

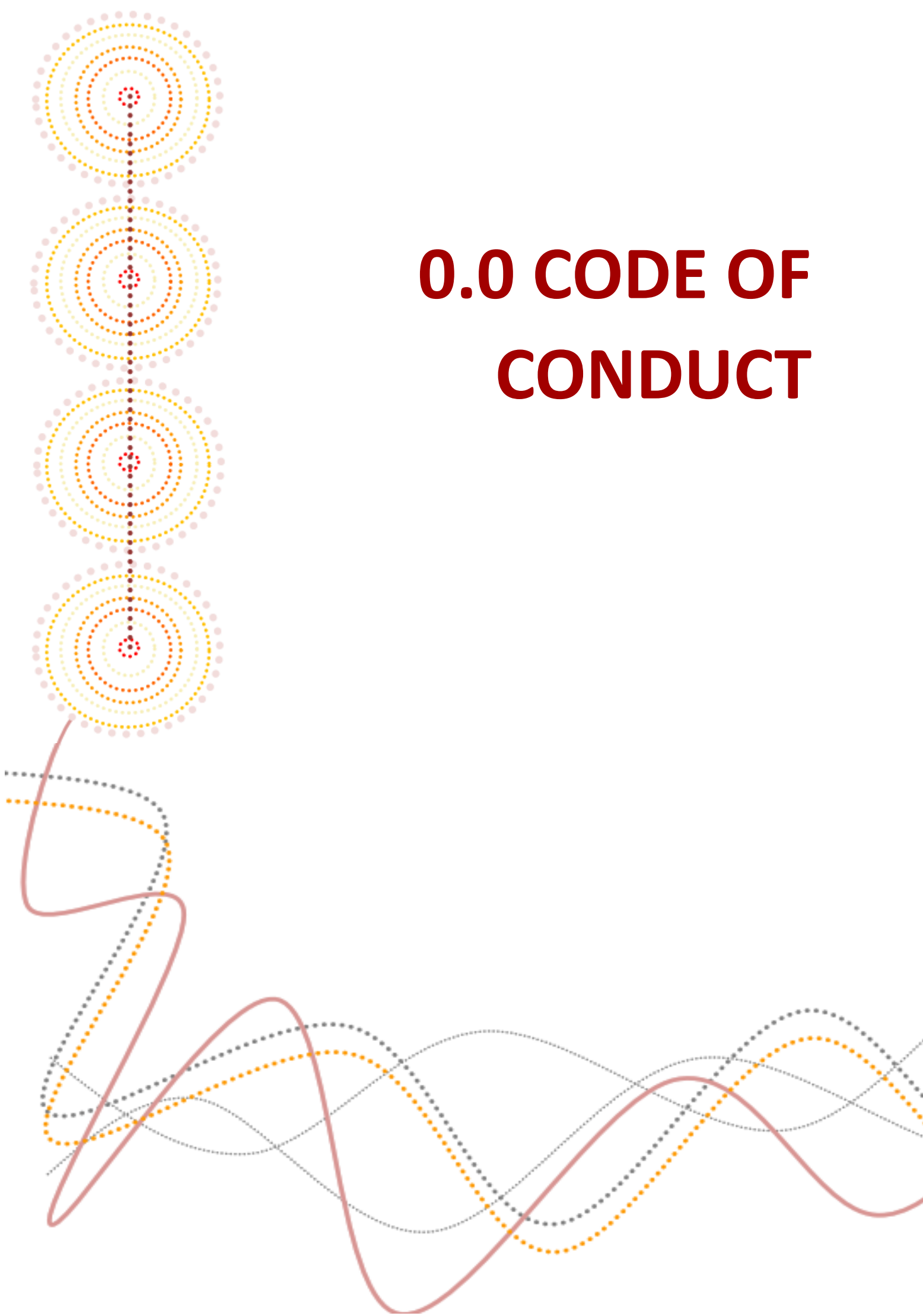


Shire of Goomalling

**POLICY
MANUAL
REVIEW**

2024

0.0 CODE OF CONDUCT





POLICY MANUAL

CODE OF CONDUCT

0.1 CODE OF CONDUCT – ELECTED MEMBERS, (COUNCILLORS AND COMMITTEE MEMBERS) AND CANDIDATES

Distribution:	Elected members, Committee Members and Candidates
Responsible Officer:	Chief Executive Officer
Date Adopted:	17 March 2021 – Version 1 – Resolution 326. OM 170321
Last Review:	Review pending 2023/24

Purpose

The purpose of this document sets out general principles and conduct to guide the behaviour of council members, committee members and candidates.

Objective

To ensure Councillors, committee members candidate have a clear understanding of expected behaviour and conduct.

Scope

Elected members, committee members and candidates

Standard

Preliminary provisions

1. Citation

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

2. Terms used

Act	Means the Local Government Act 1995 and Associated Regulations
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.
Other	Other terms used in this code that are also in the Act have the same meaning as they have in the Act, unless the contrary intention appears.



POLICY MANUAL

CODE OF CONDUCT

SECTION 1 GENERAL PRINCIPLES

3. Overview

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

4. Personal integrity

a. A council member, committee member or candidate should —

- i. act with reasonable care and diligence; and
- ii. act with honesty and integrity; and
- iii. act lawfully; and
- iv. identify and appropriately manage any conflict of interest; and
- v. avoid damage to the reputation of the local government.

b. A council member or committee member should —

- i. act in accordance with the trust placed in council members and committee members; and
- ii. participate in decision-making in an honest, fair, impartial and timely manner; and
- iii. actively seek out and engage in training and development opportunities to improve the performance of their role; and 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

a. A council member, committee member or candidate should —

- i. treat others with respect, courtesy and fairness; and
- ii. respect and value diversity in the community.

b. A council member or committee member should maintain and contribute to a harmonious, safe and productive working 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.



POLICY MANUAL

CODE OF CONDUCT

SECTION 2 — BEHAVIOUR

7. Overview of Section

This section 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

- a. A council member, committee member or candidate —

- i. must ensure that their use of social media and other forms of communication complies with this code; and
- ii. must only publish material that is factually correct.

- b. A council member or committee member —

- i. must not be impaired by alcohol or drugs in the performance of their official duties; and
- ii. 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



POLICY MANUAL

CODE OF CONDUCT

-
- 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

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

12. Dealing with complaint

- a. 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.
- b. 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.
- c. 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.
- d. If the local government makes a finding that the alleged breach has occurred, the local government may —
 - i. take no further action; or
 - ii. prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
 - iii. When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- e. 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 —
 - i. engage in mediation;
 - ii. undertake counselling;



POLICY MANUAL

CODE OF CONDUCT

-
- iii. undertake training;
 - iv. take other action the local government considers appropriate.
- f. 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 —
- i. its finding and the reasons for its finding; and
 - ii. if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- a. The local government must dismiss a complaint if it is satisfied that —
 - i. the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - ii. either —
 - 1. the behavior was dealt with by the person presiding at the meeting; or
 - 2. 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.
- b. 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

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

15. Other provisions about complaints

- a. 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.
- b. 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.

SECTION 3 – RULES OF CONDUCT

Notes for this Section:

- a. 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.



POLICY MANUAL

CODE OF CONDUCT

- b. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Section

- a. This Section sets out rules of conduct for council members and candidates.
- b. A reference in this Section to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- a. 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** include —
 - i. local government property; and
 - ii. services provided, or paid for, by a local government.
- b. 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
 - i. the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

- a. 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.
- b. 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

- a. In this clause —
 - i. **local government employee** means a person —
 - ii. employed by a local government under section 5.36(1) of the Act; or
 - iii. engaged by a local government under a contract for services.
- b. A council member or candidate must not —



POLICY MANUAL

CODE OF CONDUCT

-
- i. direct or attempt to direct a local government employee to do or not to
 - 1. do anything in their capacity as a local government employee; or
 - ii. 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
 - iii. act in an abusive or threatening manner towards a local government employee.
 - c. Subclause (2)(a) does not apply to anything that a council member does as
 - i. part of the deliberations at a council or committee meeting.
 - d. 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 —
 - i. make a statement that a local government employee is incompetent or dishonest; or
 - ii. use an offensive or objectionable expression when referring to a local government employee.
 - iii. Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- a. In this clause —
 - i. **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;
 - ii. **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;
 - iii. **document** includes a part of a document;
 - iv. **non-confidential document means** a document that is not a confidential document.
- b. A council member must not disclose information that the council member —
 - i. derived from a confidential document; or
 - ii. acquired at a closed meeting other than information derived from a non-confidential document.
- c. Subclause (2) does not prevent a council member from disclosing information —
 - i. at a closed meeting; or



POLICY MANUAL

CODE OF CONDUCT

-
- ii. to the extent specified by the council and subject to such other conditions as the council determines; or
 - iii. that is already in the public domain; or
 - iv. to an officer of the Department; or
 - v. to the Minister; or
 - vi. to a legal practitioner for the purpose of obtaining legal advice; or
 - vii. if the disclosure is required or permitted by law.

22. Disclosure of interests

- a. In this clause —
 - i. **interest** —
 - ii. means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - iii. includes an interest arising from kinship, friendship or membership of an association.
- b. 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 —
 - i. in a written notice given to the CEO before the meeting; or
 - ii. at the meeting immediately before the matter is discussed.
 - iii. Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- c. Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not 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 the council member disclosed the interest as soon as possible after the discussion began.
- d. If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - i. before the meeting the CEO must 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 the persons present immediately before any matter to which the disclosure relates is discussed.
- e. Subclause (7) applies in relation to an interest if —
 - i. under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - ii. under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- f. The nature of the interest must be recorded in the minutes of the meeting.



POLICY MANUAL

CODE OF CONDUCT

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.

Roles & Responsibilities

- **Elected members, Committee Members and Candidates**
Adherence to the code of conduct.

Legislation

Local Government Act 1995 and associated Regulations

Resource Documents

- ***Complaint Form***

Strategic Community Plan

Nil

Procedures Manual

Nil

Local Law

Nil

Delegation

Nil



POLICY MANUAL

CODE OF CONDUCT

0.3 COMPLAINTS POLICY (ALLEGED BREACH)

Distribution:	Council Members, Committee Members and Candidates
Responsible Officer:	Chief Executive Officer
Date Adopted:	17 March 2021 – Version 1 – Resolution 326. OM 170321
Last Review:	Pending 2023/24 Review

Objective

The objective of this Policy is to prescribe the processes for the management of complaints involving council members, committee members and candidates in matters relating to breaches of the behaviour requirements in Section 3 of the Code of Conduct.

Policy scope:

- This Policy is limited to complaints about behaviour breaches by council members, committee members and candidates.
- A person may make a complaint, in accordance with the Code of Conduct, alleging a behaviour breach.

Standard

APPOINTMENT OF INVESTIGATOR OR COMPLAINTS PANEL

1. The Chief Executive Officer is to appoint a person with relevant legal knowledge who is not an employee of the Shire, to review and consider one or more Complaints of behaviour breach and to report on the outcome of any investigation to the Chief Executive Officer for provision to the council.
2. As an alternative to appointment of an Investigator, in any case where the Chief Executive Officer considers it appropriate, the Chief Executive Officer may appoint a panel of three persons to perform the function of the Investigator under this Policy. At least one of the number of such a panel must be a person with relevant legal knowledge. Any such panel is to make its decisions by a majority vote and is to appoint one of its number as chair and to perform its consideration and determination on a Complaint in accordance with due process and consistently with the provisions of this Policy.
3. The Chief Executive Officer is to deal with the remuneration of an Investigator or the members of a Complaints Panel, and a complaints mediator, in accordance with Clause 17.



POLICY MANUAL

CODE OF CONDUCT

PROCESS FOR MAKING A COMPLAINT

1. Initiation of Complaint

- a. Any person may make a Complaint alleging a behaviour breach.
 - b. A Complaint must be in writing on the Shire's approved form – 'Complaint About Alleged Behaviour Breach form'.
 - c. The complainant must lodge the Complaint with the Shire's Behaviour Complaints Officer.
 - d. The complainant must provide with the Complaint, details of the alleged behaviour breach together with any supporting evidence.
 - e. The Complaint must be lodged within one month of the occurrence of the alleged behaviour breach.
 - f. A Complaint must be submitted by the complainant.
2. A Complaint cannot be submitted anonymously.
 3. The Behaviour Complaints Officer is to provide all Complaints to the Investigator in accordance with the following clause.
 4. The Behaviour Complaints Officer within 14 days of receiving a Complaint:
 - a. must contact the complainant acknowledging that the Complaint has been received;
 - b. as part of the acknowledgment process, must provide the complainant with a copy of the Shire's Complaints Policy;
 - c. must provide the council or committee member to whom the Complaint relates with a copy of the Complaints Policy and a copy of the Complaint (including the name of the complainant); and
 - d. must send to the Investigator, the Complaint together with details of the alleged breach and any supporting evidence provided by the complainant.
 5. Complaints are to be dealt with and considered in an order based on the order in which they are received by the Behaviour Complaints Officer.
 6. A Complaint relating to a candidate is only to be referred to an Investigator if and when the candidate is elected as a council member, but in any event the Complaint must be lodged within one month of the occurrence of the alleged behaviour breach.

MEDIATION

1. The Investigator must offer mediation to both parties as the first option for dealing with a Complaint and before progressing with the consideration or determination of the Complaint.
2. If issues raised in the Complaint are resolved to the satisfaction of both parties in mediation or otherwise before the determination of the Complaint, the complainant must lodge a Withdrawal of Complaint in writing with the Behaviour Complaints Officer.
3. Before making a determination in relation to a Complaint, the Investigator must provide the council member or committee member to whom the Complaint relates with an opportunity to respond to the allegations in the Complaint and to provide their own



POLICY MANUAL

CODE OF CONDUCT

comments and evidence for consideration within fourteen (14) days of the notification of the Complaint to them by the Behaviour Complaints Officer.

4. After considering a Complaint, the Investigator must make a determination as to whether or not the alleged behaviour breach has occurred.
5. The determination must be made within twenty-one (21) days:
 - a. from receiving a Complaint from the Behaviour Complaints Officer; or
 - b. from receiving a copy of the response to the allegations by the person to whom the Complaint relates, whichever is the later.
6. A determination by the Investigator that the alleged behaviour 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.
7. Having made a determination on the alleged behaviour breach, the Investigator must inform the Behaviour Complaints Officer by providing a determination and reasons for it in a Determination and Reasons Report (**Report**).
8. The Report must be provided to the Behaviour Complaints Officer within fourteen 14 days of making the determination.
9. If the Investigator makes a determination that the alleged breach has occurred, the Report must make a recommendation if further action is required and make a recommendation on the plan to address the behaviour of the person to whom the Complaint relates (**action plan**).
10. The Investigator may recommend to the council to dismiss a Complaint in accordance with clause 13 of the model code, and if the Investigator concludes that the behaviour the subject of the Complaint is an offence under a local law that deals with meeting procedures, the Complaint should not be dealt with further as a behaviour breach, but should be referred back to the Behaviour Complaints Officer.
11. The Investigator's deliberations and determination are to be confidential and reported only to the Behaviour Complaints Officer, but subject to any consultation with the person to whom the Complaint relates under the following clause.

ACTION PLANS

1. When preparing an action plan under clause 7.7 of this Policy, the Investigator must consult with the person to whom the Complaint relates. The member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.
2. An action plan may include a requirement for the person to whom the Complaint relates to do one or more of the following –
 - a. Engage in mediation;
 - b. Undertake counselling;
 - c. Undertake training; or
 - d. Take other action the local government considers appropriate.



POLICY MANUAL

CODE OF CONDUCT

3. An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives. The plan should outline:
 - a. the behaviour(s) of concern;
 - b. the actions to be taken to address the behaviour(s);
 - c. who is responsible for the actions; and
 - d. an agreed timeframe for the actions to be completed.

REPORT PROVIDED TO COUNCIL

1. The Behaviour Complaints Officer must provide a confidential report to council including:
 - a. a copy of the Complaint;
 - b. the Report of the Investigator together with the evidence received by the Investigator and any submissions or other communications from the parties;
 - c. a recommendation on the question whether or not a behaviour breach has occurred;
 - d. a recommendation as to whether any and if so, what further action is required; and
 - e. if further action is required, a recommendation must be provided to the council on an action plan to address the behaviour of the person to whom the Complaint relates.

COUNCIL FINDING

1. The council must not make a finding that a behaviour breach has occurred without first having given the person to whom the Complaint relates a reasonable opportunity to be heard.
2. A finding that the alleged behaviour 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.
3. If the council makes a finding that the alleged breach has occurred, it may resolve to –
 - a. take no further action; or
 - b. prepare and implement an action plan recommended by the Investigator with or without modifications as it thinks fit.
- c. 4. Based on the Investigator's Report, the evidence and any further comments or submissions by the parties, the council may:
 - a) dismiss the Complaint in accordance with clause 13 of this Policy; or
 - b) find that the alleged breach has occurred; or
 - c) find that the alleged breach has not occurred; or
 - d) if the finding is that the breach has occurred, decide that no further action is required; or
 - e) if the finding is that a breach has occurred, decide that further action is required and consider the adoption of an action plan; or
 - f) adopt an action plan to address the behaviour of the person to whom the Complaint relates.
5. If the council makes a finding that the alleged breach has occurred, it must give reasons for that finding.



POLICY MANUAL

CODE OF CONDUCT

BEHAVIOUR COMPLAINTS OFFICER ACTING ON COUNCIL FINDING

When the council makes a finding in relation to a Complaint, the Behaviour Complaints Officer must give the complainant and the person to whom the Complaint relates written notice of –

1. the finding and the reasons for the finding; and
2. if the finding is that the alleged breach has occurred, council's decision on the course of action to be taken including the options in clause 8.2 above.

CONFIDENTIALITY OF COMPLAINTS

The fact of a Complaint having been made and the details of a Complaint and the processes undertaken in connection with a Complaint including the referral to an Investigator are confidential matters and should not be disclosed unless and until the council has made a formal finding of breach in respect of the Complaint.

DISMISSAL OF COMPLAINT

1. The council must dismiss a Complaint where:
 - a) the behaviour occurred at a council or committee meeting and the behaviour was dealt with at that 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 the local law of the local government that deals with meeting procedures.
2. In any event behaviour that is an offence under a local law that deals with meeting procedures cannot be dealt with as a behaviour breach.

WITHDRAWAL OF COMPLAINT

1. A complainant may withdraw their Complaint any time before it is considered by the council.
2. The withdrawal of a Complaint must be –
 - a. in writing; and
 - b. given to the Behaviour Complaints Officer.

COMPLIANCE WITH PLAN REQUIREMENT

1. The Behaviour Complaints Officer is to monitor the actions in timeframes set out in an action plan.
2. If an action plan includes any of the requirements in clause 8.2 above (i.e. in clause 12.6 of the model code), failure to comply with that requirement is a breach of clause 23 of the model code and as a breach of the Rules of Conduct is a minor breach under section 5.105(1) of the LG Act.

COMPLAINTS THAT ARE INAPPROPRIATE UNDER THIS POLICY

The purpose of the Town's Code of Conduct is to guide the decisions, actions and behaviours of council members, committee members, and of candidates running for election as a council member. A breach of the Rules of Conduct is a minor breach under section 5.105(1) of the LG Act, and is not the intended subject of this Policy. The objective of this Policy is to deal with matters relating to breaches of the behaviour requirements in Division 3 of the Code of Conduct, and all Complaints under this Policy should be made with that objective in mind. Consequently, Complaints such as the following are inappropriate to be dealt with under this Policy:

- a) Complaints made with the intent of addressing personal grievances or disagreements;
- b) Complaints made to express dissatisfaction with a council or committee member's lawfully made decisions or performance of their role;
- c) Minor breaches under section 5.105(1) of the LG Act;
- d) Serious breaches under section 5.114 of the LG Act;
- and e) Allegations of corruption.

COST IN THE COMPLAINTS PROCESS

1. No fee is charged to lodge a Complaint under this Policy.
2. The Investigator or the members of a Complaints Panel, or a mediator, appointed pursuant to the Policy may charge the Shire a fee to cover the costs of dealing with the Complaint whether or not a breach is ultimately found.
3. Any fee charged by an Investigator or the members of a Complaints Panel, or a mediator, is to be based on the time spent in connection with the Complaint and may be established in advance on a quotation or otherwise in accordance with the Town's purchasing policy.

Policy definitions:

In this Policy –

behaviour breach means a breach of a behaviour requirement in Section 3 of the Code of Conduct.

Behaviour Complaints Officer means a person authorised in writing by the council, or by the Chief Executive Officer exercising authority delegated by the council, to receive complaints and withdrawals of complaints under clause 10 of the Code of Conduct, and the person so authorised in writing may be the same person as the Shire's complaints officer under section 5.120 of the *Local Government Act 1995* (WA) (**LG Act**).

candidate - an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.49 of the LG Act. The Code of Conduct applies to the candidate from that point. Any alleged behaviour breach may only be dealt with if and when the candidate is elected as a council member.

committee member - includes any council member, local government employee or unelected member of the community, in any of those cases, who has been appointed by the council to be a member of a council committee.

complainant means a person complaining of a behaviour breach by a council or committee member of the Town or a candidate.

Complaint means a complaint made under clause 11(1) of the Code of Conduct.

Complaints Panel means a panel of persons appointed under clause 4.2 to consider and determine Complaints, as an alternative to appointment of an Investigator.

council member means an individual who has been elected as a council member under the LG Act. This Policy also applies to a council member who is a committee member on a council committee.

evidence means the available facts or information which go to indicate whether or not an allegation of a breach is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as any other available evidence, to decide whether a breach has occurred.

Investigator means a person appointed as Investigator under clause 4.1 of this Policy.

Report means the report for the council of the outcome of the investigation of a Complaint dealing with the following:

- (1) whether or not the Investigator considers that the behaviour breach the subject of the Complaint has occurred;
- (2) the evidence relied on by the Investigator under clause 12(3) of the model code for that conclusion; and
- (3) a recommendation as to whether no further action should be taken on the Complaint, or as to the terms of a plan under clause 12(4)(b) of the model code.

Other terms used in this Policy that are also used in the LG Act have the same meanings as they have in the Act unless the contrary intention appears.

Legislation

Local Government Act 1995 (WA)

Local Government (Model Code of Conduct) Regulations 2021

Resource Documents

Complaint Form – Alleged Breach

Strategic Community Plan

Procedures Manual

Nil

Local Law

Nil

Delegation

Nil



COMPLAINT FORM – ALLEGED BREACH

Form .03F

Under Code of Conduct for Council and Committee Members and Candidates.

Schedule 1, Division 3 of the Local Government (Model Code of Conduct) Regulations 2021.

Note: A complaint about an alleged breach must be made:

- (a) In writing on the form approved by the local government;
- (b) To an authorised person;
- (c) Within one month after the occurrence of the alleged breach.

NAME OF PERSON MAKING COMPLAINT AND CONTACT DETAILS:

Full name:	
Address:	
Email Address:	
Contact Phone No.:	

NAME OF THE LOCAL GOVERNMENT CONCERNED:

Shire of Goomalling

NAME OF THE COUNCIL OR COMMITTEE MEMBER/S OR CANDIDATE/S ALLEGED TO HAVE COMMITTED THE BREACH;

DATE OF ALLEGED BREACH:

--



COMPLAINT FORM – ALLEGED BREACH

STATE THE FULL DETAILS OF THE ALLEGED BREACH:

Please attach any supporting evidence to this complaint form.

SIGNED:

Complainants Signature:	Date:
-------------------------	-------

RECEIVED BY AUTHORISED OFFICER:

Authorised Officers: Signature:	
Authorised Officers Name:	
Authorised Officers: Position:	
Date Received:	

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to:

**Chief Executive Officer
Shire of Goomalling**

PO Box 118

Goomalling WA 6460 or email to: eaceo@goomalling.wa.gov.au

1. GOVERNANCE





1.3 ECLECTED MEMBER PROFESSIONAL DEVELOPMENT AND TRAINING POLICY

Distribution: Elected Members

Responsible Officer: Chief Executive Officer

Date Adopted: 10 December 2015 - Version 1 – Resolution: 1 09 2015.SM (Formerly 1.15)

Last Review: 10 December 2020 – Version 2 – Resolution 308 SM101220

Purpose

The primary objective of this policy is to provide guidance concerning the professional development of Elected Members.

To ensure Elected Members undertake mandatory Elected Member Essential training modules, as listed, in accordance with requirements of Local Government Act 1995.

- Understanding local government
- Serving on council
- Meeting procedures
- Conflicts of Interest
- Understanding of financial reports and budgets.

To prepare, adopt, review policy covering the continuing professional development of its Elected Members for publication on local government website

Scope

Elected members and Committee members.

Standard

Definitions

<i>Elected Member</i>	<i>Otherwise referred to as Councillor is an individual who has been duly elected by their constituents to represent the community. An Elected Member forms part of the Council which the Community has placed trust in to make decisions on its behalf.</i>
<i>Professional Development</i>	means; training, conferences, conventions, congresses, study tours, forums, information sessions, workshops and events related to local government and of interest to the Shire of Goomalling.



POLICY MANUAL

GOVERNANCE

Council acknowledges its commitment to the training and development of Elected Members to assist in the fulfilment of duties and responsibilities of public office and in the interests of effective representation.

Elected Members are encouraged to continually improve their knowledge and expertise to enhance the quality of representation and promote well informed decision making. This can be achieved by participating in conferences, programs and training courses which provides for professional development relating to their role and responsibilities in local government.

Such professional development programs are those developed by industry-recognised providers and (generally) delivered locally.

Access and participation in the identified professional development courses and programs is made available to all Elected Members.

1. Meeting the professional development needs of Elected Members

The Council will endeavor to address and meet the identified professional development needs of Elected Members.

The options for providing such professional development will include:

1.1 Mandatory Modules for Elected Members

- a. All Elected Members elected to Council following the 2019 local government elections are required to complete the five mandatory modules of the Council Member Essentials Course.
- b. The training is valid for five years therefore an Elected Member is only required to undertake the training at every second election.
- c. The course must be completed within 12 months of appointment to Council.

1.2 Continuing Professional Development

- a. The Administration will develop a training program in consultation with Elected Members to help identify specific training courses, workshops and forums, relating to the roles and responsibilities of Elected Members.
- b. Elected Members will be provided access to all West Australian Local Government Association (WALGA) Elected Member training and development programs;
- c. Elected Members will be encouraged to attend annual conferences of the major professions in local government and other institutions of relevance to local government activities; and
- d. Elected Members will be able to attend eligible events where the Chief Executive Officer or Council is of the opinion attendance would benefit the Elected Member and the Shire.

2. Accessing professional development

Request for professional development may be initiated by the Elected Member or through the Chief Executive Officer and must be forwarded to the Chief Executive Officer prior to enrolment or registration. The Chief Executive Officer will consult with the President in relation to the request to determine that:

- a. the application is relevant and appropriate and addresses the Elected Member's professional development needs;



POLICY MANUAL GOVERNANCE

-
- b. there are enough funds available for all costs likely to be incurred in the Elected Member's proposed professional development; and
 - c. the proposed Elected Member is the most appropriate to undertake the specific professional development.

No Elected Member is permitted to undertake professional development in the last 6 months of his or her term of office, unless approved by Council.

The Chief Executive Officer is authorised to approve requests from Elected Members for professional development based on consultation with the Shire President and providing that:

- a. The training, development or conference is organised by an identified, industry recognised training provider; and
- b. The training, development or conference is held within the Perth metropolitan region or within the Wheatbelt Region.

Any requests that do not meet the above criteria, including those for attendance at courses or conferences outside of the Perth metropolitan area or the Wheatbelt region are to be submitted to Council for consideration.

If the Shire President and Chief Executive Officer determine NOT to approve a request for professional development, the affected Elected Member has the right to put the matter before Council for consideration and final determination.

3. Booking Arrangements

Council Administration will make all bookings associated with the proposed professional development, including where relevant, airline bookings, accommodation and registration.

4. Registration

The Shire will pay all normal registration costs for Elected Members, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the Shire.

5. Accommodation

The Shire will pay reasonable accommodation costs. This includes the night before and/or after the training, development or conference where this is necessary because of travel, airline flights and/or conference timetables. Where practicable and available, accommodation shall normally be booked at the training, development or conference venue or if unavailable, at premises near the venue.



6. Travel

Where travel is involved, the travel is to be undertaken by the shortest most practical route, to and from the venue. All reasonable travel costs to and from the venue will be met by the Shire.

7. Cash Allowance - Payment and Reimbursement

Reimbursement of reasonable expenses shall be made in accordance with a determination to be made by the Council at the time of approving any such training or professional development. The Council is to determine a maximum reimbursement limits for incidental expenses.

A daily cash allowance may be made for meals and incidental expenses.

All cash allowances must be acquitted within two weeks of returning to Goomalling. Cash not acquitted shall be refunded to the Shire at the same time. Attendees shall acquit the cash allowance on a reconciliation form which can be provided by the Chief Executive Officer. Where possible this should be supported by receipts. The daily cash allowance shall be paid to cover all reasonable incidental expenses associated with the conference attendance, such as:

- a. Reasonable phone utilisation;
- b. Breakfasts, lunches, dinners and other meals not included in the conference registration fee;
- c. Reasonable laundry expenses;
- d. An optional activity specified in a conference program;
- e. Travel to and from the conference venue, and
- f. Travel to and from all airport destinations.
- g. Incidental expenses (e.g. Venue/exhibition entrance fees, parking fees).

8. Elected Member/Officer Delegate Accompanying Person

Where an Elected Member is accompanied at a conference, all costs for or incurred by the accompanying person including but not limited to travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the accompanying person and not by the Shire. The exception to the above being the cost of attending any official conference dinner, where partners would normally attend. An accompanying person's registration, and program fees, are to be paid direct by the attendee/delegate to the conference organiser.

9. Reports

Following attendance at conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the Elected Member/s that attended shall submit an individual or composite report, which is to be signed by each attendee, to the Council (to be included in the Information Bulletin) within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the City and any recommendations, including as to whether attendance at similar conferences in the future is warranted.

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



POLICY MANUAL GOVERNANCE

10. Budget allocation

Any approval for professional development is subject to budgetary funds being available.

Roles & Responsibilities

Elected Members

- Complete mandatory modules for Elected Members; and
- Endeavour to undertake regular training/workshop across a variety of Local Government relevant topics.

Chief Executive Officer

- Inform Elected Members about training opportunities; and
- Include an annual budget provision for Elected Member training (annually).

Deputy Chief Executive Officer

- Facilitate the Elected Member induction.

Legislation

Local Government Act 1995 and associated Regulations

Resource Documents

Policy Manual:

-



1.5 MEETINGS – SCHEDULED DATES

Distribution:	Elected Members, all Employees
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	September 2019 – Version 2

Purpose

To ensure that Elected Members, Employees and Members of the Public are aware of the meeting dates for the coming year and the availability of documentation for such meetings.

Scope

Elected Members, all Employees and Members of the Public

Objective

- To ensure that there is clear communication on when and where meetings of Council are to be held; and
- To identify the availability of Council meeting documentation.

Standard

1. The Ordinary Council Meetings shall be held the third (3rd) Wednesday of each month commencing at 4.30pm with the following exception: no meeting in January.
2. All Ordinary Council Meetings commence at 4.30pm.
3. Ordinary Council Meetings are held at Shire of Goomalling Council Chambers.
4. Standing Committees and other meetings to be held at a time specified by Council.

Roles and Responsibilities

Elected Members

- To prepare for each meeting and pre-read all documentation;
- To ensure understanding and declaration of possible conflicts of interest;
- To attend each meeting where possible;
- To apply for a leave of absence in writing when not attending; and
- To participate fully and wholly in the meeting process.

Chief Executive Officer



POLICY MANUAL GOVERNANCE

- To ensure that an agenda is prepared for the Council in accordance with this policy;
- To provide information to the Council during meetings; and
- To assist with questions from members of the public during public question time.

Executive Management Team

- To attend each Council meeting where possible;
- To ensure reports for the agenda are accurate and well researched; and
- To provide information on reports when requested to do so.

Employees

- When and where appropriate, employees will produce reports for the Council meeting agenda;

Legislation

Local Government Act 1995

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



1.6 COMMITTEES AND WORKING GROUPS

Distribution: Elected Members, Executive Team Management

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 17 November 2021 – Version 3 – Resolution 9.4 OM_171121-427

Purpose

To specify the Committees of Council of the Shire of Goomalling

Scope

Elected members, Executive Team Management

Standard

Under Section 5.8 of the Local Government Act 1995, Council may establish Committees to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to a Committee. The purpose of Committees is linked directly to a statutory function of Council.

Committees will report to the Council and can be established for a particular purpose, with a completion date, or can be ongoing. Committees assist good governance when they share the workload and responsibilities of the Council as a whole.

The Council of the Shire of Goomalling does not routinely operate Committees preferring all matters come before a full Council, with the exception of the Audit Committee and Bush Fire Advisory Committee.

Special Purpose Committees are reference groups that Council may form from time to time to deal with specific areas of Council business. They may be created in relation to a specific policy development, planning process, capital project or other reason for the purpose of providing advice, community engagement and/or providing feedback to Council.

It is accepted that from time-to-time Council may form Special Purpose Committees to deal with specific areas of Council business. The membership, responsibilities and powers of these

committees will be determined by an absolute majority resolution of the Council in accordance with the Local Government Act 1995 at least every two years or earlier if required due to the retirement of members.

For 2023-2025 election period Council currently has six (6) committees that make recommendations to it. These committees cannot act independently.



POLICY MANUAL GOVERNANCE

Audit Committee

The full Council is the Shire of Goomalling Audit Committee.

Scope of Committee:

Regulation 16 of the Local Government (Audit) Regulations 1996 defines the functions of the audit committee as follows:

“An audit committee –

- a. is to provide guidance and assistance to the local government –
 - i. as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - ii. as to the development of a process to be used to select and appoint a person to be an auditor; and
- b. may provide guidance and assistance to the local government as to –
 - i. matters to be audited;
 - ii. the scope of audits;
 - iii. its functions under Part 6 of the Act; and
 - iv. the carrying out of its functions relating to other audits and other matters related to financial management; and
- c. is to review a report given to it by the CEO under regulation 17 (3) (the CEO's report) and is to –
 - i. report to the Council the results of that review; and
 - ii. give a copy of the CEO's report to the Council.”

Bush Fire Advisory Committee

Comprises:

- Chief Bushfire Control Officer (CBFCO);
- Deputy Bushfire Control Officers x2;
- Base Radio Operator;
- Brigade Captains;
- Brigade Secretaries;
- Council Representative; and
- Shire Employees (CEO, DCEO & CESM)

Scope of Committee

A Local Government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purposes of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires.

A committee appointed under this section may:

- from time to time meet and adjourn as the committee thinks fits,
- shall not transact business at a meeting unless the quorum fixed by the local government is present,
- is answerable to the local government and shall, as and when required by the local government, report fully on its activities.



POLICY MANUAL GOVERNANCE

Bush Fire Brigades Local Law states; “the Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.”

Friends of the Cemetery Committee

The full Council is the Friends of the Cemetery Committee

Scope of Committee

- Oversight of matters referred by Council for consideration on matters relating to Goomalling Cemetery
- Provide recommendations to Council on matters relating to Goomalling Cemetery

Shire of Goomalling Reserves Advisory Management Committee

The full Council is the Shire of Goomalling Reserves Advisory Committee

Scope of Committee

- Oversight of matters referred by Council for consideration on matters relating to Reserves in Shire of Goomalling.
- Provide recommendations to Council on matters relating to Reserves in Shire of Goomalling.

Tidy Towns Advisory Committee

The full Council is the Shire of Goomalling Reserves Advisory Committee

Scope of Committee

- Oversight of matters referred by Council for consideration on matters relating to Tidy Towns Programme.
- Provide recommendations to Council on matters relating to Tidy Towns Programme.

Youth Group Advisory Committee

The full Council is the Shire of Goomalling Reserves Advisory Committee

Scope of Committee

- Oversight of matters referred by Council for consideration on matters relating to Goomalling Youth Group.
- Provide recommendations to Council on matters relating to Goomalling Youth Group.

