



# Shire of Halls Creek **POLICY MANUAL**

Adopted June 2022 – V4



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## **INTRODUCTION**

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This Shire of Halls Creek Policy Manual has been prepared to assist Council and staff to administer the Shire. The creation of Policy sits in the realm of Councillors and Council.

This manual is a compilation of policy on subject matters that form the basis of administrative decision making, without the need to refer matters to the Council for a decision before they can be enacted. It also enables Councillors and staff to readily answer questions raised by electors, the public and stakeholders about the usual business of the Shire.

As new policies are adopted, or existing policies are amended, the Manual is updated, maintaining the Shire's most recent view on how it will conduct business. The guiding documents establishing the principles of doing business are established in the Code of Conduct and the Customer Service Charter.

Obviously, time changes the need for and the relevance of policy responses. The Policy Manual framework allows the Council to design, recreate or update policy, without being overly influenced by current hot topics or influences as it develops the best Shire response to matters at a policy level.

The use of policy in Local Government (LG) sits between statute and legislative requirements or the 'must do's and must comply' elements of its business. Operational procedures provide a guide on the best way to conduct the operations. Therefore, policy can sometimes be an expression of principle, culture, and process and not a direct account of what the Council believes must be the order of the day on each and every subject matter.

Policy sometimes can be misinterpreted as having firm legal status like a statute or local law, but this is not the case. More accurately, it is a stated combination of what/how/where and when that the Council would like to see in its business practice and whilst case law may apply to some of these elements, policy is only a past resolution of the Council. Whilst having the status of a Council resolution, the effect of such is that it can be changed by a new resolution or a rescinded motion. Policy's true purpose is to provide an outline and guidance of the Council expectation and response so that consistency of decision making can be achieved.

If the interpretation of policy identifies that the matter cannot be accurately understood or addressed or that the policy takes away from the cultural or principled positions of the Council – then at those times review is required to again clarify what the Council's intent would be in those circumstances.

The Policy Manual therefore is reviewed annually by the Council and tested against live examples and current trends to ensure that the policies are still consistent with Council's current stance and preference.

**Phillip Cassell**

Chief Executive Officer

October 2022

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# A1A CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

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## Administration

### PREAMBLE

The Model Code of Conduct Regulations 2021 (Regulations) have been developed to give effect to the Amendment Act, and provide for:

- Overarching principles to guide behaviour.
- Behaviours and complaints which are managed by local governments; and
- Rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

### OBJECTIVE

This purpose of the Code of Conduct for Council Members, Committee Members and Candidates is to guide the decisions, actions and behaviours of members, both in Council and on Council Committees, and of candidates running for elections as a Council member.

## Division 1 — Preliminary Provisions

### 1. Citation

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

### 2. Terms Used

(1) In this code —

**Act** means the Local Government Act 1995.

**Candidate** means a candidate for election as a council member.

**Complaint** means a complaint made under clause 11(1).

**Publish** includes to publish on a social media platform.

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

## Division 2 — General Principles

### 3. Overview Of Division

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

### 4. Personal Integrity

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

(a) Act with reasonable care and diligence; and

- (b) Act with honesty and integrity; and
- (c) Act lawfully; and
- (d) Identify and appropriately manage any conflict of interest; and
- (e) Avoid damage to the reputation of the local government.

(2) A council member or committee member should:

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

## **5. Relationship With Others**

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

- (a) Treat others with respect, courtesy and fairness; and
- (b) Respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## **6. Accountability**

A council member or committee member should:

- (1) Base decisions on relevant and factually correct information; and
- (2) Make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (3) Read all agenda papers given to them in relation to council or committee meetings; and
- (4) Be open and accountable to, and represent, the community in the district.

## **Division 3 – Behaviour**

### **7. Overview of Division**

This Division sets out:

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

## **8. Personal Integrity**

- (1) A council member, committee member or candidate:
  - (a) Must ensure that their use of social media and other forms of communication complies with this code; and
  - (b) Must only publish material that is factually correct.
- (2) A council member or committee member:
  - (a) Must not be impaired by alcohol or drugs in the performance of their official duties; and
  - (b) Must comply with all policies, procedures and resolutions of the local government.

## **9. Relationship With Others**

A council member, committee member or candidate:

- (1) Must not bully or harass another person in any way; and
- (2) Must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (3) Must not use offensive or derogatory language when referring to another person; and
- (4) 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
- (5) 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:

- (1) Must not act in an abusive or threatening manner towards another person; and
- (2) Must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (3) Must not repeatedly disrupt the meeting; and
- (4) 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
- (5) Must comply with any direction given by the person presiding at the meeting; and



- (6) Must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint About Alleged Breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made:
- (a) In writing in the form approved by the local government; and
  - (b) To a person authorised under subclause (3); and
  - (c) Within 1 month after the occurrence of the alleged breach.

The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## **12. Dealing With Complaints**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may:
- (a) Take no further action; or
  - (b) Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
- (a) Engage in mediation.
  - (b) Undertake counselling.
  - (c) Undertake training.
  - (d) Take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of:
- (a) Its finding and the reasons for its finding; and

- (b) If its finding is that the alleged breach has occurred, its decision under subclause (4).

### **13. Dismissal Of Complaint**

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

### **14. Withdrawal Of Complaint**

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

### **15. Other Provisions About Complaints**

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

## **Division 4 – Rules of Conduct**

### *Notes for this Division:*

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

## **16. Overview Of Division**

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

## **17. Misuse Of Local Government Resources**

- (1) In this clause:

**Electoral Purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918.

**Resources** of a local government includes:

- (a) Local government property; and
  - (b) Services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

## **18. Securing Personal Advantage or Disadvantaging Others**

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

## **19. Prohibition Against Involvement in Administration**

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

## **20. Relationship With Local Government Employees**

- (1) In this clause:

**Local Government Employee** means a person:

- (a) Employed by a local government under section 5.36(1) of the Act; or
  - (b) Engaged by a local government under a contract for services.
- (2) A council member or candidate must not:
    - (a) Direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

- (b) Attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) Act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) Make a statement that a local government employee is incompetent or dishonest; or
  - (b) Use an offensive or objectionable expression when referring to a local government employee.

Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

## 21. Disclosure Of Information

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

## **22. Disclosure Of Interests**

(1) In this clause:

**Interest:**

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

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest:

- (a) In a written notice given to the CEO before the meeting; or
- (b) At the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know:

- (a) That they had an interest in the matter; or
- (b) That the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then:

- (a) Before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
- (b) At the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if:

- (a) Under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
- (b) Under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

## **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.

### **DELEGATION**

Nil.

### **HEAD OF POWER**

*Model Code of Conduct Regulations 2021 (Regulations)*

<b>Policy Number</b>	A1A
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2021/042
<b>Adoption Date</b>	15 April 2021
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)



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

- In writing in the form approved by the local government
- To an authorised person
- Within one month after the occurrence of the alleged breach.

Name of the person who is making the complaint:	
Name: _____	
given name(s)	family name

Contact details of person making the complaint:
Address: _____
Email: _____
Contact number: _____

<b>Name of the local government (city, town, shire) concerned:</b>
<hr/>

Name of council member, committee member, candidate alleged to have committed the breach:

**State the full details of the alleged breach. Attach any supporting evidence to your complaint form.**

Date of the alleged breach: \_\_\_\_\_

**Signed by the Complainant:**

Complainant's signature: \_\_\_\_\_

Date of signing: \_\_\_\_\_

**Received by Authorised Officer:**

Authorised Officer's Name: \_\_\_\_\_

Authorised Officer's Signature: \_\_\_\_\_

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: [hcshire@hcshire.wa.gov.au](mailto:hcshire@hcshire.wa.gov.au).



# **A1B EMPLOYEE CODE OF CONDUCT**

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## **Administration**

### **PREAMBLE**

The Shire of Halls Creek, Employee Code of Conduct (the Code) provides consistent guidelines for an acceptable standard of personal conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code must address and deal with the following matters:

- Behaviour.
- Disclosure of information.
- Use of information and resources; and
- Record keeping and dealing with misconduct.

The Regulations provide for the CEO to amend the Code and the Shire must provide an up-to-date version, published on the Shire website. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

### **RULES OF CONDUCT**

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

### **STATUTORY ENVIRONMENT**

The Code is complementary to the principles adopted in the *Local Government Act 1995*, (Section 25 LG Amendment Act 2019, S5.51A) and Regulations (Regulation 2021) which prescribe minimum requirements in relation to gifts, conflicts of interest and disclosure. The Code also observes statutory requirements of the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* (Regs 34B and 34C).

### **RULES OF CONDUCT**

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

## **1. ROLES**

### **1.1. Role Of Chief Executive Officer and Employees**

The role of employees is determined by the functions of the CEO as set out in S 5.41 of the *Local Government Act 1995*:

"The CEO's functions are to:

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

The Chief Executive Officer is responsible for the effective and efficient implementation of Council decisions and in turn all employees of the Shire are subject to the direction of the Chief Executive Officer.

Employees enable the functions of the Shire and Council to be performed, and they have an obligation to:

- (1) Give their attention to the business of Council,
- (2) Ensure that their work is carried out efficiently, economically and effectively,
- (3) Carry out lawful directions given by any person having authority to give such directions; and
- (4) Give effect to the lawful policies, decisions and practices of the Council, whether or not the employee agrees or approves of them.

## **1.2 Relationships Between Council Members and Employees**

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

- Comply with the model Code of Conduct for Members.
- Accept that their role is a leadership, not a management or administrative one.
- Acknowledge that they have no capacity to individually direct members of staff to carry out functions.
- Refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

The Model Code of Conduct - Members and Regulations 9 and 10 of the *Local Government (Rules of Conduct) Regulations 2007* apply to Council Members in respect of involvement in the Shire's administration and relationships with employees:

### **1.3 Prohibition Against Involvement in Administration**

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

### **1.4 Relations With Local Government Employees**

- (1) A person who is a council member must not —
  - (a) Direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
  - (b) Attempt to influence, by means of a threat or the promise of a reward the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means —
  - (a) Make a statement that a local government employee is incompetent or dishonest; or
  - (b) Use offensive or objectionable expressions in reference to a local government employee.
- (4) Subregulation (3) (a) does not apply to conduct that is unlawful under the Criminal Code Chapter XXXV.

## **2. CONFLICT AND DISCLOSURE OF INTEREST**

### **2.1 Conflict of Interest**

- (1) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (2) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Halls Creek, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any

appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

- (3) Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (4) Employees who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (5) Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination, and this is supported by anti-discriminatory legislation.

## **2.2 Financial Interest**

Employees will adopt the principles of disclosure of financial interest as contained within the Local Government Act 1995.

## **2.3 Disclosure Of Interests**

### **Definition:**

In this clause, and in accordance with Regulation 34C of the *Local Government (Administration) Regulations 1996* -

**Interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Sections 5.59 – 5.90 of the *Local Government Act 1995* establish the requirements for disclosure by employees of financial interests (including proximity interests).

The onus is on employees to identify possible financial interests (including proximity interests), to determine whether an interest exists, and whether any statutory exemption applies.

- (a) A person who is an employee and who has an interest in any matter to be discussed at a Council or Committee meeting attended by the person is required to disclose the nature of the interest -
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the meeting immediately before the matter is discussed.
- (b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter:
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.

- (c) A requirement described under items (a) and (b) exclude an interest referred to in Section 5.60 of the Local Government Act 1995.
- (d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if:
  - (i) The person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - (ii) The person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then:
  - (i) Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) Immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If
  - (i) To comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
  - (ii) A disclosure is made as described in item (d)(ii) at a meeting; or
 To comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

## 2.4 Disclosure Of Information In Returns

Employees must provide primary and annual returns in accordance with the requirements of Part 5 Division 6 of the *Local Government Act 1995*.

### Definitions:

In this clause, "designated employee" has the meaning given to that term in section 5.74 of the *Local Government Act 1995*:

**Designated Employee** means:

- (a) a CEO; and
- (b) an employee, other than the CEO, to whom any power or duty has been delegated under Division 4; and
- (c) an employee who is a member of a committee comprising council members and employees; and
- (d) an employee nominated by the local government to be a designated employee;

Section 5.75 and 5.76 of the *Local Government Act 1995* contains the requirement for Council Members and "Designated Employees" to complete Primary and Annual Returns.

### **5.75. Primary Returns**

- (1) *A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.*
- (2) *A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.*
- (3) *This section does not apply to a person who —*  
*(a) Has lodged a return within the previous year; or*  
*(b) Has, within 3 months of the start day, ceased to be a relevant person.*  
*Penalty: \$10 000 or imprisonment for 2 years.*

### **5.76. Annual Returns**

- (1) *Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.*
- (2) *Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.*  
*Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years. [Section 5.76 amended by No. 1 of 1998 s. 18; No. 66 of 200612.]*

## **3. INFORMATION AND PERSONAL BENEFIT (INCLUDING GIFTS)**

### **3.1 Use Of Confidential Information**

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

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the Shire (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors. Nothing in this section prevents an employee from disclosing confidential information:

- To a legal practitioner for the purpose of obtaining legal advice; or
- If the disclosure is permitted by law.

Employees will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

### **3.2 Improper Or Undue Influence**

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

Employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council members, committee members and employees shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

### **3.3 Meetings Open to The Public**

Section 5.23 of the *Local Government Act 1995* states that the following meetings are generally open to the public:

- (1) Subject to subsection (2), the following are to be open to members of the public—
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.

### **3.4 Circumstances Where Meetings Can Be Closed to Public**

Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007* prohibits staff from disclosing confidential information, or information acquired at a closed meeting.

Section 5.23(2) of the *Local Government Act 1995* sets out the circumstances under which a meeting may be closed to the public, as follows:

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or

- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to;
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
  - (ii) endanger the security of the local government's property; or
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

### 3.5 Use Of Information

Part 2 Division 1 of the Local Government Rules of Conduct Regulations 2007 refer to disclosure of confidential information.

(1) In this regulation:

**Closed Meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act.

**Confidential Document** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed.

**Non-Confidential Document** means a document that is not a confidential document.

(2) A person who is a council member must not disclose —

- (a) Information that the council member derived from a confidential document; or
- (b) Information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subregulation (2) does not prevent a person who is a council member from disclosing information —

- (a) At a closed meeting; or
- (b) To the extent specified by the council and subject to such other conditions as the council determines; or
- (c) That is already in the public domain; or
- (d) To an officer of the Department; or
- (e) To the Minister; or
- (f) To a legal practitioner for the purpose of obtaining legal advice; or
- (g) If the disclosure is required or permitted by law.



### 3.6 Intellectual Property

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

### 3.7 Gifts

In relation to acceptance of gifts, employees are required to comply with the provisions of the Regulations. For Employees, this is Regulation 34B of the *Local Government (Administration) Regulations 1996* applies.

#### **Regulation 34B & 34C of the Local Government Administration Regulations 1996**

Regulation 34B & 34C of the *Local Government (Administration) Regulations 1996* describes that a Code of Conduct is to contain specific requirements in relation to employees and gifts.

(1) In this regulation:

*The CEO is required to determine requirements for notifiable gifts and the management of those gifts on behalf of the Local government.*

In accordance with the requirements, the following is adopted as the Shire of Halls Creek Code for employees.

**Gifts** of any value.

(a) Cannot be received without authorisation from the CEO.

(b) By way of a commercial dealing with the local government.

**gift** has the meaning given to that term in section 5.82(4) except that it does not include —

(a) A gift from a relative as defined in section 5.74(1); or

(b) A gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or

(c) A gift from a statutory authority, government instrumentality or non-profit association for professional training; or

(d) A gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Managers Australia WA Division Incorporated (ABN 91 208 607 072);

**Gift**, in relation to an employee or associated person, means:

(a) A gift worth up to \$300; or

(b) A gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth of \$300.

**Prohibited Gift**, in relation to a person who is an employee or associated person, means:

(a) A gift worth more than \$300 or more; or

(b) A gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

(2) An employee is to refrain from accepting a prohibited gift from a person who

—

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

**Notification**, meaning:

- (3) An employee who accepts a minor gift from a person who;
  - (a) Is undertaking or seeking to undertake an activity involving a local government discretion; or
  - (b) It is reasonable to believe is intending to undertake an activity involving a local government discretion, must notify the CEO, in within 10 days of accepting the gift, of the acceptance.
- (4) Notification of the acceptance of a gift be in writing and include:
  - (a) The name of the person who gave the gift; and
  - (b) The date on which the gift was accepted; and
  - (c) A description, and the estimated value, of the gift; and
  - (d) The nature of the relationship between the person who is an employee and the person who gave the gift; and
  - (e) If the gift is a notifiable gift under paragraph (b) of the definition of notifiable gift in subregulation (1) (whether or not it is also a
  - (f) notifiable gift under paragraph (a) of that definition) —
    - (i) A description; and
    - (ii) The estimated value; and
    - (iii) The date of acceptance, of each other gift accepted within the 6-month period.
- (5) The CEO will maintain a record of gifts and record in it details of notifications given to comply with a requirement made under subregulation (3).

*[Regulation 34B inserted in Gazette 21 Aug 2007 p. 4190-1; amended in Gazette 20 Jan 2017 p. 649.]*

## **4. CONDUCT OF STAFF**

### **4.1 Personal Behaviour**

Employees will:

- (1) Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code.
- (2) Perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour.
- (3) Act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
- (4) Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance

of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and

- (5) Always act in accordance with their obligation of fidelity to the Local Government.

#### **4.2 Honesty And Integrity**

Employees will:

- (1) Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards.
- (2) Bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other employee, and in the case of the Chief Executive Officer, refer to the Shire President in accordance with Shire Grievance and Complaint Handling policy and procedure.
- (3) Be frank and honest in their official dealing with each other.

#### **4.3 Personal Communications and social media**

- (1) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not. Employees will also comply with Shire procedure and policy in relation to these public mediums.
- (2) Staff will always exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Staff will be as informed as possible about the functions of the Council and treat all members of the community honestly and fairly.

#### **4.4 Performance Of Duties**

- (1) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (2) Staff will always exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Employees will be as informed as possible about the functions of the Council and treat all members of the community honestly and fairly.

#### **4.5 Compliance With Lawful Orders**

- (1) Employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

- (2) Employees will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

#### **4.6 Administrative And Management Practices**

- (1) Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

#### **4.7 Corporate Obligations**

(1) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Accordingly:

- (a) Staff will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity. Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

(2) Communication and Public Relations

- (a) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- (b) As a representative of the council, staff need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. Staff should respect the decision-making processes of the Council which are based on a decision of the majority of the Council.
- Information of a confidential nature ought not be communicated until it is no longer treated as confidential.
  - Information relating to decisions of the Council on approvals, Permits and so on ought only be communicated in an official capacity by a designated officer of the Council.
  - Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

#### **4.8 Appointments To Committees**

As part of their role, staff are often asked to represent the Shire on external organisations. It is important that staff:

- Clearly understand the basis of their appointment; and
- Provide regular reports on the activities of the organisation.

### **5. DEALING WITH COUNCIL PROPERTY**

#### **5.1 Use of Local Government Resources**

Employees will:

- (1) Be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- (2) Use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- (3) Not use the Local Government's resources for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

## **5.2 Travelling and Sustenance Expenses**

Employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Shire policy and the provisions of the Local Government Act.

## **6. REPORTING OF SUSPECTED WRONGDOING**

### **6.1 Complaint Handling Policy and Grievance Procedure**

Employees have a duty to report and wrongdoing in relation to this Code and such obligations are defined in Shire policy, A6 Complaint Handling and procedure HR7 Grievance procedure.

These are not the only requirements imposed on employees. Employees must be aware and should refer to requirements of external Agencies that are also imposed on them.

Crime and Corruption Commission Act - various requirements to inform

Public Sector Commission Act - various requirements to inform

Public Interest Disclosure (PID) Commissioner as required under the Local Government Act and PID Act.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	A1
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	24 October 2019 18 March 2021 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## A2 CUSTOMER SERVICE CHARTER

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### Administration

#### PREAMBLE

The Shire of Halls Creek Customer Service Charter is a statement of intent, aimed at establishing the principles and the standards of service that will apply at the Shire for all customers and stakeholders. Every instance where our standards are not met or exceeded provide an opportunity to review performance.

#### OBJECTIVE

To document the standards of customer service to which we will aspire.

