private works charges as per fees and charges schedule adopted in the Budget, are to include –
   a) operational and depreciation cost (depot to depot) of all plant, vehicles and equipment used for the works
   b) labour not otherwise included in the plant operation cost – travel, stand-down, waiting, supervision etc
   c) public works overheads cost.
   d) administration costs

OBJECTIVE

To determine appropriate circumstances and requirements for private works

STATUTORY CONTEXT

Local Government Act 1995

CORPORATE CONTEXT

Delegation Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 13.2 – Things to be done on land not local government property

HISTORY

Former Policy	10.3
Adopted	28 June 2018

REFERENCES

There is a presumption against private works being undertaken by the Shire, as the preference is that local contractors be engaged to carry out the work.

13.6 Unsealed Roads – Classification and Standards

POLICY

1. Shire roads, as depicted on the Road Classification Listings (refer Schedules 13.6(a) and (b)) are categorised into "A", "B"& "C" class roads as listed.

APPLICATION

2. The following work criteria will be applied to the listed classes –

"A" Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth

Long term development: *bitumen surface*

"B" Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth
- One additional grading before harvest, if necessary

Long term development*: to remain as gravel surface*

"C" Class

- Formation to be 8m width
- Carriageway to be 6m width with 150mm gravel sheet
- Shoulders to be 2 x 1m

Long term development: *Low volume farm access roads*

OBJECTIVE

To identify priority roads, and classify for future works planning

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

HISTORY

Original Policy	5.28
Amended	September 2003
	October 2004
	June 2008
Former Policy	10.3
Adopted	28 June 2018

REFERENCES
Unsealed Roads Manual produced by the *Australian Road Research Board.*

Schedule 13.6(a) – Road listing
To be developed

Schedule 13.6(b) – Map
To be developed

Schedule 13.6(c) – Profile 1 – Unsealed roads A and B Classification
To be developed

Schedule 13.6(d) – Profile 2 – Unsealed roads C Classification
To be developed

13.7 Road Making Materials – Non-Shire Controlled Land

POLICY STATEMENT

1. Where the required quantity, quality or type of material is not available from Shire controlled areas and the material may be sourced from private property.

APPLICATION

2. The following is to be normal procedure –
   a) Request permission to search for materials from the owner. Entry powers are to be used only as a last resort.
   b) Calculate the approximate requirement for the project or yearly requirement of material from the proposed pit, and the expected life of the pit.
   c) If suitable material is located, a written agreement is to be reached with the owner regarding compensation for materials to be removed.
   d) Priority must be given at all times to reasonable negotiation to reach an amicable written agreement mutually acceptable to the Shire and the owner.
   e) Should agreement for the removal of materials not be reached with the owner, procedures to resume an area sufficient for immediate and future needs may be instituted by specific decision of Council.

3. Compensation shall be agreed in writing prior to excavation, by payment of a royalty as determined by Council as per fees and charges Schedule.

4. Works to rehabilitate the pit once materials have been removed shall take place and will be such works as agreed on in writing before excavation commences. These works may include –
   a) tree planting,
   b) deep ripping,
   c) levelling,
   d) stockpiling of original topsoil and spreading after extraction is completed.

5. All matters are to be agreed in writing, prior to removal of any materials.

OBJECTIVE

To establish the processes for negotiation of obtaining road making materials

STATUTORY CONTEXT

Local Government Act 1995

CORPORATE CONTEXT

Delegation Register –

- 13.2 – Things to be done on land not local government property

HISTORY

Adopted 28 June 2018

REFERENCES

None

15. Plant / Equipment

14.1 After Hours Use of Depot, Plant, Vehicles, Equipment and Tools

POLICY STATEMENT

1. Private use of the depot facilities is not permitted.

2. Private use of equipment and tools is not permitted.
   - Eg: chainsaws, lawn mowers, brush cutters, generators, cement mixers, ladders etc

APPLICATION

3. Shire employees are not permitted to use plant vehicles outside normal working hours unless –
   a) prior approval of the CEO is required.
   b) for a community or non-profit organisation, may be approved without cost;
   c) the user of the plant or vehicle is a licensed employee of the Shire.

4. Assistance for Sporting or Community Groups
   a) The use of Shire plant by staff outside of normal hours may be permitted to assist sporting or community groups serving the residents of Tammin providing the normal plant / equipment hire rate is paid by that body, unless otherwise allowed by the CEO.
   b) If approved, the plant is to be operated only by a competent employee approved by the CEO –a non-qualified employee or non-employees are not permitted.

OBJECTIVE

To determine private use by employees of Shire facilities and equipment

STATUTORY CONTEXT

Local Government Act 1995

CORPORATE CONTEXT

Delegation Register –

- 3.11 – Donations – Financial and In Kind Works / Services

Policy Manual –

- 3.4 – Requests for Financial and Other Assistance
- 9.1 – Occupational Safety and Health

HISTORY

Adopted 28 June 2018

REFERENCES

15. Natural Resource Management

No Council Policies applicable to this area of operations.

16. Unclassified

No Council Policies applicable to this area of operations.