In addition to committees, a number of working groups and external committees exist but are not formal committees of Council. Council will only consider the appointment of a delegate/s to a working group of external committees in the following circumstances:

- a. Where the body/group/organization represents state of regional interests that are likely to impact upon the Shire of Goomalling.
- b. Where the body/group/organization represents local interests and the group occupies direct financial interest in the affairs of that group; or



POLICY MANUAL GOVERNANCE

- c. Where the body/group/organization represents local interests and the group occupies Council property.

Delegations to working groups or external committees for the 2023-2025 election period are as follows:

Name	Primary Delegate	Deputy Delegate	Proxy Delegate	Shire Staff
Avon Community Development Corporation	1		1	
Avon Midland Ward (WALGA)	2	2		
Avon Regional Organisation of Councils (AROC)	1	1		CEO
Avon Subgroup Wheatbelt North Regional Roads Group (RRG)	1	1		CEO/Works Manager
Development Assessment Panel	2		2	
Drum Muster Committee	2			
Goomalling Community Op-Shop	1			
Jennacubbine Hall & Recreation Committee	2			
Konnongorring Hall & Recreation Committee	2			
Mortlock Sports Council	1		1	
Municipal Museum Committee	2	1		
Rural Water Council	1	1		
School Bus Committee	2			
Shire Medical Surgery Advisory Committee	2		2	

Roles and Responsibilities

Elected Members

- Are responsible for the establishment of committees, their operation, type of committee, membership and its function/scope; and
- Participate and attend meetings of committees or working groups to which a member is elected.

Chief Executive Officer

- The administration of committees of Council.
- Attendance and participation in working groups and external committees where required.

Executive Management

- Attendance and participation in committees or working groups designated.



POLICY MANUAL GOVERNANCE

Legislation

Local Government Act 1995 (s5.8,5.9,5.10)

Regulation 16 of the Local Government (Audit) Regulations 1996

Resource Documents

Shire of Goomalling Strategic Community Plan 2019-2028

Local Law

Bushfire Brigades Local

Delegation

Not Applicable



1.7 GIFT FOR RETIRING COUNCILLORS

Distribution:	Elected Members, Executive Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 2 – Resolution 9.4 OM_171121-427

Purpose

To detail the protocol to be followed in acknowledging the services of retiring Councillors.

Scope

Elected members, Executive Staff

Objective

To ensure that Shire President, Elected Members and Chief Executive Officer have a clear understanding in relation to protocols to be followed.

Standard

A dinner may be held in recognition of the services of Councillors on their retirement after a minimum service of two terms (subject to their agreement).

The style of the function is at the discretion of the Shire President in consultation with the retiring Councillor/s, taking into account the level of service to the community rendered by the Councillor/s. A suitable gift may be purchased, the value of the gift to be up to and not exceeding the following:

- Councillors - \$200.00 per each completed 4-year term or pro-rata amount for shorter period.
- Additional allowance of \$100.00 per each completed 4-year term or pro-rata amount for shorter period for Deputy President.
- Additional allowance of \$200.00 per each 4-year term or pro-rata amount for shorter period for President.

Roles and Responsibilities

Chief Executive Officer, Shire President and Elected Members

- Ensure compliance with the Policy



POLICY MANUAL GOVERNANCE

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL GOVERNANCE

1.8 MEDIA

Distribution:	Elected Members and All Employees,
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 2 – Resolution – 9.4 OM_171121-427

Purpose

To detail the communication protocol when dealing with members of the media.

Scope

Elected members and all Employees

Standard

The Shire President and Chief Executive Officer are the elected and non-elected spokespersons for Council.

No other Councillor or Employee is authorised to provide statements to the media unless authorised by the Shire President or Chief Executive Officer.

Roles and Responsibilities

Elected Members

- Ensure that the policy is upheld.

All Staff

- Ensure that the policy is upheld.

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.31-1.11 SOCIAL MEDIA

Distribution:	Elected Members, Executive Management, Council Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	2015 – Version 1 – Resolution 8.1.4 032017.OM
Last Review:	2019 – Version 3 – Resolution

Purpose

To provide clarity to employees on how to conduct themselves in social media, both for official Shire of Goomalling business and/or for any personal use.

To encourage employees to find a voice in social media, but at the same time protect the interests of the Shire of Goomalling.

To inform employees and Elected Members of their responsibilities when using social media.

Scope

All Shire of Goomalling employees, contractors and Elected Members

All online social media tools (e.g., facebook, twitter, Flickr, YouTube, wikis, LinkedIn, etc.).

Standard

The Shire of Goomalling embraces the use of social media as a council communications and community-building tool. All employees need to use good judgment about what material appears online, and in what context.

Social media can increase community engagement and collaboration in policy development and service provision, leading to more open and democratic government processes. It can also contribute to early identification of public issues or concerns, leading to more effective, responsive risk management and stakeholder engagement.

This policy is designed to help us build capability and capacity to engage through social media in a deliberate and considered way.

Personal Use Guidelines

What you publish online in social media:

- a. is not private (even if you have set strict privacy settings),
- b. will be visible and recorded for a long time (even if you delete something), belongs to the social media provider (eg, what you type on facebook belongs to facebook).

You are free to chat about whatever you like offline. However, when writing online, its not a private conversation, its visible for a long time, and you may be seen as representing the shire, so please:



POLICY MANUAL GOVERNANCE

Don't:

- a. write as if you're speaking for the shire (or in a way that may be seen as doing so),
- b. write anything you couldn't justify to your manager (e.g., something that breaches shire policies),
- c. assume people know you work for the shire.

Do:

- a. protect your privacy,
- b. consider the „grandma rule“ (don't post anything you wouldn't show your grandma).

Work Use Rules

Do:

- a. identify yourself with your name in the post or comment,
- b. use your common sense,
- c. remember you are representing the shire,
- d. apply the guidelines of our normal Shire policies and the local, state and federal laws they refer to,
- e. protect the privacy of individuals and groups,
- f. apply good customer service,
- g. be accurate,
- h. be the first person to correct any mistakes you make,
- i. consider copyright/Creative Commons,
- j. have a positive tone,
- k. respond positively and in a timely manner to negative posts (which may include commenting “Thanks [their name]. I will ask [name of appropriate staff member, position title] to give you a call about this. Could you please private message me your contact details?”)
- l. carefully consider if social media is the appropriate communication channel and avoid posting any statement on social media if it is not intended for wide public distribution,
- m. check with your supervisor before commenting on controversial, sensitive, confidential or political matters,
- n. be apolitical, impartial and professional,
- o. check with people before using images or videos of them,
- p. check with people before using images or videos created by them, and then give credit to them,
- q. proofread for spelling and grammar before you post (type into Word spell check, then copy and paste into the social media).

Don't

- a. discuss complex Shire related issues without prior approval of the CEO,
- b. compromise the privacy of any person,
- c. be flippant or sarcastic (a reader might not get it),
- d. post confidential information about any individual or group,
- e. post inaccurate or inappropriate information,
- f. don't make promises or give statements regarding the Shire's operations which aren't true or which you haven't been authorised to make or give,
- g. alter previous posts without indicating that you have done so,



-
- h. speak for other people or areas in the Shire, let them speak for themselves.

Public Use of Shire of Goomalling's' Social Media

Make the rules for public use clear in the social media.

For example, below is text from the 'About' section in our Shire of Goomalling facebook page, that clearly lays out the rules of using that page and what will happen if they are breached.

Follow Shire of Goomalling policies when using social media

Roles and Responsibilities

Elected Members and All Staff

- Ensure all social media usage complies with this policy.

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



1.16 1.13 LEGAL PROCEEDINGS AND PROSECUTIONS

Distribution:	Elected Members, Executive Team, Contractors
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 2 – Resolution – 9.4OM_171121-427 Formerly – 1.16

Purpose

To detail the circumstances in which Council will undertake legal proceedings and prosecutions in relation to breaches of Dog Act and Cat Act only.

Scope

Elected Members and Executive Team

Standard

Action to institute legal proceedings or prosecution, except for collection of rates and breaches of the Dog Act & Cat Act, shall only be taken following a resolution of Council or a resolution delegating authority to the CEO or other nominated officer in certain circumstances.

Roles and Responsibilities

Chief Executive Officer

- Refer action to institute legal proceedings or prosecution relating to breaches of Dog Act and Cat Act to Council for consideration and delegation for the action to take place.

Executive Team

- Ensure the policy is adhered to.

Employees/Contractors

- Ensure the policy is adhered to.

Legislation

Local Government Act 1995

Dog Act 1976

Car Act 2011



POLICY MANUAL GOVERNANCE

Resource Documents

Delegation Register

Local Law

Local Laws relating to Dogs 1997

Health Local Laws 2007 Division 2 – Keeping of Animals and Birds 5.2.4 Cats

Delegation

Not Applicable



POLICY MANUAL GOVERNANCE

4.19-1.14 COMMON SEAL

Distribution:	Elected Members, Executive Management, Council Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	2015 – Version 1 – Resolution 8.1.4 032017.OM
Last Review:	2022 – Version 4 – Resolution 9.4 OM_171121-427 May 2022

Purpose

To satisfy the legal requirements regarding the validation of documents and contracts, resulting from amendments to the Local Government Act 1995.

Scope

Elected Members, Executive Management, Council Staff

Standard

1. *The Shire President and Chief Executive Officer are authorised to sign and/or affix the common seal to the following documents, where such documents result from the following transactions:*
 - 1.1 *Where land is acquired pursuant to s. 3.59 of the Local Government Act 1995 (as amended).*
 - 1.2 *In respect of leases for the purchase of plant and equipment approved by Council.*
 - 1.3 *In respect of borrowings approved by Council.*
 - 1.4 *In respect of contracts of employment approved by Council.*
 - 1.5 *In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.*
 - 1.6 *In respect of the adoption of local laws.*
 - 1.7 *Any document stating that the common seal of the Shire is to be affixed.*
2. *In relation to 1. above, in the absence of the Shire President and/or Chief Executive Officer, as the case may be, the Deputy Shire President and the Acting Chief Executive Officer are authorised to affix the common seal.*
3. *The procedure to be adopted for the use of the common seal is as follows:*
 - 3.1 *The Chief Executive Officer is responsible for the security and proper use of the common seal.*
 - 3.2 *The common seal is not to be affixed to any documents except as authorised by Council.*



POLICY MANUAL GOVERNANCE

- 3.3 *The common seal is to be affixed to a document in the presence of:*
- *The Shire President, or in his absence, the Deputy Shire President; and*
 - *The Chief Executive Officer or Acting Chief Executive Officer;*
- Each of whom is to sign the document to attest that the common seal was so affixed.*

- 3.4 *Details of all transactions where the common seal has been affixed must be recorded in a register kept by the Chief Executive Officer.*

The register is to record:

- *The date on which the common seal was affixed;*
- *The nature of the document; and*
- *The parties to any agreement to which the common seal was affixed.*

4. *The wording to accompany the application of the common seal to be as follows:*

- 4.1 *“The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council.”; or*

- 4.2 *“The common seal of the Shire of Goomalling was affixed by authority of a resolution of Council in the presence of the Shire President and the Chief Executive Officer.”*

5. *Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the common seal.*

Roles and Responsibilities

Shire President and/or Deputy President

- Ensure common seal is affixed according to the policy.

Chief Executive Officer and/or Deputy Chief Executive Officer

- Ensure the policy is adhered to.

Council Staff

- Ensure that the common seal is affixed in accordance with the policy.

Legislation

Local Government Act 1995 s. 9.49A and s. 9.49B

Resource Documents

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL GOVERNANCE

1.15 LEGAL REPRESENTATION FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES

Distribution: Elected Members, All Employees,

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 2 – Resolution 9.4 OM_171121-427

Purpose

To provide guidance in the protection of the interests of Elected Members and Employees (including past Elected Members and former employees) where they have become involved in legal proceedings as a result of their official functions.

Scope

Elected Members, Council Committee Member, All Employees

Standard

Definitions

Approved lawyer	<i>a. a “certified practitioner” under the Legal Practice Act 2003; b. from a law firm on WALGA’s panel of legal service providers; and c. approved in writing by the council or the Chief Executive Officer under delegated authority.</i>
Council member or employee	<i>means a current or former commissioner, council member, non-elected member of a council committee or employee of the Shire.</i>
Legal proceedings	<i>may be civil, criminal or investigative.</i>
Legal Representation	<i>Is the provision of legal services, to or on behalf of a council member or employee, by an approved lawyer that are in respect of: a. a matter or matters arising from the performance of the functions of the b. council member or employee; and c. legal proceedings involving the council member or employee that have been or may be commenced</i>
Legal representation costs	<i>Are the costs, including fees and disbursement, properly incurred in providing legal representation.</i>
Legal services	<i>Include advice, representation or documentation that is provided by an approved lawyer.</i>
Payment by the Shire of legal representation costs	<i>May be either by: a. a direct payment to the approved lawyer (or the relevant firm) b. a reimbursement of the council member or employee.</i>



POLICY MANUAL

GOVERNANCE

1. Payment Criteria

There are four major criteria for determining whether the Shire will pay the legal representation costs of a council member or employee.

These are:

- a. The legal representation costs must relate to a matter that arises from the performance by the council member or employee of his or her functions;
- b. The legal representation cost must be in respect of legal proceedings that have been or may be commenced;
- c. In performing his or her functions, to which the legal representation relates, the council member or employee must have acted in good faith and must not have acted unlawfully or in a way that constitutes improper conduct; and
- d. The legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of legal representation costs that may be approved

If the criteria in Clause 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs:

- a. Where proceedings are brought against a council member or employee in connection with his or her functions. For example, an action for defamation or negligence arising out of a decision made or action taken by the council member or employee; or
- b. To enable proceedings to be commenced and/or maintained by a council member or employee to permit him or her to carry out his or her functions. For example, where a council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the council member or employee; or
- c. Where exceptional circumstances are involved. For example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about council members or employees.

The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action or a negligence action instituted by a council member or employee.

3. Application for Payment

A council member or employee who seeks assistance under this policy is to make an application in writing to the council or the Chief Executive Officer.

The written application for payment of legal representation costs is to give details of:

- a. the matter for which legal representation is sought;
- b. how that matter relates to the functions of the council member or employee making the application;
- c. the lawyer or law firm who is to be asked to provide the legal representation;



POLICY MANUAL GOVERNANCE

-
- d. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
 - e. an estimated cost of the legal representation; and
 - f. why it is in the interests of the Shire for payment to be made.

The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

As far as possible the application is to be made before commencement of the legal representation to which the application relates.

The application is to be accompanied by a signed written statement by the applicant that he or she:

- a. has read and understands the terms of this policy.
- b. acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
- c. undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.

4. Legal Representative Costs Limit

The council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

A council member or employee may make a further application to the council in respect of the same matter.

5. Councils' Powers

Council may refuse, grant or grant subject to conditions an application for payment of legal representation costs.

Conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment and repayment of legal representation costs.

In assessing an application Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Council members or employee's insurance policy or its equivalent.

Council may at any time revoke or vary an approval or any conditions of approval for the payment of legal representation costs.



POLICY MANUAL GOVERNANCE

Council may determine that a council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved,

- a. not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- b. given false or misleading information in respect of the application.

Such determination may be made by Council only on the basis of and consistent with the findings of a court, tribunal or enquiry.

Where Council makes such determination the legal representation costs paid by the Shire are to be repaid by the council member or employee in accordance with clause 7.

6. Delegation of Chief Executive Officer

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the Chief Executive Officer may exercise on behalf of Council any of the powers of Council to a maximum of \$2,000.00 in respect of each application.

An application approved by the Chief Executive Officer is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its power to revoke or vary the approval or any conditions of the approval.

7. Repayment of Legal Representation Costs

A council member or employee whose legal representation costs have been paid by the Shire is to repay the Shire:

- a. all or part of those costs in accordance with a determination by Council under clause 5;
- b. as much of those costs as are available to be paid by way of set-off – where the council member or employee receives monies paid for costs, damages or settlement in respect of the matter for which the Shire paid the legal representation costs.

The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

Roles and Responsibilities

Elected Members and Staff

Ensure the policy is adhered to.

Legislation

Local Government Act 1995

Resource Documents

Nil



POLICY MANUAL GOVERNANCE

Local Law

Nil

Delegation

Not Applicable



1.16 RISK MANAGEMENT POLICY

Distribution:	Elected members, All Employees, Contractors and Volunteers
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution: 1 092015.SM
Last Review:	17 November 2021 – Version 2 – Resolution: 9.4 OM_171121-427

Purpose

To set effective risk management practices across Council within a framework that can be clearly comprehended and applied by all participants in Council activity. The policy aims to mitigate adverse effect of risk associated with operation and to capitalise on any identified positive opportunities.

Objective

Establish a systematic method of developing context; identifying, analysing, evaluating, treating, monitoring and reviewing risk associated with Council's function and process to mitigate potential loss and maximise opportunities for the Shire of Goomalling.

- Council and management have a clear understanding of risks and strive for best practice (ISO 31000-Risk Management);
- Optimise the achievement of the Shire vision, mission, strategies, goals and objectives;
- Provide transparent and formal oversight of risk and control environment to enable effective decision making and planning for risk;
- Promote a positive risk culture;
- Enhance risk versus return without risk appetite;
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations;
- Ensure the ongoing health and safety of Council constituents;
- Enhance organisational resilience; and
- Identify and provide for the continuity of critical operations.

Scope

Elected members, all employees, contractors, committees and volunteers

Risk Appetite

The Council quantified its risk appetite through the development and endorsement of the Shire of Goomalling Risk Assessment and Acceptance Criteria. The criteria are included within the risk management procedures and are subject to ongoing review in conjunction with this policy.



Standard

Definitions

Risk	AS/NZ ISO 31000 defines risk as “the effect of uncertainties on objectives”. A risk is the potential consequence from a specific event or circumstance. An effect is a deviation from the expected – positive or negative. Objectives can have different aspect (such as health and safety, financial or environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).
Risk Management	Coordinated activities to direct and control an organisation with regard to risk.
Risk Management Process	Systematic application of management policies, procedures and practices during consultation to establish context; identify, analyse, evaluate, treat, monitor and review potential risks.

Risk Management will form part of the strategic, operational, project and line management responsibilities and where practicable, be incorporated within the Shire of Goomalling Integrated Planning Framework.

- The Shire of Goomalling Management team will determine and communicate the Risk Management Policy, objectives and procedures, as well as direct and monitor implementation, practice and performance;
- Every employee, contractor and volunteer within the Shire of Goomalling is recognised as having a role in risk management, from the identification of risk, to implementing risk treatments and shall be encouraged to participate in the process;
- Consultants may be retained at times to advise and assist in the risk management process or management of specific risk or categories of risk;
- All organisational risk to be reported at a corporate level are to be assessed according to the Shire of Goomalling Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as project or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment;
- Shire of Goomalling will implement and integrate a monitor and review process to report on achievement of risk management objectives, the management of individuals risks and ongoing identification of issues and trends;
- Disability must not automatically be deemed to present a risk issue;
 - Where concern of risk occurs due to disability these concern/s must be investigated with the employee involved. The employee, at the commencement or during this process may request that an advocate be involved to assist them in responding to concerns; and
 - In the event of an identified risk, reasonable adjustment shall be considered and if required ongoing management shall be applied.



POLICY MANUAL GOVERNANCE

- This policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed biennially.

Risk assessment is application across the organisation in the following (but not limited to) broad categories:

- Misconduct
- Inadequate environmental management
- Inadequate cultural awareness
- Business and community disruption
- External theft and fraud
- Errors omission and delays
- Failure of IT and or communication systems and infrastructure
- Failure to fulfil statutory, regulatory or compliance requirements
- Inadequate document management process
- Inadequate engagement practices
- Inadequate asset sustainability practices
- Inadequate safety and security practices
- Ineffective employment practices
- Inadequate project management
- Inadequate supplier/contract management
- Ineffective management of facilities, venues and events

The level of risk associated with, and acceptable to each business are of the Council is identified in the Risk Management Procedure.

MEASURES OF CONSEQUENCE							
RATING	PEOPLE	INTERRUPTION TO SERVICE	REPUTATION Social Community	COMPLIANCE	PROPERTY Plant Equipment Buildings	NATURAL ENVIRONMENT	FINANCIAL IMPACT
Insignificant (1)	Near-Miss	No material service interruption Less than one (1) hour	Unsubstantiated, localised low impact on community trust, low profile or no media item.	No noticeable regulatory or statutory impact	Inconsequential damage	Contained, reversible impact managed by on site response.	Less than \$2000
Minor (2)	First Aid Treatment	Short term temporary interruption – backlog cleared < one (1) day	Substantiated, localised impact on community trust or low media item	Some temporary non compliances	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	\$2001 - \$10,000
Moderate (3)	Medical treatment/Lost time injury >30 days	Medium term temporary interruption – backlog cleared by additional resources < one (1) week	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Short term non-compliance but with significant regulatory requirements imposed	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	\$10,001 to \$100,000



POLICY MANUAL

GOVERNANCE

MEASURES OF CONSEQUENCE (Cont.)							
RATING	PEOPLE	INTERRUPTION TO SERVICE	REPUTATION Social Community	COMPLIANCE	PROPERTY Plant Equipment Buildings	NATURAL ENVIRONMEN T	FINANCIA L IMPACT
Major (4)	Lost time injury <30 days/tempor ary disability	Prolonged interruption of services – additional resources: performance affected <1 month	Substantiated, public embarrassme nt, widespread high impact on community trust, high media profile, third party actions	Non-compliance results in termination of services or imposed penalties to Shire / Officers	Significant damage requiring internal and external resources to rectify	Uncontained, reversible impact managed by a coordinated response form external agency	\$100,001, to 500,000
Extreme (5)	Fatality, permanent disability	Indeterminate prolonged interruption of services non- performance > 1 Month	Substantiated public embarrassme nt, widespread loss of community trust, high widespread multiple media profile, third party actions	Non-compliance results in litigation, criminal charges or Significant damages or penalties to Shire of Officers	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment and building	Uncontained irreversible impact	More than \$500,000

MEASURES OF CONSEQUENCES (PROJECT)				
LEVEL	RATING	PROJECT		
		TIME	COST	SCOPE/QUALITY
1	Insignificant	Exceeds deadline by >5% of project timeline	Exceeds project budget by 2%	Minor variations to project scope or quality
2	Minor	Exceeds deadline by >10% of project timeline	Exceeds project budget by 5%	Scope creep requiring additional work, time or resources. Reduced perception of quality by stake holders.
3	Moderate	Exceeds deadline by >15% of project timeline	Exceeds project budget by 7.5%	Scope creep requiring an additional work, time and resources or shortcuts being take. Stakeholder concerns.
4	Major	Exceeds deadline by >20% of project timeline	Exceeds project budget by 15%	Project goals deliverables costs and/or deadline failures. Project no longer aligned with the project scope. Stakeholder intervention in project.
5	Extreme	Exceeds deadline by 25% of project timeline	Exceeds project budget by 20%	Failure to meet project objectives. Project outcomes negatively affecting the community or the environment. Public embarrassment, third party actions.

MEASURE OF LIKELIHOOD			
LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur in exceptional circumstances	Less than once in 15 years



POLICY MANUAL

GOVERNANCE

1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years
---	------	---	----------------------------

RISK MATRIX						
Consequence		Insignificant	Minor	Moderate	Major	Extreme
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (20)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

RISK ACCEPTANCE			
RISK RANK	DESCRIPTION	CRITERIA	RESPONSIBILITY
LOW (1-4)	Acceptable	Risk Acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Manager
MEDIUM (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management executive and subject to monthly monitoring	Executive Management Team
EXTREME (17-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible managed by highest level of authority and subject to continuous monitoring	CEO/Council

Roles & Responsibilities

Elected members

- Have a strong understanding of effective risk management;
- Support effective risk management process throughout the organisation; and
- Be suitably informed in risk management for audit and risk management review annually.

Chief Executive Officer

- Ensure Council's Risk Management Plan is implemented;
- Ensure management team are adequately training in risk assessment; and
- Ensure employees are aware of their role in risk management.



Executive Management

- Encourage all employees, contractors and volunteers to participate in managing risk within their own area;
- Promote morality, accountability and reporting of risk including escalation or changes to identified risks;
- Scrutinise programs and projects for potential risks;
- Evaluate risk associated with all department functions;
- Determine risk treatments;
- Effectively communicate risk awareness and information across the organisation; and;
- Meet regularly to review strategic risks.

All employees/contractors and volunteers

- Be aware of risk and ensure they participate in risk mitigation within the workplace;
- Report risk and the escalation of identified risks immediately; and
- Actively participate in reducing risk in the workplace.

Legislation

Local Government Act 1995 and associated Regulations

Work Safety & Health Act 2020 and associated Regulations

AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines

Resource Documents

Strategic Community Plan **2019- 2029** - Objective 4 – Civil leadership

Corporate Business Plan 2013

Workforce Plan 2015

Asset Management Plan 2012

Risk Management Plan – D we have one??

Procedures Manual

Risk Management – Risk Assessment and Acceptance Criteria

Risk Profile Reporting Tool

Local Law

Management and Control of Goomalling Cemetery as amended 2010

Extractive Industries 2007

Local Laws relating to Fencing as amended 2010

Health Local Laws 2007

Local Government Property Local Law as amended 2010

Refuse Disposal Facilities Local Law as amended 2008

Waste Local Law as amended 2011

Local Law relating to Fire Breaks 1997

Local Laws relating to Dogs 1997

Local Laws relating to Parking Facilities 1997

Local Laws in relation to the conduct of proceedings and the business of Council 1997

Delegation

Nil



POLICY MANUAL GOVERNANCE

1.17 HABITUAL OR VEXATIOUS COMPLAINANTS

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 2 – Resolution - 9.4 OM_171121-427

Purpose

- To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be „habitual or vexatious” and ways of responding to these situations.
- To assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

Background

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities.

Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

In this policy, the term habitual means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”.

Habitual or Vexatious Complainants

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:



POLICY MANUAL GOVERNANCE

The repeated and/or obsessive pursuit of:

- i. Unreasonable complaints and/or unrealistic outcomes; and/or
 - ii. Reasonable complaints in an unreasonable manner.
2. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Schedule A), the Chief Executive Officer, following discussions with the Senior Management Team, will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.
3. The Chief Executive Officer will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. The Chief Executive Officer will also notify the Council Members that a constituent has been designated as a habitual or vexatious complainant.
4. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the Chief Executive Officer with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Schedule A – Criteria for Determining Habitual or Vexatious Complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complainants:

1. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their



POLICY MANUAL GOVERNANCE

concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognized that determining what is a trivial matter can be subjective and careful judgment will be used in applying these criteria.
6. Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.
7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognize that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
10. Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognized practice.
11. Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - i. Clearly does not have any serious purpose or value; or
 - ii. Is designed to cause disruption or annoyance; or
 - iii. Has the effect of harassing the public authority; or
 - iv. Can otherwise fairly be characterized as obsessive or manifestly unreasonable.



POLICY MANUAL GOVERNANCE

12. Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies.

Roles and Responsibilities

Elected Members

- Ensure the policy is adhered to.

Chief Executive Officer

- Ensure the policy is adhered to.

All Staff

- Ensure the policy is adhered to.

Legislation

Nil



POLICY MANUAL GOVERNANCE

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

CODE OF CONDUCT

1.19 ATTENDANCE AT EVENTS POLICY

Distribution: Elected Members, Executive Management

Responsible Officer: Chief Executive Officer

Date Adopted: 17 March 2021 – Version 1 – Resolution 329. OM 170321

Last Review:

Purpose

This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of the Elected Members.

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 establish standards for the attendance of the Elected Members at both intrastate and interstate conferences and the reimbursement of expenses incurred during those attendances (as required by section 5.90A of the *Local Government Act 1995*)

Scope

Elected Members

Standard

PROVISION OF TICKETS TO EVENTS

1. Invitations

- a. All invitations or offers of tickets for the Elected Members to attend an event should be in writing and addressed to the Shire of Goomalling
- b. Any invitation or offer of tickets not addressed to the Shire of Goomalling is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act
- c. A list of events and attendees authorised by the local government in advance of the event per below.
 - i. Advocacy lobbying or ministerial briefings
 - ii. Meetings of clubs or organisations within the Shire of Goomalling



POLICY MANUAL

CODE OF CONDUCT

- iii. Any free event held within the Shire of Goomalling
- iv. West Australian-based local government events (such as WA Local Government Week)
- v. Events hosted by clubs or not-for-profit organisations within the Shire of Goomalling to which the Elected Member has been officially invited
- vi. Shire of Goomalling hosted events, ceremonies and functions
- vii. Local Community exhibitions
- viii. Shire of Goomalling local cultural events/festivals
- ix. Events run by a local, state or federal government
- x. Events run by schools and universities within the Shire of Goomalling
- xi. Opening or launch of an event or facility within the Shire of Goomalling

2. Approval of attendance

- a. In making a decision on attendance at an event, Council will consider:
 - i. who is providing the invitation or ticket to the event
 - ii. the location of the event in relation to the local government (within the district or out of the district)
 - iii. the role of the Elected Member when attending the event (participant, observer, presenter) and the value of their contribution
 - iv. whether the event is sponsored by the local government
 - v. the benefit of local government representation at the event
 - vi. the number of invitations / tickets received, and
 - vii. 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.
- b. Decisions to attend events in accordance with this policy will be made by simple majority of Council and in accordance with any authorisation provided in this policy.

3. Payments in respect of attendance

- a. 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 if the Council determine attendance to be of public value.
- b. Any events where a member of the public is required to pay, unless previously approved and listed in Appendix A, the Council will determine whether it is in the best interests of the local government for a Elected Member to attend on behalf of Council.
- c. If Council determines that an Elected Member should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- d. Where partners of a Elected Member 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 Council.



POLICY MANUAL CODE OF CONDUCT

4. Register of Specific Event Approvals

Example Register

Event	Date of Event if Known	Approved Attendee	Approved Local Govt Contribution	Date of Council Resolution

Roles & Responsibilities

Elected Members

- Are responsible for adherence to this policy; and
- Approval of event attendance of elected members in accordance with this will.

Chief Executive Officer

- Ensure compliance with the policy
- Ensure register is kept up to date.

Legislation

Local Government Act 1995 and associated Regulations

Resource Documents

Strategic Community Plan 2019-2029

Procedures Manual

Nil

Local Law

Nil

Delegation

Nil



1.2 ADOPTED STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Distribution: Elected members, Chief Executive Officer

Responsible Officer: Chief Executive Officer

Date Adopted: 17 March 2021 – Version 1 – Resolution 325. OM 170321

Last Review:

Objective

To establish model standards for CEO recruitment, performance and termination.

Scope

Elected Members, Chief Executive Officer

Standard

Schedule 2 — Model standards for CEO recruitment, performance and termination [*Local Government Act 1995 S5.39A & Local Government (Administration) Regulations 1996 R18FA*].

1. Citation

These are the Shire of Goomalling Standards 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;

CEO means the local government's Chief Executive Officer;

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;



POLICY MANUAL GOVERNANCE

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 Goomalling;

selection criteria means the selection criteria for the position of Chief Executive Officer 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.

SECTION 1 — 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 Chief Executive Officer 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.



POLICY MANUAL

GOVERNANCE

-
- (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.

SECTION 2 – STANDARDS FOR REVIEW OF PERFORMANCE OF CEOs

15. Overview of Section

This Section 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.

SECTION 3 – STANDARDS FOR TERMINATION OF EMPLOYMENT OF CEOs

20. Overview of Section

This Section 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 —



POLICY MANUAL GOVERNANCE

-
- (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.

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

Roles & Responsibilities

Elected Members

- Are responsible for adherence to this policy and standards

Chief Executive Officer

- Ensure copy of standards are available on Council's official website

Legislation



POLICY MANUAL GOVERNANCE

[Local Government Act 1995](#) (S5.39A)

[Local Government \(Administration\) Regulations 1996](#) (R18FA)

.

Resource Documents

Strategic Community Plan 2019-2029

Procedures Manual

Nil

Local Law

Nil

Delegation

Nil



1.21 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Distribution: Elected members, Chief Executive Officer

Responsible Officer: Chief Executive Officer

Date Adopted: 17 March 2021 – Version 1 – Resolution 331. OM 170321

Last Review:

Objective

To ensure compliance with *Local Government Act 1995* s5.39C by having a policy regarding the employment of an acting Chief Executive Officer (CEO).

Purpose

To provide a framework and guidelines for the employment of an acting CEO.

Scope

Elected Members, Chief Executive Officer

Standard

Section 5.39C of the *Local Government Act* requires the adoption of a policy regarding the employment of an acting Chief Executive Officer (CEO).

Council delegates to the CEO, appointment of an internal employee to higher duties Acting CEO subject to the following conditions:

1. The appointment is to be for a period of no more than 3 months; and
2. The person appointed is to be suitably qualified, experienced and knowledgeable for the Acting CEO role; and
3. The appointment not being due to a vacancy of the CEO's position.

The Chief Executive Officer must inform the elected members of all proposed Acting CEO arrangements.

For CEO vacancy periods over 3 months the appointment of the Acting CEO shall be determined by Council.



POLICY MANUAL GOVERNANCE

The CEO shall report to Council any proposal to fill an Acting CEO role over three months with as much advanced notice as possible. In this case the CEO may recommend a suitable internal candidate for higher duties and must also provide an alternative recommendation to Council, being an external contractor/consultant or casual employee of sufficient qualification to hold the position. If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council.

Roles & Responsibilities

Elected Members

- Appoint suitably qualified Acting CEO for periods greater than 3 months.
- Ensure compliance with this policy.

Chief Executive Officer

- Appointment of suitably qualified Acting CEO for a period of no more than 3 months, excluding vacancy's to the CEO position.
- Inform elected member of the proposed arrangements.
- Ensure compliance with this policy.

Legislation

[Local Government Act 1995](#) (s5.39c)

(which also refers to any prescribed matters but as at the date of adoption of this Policy, there were no such prescribed matters)

Resource Documents

Strategic Community Plan

Procedures Manual

Nil

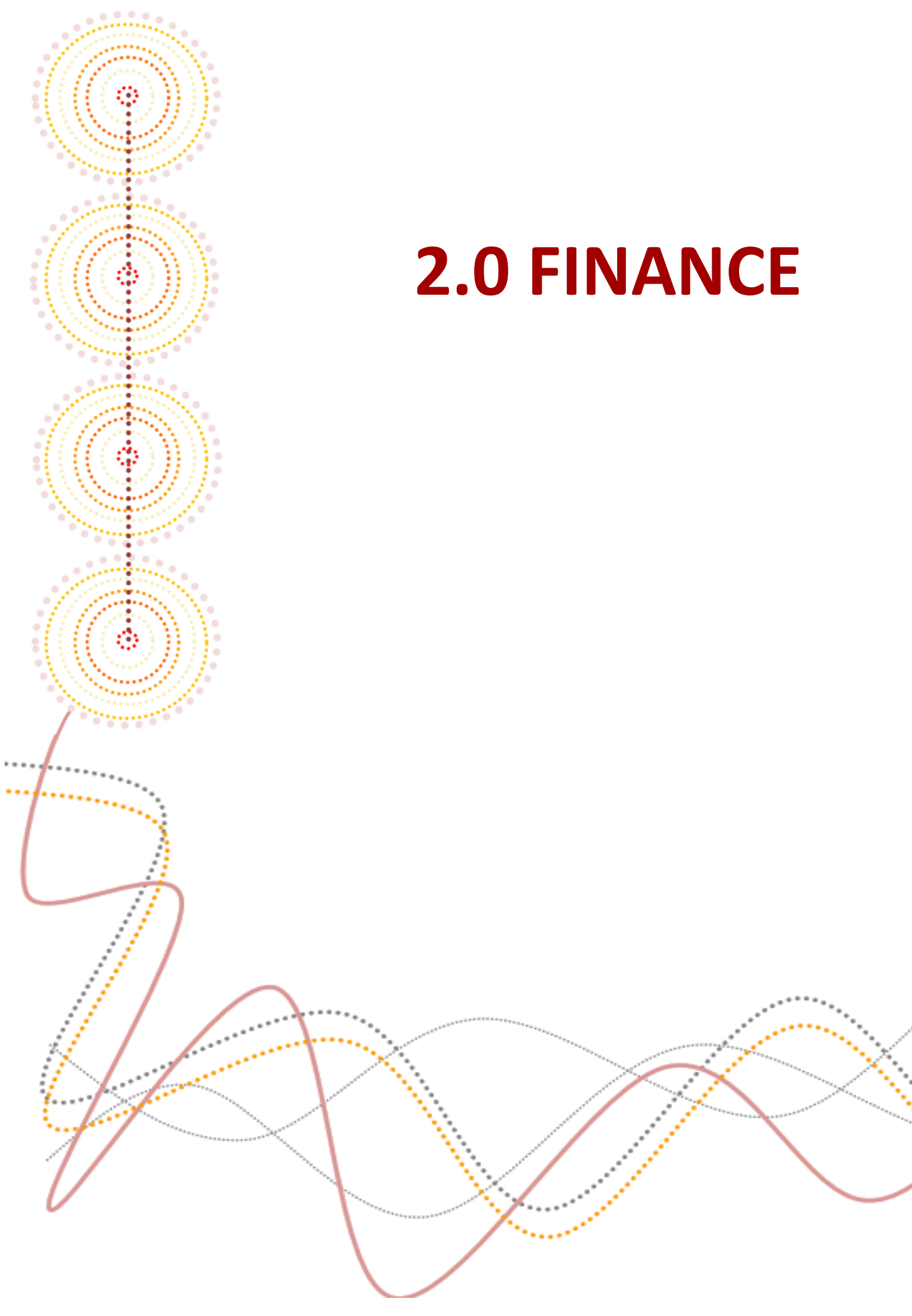
Local Law

Nil

Delegation

Nil

2.0 FINANCE





POLICY MANUAL FINANCE

4.22 2.1 ASSET MANAGEMENT

Distribution: Elected Members, Executive Management, Administration Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2 – Resolution 9.4 OM_171121-427

Purpose

To provide clear direction in the provision and management of all Councils assets to ensure sustainable outcomes and appropriate levels of service for present and future stakeholders.