#### POLICY

Customer Service Charter

**DELEGATION:** Nil

**HEAD OF POWER:** Shire Resolution adopting Customer Service Charter

<b>Policy Number</b>	A2
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	18 March 2021 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no.     /     )



# Shire of Halls Creek

## Customer Service Charter

### Our Customer Focus

#### Shire Staff Are Committed To:

- Respecting the diversity of our community
- Working with our customers to understand and respond to their needs both now and in the future
- Making it more convenient, easier and quicker to do business with the Shire
- Being fair and accountable in our service delivery
- Being transparent in our decision making
- Providing opportunities for community engagement
- Striving for excellence in all that we do
- Focusing our improvement efforts on better service for our customers

### Contacting Us In Person

#### When You Visit Our Offices/Buildings We Will:

- Greet you in a timely manner and provide you with professional, polite and attentive service every time
- Ensure all frontline staff wear name badges so we can be easily identified
- Treat you with respect courtesy and dignity
- Listen to you carefully and fully consider your issues
- Endeavour to satisfy your request at the time of your visit
- Ensure that when enquiries of a technical or specialised nature are made which cannot be answered immediately that a detailed message is taken and responded to as soon as possible or an initial response is provided within a reasonable timeframe

### Contacting Us By Phone

#### When You Phone We Will:

- Aim to answer the telephone within 30 seconds
- Ensure you speak to a real person and not to an answering service/voicemail
- Introduce ourselves using our first name and our business
- Provide a direct contact name and number where necessary
- Return your telephone enquiry no later than the next working day
- Take personal responsibility for and ownership of your enquiry to reduce transferred calls
- Also provide a 24-hour telephone service for after hours or emergency calls

## Contacting Us in Writing Including Email

### When You Write or Email Us, We Will:

- Reply to you in clear, concise plain English that is easily understood
- Aim to acknowledge 85% of your letters or emails within 3 working days of receipt and provide a full reply to you within 10 working days.
- If your written enquiry (letter or email) requires in-depth research or follow-up that will take longer than 10 working days, we will acknowledge your correspondence and where possible provide an expected completion date.

## Contacting Us by Facebook or Instagram

All customer contact on social media will be managed by our Corporate Communications Officers.

## Contacting Us Via Our Website

We will provide up to date information including forms application forms information sheets and meeting Agendas and Minutes on our website. After hours emergency numbers are available in the Council Contacts and Opening Hours section of the website.

## Contacting Councillors

Councillors are elected members of the community and their role is to represent the community, provide leadership and guidance facilitate communication between community and Council staff, make decisions on matters before Council, determine Council policy, govern finances and provide forward planning and evaluation of progress. Councillors are keen to hear the views of local residents on issues which are of concern. You can contact your local by email or telephone; contact details are available on our website Your Councillors and in the Shire Directory.

## Complaint and Resolution Process

### Making A Complaint

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or decision by the Council or its staff affecting an individual or group. You can lodge a complaint via our website, by writing to us, by telephone or in person at the Administration Office.

### How Will Your Complaint Be Investigated?

When we receive your complaint, it will be recorded, and you will receive acknowledgement from us that your complaint has been received.

When we received your complaint, we will direct your concern to the most appropriate person within the Shire of Halls Creek who will be responsible for



keeping you up to date on the progress of your complaint. Throughout the process, we may need to contact you to discuss your concerns or to ask for more information. Providing us with current contact details (such as telephone number or email address) will ensure we provide a response as soon as possible.

After investigating we will respond and aim to resolve your complaint, giving reasons for our view.

We will do our best to resolve your complaint within 10 working days but if we require more information or time, we will keep you informed of our progress.

## Response Times

Customer Contact Method	Response Times
Face To Face	Greet you in a timely manner
By Telephone	Aim to answer within 30 seconds  Aim to return phone calls within one working day
In Writing	Aim to respond to 85% of queries within 5 working days

## **A3 ABORIGINAL EMPLOYMENT**

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### **Administration**

#### **PREAMBLE**

The Local Government Act 1995 and Local Government employment policy and practice does not sanction employment advantage on the basis of race. Even so, Halls Creek is a distinctly indigenous local government. Without legal protection to provide employment bias, the Shire must be very considered in making appointment decisions. The aim of this policy is to express the Council's view, that local aboriginal employment is a high priority, and more should be done to encourage, support and appoint local aboriginal people into as many positions as possible.

#### **OBJECTIVE**

The Shire of Halls Creek (SoHC) regularly assesses the race makeup of its workforce. The aim of this policy is to witness a shift in the makeup of our workforce. The workforce composition should reflect the overall community makeup, approximately 75-80% aboriginal persons. The Shire recognises that certain positions require a completely different skill set to what the local population presents, but that should not be the reason why aboriginal people cannot be trained, targeted and groomed for these responsibilities. This policy is a statement of intent, something to aspire to. If achievable, the credibility of the Shire of Halls Creek as a local employer will be improved.

#### **POLICY**

As part of the Council's commitment to Aboriginal employment, the Council will broaden employment and development opportunities for Aboriginal people at all levels of the organisation.

The Council's goal is that by the year 2025, the Council will have a workforce that genuinely reflects the proportion of Aboriginal people residing within the Shire.

To ensure the outcome is achieved, the Council will continuously:

- Develop strategies to increase the number of Aboriginal people in its employ.
- Develop and nourish an organisational culture which values and respects the diversity of Aboriginal culture and languages, accommodates language and cultural differences and recognises and puts into practice the spirit and intent of the policy throughout the Shire.
- Establish and maintain relationships with Aboriginal employees based on the principals of mutual respect, social justice and equity; and
- Promote and facilitate professional development opportunities and achievable career path goals for all Aboriginal employees, and a demonstrated commitment to the principals of equal opportunity.

#### **Preference To Aboriginal People**

The Shire of Halls Creek will:

- Give due regard to aboriginal employment preferences in the initial job design, including targeting aboriginal skill sets, a mix of preferred hours, transition jobs, where the employee can slowly adjust to full time employment, simple applications forms and CV's, verbal advertising.
- Target potential aboriginal employees to encourage them to apply.
- Provide wage and benefit mixes that do not adversely impact on Centrelink benefits and Housing WA rent charges.
- Provide a transition to a job approach where the employees can have suitability tests or periods of adaption to see if they are ready to transition to fulltime employment.

None of the above is aimed at minimising the integrity, probity, equity and merit-based approach of the SoHC in recruitment processes. All applicants will always be assessed against publicised selection criteria and will always merit based.

During the selection process for any position, unsuccessful Aboriginal applications will be retained for consideration in future and subsequent positions vacant, without the need to apply again or being recalled (where skill sets still make them suitable applicants).

The SoHC will offer a blend of Traineeships and scholarships as a means of expanding the employment base within the Halls Creek community.

## **PROCESS**

### **Targeted Action to Expand Employment Opportunity**

The SoHC will undertake a range of targeted practices to support the expansion of aboriginal employment opportunities not only for its own opportunities, but as a leader in aboriginal employment within the Shire.

These will include but not be limited to:

- Build a network of relationships with local Aboriginal communities and community partners to encourage Aboriginal people to apply for employment and to promote the SoHC as a desirable employer of Aboriginal people.
- Produce, disseminate and actively promote employment information to external agencies and specifically Aboriginal communities within the Shire. To actively participate in and promote consultative processes and mechanisms to advertise and promote Aboriginal opportunities for local Aboriginal people.
- Invite and ensure where possible an Aboriginal employee participates in the selection panel process when considering Aboriginal applicants.
- Network with other employers to assist and facilitate employment and training opportunities for Aboriginal people.
- Ensure details of the SoHC Aboriginal Employment policy is included in all information kits sent to all job applicants and ensure job advertisements and advertising is designed and targeted to attract Aboriginal people including the advertisement: "Aboriginal people are encouraged to apply"
- Develop position descriptions in plain English

## **In Further Support for Aboriginal Employment**

The SoHC will:

- Ensure cultural awareness training is available for both non Aboriginal and Aboriginal employees to ensure all employees are aware of cultural sensitivities.
- Access Registered Training Organisations to ensure relevant courses/ training is available to assist Aboriginal people in applying for positions.
- Provide support for speaker of English as a Second Language (ESL) to improve their language and literacy skills in the workplace
- Provide and deliver induction to newly employed Aboriginal employees at the Shire and at the same time consider their needs in adapting to employment.
- Ensure that all managers conducting annual performance reviews identify and document relevant training needs of Aboriginal employees, including ESL support.
- To improve retention of Aboriginal employees by offering a culturally sensitive, supportive and rewarding workplace environment.
- Ensure that all employment conditions for Aboriginal employees are equitable and consider Aboriginal cultural and language issues.
- Ensure position descriptions which do not alienate Aboriginal people through technical language or cultural bias are prepared for each position that an Aboriginal person may wish to apply for.
- Encourage any Aboriginal employee leaving the employ of the Shire to have an exit interview with a senior officer of his/her choosing to obtain honest and candid feedback on the reasons they are leaving.
- Develop a mentoring program for Aboriginal employees, and in particular new recruitments.

## **Implementation, Monitoring and Evaluation of Aboriginal Employment**

The SoHC will:

- Implement monitoring and evaluation of the Aboriginal employment policy results and statistics and prepare a report for Council on a biennial (2 year) basis.
- The report will include evaluation of progress towards achieving proportionate representation of Aboriginal employees by 2025; evidence of consultation with the local Aboriginal communities and their community partners; current data on representation of Aboriginal people through salary levels of the Shire; and Aboriginal employees having their advancement prospects enhanced by participation in career development interviews, attending training linked to career development plans, and developing required skills and knowledge.

Nothing in this process is to be interpreted so as to prevent SoHC succession planning, or to prohibit the implementation of successions in accordance with a succession plan.

**DELEGATION:** Nil

**HEAD OF POWER:** *Local Government Act 1995, Local Government Industry Award 2010, Local Government Officers' (WA) Interim Award 2011, Equal Opportunity Act 1984*

<b>Policy Number</b>	A3
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## A4 ANNUAL ELECTORS GENERAL MEETING

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### Administration

#### PREAMBLE

In accordance with the Local Government Act 1995, a general meeting of the electors of a district is to be held once every financial year following Audit and advertising.

#### OBJECTIVE

The annual Electors General Meeting (EGM) is to be held on the same day and in conjunction with an Ordinary meeting of Council to minimise costs and delay, subject to Shire remaining compliant with LG Act 1995 and Regulations.

#### PRACTICE

Annual Electors General Meeting (EGM) is to be held on the same day as an Ordinary Council meeting, the first available opportunity following preparation and acceptance of the Shire of Halls Creek Annual Report and conduct of the Audit Committees "face to face" contact with the Auditor as required by the Local Government Act. Council aims to have the EGM meeting before the end of the calendar year to which the financial statements apply.

#### PROCESS

The EGM is to be held within 56 days of the local government accepting the Annual Report for the previous financial year.

The EGM meeting is to be provided with copies of the Shire of Halls Creek Annual Report which includes the audited financial statement and audit report for the previous financial year and Minutes of the previous year's EGM.

Other matters to be discussed and procedure to be followed at the EGM are those prescribed.

Should the business of the Ordinary meeting of Council not be completed by the EGM advertised start time, the presiding member is to adjourn the Ordinary meeting to enable the EGM to commence on time, with the Ordinary meeting resuming following the close of the EGM.

**HEAD OF POWER:** *Local Government Act 1995 – Section 5.27, 5.28, 5.29 and 5.30*

<b>Policy Number</b>	A4
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A5 COMMON SEAL – AFFIXING OF**

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### **Administration**

#### **PREAMBLE**

Numerous agreements and contracts require the affixing of the Common Seal. This Policy and delegation to the CEO allows the Shire President and CEO to affix the Common Seal to a document as and when required.

#### **OBJECTIVE**

The Policy sets out the conditions that apply to the use of the Common Seal.

#### **POLICY**

The Shire President and Chief Executive Officer are authorised, when the situation demands, to sign and affix the Common Seal of the Shire of Halls Creek to documents.

Where the contract or agreement is a continuation of an existing arrangement or previous Council resolution, Council's prior resolution is not required.

Where a matter has not been before the Council on any previous occasion, Council resolution to affix the Common Seal is required.

#### **PROCESS**

Prior to the Common Seal being used for the first time on a contract or agreement, Council is to have resolved to enter into that contract or agreement.

The CEO is charged with the care of the Common Seal and is only to apply the Common Seal to documents at the same time and sitting as the Shire President.

**DELEGATION:** To the CEO to permit the affixing of the Common Seal when required.

**HEAD OF POWER:** *Local Government Act 1995* Section 9.49A

<b>Policy Number</b>	A5
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A6 COMPLAINT HANDLING**

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### **Administration**

#### **PREAMBLE**

A formal complaints handling procedure has been implemented to ensure all complaints are treated with the same amount of respect and diligence and that complainants receive prompt action and a formal response.

#### **OBJECTIVE**

To ensure the Shire of Halls Creek continues to provide a high level of customer service and in those instances where a complaint is received ensure it is acted upon and procedures put in place where possible to ensure that complaints of a similar nature do not re-occur.

To establish a framework for how the Shire of Halls Creek will respond to a customer who is dissatisfied with a process or service offered or provided by the Shire.

#### **POLICY**

The Shire of Halls Creek:

- Welcomes complaints as a form of feedback that will ultimately identify service improvement opportunities.
- Values integrity, responsible management, fairness and equity, and will continue to strive to maintain the highest standards in its dealing with its customers while meeting the needs of the community.
- Is committed to identifying, investigating and where possible resolving complaints and grievances.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the review of all decisions and service provisions.

These principles are of utmost importance in the Shire's endeavours to retain the trust, confidence, and support of its community. Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality, and responsiveness will underpin Shire service delivery.

This practice does not apply to complaints involving the following issues:

- Conflicts of interest - refer to *Code of Conduct and Public Interest Disclosure Act*
- Code of Conduct complaints against an Elected Member – refer *Shire of Halls Creek Code of Conduct for Council Members, Committee Members and Candidates*.
- Access to information – refer Freedom of Information (FOI) requests,
- Internal Shire employee grievances, refer to *Shire of Halls Creek Grievance procedure*,
- A matter before a Court or Tribunal.



This practice applies to complaints in relation to service provision and service delivery received from the Shire to customers and any other external organisation or person.

The Shire of Halls Creek:

- Views its management of complaints as an important component of continuously improving the service offered to customers.
- Is committed to identifying, investigating and resolving issues whether these arise as service requests, suggestions or complaints.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the resolution of all complaints.
- In resolving ongoing customer concerns or complaints is conscious of not over committing resources and funds to the detriment of the community at large.
- Is committed to tracking the progress of complaint handling within the organisation and reporting this on a regular basis.

In line with its values, the Shire of Halls Creek will provide a complaint handling procedure which:

- Demonstrates everyone will be treated with dignity and respect.
- Ensures all of the community is listened to and will be dealt with equally.
- Encourages staff to be positive and take responsibility for their role in the complaint handling process.

## **PROCESS**

This Process aims to ensure:

- Improved customer service through consistent, effective management of complaints.
- Complaints are resolved in a timely manner at the first possible opportunity.
- All complaints will be formally acknowledged within 5 working days.
- When an investigation or resolution cannot occur within 21 working days, a response will be delivered to the customer outlining time frames set by the staff member responsible for resolving the complaint.
- That the complainant understands what the Shire can and cannot do and, will and will not do.
- That the Shire's limited resources are not utilised on malicious, frivolous, unreasonable, persistent or vexatious complaints.
- That the complainant is informed of the role of Elected Members in relation to decision making.
- That the Shire will use the complaints received to assist with its continuous improvement across the organisation.
- Complaints will be recorded in the Complaints Register to enable tracking and effective response.
- That decision making processes in relation to complaints will be equitable, transparent and accountable.

## **DEFINITIONS**

For the purposes of this guideline the following definitions apply:

**Complaint** is when a customer

- Expresses dissatisfaction with the Shire's decisions, policies, procedures, charges, employees, agents or the quality of the services it provides.
- Considers the Shire has failed to act on a request for service within an accepted timeframe.
- Considers the conduct of a Staff member has been unsatisfactory.

### Complaint Resolution

A complaint is resolved when a customer is satisfied that the Shire has made its best attempt to fix the problem. It is possible they may not be completely satisfied with the outcome, but they are prepared to accept it and not to escalate the complaint any further.

### Definitions

- Customer - ratepayer, resident, visitor or business.
- Frivolous - a complaint that lacks substance or merit.
- Malicious - someone who is motivated by wrongful, vicious, or mischievous purposes.
- Persistent - Someone who is refusing to give up or let go and/or is obstinate and/or insistently repetitive or continuous
- Request for Information - when the Shire receives a request for information regarding services.

### Request for Service

A customer requests the provision of service or for some action to be taken to address a problem, or a request for a change to the way the Shire of Halls Creek delivers a service. If a service is not dealt with appropriately, it may then become a complaint.

### Review of a Shire Decision

When a customer seeks a review of a decision made by the Shire, an employee of the Shire or persons acting on behalf of the Shire.

### Unreasonable Complainant Conduct

Unreasonable conduct by complainants, which goes beyond normal situational stress associated with the complainant behaviour. Unreasonable complaint conduct is discussed in greater detail within this Policy.

### Vexatious

When a complaint is considered to harass, annoy, delay or cause detriment or trouble. A complaint can also be considered vexatious where the complaint is without foundations and cannot possibly succeed, or where the complaint lacks reasonable grounds for lodging the complaint or possesses insufficient direct interest in the issue complained about.

### **Lodging Complaints**

Complaints may be lodged with the Shire in the following ways:

- In writing including by letter, email, facsimile or via web:  
[www.ShireofHallsCreek.wa.gov.au](http://www.ShireofHallsCreek.wa.gov.au)

- On receiving a complaint staff must distinguish between a request for service, complaint or formal review of a decision. Where a customer is requesting a service and there is no prior indication of failure to provide that service to the customer, the request will be managed via the Shire's customer request process.
- Where a complaint is lodged with an Elected Member the member should direct the complaint in the first instance to the Chief Executive Officer.

### **Anonymous Complaints**

If the complaint is anonymous the complaint will be dealt with in a similar manner to any other complaint. If the matter is not considered serious or there is insufficient information in the complaint to enable the investigation to be conducted, the complaint may not be investigated, nor will we be able to advise the complainant of the outcome.

### **Recording of Complaints**

All complaints will be recorded and managed in the Shire's Complaints Register.

Procedures will be developed to provide guidance to staff to ensure that these records can be tracked and that all similar types of complaints are dealt with in a consistent manner.

Once a complaint has been lodged, the Shire will acknowledge receipt of the complaint and the complainant will be notified of the appropriate time frame within which an investigation will be undertaken, and a determination made to resolve the complaint.

### **Confidentiality**

The Shire will ensure that confidentiality is maintained where appropriate and care will be taken to ensure that the complainant will not experience any form of victimisation or retribution as a result of the complaint.

### **Formal Complaints of A Serious Nature**

Where the complaint relates to the conduct or behaviour of an individual staff member this will be handled by the relevant Director and will be dealt with in accordance with the Shire of Halls Creek Code of Conduct.

Complaints that relate to an individual Councillor will be handled by the Chief Executive Officer and will be dealt with in accordance with the Shire of Halls Creek Code of Conduct.

All formal complaints alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest are to be referred directly to the Chief Executive Officer. The Chief Executive Officer will refer such complaints to the office of the Public Interest Disclosure (PID) Commissioner as required under the Local Government Act and PID Act.

### **Complaint Against The CEO**

All formal complaints alleged against the Chief Executive Officer (CEO) will be copied to the Shire President. The Shire President will ascertain if the complaint requires referral to an independent HR consultant or service provider to undertake

an independent investigation/assessment in accordance with this Policy. In coming to this decision, the Shire President should consider:

- If the complainant was an employee previously and should the matter have been dealt with under Shire APOG Grievance Procedures when the person was a staff member. That the presentation of the complaint now, is this done in a genuine attempt of having the complaint heard, or as a means to discredit or attack the CEO or staff members.
- Is the complainant presenting the information/claims and not seeking a resolution.
- Is the complainant fishing with catch all statements without substantial pointers to firm evidence to substantiate or warrant investigation or referral.
- Is the complainant now acting in a whistleblowing capacity instead of having their grievance heard under APOG Grievance procedures.
- Is the matter one which has already been investigated either at a Crime and Corruption (CCC) level, Public Sector Commission level, Public Interest Disclosure (PID) Commissioner level, State Government Dept. level, or Shire level by independent assessment and has been resolved or determined.
- Is the complaint of a similar nature to other complaints, the same thing reworded or expanded to matters that have previously been addressed or investigated by the Shire or other investigations. Is additional investigation warranted or could be regarded as unlikely to overturn previous results and investigations, could it be regarded as wasteful or biased against persons being investigated.
- Is the complaint something that will result in improved performance of the Shire and its Councillors and staff, or one that is legally required to be assessed and investigated.
- If in his opinion the complaint should be regarded as an unreasonable complaint (see below) and the President may choose to manage any complaint in accordance with this policy without further investigation, but in all cases, where the complainant can be identified, the reasons for the determination will be provided. Refer Managing Malicious, Frivolous, Persistent and Vexatious Complaints

The President may call upon his Deputy to assist in this assessment and may refer to independent counsel to assist these deliberations in whatever form this takes.