History Summary

Item	Meeting	Purpose	Applies	Affected
1	28 June 2018	Revocation	29 Jun 2018	All previous policies
2	28 June 2018	Adoption	29 Jun 2018	All policies presented, except – - 1.3 – Elected members - Recognition of service
3	22 November 2018	Adoption	22 Nov 2018	1.3 – Elected members - Recognition of service
4	25 July 2019	Adoption	25 July 2019	8.6 – Equal Employment Opportunity Management Plan
5	22 August 2019	Adoption	22 August 2019	2.6 – Complaint Management Policy
6	22 August 2019	Adoption	22 August 2019	8.7 – Recruitment and Selection Policy
7.	23 October 2019	Adoption	23 October 2019	2.7 – Fraud and Corruption Policy
8.	28 November 2019	Review	28 November 2019	All current policies
9.	28 November 2019	Adoption	28 November 2019	9.4 Asbestos Management Plan
10.	19 December 2019	Adoption	19 December 2019	1.10 – Councillor - Continuing Professional Development
11.	27 February 2020	Adoption	27 February 2020	1.9 – Attendance at Events
12.	23 April 2020	Adoption	23 April 2020	3.8 – COVID-19 Financial Hardship Policy
13.	28 May 2020	Amendment	28 May 2020	3.1 – Purchasing Policy - amended to reflect change in Regulation
14.	25 June 2020	Amendment	25 June 2020	3.8 – COVID-19 Financial Hardship amended to reflect change in Regulations
15.	25 June 2020	Adoption	25 June 2020	3.9 – Cash Handling Policy

Appendix

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, however, Departmental guidelines refer to Council "acting through" the administration to fulfil requirements and obligations.

The following terms used in this document apply insofar as they are consistent with enabling legislation –

authority means the permission or requirement for Council, a Committee or a person to act in accordance with –

- the Local Government Act, Regulation or other legislation,
- a delegation made by Council,
- a Council Policy,
- a specific decision of Council, or
- an Instruction.

Council means the elected members in session,

Council Policy is a standing instruction resolved by Council as to how a particular matter is to be implemented:

delegation means the authority for a Committee, the CEO or other person to exercise a power, or discharge a duty, as conferred by absolute majority decision of Council under the provisions of the relevant legislation.

employee means –

a) a person employed directly by the Shire receiving a salary or wage,
b) a person employed directly by the Shire on a fixed term contract,
c) a person appointed for the purposes of exercising a delegation who –
    i) is engaged under a contract for services either directly or with a firm,
    ii) is the specific person named in the contract, and
    iii) is authorised to issue notices on behalf of the Shire,

Standard Procedure means the requirement for a staff member to act in accordance with a direction given by the CEO.

Planning Policy is a standing instruction resolved by Council as to how a particular matter is to be implemented. They are made by authority of the Local Planning Scheme, within a different legal and procedural framework, having specified process in order to be enforceable, and are generally advised to the WA Planning Commission .

Shire means the organisation or the district as the context requires,

Statutory and Corporate Context

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, and to stipulate conditions, standards or methods of control and management.

This Council Policy Manual has been prepared to complement a range of obligations imposed by legislation including local laws, and various document adopted by Council.

The order of priority for compliance is –

1. Federal and State legislation and regulations,
2. Local Planning Scheme,

3. Local Planning Policy – as it is made under the authority of the Local Planning Scheme, by resolution of Council,
4. a specific resolution of Council,
5. Delegations Register – being specific authorisations resolved by Council, and having a Statutory Context under the Local Government Act, they are the standing authorisations of Council to particular persons, almost exclusively the CEO,
6. Council Policy – being instructions resolved by Council they are the standing instructions of Council on how particular matters are to be dealt with,
7. Instruction – standing instructions or procedures issued by the CEO,
8. administrative directions or instructions.

Although not decisions of Council, and therefore not a requirement of staff, consideration should be given to the following as being best practice –

- DLGRD Guidelines
- WALGA Councillors Manual, Practice Notes etc.

Unless specifically resolved that the instruction is to be included in the Policy Manual, it is considered that it is for a specific matter, and is not a general or on-going instruction.

There are some policies that have specific legislative provision, and these are noted in the individual policy.

IMPORTANT – Consequences of breaching Council Policy

Where there is a breach of Council Policy –

a) it may result in disciplinary action up to and including termination of employment,
b) the Shire may also be obligated to refer a breach to an external agency where an employee may be held personally liable for their actions;
c) the employee in breach may also be personally liable for their actions, such costs charged to the Shire or to repair as a result of the private/personal or unauthorised use.

Compliance – is by staff, not by community

Policy cannot be used to directly control or manage the general community, except in particular circumstances – it is essentially an instruction to staff that in particular circumstances, a specific action or process is to be followed, for instance –

- Hire of facilities – if there is damage, then staff are to invoice the hirer or cancel their booking etc
- Caravan Park Rules – if a patron does not comply with these, staff are to take action
- HR / Personnel policies – outlines the circumstances in which actions are to be taken
- Crossovers – staff may approve if an application complies with requirements, or take action if a crossover does not comply.

A Policy cannot be applied directly to the community as they may not be aware of its adoption. The community has to have had the opportunity to be aware of the requirements imposed on them.

However, policy may require staff to apply specific conditions to a licence, permit etc, and to provide a written copy of the conditions being applied. These conditions applied are then enforceable.

Advertising of a local law constitutes community wide notification, whether the person is aware of it or not. Accordingly, many policies expand on how a Local Law is to be interpreted or acted upon by staff.

Guidelines No.17 – Delegations (Department of Local Government)

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

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 be listed. Council Policy describes how that action or some other action is to be carried out.

Making, amending and revoking Council Policy

Council Policy is administrative in nature, requires approval by a simple majority of Council, and may be made, amended or revoked at any time by Council.

Council may impose limitations on Policy or the functions delegated as they see fit.

The following sections are reserved to Council to amend –

2. Policy Statement
3. Application
4. Objective

The CEO is expected to update the following sections as legislation changes or new information comes to hand, and to advise Councillors when doing so –

5. Statutory Context
6. Corporate Context
7. References

Review of Council Policy

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.

To maintain the Policy Manual up to date, an administrative review should be reviewed at least once a year, and a report made to Council on matters needing amendment or inclusion.

It is suggested that detailed consideration of all policies be undertaken by Council at least once every two years.