Scope

Elected Members, Executive Management, Administration Staff

Standard

The Shire will undertake to provide the appropriate service levels for its assets, in a whole-of-life and economically, environmentally and socially sustainable manner. In providing and managing assets, the Shire will take into account an appropriate balance between service delivery, risk, reliability, safety and cost.

Budgeting priority will be given to the operation, maintenance and renewal of existing assets and services, and adequate resources will be provided to manage them in a cost-effective manner.

This Policy applies to all physical assets and their components with a useful life of more than one year, and a replacement value of greater than \$5,000, which require management by the Shire. Physical assets are:

- a. Land;
- b. Buildings;
- c. Infrastructure;
- d. Plant & equipment; and
- e. Cultural collections.



POLICY MANUAL FINANCE

The Asset Life Cycle (Whole of Life)

Lifecycle asset management involves the decisions made at each stage of an asset's life, from planning to disposal. The decisions made at one stage will affect the asset's performance in others.



Roles and Responsibilities

Elected Members

- Review Asset Management Annually

Executive Management

- Ensure compliance with the policy

Administration Staff

- Ensure compliance with the policy

Legislation

Local Government Act 1995 s. 9.49A and s. 9.49B



POLICY MANUAL FINANCE

Resource Documents

Strategic Community Plan 2019-2029

Corporate Business Plan 2013

Asset Management Plan 2012

Long Term Financial Plan 2013

Local Law

Nil

Delegation

Not Applicable



2.2 CONCESSION ON COMMERCIAL & FARMING PROPERTIES OCCUPIED BY PENSIONERS POLICY

Distribution: Chief Executive Officer, Deputy Chief Executive Officer, Finance Officer, Ratepayers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 1 092015.SM

Last Review: 15 August 2018 – Version 1.1 – Resolution 7.1.2 OM150818

Objective

To ensure pensioner and seniors concessions are allowed on farming and agricultural properties in an equitable way and that the concession relates to the residential portion of the property.

Scope

Chief Executive Officer, Finance Manager, Finance Officer, Ratepayers

Standard

In cases where an eligible pensioner or senior owns or occupies a rural/agricultural property that is used for other than residential purposes, that a proportionate rebate, by applying the arbitrary curtilage of 2 hectares in respect to the residential component of the rated property, is to be applied.

This policy specifically excludes commercial properties within the town boundary.

Definitions

Curtilage In law, the curtilage of a house or dwelling is the land immediately surrounding it, including any closely associated buildings and structures, but excluding any associated “open filed beyond” and also excluding any closely associated buildings, structures, or divisions that contain separate intimate activities of their own respective occupants with those occupying residence being person other than those residents of the house or dwelling of which the building is associated.

Roles & Responsibilities

Chief Executive Officer

- Ensure compliance with policy



POLICY MANUAL

FINANCE

Deputy Chief Executive Officer

- Ensure compliance with policy

Finance Officer

- Apply and action rates rebates, concession and exemptions

Legislation

Local Government Act 1995 (s6.47)

Rates & Charges (Rebated & Deferments) Act 1992 (s 28 [2])

Resource Documents

Nil

Delegation

DE34 Rates



POLICY MANUAL

FINANCE

2.3 FINANCIAL HARDSHIP & DEBT RECOVERY POLICY

Distribution:	Chief Executive Officer, Deputy Chief Executive Officer, Finance Manager, Ratepayers, Debtors, Tenants
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 1092015.SM
Last Review:	17 June 2020 – Version 2 – Resolution 211.170620.SM

Purpose

This Financial Hardship Policy outlines how Shire of Goomalling will assist customers who cannot pay amounts owing (“debtors”) to Council because of financial hardship.

Our policy applies to rates notice (except the Emergency Service Levy)⁵ and general debtors. Residential tenants who have agreed with the land owner to receive a rate notice are also covered by this policy.

Shire of Goomalling is committed to working with debtors to find an appropriate payment solution that works for both parties. Shire of Goomalling understand that it can be difficult to ask for support, and will treat debtors sensitively and respectfully.

Objective

- To ensure a consistent, collaborative and transparent approach to recovery and collection of debts, including outstanding rates and charges;
- To outline the management of customers experiencing financial hardship;
- Outline management of person experience vulnerability;
- Define financial hardship and identifying customer in financial hardship;
- Outline process for payment plans for debt reductions; and
- Useful Information for customers.

Scope

Chief Executive Officer, Finance Manager, Finance Officer, Ratepayers, Tenants and Debtors

Standard

Definitions

Default judgement	<i>means application for judgement in default of appearance, which can be made 14 days from the date of service of the General Procedure Claim (GPC) or Minor Case Claim (MCC) made within 12 months of lodgement of a MCC or GPC.</i>
Discontinuance of legal action	a) The Notices of Discontinuance of Case (NOD) The NOD is able to be issued with the Magistrates Court of WA, provided



POLICY MANUAL

FINANCE

	<p>the Shire has not applied/been granted a Default Judgement (DJ) on the claim. The effect of a NOD is to advise credit recording agencies that the Claim has been satisfied, from the Shire's perspective. It does not remove the claim from the debtor/ratepayers credit record.</p> <p>b) The Memorandum of Consent Order (MOCO). The MOCO is only agreed to by the Shire where the Shire has made an error in the action taken or exceptional circumstances as determined by the CEO apply. Where the Shire instigates this action it will bear the cost. If a rate payer required the MOCO then they are to apply directly to the court and pay all fees associated, the Shire is not obliged to agree this action,</p>
Financial hardship	means a state if more than immediate financial disadvantage which I the debtor being unable to pay outstanding amount without affecting the ability to meet basic living need of the debtor or a dependant 6– in short, if you have the intention but not the financial capacity to pay.
Garnishing of rent from lessee of a property	In accordance with Section 6.60 Local Government Act, the Shire will write to the owner or managing agent of a rental property and seek to make a Special Payment Arrangement. Where unsuccessful the Shire will require the tenant to pay their rental directly to the Shire to clear the outstanding rates and charges.
General Procedure Claim	means a claim lodge with the Magistrates Court where the value of the claim or the relief claimed does not exceed the limit set by the Magistrates Court of Western Australia (\$75,000 as a March 2020).
Lodging a Caveat on the Title of Land	In accordance with section 6.64 (3) of the Local Government Act 1995, where payment of rates or service charges are in arrears, the Shire can lodge a caveat, and this will be registered on the title for the that has unpaid rates and services charges. The cost of lodging a caveat cannot be charged to the property.
Means Enquiry	Where a judgement has been obtained for a MCC or GPC and no payment has been received or payment amount is insufficient to pay the outstanding amount within a reasonable time, the City may lodge a Means inquiry with the Magistrates court.
Minor Case Claim	a claim lodged with the Magistrates Court where the value of the debt or damages claimed does not exceed \$10,000
Payment difficulties	Immediate financial disadvantage that result in the debtor being unable to pay an outstanding amount by reason of a change in personal circumstances.
Property	Clause 19 of the Water Services Code of Conduct (Customer Service Standards) 2018 defines financial hardship as “being in an ongoing state of financial disadvantage in which the customer’s ability to meet the basic living needs of the customer



POLICY MANUAL

FINANCE

	or a dependent of the customer would be adversely affected if the customer were to pay an unpaid bill for a water service supplied in respect of the place used solely or primarily as the customer's dwelling".
<i>(Seizure and Sale) Order</i>	A property (seizure & sale) order authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially.
<i>Property sale and seizure order PSSO</i>	In accordance with a Magistrate Court (Civil Proceedings) for Goods & Land A Property (Sale and Seizure) Order the Shire may authorise a Bailiff to seize and sell as much real estate or personal property as necessary to pay the judgment debt. There are strict guidelines around what property cannot be taken to preserve a level of liability for the owner
<i>Sale of land</i>	In accordance with section 6.64 of the Local Government Act 1995, if any rates or services charges which are due to the Shire in respect of any rateable land, has been unpaid for a least three years and the Shire has attempted to commence legal proceedings at least once within the period of three years prior to the exercise of the power of sale, the Council if it resolved, may take possession of the land and sell the land to recover the outstanding payment amounts.
<i>Skip trace</i>	Process of locating a person's whereabouts
<i>Payment arrangement</i>	or special payment arrangement is an arrangement made under Section 6.49 of the Local Government Act 1995.
<i>Vulnerability</i>	A person who may have low income or, as a result of their circumstances, be experiencing financial shock, leading to difficulties paying debts by the due dates. This can take the form of "payment difficulties" or "financial hardship". Any debtor payment due to the Shire of Goomalling that has not be received by the due date shall be recovered in accordance with this Policy and any relevant legislation.

Rates Debtor Collection

The actions taken to recover outstanding amount due to the Shire will be as follows:

⁵ Emergency Service Levy (ESL) is regulated by the State and therefore, persons must apply directly to the Minister for financial relief for the ESL component of the rates notice.

- Amounts outstanding after the due date for payment will be followed up within 30 days with a final notice requesting full payment within fourteen (14) days unless an agreed Special Payment Arrangement has been entered into with the Shire of Goomalling;
- If payment is not received after 14 days, then where practicable, the Shire will endeavour to contact the debtor by email or phone prior to taking further action;



POLICY MANUAL

FINANCE

- If payment has still not been made, the Shire will issue a Notice of Intention to commence legal action letter to the debtor, requiring immediate payment or inviting the debtor to enter into a Special Payment Arrangement with the Shire;
- If there is no response, then where practicable, the Shire will again endeavour to contact the debtor by email or phone prior to taking further action;
- As per section 6.60 of the *Local Government Act* If payment is not made and no payment arrangement is entered into, the Shire can take the following course of action:
 - Garnishing of rent from lessee of a propertyOr, using a debt collection agency:
 - Via Property (Seizure and Sale) Order
 - Lodging a Caveat on the Title of Land
 - Sale of Land
- The Shire may use a debt collection agency to undertake these actions. If no payment is made within the guidelines of the Debt collection agency, the Shire may instruct the debt collection agency to lodge a General Procedure Claim (GPC) or a Minor Case Claim (CCC) in accordance with Section 6.56 of the Local Government Act;
- If MCC or GPC is not served and the debtor cannot be located, the Shire may instruct an agent to undertake a Skip Trace;
- Should a MCC or GPC be lodged but there is no agreement within fourteen (14) days of issuing the claim, default judgement can be requested;
- Cost incurred as a result of proceedings on rating debts can be charged to the property's rates account as per section 6.56 of the Local Government Act 1995. The cost of lodging a caveat cannot be charged to the property.

Where the debtor has defaulted three (3) times or more from an approved Special Payment Arrangement, the Shire may proceed with further legal action and not agree to enter into another Special Payment Arrangement.

The Shire will not proceed with further legal action if the debt has been paid in full or an approved Special Payment Arrangement has been agreed and adhered to.

Shire of Goomalling does not institute legal action for concession holders.

Sundry Debtor Collection

- An invoice or infringement notice will be issued requiring payment within 30 days from the date of issue;



POLICY MANUAL

FINANCE

- A final statement will be issued for all sundry debtor account in arrears 30 days or more requesting payment in full;
- Should debts remain unpaid after the expiry date show on the Final Statement, a letter of demand will be issued requiring payment within 14 days;
- Should the debt still remain unpaid, a schedule is to be present to Council at the next ordinary meeting or as soon as practicable recommending legal action. Debt remaining unpaid will be examined for the purpose of determining whether a summons will be issued. Following the issue of a summons, a reasonable offer to discharge a debtors' account will not be refused. Where a summons has been issued and remains outstanding, action will be taken to pursue that summon by whatever mean necessary to secure satisfaction of the debt. This may include the issue of a Property (Seizure & Sale) Order against goods if necessary.
- Any sundry debtor in arrears 60 days or more be excluded from further use of these facilities such as public halls and the community bus until the account has been paid in full or an acceptable Special Payment Arrangement has been entered into.

Interest on outstanding rates debts (\$6.51)

- Interest **IS** charged on rates.
- Interest **is NOT** charged to concession holder or senior rates debtors
- Shire of Goomalling **does NOT** charge interest on arrears prior to concession registration.
- Interest is NOT charged on general debtors
- All interest charges may be waived, reduced or written off as directed by the relevant Minister/s for Local Government and/or for Emergency Services.

Identifying Customers In Financial Hardship

If you think you may be in financial hardship, the Shire encourages you to make contact as soon as possible. You may ask your financial counsellor to contact the Shire on your behalf.

The Shire will assess the application within fifteen (15) business days as to whether it is considered that you are in financial hardship. If an assessment cannot be made within fifteen (15) business days, the Shire will refer you to a financial counsellor for assessment.

As part of the assessment the Shire will consider any information you or your financial counsellor may provide. The Shire will also take into account any information on hand as to your payment history.

As soon as the Shire has made an assessment, you will be advised of the outcome.

Persons in situations of vulnerability



POLICY MANUAL

FINANCE

The general principle for rates collection is that, in all circumstances, rates must be paid. This ensures fairness in the community that all property owner accept and carry out their obligations to contribute to the cost of provision of essential community infrastructure.

The general principle for rates collection is that, in all circumstances, rates must be paid. This ensures fairness in the community that all property owners accept and carry out their obligations to contribute to the cost of provision of essential community infrastructure.

The ability to pay overdue debts by individual rate payers and debtors varies, and in some instances, persons can be experiencing financial stress by a wide range of factor. The Shire of Goomalling recognizes that vulnerable persons in particular are susceptible to experiencing harm, loss or disadvantage.

Anyone, given a combination of circumstances, can find themselves in a situation of vulnerability. The Shire recognizes that specific risk factors are more prevalent for some people in the community but may not necessarily result in vulnerability, these risk factors include:

- Disability;
- Illiteracy/innumeracy;
- Unemployment;
- Serious or chronic illness;
- Bereavement;
- Exposure to family or domestic violence; and
- Low English language proficiency (Culturally and Linguistically Diverse)
- Aboriginal and Torres Strait Islander people who, as a result of historical and systemic inequity, are more likely to experience disadvantage and be in situations of vulnerability.
- loss of your or a family member's primary income;
- spousal separation or divorce;
- loss of a spouse or loved-one;
- physical or mental health issues;
- a chronically ill child;
- budget management issues associated with a low income; and
- other unforeseen factors affecting your capacity to pay, such as a reduction in income or an increase in non-discretionary spending.

There are varying stages of vulnerability, which can take the form of payment difficulties or financial hardship.

Payment difficulties reflect short term financial constraints whilst financial hardship may reflect longer term financial stress or wide-ranging implications. People experiencing financial hardship are generally unable to provide one or more fundamental needs including:

- Accommodation costs – arrears of rent, mortgage or utility costs;
- Food;
- Clothing;



POLICY MANUAL

FINANCE

- Medical treatment;
- Education;
- Other basic necessities.

In both circumstances “payment difficulties” and “financial hardship” there is the willingness to pay, but lack the capacity to do so.

Shire of Goomalling’s approach to vulnerability

The Shire’s overall approach in situation of vulnerability is that the shire will act in an empathetic and compassionate manner, and work with each individual to tailor a payment plan considering their personal circumstances.

- Proceedings such as legal action and sale of the property as a last resort, the Shire will try to avoid this avenue as much as possible;
- Aim to achieve payment of outstanding rates and in some circumstances where necessary, payment plans will not recoup outstanding rates in one (1) financial year;
- The Shire will consider a payment plan period that is reasonable;
- The maximum length of time that is five (5) years and the payment plan includes future rates. This may be extended if the particulars of the case are warranted;
- The objective is to help those in genuine difficulties work through their issues, even if it takes time;
- In these circumstances, sometimes a ratepayer’s actions include poor decision-making, withdrawing and avoiding the issue by not responding to attempts to contact, or they become aggressive. The Shire attempts to contact ratepayers throughout the debt recovery process; and
- Regardless of when first contact is made by the person, the Shire will assess financial hardship in accordance with this Policy and that the ratepayer is willing to follow the requirements of the Policy.

Evidence of hardship

Evidence of hardship is required by the Shire of Goomalling and is treated with strict confidentiality. The debtor may provide evidence by attending the Shire’s administration building or via electronic means. A Shire of Goomalling [Financial Hardship Application](#) for along with the evidence of hardship may comprise:

- a) Financial Counsellor report detailing all debts due, income and proposed payment arrangement;

OR

- b) Any of the following documents but not limited to, to ensure a full assessment can be undertaken:



POLICY MANUAL

FINANCE

- Bank notice, for example, for mortgage arrears
- Disconnection notice for utilities
- Notice of impending legal action
- Repossession notice of essential items such as a car or motorcycle
- Evidence of loss of employment/registration for Newstart allowance
- Final notice from school regarding payment of mandatory fees
- Medical certificate confirming inability to work;

OR

- 1.20.1.1.1.1 In circumstances of natural disasters, significant economic events or pandemic:
- 1.20.1.1.1.1.1 Shire of Goomalling completed application form "[Financial Hardship Application](#)"
- 1.20.1.1.1.1.2 A letter or email from your employer advising that you have either been stood down or made redundant; or
- 1.20.1.1.1.1.3 If you are self-employed a letter advising how the COVID-19 has impacted your business.

Payment plans

If Shire determines that you are in financial hardship, you will be offered more time to pay the outstanding debt or a payment plan for this debt. We will not charge you any fees or interest as part of your extension or payment plan.

Shire will involve you and, if applicable, your financial counsellor in setting a payment plan. When setting the conditions of the plan, we will consider your capacity to pay and, if relevant, your usage needs. If appropriate, we will review and revise your extension or payment plan.

Shire do not have to offer you a payment plan if you have had two payment plans cancelled because of non- payment.

If you are a tenant, we must make sure that the land owner is aware of us giving you an extension or entering into a payment plan with you before we do so. We can agree that you notify the land owner of the proposed extension or payment plan (and provide us with evidence that you have done so), or you can give us permission to notify the land owner.

Debt reduction and collection

If you are in financial hardship, we will consider reducing the amount you owe us. We will also not commence or continue proceedings to recover your debt:

- While we are assessing whether or not you are in financial hardship; or
- If you are complying with your payment plan or another payment arrangement you have with us.

If you do not comply with your payment plan or other payment arrangement, we may outsource your debt to a debt collection agency. Please be advised that additional fees may apply in this case. We will ensure that any debt collection agency we engage will comply with Part 2 of the ACCC and ASIC's Debt collection guidelines for collectors and creditors.



POLICY MANUAL

FINANCE

Useful Information

Redirection of Rate Notice

Shire of Goomalling will advise the customer of their right to have their rate notice redirected to another person free of charge if they're absent or ill.

Payment Options

Acceptable payment options include:

- Direct debit, Centrepay, cheque, electronic funds transfer or EFTPOS;
- Payment can be made via internet banking, in person, by telephone or via post;
- Paying by direct debit or Centrepay may help to manage bills more easily as bills will be paid through regular deductions;
- Pensioners and senior card holders will be eligible for a rebate.

For more information regarding payment options, please contact the Shire of Goomalling.

Financial Counseling

Shire of Goomalling will advise customers of any financial counselling services or other organisations that may be available to them. Financial counsellors offer free, independent information to help customers take control of their financial situation.

The Financial Counsellors' Association of WA (FCAWA) can refer customers to a financial counsellor in their area. Alternatively, customers can call the FCAWA's Financial Counselling Helpline.

The Helpline provides a free confidential service for all Western Australians with financial problems and queries.

The FCAWA's contact details are:

Financial Counsellors' Association of WA

P: (08) 9325 1617

Financial Counselling Helpline:

P: 1800 007 007

E: afm@financialcounsellors.org

W: www.financialcounsellors.org

Fees and charges

Shire of Goomalling will charge customers for the services provided, including but not limited to:

- Land rates;
- Sewerage services;
- Waste management services;
- Emergency Services Levy;
- Commercial or residential rent of Council owned property;



POLICY MANUAL FINANCE

- Planning and building services;
- Health services;
- Private works; and
- Facility or equipment hire.

Complaints

Complaints should be directed to the Shire of Goomalling first. Our contact details are included in section “Our Contact Details” below.

We will consider your complaint, make appropriate investigations and advise you of any outcomes and discussions to assist you in meeting an agreeable solution.

We may consider the advice of a Financial Counsellor and if deemed appropriate, engage you with a meeting between all parties so as to arrive with an amicable solution to your situation.

If you are not satisfied with the way we handle your complaint, you may refer your complaint to the Ombudsman of Western Australia. The Ombudsman of Western Australia will investigate your complaint and may mediate the dispute between you and Shire of Goomalling.

The Ombudsman Western Australia’s contact details are:

Phone:	(08) 9220 7588 Freecall: 1800 754 004
Fax:	(08) 9220 7599 Freefax: 1800 611 279
Interpreter Service:	131 450 National Relay Service: 1800 555 727
Email:	energyandwater@ombudsman.wa.gov.au
Website:	www.ombudsman.wa.gov.au/energyandwater
Postal Address:	PO Box Z5386, St Georges Terrace, PERTH WA 6831
Street Address:	Level 2, Albert Facey House, 469 Wellington Street, PERTH WA 6000

Approval and review

Our policy was approved by the Economic Regulation Authority of WA. We will review our policy at least every five years to ensure it remains up-to-date and relevant.



POLICY MANUAL

FINANCE

Our contact details

You can contact us at:

Shire of Goomalling
32 Quinlan Street (PO Box 118)
Goomalling WA 6460
P: 08 9629 1101
F: 08 9629 1017
E: goshire@goomalling.wa.gov.au
W: www.goomalling.wa.gov.au

Roles & Responsibilities

Chief Executive Officer

- Ensure compliance with policy

Deputy Chief Executive Officer

- Ensure compliance with policy

Finance Officer

- Apply and action Special Payment Arrangement and Debt collection

Legislation

Water Services Code of Conduct (Customer Service Standards) 2018

Local Government Act 1995

(Part 6 Div 5 & 6, s6.12, s6.47, s6.49, s6.51, s6.55-6.56, s6.60, s6.64-6.75)

Local Government (Financial Management) Regulations 1996

Waste Avoidance and Resource Recovery Act 2007 (Part 6)

Fire & Emergency Services Act 1998 (Part 6A)

Resource Documents

Strategic Community Plan 2018

Objective 4: Civic Leadership

Policy

Legal Proceedings

Procedures Manual

Financial Hardship & Debt Recovery Procedure

Local Law

Not Applicable

Delegation

DE6 Write off of Debt

The Council as delegated authority to Chief Executive Officer to implement this policy which includes the ability to enter into Special Payment Arrangements under Section 6.49 and to



POLICY MANUAL

FINANCE

write off small debts under section s6.12 (1) (c) of the Local Government Act 1995, and in accordance with this policy.

- a) Writing off debts
The Shire has a position that it will not write off a rates debt unless the debt is a small debt. A small debt is that amount determine by the Council for the purpose of delegating to the Chief Executive Officer under section 6.12 (1)(c) of the Local Government Act 1995. However, in some cases, the shire may write off outstanding interest.
- b) Suspending the accruing interest
Provides immediate relief for debtor
- c) Deferring interest and write off of charges
A suspension of interest for three months will occur immediately from the date of receiving the completed application form and confirmation of the appointment made with the Financial Counsellor. The Shire recognises that there may be a waiting period to see a Financial Counsellor, and so long as there has been a booking made and the Shire receives confirmation of this, the interest will be suspended. Once the Financial Counsellor has sent the City the report and recommended payment amount, the maximum length of time interest can be suspended is 12 months.
- d) Debt recovery action and legal proceedings
While the Shire is awaiting the debtor to meet with a Financial Counsellor to commence a payment plan, legal proceedings may be put on hold for an agreed period.
- e) Financial counselling
The Shire may recommend a ratepayer meeting with a Financial Counsellor, who will provide advice to the debtor in relationship to managing their debts.
- f) Special payment arrangement – payment terms
In the case of hardship, the Shire will assess the period required to clear outstanding rates and charges when paid in conjunction with the annual year's rates and charges, in exceptional circumstances this will be to a maximum term of five years from the date of commencement.

DE34 Rate



2.4 PURCHASING POLICY

Distribution: Elected Members, All Employees, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 1092015.SM

Last Review: 19 July 2023 – Version 2.2 – Resolution 660

Purpose

To articulate purchasing parameters for procurement on behalf of the Shire of Goomalling for operating expenditure.

Objective

To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 as amended. This is an interim policy position to be in place until the Council adopts its revised Policy Manual in coming months.

To deliver a best practice approach and procedures for purchasing for the Shire of Goomalling. Having said this, there is a desire to reduce the administrative burden, in particular for small purchases for consumables such as small hardware items, batteries, tyres, stationery and photocopy charges, callout fees, alarm monitoring and the like. The administrative burden should not outweigh the benefit of complying with this policy.

To ensure consistency for all purchasing activities within the Shire of Goomalling operational areas.

Scope

Elected Members, All staff, Volunteers

Standard

Ethics and Integrity

All employees of the Shire of Goomalling are expected to practice a high standard of ethics and integrity in undertaking purchasing transactions, and act in an honest and proficient manner that preserves the standing of the Shire of Goomalling.

The following principles and behaviour must be prescribed throughout all stages of purchasing to ensure fair and equitable treatment of all parties:

- Full accountability for all purchasing decisions and effective management of expenditure of public monies on the basis of achieving value for money;
- All purchasing practice comply with relevant legislation, regulations and standards



POLICY MANUAL

FINANCE

consistent with the Shire of Goomalling's policies and code of conduct;

- Procurement is undertaken on a competitive basis and potential providers receive impartial, candid and consistent management;
- Process, evaluation and decision making is transparent, impartial and documented in accordance with relevant policy and audit requirements;
- Actual and perceived conflicts of interest are identified, disclosed and managed appropriately; and
- Information provided to the Shire of Goomalling by a supplier/contractor is treated as commercial-in-confidence and will not be released unless authorised by the supplier or relevant legislation.

Policy:

Limits	Policy	Officer who can Sign
Up to \$5000	Direct small purchase for suppliers requiring verbal quotations(s), if practical. Again, if practical, written quotations should be obtained for amounts over \$1000. Quotes will not be required for items such as software licenses and support for corporate software already in use, utility payments, ongoing alarm monitoring, photocopy charges, small consumable charges such as stationery, hardware, small parts. Emergency purchases and callouts do not require quotation.	CEO DCEO/Finance Manager Works Manager
\$5001 - \$19,999	Where practical, obtain two verbal or written quotations. Quotes will not be required for items such as software licences and support for corporate software already in use, utility payments, ongoing alarm monitoring, photocopy charges, small consumable charges such as stationery, hardware small parts. Emergency purchases and callouts do not require quotation.	CEO DCEO/Finance Manager Manager of Works
\$20,000 - \$249,999	Where practical, obtain at least two written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).	CEO DCEO/Finance Manager (in CEO absence for budgeted items) Manager of Works (for budgeted Works expense only)
\$250,000 and above	Conduct a public tender process.	CEO

Conditions:

- (1) The above purchasing policy is to be used in conjunction with the *“Regional Price Preference (Buy Local) Policy – 8.1”*.
- (2) Where suppliers require a fee for a quote, staff are to note this. The CEO to adjudicate as to whether that supplier should provide a quote in such instance.

Where/if Practical – This term is used to reduce the need to quote a situation where;

- The supply is an emergency supply or urgent callout situation;
- The supply is for small items such as stationery, hardware, small spares or parts and consumables;



POLICY MANUAL

FINANCE

- The supply is a utility charge such as power, water, telephony or ongoing photocopy charges and the like;
- The supply is for a good or service that is unlikely to be able to be quoted such as software or general IT support, licenses, alarm monitoring, or contractors providing an ongoing service such as contract cleaning, management services or agreed fee for service arrangements. (Such as swimming pool manager, contract planner, contract building surveyor, contract cleaning, contract health officer, finance consultant)
- The supply is for a service supplied locally where mobilisation costs would be incurred through an alternative supplier that would add significantly to the cost of the service or supply. (This could include a local contractor/plumber/electrician.)

Roles & Responsibilities

Elected Members

- To create and review policy to minimise risk and ensure best practice.

Chief Executive Officer

- Comply with policy for purchasing
- Ensure staff understand and comply with policy

Executive Management

- Comply with policy for purchasing
- Ensure staff understand and comply with policy

Employees

- Comply with policy for purchasing

Legislation

Local Government Act 1995 (s 6.10)

Local Government (Functions and General) Regulations 1996 (r 11a)

Local Government (Financial Management) Regulations 1996 (r13)

State Records Act 2000 and associated Regulations

Occupational Safety and Health Act 1984 (s. 23-1 9a, b & c)

Resource Documents

Policy - 8.1 Regional Price Preference (Buy Local)

Local Law

Nil

Delegation

Nil



2.5 CORPORATE CREDIT CARD POLICY

Distribution: Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 1092015.SM

Last Review: March 2019 – Version 1.1 – Resolution 9.15 032019.OM

Purpose

This policy is designed to provide clear direction on the use of Council's corporate credit cards.

Objective

- To ensure corporate credit card is used correctly; and
- Provide a useful resource as an alternative form of payment.

Scope

Chief Executive Officer, Deputy Chief Executive Officer, Works Manager

Standard

Definitions

Cardholders	Refers to: <ol style="list-style-type: none">1. Chief Executive Officer,2. Deputy Chief Executive Officer,3. Works Manager,4. Local Action Group Co-ordinators<ol style="list-style-type: none">i. Lower Lockart,ii. Narembeen,iii. Yilgarn,iv. Central Wheatbelt5. Local Action Group Administrators<ol style="list-style-type: none">i. Narembeen.
--------------------	--

The Shire, in order to enhance daily purchasing processes and reduce administrative costs, will authorize the issue, by its preferred financial services provider, of Eight (8) corporate credit cards with a maximum credit limit of \$25,000 in total.

Summary of cardholders and limits as listed below for which the use is subject to the following conditions:



POLICY MANUAL FINANCE

- The corporate credit cards are only to be used for the purchase of goods and services on behalf of the Shire of Goomalling such as, but not limited to, accommodation, meals, travel, fuel, conference/seminar fees, and subscription to professional memberships, journals, publications where the use of a purchase order is impractical or not possible.
- The corporate credit cards shall not be used for cash advances.
- The corporate credit cards shall not be used for expenditure on personal items or services.
- The corporate credit cards shall not be tied to any type of personal benefit or reward.
- If the corporate credit card is lost, stolen and/or damaged it shall be reported to Bendigo Bank immediately, as well as to Council.

Cardholder	Position/Title	Credit Limit
Peter Bentley	Chief Executive Officer	\$9,000
Natalie Bird	Deputy Chief Executive Officer/Finance Manager	\$3,000
David Long	Works Manager	\$3,000
Local Action Group – Lower Lockhart	LAG Co-ordinator	\$2000
Local Action Group – Narembeen	Administrator	\$2000
Local Action Group – Narembeen	LAG Co-ordinator	\$2000
Local Action Group – Yilgarn	LAG Co-ordinator	\$2000

The following are the approved methods of processing transactions subject to the cardholders on each occasion maintaining a documented record of such transactions:

- Across the counter (the cardholder authorises a purchase by PIN at the time of purchase).
- By telephone (the transaction is completed by quoting corporate card details to the supplier).
- By mail, quoting card details on orders to suppliers.
- By internet (the transaction is completed by quoting credit card details to the supplier).

It is the responsibility of The Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen (cardholders) to retain purchase/expenditure documentation, tax invoices and Creditors/Finance Officer to reconcile with credit card statements at the end of the each month.

The Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen (cardholders) must sign the credit card statement in the space provided to validate the transactions shown on the statement. The Chief Executive Officer is to sign off on the summary of transactions as further verification and validation for the Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen Cards and the Deputy Chief Executive Officer is to sign off on the summary of transactions as further verification and validation for the Chief Executive Officer.



POLICY MANUAL FINANCE

Any disputed amounts on the credit card statement must immediately be brought to the attention of the Shire President.

Termination of Employment

The corporate credit card will be cancelled immediately upon the termination of employment of the Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen (cardholders).

The Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen remain responsible for providing details of any expenditure included on the corporate credit card statement up to and including their final day of employment.

Cardholder Acknowledgement

The Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen must sign a “letter of acknowledgement and declaration” acknowledging their responsibilities to comply with the Shire of Goomalling’s policy when using the corporate credit card.

Improper Use of Credit Card

The Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen are the custodians of the corporate credit cards and in a position of trust in regard to the use of public funds and improper use of that trust may render the Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen liable to disciplinary/legal action/criminal prosecution. Improper use includes misuse and/or fraudulent use.

Roles & Responsibilities

The Chief Executive Officer, Deputy Chief Executive Officer, Works Manager, Local Action Group Co-ordinators Lower Lockart, Narembeen, Yilgarn, Local Action Group Administrators Narembeen.

- Ensure compliance with policy.

Finance/Administration Officer/Account Payable

- Reconcile credit cards monthly
- Include copy of credit card statement in monthly Council reports

Legislation

Local Government (Financial Management) Regulations 1996 (5-1e, 11-1a)



POLICY MANUAL FINANCE

Resources

Strategic Community Plan

C1.5 Develop a policy framework to guide Council's decision making

C2.7 Provide reporting processes in a transparent, accountable and timely manner

Policy

2.4 Purchasing Policy

Procedures Manual

Nil

Local Law

Nil

Delegation

DE31 Approval of Credit Cards



POLICY MANUAL

FINANCE

2.8 ASSET REVALUATION POLICY

Distribution:	Elected Members, Chief Executive Officer, Deputy Chief Executive Officer/Finance Manager
Responsible Officer:	Chief Executive Officer
Date Adopted:	May 2020 – Version 1 – 196.PM_200520 – Formerly Revaluation of Assets for Financial Reports
Last Review:	

Purpose

The purpose of this policy is to articulate parameters for the revaluation of Council's non-current assets. This guideline is to ensure that revaluations are made with sufficient regularity to ensure that the carrying amount of an asset does not differ materially from that which would be determined using fair value of that value as at Council's financial reporting date.