The investigation report will be held by the President and only released to Councillors in relation to CEO performance if required. The President will observe any conclusions or outcomes, remembering privacy and non-disclosure laws may apply. E.g. CCC non- disclosure rules.

Detail of the independent investigations will be forwarded to the Shire President, who may elect to discuss these matters with the CEO.

The public are encouraged to forward any complaint involving the Chief Executive Officer to the Department of Local Government, the Public Sector Commission or the Crime and Corruption Commission in WA and can do so independently of any claim they may lodge with the Shire of Halls Creek.

### **Unreasonable Complaints**

Occasionally complainants may not accept the Shire's determination or response to their complaint and engage in unreasonable complainant conduct.

This conduct is defined as:

- Using unreasonable persistence - by persisting with a complaint even though it has been comprehensively considered by the Shire, and even where all avenues of internal review have been exhausted by showing an inability to accept the final decision.
- Using unreasonable demands - by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond a Shire's power to deliver, demanding unreasonable outcomes, wanting to turn back time, and unreasonable prosecution of individuals).
- By insisting on a 'moral' outcome, (e.g. Justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.
- Using unreasonable lack of cooperation - by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this. By displaying unhelpful behaviours, (e.g. withholding information, dishonesty, misquoting others, swamping the Shire with documents).
- Using unreasonable arguments by holding irrational beliefs - holding what is clearly a conspiracy theory unsupported by any evidence. By insisting that a particular solution is the only correct one in the face of valid contrary or alternative arguments.
- Using unreasonable behaviours - by displaying confrontational behaviour, including rudeness, aggression, threats by phone calls, in person or via Letters or emails where the complaint is about something that is beyond the Shire's jurisdiction or outside of the Shire's control.

### **Managing Malicious, Frivolous, Persistent and Vexatious Complaints**

All complaints received by the Shire will be treated with the utmost seriousness. If following investigation, the Chief Executive Officer determines a complainant to be malicious, frivolous, unreasonable, persistent or vexatious, the Shire will take into consideration the following action:

- Such a determination must take into account any previously similar complaints from the complainant, the response and outcome to the previous complaints, the resources required to address the complaint to ensure that it is not an unreasonable diversion of public resources and that the principles of equity and procedural fairness have been taken into account.
- A decision to take no further action on the complaint will be made by the CEO, and the complainant will be informed in writing that no evidence was found to support the allegations, or the allegations have been previously addressed.
- The Shire has determined that the complainants conduct is unreasonable and the Shire refuses to communicate with the complainant further on the matter.

A decision to take no further action on the complaint may be made by the Chief Executive Officer and the complainant will be informed in writing.

### **Limiting Contact Between the Shire and Members of The Public**

The Shire is entitled to expect that members of the public who have a complaint will behave in an acceptable manner. In certain circumstances it is appropriate and legitimate for the Shire to place limits on the type of services that will be made to complainants whose behaviour goes beyond acceptable limits.

The Shire may impose limits on the times and days that correspondence be accepted from a complainant or may request all complaints and communications be provided in writing. Where limitations on contact with a complainant are imposed, the Shire will inform the complainant in writing, specifying the limits, and the reasons for their impositions. Before imposing the limits, the Shire may try alternatives, such as determining whether a different and more senior office is able to deal with the complainant.

Imposing limitations may also be appropriate where a complainant continually includes substantial inappropriate, offensive, threatening or abusive content in their complaint and communication. The Shire is aware of the legitimate right of members of the public to access Shire information under the Freedom of Information Act 1991, any limits will not impede those statutory rights.

### **Not Replying to Correspondence**

Where following an appropriate written response to a complainant, the Shire receives further complaints that detail the same or substantially similar matters to those received previously; the Staff or Elected Member through the CEO is entitled to inform the complainant that the Shire will not provide a substantive response to the current matter, or similar complaints.

This approach provides the complainant with the opportunity to reframe the complaint if the similarities were unintentional.

### **Terminating Phone Calls**

In some instances, it may be appropriate for Staff or Elected Members to inform the complainant that they will no longer deal with their complaints over the telephone and terminate the call. This will only be done in exceptional circumstances.

Where a complainant repeatedly telephones a Staff or Elected Member, or employs insulting, threatening or abusive language, they will be asked to limit their communications to written correspondence with a nominated senior officer. This will be communicated to the complainant in writing.

### **Limiting Face to Face Contact**

Where a complainant is making the same or a substantially similar complaint to numerous Staff or Elected Members in person, it is appropriate for the Shire to nominate a particular officer to deal with the complaints.

The Shire will notify the complainant in writing of the name and contact details of the officer who will respond to complaints and specify that no other officer will respond to complaints made by the complainant.

## **Declining to Further Investigate Complaints**

Where:

- A thorough examination of a complaint has occurred.
- The complainant remains dissatisfied with the outcome of the complaint and demands further review.
- The Shire can consider placing limits on further communications with the complainant. This action will only be taken as a last resort with the decision taken by the Chief Executive Officer or his representative after all other avenues have been exhausted, and where the complainant is making unacceptable demands on the Shire's complaint handling process.

Limits could include:

- Declining to respond to any further communications unless they are in writing.
- Informing the complainant that any further complaints will be filed by the Shire with or without acknowledgement unless it includes significant new information or new issues which in the opinion of Shire warrant action.
- Informing the complainant that the complaint will be referred to the Ombudsman (or other external agency) for action.

If it appears to the Shire that the complainant is deliberately providing information in a selective manner, the Shire will request the complainant to immediately pass on all relevant information. The Shire may advise the complainant that if further material is provided, the Shire will require satisfactory explanation as to why it was not provided earlier, before it will give consideration to the material.

## **Seeking Legal Advice**

In some instances, it may be appropriate for staff to seek legal advice with respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious complaint. A decision to seek legal advice will be taken by the Chief Executive Officer.

Where a complaint relates to a particular member of Staff, consideration will be given to making advice available to the employee on request.

Where a particular member of Staff or Elected Member of the Shire believes that a complaint may have impugned their professional reputation, they may seek their own legal advice in relation to what private action that may take.

## **Supporting Staff and Elected Members**

The Shire has obligations under Occupational Health, Safety and Welfare legislation to provide a safe working environment. The Shire is mindful of the stress that dealing with difficult complainants can place on Staff and Elected Members.

Management will always provide support to junior Staff when dealing with difficult complainants and ensure appropriate customer service practices are in place.

**DELEGATION:** To the Chief Executive Officer to seek legal advice in respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious complaint and to following investigation, determine a complainant to be malicious, frivolous, unreasonable, persistent or vexatious, and manage the Shire response to such complainant.

To the Chief Executive to determine when a complaint has been investigated sufficiently and been responded to adequately, without reference to Council.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	A6 Prev. Ed. ADM 08
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	20 September 2012 (Resolution no. 2012/152) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 18 March 2021 (Resolution no. 2021/017) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)



## **A7 DISABILITY ACCESS AND INCLUSION**

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### **Administration**

#### **PREAMBLE**

The Shire of Halls Creek is committed to ensuring that the community is accessible for and inclusive of people with disability, their families and carers. Having an adopted a Disability Access and Inclusion Plan (DAIP) of action forms part of this commitment.

#### **OBJECTIVE**

The Shire of Halls Creek interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in house and contracted) are open, available and accessible to people with disability, providing them with the same opportunities, rights and responsibilities as other people in the community.

#### **POLICY**

The Shire of Halls Creek:

- Recognises that people with disability are valued members of the community who make a variety of contributions to local, social, economic and cultural life.
- Believes that a community that recognises its diversity and supports the participation and inclusion of all its members makes for a richer community life.
- Believes that people with disability, their families and carers who live in country areas should be supported to remain in the community of their choice.
- Is committed to consulting with people with disability, their families and carers and where required, disability organisations to ensure that barriers to access are addressed appropriately.
- Will ensure its agents and contractors work towards the desired outcomes in the DAIP.
- Is committed to supporting local community groups and businesses to provide access and inclusion of people with disability.

#### **PROCESS**

The Shire of Halls Creek is also committed to achieving the seven desired outcomes of its DAIP. These are that people with disability:

- Have the same opportunities as other people to access the services of, and any event by a public authority.
- Have the same opportunities as other people to access the buildings and other facilities of a public authority.
- Receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
- Receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
- Have the same opportunities as other people to make complaints to a public authority.

- Have the same opportunities as other people to participate in any public consultation by a public authority.
- Have the same opportunities as other people to obtain and maintain employment with a public authority.

The CEO is authorised to review the DAIP and implement those actions that support the principles outlined and accommodate annual actions in the Budget and operational strategies of the Shire.

**HEAD OF POWER:** *Local Government Act 1995 and Disability Access and Inclusion Plan (DAIP) 2014-2019*

<b>Policy Number</b>	A7
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A8 LEGAL ADVICE, REPRESENTATION & COST REINBURSEMENT**

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### **Administration**

#### **PREAMBLE**

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

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

#### **OBJECTIVE**

To provide security, that in the event of legal proceedings or claims being taken against a Council member or staff member in the legal conduct of their duty, Council will financially support their response to the claims and or proceedings.

#### **POLICY**

##### **General Principles**

The Chief Executive Officer is authorised to obtain from Solicitors such legal advice and opinions as deemed necessary to enable the proper legal administration of Council's business. The CEO is delegated under the Local Government Act 1995, section 5.42 the authority to engage solicitors to the value of \$5000 for legal advice in relation to the proper legal administration of the Shire.

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

The local government may provide such assistance in the following types of legal proceedings:

- Proceedings brought by members and employees to enable them to carry out their local government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
- Proceedings brought against members or employees, this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions); and
- Statutory or other inquiries where representation of members or employees is justified.

The local government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

The legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

### **Repayment Of Assistance**

Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the local government.

Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The local government may take action to recover any such moneys in a court of competent jurisdiction.

## **PROCESS**

### **Applications For Financial Assistance**

Decisions as to financial assistance under this policy are to be made by the Council.

A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.

Applications for financial support to the Council are to be accompanied by an assessment of the request along with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).

A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.

Where there is a need for the provision of urgent legal services before an application for financial assistance can be considered by Council, the CEO is delegated under the *Local Government Act 1995*, section 5.42 the authority the engage solicitors following consultation with the Shire President (and in the case of the Shire President seeking the financial support – the Deputy Shire President) an authorisation to the value of \$5000.

Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

**HEAD OF POWER:** *Local Government Act 1995*

**DELEGATION:** To the CEO under LGA Section 5.42, authorisation (with conditions) to seek legal advice in connection with the proper legal administration of the Shire and to support urgent responses to claims for financial assistance to members and staff, advice to the value of \$5000, without reference to Council.

<b>Policy Number</b>	A6 Prev. Ed. STF 33 & 34
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	12 October 2017 (Resolution no. 2017/104) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A9 LIQUOR CONTROL – RESTRICTED AREA REG APPLICATIONS**

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### **Administration**

#### **PREAMBLE**

Many discrete communities in the Shire of Halls Creek have applied for and been granted restricted area alcohol status which requires renewal from time to time. This policy has been created to provide guidance to staff without the renewal applications having to be referred to Council for a support decision.

#### **OBJECTIVE**

To provide guidance on Council's position regarding the Restricted Area Regulation applications made pursuant to section 175 of the Liquor Control Act:

#### **POLICY**

In respect of the Council's position regarding the Restricted Area Regulation applications made pursuant to section 175 of the Liquor Control Act:

- If discrete communities within the Shire of Halls Creek want restricted area regulations, then Council will support them.
- Council respects and supports the self-determination of its citizens who are
- members of discrete communities.

#### **PROCESS**

When applications and renewal requests are received by Council, staff will contact the Chairperson of the community concerned to ascertain support for the proposal and the terms and conditions. Upon acknowledgement that the application or renewal is the wish of the community, staff will sign and return the Department of Racing, Gaming and Liquor correspondence.

On those occasions that staff have concerns about the application – particularly in regards terms, conditions or other elements, staff can contact the OIC Halls Creek Police to gain better understanding of the situation – then report to Department of Racing, Gaming and Liquor.

In all cases where staff are undecided as to the merits of the application – reference to Council by report is requested.

**DELEGATION:** The Council delegates to the Chief Executive Officer or sub delegate the authority to respond to requests from the Department of Racing, Gaming and Liquor for comments on proposed Restricted Area Regulation applications.

**HEAD OF POWER:** Council Decision 2013/62

**Statute Reference** - *Liquor Control Act 1988*

<b>Policy Number</b>	A9 – Prev. Ed. OTH 08
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Health & Regulatory Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	18 July 2013 (Resolution no. 2013/062) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 16 May 2019 (Resolution no. 2019/060) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A10 NATIVE TITLE**

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### **Administration**

#### **PREAMBLE**

The Shire of Halls Creek supports the process of Native Title determination, and wherever possible will aim to minimise its imposition in the process. The Shire recognises that there can be multilayer and concurrent claims for the same landholdings, and it is not a Shire intention to voice support or otherwise as to the merits of the claims, but to protect the interests of the Shire in terms of Reserves, roads and access to gravel and water for roadmaking.

#### **OBJECTIVE**

The Shire aims to minimise its involvement in all Native Title claims by providing accurate, consistent, timely and sufficiently detailed information on roads and landholdings and by having prepared and ready legal representatives, promoting Shire interests.

#### **POLICY**

The Shire of Halls Creek respects the Traditional Owners of lands within the district, and the aspirations of Aboriginal people to retain their legitimate interests in their traditional lands, estates, forests, hunting grounds, fisheries and other properties except to the extent that Native Title has been extinguished by the issue of freehold title or other acts that the Native Title Act 1993 recognises as a cause of extinguishment of Native Title.

The Shire of Halls Creek recognises the Kimberley Land Council as the representative body of all Native Title claimants in respect of Native Title claims over land wholly or partially within the Halls Creek district and undertakes to work cooperatively with the Kimberley Land Council in respect of advancing such Native Title claims.

The Shire of Halls Creek also undertakes to obtain heritage clearances in respect of any Council works proposed for previously undisturbed sites, irrespective of the Native Title status of such sites and to pursue the advancement of Native Title claims within the Halls Creek district. The Shire will register with the federal court as a party to all Native Title claims over land wholly or partly within the Halls Creek district.

The Shire of Halls Creek will endeavour to be represented at all Direction Hearings or other proceedings in the federal court concerning Native Title Claims to which the Shire of Halls Creek is a party and participate in good faith in all mediations convened by the National Native Title Tribunal in respect of Native Title Claims to which the Shire of Halls Creek is a party.

The Shire of Halls Creek will participate in and contribute positively to meetings of the Halls Creek Land, Housing and Heritage Committee and subject to resource constraints; the Shire will stand ready to negotiate in good faith with a view to entering Indigenous Land Use Agreements (ILUAs) with groups of Native Title claimants who wish to negotiate such agreements.



## PROCESS

The Shire will appoint legal counsel in Perth to represent its interests in the multiple claims currently open, to manage and address Shire issues under each claim.

Wherever possible, staff will be responsible for the sign-off of elements of the process so that speed and consistent response times can be maintained.

## DELEGATION:

**HEAD OF POWER:** *Local Government Act 1995; Native Title (State Provisions) Act 1999 (WA); Native Title Act 1993 (Cwth); Native Title Amendment Act 2007 (Cwth); Native Title Amendment (Technical Amendments) Act 2007 (Cwth).*

<b>Policy Number</b>	A10 – Prev. Ed. OTH 06
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
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## **A11 PROCUREMENT OF GOODS AND SERVICES**

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### **Administration**

#### **PREAMBLE**

The Local Government Act (Functions and General Regulations) 1995 require the Shire of Halls Creek to have a procurement policy to manage the expenditure of public funds. Changes to the LG Act 1995 and Regulations have seen the procurement practice change over time as the Shire applies the law and refines its processes. This policy steps away from previous policy frameworks in an attempt to make the process easier to follow, understand and apply whilst maintaining the structure of legal requirements.

#### **OBJECTIVE**

To provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996* (as amended in March 2007).

To deliver a best practice approach to internal procurement for the Shire of Halls Creek.

To ensure maximum “value for money” and consistency of procedure for all procurement activities that integrates within all the Shire of Halls Creeks operational areas.

#### **POLICY**

##### **Purpose**

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

- Provides the Shire of Halls Creek with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner by staff with the Delegated Authority to purchase goods on the Shire’s behalf.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Halls Creek receives value for money in its purchasing.
- Ensures that the Shire of Halls Creek considers the environmental impact, regional price preference and indigenous content of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Halls Creek is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Halls Creek’s purchasing practices that withstand probity.

##### **Ethics & Integrity**

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

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

- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Halls Creek's policies and code of conduct.
- Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements.
- Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Halls Creek by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

### **Value For Money**

Value for money is an overarching principle governing procurement that allows the best possible outcome to be achieved for the Shire of Halls Creek. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any procurement should consider:

- All relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

### **Sustainable Procurement**

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

The Shire of Halls Creek is committed to sustainable procurement and where appropriate shall endeavour to design requests for quotations and tenders in a manner to provide an advantage to goods, services and / or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Halls Creek sustainability objectives.

Practically, sustainable procurement means the Shire of Halls Creek will endeavour at all times to identify and procure products and services that:

- Have been determined as necessary.
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco- labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum number of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For motor vehicles - select vehicles fit for purpose featuring the highest fuel efficiency available, based on vehicle type and within the designated price range; and
- For new buildings and refurbishments - where available use renewable energy and technologies.

### **Indigenous Content**

Indigenous content is defined as the procurement of goods and services from predominantly owned and operated indigenous businesses or corporations as opposed to competing products and services from mainstream organisations.

The Shire of Halls Creek is committed to procurement from indigenous corporations where value for money procurement and regional price preference can be applied to their offerings and shall endeavour to design quotations and tenders to provide an advantage to goods, services and / or processes that maximise indigenous content or the opportunity for indigenous business and corporations to compete.

### **Regional Price Preference Policy**

To encourage Shire of Halls Creek businesses, companies and suppliers to compete for Shire business a Regional Price Preference Policy (Refer Policy A15) applies. This must be considered under all procurement processes under this policy.

### **Purchasing Thresholds**

The purchasing thresholds outlined in this section apply to all purchases by the Shire of Halls Creek unless the purchase is made by a Request for Tender. The threshold values should also be used by officers undertaking discretionary purchases directly from either from WALGA Preferred Supplier Panel/ Agreements and Common Use Arrangement, meaning if the threshold requires 3 quotes, then 3 Panel quotes must be obtained and assessed.

This requirement also applies to goods or services with a contract value exceeding the \$250,000 tender threshold (amended 2020 – COVID changes) purchased from a Panel or goods that are exempt from a Public Tender under the provisions of the *Local Government (Functions and General) Regulations 1996*.

The purchasing threshold total is the value of goods, supplies or work excluding GST, and in relation to contracts, the value of the contract over the full contract period or a 3-year cycle (including options to extend) where it is, or is expected to be:

<b>Amount of Purchase (excluding GST)</b>	<b>Policy</b>
Up to \$5,000	<p>Direct purchase from a supplier using a Purchase Order or Corporate Credit Card issued by the Shire.</p> <p>or</p> <p>Obtain at least one oral or written quotation from a suitable local supplier or from the open market.</p> <p>For purchases \$1,500 to \$5,000 the quotation must be in writing.</p>
\$5,001 - \$20,000	<p>Seek at least two written quotations from a suitable local supplier or the open market.</p> <p>Only one written quotation is required from any of the WALGA service (not the Preferred Supplier Panel goods and services).</p>
\$20,001 - \$250, 000	<p>Seek at least three written quotations from suppliers by formal invitation. These Requests for Quotation (RFQ) should contain detailed specification of the goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p>
<b>Note:</b> This table must be read in conjunction with all other policy requirements which include specific details for each purchasing threshold (refer clauses 7.2 to 7.4)	

### **Exemptions To Policy and Changes to Requirements**

The obligation to source quotations is not required in the following instances:

- An emergency situation as defined by the Local Government Act;
- Utilities; including telephone, internet, electricity, water and gas
- Software license fees
- Employment of temporary staff members through temporary personnel service agencies

Halls Creek is a remote and isolated town and for some classes of goods, services and works, there may only be one local or a limited number of regional suitable suppliers. In any case, where an officer is unable to comply with the requirement for a minimum number of quotations as set out above, the purchasing officer must obtain approval of the Chief Executive Officer prior to proceeding with the purchase and detail a written record of the reasons/circumstances for the non-compliance to be made by the purchasing officer including purchasing Officer's signature and Chief Executive Officer's approval.

The CEO from time to time, may require a procurement threshold value to be less than that stated in the above table or under the relevant regulation for classes of goods or services for value for money and operational considerations. Nothing prevents the Shire from adjusting its procurement thresholds downwards.

When seeking quotations for purchases, including those under the \$250,000 threshold (excluding GST), decisions will be made for business operational considerations and flexibility reasons to ensure that competitiveness is maintained and costs, risks, timeliness and compliance requirements are met, including those where purchasing is through WALGA preferred suppliers or Common Use Agreement.

If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

### **Purchases Up To \$5,000**

This category is for the procurement of goods or services where the value is up to \$5,000. The purchasing method is suitable where the purchase is relatively small and low risk. In all cases it is important that the price is agreed to and fixed at the time the goods are ordered or prior to the services commencing. Quotes (written or verbal) and purchase orders must at a minimum include:

- Name of person providing quotation
- Name of firm
- Contact details
- Pricing including GST
- Brief scope of works/details of item for which the quotation is sought

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the local government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

In all cases The Purchasing Officer must use professional discretion that they have obtained a competitive price for the goods and services with occasional market testing (e.g., telephone quotes or internet price checks) to ensure best value is maintained and where applicable, that local price preference or sourcing applies.

### **Purchases From \$5,001 To \$20,000**

This category is for the procurement of goods or services where the value of such procurement ranges between \$5,001 and \$20,000.

At least two written quotations must be sought.

The general principles for obtaining a written quotation are:

- A brief specification should communicate requirement(s) in a clear, concise and logical fashion.
- Include value for money criteria, not necessarily the lowest price.
- Include any conditions of responding, e.g., timeline and closing time for a decision, goods options or alternatives.
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The procurement decision is to be recorded using a brief Evaluation Report, email or Memo and the copy of quotes received and evaluation report are to be submitted with the purchase order to the Finance Department and filed in Magiq.

### **Purchases From \$20,001 - \$250,000**

For the procurement of goods or services where the value exceeds \$20,001 it is required to seek three written quotations containing price and it must contain sufficient information in relation to the specification of the goods and services being purchased.

For this procurement range, the selection should not be based on price alone, and qualitative criteria such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors should be included in the request for quotation.

For purchases between \$20,001 to \$40,999 the purchasing decision is to be based on the suppliers/contractor's response to:

- The specification/requirement for the goods; services; and
- An assessment against the stated criteria, not necessarily the lowest quote.
- Regional Price preference if applicable.
- Indigenous content if applicable.

The procurement decision is to be represented using a brief Evaluation Report and the copy of quotes received and evaluation report are to be submitted with the purchase order to the Finance Department and filed in Magiq.

For purchasing decisions exceeding \$75,001 a procurement plan must be prepared and authorised by the Chief Executive Officer prior to seeking quotes. The procurement plan is to consider the total value of the goods, services or works for

the period of the purchase or the contract, including extensions. As a guide, if it is likely that over a three-year period or less the purchase value will exceed \$250,000 then a call for tender should be considered the most appropriate procurement option.

The purchasing decision is to be based upon an assessment of the suppliers/contractor's response to:

- A detailed written specification for the goods, services or works required; and
- Pre-determined an evaluation criterion that assesses best value considerations.
- Regional Price preference if applicable.
- Indigenous content if applicable.

The procurement decision is to be documented using a more detailed Evaluation Report. For purchases exceeding \$75,000, the evaluation panel should comprise of at least three members, one being a Director plus another staff member (the third maybe further staff member or a consultant) unless approved otherwise by the Chief Executive Officer.

Where the value of the goods or services exceeds the threshold set within Regulation 11 of the Local Government (Functions and General) Regulations 1996 (\$250,000) a public tender process is required (unless an exemption is provided under those Regulations). In the case of a request for Tender, selection criteria must be determined by Council before the Tender can be called.

### **Expression Of Interest (EOI) Or Request for Proposal (RFP)**

The Shire has options where the procurement requires suppliers to put forward their view on how the procurement can proceed, what form it should take and what design, style, materials and processes are to be used. This is particularly relevant where the exact needs of the Shire cannot be defined in a procurement plan, or where the Shire is seeking design and construct options and can be either as Architect or builder only or architect/builder plus construction supervision agreements.

In these cases, above \$75,000, procurement will require a Procurement Plan in accordance with procurement thresholds, and suppliers will be requested to provide an expression of interest (EOI) or request for a proposal (RFP) or a combination of both, in an aim to get the best aligned procurement outcome for the Shire procurement.

Both the EOI and RFP options are designed to require suppliers to provide their views on how the procurement can best be provided, within a range of outcome expectations and parameters. It is aimed to allow supplier input, therefore is a process normally supported by pretender alerts or discussions, site inspections, and presentations as part of the EOI/RFP/tender process.

Ultimately, the process requires a decision to be taken by the Shire on the "best value" outcome for the Shire.



### **Online-Procurement Portals**

If the Shire prescribes to on-line purchasing or tender portals, all purchases must be in accordance with this policy limits and conditions. (e.g. WALGA panel, Tender-link, VendorPanel, eQuotes) Additional advertising in newspapers or awareness advertising etc. is optional but recommended (unless a Tender where advertising in the West Australian is compulsory) and should be considered in the procurement plan to ensure that local and indigenous suppliers are aware of the purchasing request.

### **Recordkeeping And Procurement Checklist For Purchases**

Recordkeeping of all purchases must be completed in accordance with the Shire of Halls Creek Recordkeeping Plan, policies and procedures. This includes all notes, checklists, quotations received, evaluations, decisions, letters and emails associated with the purchase.

A procurement checklist will be maintained by the Director Corporate Services. This is to assist purchasing officers to carry out their duties according to this policy and to assist in auditing. It is the responsibility of the purchasing officer to complete the checklist for all purchases except for a purchase under \$5000. The checklist is to accompany the purchase order submitted to the Finance Department along with copies of quotes received for purchases up to \$20,000. For quotations over \$20,000 this may not be practical and only the checklist is required to be submitted with the purchase order to the Finance Department. The checklist is to refer to the relevant quotations recorded in Magiq.

### **Tenders**

Part 4 of the Local Government (Functions and General) Regulations 1996, sets out the circumstance when a public tender is required for the procurement of a good, service or work. This is generally when the good, service or work exceeds a value of \$250,000 (exclusive of GST) – this threshold of \$250,000 also applies to a person/organisation registered on the Aboriginal Business Directory WA.

The \$250,000 threshold is a fixed requirement; as a guide in terms of time frames, if it is likely that procurement over 3 years or less from the same supplier is to exceed this threshold, then tenders must be called in the first instance, or as soon as it is recognised that limits will be reached.

Only limited exceptions to these thresholds apply under the Regulations such as:

- Expenditure authorised in an emergency situation (as defined by the Act);
- The supply of goods or services is obtained through the WALGA Preferred Supplier Arrangement. All WALGA Preferred Supply Panels have been established utilising a competitive public procurement process to pre-qualify suppliers that meet compliance requirements and may offer optimal value for money to the Local Government sectors (note purchases via the WALGA Preferred Supplier Panels are still subject to the minimum number of quotations set out in Section 7.0 above).
- Acquired from an Australian Disability Enterprise and represents value for money.
- The purchase was subject to a tender, but no tender was submitted that met the tender specifications or satisfied the value for money assessment within 6 months of no tender being accepted.
- The purchase is under auction which has been authorised by Council.

- Where the contract is for petrol, oil or other liquid or gas used for internal combustion engines; or
- Council by resolution, has good reason to believe, it is unlikely that there is more than one potential supplier.
- Any other exclusions under Clause 11(2) of the Local Government (Functions and General) Regulations 1996.

All Tenders shall be prepared and considered according to the Local Government (Functions and General) Regulations 1996. In addition, the following practice shall apply:

- A procurement plan must be prepared including the proposed compliance and qualitative decision criteria and authorised by Council prior to issue of the tender.
- The call for a tender and the decision assessment criteria must be authorised by Council unless approved under delegated authority by the Chief Executive Officer prior to issue of the tender.
- In addition to the tender being advertised in a state-wide newspaper (such as the West Australian), preferably on a Wednesday or Saturday, the Tender shall be issued on the Tenderlink on-line procurement portal, and the portal shall be accessible to tenderers via the Shire of Halls Creek web site.
- For probity purposes the Tenderlink on-line portal shall be used for the submission of tender responses and used for the issue of notices/ addendums /answers to tenderers questions through the on-line forum.
- As soon as possible after the close of the tender, the Tenderlink on-line tender box shall be opened in the presence of at least two Council officers, one being a Director. The tender register shall be completed and signed by both officers with the tender responses recorded in Magiq.
- Members of the public are entitled be present during the opening of the on-line tender box.
- There is no obligation to disclose or record tender prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Halls Creek.
- The tender responses will be assessed by an evaluation panel against the pre- determined criteria. The evaluation panel will comprise of a least three members, with one being a Shire of Halls Creek Director and at least one other staff member (the third member may be a further staff member or external consultant) unless approved otherwise by the Chief Executive Officer.
- A recommendation of the preferred tenderer shall be presented to Council for a decision in the form of a detailed Evaluation Report and shall reflect the consensus view of the evaluation panel members.

Following the decision of Council, each tenderer shall be notified of the outcome of the tender with the notification including the name of the successful tender and the total value of the winning offer. These details must also be entered into the Tender Register.

### **No Tenders or Acceptable Tenderer Received**

Where the Shire of Halls Creek has invited tenders, however no tender was submitted that met the tender specification or satisfied the value for money assessment, in accordance with the *Local Government (Functions and General) Regulations 1996 Regulation 11(2) (c) (i)*, direct purchases can be arranged. The

same applies if expressions of have been sought but no person was, as a result, listed as an acceptable tenderer under Clause 11(2) (c) (ii) of the Regulations. When doing so the specification for the goods/ and or services must remain the same as tendered or as included in the expression of interest.

A statement indicating that no or any tender will necessarily be accepted will be made in the tender notice and tender document.

### **Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call a competitive Tender provided that there must be genuinely only one source of supply. E.g., Same Make, model of previous purchases, replacing like for like assets etc. All reasonable endeavours to find alternative sources must be made and documented. Once determined, the justification and decision to sole source must be approved by Council resolution or the Chief Executive Officer if delegated authority to do so has been granted, prior to a Purchase Order being issued or a contract being entered.

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

### **Canvassing Of Councillors and Officers Will Disqualify**

The Shire of Halls Creek Code of Conduct places probity responsibility on Councillors and officers (staff) to declare their personal involvement with any supplier or tenderer in the case of procurement. It stands to reasons therefore that the canvassing of Councillors or Officers (staff) by a supplier would preclude them from partaking in any decision in relation to the procurement. It is therefore prohibited.

A statement indicating that the canvassing of Councillors or staff is prohibited and will disqualify tenderers, will be made in the tender document.

### **Recordkeeping And Checklist for Tenders**

Record keeping of all tenders must be completed in accordance with the Shire of Halls Creek Recordkeeping Plan, policies and procedures. This includes all notes, check lists, tenders received, evaluations, decisions, letters and emails associated with the tender.

A tender checklist will be maintained by the Director Corporate Services. This is to assist purchasing officers to carry out their duties according to this policy and to assist in auditing. It is the responsibility of the purchasing officer to complete the checklist for all Tenders.

### **Purchasing From Common Use Arrangements (CUA)**

Common Use Arrangements (CUA) have been established by the Department of Finance for State Government use. In the instance where a CUA allows for Local Government use, a purchasing officer may purchase from a CUA by following the requirements for the purchasing thresholds as defined in Section 7 above.

### **Emergency Purchases**

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the Local Government Act 1995. In such instances, quotations and tenderers are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotations and tenders, whichever may apply.

### **Minor Variation Prior To Entering A Contract**

If after a preferred tenderer or quotation has been chosen, but before the Shire of Halls Creek and the preferred supplier/contractor have entered into a contract; a minor variation may be negotiated with the preferred supplier/contractor. A minor variation shall not alter the nature of the goods/services procured, nor will it materially alter the specification as set out in the tender/request for quote.

All minor variations can only be such as not to compromise the Shire value for money principles and must be approved by the Director or the Chief Executive Office by written acknowledgement between the parties.

### **Varying A Contract**

A contract variation must only occur in the following circumstances:

- The variation is necessary for the goods / services / works to be provided; and
- The variation does not alter the scope of the Contract; or
- The variation is a renewal or extension to the original term of the contract, in the circumstances when the original contract contained an allowance for such provision

If the proposed variation does not meet the above conditions, a separate competitive purchasing process must be conducted in accordance with the relevant purchasing threshold.

The funds requirement to meet the cost of the variation must be available with the amount set aside in the Council adopted budget and the variation must be approved in writing before the commencement of the supply or work by a Director or the Chief Executive Officer with the appropriate purchasing limit delegation.

For the purpose of this Procurement Policy, a signed purchase order is considered to be a contract.

### **Anti – Avoidance**

The Shire of Halls Creek shall not enter two or more contracts of a similar nature for the purposes of splitting the value of contracts to enable the value of consideration to be below the level of \$250,000, thereby avoiding the need to undertake a public tender process.

### **Information On Regular Suppliers**

The Shire of Halls Creek will seek insurance certificates and qualifications from regular suppliers and contractors and keep the information on record along with supplier performance information to streamline procurement processes.

### **Western Australia Local Government Association (WALGA) Procurement Toolkit**

The Shire of Halls Creek subscribes to the WALGA Procurement Services. This subscription allows access to a Procurement Toolkit which should be consulted for further details and guidance. The Toolkit also contains template documents including Request for Quotation, Request for Tender, procurement plan, evaluation workbooks and reports and contracts. These documents will be used when implementing this Procurement Policy.

WALGA Procurement advice up to a certain level is free and beyond that available at a fee. Shire procurement plans will indicate if WALGA procurement services will be used in the panel assessment of tenders.

### **Purchasing Authority And Limits**

All purchasing decisions and purchase order authorities are to be in accordance with the delegated authority of the Shire officer as set out in the Shire of Halls Creek Delegation Register.

**HEAD OF POWER:** *Local Government Act 1995 – Sections 2.7, 3.57; Local Government (Functions and General) Regulations 1996: Part 4 – Provision of Goods and Services; State Records Act 2000.*

**DELEGATION:** To the Chief Executive Officer with the power to delegate to Council officers.

<b>Policy Number</b>	A11 Prev. Ed. ADM 21
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## **A12 PROCUREMENT – REGIONAL PRICE PREFERENCE**

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### **Administration**

#### **PREAMBLE**

To provide for a price preference framework for the purchase of goods and services from local Shire of Halls Creek businesses, companies and suppliers.

#### **OBJECTIVE**

The policy aims to deliver a higher-than-average take-up of local supply, by detailing the extent of consideration the local suppliers will receive as opposed to non-local supply.

#### **POLICY**

The Shire of Halls Creek will provide businesses, companies and suppliers the opportunity to compete for Shire business with a competitive advantage on price whilst the primary principles of value for money purchasing would apply also.

The Shire will determine the systems, procedures and requirements that compliment this aim of maximising local purchasing, and when direct comparison to locally supplied goods and services is required, the competitive pricing arrangements detailed in this policy will apply.

Goods and services can only be compared like for like, need for need, delivered in Halls Creek at the same or similar timeframes. In all cases where local supply versus non- local supply comparatives is not favourable with value for money principles, staff must detail the variances indicating why alternatives were chosen.

In terms of definition, local versus non-local can be determined from the originating source of the goods or service supply, as opposed to the Shire of Halls Creek based supplier of such goods and service.

Nothing in this Policy overrides or prevents the full application of the Shire of Halls Creek Procurement policy and practice including specifically designed quote or tender procurement plan requirements.

#### **PRACTICE**

##### **General Purchasing (Other Than Tenders)**

When officers seek a quotation for the purchase goods or services, quotes must be obtained from businesses (if in existence) who could provide the goods or services required which are located within the Shire of Halls Creek.

##### **Requests For Quotations and Tenders – Regional Price Preference**

That a Regional Price Preference will be provided to businesses operating within the boundary of the Shire of Halls Creek for all goods and services in accordance with Regulation 24D of the *Local Government (Function and General) Regulations 1996*.

- Up to 10% - where the contract is for goods and services, up to a maximum reduction of \$50,000 on total cost ex GST.

- Up to 5%-where the contract is for construction (building) services, up to a maximum price reduction of \$50,000 ex GST, or
- Up to 10% where the contract is for services (including construction services), up to a maximum price reduction of \$500,000 ex GST if the Local Government is seeking tenders for the first time, due to the services previously being undertaken by the Shire of Halls Creek.
- The supply of goods comparison conducted by staff if sourced from a Halls Creek supplier will include a freight component, based on known regional freight costs.
- A copy of this policy must be sent to potential suppliers with each Request for Quotation or Request for Tender documentation.
- The Regional Price Preference Policy will apply to all quotes and tenders unless otherwise resolved by Council and information that outlines the power of the Council to make that decision is to be included in the Quote or Tender advertising and procurement plan. (i.e., Regional Price Preference policy applies and the lowest or any Tender not necessarily accepted).

**HEAD OF POWER:** *Local Government Act 1995, Regulation 24D of the Local Government (Function and General) Regulations 1996.*

<b>Policy Number</b>	A12
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A13 PRIMARY AND SECONDARY DOCUMENTS**

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### **Administration**

#### **PREAMBLE**

The detail of the primary source of information, plans, strategies and policy used by the

Shire in the conduct of its business is rarely fully comprehended. Each has an impact on the output of the Shire and generally provides the base direction and intent of our actions, remembering that every action is also bound by the scope of overarching legislative framework and the Code of Conduct to which the Shire of Halls Creek must abide.

#### **OBJECTIVE**

To provide accurate reference to the primary and secondary documents the Shire uses and to manage their updates, changes and reviews, presented in a concise accurate listing. To have Council acknowledge the existence of this material and their priority on processes used by staff.

#### **POLICY**

The Primary Documents are to be regarded as providing the generally fixed operational direction, strategy and reference material that apply to the Shire business direction. These documents are backed with the direct authority of adoption by the Council. The Primary Documents do have the standing of authority of the Council, having passed a resolution accepting the documents.

The Primary Documents impose and create procedural and administrative intent on Shire staff, Shire residents, contractors and stakeholders alike, and may also contain reference to other legal obligations, applicable statutes, Shire policy, adopted Codes, Circulars and case law decisions that could all impact on practice.

The Primary Documents for the Shire of Halls Creek are:

- Shire of Halls Creek Administrative Policy Manual 2019
- *Shire of Halls Creek Community Strategic Plan* (ed. 2015 – being reviewed 2020)
- *Shire of Halls Creek Corporate Business Plan* (ed. Nil – being developed 2020)
- *Shire of Halls Creek Long Term Financial Plan* (ed. Nil – being developed 2020)
- *Shire of Halls Creek Annual Budget* (by Year)

It is not the intention that the Primary Documents capture all planned strategies and intent of the Shire, but they form the primary information that would allow analysis of where the Shire intends to head strategically. These documents are generated as a requirement of the Local Government Act 1995.

Nothing in this policy prevents the Primary Documents from being amended, updated, altered, added to or changed as the law may in fact require such. Any change must be consistent with the intent of producing sufficient documentation



to allow staff to legally perform their duties and for the Council to express their desired strategic and operational approach.

Changes proposed to the Primary Documents, require a report with recommendation to Council for adoption, and as can be seen, most are reviewed or renewed annually.

**Secondary Documents:** Secondary documents are the support materials, the required registers and the records that provide the legislative and administrative backbone to the operations of the Shire of Halls Creek. They can be strategic in nature or more operational and may be created under other legal frameworks. E.g., Shire of Halls Creek, Town Planning Scheme No 2. They can have legal intent or be compilation of working documentation of continuously changing processes and requirements. E.g., Administrative Procedures & Operational Guidelines (APOG).