Objective

To comply with regulation 17A (4) which states:

- (4) *A local government must revalue an asset of the local government –*
- a) whenever the local government is of the opinions that the fair value of the asset is likely to be materially different from its carrying amount; and*
 - b) in any event, within a period of a least 3 years but no more than 5 years after the day on which the asset was last value or revalued.*

Scope

Elected members, Chief Executive Officer, Finance Manager

Standard

Definitions

Carrying amount	<i>Is the amount at which an asset is recognised after deducting any accumulated depreciation and accumulated impairment losses.</i>
Cost	<i>Is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire an asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the specific requirements of AASB 116.</i>
Depreciation amount	<i>Is the cost of an asset, or other amount substituted for cost, less its residual value.</i>
Depreciation	<i>Is the systematic allocation of the depreciable amount of an asset over its useful life.</i>



POLICY MANUAL FINANCE

Entity-specific value	<i>Is the present value of the cash flows an entity expects to arise from the continuing use of an asset and from its disposal at the end of its useful life or expects to incur when settling a liability.</i>
Fair value	<i>Is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.</i>
Property, plant & equipment	<i>are tangible items that are:</i> <ul style="list-style-type: none"><i>• Held for use in the production or supply of goods or services, for rental to others, or for administrative purposes</i><i>• Expected to be used during more than one period.</i> <i>Recoverable amount is the higher of an asset's fair value less costs to sell and its value in use.</i>
The residual value of an asset	<i>is the estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.</i> <ul style="list-style-type: none"><i>• Period over which an asset is expected to be available for use by an entity</i><i>• Number of production or similar units expected to be obtained from the asset by an entity.</i>

Asset classes are to be revalued on a regular basis to ensure that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset.

To maintain the value of assets in current terms, comprehensive revaluations of non-current physical assets will be carried out at least once in any five-year period and will be arranged by the Finance Manager.

In addition, annual interim revaluations of these asset classes may be carried out, based on relevant indices to reflect the increase in the capital value. Where possible, indices will take into account technological change in addition to the effects of specific or general price levels but will need to ensure that the current replacement cost doesn't exceed the fair value, otherwise an impairment adjustment will be required. Revaluation increments arising upon revaluation are credited directly to the asset revaluation reserve. Non-current physical assets that are acquired between revaluations are held at cost until the next valuation, where they are revalued to depreciated replacement cost.

Impairment

Assets that have an indefinite useful life are not subject to depreciation and are reviewed annually for impairment. If, and only if, the recoverable amount of an asset is less than its carrying amount, the carrying amount of the asset shall be reduced to its recoverable amount.

That reduction is an impairment loss. For assets whose future economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, the value in use is the depreciated replacement cost.



Roles & Responsibilities

Elected Members

- Monitor and review policy

Chief Executive Officer

- Ensure compliance with this policy

Manager of Finance

- Ensure compliance with this policy
- Administer revaluation of non-current assets
- Review assets for impairment

Legislation

Local Government (Financial Management) Regulations 1996 Reg 17A (4)

Resources

Strategic Community Plan

C1.5 Develop a policy framework to guide Council's decision making

C2.7 Provide reporting processes in a transparent, accountable and timely manner

Policy

Nil

Procedures Manual

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL FINANCE

4.17 2.10 BANK SIGNATORIES

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 3 – Resolution

Purpose

To determine those persons that may be an authorized signatory to enable the effective and efficient payment of accounts on behalf of the Shire of Goomalling.

Scope

Elected Members, Executive Management, Council Staff

Standard

That the following persons are authorised signatories for the purpose of making payment on behalf of the Shire of Goomalling:

1. The Municipal Fund requires two signatories on a cheque, these are to be: any two of the Chief Executive Officer, Deputy Chief Executive Officer, Finance Officer and Community Development Officer; or the Chief Executive Officer or Deputy Chief Executive Officer or Community Development Officer plus either the Shire President, Deputy Shire President.
2. Electronic authorities for the Municipal account shall be two of any of the following officers, Chief Executive Officer, Deputy Chief Executive Officer or Community Development Officer and Finance Officer.
3. Electronic authorities for the Trust account shall be two of any of the following officers: Chief Executive Officer, Deputy Chief Executive Officer or Community Development Officer and Finance Officer.

Roles and Responsibilities

- **Elected Members**
Ensure policy is review annually

Executive Management

- Ensure compliance with the policy

Council Staff



POLICY MANUAL FINANCE

- Ensure compliance with the policy

Legislation

Local Government Act 1995 Section 6.10

Local Government (Financial Management) Regulations 1996 Regulations 11 and 12

Resource Documents

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL FINANCE

DELETE POLICY - SUPERCEDED BY CODES OF CONDUCT POLICIES

4.18-2.11 RATES EXEMPTION

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 3 – Resolution 9.4 OM_171121-427

Purpose

To set specific criteria that must be met by those entities that are not covered under Section 6.26 (2) who are seeking a general rate exemption.

Scope

Elected Members, Executive Management, Council Staff

Standard

The following criteria must be met before consideration is given to the eligibility for an exemption from general rates and sewerage charges:

1. A Rate Exemption Application Form must be completed in full.
2. The applicant must be an incorporated Not for Profit organisation.
3. The applicant must own or have the vesting of the property on which rates are levied.
4. The applicant must not operate any commercial activities from the property.
5. The applicant must not hold a liquor licence for the provision of alcohol for sale to the general public for profit.
6. All approved applications will remain in force for a maximum period of three (3) years unless otherwise advised, and then the applicant must reapply.
7. Applications shall be determined within 14 days of receipt of the original application and or any additional information requested, whichever is the later.
8. A summary of all approved applications shall be presented to Council annually prior to the annual budget deliberations.
9. Exemptions will be treated as a donation from the Shire to the exempt community group.

The Chief Executive Officer has delegated authority to approve applications that meet all of the eligibility criteria.



POLICY MANUAL FINANCE

DELETE POLICY - SUPERCEDED BY CODES OF CONDUCT POLICIES

Roles and Responsibilities

Elected Members

- Ensure annual review and approval of rates exemptions

Executive Management

- Ensure compliance with the policy

Council Staff

- Ensure compliance with the policy

Legislation

Local Government Act 1995 Section 6.10

Local Government (Financial Management) Regulations 1996 Regulations 11 and 12

Resource Documents

Local Law

Nil

Delegation

Not Applicable

4.18-2.11F RATES EXEMPTION APPLICATION FORM

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 3 – Resolution

We don't have an official form – Refer to below draft document for adoption.

OR

Delete reference to the form from policy 2.11



APPLICATION FOR RATES EXEMPTION

Section 6.26 of the Local Government Act 1995

Privacy

The personal information collected on this form will only be used by the Shire of Goomalling for the sole purpose of providing requested and related services. Information will be stored securely by the Shire and will not be disclosed to any third parties without your express written consent.

Instructions: Please print clearly in the spaces provided and fill out the attached checklist. This application form is to be used by organisations seeking a rates exemption, pursuant to Section 6.26 of the *Local Government Act 1995*. The provision of this exemption will result in a decision to be prepared, and you will be advised of the outcome in due course. Please attach any additional documents requested, as failure to do so may result in the application being refused.

1. PROPERTY OWNER DETAILS

Organisation:			
Property Owner:			
Property Address:			
Telephone:		Postcode:	
Mobile:		Facsimile:	
Email:			

2. APPLICANT DETAILS

Contact Person:			
Position Title:			
Postal Address:			
Telephone:		Postcode:	
Mobile:		Facsimile:	
Email:			

3. PLEASE ANSWER THE FOLLOWING QUESTIONS BY TICKING THE APPROPRIATE BOX

YES	NO
-----	----

<input type="checkbox"/>	<input type="checkbox"/>	Are you the owner or lessee and occupier of the land with the rate notice being issued in the organisation's name?
--------------------------	--------------------------	--

<input type="checkbox"/>	<input type="checkbox"/>	Is your organisation an Incorporated body? If so, please provide the certificate of incorporation.
--------------------------	--------------------------	--

<input type="checkbox"/>	<input type="checkbox"/>	Is your organization considered not for profit?
--------------------------	--------------------------	---

<input type="checkbox"/>	<input type="checkbox"/>	Is the organization considered a Public Benevolent Institution for taxation purposes?
--------------------------	--------------------------	---

If so, please provide the relevant Taxation information.

		Does this organization own or lease the rateable land? (If leased, is the lessee responsible for rates under the lease agreement?)
--	--	--

If so please provide a certificate of the lease.

		Is the organization exempt from the payment or rates under Legislation other than the Local Government Act?
--	--	---

If so, please provide details of the specific Legislation.

4. DOCUMENT REQUIREMENTS

Please provide a copy of (in addition to those specified in Section 3):

	Organisation's Constitution
	Written statement, outlining the nature of the organisation's operations. It should include the following details: <ul style="list-style-type: none">• Use and occupancy of the property• Type of service provided (e.g. food, accommodation etc.)• Frequency of service provision (e.g. full-time, daily, weekly etc.)• Whether payment is received for the service
	Floor plan of the leased property area, if only part of the property is to be exempt
	Copies of the current years audited financial or other statements for the organisation to the satisfaction of Council

5. AUTHORISATION

- By signing this application, I hereby certify that the information provided is true and correct to the best of my knowledge.
- I understand that Applications must be submitted by 31 March of any year to be considered for the next two financial years. Applications lodged after this date may be considered for the second financial year only.
- Organisations who are granted rates exemption by Council will be asked to reapply every financial year, if Council considers this appropriate.
- I have read and understand the Town's *Rates Exemption Policy*.

Name:			
Position:			
Organisation:			
Signed:		Date:	



4.13-2.91 INVESTMENT POLICY

Distribution: Elected Members, Executive Management, Finance Officer

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2 – Resolution 9.1OM_171121-427

Purpose

To manage the Council's investment portfolio in order to maximise return within agreed risk parameters. In achieving this, the following must be maintained:

- a. adequate level of diversification to spread risk;
- b. ready access to funds for day-to-day requirements;
- c. high level of security by using recognised assessment criteria;
- d. adherence to the requirements of Section 6.14 of the Local Government Act 1995 and Section 18(1) of the Trustees Act 1962 (as amended) (the "Prudent Person" rule).
- e. adhere to regulations section 19, 19c, 28 and 49 of the Local Government (Financial Management) Regulations 1996.
- f. investment in financial institutions that are not directly or indirectly funding fossil fuel companies.

Scope

Elected Members, Executive Management, Finance Officer

Standard

Risk Profile

When exercising the power of investment the following are to be given consideration:

- a. the purpose of the investment and the needs and circumstances;
- b. the nature of and risk associated with existing investments;
- c. the likely income return and the timing of such income return;
- d. the desirability of diversifying investments;
- e. the risk of capital or income loss or depreciation;
- f. the costs (including commissions, fees and charges) of making the proposed investment;
- g. the length of the proposed investment; and
- h. investment in financial institutions that are not directly or indirectly funding fossil fuel companies

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the Local Government Act 1995. The Chief Executive



POLICY MANUAL FINANCE

Officer may in turn delegate the day-to-day management of the Shire of Goomalling's investment to the Deputy Chief Executive Officer.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of the Shire of Goomalling's investment portfolio. This policy requires officers to disclose any conflict of interest to the Chief Executive Officer.

Fossil Free Investments

"Fossil Free Investments" are authorised investment products made in authorized institutions that respect the environment by not investing in fossil fuel industries.

When investing Council funds, a deliberate preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will however only be exercised after the foremost investment consideration of credit rating and risk diversification are fully satisfied.

The Shire of Goomalling considers the climate crisis a serious threat locally, nationally and internationally. In Paris in 2015, over 190 countries agreed that carbon emissions release should be significantly limited to support world efforts to limit global average temperature increase to 1.5°C above pre-industrial levels. The Carbon Tracker Initiative found that fossil fuel companies possess proven fossil fuel reserves that would release approximately 2,795 gigatons of CO₂ if they are burned, which is five times the amount that can be released without exceeding 2°C of warming. A CSIRO and BOM publication in January 2015 stated that the South West of Western Australia has already warmed by 1.1°C since 1910. The Shire of Goomalling is objectively working towards carbon neutrality, to this end seeks to ensure its financial investments consider the reduction of emissions from burning fossil fuels and to this end the Shire of Goomalling will not invest in financial institutions which directly and/or indirectly support fossil fuel companies.

Approved Investments

Funds may be placed in authorised deposit taking institutions (ADIs), being licensed banks as defined under the Banking Act 1995, which comply with this policy

Prohibited Investments

In accordance with regulation 20 of the Local Government (Financial Management) Regulations 1996 the Shire of Goomalling will not do any of the following:

- a. Deposit with an institution except an authorised institution (as defined in section 5 of the Bank Act 1959);
- b. Deposit for a fixed term of more than 12 months;



POLICY MANUAL FINANCE

- c. Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- d. Invest in bonds with a term to maturity of more than 3 years;
- e. Invest in a foreign currency

This investment policy prohibits any investment carried out for speculative purposes including:

- a. Derivative based investments;
- b. Principal only investments or securities that provide potentially nil or negative cash flow; and
- c. Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Authorised Counterparties and Exposure Limits

Counterparty Details	Minimum Standard & Poor's Rating	Maximum Exposure as a % of Total Investment Portfolio
11.1 All banks within the meaning of the Banking Act 1959 that comply with this policy. Note: At all times a minimum of 50% of total investments must remain with a Bank	A-1 (short) AA (long)	100%
11.2 Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than one (1) year	Aam AAf	50%
11.3 Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than three (3) years	AAF	30%
11.4 Managed (Fixed Interest) Funds Note: An overall limit of 50% applies to items – i.e.: A mix is acceptable but combined exposure must remain within 50% of total investment portfolio.	Aaf	20%
11.5 Commonwealth Government (Max term three (3) years)	A-1 AA	<1 year 50% >1 Year 20%
11.6 State Government (Maximum Term three (3) years)	A-1 AA	<1 year 50% > 1 year 20%

If any of the Shire of Goomalling's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.



POLICY MANUAL

FINANCE

Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 Year	100% Maximum, 40% Minimum
Portfolio % > 1 Year	60%

Individual Investment Maturity Limits	
ADI	Three (3) years

Investment Advisor

If the Shire of Goomalling appoints an investment advisor they must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

Measurement

The investment return for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

Benchmarking

Performance benchmarks need to be established.

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill
Diversified Funds	CPI+ appropriate margin over rolling three (3) year periods (depending upon composition of fund)

Reporting

A monthly report will be provided to Council in support of the month statement of financial activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Shire of Goomalling's behalf as at 30 June each year and reconciled to the Investment Register.



POLICY MANUAL FINANCE

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually

Executive Management

- Ensure compliance with the policy.

Finance Officer

- Ensure compliance with the policy.

Legislation

Local Government Act 1995, Local Government (Financial Management) Regulations 1996,
Local Government (Financial Management) Amendment Regulations 2012,
Trustees Act 1962
Australian Accounting Standards

Resource Documents

Local Law

Nil

Delegation

Not Applicable



4.13-2.12 INVESTMENT POLICY

Distribution: Elected Members, Executive Management, Finance Officer

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2 – Resolution 9.1OM_171121-427

Purpose

To manage the Council's investment portfolio in order to maximise return within agreed risk parameters. In achieving this, the following must be maintained:

- a. adequate level of diversification to spread risk;
- b. ready access to funds for day-to-day requirements;
- c. high level of security by using recognised assessment criteria;
- d. adherence to the requirements of Section 6.14 of the Local Government Act 1995 and Section 18(1) of the Trustees Act 1962 (as amended) (the "Prudent Person" rule).
- e. adhere to regulations section 19, 19c, 28 and 49 of the Local Government (Financial Management) Regulations 1996.
- f. investment in financial institutions that are not directly or indirectly funding fossil fuel companies.

Scope

Elected Members, Executive Management, Finance Officer

Standard

Risk Profile

When exercising the power of investment the following are to be given consideration:

- a. the purpose of the investment and the needs and circumstances;
- b. the nature of and risk associated with existing investments;
- c. the likely income return and the timing of such income return;
- d. the desirability of diversifying investments;
- e. the risk of capital or income loss or depreciation;
- f. the costs (including commissions, fees and charges) of making the proposed investment;
- g. the length of the proposed investment; and
- h. investment in financial institutions that are not directly or indirectly funding fossil fuel companies

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the Local Government Act 1995. The Chief Executive



POLICY MANUAL FINANCE

Officer may in turn delegate the day-to-day management of the Shire of Goomalling's investment to the Deputy Chief Executive Officer.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of the Shire of Goomalling's investment portfolio. This policy requires officers to disclose any conflict of interest to the Chief Executive Officer.

Fossil Free Investments

"Fossil Free Investments" are authorised investment products made in authorized institutions that respect the environment by not investing in fossil fuel industries.

When investing Council funds, a deliberate preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will however only be exercised after the foremost investment consideration of credit rating and risk diversification are fully satisfied.

The Shire of Goomalling considers the climate crisis a serious threat locally, nationally and internationally. In Paris in 2015, over 190 countries agreed that carbon emissions release should be significantly limited to support world efforts to limit global average temperature increase to 1.5°C above pre-industrial levels. The Carbon Tracker Initiative found that fossil fuel companies possess proven fossil fuel reserves that would release approximately 2,795 gigatons of CO₂ if they are burned, which is five times the amount that can be released without exceeding 2°C of warming. A CSIRO and BOM publication in January 2015 stated that the South West of Western Australia has already warmed by 1.1°C since 1910. The Shire of Goomalling is objectively working towards carbon neutrality, to this end seeks to ensure its financial investments consider the reduction of emissions from burning fossil fuels and to this end the Shire of Goomalling will not invest in financial institutions which directly and/or indirectly support fossil fuel companies.

Approved Investments

Funds may be placed in authorised deposit taking institutions (ADIs), being licensed banks as defined under the Banking Act 1995, which comply with this policy

Prohibited Investments

In accordance with regulation 20 of the Local Government (Financial Management) Regulations 1996 the Shire of Goomalling will not do any of the following:

- a. Deposit with an institution except an authorised institution (as defined in section 5 of the Bank Act 1959);
- b. Deposit for a fixed term of more than 12 months;



POLICY MANUAL FINANCE

- c. Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- d. Invest in bonds with a term to maturity of more than 3 years;
- e. Invest in a foreign currency

This investment policy prohibits any investment carried out for speculative purposes including:

- a. Derivative based investments;
- b. Principal only investments or securities that provide potentially nil or negative cash flow; and
- c. Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Authorised Counterparties and Exposure Limits

Counterparty Details	Minimum Standard & Poor's Rating	Maximum Exposure as a % of Total Investment Portfolio
11.1 All banks within the meaning of the Banking Act 1959 that comply with this policy. Note: At all times a minimum of 50% of total investments must remain with a Bank	A-1 (short) AA (long)	100%
11.2 Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than one (1) year	Aam AAf	50%
11.3 Managed (Cash/Treasury) Funds (Unit Trusts) with an average duration of less than three (3) years	AAF	30%
11.4 Managed (Fixed Interest) Funds Note: An overall limit of 50% applies to items – i.e.: A mix is acceptable but combined exposure must remain within 50% of total investment portfolio.	Aaf	20%
11.5 Commonwealth Government (Max term three (3) years)	A-1 AA	<1 year 50% >1 Year 20%
11.6 State Government (Maximum Term three (3) years)	A-1 AA	<1 year 50% > 1 year 20%

If any of the Shire of Goomalling's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.



POLICY MANUAL

FINANCE

Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 Year	100% Maximum, 40% Minimum
Portfolio % > 1 Year	60%

Individual Investment Maturity Limits	
ADI	Three (3) years

Investment Advisor

If the Shire of Goomalling appoints an investment advisor they must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

Measurement

The investment return for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

Benchmarking

Performance benchmarks need to be established.

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill
Diversified Funds	CPI+ appropriate margin over rolling three (3) year periods (depending upon composition of fund)

Reporting

A monthly report will be provided to Council in support of the month statement of financial activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Shire of Goomalling's behalf as at 30 June each year and reconciled to the Investment Register.



POLICY MANUAL FINANCE

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually

Executive Management

- Ensure compliance with the policy.

Finance Officer

- Ensure compliance with the policy.

Legislation

Local Government Act 1995, Local Government (Financial Management) Regulations 1996,
Local Government (Financial Management) Amendment Regulations 2012,
Trustees Act 1962
Australian Accounting Standards

Resource Documents

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL FINANCE

4.16.2.13 CONTIGUOUS RATING – SHIRE BOUNDARY PROPERTIES

Distribution: Elected Members, Executive Management, Finance Officer

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2 – Resolution 9.4 OM_171121-427

Purpose

To recognise parcels of land located on the Shire's boundary adjoining other parcels of land in neighbouring shires as contiguous for the purposes of assessing rates.

Scope

Elected Members, Executive Management, Finance Officer

Standard

It is Council Policy to support the contiguous rating of land zoned "Farmland" only where the land is situated in a contiguous position to all other land and the land is in the same ownership, including when the property crosses a shire boundary.

The Shire of Goomalling relies on the Landgate to determine whether parcels of land that are within the Shire's boundary should be contiguously valued as one holding. The Landgate uses set valuation principles and court precedent as the basis for determining the validity of claims relating to contiguously valued properties.

For example:

a farming property comprising a number of lots/locations all in common ownership and being used as one large holding will normally receive a single value.

The Shire of Goomalling recognises that there may be parcels of land located on the Shire's boundary that adjoin other parcels of land in neighbouring shires that are not considered by the Land Gate because they are separated by shire boundaries.

Council considers that the owners of properties that would otherwise be assessed as being contiguous in nature, if they happened to be contained within the one shire, should be given the opportunity to apply for a concession on their rates within the Shire of Goomalling.

The owners of properties that fit the below criteria must apply for a concession from Council each and every year that they wish to have their properties assessed. A detailed application form will be provided for this purpose, on the request of the property owner.



POLICY MANUAL FINANCE

The property owner must be able to prove that all relevant parcels of land meet all of the following requirements:

- a. Contiguous (touching) with contiguously rated properties in neighbouring Shire(s);
- b. All properties are held in the same ownership; and
- c. All properties are used for the same purpose.
- d. The property in the Goomalling Shire must be rated at the minimum rate.

The property owner must provide the following documentation for assessment:

- a. Completed Shire of Goomalling Rates Concession Application Form;
- b. Copy of relevant Shire of Goomalling rates notice(s) (current year); and
- c. Copy of relevant adjoining shire rates notice(s) (current year).

The property owner will be required to pay the whole of the current year rates relating to the relevant Goomalling property prior to a concession being awarded.

The concession will be calculated by deducting the amount that would otherwise be payable on the relevant property if it were contiguously rated by the relevant neighbouring shire from the amount that has been assessed/paid in the current year with the Shire of Goomalling.

All other regular claims for contiguously valued properties held within the Shire of Goomalling boundary should be directly with the Shire of Goomalling and will be assessed with the assistance of the Landgate.

Roles and Responsibilities

Executive Management

- Ensure compliance of the policy

Finance Officer

- Process approved applicaitons

Legislation

Local Government Act 1995, Part 6, Divusuib 6, Section 6.4 - Concessions

Resource Documents

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL FINANCE

2.18 SUPERANNUATION MATCHING POLICY

Distribution:	Shire Employees, Elected Members
Responsible Officer:	Chief Executive Officer
Date Adopted:	18 December 2019 – Version 1 – Resolution 150.OM_181219
Last Review:	

Objective

To enable the Shire to offer a range of benefits and entitlements for its Employees.

Scope

Employees

Standard

Definitions

Employee	<i>means an Employee of the Shire of Goomalling</i>
Shire	<i>means the Shire of Goomalling</i>
Eligible Employee	<i>means all Employees of the Shire are eligible to participate in the Shire's superannuation contributory scheme except for those who have an express term in an employment contract that precludes participation.</i>

The Shire shall provide superannuation payments to all Employees, regardless of their modes of employment, where they meet the criteria set by the Superannuation Guarantee (Administration) Act 1992.

The Shire offers a superannuation contributory scheme to Eligible Employees who voluntarily contribute up to 6% of their salary to superannuation. The Shire will match Eligible Employee contributions on a percentage by percentage, or dollar for dollar, basis up to a maximum of 6% of their gross ordinary time earnings income.

Eligible employees contribute to their superannuation via salary sacrifice (pre tax amount) or salary deduction (post tax amount) as allowed under any specified salary sacrifice options and the Australian Taxation Office guidelines.

The "Superannuation Choice" option is available to Employees in accordance with *Local Government (Amendment of Part VIA – Employees Superannuation) Regulations 2006*.



POLICY MANUAL

FINANCE

Roles & Responsibilities

Elected Members

- Ensure policy is reviewed annually

Chief Executive Officer

- Ensure compliance with the policy.

Deputy Chief Executive Officer/Finance Manager

- Ensure compliance with the policy.

Finance Staff

- Inform Employees of the opportunity to salary sacrifice to superannuation and co-contribution benefit from Council.
- Process salary sacrifice and co-contribution payments.

Legislation

Local Government Act 1995 and associated Regulations

Local Government (Amendment of Part VIA – employee Superannuation) Regulations 2006)

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



3.0 WORKFORCE



POLICY MANUAL WORKFORCE

3.01 RECRUITMENT AND SELECTION POLICY

Distribution: Elected Members, All Employees, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 1 092015.SM

Last Review: 17 November 2021 – Version 2 – Resolution 9.4 OM_171121-427

Purpose

To ensure the most appropriate and equitable process is used for the recruitment and selection of employees and volunteers for the Shire of Goomalling.

Objective

- To provide clear guidelines on the parameters for recruitment and selection: and
- To assist decision making.

Scope

Elected Members, Chief Executive Officer, Executive Management Team, Employees and Volunteers

Standard

- Equal Employment Opportunity will be considered in all recruitment and selection;
- Positions can be filled internally or externally;
- Appropriate advertising methods are utilised to recruit potential candidates and Council reserves the right to advertise by other means (i.e. by word of mouth);
- Recruitment can be coordinated in house, or can be coordinated by a recruitment specialist where the position requires it or where a decision to do so has been made by the Council;
- All recruitment/selection panels will consist of at least two (2) interviewers. Should a designated selection panel member be unavailable, a member of the Senior Staff/Executive Management Team will fill all positions.
- The chief Executive Officer will ultimately approve any appointment.

Position Vacant	Selection Panel
Works Crew Employee	Preferably two (2) – Works Manager may interview solely or with Leading Hand or other team member.
Cleaners/Caretakers	Two (2) – Any of Senior Staff can include Senior Finance Officer or Community Development Officer



POLICY MANUAL WORKFORCE

Administration Position	Two (2) – Chief Executive Officer and/or Deputy Chief Executive Officer/Finance Manager, Senior Finance Officer or Community Development Officer
Volunteers	Two (2) – Chief Executive Officer and/or Deputy Chief Executive Officer or Community Development Officer
Senior Manager	Minimum of two (2) - being Chief Executive Officer and one (1) Elected Member
Chief Executive Officer	In accordance with Local Government Act and Regulations local governments are required to establish a selection panel to conduct the recruitment and selection process. The selection panel must be made up of Council members and at least one (1) independent person(s) who is not a current council Member, human resources consultant, or employee of the local government.

Late applications will not be accepted to ensure equity;

- Managers (and in the case of appointment of a Chief Executive Officer, the Shire President must ensure that processes are followed and that proof of all required qualifications are provided and that medicals and other relevant assessments (e.g. National Police Clearance, Working with Children, reference checks etc.) are undertaken prior to appointment for all employees;
- A shortlist should be created and selection criteria measured and recorded; and
- All associated recruitment paperwork is to be made a record.

Roles & Responsibilities

Elected Members

- Employ Chief Executive Officer having regard for the conditions of this policy.

Chief Executive Officer

- Ensure that this policy is adhered to.

Executive Management

- Ensure that this policy and associated procedures are followed for all recruitment and selection.

Legislation

Equal Opportunities Act 1984 *and associated Regulations*

Resource Documents

Nil

Delegation

Nil



POLICY MANUAL WORKFORCE

3.02 INDUCTION POLICY

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 17 November 2021 – Version 2 – Resolution 9.4 OM_171121-427

Purpose

To guide the induction of new employees, contractors, volunteers and visitors to the Shire of Goomalling.

Objective

To ensure all new employees, contractors, volunteers and visitor of the shire of Goomalling are inducted appropriately.

Scope

Elected members, Chief Executive, Deputy Chief Executive Officer, Officer, Managers, all Employees, Contractors, Volunteers and Visitors.

Standard

- All new employees, contractor, volunteers and visitors will be fully inducted into Shire of Goomalling which includes;
 - General Induction
 - An induction to all relevant work areas of the Shire;
- An employee, contractor, volunteer and visitor cannot commence his/her duties until the induction has been completed; and
- All employees, contractors, volunteers and visitors will be required to sign and adhere to the Code of conduct upon commencement of their duties.

Note: Inductions also apply to Contractors, Visitors and Volunteers and will be carried out by the appropriate manager or supervisor if appropriate.

Roles and Responsibilities

Shire President

- Ensure that a new Chief Executive Officer is inducted as per this policy.



POLICY MANUAL WORKFORCE

Chief Executive Officer

- Ensure that all employee inductions are in accordance with this policy.

Executive Management

- Ensure that all employees, contractors, volunteers and visitors are inducted; and
- Ensure that all records procedures are followed.

Employees/Contractors/Visitors/Volunteers

- Fully participate in the induction process.

Legislation

Equal Opportunities Act 1984 and associated Regulations

Work Health and Safety Act 2020 and associated Regulations

Resource Documents

Employment Procedure Induction forms and checklists

Policy 0.2 Code of Conduct – Employees and Contractors

Local Law

Nil

Delegation

Not Applicable



3.03 WORKPLACE BEHAVIOURS POLICY

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers, Work Experience Students

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 17 November 2021 – Version 3 – Resolution 9.4 OM_171121-427

Purpose

To educate all employees, contractors, volunteers, visitors and Elected members on what constitutes unacceptable behavior on relation to workplace discrimination, bullying and harassment and the procedures that will be followed in order to rectify such incidents.

The Shire of Goomalling does not tolerate any form of workplace discrimination, bullying or harassment and is committed to its duty to foster a safe workplace for all employees, volunteers, contractors and visitors.

Objective

The objectives of this policy are to:

- Create an Equal Employment Opportunity and safe environment for all employees, contractors, volunteers, visitors and Elected Members, free of discrimination, harassment and bullying and where all people are treated with dignity, courtesy and respect;
- Create and increase awareness amongst employees, contractors, volunteers, visitors and Elected Members of their rights and obligations in relation to discrimination, harassment and bullying;
- Encourage employees, contractors, volunteers, visitors and Elected Members who are victims of, or witnesses to workplace discrimination, harassment or bullying to report all incidents, no matter how minor or severe;
- Provide effective and efficient informal and formal complaint processes based on the 'Procedural Fairness' and 'Natural Justice' principles;
- Treat all complaints in a sensitive, fair, timely and confidential (where possible) manner;
- Reduce the Shire's direct and indirect risk associated with workplace discrimination, bullying or harassment. For example: Losing valued and talented employees;
- Reduced productivity and morale;
- Stress related worker's compensation claims lodged and Reputational damage through media exposure and/or potential litigation
- Explain costs associated with counselling, mediation, compensation claims and possible legal action; and
- Identify behaviour occurring that contravenes the Shire of Goomalling Values, Code of Conduct and legal responsibilities, and negatively impacts the Organisation's reputation.



POLICY MANUAL

WORKFORCE

Scope

Elected Members, All Employees, Contractors, Volunteers and Visitors and Work Experience Students.

Standard

Definitions

All Individuals	<i>Employees, volunteers, contractors and work experience students.</i>
Assessor	<i>The person who officially investigates the claim.</i>
Claimant	<i>The person who is lodging the claim.</i>
Respondent	<i>The person who is allegedly discriminating, harassing and/or bullying.</i>
Grievance Officers	<i>Any member of the Senior Staff/Executive Management Team</i>

Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. It is considered highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision.

What is equal employment opportunity?

Equal opportunity in employment means that employees are judged on their ability to do the job based on merit rather than assumptions about them based on different characteristics.

What is discrimination?

Discrimination occurs when a person is treated less favourably than another person because of certain attributes. Under Federal and State laws, it is against the law to discriminate against people or to harass them, in various areas of public life because of their:

- Race, including colour, ethno-religious background or nationality under the Racial Discrimination Act 1975;
- Sex, pregnancy, transgender or marital status under the Sex Discrimination Act 1984;
- Disability under the Disability Discrimination Act 1992;
- Carers' responsibilities under WA Equal Opportunity Act 1984;
- Sexual Orientation under WA Equal Opportunity Act 1984; or
- Age under the Age Discrimination Act 2004.

Direct discrimination is where someone is treated less favourably because of their sex, age, race, disability, pregnancy or any of the other grounds covered by anti-discrimination legislation.

Indirect discrimination occurs when a requirement (or rule) that is the same for everyone has an effect or result that is, or is likely to, disadvantage employees because of their sex, race, disability etc.

What is harassment?

Harassment is defined as behaviour that is directed at an individual or group of employees, contractors, volunteers, visitors that, because of its severity and/or persistence, is likely to



POLICY MANUAL WORKFORCE

create a hostile or intimidating environment and detrimentally affect an individual's participation in employment. Harassment is determined by reference to the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances where a reasonable person would have found the behaviour to be offensive, humiliating or intimidating.

What constitutes general harassment?

- Abusing a person loudly, usually when others are present;
- Repeated threats of dismissal or other severe punishment for no reason;
- Constant ridicule or being put down;
- Leaving offensive messages on email or the telephone;
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages or getting a person into trouble in other ways;
- Maliciously excluding or isolating a person from workplace activities;
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of management or other workers; and
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

What is not workplace discrimination or harassment?

It is important for all employees to understand that workplace discrimination or harassment does not include the Senior Staff/Executive Management Team and designated Supervisors legitimately exercising their right to direct and control the manner in which work is done, monitoring employees' performance and dealing with underperformance in an appropriate and constructive manner, as per the Organisation's procedures.

What is sexual harassment?

Sexual harassment is any behaviour of a sexual nature, which is unwanted, unwelcome or uninvited which makes a person feel humiliated, intimidated or offended.

It may involve a single incident or a series of incidents. The Commonwealth (Federal) *Sex Discrimination Act 1984* and the W.A. (State) *Equal Opportunity Act 1984* declare sexual harassment to be unlawful.

What behaviour(s) may constitute sexual harassment?

Sexual Harassment can take many forms, from relatively mild sexual banter to actual physical violence. Examples of behaviour that may be classed as Sexual Harassment include unwanted:

- Physical contact - e.g. touching; patting; pinching; kissing/embracing someone or sexual assault.
- Verbal comments - e.g. innuendo; smutty jokes; suggestive comments about someone's appearance or body; persistently inviting someone out; questions about a person's private life; requests for sexual favours.
- Nonverbal actions - e.g. leers; stares; displays of sexually explicit material; offensive



POLICY MANUAL WORKFORCE

body and hand movements; suggestive letters and drawings, including email; indecent exposure, stalking, taking unwanted photographs.

What is not workplace Sexual Harassment?

Sexual Harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated it is not Sexual Harassment.

It is also important for all Employees to understand that Workplace Sexual Harassment does not include the Organisation legitimately exercising its right to direct and control the manner in which work is done, monitoring Employees' performance and dealing with underperformance in an appropriate and constructive manner, as per the Organisation's procedures.

Sexual harassment and criminal conduct

Although the Commonwealth (Federal) *Sex Discrimination Act 1984* declares sexual harassment to be unlawful (deemed a civil offence), some types of sexual harassment may also be offences under criminal law.

If the Organisation suspects a criminal incident has occurred, the Organisation shall encourage the complainant to report the matter to the police as soon as possible, and will be provided with any necessary support and assistance.

What is workplace bullying?

Workplace bullying can be defined as repeated, unreasonable or inappropriate behaviour directed towards a worker, or a group of workers, that creates a risk to health and safety (Code of Practice: Violence, Aggression and Bullying at Work (2006)).

Behaviour is considered inappropriate if a worker or workers are harmed, intimidated, threatened, victimised, undermined, offended, degraded or humiliated.

While some workplace bullying may involve verbal abuse and physical violence, bullying can also be subtle intimidation with inappropriate comments about personal appearance, constant criticisms, isolation of workers from others and unrealistic, embarrassing or degrading work demands. Workplace bullying can also be carried out via letters, email and telephone text messages.

What is victimisation?

Victimisation includes threatening, harassing or punishing a person in any way because they have objected to, or made a bullying claim about the manner in which they have been treated.

Workplace victimisation can be either overt or covert behaviour.

Overt behaviour includes:

- Loud or abusive language;
- Yelling or screaming;
- Unexplained rages;



POLICY MANUAL

WORKFORCE

- Unjustified criticism or insults, particularly in front of others;
- Humiliating or demeaning conduct; or
- Unjustified threats of dismissal or other disciplinary action.

Covert behaviour includes:

- Sabotage by withholding information;
- Hiding documents or equipment;
- Constantly changing targets/work policies;
- Overloading an employee with work and impossible deadlines, causing physical and/or mental exhaustion;
- Withholding training or resources which is typically offered to other employees;
- Isolating or ignoring an employee on a constant basis; or
- Practical joking.

What is not workplace bullying or victimisation

It is also important to understand what isn't bullying and to provide managers with guidance on what actions they are legally allowed to conduct. This section therefore clarifies what isn't bullying.

An isolated incident of inappropriate or unreasonable behaviour may be an affront to dignity at work but as a one-off incident it is not considered to be bullying. However, since the organisation has a general duty to provide employees with a safe workplace and systems of work, single incidents of this type should not be ignored.

It is important to differentiate between a person's legitimate authority at work and bullying. The organisation has the legal right to direct and control how work is done, and managers have a responsibility to monitor workflow and give feedback on performance.

If an employee has obvious performance problems, these should be identified and dealt with in a constructive way that does not involve personal insults or derogatory remarks. In situations where an employee is dissatisfied with management practices, the problem should also be raised in a manner that does not involve personal abuse.

Roles and Responsibilities

Elected Members

- To provide model leadership in this area and display appropriate standard of conduct.

Chief Executive Officer/Executive Management/Senior Staff

- To provide model leadership in this area and display appropriate standards of conduct.
- To provide employees with a safe and confidential reporting structure; and
- To take all claims seriously and investigate with integrity and fairness.

Supervisors

All line supervisors are required to:



POLICY MANUAL WORKFORCE

- Model appropriate behaviour and monitor to ensure acceptable standards of conduct are observed at all times;
- Ensure that all employees, volunteers and contractors where applicable are working in a safe environment, free from workplace bullying and victimisation. This includes actively promoting this policy within their Team;
- Provide the resources and support to employees when incidents of workplace bullying and victimisation occur;
- Address workplace bullying and victimisation incidents immediately if they are evident within their Team;
- Refer any claims to another officer or external 3rd party if they feel they are not the best person to handle the claim (e.g. there is a conflict of interest or the claim is too complex or serious); and
- Ensure their employees are aware of their responsibilities and are trained in the Organisation workplace discrimination, harassment, bullying and victimization procedures. This information will be made readily available to all employees of the Shire of Goomalling, in hard copy at the Shire Depot and Administration office.

Employees, Contractors, Volunteers, Visitors, Work Experience Students

All employees are required to:

- Adhere to and uphold this Policy and the Shire of Goomalling Code of Conduct;
- Advise their line supervisor of incidents as soon as possible. This also includes reporting incidents that may have been witnessed; and
- Maintain confidentiality if they are involved in any form of the investigation of a claim (e.g. either as a respondent, witness or claimant).

Legislation

Equal Opportunities Act 1984 and associated Regulations

Work Health and Safety Act 2020 and associated Regulations

Industrial Relations Act 1979 and associated Regulations

Corruption, Crime and Misconduct Act 2003 and associated Regulations

Code of Practice: Violence, Aggression and Bullying at Work 2006

Workers compensation & Injury Management Act 1981 and associated Regulations

Public Interest Disclosure Act 2003 and associated Regulations

Federal

Sex Discrimination Act 1984 and associated Regulations

Racial Discrimination Act 1975 and associated Regulations

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



3.04 PROFESSIONAL DEVELOPMENT AND TRAINING – SHIRE STAFF

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 17 November 2021 – Version 3 – Resolution 9.4 OM_171121-427

Purpose

To ensure that ongoing professional development of employees at the Shire of Goomalling and to ensure that employees, contractors and volunteers have the necessary training and qualifications to undertake the tasks they perform.

Objective

The Shire of Goomalling is committed to the provision of training and professional development to ensure that its employees, contractors and volunteers have adequate skills to perform their roles, to maximise efficiency throughout the organisation, to ensure that the highest levels of safety are attained with well trained and competent employees and that employees remain committed and motivated.

- To identify training needs;
- To ensure training and professional development is budgeted for each year;
- To encourage employees to seek out and attend training or professional development opportunities;
- To ensure that such training or professional development enhances the development of the employee;
- To ensure such training or professional development is relevant to the duties of the employee and will benefit the organisation;
- To encourage the identification of professional development opportunities at Annual Reviews; and
- Ensure that all employees, contractors and volunteers are consulted with and provided with the appropriate training for both employee, contractor, volunteer and organisational development.

Scope

All permanent employees, contractors and volunteers.

Standard

Definitions

Professional Development	<i>Any activity that contributes to the relevant professional development of an employee and may include training, conferences, seminars, and workshops.</i>
---------------------------------	--



POLICY MANUAL

WORKFORCE

Training

Specific activities related to the improvement in skills for an employee relevant to their position.

- Managers will assess the training needs of the organisation at employee annual reviews. They will consult with employees to identify any skills gaps and will undertake or arrange training where there is an identified need;
- All contractors and volunteers are adequately training to fulfil their roles,
- Consider training needs when constructing the annual budget, with regard to skills required for new projects;
- Maintain a training record, including training needs and training register;
- Ensure that an evaluation is completed after each training or professional development is undertaken and that those records are placed on the personnel file after review by the relevant Manager;
- Evaluations of the employees' performance after the training to ensure that adequate skill development has occurred;
- Expenses incurred whilst attending professional development that are deemed reasonable by the Chief Executive Officer will be reimbursed;
- Reasonable expenses may include:
 - Registration fees
 - Accommodation
 - Meals
 - Travel
 - Parking
 - No reimbursement is made for hotel mini bar, in house movies, alcohol, entertainment or other personal expenses; and
 - Employees will provide their relevant Senior Manager with feedback on the value and outcomes of attending the professional development/training.

Roles and Responsibilities

Elected Members

- Authorise any professional development required by the Chief Executive Officer

Chief Executive Officer

- Authorise professional development for Senior Employees;
- Ensure that there is adequate budget provision; and
- Ensure that the professional development chosen benefits the employee and the organization.

Executive Management

- Authorise professional development for employees;
- Ensure that there is adequate budget provision;
- Arrange for a Shire vehicle to be available for travel to and from training where possible; and



POLICY MANUAL WORKFORCE

- Ensure that the professional development chosen benefits the employee and the organization.

Employees

- Undertake training with interest and integrity; and
- Provide feedback.

Legislation

Local Government Act 1995 (s5.41 and s5.42)

Resource Documents

Strategic Community Plan 2018 – Objective 4: Civic Leadership

Procedures Manual – Employment Procedure Induction forms and checklists, Code of Conduct-Employees and Contractors

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

WORKFORCE

3.05 FITNESS FOR WORK (IMPAIRMENT, DRUGS & ALCOHOL) POLICY

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 17 November 2021 – Version 3 – Resolution 9.4 OM_171121-427

Purpose

The Shire of Goomalling is committed to providing a safe, healthy and productive workplace for all. An employee contractor and/or volunteer's fitness for work may be adversely affected by the effects of fatigue, stress, injury/illness, alcohol or drugs. These factors may cause impairment or deficiencies in the employee, contractor and/or volunteer's work performance and can be a contributing factor in workplace accidents or incidents.

The Shire of Goomalling will not tolerate attending work under the influence or in possession of alcohol or drugs and will take action where this occurs.

Objective

This policy aims to:

- Provide a safe work environment and a safe system of work for employees, contractors, volunteers and visitors.
- Minimise the risk of injury to employees, contractors, volunteers or visitors in the workplace.
- Minimise the risk of damage to the employer's property or that of its customers.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by consumption of drugs or alcohol.
- Provide a framework for dealing with the issue of fitness for work.

Scope

This policy applies to:

- a. All employees, directors, contractors, volunteers performing work at the Shire of Goomalling workplaces or where work is performed (eg a customer's premises).
- b. All visitors to the Shire of Goomalling workplaces.
- c. All Shire of Goomalling workplace sponsored functions.

Standard

Definitions

Alcohol	<i>Alcohol means ethyl alcohol or ethanol</i>
Drug	<i>Any substance that may result in psychological or behavioral changes that cause impaired work performance. In this context,</i>



POLICY MANUAL WORKFORCE

	<i>the term 'substance' includes, but is not limited to, alcohol, intoxicating products. Prescription Drugs, Non-Prescription Drugs, legal and illegal/illicit Drugs, whether naturally occurring or synthetic.</i>
Duty of Care	<i>A responsibility owed to another person because of a relationship between the two people.</i>
Fit for Work	<i>refers to an individual's functional capacity (physically, mentally and behaviorally) to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.</i>
Illicit or illegal drugs	<i>Illegal/Illicit Drugs includes all drugs identified as such by AS/NZS 4308 or drugs which have been synthetically designed to be outside the detection limits of AS/NZS 4308 and are not considered Prescription Drugs or Non-Prescription Drugs.</i>
Impairment	<i>The alteration of an individual's normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance</i>
Prescription Drugs	<i>Prescription Drugs includes medications and other substances, both naturally occurring and synthetic, that cannot be legally purchased without a prescription from a registered medical practitioner</i>
Non-prescription Drugs or Over the Counter (OTC)	<i>Non-Prescription Drugs include medications and other substances, both naturally occurring and synthetic, as sold legally over the counter, by a registered medical practitioner (i.e.: pharmacist) without a physician's prescription</i>

All employees, contractors and volunteers engaged by the Shire of Goomalling are required to be "fit for work" at all times. Any employee, contractor or volunteer who the Shire of Goomalling reasonably considers is unfit for work will not be permitted to commence or continue work and will be required to leave the premises.

The Shire of Goomalling will take reasonable steps to ensure employees, contractors and volunteers are in a fit state to work safely and to minimise risks to both themselves and others in the workplace.

This policy is part of a broader Health and Wellbeing Program provided by the Shire to its employees.

The situations in which the Shire of Goomalling may reasonably consider that an employee, contractor or volunteer is unfit for work include, but are not limited to:

1. Exhibiting a physical, mental or emotional state that potentially compromises a safe work environment.
2. Presenting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system which is in excess of the cut off prescribed in this policy or in excess of that allowed by law.



POLICY MANUAL WORKFORCE

- a. Employees, contractors and volunteers need to have a Blood Alcohol Concentration (BAC) level of 0.00 whilst in the workplace.
- b. Employees, contractors and volunteers are prohibited from having any other illegal drugs detected in their system; e.g. Cannabis, methamphetamines ("speed" or "Ice") or MDMA ("Ecstasy") or any other illicit drug.
- c. Employees, contractors and volunteer are prohibited from attending the workplace whilst taking prescription drugs at excessive levels or where adversely affected by prescription drugs.

Roles and Responsibilities

Roles & Responsibilities

- The Shire of Goomalling has a duty of care to provide a safe workplace to its employees, as per safety and health legislation and common law.
- The employer/direct manager is responsible for making the decision as to whether an employee is fit for work and removing any impaired employee from possible harm.
- The employer and direct manager are responsible for ensuring the privacy of any drug/alcohol suspected incidents.
- All employees, contractors and volunteers have a corresponding duty of care to take reasonable care so as not to expose themselves or their fellow employees to unnecessary risks. This duty extends to notifying their immediate supervisor if they reasonably suspect that another employee, contractor or volunteer may be a risk because they are unfit to work.
- The employee, contractor and volunteer is responsible for advising of any drug use, adhering to this policy and following directions with regard to drug/alcohol testing procedures as outlined.

Legislation

Work Health and Safety Act 2020 and associated Regulations

Australian Standards:

AS4760; Procedures for specimen collection and the detection and quantification of drugs in oral fluid.

AS/NZS 4308; Procedures for specimen collection and the detection and quantification of drugs of abuse in urine.

Resource Documents

Strategic Community Plan 2018 – Objective 4: Civic Leadership

Procedures Manual – Fitness for Work (Drug, Alcohol & Impairment) Procedure

Local Law

Nil

Delegation

Not Applicable



3.06 SMOKING IN THE WORKPLACE POLICY

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: 15 February 2023 – Version 1 – Resolution OM_150223-586

Last Review:

Purpose

Council recognises that passive smoking is hazardous to health and that non-smokers should be protected from the involuntary inhalation of smoke. Council is committed to ensuring that its employee, visitors, volunteers and contractors are not exposed to tobacco smoke or vapours from e-cigarettes (vapes) in the workplace, including enclosed and outdoor spaces, and Council vehicles.

Council will achieve this by providing a “standard” that details the measures Council will take to meet legislative requirements including, but not limited to *Work Health and Safety Act 2020* and *The Tobacco Products Control Act 2006* legislation and regulations.

Objective

This policy aims to:

- Ensure provision of a smoke-free work environment
- Provide a safe work environment and a safe system of work for employees, contractors, volunteers and visitors.

Scope

This policy applies to

- All employees, directors, contractors, volunteers performing work at the Shire of Goomalling workplaces or where work is performed (e.g. a customer’s premises).
- All visitors to the Shire of Goomalling workplaces.
- All Shire of Goomalling workplace sponsored functions.

Standard

Definitions

Air Intake Areas	Includes area within five (5) metres of an air-conditioning unit or building fresh air intake vent, a doorway, window, walls or a building that has air-conditioning units installed above.
Designated Smoking Area	Means an external area designated as a space in which people can smoke.



POLICY MANUAL WORKFORCE

Enclosed	A Workplace is enclosed if it has a ceiling or roof and is greater than 50% enclosed by walls, or other vertical structure coverings. A vehicle meets the definition of an enclosed workplace.
Smoking	Inhaling tobacco smoke from a cigarette, cigar and pipe as well as inhaling vapour from an e-cigarette
Council	Council of The Shire of Goomalling

SMOKE-FREE ENVIRONMENT MINIMUM STANDARDS

Smoking is NOT permitted in:

1. *Instances where the fire danger rating is HIGH, EXTREME or CATASTROPHIC*
2. *All enclosed spaces that are either owners or leased by Council, including but not limited to:*
 - a. *Office spaces*
 - b. *Car parks*
 - c. *Basement areas*
 - d. *Stairwells*
 - e. *Toilets*
 - f. *Fire escapes*
 - g. *Lunchrooms*
 - h. *Common areas*
 - i. *Sheds/depots*
3. *Within five (5) metres of any doorway, or access walkway to a Council building, air intake area, or public transport waiting point.*
4. *Outdoor spaces, including but not limited to:*
 - a. *Outdoors areas where food or drinks are provided*
 - b. *Balconies*
 - c. *Access ramps*
 - d. *Thoroughfares*
 - e. *Loading bays*
 - f. *Within ten (10) metres of children's play equipment open to the public*
 - g. *Railway Terrace*
5. *All Council vehicles and plant OR your own personal vehicle if a co-worker is present.*
6. *If you are working in your own residence and another co-worker is present, smoking is prohibited.*
7. *Hazardous areas, where flammable gases or dusts may be present.*



8. *No Smoking/Smoking Prohibited signs are to be placed at all entrances to Council building by building maintenance, at conspicuous and/or relevant locations within those buildings, and in all Council vehicles.*

DESIGNATED SMOKING AREAS

Council has provided designated smoking areas in some locations. Where these facilities are provided, smoking is to be restricted to these areas. Smokers are to ensure that cigarette butts are disposed of in the waste containers provided.

Smoking breaks are not an entitlement and do not constitute paid work. Accordingly, smokers are to not take any such breaks apart from meal breaks and recognized stop work pauses.

ASSISTANCE TO QUIT SMOKING

Council may provide support to employees who require assistance in giving up smoking with the provision of individual health consults with the LGIS health and wellbeing program.

For assistance with giving up smoking, employees may also seek support. FREE support resources from:

- a. WA Quitline by phoning 13 78 48 or visit their website - www.quit.org.au.
- b. My Quit Buddy: Download the app for free.
- c. Quit Now Calculator: Available on quitnow.gov.au.

BREACHES OF THE SMOKING POLICY

All Council employees, visitors, volunteers and contractors may report breaches of the Smoking in the Workplace Policy by completing an Incident Report form and providing it to their respective managers.

Breaches of the policy must be managed in accordance with Council's Code of Conduct.

Roles and Responsibilities

- The Shire of Goomalling has a duty of care to provide a safe workplace to its employees, as per safety and health legislation and common law.
- The employees, contractors and volunteers are responsible for maintaining a smokefree work environment and reporting any breaches to manager/s.
- The employer and direct manager are responsible for ensuring adherence to the policy and maintaining the privacy of any suspected breaches.

Legislation

Work Health and Safety Act 2020 and associated regulations
Work Health and Safety (General) Regulations 2022
Work Health and Safety (Mines) Regulations 2022



POLICY MANUAL WORKFORCE

The Tobacco Products Control Act 2006 and associated regulations

Resource Documents

Strategic Community Plan 2018 – Objective 4 Civic Leadership

Local Law

Nil

Delegation

Not Applicable



1.01 3.07 PAYMENTS TO EMPLOYEES IN EXCESS OF ENTITLEMENTS ON RESIGNATION OR TERMINATION

Distribution: Elected Members, All Employees

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 17 November 2021 – Version 3 – Resolution 9.4 OM_171121-427

Purpose

To establish guidelines for payments to employees in excess of entitlements on resignation or termination.

Scope

All employees of the Shire of Goomalling who voluntarily resign, retire or who are made redundant.

Standard

The Shire of Goomalling acknowledges the dedication and contribution by terminating employees.

It is Council policy that it will make no additional amount payment to an employee whose employment with Shire of Goomalling is finishing in addition to any amount to which the employee is entitled under the contract of employment or award relating to the employee.

This may vary by agreement where an early resignation is provided for the Councils benefit with regard to contractual entitlements where the employee would have been entitled to those benefits had the notice period/leave period been allowed to complete. This will not apply to dismissal, or termination regarding performance or behavioural issues or due to contract end.

Roles and Responsibilities

Elected Members

- Review policy on annual basis.

Chief Executive Officer

- Ensure that the policy is adhered to.

Executive Management



POLICY MANUAL WORKFORCE

- Ensure that the policy is adhered to.

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.08 3.08 CORPORATE UNIFORM

Distribution: Elected Members, Executive Management, Office Staff

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 3 – Resolution

Purpose

To establish guidelines for the wearing of and reimbursement of corporate uniforms.

Scope

Elected Members, Executive Management, Office Staff

Standard

Shire of Goomalling Executive and Administration staff are to wear professional, corporate clothing.

A corporate style guide will be standardized across the organization and may be reviewed and updated from time to time.

Administration and Executive staff are entitled to \$450.00 uniform subsidy per annum.

Payments will be made directly to employees on presentation of reimbursement application form and tax invoice/receipt.

All staff receiving uniform subsidy will be required to wear a professional corporate uniform in accordance with the style guide.

Roles and Responsibilities

Executive Management

- Ensure compliance with the policy

Employees/Contractors/Visitors/Volunteers

- Ensure compliance with the policy

Legislation

Nil



POLICY MANUAL WORKFORCE

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL WORKFORCE

4.09 3.09 ANNUAL LEAVE

Distribution:	Elected Members, All Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 2 – Resolution

Purpose

To provide guidance on management of annual leave accruals.

Scope

All Staff

Standard

Staff are required to take their annual leave within twelve (12) months of it being due. The Chief Executive Officer is responsible for authorising leave applications.

Notwithstanding the above, Council may permit the accumulation of three (3) years' service to any employee under the Local Government Officers Award. However, Council will allow the accumulation of two (2) years' service for all employees if requested as a compromise.

The Chief Executive Officer may take annual leave in consultation with the Shire President.

Councillors will be notified when the Chief Executive Officer intends to take annual leave.

The appointment of an Acting Chief Executive Officer when the Chief Executive Officer is on leave for periods of more than one week will be resolved by Council at that time.

Roles and Responsibilities

Shire President

- Ensure

Chief Executive Officer

- Ensure

Executive Management

- Ensure

Employees/Contractors/Visitors/Volunteers

-

Legislation

Resource Documents

Local Law

Nil

Delegation

Not Applicable



410-3.10 STAFF HOUSING AND HOUSING SUBSIDY

Distribution: Elected Members, All Staff

Responsible Officer: Chief Executive Officer

Date Adopted: March 2017 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To ensure that eligible Shire employees are provided with suitable and accessible housing of a good standard and that housing is managed appropriately in accordance with this policy and the Residential Tenancies Act 1987 (WA) and associated Regulations.

Scope

All Staff

Standard

Eligibility

The Chief Executive Officer shall determine which employees are eligible for a Shire provided house and any associated allowances as part of their employment package/contract. The Chief Executive Officer will confirm that the position attracts housing and associated benefits prior to the position being advertised.

As a guide, positions that require skills that would not normally be available within the district will be provided with a rental subsidy.

Housing Subsidy

The Shire will provide a subsidized rental rate for eligible employees which will be determined annually at the adoption of the Budget. The employee will pay rent through fortnightly payroll deductions in advance. The housing subsidy will be paid as a cash allowance if a house is not available to an eligible employee or if the employee has private accommodation.

Water Subsidy

The Shire will subsidise water usage costs of employees who occupy Shire owned residences.

A subsidy is provided on the condition that the surrounds and gardens of such residences are kept to a satisfactory standard.

Tenancy Agreement

Employees provided with housing are required to sign a Tenancy Agreement. All clauses of the Tenancy Agreement must be complied with or housing may be revoked.



POLICY MANUAL WORKFORCE

Inspections

Regular inspections of all Shire owned property will be carried out by a representative of the Shire.

Houses shall be inspected as outlined below:

- Initial inspection upon occupation by the tenant;
- Inspection three (3) months thereafter;
- If the three (3) month inspection reveals that the house is being well maintained, then the next inspection will be the annual inspection in February for maintenance purposes;
- If the three (3) month inspection reveals that the house is not being well maintained, then the next inspection will be in another three months; and
- Final inspection on termination of employment. An inspection report shall be completed during the inspection and is to be signed by both the tenant and the Shire representative carrying out the inspection.

Roles and Responsibilities

Elected Members

- Review of all rentals annually through budget process.
- Ensure rental reviews are in accordance with maximum State Housing and current market rents as a guide.

Chief Executive Officer

- Allocation of staff housing for eligible employees.

Executive Management

- Ensure compliance with the policy.

All Staff

- Ensure compliance with the policy

Legislation

Residential Tenancies Act 1987 (WA) and associated Regulations

Resource Documents

Local Law

Nil

Delegation

Not Applicable



4.12-3.11 USE OF COUNCIL VEHICLES

Distribution:	Elected Members, All Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	2015 – Version 1 – Resolution 8.1.4 032017.OM
Last Review:	2019 – Version 2

Purpose

To provide clear guidelines for the private use of Shire of Goomalling vehicles by employees.

To meet the Shire of Goomalling transportation requirements associated with business needs.

To acknowledge the current market place environment and to make vehicles available for private and commuting purposes for Shire employees as part of an employee's overall salary package.

This Policy applies to any Shire employee who gains benefit from the use of Shire owned motor vehicles by either private use or commuter use of such vehicles.

Scope

Shire employees who gain benefit from the use of Shire of Goomalling owned motor vehicles by either private use or commuter use of such vehicles.

Standard

1. Vehicle Purchases

Chief Executive Officer:

The type of vehicle and therefore the maximum vehicle value will be set as part of the approved contract of employment.

Deputy Chief Executive Officer, Works Manager:

Vehicle purchases for these employees will be in accordance with best overall value to the Shire, giving due consideration to environmental impact and occupant's safety.

Operational Staff Vehicles:

These vehicles are selected on best overall value to the Shire of Goomalling based on the operational requirements of that vehicle, giving due consideration to environmental impact and occupants' safety.

These vehicles may on occasion be allocated to employees for Commuter Use or Restricted Private Use.



2. Vehicle Changeover

The calculation of vehicle changeover will depend on many variables. In general terms, passenger vehicles are to be changed at a time calculated to minimise whole-of-life costs while the vehicle is still under warranty.

The Chief Executive Officer may vary passenger vehicle types and models from time to time to obtain the best benefit to Council, having regard to private use requirements of the employee.

3. Vehicles included in Staff Contracts

A number of staff have private vehicle use included in remuneration packages. New contracts will contain the category and conditions of vehicle usage in accordance with clause 5 of this policy.

Staff are to be consulted prior to any significant change in vehicles provided under contractual or salary packaging arrangements.

Vehicles supplied under these provisions are to be kept in a clean and tidy condition and routine maintenance checks, as recommended in the manufacturer's handbook, are to be conducted regularly (e.g. fluid levels and tyre pressures). If a vehicle requires major detailing at the time of trade-in, due to lack of appropriate cleaning, the driver responsible for its use may be required to pay for this service.

4. Maintenance

- a. All repairs, maintenance and replacements are to be at the Shire's cost.
- b. Insurance and licensing of vehicles is arranged by the Shire for both Shire and private use.
- c. The authorised employee is to ensure that the vehicle is serviced in accordance with the manufacturer's recommended service schedules.
- d. Vehicle faults which occur between services are to have repairs arranged immediately.

5. Categories of Private Use

The category of private use will be negotiated with employees as part of their salary package determination. The values associated with the category of private use will be the values issued by WALGA and current at the time of engagement and salary package review. Where a change of vehicle category occurs, the package value will be changed at the next review.

6. Relieving Entitlements

Employees acting or relieving for an employee on leave do not automatically assume the motor vehicle entitlements of that employee.

7. Chief Executive Officer – Authority

The Chief Executive Officer has the following authority:

- a. The allocation of the use of a vehicle for specific after hours use.
- b. The authority to negotiate remuneration packages with employees including any private use of the vehicle.



POLICY MANUAL

WORKFORCE

- c. Approval for any travel outside Western Australia.
- d. Discretion to define what constitutes commercial activity or private gain.

8. Responsibilities of all Drivers

All drivers of Shire vehicles are responsible to ensure that they:

- a. Are the holders of a current Western Australian drivers licence appropriate for the vehicle. A photocopy must be provided to the Payroll Officer who will place it on their personnel file.
- b. Drive the vehicle responsibly and legally, observing all rules and regulations.
- c. Lock the vehicle at all times when it is unattended.
- d. Take full responsibility for all traffic, parking and any other infringements incurred whilst in control of the vehicle.
- e. Ensure the vehicle is maintained in a clean condition.
- f. Report any defects immediately.
- g. Immediately report all accidents or damage to the vehicle including the completion of the necessary accident incident form, insurance report and claim forms and report same to the Police Department.
- h. Leave no valuables unattended in the vehicle.
- i. Carry a basic first aid kit.
- j. Park the vehicle off the street, in a carport or garage, outside business hours, wherever possible.
- k. Conduct regular vehicle inspections to identify and report any damage to the vehicle.
- l. Fill in the vehicle log book when required with the driver's name clearly identified in the log.
- m. Enforce the no-smoking rule for drivers and passengers using the vehicle.

All drivers of Shire vehicles are to be provided with and be familiar with all the issues relating to this vehicle policy.

This policy shall not have a detrimental effect on staff contracts or conditions of employment which are current at the date of its adoption.

Roles and Responsibilities

Elected Members

- Review of vehicle replacement as and when required as part of annual budget.

Chief Executive Officer

- Ensure compliance with the policy in accordance with item 7 – Chief Executive Officer Authority

All Staff

- Ensure compliance with the policy as per item 8 – Responsibility of Drivers

Legislation



POLICY MANUAL WORKFORCE

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.14 3.12 TELEPHONE CHARGES – SHIRE STAFF HOUSING

Distribution: Elected Members, Executive Management, Finance Officer

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To details the telephone costs Council will cover in relation to line rentals.

Scope

Elected Members, Executive Management, Finance Officer

Standard

Council shall pay telephone line rental charges for the Chief Executive Officer, Deputy Chief Executive Officer and Works Manager.

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually
- Approve expense as part of annual budget review.

Executive Management/Finance Officer

- Ensure compliance with the policy

Legislation

Nil

Resource Documents

Local Law

Nil

Delegation

Not Applicable



4.28-3.13 STAFF PERFORMANCE AND SALARY REVIEWS

Distribution:	Elected Members, Executive Management, Council Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	2015 – Version 1 – Resolution 8.1.4 032017.OM
Last Review:	2019 – Version 2

Purpose

To detail the procedure and timing of staff performance reviews.

Scope

All Staff

Standard

The Chief Executive Officer shall ensure that performance and salary package reviews are conducted for all staff and has the power to amend salary packages.

Performance and Salary Reviews are to be conducted annually in June prior to the budget meeting.

Roles and Responsibilities

Elected Members

- Approve annual budget for salaries and wages.

Chief Executive Officer

- Ensure performance and salary reviews are conducted in June prior to budget meeting.

All Staff

- Participation in performance and salary reviews as and when required.

Legislation

Local Government Act 1995 s. 5.38 and Associated Regulations.

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.29-3.14 EMPLOYEE STUDY LEAVE

Distribution:	Elected Members, Executive Management, Council Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	2015 – Version 1 – Resolution 8.1.4 032017.OM
Last Review:	2019 – Version 2

Purpose

To guide the Chief Executive Officer and staff when considering staff study leave.

Scope

All Staff

Standard

A permanent full-time or part-time employee may apply for “Study/External Training Leave.

The approval of this application is at the sole discretion of the Chief Executive Officer,

The Chief Executive Officer may place a limit upon the number of employees receiving study assistance taking into account the Shire’s operational requirements and budget.”

The Chief Executive Officer shall decide applications for unpaid study leave.

Roles and Responsibilities

Shire President

- Ensure policy is reviewed annually.

Chief Executive Officer

- Ensure all applications for unpaid study leave are considered

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL WORKFORCE

4.30-3.15 Conferences - Staff

Distribution: Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 3 – Resolution

Purpose

To guide the Chief Executive Officer when considering conference attendance.

Scope

All Council Staff

Standard

The Chief Executive Officer shall determine staff attendance at conferences having regard to allowances in staff salary packages and the performance of individual officers.

Roles and Responsibilities

Shire President

- Annual Review of policy

Chief Executive Officer

- Determine staff attendances at conferences

Legislation

Nil

Resource Documents

Local Law

Nil

Delegation

Not Applicable



4.46-3.16 PERFORMANCE MANAGEMENT

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2017 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To outline the performance management system that will be used in Shire of Goomalling.

Scope

Elected Members, Executive Management, Council Staff

Standard

The Shire strives to provide an environment where all employees understand the impact of their contribution on the achievements of the Shire's goals and are provided the opportunity for personal recognition, growth and improvement linked to an agreed set of criteria.

In achieving the objectives of this policy, the Shire supports flexible measures where practicable such as job sharing and employment location.

Performance Management and Staff Development provide an on-going mechanism to ensure the efficient and effective performance of employees.

The objectives are to:

1. Ensure that all staff have clear direction, receive regular feedback on what standards are expected of them in their job, what they have actually achieved and what they can do to improve their job performance;
2. Identify training and development opportunities and facilitate the distribution of rewards based on performance;
3. Identify any new or enhanced skills or any additional supports that may be required;
4. Clarify tasks and objectives of the job and links key functions such as risk management;
5. Involve discussion into any development and expansion anticipated for the employee's job role;

In addition to the above, performance management can also play a major role in broader business planning strategies. Correctly structured performance management can reinforce the following points:

1. Links individual objectives to strategic/business plans; and
2. Ensures all divisions, sections and individuals are working towards the same goal.



POLICY MANUAL WORKFORCE

It also provides an opportunity to for employees to discuss their aspirations for development and progression, any additional supports they may need and how training and development can assist with current performance and prepare them for future positions.

Procedure:

1. Performance management occurs when the standard of performance of an employee does not meet the requirements of the position, noting that poor performance isn't necessarily a result of a disability.
2. The Manager/Supervisor must consult with the CEO before they undertake any performance management.
3. The Manager/supervisor will compile a schedule of:
 - a. Where\why\how the employee's performance does not meet the required standard;
 - b. What the employee needs to do to correct the sub-standard performance;
 - c. What training they will need to do to help them with their skills: and
 - d. A time line (no longer than three months) for this correction to occur except in special circumstances.
4. The Manager/Supervisor will then arrange a meeting with the employee to discuss the poor performance and solutions. The employee, if requested may have an advocate represent them or participate in any meetings.
5. The Manager/Supervisor must inform the employee (and/or their advocate) they are entitled to bring a witness of their choosing to accompany them to the meeting. (The witness does not participate in the meeting at all they are just there to observe the meeting).
6. The meeting time must allow the employee reasonable time to have the witness of their choice attend the meeting.
7. Where an employee has additional needs and/or supports those particular needs and supports shall be incorporated into the process.
8. The Manager/Supervisor will counsel the employee as per the notes they made in their schedule, set performance goals and timings, set the time, date, and place for the next meeting (not less than two weeks) and inform the employee of any training they will be required to undertake in the future.
9. Consider whether the reason for performance/behaviour or lack thereof is a generic reason or influenced by the person's disability.
10. Counselling should be kept to no more than three (3) main points.
11. The Manager/Supervisor should conclude the meeting by offering the employee the Shire's Employee Assistance Provider.
12. The Manager/Supervisor must take comprehensive notes of the meeting, which are then typed up and signed by both the Manager/Supervisor and employee to indicate the notes are a true and accurate account of the meeting.
13. A copy is then placed on the employee's personal file.
14. Documentation used for the performance management process must be made available in an accessible form. Employees who have concerns with regards to the handling of a performance management issue should contact the CEO for assistance.



POLICY MANUAL WORKFORCE

Training

All Managers/Supervisors responsible for conducting performance management shall be provided with appropriate training, in an accessible form, extra special equipment (if required) prior to undertaking the review process.

Roles and Responsibilities

Elected Members

- Annual review of policy

Chief Executive Officer

- Ensure compliance with the policy.
- Ensure Managers/Supervisors conducting performance management have appropriate training prior to undertaking review process.

Executive Management

- Ensure that performance reviews are conducted in accordance with the procedure.

All Council Staff

- Fully participate in performance reviews.

Legislation

Industrial Relations Act 1979

Resource Documents

Policy Manual – 3.3 – Workplace Behaviour

Local Law

Nil

Delegation

Not Applicable



4.32-3.17 STAFF SEND-OFFS

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To detail the protocol to be followed in acknowledging the services of resigning and/or retiring.

Scope

Elected Members, All Council Staff

Standard

Staff leaving must have completed minimum of two (2) years' service before a send-off is approved.

Roles and Responsibilities

Elected members

- Ensure policy is reviewed annually.

Executive Management

- Ensure compliance with the policy

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.39-3.18 DISABILITY PARTICIPATION

Distribution: Elected Members, Executive Management, All Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2017 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To ensure the Shire is recognized within industry and the community as a disability confident employer;

To create an inclusive environment that ensures that equal employment opportunities are available to all staff, including those with a disability;

To provide staff who have a disability with the opportunity to participate in a safe, equitable, discrimination and harassment free working environment;

To provide employees who have a disability with the opportunity to participate in a safe, equitable, discrimination and harassment free working environment;

To encourage people with a disability to apply for positions for which they are qualified and to actively facilitate their employment;

To ensure that employees with a disability are treated equitably during all stages of employment, including recruitment, selection, induction, retention, promotion, training, and termination;

To ensure all documentation and information is designed and disseminated in an accessible form, negating the need for someone to request it;

To ensure that the needs of employees with a disability, such as effective interaction, management and supervision, are recognised in the performance management process;

To provide for employees with a disability to have access to additional needs and supports and also understand that they may choose not to involve their supports in their employment matters;

To ensure that employees with a disability have the means to contribute to and participate in the work environment;



POLICY MANUAL

WORKFORCE

To make reasonable adjustments to the job role, time and location and plant and equipment to accommodate employees with a disability, where practicable;

To provide on-going training, for relevant employees, to ensure full involvement and enthusiasm for an inclusive workforce, plus development of skills to recruit and work with those with a disability; and

Establish reporting mechanisms that show the benefits involved when employing someone with a disability (e.g. frequently showing superior work performance, reliability and retention rates and ethics/community responsibility).

The Shire is committed to providing support and visibility for disability initiatives within the organisation, facilitate awareness for managers/supervisors and employees, and ensure the needs of employees with disability are taken into account in organisational planning, design and delivery.

Scope

Elected Members and All Council Staff

Standard

The Shire is an equal opportunity employer and recognises and values diversity amongst its employees.

The Shire wishes to promote itself as an employer that provides a supportive and inclusive workplace for people with disability and implementing recruitment, selection, induction, and retention and management strategies to attract applicants with disability.