Many of these documents impose operational standards and operational responses and decisions on the Shire and that cannot be overlooked as some provide a framework of guidance that must be followed.

Others can be adjusted and renewed to suit the circumstance, the times and the changing legal requirements. Secondary documents don't require the review of the Council prior to use, some are aimed at review and use.

**PROCESS:** The Shire of Halls Creek will consider the Primary Documents every year as part of Policy Review processes of the Council.

Secondary documents would be reviewed by Council when required. Whilst some may not have been placed before the Council for some time, nothing prevents the Shire from referencing, using and adjusting the secondary documents by resolution if required.

**NOTE:** The Chief Executive Officer will maintain a listing of all Primary and Secondary Documents that impact on the operations of the Shire and table this at Policy Review.

**HEAD OF POWER:** *Local Government Act 1995*

## **POLICY MANUAL PRIMARY AND SECONDARY DOCUMENTS LISTING PRIMARY DOCUMENTS - SHIRE OF HALLS CREEK**

- *Shire of Halls Creek Policy Manual 2019*
- *Shire of Halls Creek Community Strategic Plan* (ed. 2015 – being reviewed 2019)
- *Shire of Halls Creek Corporate Business Plan* (ed. Nil – being developed 2019)
- *Shire of Halls Creek Long Term Financial Plan* (ed. Nil – being developed 2019)
- *Shire of Halls Creek Annual Budget* (by Year)

## **SECONDARY DOCUMENTS – SHIRE OF HALLS CREEK**

- *Shire of Halls Creek Administrative Procedures & Operational Guidelines (APOG) Manual 2019.*

- *Shire of Halls Creek Asset Management Plan* (ed. 2017 – being reviewed 2019)
- *Shire of Halls Creek Workforce Plan 2017* (ed. 2015 – being reviewed 2019)
- *Shire of Halls Creek Employee Induction Manual* (Ed. Aug 2016)
- *Shire of Halls Creek Employee Safety Manual – Policies and Procedures* (Ed. Nov 2016)
- *Shire of Halls Creek Contracts and Legal Documents Register*
- *Shire of Halls Creek Complaints Register*
- *Shire of Halls Creek Corporate Style Guide* (under review 2019)
- *Shire of Halls Creek Delegation Register* (December 2018 – being reviewed 2019 after Policy).
- *Shire of Halls Creek Disability Access and Inclusion Plan (DIAP) 2014-2019*
- *Shire of Halls Creek Employee Handbook* (ed. Oct 2018)
- *Shire of Halls Creek Equal Employment Opportunity Plan* (ed.2016 – under review)
- *Shire of Halls Creek Freedom of Information Statement 2017*
- *Shire of Halls Creek Gifts Register*
- *Shire of Halls Creek Incident Investigation Procedure* (under review).
- *Shire of Halls Creek – Halls Creek Aquatic Centre Operations Manual for Pool Plant, Equipment* (ed. May 2018).
- *Shire of Halls Creek Management Orders (Landholdings) & Vesting Orders Register* (being prepared in Magiq)
- *Shire of Halls Creek Pecuniary Interest Register*
- *Shire of Halls Creek Public Interest Disclosure Procedures document*
- *Shire of Halls Creek Records Management Plan*
- *Shire of Halls Creek Safe Work Method Statements* (under review)
- *Shire of Halls Creek Town Planning Scheme No 2* – to be finalised 2019.

<b>Policy Number</b>	A13
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A14 PUBLIC INTEREST DISCLOSURE**

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### **Administration**

#### **PREAMBLE**

The Shire of Halls Creek is committed to the aims and objectives of the Public Interest

Disclosure Act 2003. To support Staff who make Public Interest Disclosures the Shire has both Policy and Practice adopted to encompass its commitment to the Act.

#### **OBJECTIVE**

The object of the Act is to:

- Facilitate the disclosure of public interest information.
- Provide protection for those who make disclosures; and
- Provide protection for those who are the subject of a disclosure.

This is achieved by:

- Protecting the person making the disclosure from legal or other action.
- Providing for the confidentiality of the identity of the person making the disclosure and a person who is the subject of a disclosure.

#### **POLICY**

The Shire of Halls Creek does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire of Halls Creek and its officers, employees and contractors. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.

The Shire of Halls Creek will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire of Halls Creek does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

#### **PROCESS**

The Shire has adopted internal procedures to provide for the manner in which the Shire of Halls Creek will comply with its obligations under the Public Interest Disclosure Act 2003. They provide for the manner in which:

- Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) or Director Corporate Services.
- The PID Officer shall investigate the information disclosed or cause that information to be investigated.
- The PID Officer may take action following the completion of the investigation.
- The PID Officer shall report to the discloser as to the progress and outcome of that investigation and the action taken as a consequence.

- The confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained.
- Records as to public interest disclosures shall be maintained and reporting obligations complied with.
- Providing remedies for acts of reprisal and victimisation that occur substantially because the person has made a disclosure.

The rights and obligations created by the PID Act are described in the Shire of Halls Creek Public Interest Disclosure Procedures document detailed in the Primary Document policy.

**Note:** PID Act procedure manual can be found in the Primary and Secondary Documents listing.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	A14
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
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# **A15 RECORDS MANAGEMENT**

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## **Administration**

### **PREAMBLE**

Under the WA State Records Act 2000, the Shire of Halls Creek is obliged to maintain corporate records that completely, accurately and reliably demonstrate and support all business, operational and administrative activities undertaken. These records are to be maintained for as long as required for legislative, accountability and compliance purposes.

Included in this Policy are comprehensive conditions for the digitisation of source records before destruction activities are allowed to take place. The Shire is responsible for ensuring that all digitised records are managed in accordance with relevant legislation, business practices, regulations and policy to meet these requirements.

### **OBJECTIVE**

This Record Keeping Policy provides a framework for the lifecycle of corporate records including creation, maintenance, storage, retention and disposal. Requirements are stipulated in accordance with current recordkeeping legislation, standards and best practice.

This includes the conditions and circumstances under which the Shire of Halls Creek original paper source records are digitised and subsequently destroyed. The Policy details all applicable best practice guidelines for digitisation, ensuring tools and processes are in place prior to disposal of source records.

### **SCOPE**

This Policy applies to:

- All Shire of Halls Creek personnel
- All Shire of Halls Creek contractors
- All Shire of Halls Creek Elected Members and Councillors
- All eligible records

### **LEGISLATIVE REQUIREMENTS**

The State Records Act 2000 has specific provisions relating to the responsibility to create, manage and dispose of records in accordance with principles and standards issues by the State Records Commission.

In accordance with Section 19 of the *State Records Act 2000*, the Shire of Halls Creek has a Recordkeeping Plan that is in the process of being developed with an aim to be approved by the State Records Commission.

Other legislation and standards impacting on records management includes but is not limited to the:

- *Evidence Act 1906*
- *Limitation Act 2005*
- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *Criminal Code 1913 (Section 85)*
- *Electronic Transactions Act 2011*

## DEFINITIONS

**Authenticity** – means a record can be proven to be what it purports to be, has been created or sent by the person purported to have created or sent it, and has been created

or sent at the time purported.

**Digitisation** – means the process of converting records in an analogue format (source records) to a digital format.

**Disposal** – is the process of removing records from the organization by either their destruction or transfer to the State archives collection for permanent retention.

**Disposition** – means the range of processes associated with implementing records retention, destruction or transfer decisions which are documented in disposal authorities.

**Electronic Document Record Management System (eDRMS)** – is an automated system used to manage the creation, use, management and disposal of physical and electronically created documents and records for the purposes of:

- Supporting the creation, revision and management of records.
- Managing the retention and disposal of records.
- Improving an organization's workflow; and
- Providing evidence of business activities.

The system will maintain appropriate contextual information (metadata) and the links between the records to support their value as evidence.

**Integrity** – refers to a record being complete and unaltered, and protected against unauthorised alteration.

**Record** – The Act defines a government record as a record created or received by:

- (1) a government organisation; or
- (2) a government organisation employee or contractor in the course of work for the organisation.

A corporate record is information from any source that is produced or obtained in the process of undertaking Shire activities and operations. It is the responsibility of staff at all levels to capture corporate records. These records support the decisions and actions undertaken by council on a daily basis. Records can be divided into four categories: administrative value, historical value, legal value and evidential value.

Some government records are ephemeral and may be destroyed as soon as they are of no use. This includes:

- (1) unsolicited advertising material;
- (2) duplicate copies of circulars;
- (3) duplicate copies of minutes; or
- (4) internal work-related email circulated for information purposes only.

Most records however must be captured and retained for a certain period if time before being archived or destroyed by government departments. Records of particular state importance must never be destroyed but instead transferred to state archives after a minimum period of retention has elapsed. The classification of corporate records within local governments and their associated mandatory retention periods are established by the Retention and Disposal Authority for Local Government.

**Reliability** – means the contents of a record can be trusted to be a full and accurate representation of the matters to which the record relates.

**Reproduction** – means a copy or duplicate of an original, such as a reproduction in digital format (via digitisation) of a source record in an analogue format.

**Source record** – means any record in an analogue format (e.g. paper, film, photograph) from which a reproduction in digital format has been created.

**Usability** – means the record can be located, retrieved, presented and interpreted.

## **ROLES AND RESPONSIBILITIES**

**Councillors** – any correspondence relating to the duties performed as councillor on behalf of the Shire must be captured as shire corporate records.

**Chief Executive Officer** – The Chief Executive Officer is ultimately responsible to government for the provision of a records management system that meets legislative recordkeeping requirements and ensures the capture and security of shire records.

**Records Manager** – The Records Manager is responsible to the CEO for the provision of advice and support in relation to all shire records management requirements.

**Shire Staff** – All staff members are responsible for the capture of corporate records created or acquired through the course of their business activities within the Shire.

**Contract Staff** – All contract staff are required to submit to shire any records developed or acquired whilst employed by the Shire of Halls Creek.

## **CREATION OF RECORDS**

All councillors, staff and contractors will create full and accurate records, in the appropriate format, of the City's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

## **CAPTURE AND CONTROL OF RECORDS**

All records created and received in the course of City business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate record keeping and business systems that are managed in accordance with sound record keeping principles. The current records and business systems are Synergy for all Accounting records, and MAGIQ eDRMS for all other corporate records.

## **POLICY**

### **Digitisation and Disposal Of Source Records**

The Shire of Halls Creek is reliant on relevant and accurate records, and as such, source records must only be disposed of if the manner in which they have been digitised ensures that the digitised copies are authentic, complete, reliable and as practical and functional as the original record from which they are created. This Policy applies to all Shire of Halls Creek personnel and contractors and applies to all eligible records.

### **Records eligible for destruction after digitisation are:**

- Day to day, high volume administrative "transactional" records.
- Other source records that have been created in accordance with Digitization Specification; quality control and assurance procedures and checks are successfully completed; re-digitization has been taken where needed.

**Records which are not eligible for destruction after digitisation are:**

- State archives which were created before the year 2000.
- Records that have significant aesthetic or intrinsic value in their original format.
- Records subject to a legislative or government requirement that the original record format be kept.
- State archives which are on loan to the organisation from the State archives collection.
- Records not covered by an approved disposal authority.

Destruction of Shire of Halls Creek Source Records will only be undertaken if it is in accordance with the below items:

- Approval by the Shire of Halls Creek CEO (or authorised delegate).
- Source Records are managed under approved Shire of Halls Creek Record keeping plan.
- Compliance with GDA for Source Records 2016.
- Compliance with SRO's Digitization Specification.
- Minimum compliance requirements of State Records Commission Standard 8 –Principle 5.

Compliance with Shire of Halls Creek Source Record Digitisation Procedure detailing technical standards for digitization, including:

- Reproductions are captured into the Shire of Halls Creek EDRMS at the time of digitisation.
- Quality Assurance procedures are used during the capture and management of digitised records.
- Digitised records are maintained in secure environment and managed responsibly to preserve their integrity for as long as required.
- Reproductions have the required degree of authenticity, integrity, reliability and usability necessary to substitute for source records.
- The source records are covered by the Shire of Halls Creek approved disposal authority.
- Reproductions will be kept for as long as required by relevant disposal authority.

**PROCESS:**

Responsibility for digitisation and destruction of source records in accordance with this Policy lies with the Records Management team. The RM team will execute the digitisation of source records, and subsequent schedules of source records due for destruction will be referred to the Records Manager for review and authorisation of destruction.

Prior to digitisation processes being implemented, a compliance and risk assessment was conducted to ensure the processes were suitable for the Shire of Halls Creek's business activities and needs, relevant legislation, regulations and policies.

The Shire of Halls Creek Source Record Digitisation Procedure details the exact processes undertaken to meet compliance.



**HEAD OF POWER:**

*State Records Act 2000*

*General Disposal Authority for Source Records 2016*

*State Records Office's Digitization Specification*

*State Records Commission Standard 8*

*The Shire of Halls Creek Source Records Digitization Procedure*

Records Management team - [Records@hcshire.wa.gov.au](mailto:Records@hcshire.wa.gov.au)

<b>Policy Number</b>	A15
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A16 REFRESHMENTS**

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### **Administration**

#### **PREAMBLE**

The Shire of Halls Creek is a progressive local authority that has an established role as a community and regional leader. The Shire encourages senior employees (the CEO and DCS) to promote the shire as a place to live and do business.

Many community members volunteer their time freely to contribute to the affairs of the Shire.

Council and staff regularly engage in discussion and negotiation with businesspeople that are investing or considering investing within the Shire

#### **OBJECTIVE**

To be professional in offering refreshments following meetings to encourage interaction, the forming of networks and to express thanks to volunteers and to be hospitable toward visitors generally.

#### **POLICY**

On the direction of the Shire President or the CEO, all Council members and Senior Staff have free reasonable use of the refreshment facilities in the Council Chambers.

Councillors have the authority to extend reasonable use of those facilities to members of Committees and the community provided the occasion is to the benefit of the Shire Community.

The Chief Executive Officer is authorised to make reasonable use of these facilities at his/her discretion providing the function is of benefit to the Community.

#### **PROCESS**

The following conditions apply:

- Use of facilities and consumption of refreshments is not to be abused.
- Use is not permitted for personal benefit.
- Visitors and guests are not to be left in the premises alone at any time.
- A staff member is to be the last to leave the premises and set the security system.
- The facilities are to be tidied up to the extent that empty bottles, plates, dishes; and
- The CEO may ask persons to leave or cease serving refreshments where he/she is concerned for their health, safety and welfare.

Elected members, the CEO and DCS are to use their discretion when the facilities are used. Use should be avoided if there are other people using the meeting rooms at the time that guests are leaving meetings to avoid causing disruption and perception of unprofessional conduct.

**HEAD OF POWER:** *Local Government Act 1995 2.10 (Councillors) 5.41 (CEO) 5.44 (Employees) Code of Conduct.*

<b>Policy Number</b>	A16
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## A17 RISK MANAGEMENT

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### Administration

#### PREAMBLE

The Shire of Halls Creek acknowledges that there is a level of risk associated with the creation and the maintenance of assets and services. The process for the development of new assets per the Assets Management Plan identifies risk assessment by application of the Australian Standard AS/NZS ISO 31000:2009 – Risk Management – Principles and Guidelines.

Prior to the implementation of a new strategy, activity, service, event or project, officers of the Shire of Halls Creek will analyse the likelihood and consequence of any risks associated with the subject matter and recommend to management and or the Council whether the level of risk is acceptable, manageable or not manageable at all. Officers will assess the level of risk using this policy and Australian Standard AS/NZSISO 31000:2009 – Risk Management – Principles and Guidelines.

#### Risk Management Definition:

*"...the possibility of something happening those impacts on your objectives. It is the chance to either make a gain or a loss. It is measured in terms of likelihood and consequences".*

#### OBJECTIVE

To ensure that sound risk management practices and procedures are fully integrated into the Shire of Halls Creek strategic and operational planning processes and day to day business practices.

#### PRACTICE

The CEO, Managers and employees of the Shire of Halls Creek are committed to the implementation of an enterprise-wide risk management approach to identify and manage all risks and opportunities associated with the performance of the Shire of Halls Creek functions and the delivery of services.

To achieve this practice risk management strategy has been developed for the organisation. In implementing this strategy, the Shire of Halls Creek will actively:

- Identify and prioritise all strategic and operational risks and opportunities using the risk management process.
- Ensure risk management becomes part of day-to-day management and processes.
- Provide staff with the practices and procedures necessary to manage risks.
- Ensure staff are aware of risks and how to identify, assess and control them; and
- Compile and monitor a register of operational and strategic risks in order to achieve continuous improvement in risk management.

Australian Standard AS/NZS ISO 31000:2009 – Risk Management – Principles and Guidelines shall be used as the model for the implementation of the risk management strategy and process within the organisation.

Management and staff are to be familiar with, and competent in, the application of risk management principles and practices and are accountable for applying them within their areas of responsibility.

The following risk categories are to be considered in application of this policy:

- Financial
- Human Resources
- Legal
- Councillors/management Time
- Reputation
- Service Delivery
- Community

The level of risk associated with the consequence of the risk outcome is to be considered by the attached table.

**Specific responsibilities are:**

Chief Executive Officer and Operational Directors and Managers

- to promote risk management as a vital business principle.
- to manage implementation and maintenance of the risk management policy in their areas of responsibility and create an environment where staff are responsible for and actively involved in managing risk.
- implement and review the risk management strategy and provide advice in relation to risk management matters.
- to facilitate training on the implementation of risk management.

**PROCESS**

Officers will assess the risk of all operational and strategic decisions including all decisions made under delegated authority and or referred to a Council Committee or an Ordinary Meeting of Council (OMC).

Officer reports will identify if there is a likelihood of risk associated with the item subject of the report and advise the outcome of the risk analysis in accordance with this policy.

Council and committee reports will include a reference to risk, explaining if a risk has been identified and how the risk is to be managed based on this policy and other relevant matters.

Where the outcome is high or very high the finding is to be disclosed.

Action, if any is to be recommended with regard to treatment of the risk or to not proceed with the project.

Identification of risk in reports will be included in the Risk Register each month, so that the required assessment and reporting will consider over time how the risk is being treated, where the risk is reducing

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	A17 Prev. Ed. ADM 29
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
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## RISK MANAGEMENT FRAMEWORK – SHIRE OF HALLS CREEK

### 1. Quantifying Risk ("Raw Risk" & "Residual Risk") - Likelihood / Impact Matrix

The level of risk is quantified by assessing the likelihood of an event occurring and the impact of the event on the Council or the community. Use the matrix in Table 1 to "score" the risk. This is done for both the "Raw Risk" or uncontrolled risk and the "Residual Risk" – the risk following the application of a control measure(s).

**Table 1. Guide to quantifying risk**

Event Likelihood / Impact Matrix			
Likelihood (refer Potential Risk Likelihood Guide)	Impact (refer Potential Risk Impact Guide)		
	Minor	Medium	High
Low (unlikely)	1	2	3
Moderate (likely)	2	4	6
High (very likely)	3	6	9

**Low risk** – is a risk / activity with a score of 2 or less

**Moderate Risk** – a risk / activity with a score between 3 or 4

**High Risk** – a risk / activity with a score of 6 or more

Refer to the Table 2 below, *Potential Risk Likelihood Guide* for guidance on how to assess the likelihood of an event occurring. Refer to Table 3 below, *Potential Risk Impact Guide*, for guidance in assessing the potential impact of an event.

### 3. Potential Risk Impact Guide

Table 3 is used to determine the impact of a risk or event occurring.