The Shire is committed to providing support and visibility for disability initiatives within the organisation, facilitate awareness for managers/supervisors and employees, and ensure the needs of employees with disability are taken into account in organisational planning, design and delivery.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is accountable for compliance and promotion of this policy and all Managers/Supervisors and employees will take an active role in ensuring their colleagues are made to feel part of the team

Legislation

- The Disability Inclusion Act 2014 and Associated Regulations
- Disability Discrimination Act 1992 and Associated Regulations

Resource Documents

Local Law

Nil



POLICY MANUAL WORKFORCE

Delegation

Not Applicable



4.43-3.19 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2017 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To ensure that in the application of all Human Resources policies, practices and procedures, no discrimination takes place and that all employees enjoy equal access to opportunities within the Shire;

To ensure that decisions relating to employment, promotion and training are equitable and based upon merit;

To ensure that all employees are able to work in a non-threatening, harassment free environment.

To promote EEO throughout the Shire to ensure that every employee (at every level) is aware of, and understands, his/her rights and responsibilities in relation to EEO, and promotes the social and cultural diversity of the organisation and community in general;

To enable the Shire to uphold its obligation to ensure the absence of all forms of discrimination by promoting workplace rules, policies, practices and behaviours that are fair; and

To ensure that employees are treated with, and treat each other with respect and dignity.

Scope

Standard

Achieving Employment Decisions Based on Merit

1. It is unlawful for a person to subject or threaten to subject another person to any detriment where that person has made a complaint or proposes to make a complaint under the Act.
2. All employment decisions in the Shire of Goomalling are to be based on merit.
3. To achieve this, the following principles need to be strictly adhered to:
 - a. Recruiting of new employees is based on the best qualified person for the job;
 - b. Awarding all jobs and promotions based on merit;
 - c. Basing judgments about people in the workplace on their relative ability to carry out the duties of the position;



POLICY MANUAL WORKFORCE

- d. The requirements of the job are the primary focus and irrelevant criteria are excluded; and
- e. If a recruitment agency is used, the agency should also follow anti-discrimination and EEO legislation.

Achieving Equality of Opportunity

1. Equality of opportunity means everyone is able to compete on the same terms in relation to employment and its opportunities. This involves maintaining a diverse workforce.
2. This key principle focuses particularly on the following groups:
 - a. People with a disability;
 - b. Women (under Affirmative Action legislation);
 - c. People from a non-English speaking background; and
 - d. Aboriginal and Torres Strait Islander people.

Anti-discrimination Legislation

The Shire is bound by state and federal anti-discrimination legislation, which makes discrimination, on specific grounds, unlawful. Refer to Policy 3.3 – Workplace Behaviour.

Managers and Supervisors

It is the responsibility of managers and supervisors to promote the principles of EEO in their workplaces. This can be achieved by:

1. Providing employees with a positive role model;
2. Ensuring employees are aware of and comply with policies;
3. Reviewing all workplace practices and employment conditions to comply with anti-discrimination legislation;
4. Acknowledging that diversity makes good business sense;
5. Dealing with complaints about discrimination quickly, confidentially and effectively;
6. Monitoring issues and resolutions;
7. Seeking advice where appropriate; and
8. Assisting with access to counselling or an advocate where appropriate.

Employee Responsibility

Employees are responsible for:

1. Their own behaviour and actions at all times;
2. Adhering to the Shire's policy regarding EEO (and all policies);
3. Seeking the appropriate advice regarding the acceptability of an action prior to undertaking it;
4. Treating fellow employees and customers fairly and equitably;
5. Being aware of their individual responsibilities under anti-discrimination legislation; and
6. Advising their manager/supervisor if they believe they have been discriminated against or if they believe there has been discrimination against a colleague.



Lodging Complaints and Dealing with Breaches

1. Any employee who feels that a decision has not been based on merit or they are being discriminated against has the right to make a complaint. In this instance the employee should talk to their manager/supervisor who will then advise them of their options he/she will tell you what your options are.
2. While it is preferred that matters are resolved satisfactorily internally, employees have the right to lodge a complaint with the relevant body.

Confidential Records

Regardless of the action taken, a confidential record of any incident should be kept that includes:

1. Dates and times;
2. Places;
3. Witnesses; and
4. Details of what happened.

All documentation should be dated and signed and filed on the relevant personnel file.

Any forms or documents used for this purpose shall be in an accessible form.

Breach of Standards

1. The Shire does not tolerate any form of unlawful discrimination, harassment, bullying or victimisation.
2. Anyone who engages in unacceptable conduct in breach of this policy will face disciplinary action which may include a verbal or written warning and in serious cases, or cases of repeated behaviour, termination of employment or engagement.

Roles and Responsibilities

Elected Members

- Review policy annually

Chief Executive Officer

- Ensure compliance with the policy.

Managers and Supervisors

- Promote the principles of Equal Employment Opportunity in their workplaces.

Legislation

- Equal Opportunity Act 1984

Resource Documents

Policy Manual – 3.3 – Workplace Behaviour.



POLICY MANUAL WORKFORCE

Local Law

Nil

Delegation

Not Applicable



4.40-3.19 FORMAL DISCIPLINE AND DISMISSAL

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2017 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To outline how the Shire of Goomalling will manage employee discipline and dismissal.

Scope

Elected Members, Executive Management, Council Staff

Standard

The Shire aims to ensure that any issue or concern regarding unacceptable performance or behaviour and any consequential disciplinary action, will be handled fairly and consistently. The Shire expects all employees to undertake their work duties and behave in accordance with the Shire's organisational standards.

This Policy provides guidelines for the formal disciplinary process or dismissal in order to ensure fair and equitable management of employees in accordance with employer obligations.

“Behaviour” is unacceptable where an employee:

- a. Breaches policies or regulations;
- b. Contravenes the Shire's Workplace Behaviour Policy;
- c. Ignores or fails to comply with occupational safety and health policies and procedures;
- d. Is absent without entitlement or appropriate explanation or whose punctuality in attending work is poor;
- e. Harasses or discriminates against or bullying other employees, contractors or other persons; and
- f. Does not meet required personal presentation standards.

“Disciplinary action” includes:

- a. Counselling or coaching
- b. Provision of a formal written warning
- c. Termination of employment
- d. Summary dismissal

“Performance” includes:

- a. the conduct, output and outcomes of an employee's duties



POLICY MANUAL WORKFORCE

- b. not performing or inadequately performing the tasks required in their role
- c. not following established or instructed procedures or not acting in accordance
- d. with Town policies or delegations

“Serious Misconduct” includes;

- a. wilful or deliberate behaviour inconsistent with a continuation of employment
- b. conduct causing serious and imminent risk to the health and safety of a person
- c. theft or fraud
- d. assault or bullying
- e. under the influence of alcohol or non-prescribed drugs at work.

1. The primary aims of disciplinary action are:
 - a. to improve the work performance of the staff member to the desired standard; and
 - b. To ensure that the staff member conforms to important organisational rules and policies.
2. Disciplinary action will generally only be used as a last resort. It is preferable that the desired behaviour is achieved through counselling or training (or retraining), however, it is recognised that this will not always be possible and, in some cases, disciplinary action will be necessary.
3. Where an employee in question has a disability or other additional needs their needs and supports must be taken into consideration in all stages of the disciplinary process.
4. Should circumstances require the application of employee discipline the relevant industrial agreements applicable to the employee’s employment should be consulted and the guidelines adhered to.
5. The employee should be advised that the Grievance Procedure may be followed if the employee is dissatisfied with either the process or the outcome.

PROCEDURE

Should circumstances require the application of employee discipline the relevant industrial agreements applicable to the employee’s employment should be consulted and the guidelines adhered to.

Initial Investigation

1. Regardless of whether the problem is poor performance or an allegation of a breach of policy or procedures, some investigation will be required before the individual is interviewed.
2. The Manager or Chief Executive Officer is to be fully briefed on the nature of the problem, the outcome of the investigation and provided with copies of all relevant documentation.
3. If the situation is one of repeated performance problems the individual responsible for conducting the investigation should:



POLICY MANUAL WORKFORCE

- a. Provide examples of poor performance;
 - b. Establish that the poor performance has continued over a period of time without improvement; and
 - c. Prove that counselling and/or training has failed to remedy the problem.
4. In situations where allegations are made concerning a breach of policy or procedure or serious misconduct, it is vital that the facts are established before an interview takes place rather than action being taken based on generalisations or unsubstantiated rumours.

The Interview

1. If there is a possibility that disciplinary action may result from the process, the staff member is to be advised, prior to the interview that they have a right to have a representative of their choice present during the interview if they wish.
2. The staff member should be given reasonable notice of the interview to enable them to organise for a representative to be present.
3. The Manager or Chief Executive Officer must be consulted prior to any disciplinary interviews or discussions.
4. Information concerning the allegation/s or poor performance may be relayed verbally or in writing, however, in either case care should be taken to ensure that the staff member is given sufficient information for them to be able to respond. In some cases, it may be appropriate to provide the staff member with the information prior to the interview to allow them sufficient time to prepare their response.
5. The interview should be conducted in a private setting which is free from interruptions.
6. The purpose of the interview is to:
 - a. Provide the staff member with full details of the allegation/s or poor performance specifying clearly and precisely the unacceptable behaviour or poor performance and if necessary explaining why it is unacceptable;
 - b. Attempt to find out the reasons for the behaviour or unsatisfactory performance by talking through the situation with the staff member;
 - c. Ensure the staff member has an opportunity to respond to any allegations or concerns about performance;
 - d. Discuss and prepare an action plan (if applicable) to improve performance (including performance criteria, if appropriate) and nominate a review date; and
 - e. Explain the procedural consequences if performance does not improve to an acceptable level during the review period.

Disciplinary Action

1. If after conducting the disciplinary interview it is concluded that disciplinary action is warranted, then consideration should be given to the appropriate action to be taken.



POLICY MANUAL WORKFORCE

2. In effecting disciplinary action any of the following courses of action may be taken:
 - (a) Issuing a verbal warning;
 - (b) Issuing a first written warning;
 - (c) Issuing a second written warning;
 - (d) Issuing a third and final written warning; and
 - (e) Instant dismissal.

Verbal Warnings

1. Verbal warnings are considered appropriate in relation to less serious matters e.g. in relation to punctuality or in more serious cases where it is the first warning in relation to a matter. Verbal warnings should be given in a private meeting, free from any interruptions. It is also preferable that the warning be given with a third person present.
2. When a verbal warning is issued a written record of the warning should be completed and signed by the Manager/Supervisor and the staff member. A copy should be given to the staff member and the original should be forwarded to the Chief Executive Officer for retention on the staff member's personal file. If the staff member declines to sign, the Manager/Supervisor should make note to this effect on the record. The staff member may attach a statement to the warning.
3. The staff member should be advised that the Shire's Grievance procedure may be followed if the staff member is dissatisfied with either the process or the outcome.

Written Warning

1. In cases of more serious performance problems, breaches of policy or unacceptable conduct, a written warning may be issued.
2. A written warning may be issued even if a verbal warning has not been given previously. A written warning is also appropriate where a verbal warning/s does not result in performance improvement or the desired change in behaviour. Written warnings are to be issued only after consultation with the relevant Manager.
3. If at the conclusion of the disciplinary interview it is decided to issue a written warning, the written warning should be recorded in a warning letter. The warning letter should clearly outline the reason/s for the warning, the improvement expected and the time frame in which the improvement is expected. The warning should also indicate the staff member's failure to respond to previous warning(s) where appropriate.
4. Both the first and second warnings must clearly state that termination of employment could result if the desired improvement does not occur within the timeframes agreed to.
5. The original written warning should be given to the staff member personally. The warning must be handed to the person in front of the Chief Executive Officer or Manager (where practicable). The signed copy should then be forwarded to the Chief Executive Officer for retention on the staff member's personal file.



POLICY MANUAL WORKFORCE

6. The staff member should be advised that the Grievance Procedure may be followed if the staff member is dissatisfied with either the process or the outcome.

Third and Final Warning

1. In cases where previous warnings have not resulted in improved performance or the desired adherence to policies or procedures, a final warning letter may be issued.
2. Final warnings may also be issued in cases of serious misconduct even though no previous warnings have been issued.
3. A final warning letter should be signed by the Chief Executive Officer and should contain:
 - a. reason/s for the final warning;
 - b. a record of previous warnings, if any;
 - c. an outline of the improvement expected and time frame for improvement (if appropriate);
 - d. A statement to the effect that termination of employment has been effected because the desired improvement has not occurred and/or been sustained.

Termination

1. Termination should only be effected where the procedures outlined above have been followed and other appropriate options have been considered (e.g. a transfer).
2. Terminations are only to be effected after consultation with the Chief Executive Officer and the Manager.

Natural Justice

In carrying out disciplinary action all individuals involved should ensure that the principles of natural justice are applied (i.e. that the staff member concerned is given adequate opportunity to explain his/her actions and put forward his/her side of the situation).

General

1. In some instances, cases of unsatisfactory service may follow a pattern of a verbal warning/s, followed by a written warning/s, followed by a final warning, then dismissal.
2. However, disciplinary action does not necessarily have to follow all of these steps. For example, in some cases the initial conduct may be sufficiently serious to warrant an immediate written warning in lieu of a verbal warning. In extreme cases e.g. in cases of serious misconduct, the behaviour may be sufficient to warrant summary dismissal. In both these cases the Chief Executive Officer and the Manager must be consulted prior to taking any action.
3. The decision as to which disciplinary measure is the most appropriate should be made with regard to the seriousness of the offence and whether previous warnings have been issued.



POLICY MANUAL WORKFORCE

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually.

Chief Executive Officer

- The CEO is accountable for compliance and promotion of this policy and all Managers/Supervisors and employees will take an active role in ensuring their colleagues are made to feel part of the team.

All Staff

- Ensure compliance with the policy

Legislation

Industrial Relations Act 1979 and associated Regulations

Resource Documents

Strategic Community Plan 2019-2029

Corporate Business Plan 2013

0.2 Code of Conduct – Employees & Contractors

Local Law

Nil

Delegation

Not Applicable



4.41-3.20 REASONABLE ADJUSTMENTS FOR PEOPLE WITH DISABILITY

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2017 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To ensure that the Shire of Goomalling is inclusive of people with disability in its employment practises;

To enable appropriately skilled people with disabilities to perform the inherent requirements of their positions;

To provide an opportunity for employees who acquire a temporary or permanent disability to continue their employment at the Shire, where possible;

To create an inclusive environment that ensures that equal employment opportunities are available to all staff, including those with a disability;

To provide staff who have a disability with the opportunity to participate in a safe, equitable, discrimination and harassment free working environment;

To actively facilitate the employment of people with a disability in all suitable areas of employment;

To ensure that people with a disability are treated equitably during all stages of employment, including recruitment, selection, promotion, training, and termination;

To ensure that the needs of people with a disability, such as effective interaction, management and supervision, are recognised in the performance management process;

To understand that some people with a disability may choose not to involve their supports in their employment matters;

To ensure that people with a disability have the means to contribute to and participate in the work environment; and

To make reasonable adjustments to the work area to accommodate staff with a disability.

Scope

Elected Members, Executive Management, Council Staff



POLICY MANUAL WORKFORCE

Standard

1. The Shire is committed to ensuring an accessible and inclusive work environment to enable people with disability to participate fully in all aspects of employment in keeping with the requirements of the Disability Discrimination Act (1992).
2. The Shire seeks to apply the principle of reasonable adjustment to remove barriers to participation in work by people with disability. Reasonable adjustments will be made to enable appropriately skilled people with disabilities to perform the inherent requirements of their positions.
3. This policy applies to, but is not limited to, the following areas:
 - a. Recruitment, selection, and appointment;
 - b. Induction and orientation;
 - c. Participation in projects and committees;
 - d. Training and career development;
 - e. Performance management;
 - f. Opportunities to enjoy all Shire supported social or recreational activities;
 - g. Promotion, transfer, or any other employment benefit.
4. The rights of people with disability are safeguarded by the Disability Discrimination Act (1992) by which the Shire must abide.
5. While this policy provides overall guidance on handling staff with disability, more detailed information is incorporated throughout the policies and procedures of the Shire.
6. People with disability are obliged to abide by all other policies of the Shire including those relating to bullying and harassment, staff conduct and discrimination. Where exceptions or other considerations apply, detailed information is incorporated throughout other policies and procedures of the Shire.
7. This policy also applies to those involved in the recruitment and management of staff.

Definitions

Additional Needs	supports and services a person with disability may require in order to perform their duties. This may include, but is not limited to, assistive technology, an advocate, Disability Employment Service (DES) and physical modifications to the workplace.
Advocate	in the disability context, an advocate is an individual or agency who speaks on behalf of or provides moral support for the person with a disability. A friend or family member can also serve as an advocate.
Disability	this policy adopts the broad definition of disability used in the Disability Discrimination Act (1992), which, in the context of employment, can be summed up as a condition either caused by accident, trauma, injury genetics or disease that may restrict a person's mental, sensory or mobility functions to undertake or perform a job in the same way as a



POLICY MANUAL WORKFORCE

	person who does not have disability. This includes physical, sensory, intellectual, mental health, neurological and learning disabilities, as well as physical disfigurement and serious illnesses. Disability may be temporary or permanent, total or partial, lifelong or acquired.
Disclosure	refers to a personal decision to tell a person or institution about one's disability. There is no legal obligation for a job applicant or employee to disclose their disability, unless it is likely to affect their performance to meet the inherent requirements of the job (including ensuring the safety of themselves and others).
Discrimination	- the Disability Discrimination Act (1992) identifies two types of discrimination in relation to people with disability. Direct Discrimination is when someone with disability receives less favourable treatment than a person without disability in the same circumstances. Indirect Discrimination is when a policy, practice or requirement is applied equally but has a discriminatory effect on people with disability.
Inherent Requirements	are the essential activities and tasks that must be carried out in order to get a job done. Inherent requirements relate to results, or what must be accomplished, rather than means, or how it is accomplished.
Merit Principles	means the selection and advancement of employees according to their relative abilities, knowledge, and skills under fair and open competition.
Reasonable Adjustment	refers to the administrative, environmental, or procedural alterations required to enable a person with disability to work effectively and enjoy equal opportunity with others. By law, employers are required to provide reasonable adjustments whenever it is necessary, reasonable, and possible to do so (i.e., when a reasonable adjustment does not constitute an unjustifiable hardship for the employer). Reasonable adjustments may include: <ul style="list-style-type: none"> a. Provision of appropriate equipment or assistance to ensure there is no barrier in the selection process; b. Job redesign; c. Training or retraining; d. Providing essential information in suitable formats; e. Modifications to equipment or the supply of specialised equipment, furniture or work related aids; f. Flexible work arrangements; or g. Alterations to premises or work areas.
Unjustifiable Hardship	employers are obligated to provide reasonable adjustments unless such an adjustment would result in unjustifiable hardship to the employer. It is difficult to define unjustifiable hardship because each circumstance and organisation is unique and is determined on a case-by-case basis. However, unjustifiable hardship is generally determined by considering: <ul style="list-style-type: none"> a. The cost of the adjustment required in light of the organisation's financial situation; and



POLICY MANUAL WORKFORCE

	b. The extent to which the adjustment will result in substantial benefits or detriments to other employees, including those who do not have disability.
Reasonable	is defined by whether or not the adjustment would create "unjustifiable hardship" to the whole organisation; it is never defined by a particular manager's opinion of what is reasonable.

Communicating the Availability of Reasonable Adjustments

The Shire shall notify applicants or employees that it abides by a Reasonable Adjustment Policy. Suggestions how this can be done include:

- Including in position Advertisements / applications and interview correspondence a paragraph that reads: "It is the policy of the Shire of Goomalling to provide reasonable adjustments for qualified persons with disabilities who are employees or applicants for employment."
- Provide contact details of a Shire staff member for people with disability who may require assistance or adjustments to fully participate in the application/interview process; and
- Where interviews are scheduled by telephone, all applicants must be informed about the availability of reasonable adjustments in the interview process. The scheduler should ask:
Do you require any special arrangements to enable you to equitably participate in the interview?

Request

- Applicants will make requests for adjustments to the contact person for the advertised position. If, upon being approached by an applicant, the contact person can easily and informally meet the request to the satisfaction of both parties, he/she will do so and the procedure will end. If not, the contact person will endeavour to assist the applicant to meet the request or obtain information for further deliberation.
- Employees will make requests for reasonable adjustments to their manager directly. If a manager thinks a reasonable adjustment might be appropriate for an employee under his/her supervision, she/he will either approach the employee to discuss the matter (if comfortable doing so) or confer with the CEO. If the CEO is supervising the employee with disability, he/she may confer with the counsellors with the knowledge and consent of the person in question.
- Requests for reasonable adjustments can be made verbally or in writing. Those requests that are not able to be fulfilled informally or easily - due to cost, time etc. - must be submitted to the manager or supervisor in writing. The applicant or employee will be informed of the process of and timeframe for processing their request.
- The Shire will open a confidential workplace adjustment file to record the request and any information collected throughout the process of addressing it. The workplace adjustment file will be kept separate from the employee's personal records and will



POLICY MANUAL WORKFORCE

only be accessible to the applicant or employee and the parties involved in the adjustment process.

Assessing and Reaching a Decision

1. In consultation with the applicant or the employee and his/her advocate (if any) the Shire will evaluate the request and determine what, if any, adjustment is appropriate.
2. For a job applicant, the Shire is responsible for:
 - a. Determining the recruitment-relevant limitation(s) created by the applicant's disability (Depending on their disability and the nature of the adjustment requested, the applicant may be required to provide documentary evidence about their disability and the functional limitations it involves. This evidence may be obtained from a medical practitioner, psychologist or other relevant professional);
 - b. Identifying possible adjustments and assessing the effectiveness of each one in enabling the applicant to equitably participate in the recruitment process (e.g., an interview or assessment test);
 - c. Recommending the adjustment(s) that is most appropriate for both the applicant and the Shire. Though the applicant's preference will be considered, the Shire is free to choose among equally effective options; and
 - d. Considering whether the recommended adjustment constitutes an unjustifiable hardship for the Shire; and
 - e. On the basis of the above, the Shire shall make a decision as to whether or not it will supply the recommended adjustment.
3. If the request is not approved, the Shire will inform the applicant of the decision and the reason for denial of the requested adjustment within 10 business days of the request (Note: If the request is denied on the basis that it constitutes an unjustifiable hardship for the Shire, the Shire will seek a review of the decision from a designated authority before notifying the applicant).
4. For a current employee (or an applicant who has received a job offer), the relevant steps taken by the Shire will be:
 - a. Establishing whether the employee has disability. Here the employee may be required to provide documentary evidence about their disability and the functional limitations it involves. This evidence may be obtained from a medical practitioner, psychologist or other relevant professional.
 - b. Accessing information about the inherent requirements of the particular job involved.
 - c. Determining any job-relevant limitation(s) created by the employee's disability.
 - d. Identifying possible adjustments and assessing the effectiveness of each one in enabling the employee to perform the inherent requirements of the job.
 - e. Recommending the adjustment that is most appropriate for both the employee and the Shire. Though the employee's preference will be considered, the Shire is free to choose among equally effective options.



POLICY MANUAL WORKFORCE

- f. Considering whether the recommended adjustment constitutes an unjustifiable hardship for the Shire; and
- g. On the basis of the above, making a decision as to whether the Shire will supply the recommended adjustment.

If the request is not approved, the Shire will inform the employee of the decision and the reason for denial of the requested adjustment within ten (10) business days of the request (Note: If the request is denied on the basis that it constitutes an unjustifiable hardship for the Shire, the Shire will seek a review of the decision from a designated authority before notifying the employee.)

Consultation with Experts

Where further evaluation is required to reach an informed decision about the adjustment request of an applicant or employee, the Shire will obtain additional information from, and/or liaise with, the following (as appropriate, and with the consent of the applicant or employee):

- a. The employee's supervisor;
- b. A Designated Health and Safety Representative;
- c. A medical practitioner;
- d. An occupational therapist or other allied health provider;
- e. Disability service provider; and
- f. IT Specialists.

Implementing Adjustments

1. Within ten (10) business days of an applicant or employee's submission of a request for a reasonable adjustment, the Shire will either grant or deny the request in writing. Where an adjustment will be provided, the Shire will arrange the provision or implementation of the adjustment.
2. Once a decision to implement a reasonable adjustment for an employee has been made, the Shire will discuss the implementation of the adjustment with the employee and the employee's manager before arranging for implementation of the adjustment.
3. Where the provision or implementation of a reasonable adjustment will take longer than ten (10) business days, the steps taken to order, secure or carry out the adjustment will be documented and discussed with the applicant or employee.
4. Where further supporting documentation is sought from the applicant or employee, the grant or denial of a request for reasonable adjustment will be rendered within 10 business days from the receipt of the appropriate documentation.
5. Application, interview and assessment due dates and timeframes will be extended to accommodate for delays due to the processing and implementation of requests for reasonable adjustments.
6. Where the adjustment involves rehabilitation due to an extended absence from work, the Shire, in conjunction with the manager, will design an appropriate return to work plan, which will be administered under normal case management guidelines.
7. Where alterations are required to buildings or facilities, the Shire will negotiate with relevant personnel to carry out the alterations. A record of alterations or plans in progress should be forwarded to the Shire to be held in the Workplace Adjustment File.



POLICY MANUAL

WORKFORCE

Monitoring Adjustments

1. The Shire will check with the employee and manager/supervisor to assess the appropriateness and effectiveness of the implemented adjustment approximately four weeks from the date the adjustment process was concluded.
2. The results of this action should be documented in the workplace adjustment file.
3. If no further follow-up or monitoring is required, the workplace adjustment file will be closed. Otherwise, the situation will be monitored according to an appropriate schedule. The Shire has responsibility for evaluating, monitoring and reporting on the reasonable adjustment process

Roles and Responsibilities

Chief Executive Officer

- The CEO is accountable for compliance and promotion of this policy.

Managers/Supervisors and Council Staff

- Take an active role in ensuring their colleagues are made to feel part of the team.

Legislation

Disability Discrimination Act (1992)

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4. ADMINISTRATION



POLICY MANUAL ADMINISTRATION

4.0 RECORDS MANAGEMENT POLICY

Distribution: Elected Members, All Employees, Contractors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 1 092015.SM

Last Review: 19 July 2023 – Version 2 – Resolution 2 190723.OM 661

*** (Supersedes Policies 2.2 Business Ephemeral Records Guidelines, 2.3 Metadata Policy, 2.4 Email Procedures, 2.5 Electronic Records Policy, 2.6 Archiving Policy, 2.7 Vital and Legal Documents, 2.8 Correspondence procedures, 2.9 Elected Members records Policy, Records Management Policies and Procedures)*

Purpose

The purpose of this policy is to be establish parameters for shire representatives including volunteers, staff, contractors and elected members for effectively managing records in accordance with *State Records Act 2000*.

Objective

Accurately outline the process for creation, capture and control, security and protection, access, appraisal, retention and disposal or records.

Scope

Elected members, All Employees, Volunteers, Contractors

Standard

1. Creation of Records

All elected members, staff and contractors will create fill and accurate records, in appropriate format, of the Shire of Goomalling's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

2. Capture & Control of Records

All records created and received in the course of Shire of Goomalling business are to be captured at point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles. Ephemeral Records are not required to be captures or maintained.

3. Security & Protection of Records

All records are to be categorised as to their sensitivity and adequately secured and protection from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

4. Access to Records

- Access to the Shire of Goomalling's records by staff and contractors will be in accordance with designated access and security classifications.



POLICY MANUAL ADMINISTRATION

- Access to the Shire of Goomalling's records by the general public will be in accordance with the Freedom of Information Act 1992 and relevant policy.
- Access to the Shire of Goomalling's records by elected members will be via the CEO in accordance with the *Local Government Act 1995*.

5. Appraisal, Retention & Disposal of Records

All records kept by the Shire of Goomalling will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the StateRecord Office of WA. All record disposal is authorised by the CEO.

Roles and Responsibilities

Elected Members

- Adhere to the policies and procedures
- Review the policies and procedures
- Ensure any records received or created by an Elected Member are passed on to the Shire Office to be registered as part of Council's correspondence registration process.

Chief Executive Officer

- Review of state archives to be transferred to the State Records Officer
- Authorise destruction of records
- Certified revisions and updates of policy and procedures
- Monitor effectiveness and adherences to policy

Employees

- Adhere to the policies and procedures

Legislation

Local Government Act 1995 (s5.27,s6.2)

Local Government (Administration Regulations 1996 (s12.1,s12.3,s12.3,s14.1)

State Records Act and associated Regulations

Freedom of Information Act 1992 and associated Regulations

Resource Documents

Strategic Community Plan –

C1.4 Enhance open and interactive communication between Council and the community

C1.5 Develop a policy framework to guide Council's decision making

C1.6 Promote and support community member's participation in the Shire's governance

C2.2 Promote a culture of continuous improvement processes and resource sharing

C2.7 Provide reporting processes in a transparent, accountable and timely manner

Procedures Manual

General Disposal Authority for Local Government

Local Law



POLICY MANUAL ADMINISTRATION

Nil

Delegation
Not Applicable



POLICY MANUAL ADMINISTRATION

1.15-4.01 ADMINISTRATION BUILDING AND COUNCIL CHAMBERS

Distribution: Elected Members, All Employees, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 2 – Resolution

Purpose

To provide direction in the use of Council Chambers.

Scope

Elected Members, All Employees, Visitors, Volunteers

Standard

The Shire President and Chief Executive Officer may authorise the use of the Council Chambers by Community or Government Organisations for the purpose of conducting meetings during office hours.

The Council Chambers may be made available to Community Organisations that have a Councillor or Shire Administration staff member as a Council delegate on the Committee.

Keys to the Administration Centre are only available to Administration Staff and shall not be passed on to other committee members.

Roles and Responsibilities

Elected Members

- Ensure annual review of the policy
- Ensure compliance with the policy.

Chief Executive Officer

- Authorise requests for use where appropriate.

Administration Staff

- Facilitate the authorized use of Council Chambers

Legislation

Nil

Resource Documents

Nil



POLICY MANUAL ADMINISTRATION

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL ADMINISTRATION

1.15-4.02 CITIZENSHIP CEREMONIES

Distribution:	Elected Members, Chief Executive Officer
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 3 – Resolution

Purpose

To provide direction on the conduct of Citizenship Ceremonies.

Scope

Elected Members, Chief Executive Officer

Standard

The Shire President and Chief Executive Officer are classes of authorised persons, in accordance with *Australian Citizenship (LIN 22/074: Classes of Persons Who May Receive a Pledge of Commitment) Authorisation 2022*, and will conduct citizenship ceremonies.

The Chief Executive Officer shall arrange formalities for the ceremony in accordance with Australian Citizenship Ceremonies Code.

The Chief Executive Officer is authorized to purchase refreshments for the ceremony and a suitable gift is to be presented to the recipient/s.

Roles and Responsibilities

Shire President

- Conduct citizenship ceremonies

Chief Executive Officer

- Arrange formalities for citizenship ceremonies
- Purchase refreshments and gift for recipient/s

Legislation

Australian Citizenship (LIN 22/074: Classes of Persons Who May Receive a Pledge of Commitment) Authorisation 2022
Australian Citizenship Act 2007

Resource Documents

Nil

Local Law

Nil

Delegation



POLICY MANUAL ADMINISTRATION

Not Applicable



4.03 ADMINISTRATION CENTRE FLAGPOLE POLICY

Distribution:	Elected Members, Executive Management, Office Staff
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	March 2024 – Version 3 – Resolution 032024 767

Purpose

To provide direction on the use of Australian Flag at the Administration Office.

Scope

Elected Members, Executive Management, Office Staff

Standard

The flagpole located at the Administration Centre is reserved for the flying of the Australian flag. The Australian flag is to be flown each day during office hours.

Flag protocol will be in accordance with Flags Act 1953

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually.

Chief Executive Officer

- Ensure compliance with the policy.

Administration Staff

- Arrange installation of the flag in accordance with policy and Flags Act 1953

Legislation

Flags Act 1953

Resource Documents

Department of Prime Minister and Cabinet – Australian Flags Booklet

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL ADMINISTRATION

4.05 IPAD USE – ELECTED MEMBERS AND STAFF

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2 – Resolution

Purpose

To detail protocol to be followed in using iPads provided by Shire of Goomalling to Elected Members and Staff.

Scope

Standard

That the use of iPads provided by Shire of Goomalling to Elected Members and Staff is solely for Council business only and private or leisure use will not be permitted. Councillors may be eligible to purchase their iPad at the completion of their terms at a nominal price determined by the CEO.

Roles and Responsibilities

Elected Members

- Ensure iPads are maintained in an operative condition and are used in accordance with this policy.

Executive Management Team

- Ensure iPads are maintained in an operative condition and are used in accordance with this policy.

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL ADMINISTRATION

4.06 RESTRICTED ACCESS VEHICLES

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: March 2024 – Version 3 – Resolution 032024 767

Purpose

To regulate Restricted Access Vehicles (RAV's) movements on roads in the Shire of Goomalling

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

Most roads within the Shire of Goomalling have been approved by Main Roads Western Australia for Restricted Access Vehicles travel up to Network 4. Exceptions are:

Beecroft Road: Bridge 4978 over Mortlock River must NOT be crossed
Yarramony Road: Must NOT be used as access into Jennacubbine. Access is via Jennacubbine East Road only.
Tyndall Road (Sth): Must NOT be used as access into Jennacubbine. Access is via Jennacubbine East Road only.

The Shire of Goomalling issues Letters of Approval to RAV operators specifying which roads they may use and the conditions that apply to that use. The below roads are subject to Network 4 conditions currently approved for class 2/3 vehicles from categories 1 thru 4, being primarily vehicles with a maximum length of 27.5m and a maximum mass of 84T. In addition to the Network conditions Low Volume conditions apply also. Note: the vehicle must also hold a valid „Class 2/3 Period Permit" issued by Main Roads.

Goomalling-Toodyay Road	Berring East Road	Beecroft Road
Bolgart East Road	Beejoording Road	Brooksbank Road
Burabadji East Road	Burabadji Road	Byberding Road
Carter Road	Coulthard Road	Donald Road
Dowerin-Konnongorring Road	Glatz Road	Haywood Road
Goomalling-Meckering Road	Goomalling-Callingiri Road	Hughes Road
Hulongine Road	Jennacubbine East Road	McLean Road
Konnongorring West Road	Lawler Road	Long Forrest Road
Lord Road	Morrell Road	Oak Park Road
Patterson Road	Pryor Road	Rossmore Road
Rowles Road	Sadler Road	Smith Road
Tyndal Road (North Only)	Ucarty Road	



POLICY MANUAL ADMINISTRATION

Conditions

Endorsement refers only to the above requested permitted Shire of Goomalling local roads which are detailed in the Main Roads WA Restricted Access Vehicles Permit Network Permitted Road Table and are subject to strict adherence to all conditions as outlined in that document and as follows:

1. Administration Charge (including GST), in accordance with Councils approved Fees and Charges Schedule, is to apply for each Class 2/3 combination as detailed on your Main Roads WA Permit (Permission is not valid until receipt of Administration Charge is attached);
2. School Buses operate on these roads and operation is not permitted during bus times on certain roads (refer to Main Roads Road Table document). Operators must show courtesy to school buses and local traffic and exercise due care on school days.
3. Loads will be restricted to the carting of grain, lime fertiliser and other farm produce;
4. Unofficial short cuts must not be used;
5. Maximum speed 70 kilometers per hour (both empty and full);
6. Must adhere to aggressive signage displayed enroute;
7. Maximum length of vehicle configuration must be no greater than 27.5 metres;
8. In wet conditions Council reserves the right to close roads to permit vehicles if Council considers that the passage of those vehicles would be detrimental to the roads' surfaces;
9. Council may review operation and add or remove roads from the approved list, subject to Commissioner of Main Roads discretion;
10. All loads must be secured to the standards set out in the Load Restraint Guide under the National Heavy Vehicle Regulations;
11. Any Council Endorsement holder who fails to comply with these conditions will have his endorsement agreement cancelled;
12. Council Endorsement must be carried in vehicle at all times.

Roles and Responsibilities

Elected Members

- Annual review of the policy
- Review fees and charges as part of budget process.

Executive Management

- Ensure compliance with the policy

Legislation

Road Traffic Act 1974; Road Traffic (Vehicle Standards) Rules and Regulations 2002

Resource Documents

Approved Fees and Charges

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL ADMINISTRATION

4.10 FLYING OF FLAGS POLICY

Distribution: Elected Members, Executive Management, Office Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 22nd August 2024 – Version 1 – Resolution 802

Last Reviewed:

Next Review Due: 22nd August 2025

Purpose

This policy has been created, as flags are recognized as the symbol of a nation, state or organization and it is important for the Shire of Goomalling to be aware of, and observe the appropriate principles and flag flying protocols.

This policy is to provide operational guidelines and identify the protocols used for flying flags under the Shire of Goomalling care and control.

The Shire of Goomalling will fly flags within the Shire and will ensure that the flags displayed are acknowledged with due diligence, dignity and attention to position.

When to display a flag

Flags may be flown if;

- a. They are recognized national flag (pursuant to the Commonwealth Flags Act 1953), including subsequent proclamations
- b. They are:
 - the Western Australian State Flag;
 - the aboriginal Flag;
 - the Shire of Goomalling corporate Flag
- c. They are approved by the Chief Executive Officer, in consultation with the Shire President.

Hierarchy

The hierarchy for flying flags on Shire of Goomalling property is as follows: (the following is dependent upon the number of flag poles erected in any one location)

Poles	Flags and the order they are to be flown in
1st	Australian National Flag
2nd	Aboriginal Flag
3rd	Shire of Goomalling logo Flag or other temporary flags on approved occasions



POLICY MANUAL ADMINISTRATION

When declared by the commonwealth or state government, a special flag or flags may be flown when the Shire of Goomalling receives advice on such special declarations by the government.

Rules for flying flags

- a) The Australian National Flag must only be flown at night if illuminated.
- b) Order of preference to be: Australian National Flag, Aboriginal flag, Shire of Goomalling logo Flag, other Australian flags ensigns and pennants.
- c) When flying the Australian National Flag and any other flags in a line of flagpoles the Australian National Flag should be flown on the far left of a person facing the flags.
- d) When flying the Australian National Flag with other flags in a line of flagpoles, the order of the flags should follow the rules of precedence e.g. the Australian National Flag should be flown on the far left of a person facing the flags, or in the centre where there are three (3) flag poles and the centre pole is higher. Note: no other flag should be flown above a national flag.
- e) In a semi-circle of flags, the Australian National Flag should be in the centre.
- f) The flag should never be allowed to fall or lie on the ground.
- g) The flag should never be used to cover a statue, monument or plaque for an unveiling ceremony, to cover a table or seat or to mask boxes.
- h) The flag should not be flown when in a damaged, faded or dilapidated condition.
- i) The flag should not normally be flown in a position inferior to that of any other flag or ensign.
- j) The flag should not be smaller than that of any other flag or ensign.
- k) The flag should be raised briskly and lowered ceremoniously.
- l) The flag should be flown aloft and free, as close as possible to the top of the flag mast, with the rope tightly secured.
- m) The flag should be raised no earlier than first light and should be lowered no later than dusk.
- n) Two flags should not be flown from the same flagpole.
- o) The flag should not be flown upside down, not even as a signal of distress.
- p) Flags will not be flown in hazardous conditions.

Rules for flying flags at HALF MAST

- a) Flags are flown in the half-mast position as a sign of mourning.
- b) When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.
- c) To bring the flag to the half-mast position, the flag must first be raised to the top of the mast (the "peak"), then immediately lowered slowly to the half-mast position. An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.
- d) When lowering the flag from a half-mast position, it should firstly be briefly raised to the peak, and then be lowered ceremoniously.
- e) Under no circumstance should a flag be flown at half-mast at night, even if illuminated.



POLICY MANUAL ADMINISTRATION

Special dates when flags are to be flown (including at half-mast) include;

1.	Anniversary of Australian Federation Day	1 st January
2.	Australia Day	26 th January
3.	Commonwealth Day	Second Monday in March
4.	Anzac Day	25 th April
5.	NAIDOC Week	Nominated week in July
6.	Funerals	Applicable to Elected Members/former Elected Members of the district and with formal agreement from the Shire President and CEO.
7.	Other approved occasions are when the Protocol Unit of the Department of the Premier and Cabinet provide a notice to the Shire of Goomalling for when flags are required to be flown at half-mast. Such notices will be received for example, in the event of a death of a member of the royal family or death of the Governor-General.	

Scope

Elected Members, Executive Management, Office Staff

Standard

Flags will be flown each day during office hours.

Flag protocol will be in accordance with Flags Act 1953

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually.

Chief Executive Officer

- Ensure compliance with the policy.

Administration Staff

- Arrange flying of flags in accordance with policy and Flags Act 1953

Legislation

Flags Act 1953

Resource Documents

Department of Prime Minister and Cabinet – Australian Flags Booklet

Local Law

Nil

Delegation

Not Applicable



5. WORKFORCE



1.22-5.0 UNDEVELOPED ROAD RESERVES

Distribution: Elected Members, All Employees

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 3 – Resolution

Purpose

To prevent existing properties that consist of multiple titles being sold as separate titles and placing an expectation on the Shire to provide road access. Such an expectation would place a financial burden on existing ratepayers while the financial benefit would accrue to the seller of the property.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

The Shire of Goomalling will not construct a road in an undeveloped road reserve where:

1. All adjoining land is owned or controlled by the one entity or farming enterprise;
or
2. The road reserve was undeveloped at 01 July 2000.

Where a property owner requires a road to be constructed in an undeveloped road reserve then the property owner shall:

1. Make a request in writing to Council;
2. Pay the cost of construction to Council or engage an approved contractor; and
3. Construct the road to a standard approved by Council.

In determining whether land is owned or controlled by the one entity or farming enterprise Council will have regard to whether the property is contiguously rated.

Roles and Responsibilities

Elected Members

- Review policy annually
- Provide consideration to requests made to Council.

Executive Management

- Ensure compliance with the policy
- Refer requests to Council for consideration.



POLICY MANUAL WORKS

Legislation

Local Government Act 199, Part 3 – Function of Local Governments, Division 1 – General, Section 3.1 General function.

Resource Documents

Shire of Goomalling Community Plan

Local Law

Nil

Delegation

Not Applicable



1.23-5.01 WEATHER RELATED ROAD CLOSURES

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 2

Purpose

To restrict the winter use of unsealed roads by certain vehicles to preserve the Shire's asset.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

Unless otherwise stated, Council shall practice its rights and obligations to partially or wholly close, and subsequently re-open, any road under its responsibility in accordance with provisions of the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996.

Specifically, Council may close unsealed roads to all vehicles greater than 3.5 tonnes gross when conditions arise where damage to the structure and or surface of the road is likely to occur. This would usually occur in winter after grading and when 15mm or more of rain is forecast.

Rain events greater than 15mm may require unsealed roads to be closed until road conditions are suitable, as determined by the Chief Executive Officer under Delegated Authority.

Notifications of weather-related road closures will be made to adjoining shires, and notices will be posted at the Shire Administration Offices, the notice board of the Goomalling Community Resource Centre and published in the next edition of the Goomalling Endeavour. (As per Notice of Road Closure proformas)

Restricted Access Vehicle permit holders with current Letters of Approval from the Shire, local carriers and any other interested parties will be notified of weather-related road closures by SMS text message and/or fax and/or email. Notification will be sent to media outlets.



POLICY MANUAL WORKS

Where Council is required to issue local public notice, the issue of local public notice shall be in accordance with Section 1.7 of the Local Government Act. Where a road closure inadvertently exceeds a period of twenty-eight (28) days, the Council shall meet its obligations under S1.7 & 3.50(4) of the Local Government Act 1995 and S4, Part 2 of the Local Government (Function and General) Regulations 1996.

Roles and Responsibilities

Shire President

Chief Executive Officer

Executive Management

Employees/Contractors/Visitors/Volunteers

Legislation

*Local Government Act 1995, Part 1 – Introductory matters,
Section 1.7; Part 3 – Functions of Local Governments, Division 1 – General,
Subdivision 5 – Certain Provisions about Thoroughfares,
Section 3.50; Local Government (Functions and General) Regulations 1996, Part 2
– Thoroughfares.*

Resource Documents

Shire of Goomalling Community Plan

Local Law

Nil

Delegation

Not Applicable



4.7-5.03 GRAVEL PIT REHABILITATION

Distribution:	Elected Members, Executive Management,
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 2

Purpose

To rehabilitate private property and Shire Reserves where the Shire has completed extraction of gravel.

Scope

Elected Members, Executive Management

Standard

Unused Pits

The sites shall be spread and levelled as much as possible. The site shall be deep ripped at three (3) meter intervals where necessary.

New Pits

Topsoil shall be stock piled. Following annual excavation, the topsoil shall be pushed over the excavation.

Timbered pits located in grazing paddocks shall be fenced until revegetated by planted native trees.

Roles and Responsibilities

Elected Members

- Annual review of the policy

Chief Executive Officer

- Ensure compliance with the policy

Works Manager

- Ensure compliance with the policy
- That only suitable materials are acquired.

Legislation

Nil



POLICY MANUAL WORKS

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.25-5.04 PRIVATE PROPERTY ACCESS AND CROSSOVERS

Distribution: Elected Members, Executive Management

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2 – Resolution

Purpose

To provide direction to staff when receiving requests for access to private property.

Scope

Elected Members, Executive Management

Standard

Access to Private Property on Land within the Townsite Boundary

Council will provide culvert access or other appropriate access to property within the Shire and outside of the townsite boundary, where it is considered necessary, appropriate or practicable, subject to:

- a. Access to provide owner with access from a Council owned road or property to the owner's property.
- b. Only one access per location will be provided.
- c. Any additional access required on a location or on locations that are contiguous to a location where Council has provided access, to be at the owner's expense.

Access to Property on Land within the Town Boundary:

Council will provide culvert access or other appropriate access to property within the townsite, where it is considered necessary, appropriate or practicable to do so, subject to:

- a. Access to provide owner with access from a Council owned road or property to the owner's property.
- b. One access per lot will be provided subject to an approved building being constructed on the lot or planning approval and building license issued for the construction of an approved building on the lot
- c. Any additional access or access to vacant land to be at the owner's expense.

Townsite Lot Crossovers:

On application by the owner of land adjoining a Council road/street/way Council will contribute 50 % toward the construction of standard crossover, subject to the following:



POLICY MANUAL WORKS

- a. A standard crossover is deemed to be constructed to a maximum width of 6m to a hot mix seal standard or equivalent. Crossover to be constructed from the edge, or as near as practicable to the edge of a sealed road or the anticipated edge in the event the road is unsealed, to the owner's property boundary.
- b. Any extra width required on the crossover to be at the owner's expense.
- c. Additional cost for crossovers being constructed in brick paving, concrete or other similar material to be at the cost of the owner.
- d. Only one crossover per lot will be contributed to where there is an approved building on it. Crossovers on vacant land to be at the owner's expense.
- e. Additional crossovers to be at the owner's expense.

Roles and Responsibilities

Elected Members

- Annual review of policy

Chief Executive Officer

- Ensure compliance with the policy

Executive Management

- Ensure compliance with the policy

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.26-5.05 ROAD RESERVE WEED CONTROL

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

- To eradicate weed populations along local Road Reserves
- Encourage Shire Works employees and landholders to adhere to industry guidelines and standards as specified in relevant codes of practice and other documents for weed control on roadside verges.
- Encourage Local Landholders to conduct appropriate management plans
- To reduce the risk of fire in the road reserves.
- Reduce the inconvenience of vermin such as rabbits and foxes.
- To comply with government legislation including the Environmental Protection Act 1986.

Scope

Elected Members, Executive Management, Council Staff

Standard

Definitions

Weed	A weed is a plant that represents a threat to the conservation values of natural ecosystems. Weeds invade native plant communities and out-compete them causing a reduction in plant diversity and resulting in a loss of habitat for native animals
Road Reserve	The Road reserve includes the road, remnant vegetation to an adjacent properties fence line.
Landholders	The holder or proprietor of land.
Environmentally Sensitive Areas	There are a number of areas around Western Australia of environmental significance within which the exemptions in the Clearing Regulations do not apply. These areas are referred to as environmentally sensitive areas (ESAs), and are declared under section 51B of the EP Act and described in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005.



1. Areas of Application for this Policy

This policy applies to Roadside Reserves within the Shire of Goomalling.

2. Additional Policy Measures

2.1.1 Herbicide Spraying

Off-target spraying may kill native understory and create an altered environment for weeds to invade. Risk can be minimised by:

- a. restricting spraying to the road shoulder and around road furniture,
- b. not spraying on wet or windy days,
- c. not using residual herbicides along watercourses, and
- d. not using non-selective herbicides near susceptible plants.

2.1.2 Alternative Weed Control Strategies

Weeds can be managed using many different methods. The most effective management of weeds is usually achieved by a combination of methods with follow-up over a number of years. The stage that a weed has reached in the invasion process determines the best approach for its control.

The three main approaches to weed management are:

- a. Prevention of establishment,
- b. Early detection and eradication, and
- c. Management of existing populations.

i) Prevention

This is the most effective means of control. Establishing workable prevention mechanisms is much more cost-effective than controlling established populations.

Prevention mechanisms include:

1. Cleaning machinery between jobs,
2. Only using clean, weed-free fill materials, including stockpiles,
3. Marking turn-around points for maintenance works to prevent longitudinal spread
4. through mowing or grading,
5. Revegetation of disturbed areas, and
6. Minimising or avoiding disturbance in areas of native vegetation.

ii) Early Detection and Eradication

The second most cost-effective means of weed control is early detection and eradication. Eradication of newly established populations is possible only if detection mechanisms are in place to identify them.



iii) Management of Existing Populations

Managing existing weed infestations can involve eradication, control or containment depending upon the extent and severity of infestations, and the resources available to manage the program. Mulching, burning, cultivation, introduction of competition, grazing, biological control and chemicals are all management tools that can be used where appropriate.

iv. Grazing and Stock Movement

Grazing of domestic livestock is defined as vegetation clearance under the Native Vegetation Act, 1991. Movement of stock along road reserves can aid the spread of weeds, compact the soil, exacerbate soil erosion problems and hinder native plant regeneration. Whilst it is necessary to allow the moving of stock along road reserves to move them between paddocks, stock movement should be avoided where there is Declared Rare Flora or native vegetation that is classified in an Environmentally Sensitive Area (ESA). Landholders must find alternative routes for the movement of stock through negotiation with adjacent landholders.

v. Fencing

Item 11 of regulation 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 provides an exemption for clearing between private property and Crown land (e.g. a road reserve), provided that the clearing on the Crown land is no more than 1.5 metres from the fence and provided that the clearing, combined with other limited exempt clearing on the property, does not exceed 1 hectare in the financial year in which the clearing takes place. This exemption applies to the owner of the land on which the clearing is to take place, therefore the written approval of the owner of that Crown land (e.g. the Local Government in the case of a road reserve) must be obtained prior to undertaking the clearing. This exemption does not apply in environmentally sensitive areas.

vi. Removal of Plant Material

Dead timber on roadsides can provide valuable habitat for small mammals, reptiles and most importantly invertebrates. Allowing it to decompose through natural processes also maintains integrity of the nutrient cycling that underpins stable ecosystems. Removal of dead timber destroys these habitats and processes. Another aspect of the stability of roadside ecosystems is the maintenance of the ability to regenerate. Excessive removal of seed from native vegetation diminishes the amount of seed available in the soil for new plants to grow from. Ultimately, this can lead to lower densities of some species and alteration of the vegetation structure.

vii. Summer Weed control

Summer weed control is an imperative component of roadside weed control and must be undertaken when weed burdens are posing significant threat to the native roadside vegetation and surrounding agricultural land. Summer weed control involves accounting for the same policy measures as discussed



for general weed control. Summer weed control also needs to account for the risk fire plays when weeds are left uncontrolled.

Before implementing a summer weed control program, it is important to consider the high persistency of summer weeds and difficulty in containing their spread. Species such as Caltrop (*Tribulus terrestris*), Afghan Thistle (*Solanum hoplopetalum*) and Prickly Saltwart (*Salsola Kali*) are examples of summer weeds with highly adapted systems that make them very difficult to control. In these cases control methods should take into consideration:

1. Growth stages of the plant
2. Seed development stages and timeframes
3. Herbicide tolerance and susceptibility
4. Areas of high population densities of the specific weed and potential distribution zones.

viii. Declared Plants

Plants may be “declared” by the Agriculture Protection Board under the Agriculture and Related Resources Protection Act 1976. If a plant is declared, Council employees are obliged to control that plant on roadside reserves where they are present. Declaration specifies a category, or categories, for each plant according to the control strategies or objectives which are considered to be appropriate in a particular place.

Among the factors considered in categorising declared plants are:

1. The impact of the plant on individuals, agricultural production and the community in general,
2. Whether it is already established in the area, and
3. Feasibility and cost of possible control measures.

Collecting Plant samples for identification

Identification of plants is important to establish a record of the distribution or to confirm if a plant new to the area is declared. Specimens collected can be sent to any office of the Department of Agriculture and Food where it can be identified or sent on to the State Herbarium if identification cannot be made. Preparing plant samples to ensure that the key identifying components are included is essential to assist in this process. A publication by the CRC for weed management gives a very comprehensive methodology for collecting and preserving plant collections. This document is available from their website: www.weedscrc.org.au.

2.2 General Weed Management for Adjacent Landholders

Roadside Reserve weed control management must be undertaken with close consultation with Shire Environmental Staff to ensure that adjacent landholders adhere to minimum disturbance guidelines when controlling weed populations in roadsides.

Adjacent landholders are encouraged to maintain effective weed management strategies along fence lines adjacent to a road reserve to suppress weed populations from entering the road reserve from their properties and from entering their properties from the road reserve.



In road reserves where native vegetation (trees, shrubs, grasses and other ground covers) may be impacted you should seek advice from the Department of Environment and Conservation Native Vegetation Conservation Branch ((08) 9219 8744) as a clearing permit may be required under Part V of the Environmental Protection Act 1986.

NOTE: This includes farmers spraying weeds in road reserves and in fact if a landholder inadvertently kills native vegetation they could be liable under the Environmental Protection Act 1986.

The following weed management practices can be implemented to ensure suppression of weed populations:

2.2.1 Herbicide Spraying

Selective and Non- Selective herbicides may be used to manage weed infestations up to 1.5m from the existing fence line on the side of the road reserve.

The use of Selective and Non- Selective herbicides may be necessary to manage weed populations up to 5m away from the internal fence line of a landholder's property.

It is important that landholders obtain expert advice on suitable herbicides to use for different weeds present on road reserves and take into consideration the presence of waterways, livestock and native species present before undertaking herbicide applications.

2.2.2 Cultivation

Cultivation is an effective weed management strategy to use to control the 5m buffer area from the internal fence line of a landholder's property. This will also effectively establish fire break zones between the road reserve and a property.

2.2.3 Burning

Burning is an effective weed management strategy to use to again, control the 5m buffer area from the internal fence line of a landholder's property. This will also effectively establish fire break zones between the road reserve and a property.

2.3 Role of Council in Assisting Landholders with Roadside Weed Control Strategies

2.3.1 Herbicide Spraying

Permission must be obtained from Council prior to any herbicide applications sprayed on Goomalling Road Reserves.

A list of declared weeds and common weeds can be sourced from the Shire of Goomalling NRM Officer. The NRM Officer can also give assistance with suitable herbicides to use where native species are present to minimise any adverse effects on these species.

Careful consideration of weather conditions is imperative for herbicide applications to be successful. Rainfall events and wind speeds directly influence the success of a spraying program i.e. due to rain washing herbicide off plants and stopping uptake and wind causing herbicide drift.

Consultation with local agronomists and the Shire of Goomalling NRM Officer is important to determine suitable weed management strategies according to seasonal conditions.

2.3.2 Cultivation

Cultivation is an effective weed management strategy to use to control the 5m buffer area from the internal fence line of a landholder's property. This will also effectively establish fire break zones between the road reserve and a property. No Council approval is required for cultivation of fire breaks.

2.3.3 Burning Permission must be obtained from Council prior to any burning program being conducted on any Shire of Goomalling road reserves.



Roles and

Elected Members

- As part of the annual budget review, ensure adequate resources are available to manage Council's role.
- Annual review of policy.

Chief Executive Officer

- As part of the annual budget review, ensure adequate resources are available to manage the shire road network.

Manager of Works

- Responsible for implementing the budget roadside weed control.
- Ensure that employees are trained in current best practice techniques; and



POLICY MANUAL WORKS

Legislation

Environmental Protection Act 1996;
Native Vegetation Act 1991;
Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
Agriculture and Related Resources Protection Act 1976

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



4.37-5.06 GRAVEL ROYALTY

Distribution: Elected Members, Executive Management

Responsible Officer: Chief Executive Officer

Date Adopted: 2016 – Version 1 – Resolution 8.1.9 042016.OM

Last Review: 2019 – Version 2

Purpose

To ensure landholders are compensated for gravel obtained from private pits.

Scope

Elected Members, Executive Management

Standard

That Council continue to obtain gravel from owners throughout the Shire and the Shire will pay landholders three dollars (\$3.00) per cubic metre of gravel taken from private land for use on public works.

From time to time the Chief Executive Officer and Works Supervisor are authorized to pay a higher rate for gravel royalty payments to pit owners where suitable gravel for specific works requirements at the current rate is unavailable.

Roles and Responsibilities

Shire President

- Ensure

Chief Executive Officer

- To ensure compliance with this policy.

Manager of Works and Works Supervisor

- To ensure compliance with this policy;
- Ensure that land holders are treated fairly; and• That only suitable materials are acquired.

Legislation

Nil

Resource Documents

Nil



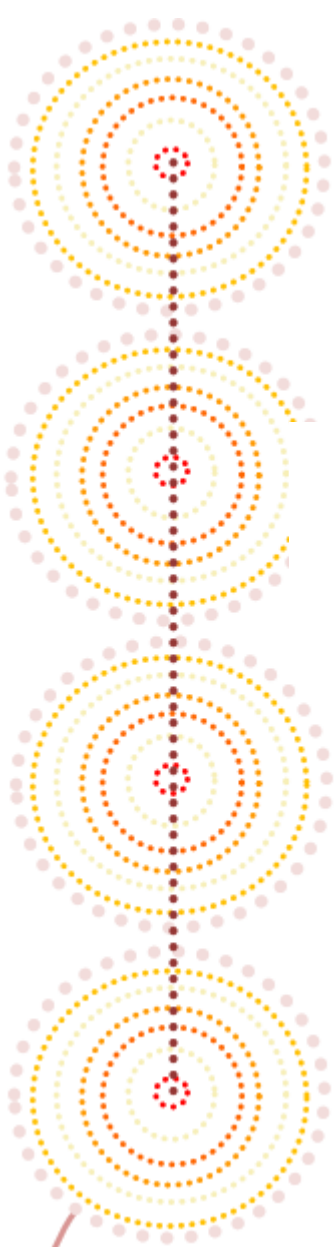
POLICY MANUAL WORKS

Local Law

Nil

Delegation

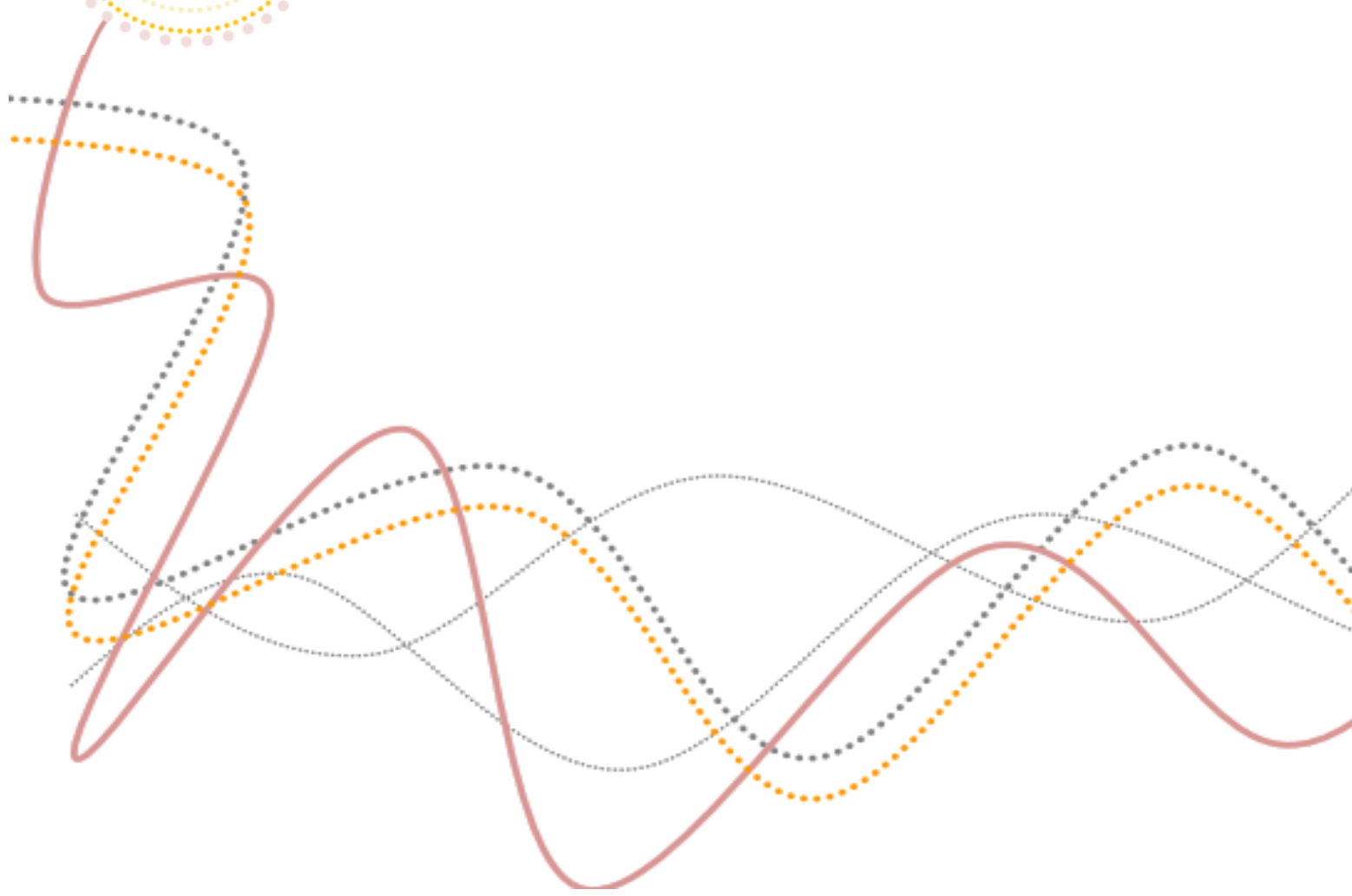
Not Applicable



?

????? ? ? ? ? ? ?

?? ???? ? ? ?





POLICY MANUAL

PLANNING AND BUILDING

3.1-6.0 RELOCATED SECOND HAND BUILDINGS

Distribution:	Elected Members, All Employees,
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 2

Purpose

- To ensure compliance with the relevant provisions of Council's Town Planning Scheme in a manner which is realistic and which ensures that the relocation of second-hand buildings is undertaken to an approved acceptable standard which pays regard to local amenity and aesthetics;
- To provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used for residential purposes; and
- To ensure the style, construction and design of relocated buildings is in keeping with the character of the surrounding buildings in particular and the locality in general.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

1. PRELIMINARY

1.1 Authority to Prepare and Adopt a Planning Policy

The Shire of Goomalling, as enabled under Clause 8.7 of its Town Planning Scheme No.3, hereby makes this Town Planning Scheme Policy regarding Relocated Second-hand Buildings throughout the Shire of Goomalling. This policy will be incorporated into future schemes when Town Planning Scheme No.3, or greater, is revoked.

This policy supersedes Town Planning Scheme Policy No.1 – Second Hand Dwellings/Buildings, which is hereby revoked.

1.2 Relationship of a Town Planning Scheme Policy to the Scheme

Any Town Planning Scheme Policy prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A Town Planning Scheme Policy is not part of the Scheme and shall not bind Council in any respect of any application for Planning Approval but Council shall take into account the provisions of the Policy and the objectives that the Policy is designed to achieve.



POLICY MANUAL

PLANNING AND BUILDING

2. APPLICATION OF THE POLICY

This policy applies to all proposals for the relocation of second-hand buildings on land situated within the Shire of Goomalling.

This policy does not apply to new pre-fabricated buildings or other new transportable buildings that have not been previously installed on any other location.

3. REQUIREMENT FOR PLANNING APPROVAL

3.1 Determination

Applications for the relocation of second-hand buildings on property within the Shire of Goomalling require Council Planning Approval prior to a Building Permit being issued and relocation taking place. All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.

In determining the application, Council may:

- Approve the application; or
- Approve the application with conditions; or
- Refuse the application.

Planning approval is valid for a period of two (2) years from the date of approval, during which time a Building Permit must be issued or the approval is extinguished.

3.2 Information to be supplied with Application

All applications for planning approval to relocate a second-hand building must be accompanied by the following prior to consideration by Council:

- Signed and completed Application for Planning Approval Form;
- Signed and completed Application for Inspection and Report Form;
- Photographs clearly showing the four elevations of the building;
- Site plan showing the proposed location of the building and distances from property boundaries, other buildings and any natural features on the property;
- Floor plans, elevations, cross sections, and specifications;
- Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection (where the building is a purpose-built transportable building, sufficient documentation proving this will suffice); and
- Certification from a registered pest control company that the building is free from termites.

3.3 Need for a Building Permit

Notwithstanding that Council may grant Planning Approval, a Building Permit is required to be sought and issued prior to relocation commencing.



POLICY MANUAL

PLANNING AND BUILDING

3.4 Advertising

Council will require any application for a relocated second-hand building to be advertised in accordance with Clause 7.2 of its Town Planning Scheme where surrounding properties and/or residences may be affected by the relocation of the building taking place.

3.5 Building Inspection

Council's Building Surveyor will be required to inspect the building prior to its relocation in order to ascertain its suitability for relocation. The inspection will be reported on by completion of the Relocated Second-Hand Building Inspection Report by the Building Surveyor.

4. GENERAL PROVISIONS

4.1 Minimum Dwelling Standard

If the relocated second-hand building is to be used for residential purposes, the following minimum dwelling standard is required to be provided:

- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge/dining area;
- A kitchen; and
- A separate toilet, bathroom & laundry facility.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia.

Buildings that are not designed for predominant use as a dwelling and do not meet the above criteria will not be approved for use as a primary residence.

Mobile Park homes will only be considered if the above criteria for minimum dwelling standard is met and the mobile home is consistent with all other relevant requirements of this policy, particularly Section 5.3 relating to amenity.

4.2 Non-Residential Building Standard

Relocated buildings to be used for non-residential purposes will be assessed based upon their suitability for the proposed use, the zone in which they are to be located and against all other relevant provisions of this policy relating to asbestos, amenity and design. If considered necessary, Council will prohibit the use of the building for residential purposes through a condition of approval.

If the relocated building is to be used as an outbuilding, the application will be assessed against the relevant provisions of Council's prevailing Outbuildings Policy.

4.3 Asbestos

Second-hand dwellings must have all asbestos materials removed prior to relocation taking place. Council will require documentation proving cement sheeting is asbestos free where the age of the building indicates asbestos may have been utilised in construction. Asbestos is not an acceptable material of construction for relocated buildings to be imported to the Shire of Goomalling.



POLICY MANUAL

PLANNING AND BUILDING

4.4 Amenity

When giving consideration to an application for planning approval, Council shall give consideration to:

- The building in its relocated position being rendered visually acceptable by the use of verandas, screening and / or landscaping;
- The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located; and
- With respect to the relocation of second-hand buildings within the Goomalling Townsite, Council will not approve the relocation of non-brick buildings where the predominant building type in the locality in which it is proposed to be located is either brick and tile and / or brick and iron. Council will not grant planning approval for relocating any building if it is considered by Council to be in conflict with the age and design of buildings in the immediate vicinity of the proposed new location.

4.5 Earthquakes

The Shire Area is within the Zone 2 Seismic Zone. Consequently, all relocated structures must meet the appropriate standard of construction required by the Building Code of Australia.

4.6 Works to be Carried Out

Council will place any conditions on its planning approval it deems appropriate to ensure the relocated second-hand dwelling meets the objectives of this policy and preserves the amenity of the locality. These conditions will include:

- The exterior of the building being painted in a manner that is consistent with the colours and styles of the surrounding buildings;
- The construction of verandas and / or alterations to the roof pitch and / or materials to ensure the relocated building is consistent with the design of surrounding buildings;
- The planting and ongoing maintenance of suitable landscaping to ensure the relocated building looks established on the new location;
- The connection to reticulated water (or appropriate potable water supply where reticulation is not provided), and an appropriate effluent disposal system;
- All plumbing and electrical wiring to meet the current BCA requirements and Australian Standards; and
- Other conditions to ensure an individual building meets all relevant Council requirements and policies.

5. BOND

5.1 Payment

As a condition of planning approval for a relocated second-hand building, a \$5,000.00 bond is to be lodged with the Shire. Bank or other guarantees are not acceptable. This money will be refunded where the following requirements have been satisfied:

- The relocated second-hand building is transported to the site and stumped, joined, all walls external and internal made good, all doors and windows in working order and all external surfaces repainted to the satisfaction of Council's and
- Any other conditions on the planning approval having been addressed.



POLICY MANUAL

PLANNING AND BUILDING

5.2 Return of Bond

The time for completion of all work is six (6) months from the relocation of the building. The external paintwork or appearance of the building in addition to the necessary works required to make the building habitable are to be completed to the satisfaction of the Chief Executive Officer, Shire Planner and Building Surveyor prior to occupation of the building if this occurs within the six (6) month period.

5.3 Forfeiture of Bond

Failure to comply with all or any conditions placed by Council on the planning approval will result in forfeiture of the bond in total or in part and removal of the building unless otherwise determined by Council.

5.4 Bond Agreement

By payment of the bond to Council, the applicant has confirmed that they agree to the conditions of return of the bond and accept Council's reservation to withhold return payment of the bond until it is satisfied that all conditions of planning approval have been fully met.

6. APPLICATION AND INSPECTION FEES

The following fees are payable at the time of application:

- Planning Application Fee – in accordance with Council's current Town Planning Fees Policy.
- Building Inspection Fee (prior to relocation) – in accordance with the current Schedule of Fees and Charges.
- Building Permit Fee in accordance with current Building fees and charges, including BCITF Levy (if payable).

Roles and Responsibilities

Elected Members

- Annual Review of the policy

Executive Management

- Compliance with the policy

Legislation

Town Planning Scheme No. 3
Building Act 2011

Resource Documents

Nil

Local Law

Nil

Delegation



POLICY MANUAL PLANNING AND BUILDING

Not Applicable



7. EMERGENCY SERVICES



POLICY MANUAL

EMERGENCY SERVICES

4.33-7.0 HARVESTING OVER CHRISTMAS NEW YEAR PERIOD

Distribution: Elected Members, Executive Management, Council Staff, CESM

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To restrict harvesting over holiday periods.

Scope

Elected Members, Executive Management, Council Staff

Standard

Impose total harvest bans on Gazetted Public Holiday and if Christmas Day, Boxing Day and/or New Years Day coincide on a weekend then the public holiday is added and observed on the Monday.

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually.

Chief Executive Officer/CESM

- Ensure compliance with the policy
- Ensure public notice is issued

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

EMERGENCY SERVICES

4.27-7.01 USE OF COUNCIL EQUIPMENT AND MACHINERY FOR BUSHFIRE CONTROL

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2015 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To guide the use of Council equipment when fighting bushfires.

Scope

Standard

All Council equipment and machinery is available for usage in controlling bushfires within or bordering the district. Equipment and machinery is to be utilised only by regular operators of such equipment or machinery.

Application of this policy is at the discretion of the Chief Executive Officer, Shire President or Works Manager.