**Table 3. Guide to categorise the impact of a risk or event occurring.**

Factor	Minor	Medium	High
<b>Financial</b>	Loss less than \$10K	Loss between \$10K - \$100K	Loss exceeding \$100K
<b>Human Resources</b>	1 x 2 <sup>nd</sup> tier or other key personnel leaves in 1 year.  Employee turnover less than 20% pa  Injury with up to 1 months' time-off	2 x 2 <sup>nd</sup> tier or other key personnel leave in 1 year.  Employee turnover 20% or more but less than 30% pa  Injury with between 1 month and 6 months' time off	Chief Executive Officer or 3 or more 2 <sup>nd</sup> tier managers leave in 1 year.  Employee turnover exceeds 30% pa  Injury with over 6 months' time off or permanent disability
<b>Legal</b>	Council sued or fined for up to \$10K	Council sued or fined for up to \$100K  Failure to follow correct statutory process	Council sued or fined for over \$100K  Failure to follow correct statutory process
<b>Councillors / Management Time</b>	Up to 5 days of Chief Executive Officer's or 2 <sup>nd</sup> tier manager's time	More than 5 days but less than 10 days of Chief Executive Officer's or 2 <sup>nd</sup> tier manager's time.  More than 1 unplanned day of Councillor's time.	More than 10 days of Chief Executive Officer's or 2 <sup>nd</sup> tier manager's time. employees  More than 5 unplanned days of Councillor's time.
<b>Reputation</b>	Negative State media coverage – up to 1 day, one media	Negative State media coverage – multiple media for up to 1 week	Negative State media coverage – multi-media for more than 1 week or negative National media coverage
<b>Service Delivery</b>	Up to one day loss of service	Up to five days loss of service	Five days or more loss of service
<b>Community</b>	Community isolated from services for up to 10 days	Community isolated from services up to 29 days	Community isolated from services for 30 days or more

## **A18 INDIGENOUS BUSINESS AGENDA (IBA)**

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### **Administration**

#### **PREAMBLE**

To develop a consistent, operationally effective, performance-based approach towards local indigenous advancement is difficult and requires focus and affirmative action. The Shire of Halls Creek (SoHC) must provide community leadership, develop sound principals and adopt affirmative actions to ensure that continuous indigenous advancement is built into the organisational culture, the operational practices and the hearts and minds of the staff and community. The creation of a principles platform, translated into business and strategic objectives, combined with supporting actions will provide Councillors and staff with clear direction. Affirmative actions and biases can then be identified, enforced and communicated to the SoHC community and Shire stakeholders.

#### **OBJECTIVE**

To document the principles behind the SoHC Indigenous Business Agenda in its various facets and provide clear direction to the business strategic and action plan implementation.

To detail the IBA performance management requirements under each element of the program and to record the cultural and business changes achieved.

#### **Definitions:**

##### ***SoHC Indigenous Business Agenda (IBA)***

Describes the business activities of Shire of Halls Creek that actively pursue indigenous advancement over and above what would be regarded as the normal local government business. The SoHC IBA is intended to apply within the Shire of Halls Creek, the Kimberley region or the State of WA and beyond, for all facets of local government business that the SoHC may generate.

##### ***Indigenous Business Partner (IBP) program***

Describes the indigenous business partners the Shire will establish and have relationships with to aid the Shire complete its annual capital, operational and services programs. IBPs will be legal entities supported by or used by the Shire to provide a range of employment, goods, works and services, and can include those providing capital contributions to the Shire. They could consist of independently owned and operated Indigenous businesses, Aboriginal Corporations, independent aboriginal employees, or a combination of the above where the predominant business function is carried out by aboriginal people. The aim of this relationship for the Shire is to spread the work, procurement and supply across numerous indigenous organisations and to support them across multiple years to develop and grow.

##### ***Aboriginal Employment***

Describes the employment of aboriginal persons in the Shire, IBP's or other organisations, either full time, part time or casual and can include traineeships, apprenticeships or work readiness programs designed to prepare aboriginal people for employment.

## **POLICY**

### **Policy Framework Principals**

The Shire of Halls Creek already undertakes affirmative action towards supporting indigenous business. This policy framework acts as a “stretching” tool and will identify and quantify those areas of business practice where the Shire can aim to impose a greater influence and result.

### **Aboriginal Employment Policy**

The SoHC has adopted an affirmative aboriginal employment policy (Policy A3 – Adopted May 2019) that targets an increase in aboriginal employment and traineeships within the operations of the Shire. This policy is a driver towards parity in the makeup of the Shire workforce when compared to the general population statistics – 75:25. The Shire acknowledged that positions filled is only part of the equation to achieve high aboriginal employment.

Affirmative action to support an employee’s training, development and position competence is essential, as is parity in terms of Shire housing, advanced education and access to senior positions.

Shire Budgets are required to target and provide a higher-than-normal training and development component, as well as addressing legacy issues like housing and access to advanced training, education and senior positions.

### **Procurement Practice to Encourage Aboriginal Employment**

The SoHC has Procurement Policy (Refer Policy A11) that complies with the Local Government Act 1995 (LGA) and LGA Regulations. This policy drives purchasing and procurement on a best value approach, though the Shire can apply local preferences within tendering and quotation frameworks.

Through affirmative indigenous business preferences, the Shire can influence local, regional and State based suppliers to consider their contributions to aboriginal advancement and aboriginal employment.

The Shire will do this by:

- The insertion of indigenous business, aboriginal employment and SoHC local content objectives in procurement documents, procurement portals, Requests for Tender (RFT) and Requests for Quote (RFQ) documentation, as part of the Shire’s “best value” approach to procurement.
- With each procurement, RFT and RFQ an appropriate selection criteria weighting will be applied for the IBA criteria, and this weighting will in all cases not be less than 25%.
- To achieve this, the Shire will require changes to the procurement, RFT (tender) and RFQ (quote) documentation and assessment. In each case, suppliers will need to provide information in relation to their Indigenous Advancement commitment.
- The Shire will confirm via additional research, suppliers organisational and employment make-up and indigenous Advancement commitment in preparation for the RFT or RFQ assessment.
- When considering procurement plans, the identification of indigenous businesses and other indigenous suppliers that meet SoHC procurement criteria, will be listed and approached with encouragement to supply.



In comparing procurement supplier options, the Shire will use a matrix of priorities, and target suppliers that clearly prioritise aboriginal ownership, advancement, employment, training and development within their own organisations.

To do this, the Shire must conduct additional research into the supplier's organisational make-up.

Developing cost reporting centres that can identify the expenditure of the Shire in the A1 to C3 format, then actively pursuing how internal changes can shift expenditure patterns towards an A1 result.

A1 Aboriginal owned operated with +100% aboriginal employment	A2 Aboriginal ownership with more than 75% aboriginal employment	A3 Aboriginal ownership with less than 75% aboriginal employment
B1 Combination or mix of ownership with more than 75% aboriginal employment	B2 Combination or mix of ownership with less than 50% employment	B3 Combination or mix of ownership, limited evidence indigenous advancement and less than 4% aboriginal employment
C1 Non aboriginal ownership with high commitment to indigenous advancement with greater than 4% aboriginal employment	C2 Non aboriginal ownership with limited evidence indigenous advancement or less than 4% aboriginal employment	C3 No aboriginal ownership, No real evidence of indigenous advancement or aboriginal employment

**Note:**

4% is regarded as the percentage of aboriginal people in the Australian population, 75% is regarded as the percentage of aboriginal people in the Halls Creek population

**Local Aboriginal Issues Require Local Aboriginal Solutions**

The SoHC will transition and develop a business culture that demonstrates a clear acknowledgement that actions of the Shire in addressing local aboriginal issues will commence with the thorough involvement of local aboriginal people in the solution. Whilst it may not always be possible to accommodate the preferred solutions, the Shires aim will be to engage aboriginal elders, leaders and emerging leaders in actively offering their solution, so the Shire may conjointly work together for a result.

**Support In Business and Employment Culture**

The SoHC business culture will evolve to instinctively know that the combined effort with our indigenous business partners (IBP) and their aboriginal employees will always produce a result greater than the sum of the Shires individual effort. The Shire recognises that the transition to greater involvement of IBP's and indigenous people in employment will require prolonged programs of support and comparative opportunity in the workplace. Conversely, the Shire expectations include our IBPs adhering to contemporary human resource practice, merit and equal opportunity principles and Occupational Safety and Health requirements in all facets of IBP operations.

## **PROCESS**

To achieve application of the SoHC IBA policy, procurement and aboriginal employment outcomes and adoption of other indigenous business targets will be a Key Result Area in the performance assessment of the Chief Executive Officer and the Executive Management team. Quarterly reports indicating employment statistics and procurement results will be provided to the SoHC Audit Committee for examination.

During the transition phase (12 to 18 months – commencing July 2019) there will be:

- Focus on the current expenditure of the Shire that can be redirected.
- Development of SoHC staff resources who will drive the IBA.
- Expand SoHC staff capacities to research and identify preferred suppliers, work and bring focus to the IBA.
- Identify external supporters and agencies who will work alongside the SoHC in achieving the IBA aims.
- Development of a rolling Expression of Interest (EOI) for Indigenous Business Partners who have an interest in joining with the Shire in supply of goods and services.
- Expected high take-up for IBPs in the road construction phase of the Duncan and Tanami roads upgrades, including the expansion of aboriginal employment at a Shire and Indigenous Business Partner level.
- Added resources from existing Shire Budgets and external sources to support and develop IBP's and aboriginal workforces.

The Chief Executive Officer will direct focus on the Indigenous Business Agenda (IBA) and provide organisational frameworks to make it occur.

It is expected that the Shire will work with current and intended suppliers to meet or demonstrate the IBA requirements and have a lead in period of 12 to 18 months, thereby giving time to develop the compliant suppliers and future business relationships. The application of this policy will be advertised and promoted in the SoHC to ensure all business owners and potential suppliers have sufficient opportunity to engage with the Shire before the elements of the IBA are applied.

### **Indigenous Business Partner (IBP) Contracts or MOUs**

The IBP would be expected to support and adopt sustainable governance, business and employment practices to mirror Shire behaviour standards and the Shire would assist them where required to establish this process.

Shire contracts (where applicable) over longer time frames, would guarantee the start-up of the IBP's and minimise the risk to Shire. Where not possible, the Shire can provide MOUs to the expected relationship between the IBP and the Shire, and use these to provide a degree of certainty that the relationship is ongoing.

As an example:

In the expansion of the road work capacity of the Shire; risk can be offset by IBP's sharing in long term Shire MOU's and contracts to supply grading, trucking or other plant and/or workforce development. Shire would establish those partners to work alongside Shire to compliment and parallel our capacity.

Businesses that may also be able to share Shire contracts as micro businesses or as our business partners could include topics like:

Pest Control, Security, Cleaning, Detailing, minor building repairs, footpath and cemetery maintenance, tree pruning, Airport Maintenance, grass slashing, gardening, sport and recreation services.

**HEAD OF POWER:** Local Government Act 1995

<b>Policy Number</b>	A17
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/073
<b>Adoption Date</b>	20 June 2019
<b>Review Date &amp; Resolution</b>	19 Sept 2019 (2019/140) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A19 COVID-19 FINANCIAL HARDSHIP**

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### **Administration**

#### **PREAMBLE**

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID-19 pandemic, the Shire of Halls Creek recognises that these challenges will result in financial hardship for our ratepayers.

#### **OBJECTIVE**

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

#### **PRACTICE**

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy and;
2. Rates and service charges levied for the 2022/23 financial year.

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

#### **PROCESS**

##### **Payment Difficulties, Hardship And Vulnerability<sup>1</sup>**

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Halls Creek recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

##### **Anticipated Financial Hardship due to COVID19**

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

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<sup>1</sup> Adapted from DLGSC publication, *Local Government (COVID-19 Amendment Order 2022*, [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au).

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

### **Financial Hardship Criteria**

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

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

### **Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Halls Creek of any change in circumstance that jeopardises the agreed payment schedule.

#### **Note**

[A Ministerial Order Gazetted on 24 June 2022](#) in accordance with Part 10 of the Local Government Act 1995, prohibits application of interest or penalty charges on an excluded person's rate and service charge debts in the 2022/23 financial year or until the Order is revoked or expires.

Clause 5 (below) has therefore been updated to align the template policy with the Ministerial Order so that the template policy is appropriate for Local Governments that have not yet adopted a Financial Hardship Policy and wish to do so based upon this template.

### **Interest Charges**

A ratepayer that meets the Financial Hardship Criteria will not attract interest or penalty charges on rates / service charge debt in 2022/23, subject to the period of time that the *Local Government (COVID-19 Response) Ministerial Order 2022* remains effective (SL 2022/107 – Gazetted 24 June 2022).

In the case of severe financial hardship, the Shire of Halls Creek may consider writing off interest applicable to the Emergency Services Levy and / or interest previously accrued on rates and service charge debts.

### **Deferment Of Rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- Remains as a debt on the property until paid;
- Becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- May be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- Does not incur penalty interest charges.

### **Debt Recovery**

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

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2023, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2022/23 financial year.

Rates and service charge debts that remain outstanding at the end of the 2022/23 financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.

### **Review**

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

### **Communication And Confidentiality**

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

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

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

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	A19
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2020/057
<b>Adoption Date</b>	18 June 2020
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **A20 HOUSING – STAFF RENTALS**

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### **Administration**

#### **PREAMBLE**

As the owner of a variety of housing stock, the Shire of Halls Creek is required to adopt practice and guidelines to manage and provide good governance of its housing stock.

Management of employee housing for both the Lessor and Lessee will meet the requirements of the Residential Tenancies Act 1987.

#### **OBJECTIVE**

To make clear and simple statements about how the Shire of Halls Creek requires tenants to act and behave in the use of its housing stock and how the Shire will manage this stock.

If managed and planned appropriately, the Shire aims to provide sufficient accommodation to meet staff and service delivery requirements, and to provide consistency of practice.

#### **PRACTICE**

Housing is allocated by the Chief Executive Officer to designated positions within the workforce and shall be determined predominately on a hierarchical basis or positions that have traditionally been difficult to attract interest.

In exceptional circumstances the Chief Executive Officer may consider personal requirements of the employee and/or the significance of the position for the ongoing operations of the organisation.

Maintenance matters – are referred to the Director Asset.

<b>Position</b>	<b>Responsibility / Role</b>
Shire of Halls Creek	Owner
Chief Executive Officer	Manager
Director Assets	Maintenance and Inspections

#### **PROCESSES**

##### **Prior Occupation**

The Chief Executive Officer at his discretion may seek a Rental Reference Letter prior to allocation of housing for the Employee and family members entering into the rental agreement.

Employees who take up tenancy in a Shire residence are subject to terms and conditions of the Residential Tenancies Act 1987. Residential Tenancy Agreement documentation will be provided to incoming employees prior to their commencement with the Shire.

Employees who wish to take up tenancy in a Shire residence are to sign a lease prior to occupation of that residence.



All agreements and variations between the Shire and its employee must be in writing on the prescribed forms.

### **Pre-Entry Inspection**

A photo based limited Shire Inspection report (upon commencement) must be acknowledged and signed and returned to the Shire Office within 10 working days.

Documentation that will be provided to the incoming employees for housing will include:

Residential Tenancy Agreement (2 copies)

- Property Condition Report (photo based limited Shire Inspection report (upon commencement) must be acknowledged and signed and returned to the Chief Executive Officer within 10 working days.
- Record of Supplied Keys
- Furniture Agreement (where the Shire have supplied furniture)
- Personnel Deduction form for the payment of the security bond; and
- Utility connection form/s.

Before occupation of a dwelling can take place, the incoming employee is required to sign the Residential Tenancy Agreement and Personnel Deduction Forms for the payment of the security deposit and rent and return these documents to the Chief Executive Officer.

### **Keys**

The Director Assets is responsible for the issuing of all Shire housing keys. Any deadbolt, lock or security change or the theft or loss of Shire housing keys, should be reported immediately.

When receiving the keys, the employee is required to sign the Record of Supplied Keys and return this to the Chief Executive Officer.

Keys issued are recorded on the Shire key register and against the individual being issued with the key. Keys are non-transferable between staff and are not, under any circumstances, to be lent to the public.

All keys must be returned immediately upon termination of occupation of a Shire residence. Failure to do so will result in the cost of replacement locks being taken from available bond monies.

### **Immediately After Occupation**

Within five business days of occupation, the new employee is required to sign and return the Property Condition Report and Furniture Agreement.

### **Copy Of Lease Documents**

Shire staff will provide a copy of all lease documentation to the new employees within seven days of it being completed and returned to the officer noted on the lease documents.

### **Rent And Security Deposit (Bond)**

Each financial year, the Shire will set the employee rental rates or prescribed the method of payment for rentals or in lieu of rental into the Annual Budget Fees and Charges. These rental rates will not increase by more than 10% per annum.

Tenants will receive the prescribed notice of any rent increases in accordance with the *Residential Tenancies Act 1987*.

Rental rates for non-employees are payable at five (5) times the subsidised employee rate (500%).

Houses built and available for rent during the financial year will have a comparative subsidised employee rental rate set by the Chief Executive Officer and will be incorporated into the next Annual Budget.

Employees can apply to the Chief Executive Officer for an alternative housing option and each application will be assessed on a case-by-case basis with no precedent applicable. Such changes are deemed to be a new tenancy and are subject to a new bond and lease agreement.

The rent payable (may be salary sacrificed) or the rent equivalent contribution to Fringe Benefit Tax (after tax payment) will be advised to employees in their letter of offer or employment contract.

Rent is due and payable, calculated from the first day of occupancy, but payable from the first full pay the employee receives. As a courtesy, the Shire will not ask for rent if the first pay is not a full pay period.

A security bond equal to four weeks' rent is payable after the signing of the lease in accordance with the *Residential Tenancies Act 1987*.

A pet bond is to be paid in accordance with the Residential Tenancies Act 1987 if an animal is kept on the property, including visitors' animals that remain on the property for longer than 24 hours. The pet bond may be used to meet costs of fumigation of the property. The pet bond payable is \$260.00 with all existing tenant pet bonds adjusted as at the next scheduled rental increase.

The bond will be payable by payroll deductions in 2 fortnightly instalments commencing from the first full pay after the lease is signed.

The payments for the bond will be held in trust until all payments are received, at which time the bond will be forwarded in full to the Residential Tenancies Authority.

Additional bond payment may be required at the discretion of the Chief Executive Officer. If the rent is increased, it and will be payable in the first pay period after the Annual Budget is adopted.

Where the housing has a separate water meter, tenants will be responsible for any water charges more than 750 kilolitres per annum or that payment applicable to their employment contract.

Where an employee has rental accommodation from another source in the Shire, the Chief Executive Officer may provide a reimbursement of up to 20% of the rent paid upon presentation of receipts. This reimbursement will be paid monthly. The employee should seek their own financial advice on how this will affect their taxable income.

### **Annual and Bi-Annual Inspection OF Shire Residences**

A (6) and (12) month inspection of all Shire houses, units and flats is to be carried out to ascertain condition and housing maintenance requirements (damage and wear and tear). These inspections are carried out in March/April and Sept/Oct, but

times may vary due to schedule. Notice of inspection will be provided in accordance with the Tenancy Agreement. At this time, tenants are invited to offer their comments as to what items of maintenance or improvements they would like to see at each residence.

The second inspection shall coincide with the yearly inspection of all Shire dwellings to determine the budget allocation for the housing maintenance program.

These inspections of Shire Housing, including yards shall be conducted by a person authorised by the Chief Executive Officer.

In the event of an unsatisfactory inspection condition report, follow up inspections may be undertaken monthly until rectified.

### **Furnished Dwellings**

Furnishings, where supplied in Shire dwellings, will be basic in nature, and will be of a consistent quality and condition throughout all dwellings. Items will be supplied after consideration of cost and suitability to each premise. No requests for special or non -standard items will be considered.

If furniture is damaged (other than by reasonable wear and tear), staff will be required to contribute an agreed value of the reasonable replacement cost, after consideration of the age and condition of the item immediately prior to the damage. The replacement item will be selected by the Director Assets and may not be identical to the original.

The Shire will replace furniture due to fair wear and tear as budget permits.

Furniture items must not be transferred or removed from Shire dwellings without written authority from the Director Infrastructure. Where items are transferred between dwellings, the furniture register of each dwelling will be updated, and will require signing by each respective employee. Employees will be charged the full cost of replacement items for all goods removed from dwellings without the appropriate authority.

### **Tenant Responsibilities**

As per the Residential Tenancies Act 1987 the Lessor (Shire) must provide and maintain such means to ensure the premises are reasonably secure as prescribed in the Residential Tenancies Regulations 1989 and any lock or security device at the premises must not be altered, removed or added by a lessor or tenant without the consent of the other, and the lessor or the tenant must not unreasonably withhold that consent.

It is the responsibility of the Tenant to provide their own insurance on their personal contents/possessions.

All persons residing at the Shire's shared accommodation such as the Single Person's Quarters must abide by the applicable Code of Conduct.

### **Maintenance**

Tenants are to maintain the properties including the outside garden areas to a presentable clean and tidy standard. Gardens/yards to be kept in same state as when received or better. Areas must be free from overgrowth, weeds, debris, and

rubbish. The employee may be responsible for all reasonable costs associated with yard maintenance if it becomes an issue. Residence to be kept clean and free from dirt and grime build up – e.g. ceiling fans, air- conditioner filters, wall marks.

Tenants are to notify in writing any maintenance requests as soon as issues arise to the Director Assets as soon as practical of any maintenance requirements at the property so these can be addressed promptly.

Any improvements or proposed alterations to the dwelling must be submitted in writing prior to inspections to the Director Assets. These may be considered – budget permitting.

### **Urgent Repairs Prohibitions**

The Shire does not allow employees residing in Shire housing to sublet or enter a separate tenancy arrangement, whether rent is paid or not, to any other person. This includes verbal tenancy arrangements.

Employees and their associates (excluding their partner, spouse, or children) must not conduct any business from the Shire housing without the prior approval of the Chief Executive Officer.

Non-compliance may result in the market rental rate being applied retrospectively to the tenancy for the duration of the non-compliance. The additional rent will be deducted from the employee's pay over a timeframe determined by the Chief Executive Officer.

The lease will specify the names of people who will reside at the property, taking into consideration the additional cost to the Shire in providing services for these people. Non-compliance with this procedure by employees may result in disciplinary action being taken.

### **Dogs, Cats and Pets In Shire Residences**

The Shire guideline is that no cats, dogs, or pets be permitted at Shire residences. Should employees have pets, then application is to be made in writing to the Chief Executive Officer or an indication be made on the Tenancy Agreement application. The decision to allow pets at a residence is solely at the discretion of the Chief Executive Officer and is subject to the payment of a bond for such to occur.

Animals are not permitted at shared accommodation such as the Single Person's Quarters.

### **No Smoking in Residences**

As part of its obligation to employee's health and welfare, the Shire of Halls Creek's position is that smoking will not be permitted in Shire residences. If smoking is to be conducted outside the residence, the tenant will make arrangements to ensure the residence yard is free of cigarette butts.

If it is determined that a residence has been used for smoking, the Tenant may be responsible for a full painting of the residence.

## **Termination of Employment**

Please see items 40 & 41 of Residential Tenancy agreement – The lessor must give at least 30- or 60-days' notice and the tenant must give at least 21 days.

At the conclusion of employment, an employee in Shire housing must vacate the premises within twenty-one (21) days of their employment end date unless otherwise negotiated with the Chief Executive Officer. The negotiated vacant possession date will be in writing.

A letter from the Shire terminating employment of the tenant or a resignation letter from the employee tenant will be considered the appropriate grounds for providing notice to vacate the residence in twenty-one (21) days to satisfy the Residential Tenancies Act 1987. Such notice will commence from the date of the letter.

An inspection must be made of the premises with the tenant (where possible) to allow the tenant to make good any issues with the premises.

Any cost of repairs other than reasonable wear and tear will be the responsibility of the tenant. Any costs beyond the level of the bond will be recovered from the tenant.

## **INSTRUCTION TO STAFF**

To the Chief Executive Officer to:

- To recover from bonds the cost of damage repair, cleaning from tenants of they fail to do such.
- Take action to recover costs of water usage if other reduction remedies have failed to reduce consumption.
- Determine applications from tenants to allow a pet in the residence.
- Determine instances of recovery where it is evident that occupants of a shire residence have been smoking within.

## **HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	A15 previously HSG 01
<b>Responsible Department</b>	Administration previously Health & Regulatory Services
<b>Adoption Resolution Number</b>	2008/13
<b>Adoption Date</b>	28 February 2008
<b>Review Date &amp; Resolution</b>	21 May 2009 (Resolution no. 2009/101) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## A21 EMPLOYEE INCENTIVES

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### Administration

#### PREAMBLE

The purpose of this Policy is to formalise the circumstances under which employee incentives are issued to ensure transparency and accountability of those which are provided.

#### OBJECTIVE

Across the Shire there are several circumstances where employee incentives are afforded to employees. The purpose of employee incentives is to reward performance of employees within roles, to support the retention of performing employees, and to incentivise employees to perform above and beyond within their roles for the benefit of the Shire.

To ensure transparency and accountability of employee incentives, the following circumstances are considered to be employee incentives:

- Commissions: in retail arms of the Shire, such as the Post Office, sales of retail products generate commissions payable annually to employees.
- Training: for roles requiring specific training and upskilling, the Shire will invest in this and pay the full amount if the employee is retained for 12 months or more.
- Study assistance: as outlined in Policy HR15 incentives and payments exist for education and study.
- Performance based incentives: circumstances where employees performance is shown to bring the Shire measurable good will, financial benefit, and improve the standing of the Shire a performance bonus may be payable.

#### PRACTICE

At the discretion of the Chief Executive Officer, the above four circumstances warrant a reason to provide the described employee incentives. In the case of the study assistance, Policy HR15 must be followed with the appropriate paperwork submitted. In the case of the Chief Executive Officer receiving the incentive, this will be at the discretion of the Shire President.

**DELEGATION:** Chief Executive Officer

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	A21
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Executive Office
<b>Adoption Resolution Number</b>	2022/145
<b>Adoption Date</b>	17 December 2022
<b>Review Date &amp; Resolution</b>	

## **F1 CORPORATE CREDIT CARDS – USE**

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### **Finance**

#### **PREAMBLE**

Credit Cards are being used within Local Government as a purchasing resource. They can however expose the Shire to significant risk if not properly controlled and managed.

#### **OBJECTIVE**

To ensure the proper use and control of Corporate Credit and to comply with s6.5 (a) *Local Government Act 1995* and regulation 11 (1) (a) of the *Local Government (Financial Management) Regulations*. To provide the authority to the CEO to establish a system of corporate purchases by use of corporate credit cards that suits the Shire of Halls Creek needs, cognisant of risk elements associated with the practice.

#### **POLICY**

The use of Corporate Credit cards is at the Chief Executive Officer's discretion and shall not be used to supersede the Shire's procurement and purchasing system and procedures; use of credit is a complimentary function of purchasing.

- Credit Cards shall only be used for purchasing goods or services where expediency and processes do not allow the normal purchasing practices to apply e.g., over the phone or internet purchases or where the seller requests immediate payment.
- Credit cards will not be used to obtain cash.
- Credit cards will not be used for personal purchases, and if this occasion arises by error, immediate repayment or reversal of the purchase is required.
- Credit cards will only be issued with the approval of the Chief Executive Officer and in the case of the CEO, by the Director Corporate Services.
- A "non-reward" business credit card shall be the preferred option offered by the Shire's banker, and if rewards are offered, all rewards remain the property of the Shire.
- Card holders are responsible for the physical and information security of the card in their possession and in the case of a lost or misplaced card, the cardholder shall notify the Bank and Director Corporate Services immediately.
- All expenditure on corporate credit cards shall comply with delegation limits for Shire officers and GST Invoices and receipts of transactions shall be obtained by the card holder for monthly acquittal.
- Credit Cards will not be advanced on a monthly basis more than what has been acquitted.

#### **PROCESS**

The Shire of Halls Creek operates an electronic weekly settlement system (ProMaster) and officers are required at least monthly to submit card payments and receipts for authorisation and acquittal of the corporate credit card payments. In the case of credits, corrections and returns, a two-month acquittal period is provided. In the case of internal rejection of a transaction acquittal made, until the

matter is resolved by the supply of the correct information - not exceeding two months from the date of purchase. The officer will acquit all expenditure made by producing all receipts, or in the case where a receipt is not available, by making a Statutory Declaration indicating why the Shire incurred an expense but the receipt was not obtained. It is the responsibility of the card holder to obtain ALL documentation necessary to acquit the credit card transactions.

All staff receiving the authority of the CEO to utilise a Shire Credit Card will be required to acknowledge that they have:

- Received instruction to use ProMaster.
- Have received instruction on the Shire of Halls Creek procurement policy and practice.
- Have agreed to acquit their Corporate Credit Card monthly or sooner if requested.
- Have agreed to diligently follow up credit returns, corrections and outstanding items within two months of issue.
- Have agreed to terms and conditions set by the Chief Executive Officer for use, and
- Will return the Corporate Credit Card to the Shire forthwith when requested.

As part of the Shire of Halls Creek monthly presentation of Accounts for Payment resolution process at Council, the Director Corporate Services will present the Credit Card expenditure detailing a summary of expenditure transactions to the Council as part of the monthly meeting Agenda.

Non-compliance with the intent, principles and acquittal of this policy will result in withdrawal of the credit card from employees at the discretion of the Chief Executive Officer and disciplinary action may result.

#### **DELEGATION:**

To the Chief Executive Officer to establish a system of corporate credit use under the Shire of Halls Creek procurement practices to suit Shire purchasing needs, including the authority to extend the use of corporate credit cards to additional Shire officers as determined and needed, within delegated purchasing limits.

**HEAD OF POWER:** *Local Government Act 1995*, Section 2.7(2) (a) & (b) and Section 6.5(a); *Local Government (Financial Management) Regulations 11(1) (a)*.

<b>Policy Number</b>	F1
<b>Policy Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)



## **F2 FEES & CHARGES – DISCOUNTS**

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### **Finance**

#### **PREAMBLE**

Provide the ability for the CEO and staff to offer a discount for Shire of Halls Creek fees and charges where appropriate.

Many occasions arise throughout the year where a payee will request a reduced fee or charge on a Shire determined fee or charge on the basis of either and or:

- Council having previously provided a discount or reduced fee or charge.
- Reduced numbers of participants making use of the facility.
- A claim against suitability of the service or underperformance of the facility or Shire staff.
- Reduced hours of use etc.
- Total cost of the job/service/fee when providing community benefit.

#### **OBJECTIVE**

To provide a process for staff to deal with such requests and to provide the scope of deduction, discount or reduction in dealing with a request/payee to adjust the levied amount without written request for discount to the full Council.

#### **POLICY**

In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides.

Fees and charges can be permanently imposed or amended during the year, but only by an absolute majority decision of Council. The Council authorise by delegation to the CEO (and sub delegation as appropriate) the authority to offer reduced rates of fees and charge for particular hirers where:

- Council has previously provided a discount or reduced fee or charge.
- Reduced numbers of participants making use of the facility make the fee excessive.
- The suitability of the service or underperformance of the facility or Shire staff is a point of contention.
- Hirers require reduced hours of use or facility.
- The total cost of the hire makes the community benefit of providing the service unjustified.

The CEO be permitted to offer up to a 30% reduction of the hire fee or charge without reference to Council.

The Director Corporate Services (DCS), Manager of Finance (MF), Director Youth and Community Development (DYCD) (Recreation Centre/Aquatic Centre), Director Infrastructure Assets (DIA) (Works) and designated front counter staff members (named) be permitted to offer up to a 10% reduction of the hire fee or charge without reference to the CEO, as a direct response to a request by the payee, thereby correcting a service or expectation disagreement.

All delegations exercised to be recorded in the monthly delegation exercised register and all discount amounts be recorded as Shire contributions through the normal process.

All requests for a reduction in excess of 30% must be made direct to Council in writing indicating reasons for the request for discount or waiver.

**DELEGATION:**

To the Chief Executive Officer and detailed staff, (DCS, MF, DYCD, DIA and named front counter staff) to offer discounts on Shire fees and charges where appropriate within the designed parameters.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	F2
<b>Policy Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2016/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **F3 FINANCIAL INVESTMENTS**

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### **Finance**

#### **PREAMBLE**

A local government's investment of public monies must be undertaken with the absolute minimum of risk. Legislators, ratepayers, elected members and the public expect a fair return on the investment, but with absolute security.

#### **OBJECTIVE**

To provide a framework for authorised investment of surplus funds from the Shire's municipal and reserve bank accounts. To maximise earnings from authorised investments whilst ensuring absolute security of Shire funds.

#### **POLICY**

The Shire of Halls Creek authorised Investments can include, but not be limited to:

- Interest bearing deposits.
- Government Bonds.
- Authorised Australian Deposit-Taking Institutions as determined from time to time by the Australian Prudential & Regulatory Authority (APRA) with a BBB rating or better as set by Standard and Poors.
- Bonds issued by Australian Government and/or Australian Government Authorities and Utilities.

The Shire of Halls Creek will not:

- Make deposits to unauthorised institutions, as defined in the *Banking Act 1959 (Commonwealth)* section 5 as defined by the Western Australian Treasury Corporation.
- Deposit for terms of 12 months or more.
- Invest in bonds not guaranteed by the Australian Commonwealth, State or Territory Government.
- Invest in foreign currency.

#### **PROCESS**

Direct Fund Investment and General Policy Guidelines

No less than two quotations shall be obtained from authorised institutions when making an investment and Shire authorised officers shall determine the best quote on the day, taking into consideration administrative and banking costs.

A check will be made of the APRA Website at

<http://www.apra.gov.au/adi/Pages/adilist.aspx> to confirm that the institution is still on the list of authorised Deposit-Taking institutions.

In determining the term to maturity regard shall be had to the cashflow needs of the Shire and the intended purpose of the funds to be invested, prevailing interest rates and trends, the yield curve at the time of the investment, and such other matters that would be appropriate in exercising the level of care, diligence and skill required by subsection 18 (1) of the *Trustees Act 1962*.

If any fund/security held is downgraded in rating such that they no longer fall within this policy, the funds must be divested within 30 days or as soon as is practicable and possible.

### **Recording of Investments**

All investments shall be recorded in an appropriate format, which includes such information as:

- Amount of money being invested.
- Source of money being invested (e.g., municipal or reserve).
- Financial Institution.
- Account number of investment account.
- Interest Rate.
- Maturity date.

When investments have matured, interest earned, and new balance of investment funds will be recorded.

### **Reporting of Investments**

An investments report shall be presented to Council at each ordinary meeting of Council detailing the investment portfolio. The report is to include:

- Sources of funds invested (i.e., municipal or reserve).
- Name of institution the investment is held with and the product name of that investment (where applicable).
- Account number/ID of investment account with institution.
- Date of investment and date of maturity, including term date in days.
- Principal amount of investment and expected interest earnings on maturity.
- Interest earned to date on all investments.
- Interest budget to date and for year; and
- any other information that is of material value or relevance to Council in relation to financial investments.

**DELEGATION:** To the Chief Executive Officer or sub delegate to approve and renew Shire investments within policy and revised statutory requirements if applicable.

**HEAD OF POWER:** *Local Government Act 1995 S6.14 (2)(a), Trustees Act 1962 – PartIII, sections 18, 19 and 20, Local Government (Financial Management) Regulation 1996*

<b>Policy Number</b>	F3 Prev. Ed. FIN 06
<b>Policy Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	12 December 2013 (Resolution no. 2013/107) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **F4 RATES - PROCEDURE FOR UNPAID RATES**

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### **Finance**

#### **PREAMBLE**

To provide a framework for collection of unpaid rates.

#### **OBJECTIVE**

To receive the highest possible percentage of collection each year of current year rates and rates in arrears (excluding deferred rates); acknowledging that for each ratepayer circumstance impacts on their ability to pay. The Shire's framework of collection has to be sufficiently rigid to accommodate those who are not in genuine hardship, but equally flexible to accommodate the needs of those in hardship who are currently having difficulties to pay.

#### **POLICY**

For the collection of unpaid rate assessments, staff shall adopt the following procedures where the ratepayer has not chosen to pay by instalments:

#### **Rates – Procedure for Unpaid Rates**

- A final notice generally issued the end of the first week of October, following the 35-day discount period generally ending in September.
- After a period of twenty-one (21) days from the date of the final notice, a letter is to be sent to the ratepayer advising that legal action will be instigated for recovery of the debt. In these cases, the debt collection agency would issue a summons for recovery.
- Where ratepayers then respond with payment or part thereof; fees for the collection process will apply.

#### **Referral To Debt Collection Agency**

Rates remaining unpaid after the expiration of fourteen (14) days after the issue of the summons may be dealt with by the issue of a warrant of execution by the Court Bailiff or referred to a Magistrate for action.

In these cases, the Shire staff will make a judgement in relation to whether the payee has any other financial transactions with the Shire where the debtor may also be a creditor. If this is the case action to apply credit against debts should be considered before reference to the Magistrate.

#### **Rates Request Time to Pay**

Any request for an extension of time to pay rates must be submitted to the Shire in writing. The request for an extension of time shall also state the date that payment in full is expected to be made. All applications for extension of time to pay (payment plan) can be considered and determined by the CEO under delegation and the granting of time to pay must be recorded in writing.

#### **Rates Discounts**

To attract the rates discount, rates must be received in the Shire Office by 4.30pm on the due date, or mail is to be postmarked on or before the due date. Under no other circumstances will a discount be allowed after the due date.

## **PROCESS**

A number of internal and external processes are applicable to rates collection. Staff are to be mindful that normal debtors' collection processes are to be fair and equitable across all collections, even when targeting tardy payees.

All processes are to be documented sufficient so that a transaction record of all conversations, letters and payments provide a full and complete picture of the actions taken by all parties in the collection process.

**DELEGATION:** To the Chief Executive Officer to determine the granting of an extension of time to pay rates or the acceptance of a payment plan by any ratepayer.

<b>Policy Number</b>	F4 Prev. Ed. FIN 08
<b>Policy Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	21 August 2008 (Resolution no. 2008/112) 17 April 2014 (Resolution no. 2014/014) 17 December 2015 (Resolution no. 2015/117) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **F5 WRITE OFFS – RATES AND SUNDRY DEBTORS**

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### **Finance**

#### **PREAMBLE**

Shire is empowered, under the Local Government Act 1995, Section 6.12, to write off any monies owing to it where it can be determined that the monies are or are likely to be uncollectible.

#### **OBJECTIVE**

To provide appropriate and effective management guidelines for staff in the management of debts and the write-off of monies owed to the Shire. This policy outlines the requirements in relation to the write off of monies owing to the Shire of Halls Creek for sundry debtors and rates debtors.

#### **POLICY**

Note: For the purpose of this policy:

- Any amounts referred to are exclusive of GST.
- Reference to an amount relate to individual invoices and not the total owed by a particular debtor.
- Debts raised in error refers to an invoice that was incorrectly raised at administrative level and there is no claim against the debtor for that amount.
- Legitimately raised refers to debts that are recoverable and claimable from a debtor or if they are deemed liable for the applicable rates and charges under the Local Government Act 1995.
- Unrecoverable refers to a situation where it is not reasonable, logistical, and/or cost effective to recover the debt, and/or another written statute prevents the recovery.

The Shire of Halls Creek has an obligation to ratepayers to ensure that its financial collection practices are robust and effective, and that the percentage of collections is high. The Chief Executive Officer will ensure that the accuracy of the records and supporting documentation validating the debts are maintained in a sufficient manner to ensure that if required, legal action can be taken to enforce collections.

The Chief Executive Officer will establish processes to cater for debt write off when required.

#### **PROCESS**

##### **Rates**

In those circumstances where collection is unlikely SoHC staff should ensure:

- That rates debt raised in error is corrected prior to calculating what is to be written off.
- Corrections of raised in error adjustments must be countersigned by the Director Corporate Services.
- A written record of the authorisation and explanation is maintained for each debt.
- Rates debt that becomes unrecoverable may be written off, with approval by the Chief Executive Officer up to an amount of \$1000 per assessment.

- Rates penalty interest may be written off up to a value of \$1000, as a Negotiation tool to recover the full amount of the outstanding debt.
- The write off will not be applied until full payment of the balance of the outstanding debt has been paid.
- If debt is written off in any month, details of the ratepayer and amounts will be reported in the Council report 'Statement of Financial Activity' for that month.

Any rates debt raised that is raised and legitimately chargeable during a financial year, will only become unrecoverable after analysis has been undertaken in terms of the legal position for collection and whether all attempts to recover have been made.

### **Sundry Debts**

In those circumstances where collection is unlikely SoHC staff should ensure:

- That sundry debt raised in error is corrected prior to calculating what is to be written off.
- Corrections of raised in error adjustments must be countersigned by the Director Corporate Services.
- A written record of the authorisation and explanation is maintained for each debt.
- Sundry debt that becomes unrecoverable may be written off, with approval by the Chief Executive Officer up to an amount of \$1000 for any single debtor.
- Sundry debt penalty interest may be written off up to a value of \$1000, as a negotiation tool to recover the full amount of the outstanding debt.
- The write off will not be applied until full payment of the balance of the outstanding debt has been paid.
- If debt is written off in any month, details of the debtor and amounts will be reported in the Council report 'Statement of Financial Activity' for that month.