Roles and Responsibilities

Elected Members

- Annual review of the policy
- Support and adhere to the policy

Chief Executive Officer

- Ensure compliance with the policy

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



8. COMMUNITY & ECONOMIC SERVICES



POLICY MANUAL COMMUNITY & ECONOMIC

8.0 CHILD SAFE AWARENESS POLICY

Distribution: Elected Members, All Employees, Contractors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: 19 July 2023 – Version 1 – Resolution 19070723-OM-666

Last Review:

Purpose

The Shire of Goomalling supports and values all children and young people. The Shire of Goomalling makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways the Shire of Goomalling demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The Shire of Goomalling is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the Shire of Goomalling is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. The Shire of Goomalling will promote the safety and wellbeing of children across the community.

Consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework, this policy provides a framework that outlines the role of the Shire of Goomalling in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

Scope

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Goomalling, regardless of their work related to children or young people. It applies to occupants of the Shire of Goomalling's facilities and venues, including visitors, contractors and suppliers.



POLICY MANUAL COMMUNITY & ECONOMIC

Standard

<i>Abuse</i>	Abuse is an act, or failure to act towards or on behalf of a child may result in harm. It can occur on occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.
<i>Child/Children</i>	Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 of age.
<i>Child Safe Organisation</i>	<p>is defined in the Royal Commission Final Report as one that:</p> <ul style="list-style-type: none">• creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions;• places emphasis on genuine engagement with and valuing of children and young people• creates conditions that reduce the likelihood of identifying any harm; and• responds to any concerns, disclosures, allegations, or suspicions of harm. <p>Note: In the context of Local Governments, this would involve referring concerns to the Department of Communities or Police to respond as appropriate.</p> <p>Implementation of the National Principles for Child Safe Organisations' give effect to the above.</p>
<i>Child Safe</i>	For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
<i>Harm</i>	Harm, in relation to a child, means any detrimental effect of a significant nature on a child's wellbeing, whether caused by a single act, omission or circumstances or a series or combination of acts, omissions or circumstances.
<i>Wellbeing</i>	Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

The rights of children and young people are upheld.

- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.



POLICY MANUAL COMMUNITY & ECONOMIC

- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Policy Functions

The Shire of Goomalling will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.

- Developing a process to deliver child safe messages (for example at the Shire of Goomalling's venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

Roles and Responsibilities

The Shire of Goomalling has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire of Goomalling is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise the Shire of Goomalling facilities to operate in alignment with the Child Safe Awareness policy.

Legislation

Local Government Act 1995

Local Government (Administration) Regulations 1996

Child Care Services Act 2007 and associated Regulations

Children and Community Services Act 2004 and associated Regulations

Civil Liability Act 2002 and associated Regulations

Corruption, Crime and Misconduct Act 2003 and associated Regulations

Equal Opportunity Act 1984 and associated Regulations

Freedom of Information Act 1992 and associated Regulations

Parliamentary Commissioner Act 1971 and associated Regulations

Public Interest Disclosure Act 2003 and associated Regulations

Public Sector Management Act 1994 and associated Regulations

Work Health and Safety Act 2020 and associated Regulations

Working with Children (Criminal Record Checking) Act 2004 and associated Regulations

Resource Documents

Strategic Community Plan

C1.4 Enhance open and interactive communication between Council and the community



POLICY MANUAL COMMUNITY & ECONOMIC

C1.5 Develop a policy framework to guide Council's decision making

C1.6 Promote and support community member's participation in the Shire's governance

C2.2 Promote a culture of continuous improvement processes and resource sharing

C2.7 Provide reporting processes in a transparent, accountable and timely manner

Employee Code of Conduct

Shire of Goomalling Record Keeping Plan

Working with Children Checks/Police Clearances

Procedures Manual

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

COMMUNITY AND ECONOMY

1.03.2 REGIONAL PRICE PREFERENCE (BUY LOCAL) POLICY

8.01

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: June 2016 – Version 1 – Resolution 8.1.2 062016.OM

Last Review:

Purpose

To ensure that when purchasing goods and services over \$2000.00 to the Shire achieves the best possible value for money whilst supporting local businesses and industry where possible.

Scope

Elected members, Chief Executive, Deputy Chief Executive Officer, Officer, Managers, all Employees, Contractors.

Standard

The Local Government (Functions and General) Regulations 1996 provide opportunity for local government to establish a Regional Price Preference.

The Shire of Goomalling recognises that it has a role in the economic development of the local community and is committed to supporting local businesses, provided they are competitive with respect to the quality of their workmanship or product, customer service, delivery and price.

Regional Preference can include any area, but must include the entire district of the local government and cannot include a part of the Metropolitan Area.

The following levels of preference will be applied under this policy:

- Ensure a “Buy Local” culture within the Shire workforce;
- Request quotations from local businesses whenever possible;
- Encourage the use of local businesses in the delivery chain whenever goods, materials and services have to be sourced from outside the Shire; and Apply:
 - 10% price preference for all quotations for goods and services over \$2,000 up to a maximum price \$99,999, with a maximum reduction of \$50,000;



POLICY MANUAL COMMUNITY AND ECONOMY

- 5% where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
 - 10% where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those
 - goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.
- To ensure that this Procedure is consistent with Councils' Purchasing Policy 2.40.

To be able to claim a price preference, a business must have a permanent office and permanent staff in the Shire of Goomalling for a period of at least six (6) months prior to quotations being sought and/or the closing date of the tender and be registered or licensed in Western Australia.

Only those goods and services identified in the tender as being supplied locally will be included in the discounted calculation that forms a part of the assessments of a tender.

A regional price preference applies whenever tenders are called unless the local government resolves otherwise in reference to a particular tender. It should be noted that price is only one (1) factor or criteria when considering tenders. Value for money principals will be used to achieve the best possible outcome for the tender.

If a supplier has concerns about the application of this Policy, this should be taken up in writing with the Chief Executive Officer.

Chief Executive Officer

- Ensure that the policy is adhered to.

Executive Management

- Ensure that the policy is adhered to.

Legislation

Local Government Act 1995 and associated Regulations

Resource Documents

Purchasing Policy 2.4

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

COMMUNITY & ECONOMIC

1.18-8.02 NEW BUSINESS INCENTIVES POLICY

Distribution:	Elected Members, All Employees,
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	2019 – Version 2 – Resolution

Purpose

To strengthen the local economy and improve employment opportunities by stimulating business developments suitable to the environment and community of the Shire of Goomalling.

Scope

Elected Members, All Employees,

Standard

Council may provide an incentive to a maximum value of \$2,000 for the establishment of new businesses in the Shire of Goomalling by either:

- i. providing private works for the establishment of facilities and premises in Goomalling where the nature of work provided by Council must not compete with services currently supplied by existing Goomalling businesses; or
- ii. considering exemption of Town Planning fees; or
- iii. considering rate relief.

All applications must be made in writing to Council stating full particulars of the proposed new business.

Roles and Responsibilities

Elected Members

- Annual review of policy
- As part of annual budget review ensure provision of resources to support the policy

Executive Management

- **Ensure compliance with the policy**
- As part of annual budget review ensure provision of resources to support the policy



POLICY MANUAL COMMUNITY & ECONOMIC

Legislation

Nil

Resource Documents

Shire of Goomalling Community Plan

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

COMMUNITY & ECONOMIC

1.19-8.03 FEES AND CHARGES FOR COMMUNITY FACILITIES AND ACTIVE RESERVES

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 2 – Resolution

Purpose

To ensure that a fair, equitable and transparent model is applied to the setting of fees and charges for the use of Community Facilities and Active Reserves.

To provide a framework for determining and reviewing the fees and charges, and the level of subsidy provided.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

Council provides active reserves and community facilities for overall community benefit and as such subsidises the use of these facilities to a substantial level in support of this expectation. The fees and charges levied for the use of these facilities are not intended to recover the full cost of provision.

1. Fees and charges for community facilities and active reserves will be established based on recouping a percentage of operating and renewal costs.
2. The structure of the fees and charges recognises the distinct categories of user groups, and fees and charges are set to reflect these different users.
3. Use on a casual basis for competitions, festivals, events etc. will attract fees based on a fee structure that recognises the different financial capacities of community and commercial organisations.
4. All clubs which are separately incorporated will be treated as an individual club.
5. Fees and charges will be set based on the previous year's annual operating costs.
6. Fees for regular user groups will be based on a "per session" method of calculation – that is, that a notional cost for use of a facility per session will be determined and will be multiplied by the number of sessions a particular group conducts during their playing season.

Roles and Responsibilities

Elected Members

- Annual review of policy
- Provision of resources through annual budget review to support the policy



POLICY MANUAL COMMUNITY & ECONOMIC

Executive Management

- Ensure compliance with the policy.

Legislation

Local Government Act 1995 s. 6.16

Resource Documents

Shire of Goomalling Community Plan

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

COMMUNITY & ECONOMIC

1.19-8.4 HALL & EQUIPMENT HIRE POLICY

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 3 – Resolution

Purpose

To provide the framework for the management of Council's Memorial Hall and Pavilion hire program.

To ensure that a range of user groups have fair and equitable access to Council's community facilities.

To provide direction on the use of furniture and equipment.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

1. The Chief Executive Officer is delegated with the authority to deal with and make decisions pertaining to special requests and those uses which are not explicitly covered in this policy.

A bond will be charged for all users of the facility.

2. Damage & Cleaning:

- i. Any damage to or loss of equipment, or cleaning required, will be charged to the Hirer as per the current replacement or repair cost of equipment;
- ii. Any damage to the buildings, including fittings, chattels, curtains, furniture and surrounds will be charged to the Hirer as per the replacement or repair cost of that item;
- iii. the hirer agrees to allow free admission to legitimate attendant carers of persons with a significant permanent disability who are holders of a Companion Card and who, without such carer support, would be unable to attend community venues and activities.

3. It is the policy of Council that furniture and equipment purchased for the Goomalling Memorial Hall and Sports Pavilion is available for private or party hire.



POLICY MANUAL COMMUNITY & ECONOMIC

Large round tables are only available for hire in Council owned facilities and is to be authorized by Chief Executive Officer.

Roles and Responsibilities

Elected Members

- Annual review of policy

Executive Management

- Ensure compliance with the policy

Legislation

Nil

Resource Documents

Shire of Goomalling Community Plan

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL COMMUNITY & ECONOMIC

1.21-8.05 GOOMALLING PRIMARY SCHOOL (GPS) AND P&C, SACRED HEART CATHOLIC SCHOOL (SHCS) AND P&F

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 2

Purpose

To recognise the value of maintaining a positive and effective working relationship with the Goomalling Primary School and the P&C and Sacred Heart Catholic School and P&F for the overall benefit of the community.

To ensure that a fair, equitable and transparent arrangement is in place for identifying the level of Councils support of the Goomalling Primary School and the P&C and Sacred Heart Catholic School and P&F.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard Policy:

Council provides facilities for overall community benefit and as such subsidises the use of these facilities to a substantial level in support of this expectation.

Goomalling School bookings will attract the following discounts:

Facility	Discount
Memorial Hall	Community Group Rate
Goomalling Oval	Community Group Rate
Goomalling Sports Complex	Community Group Rate
Sound Equipment	50 % of Daily Charges
Hard Courts	50% of Daily Charges

Council provides in-kind support to community groups to assist their volunteer base and reduce the cost of their operations in support of this expectation.

To support the Goomalling Primary School (GPS) and P&C and Sacred Heart Catholic School (SHCS) and P&F to deliver the best possible educational outcomes for the students, the Council will;



POLICY MANUAL COMMUNITY & ECONOMIC

- Provide sand and other basic materials that can be sourced locally and without disruption to its normal operations free of charge subject to the approval of the Chief Executive Officer.
- Provide various in-kind support on an ad-hoc basis free of charge subject to the approval of the Chief Executive Officer.

Roles and Responsibilities

Elected Members

- Ensure that policy is renewed annually
- Ensure policy is supported financially as part of the annual budget review.

Executive Management

- Ensure compliance with the policy
- Ensure policy is supported financially as part of the annual budget review.

Legislation

Local Government Act 1995

Resource Documents

Shire of Goomalling Community Plan

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL

COMMUNITY AND ECONOMIC

1.25-8.06 DONATIONS AND SCHOLARSHIPS FOR PRIMARY AND SECONDARY STUDENTS

Distribution: Elected Members, All Employees, Contractors, Visitors, Volunteers

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 2

Purpose

To establish guidelines for donations/scholarships to Primary and Secondary Students.

Scope

Elected Members, All Employees, Contractors, Visitors, Volunteers

Standard

That Council may provide a donation or scholarship of up to \$250.00 at any one time to either a primary or secondary student whose parents place of abode is within the Shire of Goomalling and the student is selected to represent in a State or Interstate Event.

Any such student who is awarded the donation or scholarship, he or she cannot receive another donation or scholarship in that calendar year from Council.

Roles and Responsibilities

Elected Members

- Ensure the policy is reviewed annually
- Ensure the policy is supported financially as part of annual budget review.

Chief Executive Officer

- Ensure compliance with the policy.
- Ensure the policy is supported financially as part of annual budget review.

Legislation

Nil

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL COMMUNITY AND ECONOMIC

4.3.8.07 DRUMMUSTER INSPECTORS

Distribution: Elected Members, Executive Management, Office Staff

Responsible Officer: Chief Executive Officer

Date Adopted: September 2015 – Version 1 – Resolution 092015.SM

Last Review: 2019 – Version 3 – Resolution

Purpose

To ensure equity and consistency for community groups involved in fundraising through the drumMUSTER.

Scope

Elected Members, Executive Management, Office Staff

Standard

drumMUSTER Inspectors are to be nominated by Council and all inspectors must have Attended the accredited Agsafe Training.

Roles and Responsibilities

Shire President

- Ensure policy is reviewed annually.
- Ensure the policy is supported financially as part of annual budget review.

Chief Executive Officer

- Ensure compliance with the policy.
- Ensure the policy is supported financially as part of annual budget review.

Legislation

Nil

Resource Documents

Local Law

Nil

Delegation

Not Applicable



POLICY MANUAL COMMUNITY & ECONOMIC

4.36-8.08 GRANT MANAGEMENT

Distribution: Elected Members, Executive Management, Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2016 – Version 1 – Resolution 8.1.9 042016.OM

Last Review: 2019 – Version 2

Purpose

To provide a framework for the assessment, application, management of grants received by Council.

To identify appropriate grants that meet Council's current Community Strategic Plan and annual budget.

To ensure all aspects of the grant process are adhered to including agreement conditions, guidelines, timeframes and reports.

Scope

Elected Members, Executive Management, Council Staff

Standard

Definitions

Community Strategic Plan	Councils' corporate publication outlining the long term priorities of our local community and forms part of Councils' Integrated Planning and Reporting Framework
Council	Shire of Goomalling Council
Funding Agreement	Agreement created by the funding Provider stipulating the objective of the grant including what the grant covers, how the grant is to be spent, milestones, project outcomes and all other conditions Council is legally bound to.
Funding Provider	Department, agency or entity providing grant funding to Council
Grants Register	Councils' internal Grants Management System containing information on all grants applied for and received by Council.

This policy applies to the identification, assessment, application, management and reporting of grants received by Goomalling Shire Council or grants from other organisations that Council is auspice.

Goomalling Shire Council relies on grant funding as an important source of revenue to deliver enhances level of services to community based on current and future demand.



POLICY MANUAL COMMUNITY & ECONOMIC

Goomalling Shire Council actively seeks opportunities by identifying available grants which align with its strategic priorities and core values.

Goomalling Shire Council is committed to delivering a quality grants program. This will be achieved through a standardised framework for the assessment, application, management and reporting of grant received by Council.

Goomalling Shire Council has a duty to administer the use of grant funding in an efficient, effective, transparent and accountable manner to ensure that:

- a. The community received the maximum benefit from the grant funding.
- b. The objectives of the funding provider are met as outlined in the funding agreement.
- c. Council achieves the agreed outcomes.
- d. Council's opportunities for future funding are not compromised.

Goomalling Shire Council maintains a Grants Register that contains details of all grants council has received. This will be reported to the community in Councils Annual Report.

Roles and Responsibilities

Elected Members

- Ensure policy is reviewed annually.

Chief Executive Officer

- Ensure compliance with the policy.

Legislation

Local Government Act 1995

Local Government Grants Act 1978

Resource Documents

Nil

Local Law

Nil

Delegation

Not Applicable



10. WORK, HEALTH & SAFETY



POLICY MANUAL

WORK HEALTH AND SAFETY

10.0 WORK HEALTH & SAFETY POLICY

Distribution:	Elected Members, All Employees, Contractors, & Volunteers
Responsible Officer:	Chief Executive Officer
Date Adopted:	September 2015 – Version 1 – Resolution 092015.SM
Last Review:	17 November 2021 – Version 3 – Resolution 9.4 OM_171121-427

Objective

The purpose of this policy is to recognise the Shire of Goomalling's (the Shire) commitment to providing a safe and healthy work environment for all workers and visitors to the Shire. This policy aligns with the Shire's organisational values in being proactive in the continual improvement of workplace health and safety, embedding a positive safety culture.

Scope

This policy applies to all Shire workers including individuals performing (paid and unpaid) work for the Shire, as well as visitors and elected members.

Policy Statement

The Shire is committed to:

- Maintaining a WHS management system that complies with relevant WHS legislation and associated WA regulations as well as ISO 45001:2018 Safety Management System Standard.
- Creating a safe, healthy, and positive workplace culture taking into consideration physical, emotional, psychological, and social wellbeing.
- Consulting and cooperating with employees and their representatives on safety and health issues as well as WHS policies, procedures, and continual improvement of the system.
- Providing adequate resources both physical and financial to achieve and sustain workplace health and safety outcomes.
- Developing key performance indicators that demonstrate we meet workplace health and safety legislative requirements.
- Commitment to a process of continuous improvement through the setting of measurable targets and objectives, monitoring and review of outputs, and improvements in health and safety management systems and initiatives.
- Building a pro-active reporting culture where hazards and incidents are consistently reported, so that risks are actively identified, assessed, and effectively controlled and mitigated.
- Conducting investigations to identify root causes, which will allow the Shire to take appropriate action in preventing reoccurrences.
- Development of policies and procedures which are communicated to all staff and interested parties where appropriate.



POLICY MANUAL

WORK HEALTH AND SAFETY

- Supporting and encouraging employees to participate in a range of health and wellbeing initiatives and activities.
- Outlining clear accountabilities for workplace health and safety at all employee levels (which cannot be delegated).
- The maintenance of any Shire owned and operated accommodation or under their management and control, to ensure the health and safety of workers occupying these premises.

Breaches of this Policy

The Shire promotes a culture of work, health and safety and encourage all workers to perform their duties in a safe manner. Workers breaching this policy may be performance managed up to and including termination of employment. Workers may also expose themselves to criminal or civil action.

Definitions

Hazard means anything which has the potential to cause injury or illness.

Health includes the physical, emotional, psychological, and social wellbeing of an individual.

Psychological means the mental health harm because of psychosocial hazards.

WHS risk is the chance of someone becoming injured or ill because of a workplace hazard. This significance of the risk is determined by considering the likelihood of it happening and the consequences if it does happen.

Worker is as defined in section 7 of the Work Health and Safety Act 2020 and include all paid and unpaid Shire workers, including employees, contractors, consultants, volunteers, and visitors.

Relevant policies/documents

Code of Conduct for Employees
Code of Conduct for Council Members, Committee Members and Candidates
ISO 45001:2018 Safety Management System
Workplace Behaviours Policy
Fitness for Work policy
Performance Management Policy

Relevant legislation/local laws

Work Health and Safety Act 2020
Work Health and Safety (General) Regulations 2022
Local Government Act 1995

Statutory Environment

- Local Government Act (1995)
- Work, Health & Safety Act 2020
- Work, Health & Safety (General) Regulations 2022

Title:	1.9 Conferences Meetings Seminars – Elected Members
Previous No:	
File No:	
Statutory Environment:	<i>Local Government Act 1995</i>
Minute No:	
Last Updated:	September 2015
Review Date:	September 2019

Objective:

To encourage Council members to attend appropriate conferences, meetings or seminars to assist them in gaining knowledge to perform their duties and detail the entitlements and financial commitments in relation to the attendance..

Policy:

Shire President and Deputy Shire President are entitled and encouraged to attend the annual WALGA Local Government Convention held during August. Council will pay for all conference and accommodation costs as well as all breakfasts and two evening meals for councillors and partners. Other costs incurred will be the responsibility of the Councillor.

Councillors can elect to have personal expenses relating to attending conferences, meetings or seminars deducted from their annual sitting fees.

Recommendation

Delete policy as no awards are issued on Australia Day.

Title:	1.10 Australia Day Awards
Previous No:	
File No:	
Statutory Environment:	
Minute No:	
Last Updated:	September 2015
Review Date:	September 2019

Objective:

To provide guidelines for the annual selection of Goomalling's Australia Day Awards.

Policy:

The Australia Day Awards are to be selected by a panel consisting of all Councillors.

Delete Policy - superseded Policy adopted Standard or O Reputent Peror on the end Ter nation

Title:	1.13 CEO Performance and Salary Review
Previous No:	
File No:	
Statutory Environment:	<i>Local Government Act 1995 – s. 5.38</i>
Minute No:	8.1.4 032017.OM
Last Updated:	March 2017
Review Date:	September 2019

Objective:

To detail the procedure and timing of the CEO's performance review.

Policy:

The CEO performance and salary package review shall be conducted annually in June prior to the budget meeting in accordance with section 5.38 of the Local Government Act 1995.

The Shire President and Councillors shall have the power to amend the CEO's salary package.

Procedure:

This shall be conducted by the Shire President and Councillors.

Relevant information should be provided to all parties in their preferred format.

Delete Policy - superseded Policy Process on Development and Training

Title:	1.14 Conferences – CEO & Finance Manager
Previous No:	
File No:	
Statutory Environment:	
Minute No:	8.1.4 032017.OM
Last Updated:	March 2017
Review Date:	September 2019

Objective:

To guide the CEO when considering conference attendance.

Policy:

CEO

The CEO may attend the annual conference of the Local Government Managers Australia (LGMA) National Congress Conference, WALGA Local Government Convention and other conferences relevant to the role.

Finance Manager

The Finance Manager may attend the annual conference of the Local Government Managers Australia (LGMA) State Conference and other conferences relevant to the role.

For approved conference attendance for either position the Council shall pay registration fees, accommodation and meals, if required, in accordance with the Officer's negotiated salary package.

Council shall also meet the costs of any "additional supports" that may be required.

Title:	2.11 Complaints Handling
Previous No:	
File No:	
Statutory Environment:	<i>Water Services Code of Conduct (Customer Service Standards) 2013</i>
Minute No:	8.1.4 032017.OM
Last Updated:	March 2017
Review Date:	February 2014 - Superseded by Policy 1.1 Code of Conduct

Objective:

To provide guidance and clarity concerning the receipt and management of complaints.

Policy:

This Policy covers both general complaints and vexatious and habitual complaints and identifies situations where a complainant, either individually or as part of a group, or a group of complainants.

It assists in identifying and managing situations where the complainants seek to be disruptive to the Shire through pursuing an unreasonable course of conduct might be considered to be "habitual or vexatious" and ways of responding to these situations.

The Shire is committed to resolving complaints in a timely, fair and equitable manner.

It is important that customers are able to easily lodge a complaint and have the complaint considered by the relevant officer of department.

It is also important that if the customer is not satisfied with the outcome of the complaint that the matter is able to be referred to a higher level for consideration.

The customer should be informed of their rights in this regard.

Complaints will be used to review and make positive changes to the Councils policies and procedures.

This policy covers all aspects of the Shire's services including water services. It does not relate to complaints that must be legally addressed in another manner such

as the State Administrative Tribunal or under the Whistleblowers Protection legislation. Anonymous complaints are not considered under this policy.

A complaint is defined as a grievance a customer may have against the quality of a service, program or process of the Shire.

It is intended that complaints are resolved within 15 business days from the date the complaint is received.

Procedure:

The complaints process is outlined in the following steps

Customers are encouraged to discuss their complaint with the officer of the department which is the subject of the complaint and to attempt to resolve the issue at this level.

If the complaint cannot be resolved at the first point of contact the matter will be reviewed by the Chief Executive Officer and the complainant will be advised of the outcome in writing.

Complainants, particularly those living with a disability, have the right to use an advocate of their choice or an advocate suggested by the Shire in the resolution of their complaint.

The Shire may seek advice from a third party regarding a person's disability such as a disability service provider in the resolution of a complaint.

The advice to the customer in step 2 will include the details of an independent party the matter can be referred to if the matter is still unresolved or the complainant is still not satisfied.

Once the matter has been completed the CEO will review the circumstances of the complaint and make any relevant changes to the Shire's operations to lessen the probability of further complaints.

Where complaints become habitual or vexatious Schedule A –Criteria for Determining Habitual or Vexatious Complaints and Schedule B Options for Dealing with Habitual or Vexatious Complaints Procedures will be implemented

Independent Parties

If the matter cannot be resolved to the customer's satisfaction they have the right to refer the matter to one of the following independent parties.

For general complaints-

Further advocacy or advice may be sourced from The Ombudsman Western Australia <http://www.ombudsman.wa.gov.au/>

For water services complaints;-The Energy and Water Ombudsman

<http://www.ombudsman.wa.gov.au/energyandwater/>

For Disability Related Complaints: People with Disabilities WA www.pwdwa.org.au

Schedule A – Criteria for Determining Habitual or Vexatious Complaints

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Persist in pursuing a complaint where the Shire's complaints process has been fully and properly implemented and exhausted.

Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).

Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.

Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Shire to help them specify their concerns, and/or where the concerns identified are not within the remit of the Shire to investigate.

Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is can be subjective and careful judgment will be used in applying this criteria.

Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written

communication. The Shire has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Shire is to be made.

Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Shire – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.

Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. *Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.*

Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

Make unreasonable demands on the Shire and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Shire's complaints procedure or normal recognised practice.

Make unreasonable complaints which impose a significant burden on the human resources of the Shire and where the complaint:

Clearly does not have any serious purpose or value;
Is designed to cause disruption or annoyance;
Has the effect of harassing the public authority;
Can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Make repetitive complaints and allegations which ignore the replies which Officers have supplied in previous correspondence.

Habitual or vexatious complaints can be a problem for employees and elected members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Shire priorities. Whilst the Shire endeavors to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Schedule B –Dealing with Habitual or Vexatious Complainants

Habitual means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”.

The Shire adopts the following definition for a habitual or vexatious complainant:

“The repeated and/or obsessive pursuit of:

*Unreasonable complaints and/or unrealistic outcomes; and/or
Reasonable complaints in an unreasonable manner.”*

Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out Schedule A, the CEO, following discussions with the Senior Management Team, will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The following options are available for dealing with habitual or vexatious complaints. These options can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

A letter to the complainant (and/or their advocate) setting out responsibilities for the parties involved if the Shire is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other actions as indicated below.

Decline contact with the complainant in an accessible form, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.

Notify the complainant, in writing, that the Shire has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Shire does not intend to engage in further correspondence dealing with the complaint.

Inform the complainant (and/or their advocate) that in extreme circumstances the Shire will seek legal advice on habitual or vexatious complaints.

Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance.

The CEO will notify complainants (and/or their advocate), in writing, of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. *The CEO will also notify the Elected Members that a constituent has been designated as a habitual or vexatious complainant.*

Once a complainant has been determined to be habitual or vexatious, their status will be kept under review *after one year* and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Delete - Superseded



4.39-3.18 DISABILITY PARTICIPATION

Distribution: Elected Members, Executive Management, All Council Staff

Responsible Officer: Chief Executive Officer

Date Adopted: 2017 – Version 1 – Resolution 8.1.4 032017.OM

Last Review: 2019 – Version 2

Purpose

To ensure the Shire is recognized within industry and the community as a disability confident employer;

To create an inclusive environment that ensures that equal employment opportunities are available to all staff, including those with a disability;

To provide staff who have a disability with the opportunity to participate in a safe, equitable, discrimination and harassment free working environment;

To provide employees who have a disability with the opportunity to participate in a safe, equitable, discrimination and harassment free working environment;

To encourage people with a disability to apply for positions for which they are qualified and to actively facilitate their employment;

To ensure that employees with a disability are treated equitably during all stages of employment, including recruitment, selection, induction, retention, promotion, training, and termination;

To ensure all documentation and information is designed and disseminated in an accessible form, negating the need for someone to request it;

To ensure that the needs of employees with a disability, such as effective interaction, management and supervision, are recognised in the performance management process;

To provide for employees with a disability to have access to additional needs and supports and also understand that they may choose not to involve their supports in their employment matters;

To ensure that employees with a disability have the means to contribute to and participate in the work environment;



POLICY MANUAL

WORKFORCE

To make reasonable adjustments to the job role, time and location and plant and equipment to accommodate employees with a disability, where practicable;

To provide on-going training, for relevant employees, to ensure full involvement and enthusiasm for an inclusive workforce, plus development of skills to recruit and work with those with a disability; and

Establish reporting mechanisms that show the benefits involved when employing someone with a disability (e.g. frequently showing superior work performance, reliability and retention rates and ethics/community responsibility).

The Shire is committed to providing support and visibility for disability initiatives within the organisation, facilitate awareness for managers/supervisors and employees, and ensure the needs of employees with disability are taken into account in organisational planning, design and delivery.

Scope

Elected Members and All Council Staff

Standard

The Shire is an equal opportunity employer and recognises and values diversity amongst its employees.

The Shire wishes to promote itself as an employer that provides a supportive and inclusive workplace for people with disability and implementing recruitment, selection, induction, and retention and management strategies to attract applicants with disability.

The Shire is committed to providing support and visibility for disability initiatives within the organisation, facilitate awareness for managers/supervisors and employees, and ensure the needs of employees with disability are taken into account in organisational planning, design and delivery.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is accountable for compliance and promotion of this policy and all Managers/Supervisors and employees will take an active role in ensuring their colleagues are made to feel part of the team

Legislation

- The Disability Inclusion Act 2014 and Associated Regulations
- Disability Discrimination Act 1992 and Associated Regulations

Resource Documents

Local Law

Nil



POLICY MANUAL WORKFORCE

Delegation

Not Applicable

Title:	4.4 Budget Preparation
File No:	
Statutory Environment:	Local Government Act 1995 s. 6.2
Minute No:	
Date:	September 2015
Review Date:	September 2015

Objective:

To provide direction on the formulation of the budget.

Procedure:

Where practical the annual budget should be completed and adopted prior to July 31, and if not practical, by August 31 in accordance with the provisions of the Local Government Act.

Delete Policy - superceded by Policy 8.4 Hall and Equipment Hire Policy

Title:	4.5 Hire of Memorial Hall and Sports Pavilion Equipment
File No:	
Statutory Environment:	
Minute No:	
Date:	September 2015
Review Date:	September 2019

Objective:

To provide direction on the use of furniture and Equipment.

Procedure:

It is the policy of Council that furniture and equipment purchased for the Goomalling Memorial Hall and Sports Pavilion is available for private or party hire.

Large round tables are only available for hire in Council owned facilities and is to be authorised by the Chief Executive Officer.

Delete Policy - superceded by Policy 4.15 Council Purchase Orders

Title:	4.15 Council Purchase Orders
Previous No:	
File No:	
Statutory Environment:	<i>Local Government Act 1995</i>
Minute No:	
Last Updated:	September 2015
Review Date:	September 2019

Objective:

The objective of this is to detail employees who are authorised to sign purchase orders.

Procedure:

The following Shire Staff are authorised to sign official Council Purchase Orders on behalf of the Council, in their areas of responsibility, within budget allocation and in accordance with Council's Purchasing Policy 2.11:

Chief Executive Officer
Finance Manager
Principal Works Supervisor

Title:	4.21 Hall Hire
Previous No:	
File No:	
Statutory Environment:	<i>n/a</i>
Minute No:	
Last Updated:	September 2015
Review Date:	September 2019

Objective:

To provide the framework for the management of Council's Memorial Hall and Pavilion hire program. This aims to ensure that a range of user groups have fair and equitable access to Council's community facilities.

1. Bond and hire fees:

- The hirer must pay the bond and hire fees at the time of making the booking. A booking is only confirmed once payment in full has been made.
- Hire fees are charged on a scale as detailed in the Shire's Fees and Charges Schedule.
- The bond will be returned to the hirer when staff have inspected the venue after the function.
- If damages occur or extensive cleaning is required, these costs will be deducted from the bond. If the cost exceeds the bond paid, the hirer will be invoiced for the additional sum.

2. Furniture or equipment must not be dragged over the floor surfaces: trolleys are provided for the movement of chairs, tables and other furnishings.

3. Alcohol consumption - Council venues are unlicensed facilities. It is the responsibility of the Hirer to:

- obtain written permission from the Shire CEO to allow alcohol to be consumed at the venue;
- obtain an Occasional Liquor Licence from the Department of Racing, Gaming and Liquor;
- provide a copy of the Occasional Liquor Licence to the CEO;
- display the Occasional Liquor Licence prominently during the hire period;
- ensure that the requirements of the Liquor Licence are fulfilled;
- ensure that minors are not permitted in the bar or licenced area;
- organise and oversee staffing of the bar with personnel sufficiently trained in the responsible service of alcohol;

4. Cleaning supplies are available in each venue. It is a condition of hire that:
 - all food scraps are removed from the premises before the end of the hire period;
 - all indoor bins are emptied into the outdoor bins before the end of the hire period;
 - kitchen facilities, crockery and cutlery are left in a clean state with all equipment in working order;
 - shire staff are notified of all breakages;
 - all tables are cleared, wiped and stacked on the trolley;
 - the hirer informs shire staff of any spills/damage as soon as possible.
5. Decorations:
 - permission to decorate must be sought at the time of booking;
 - the following items must not be used without consulting shire staff: candles, confetti, blue tac, sticky tape, nails, pins, screws or anything that could deface the surfaces such as chemicals, paint etc.
 - all decorations must be completely removed after the function.
6. Compliance with Acts and Regulations:
 - the hirer will comply with the provisions of the Health Act, Liquor Act and any other act, regulation or local law in force at the hiring time and which is applicable to the hiring and use of the venue;
 - the shire CEO, health inspectors, liquor licensing officers and police have the right to enter any function for the purpose of making an inspection or enforcing any of the conditions;
 - the shire CEO, health inspectors, liquor licensing officers and police have the right to close down a function and remove all patrons from the building if regulations are not being met.
7. Other conditions:
 - Council reserves the right to amend these conditions at any time to ensure best management practices are met;
 - Council venues are a smoke free environment. Please do not smoke inside the building or within ten metres from the entrance;
 - Council's piano can only be moved under the supervision of shire staff. Please contact staff regarding piano use.
 - the hirer is responsible for any disorderly behaviour, unsuitable dress, obscene or insulting language in any part of the venue.
 - the shire CEO and/or the hirer have the right to refuse admission to any person.
8. Insurance:
 - Individuals hiring a shire venue are covered under the shire's Casual Hirers Liability Insurance.

Title:	4.23 Goomalling Caravan Park Permanent Residents
Previous No:	
File No:	
Statutory Environment:	<i>Residential Parks (Long-stay Tenants) Act 2006 Caravan Parks and Camping Grounds Regulations 1997</i>
Minute No:	
Last Updated:	September 2015
Review Date:	September 2019

Definition:

Permanent Resident in relation to the Goomalling Caravan Park, means any person who:

- considers that their primary place of residence is the Goomalling Caravan Park; and
- has been continuously residing in the Goomalling Caravan Park for three or more months; or
- intends to continuously reside in the Goomalling Caravan Park for three or more months.

Objective:

This policy aims to ensure that the Goomalling Caravan Park has at all times the capacity to accommodate travellers and short term workers, by limiting the number of sites for permanent residents to four (4).

Procedure:

Council at all times limits to four (4) the number of sites for permanent residents at the Goomalling Caravan Park.

Applications for permanent residency over this limit shall be referred to Council for approval.

Delete Policy - superceded by Policy 8.4 Hall and Equipment Hire Policy

Title:	4.24 Hiring of Equipment
Previous No:	
File No:	
Statutory Environment:	
Minute No:	
Last Updated:	September 2015
Review Date:	September 2019

Objective:

To provide direction to staff when receiving requests for furniture & equipment hire.

Procedure:

It is Council's policy that no equipment (*other than furniture and equipment from the Memorial Hall and the WB Eva Pavilion subject to authorisation by the CEO*) is hired out to the public.