The Shire will take action to wind-up enterprises when legal remedies have been exhausted or the cost of such does not support further action to recover rates. The Chief Executive Officer is authorised to represent the Shire in legal proceedings to wind-up an enterprise for non-payment of rates, this action is qualified on the basis that Council, or the Shire Audit Committee will receive reports indicating collection performance.

**DELEGATION:** To the Chief Executive Officer to take legal action to wind-up a rates or sundry debtor enterprise if the recoverable debt after legal action still remains outstanding.

**HEAD OF POWER:** *Local Government Act 1995*



<b>Policy Number</b>	F5 Prev. Ed. FIN 11
<b>Policy Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	21 May 2009 (Resolution no. 2009/096) 17 April 2014 (Resolution no. 2014/014) 17 December 2015 (Resolution no. 2015/117) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **F6 DONATIONS CONCESSIONS GRANTS**

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### **Finance**

#### **PREAMBLE**

To provide a framework for the payment of donations, sponsorship, facility hire grants and the granting of benefits to community and other organisations.

#### **OBJECTIVE**

To reduce the number of formal requests placed before the Council for a donation decision. To improve the timeliness of reaching a decision for the majority of applicants by providing delegation to staff to action Budget preapproved applications as soon as they are received in the approved format. Establishing a standard framework for applicants to use, reducing the paperwork and justification arguments for each applicant by tying them to a standard application form and process.

The adoption of a preapproved list of applicants at the Annual Budget with a value threshold for each, including the delegation to staff to determine donations resolves this matter.

#### **POLICY**

The approval of requests to the Shire of Halls Creek for donations or grants, facility hire concessions, facility hire grants or the waiving of service fees (rubbish charges for events) etc. will be determined in part by the adoption of the Annual Budget.

The Annual Budget fees charges and donations section will contain a list of potential applicants to whom the Shire would normally provide a financial assistance and include an "up to" threshold limit payable in any one year.

Applicants can apply for the funding/donation/concession in the Shire approved format and the matter can be determined by delegation by the Chief Executive Officer (CEO); who has the power to sub delegate to the Director of Corporate Services (DCS).

If an applicant makes a request for an amount exceeding the "up to" threshold, then the report detailing the matter would be referred to Council at the next available Ordinary Meeting of Council as a standard Agenda item (not Late Item).

If an applicant is not contained in the Annual Budget list, the application must be determined by Council who can decide if the applicant can be added to the Annual Budget review.

Staff are permitted to mix and match the nature of the request, donation versus facility hire cost or services cost concessions in determining a request. The primary aim of the Shire is to provide financial assistance so that the best and highest possible use of

Shire assistance is achieved, so that a maximum benefit is received by the community in the conduct of the event, or where a donation is provided, best value in the monies offered.

## **PROCESS**

Staff are to establish a process of standard applications requesting standard information from which to determine the application in accordance with the Shire "up to" threshold. Approval to the threshold is not automatic, staff must provide justification report in exercising the delegation.

All processes are to be documented sufficient so that a transaction record of all conversations, letters and payments provide a full and complete picture of the actions taken by all parties in the collection process.

**DELEGATION:** To the Chief Executive Officer to determine the granting of an application for a donation or grant with the power to sub delegate to the Director of Corporate Services (DCS).

<b>Policy Number</b>	New
<b>Policy Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2021/092
<b>Adoption Date</b>	19 August 2021
<b>Review Date &amp; Resolution</b>	19 August 2021 (Resolution no. 2021/092) 28 July 2022 (Resolution no. 2022/071)

# G1 COUNCIL MEMBERS – INDUCTION

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## Governance

### PREAMBLE

To signal full support for the earliest induction of newly elected Councilmembers.

### OBJECTIVE

To ensure that newly elected Council members are provided with a comprehensive induction program and associated support to fulfil their roles and responsibilities as an elected member in the earliest possible timeframe.

### POLICY

Newly elected Council members are to receive a comprehensive induction training program in the first four weeks following their election, hopefully prior to their attendance at the first Council meeting.

The induction will be coordinated by the Chief Executive Officer in liaison with the Shire President and the newly elected member. The Shire President and CEO and key staff members will present relevant corporation information on policy, practices and procedures including updates on current programs and program activity.

Site visits to key Shire of Halls Creek facilities will also be provided as part of the new Council member's induction. In the case where the Shire President has not been appointed following election the CEO will apply the intent of this policy. The Council will budget and plan for Councillor training to be conducted in November or December each election year – that will provide a general introduction to new Councillors.

**Note:** All Councillors when first elected are to be issued with a Councillors Manual. This will include a Code of Conduct, Policy Manual and the Department of Local Government Guide to Councillors, current Community Strategic Plan and Corporate Business Plan, the current Annual Report and the Annual Budget.

### PROCESS

Incoming Council members will be strongly encouraged to participate in training modules for Councillors provided by West Australian Local Government Association (WALGA) and these can be arranged by the CEO or DCS. Training and development program attendance outside of the normally Shire training program will be subject to Shire of Halls Creek Budget funding availability.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	G1
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **G2 COUNCIL MEMBERS - INITIATED REQUESTS**

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### **Governance**

#### **PREAMBLE**

To establish workable boundaries in relation to the requests for assistance by Councillors.

#### **OBJECTIVE**

To ensure the appropriate and efficient handling of Council member-initiated requests for information through the CEO and to avoid any excessive demands and disruption to the carrying out of day-to-day operational functions of the Shire of Halls Creek.

#### **POLICY**

Council members making a request for information are to direct their enquiries to the Chief Executive Officer or with the CEO's agreement, another staff member.

The following protocols will be adhered to in respect to Councillor Requests for information:

- Council members are entitled to all available information to enable them to fulfil their functions. This does not extend to unlimited access to all records and information held by Shire of Halls Creek.
- The CEO reserves the right to refuse access to information in the event that the information requested is not considered to be required for fulfilling the
- Council member's role. Such instances are to be brought to the attention of the Shire President as soon as practicable.
- Requests should be sufficiently detailed to identify the exact information required.
- Council members should respect the privacy of stakeholders, Shire of Halls Creek members, staff and fellow Council members in the use of information provided.
- Requests should focus on matters currently before Shire of Halls Creek Council and which are aligned to the Council corporate strategy, priorities and policies.
- The CEO should assess the time required to provide the information or a summary of the information and the impact this would have on normal operations.

Assessment and prioritisation of Council members requests will be determined by the CEO based on relative urgency, strategic alignment to adopted priorities and whether there is support through a decision or other endorsed process.

Requests will be actioned as soon as practicable depending on competing priorities and on the complexity of the research required to access, collate and format the information. The CEO is to endeavour to provide the required information within 10 working days.

The CEO is to bring to the Council's attention if any Council member's excessive requests for information are preventing staff from attending to important day to day operational matters.

A Council member who is dissatisfied with the timeliness of information provision or level of cooperation from the administration is to bring the matter to the attention of the Shire President who in turn may bring the matter before the Council.

### **PROCESS**

By application direct to the CEO only in writing.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	G2
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **G3 COUNCIL MEMBERS – TRAINING AND DEVELOPMENT**

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### **Governance**

#### **PREAMBLE**

Detailing the nature and extent of training and development provided for Council Elected members.

#### **OBJECTIVE**

To ensure that elected members have equitable access to a range of relevant training and professional development opportunities to enhance their ability to fulfil their roles and responsibilities as Council members. To define the Shires standard attendance these events.

#### **POLICY**

The Shire shall ensure adequate resources are allocated annually in the Shire of Halls Creek budget to provide the opportunity for elected members to participate in appropriate local Government focussed conferences, training and personal development either representing the Shire.

Nothing prevents an elected member from putting forth a Members Motion requesting support from Council to attend a conference, training or personal development event. Council will allocate an allowance of \$1000 per annum per elected member as a contribution toward training and development

#### **Authorised Training/Conferences**

Elected members are permitted to attend the following training opportunities without requiring further Council authorisation:

- Halls Creek based meetings and events (to which registration/attendance is invited/permitted) in which a training or development element is included.
- Kimberley Regional Group and Halls Creek based regional conferences, seminars and workshops (to which registration/attendance is invited/permitted) where a training and development component is included.
- Training and development events (to which Elected members are invited) held in Halls Creek region to which they are prepared to pay their own expense WALGA Annual Conference as part of Local Government week each year to which they are the appointed Council delegate or choose to attend under their own expenses.
- Relevant training of elected members of the member's choice from within the budget allocation, but not exceeding \$1000 per annum by resolution of the Council. This training must be relevant to the member's role, experience and standing and must be assessed in accordance with the matrix below by the Council to meet the required points of training suitability.

#### **Training/Conference Costs (As the Delegate)**

Shire of Halls Creek will meet the costs of all the Elected member's accommodation, travelling (including meals), and transport and conference costs for each delegate member. The Council members incurred costs shall be paid upon provision of receipts for expenses upon the members return. Over budget expenses and those not supported by receipts shall not be reimbursed to the

Council member. The Shire does not cover the cost of alcohol, unless included as part of a meal price. It is Shire of Halls Creek's preference to provide all assistance to the Council member by way of pre-ordering and arranging attendance requirements after attendance approval has been confirmed and before departure to minimise accounting paperwork.

Excepting for the approved delegated to the WALGA Annual Conference:

- Members will be required to meet the additional costs of any partner or family accommodation, expenses incurred and for private travel over and above the number of nights' accommodation and expenses required to attend the training or conference unless directly approved by Council.
- Whilst Shire of Halls Creek supports Council members in balancing their local government duties with their family commitments, it does not support having to pay the cost of partner's or family accompanying Council members on Shire of Halls Creek business.
- Where a member's partner can attend at no additional cost, (e.g. double room cost as standard accommodation, travel in the same vehicle), then Council will permit such reasonable attendance, but additional costs (meals, airfares etc.) will not be provided for.

The Council member is to provide written and/or verbal reports on the key outcomes and importance of learnings from any training or conference attended at the next Council Concept Forum, Councillor Report section, or if that is not possible, within two months of returning from the conference. This is a requirement of attendance and must be an agreed condition in the approval process.

#### **Additional Training / Conference Opportunities require Council Approval**

In order to receive Council approval for additional training over and above the authorised training Budget in any year Council members are to provide a written request to the CEO a minimum of two weeks prior to the distribution of the Council agenda.

For any relevant training opportunities outside of the authorised training listed above or when a Council member has expended his or her budget allocation and wants to access further training, the following conference / training assessment matrix is to be implemented by the CEO in liaison with the Shire President and included in the report.

A minimum rating of 20 points is required across the following I criteria for the CEO to recommend that the Council approve the Council member's attendance, including the signed commitment to provide written and /or verbal reports on learnings.

<b>Policy Number</b>	G3
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)



## Conference/Training Assessment Matrix Criteria

POINTS      1      2      3      4      5

Relevance to member's role as Councillor or President as opposed to operational information and roles at the Shire of Halls Creek	
Value for Money and Cost/Benefit	
Provides direct relevance with Shire of Halls Creek Strategic Plans and current priorities	
Lack of alternative training opportunities to gain same skills. Level of quality networking opportunities with peers	
<b>Total Score</b>	

I, \_\_\_\_\_  
(council member)

hereby agree to provide written and/or verbal reports on the key outcomes and important learnings from the

\_\_\_\_\_ training

or conference by the Council meeting \_\_\_\_\_  
(date)

or within two months of returning from the conference.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## **G4 COUNCIL MEMBERS - PROVISION OF SUPPORT FOR**

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### **Governance**

#### **PREAMBLE**

Detailing the nature and extent of support provided for Council members, noting that Councillors already receive an ICT Allowance each year for expenses incurred in their role.

#### **OBJECTIVE**

To ensure that Council members have equitable access to an appropriate range of support to ensure that they are able to effectively fulfil their role and provide good governance to the Shire of Halls Creek.

#### **POLICY**

The Council shall ensure adequate resources are allocated annually in the budget to provide support to Council members so that they may appropriately fulfil their role. The CEO must refer to the Council any request by a Council member for equipment, supplies, information, support, fees, allowances, professional development and/or reimbursement of expenses that is outside of the requirements of this guideline.

In the application of this guideline, the CEO and Council will determine an appropriate range of support needed to meet each individual Councillor's requirements and can include the following.

#### **Shire President**

In carrying out the duties of that office, benefits and the following services and facilities subject to budgetary constraints:

- Suitable temporary office accommodation within the Shire of Halls Creek offices including computer and telephone access.
- Shared administrative and secretarial services provided by the CEO's support including typing, photocopying, printing, postage, facsimile, telephone reception and appointment management services.
- IT support and advice to ensure the President is able to receive information electronically through the email system and were supplied with a laptop, iPad, tablet or a PC, the IT support necessary to access the Shire of Halls Creek systems.
- Assistance organising and assisting with any Shire of Halls Creek ceremonies, meetings and official functions.
- Assistance with media releases and speeches.
- Business cards. A maximum of 200 business cards after election and appointment to the Shire President's position. The business cards will be printed in accordance with the Shire of Halls Creek Corporate Style Guide. Business cards must be used for Shire of Halls Creek business only and must not be used for electioneering purposes; all unused cards remain the property of the Shire.
- Hospitality for guests, visitors and staff on official business at the Shire of Halls Creek.

The Shire of Halls Creek will make payment for the private use component of vehicle kilometres travelled if the Council member's private vehicle is required for business on behalf of the Shire. This would apply (when required) over and above presidential allowances and payments for travel. A logbook is to be kept of official use of the vehicle which shall be the basis upon which the costs of business use will be calculated and subsequently paid by the Shire of Halls Creek.

Council Members - All Council members in carrying out the duties of office will be entitled to receive the benefit of the following services and facilities:

- Access to the Shire of Halls Creek offices during business hours and before and after meetings including a work desk with telephone access.
- When provided by Council resolution, IT support and advice to ensure Council members are able to receive information electronically through the email system where Council members are supplied with a laptop, iPad, tablet or a PC and the IT support to access the Shire of Halls Creek systems.
- IT training in software applications to assist Council members in the effective use of a laptop computer or PC and other information technology required to fulfil their duties.
- Name badges. A name badge will be provided for Council members.
- A hard copy of Shire of Halls Creek material where this material is not available on the Shire website, with training on how to interpret this information.

Payment for the private use component of vehicle kilometres travelled if the Council member's private vehicle is required for business on behalf of the Shire of Halls Creek. A logbook is to be kept of official use of the vehicle which shall be the basis upon which the costs of business use will be calculated.

## PROCESS

The CEO shall ensure adequate resources are allocated annually in the budget for these support services. Council members can apply in writing detailing the support they require to fulfil their roles. The CEO must refer all unmet or deferred requests for assistance to the Council for determination.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	G4
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

# **G5 COUNCIL MEETINGS – VISITORS, DELEGATIONS AND PETITIONS**

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## **Governance**

### **PREAMBLE**

Creating a framework for visitor attendance at Council meetings. To respond to inquiries of the Council as soon as reasonably practicable and where appropriate with the inquirers agreement, respond to the queries before the need to take the matter to Council. Nothing in this practice prevents attendance at a Council meeting for question time, a delegation or presentation.

### **OBJECTIVE**

To provide structure and direction for the public seeking attendance at Shire of Halls Creek Council meetings and to provide direction to the Chief Executive Officer in terms of how requests for attendance will be organised.

Reflecting on Shire of Halls Creek's customer service practice and the intent to be an open, accessible and transparent organisation, this policy aims to generate for members of the public and stakeholders' positive interaction with the Council at meetings.

### **POLICY**

The CEO after reference to the Shire President will provide information in relation to every request for an attendance at a Council meeting. Wherever possible, all requests will be accommodated at the next Ordinary Meeting of Council within the confines of the agenda.

Councillors will be informed as to the nature and intent of requests to attend a Council meeting, (Question/Petition/Presentation/Delegation) in the agenda so that the best informed and most appropriate response can be provided.

Where possible the CEO will provide enquirers with the most relevant, informative and publicly available information to address their query or to assist in the support of their presentation to Council. In this way, the most beneficial use of the time available with Council can be made to ensure that both Councillors and enquirers are prepared for the interaction.

### **PROCESS**

The following approach should be used wherever possible.

Applicants (members, visitors, delegations or stakeholders) asking to speak at or attend Council meeting to talk to Councillors are to be informed:

- That the Chief Executive Officer is the appropriate first response to any queries of the Council. If information is contained in Shire of Halls Creek Policy, Strategic Plans, Budget, Position Statements, programs or Community Strategic or Corporate Business Plans etc. that would satisfy the questions or queries or support the request, then the CEO is to respond in writing to the applicant detailing this information and the current most relevant Shire of Halls Creek's position.

- If the matter relates to a complaint about the performance of the organisation, staff or the Council, the applicant should document the complaint in writing the Shire will process the complaint in accordance with Shire of Halls Creek procedure and practice, making that available to Councillors as part of the request to attend.
- If the matter falls outside of these issues, or has been dealt with at an administrative level and the applicant still requests or requires speaking to the Council, then the CEO should follow as detailed:
- Require the applicant to detail the nature of the questions, requests or visit in writing for consideration of the Shire President,
- CEO to present the written request to the Shire President for agreement and/or recommendation as to when the request could be accommodated,
- CEO to provide applicant with an outcome of the request to the Shire President.

Arrangements are to be made for the CEO to provide Council members with a report on the background to the request or complaint determination and where possible to detail of Shire of Halls Creek's likely response.

Council to meet and consider the applicants request and the CEO's report prior to the applicant attending the meeting or should allocate suitable time to consider all matters or request more information at a time in the meeting.

Council will meet with the applicant at the designated time, to be determined by the meeting presiding member (subject to other business of the day and the opportunity to previously consider related information/report).

The Council should advise the CEO of the outcome and what is required to happen in response. Wherever the visit pertains to a report that is before or being prepared by staff for the Council, a response by a resolution giving directive to the CEO is required.

**NOTE:** Staff or members lobbying Council members to obtain an advantage for themselves or to disadvantage another person are breaching the Code of Conduct and Council members should report such conduct to the CEO.

Nothing in this practice prevents an applicant from attending a Council meeting and asking questions of the Meeting under the provisions of the LG Act and Regulations.

**DELEGATION:** Nil

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	G5
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **G6 COUNCIL MEETINGS - PUBLIC QUESTION TIME**

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### **Governance**

#### **PREAMBLE**

The Local Government Act 1995 allows for the public to ask questions at meetings of Council. This policy provides additional structure and guidelines for the public to do so.

#### **OBJECTIVE**

To provide guidance on the process and procedure for Public Question time at any meeting of the Council, Annual Electors meetings and other meeting involving Council where the public are invited to ask questions where no formal guidance is provided.

#### **POLICY**

The Shire of Halls Creek welcomes all people attending any meeting of the Council open to the public to ask questions at the time set aside in the meeting Agenda. Adequate time will be provided to enable any member of the public to put a question to the Council.

Questions can relate to any Shire works or activities, administrative procedure or process or any political matter that the Council may be involved in.

The Shire staff or Councillors will elect to respond immediately or provide a written response to the question. The actual process can vary based upon the most appropriate way to respond to the question and this will be determined by the Chairperson presiding at the meeting (normally the Shire President).

#### **PROCESS**

Public Question Time is held early in the agenda of any meeting of the Council that is open to the public, and generally runs for a minimum time of 15 minutes, however this can be varied. If there are more questions than time permits, then the Chairperson may allow the forum to operate for a longer period.

The Chairperson will decide when the public question time will end after the 15-minute period.

The Public Question Time aims to precede the discussion of any matter that requires a decision to be made by Council, the aim of which is to ensure that questions be directed, in the first instance, to matters to be discussed by Council at that meeting.

Questioners who wish to ask a question will be given an equal and fair opportunity to ask the question and receive a response. Where possible, responses to questions will be supplied at the particular meeting where the question is made. Answers may be provided by Council employees, but this will be decided on by the Chairperson.

Questions on matters listed in the Council's agenda for that meeting will be given first priority and persons wishing to ask Questions will be requested to come forward and provide their name and their question.

The question will be responded to, taken on notice, or not accepted by the Chairperson. Statements are not to be made or read out as it is QUESTION Time, and the public is asked to ensure the material presented is a question. The Chairperson will not permit the Public Question Time as an arena for debate on any matter.

Each member of the public is to be given equal opportunity to ask questions, and therefore they will each be permitted to ask only three (3) questions initially.

If time permits, the Chairperson could allow individuals to ask further questions, after all members of the public have had the opportunity to put questions.

The Chairperson will not take questions that:

- Are considered to be offensive or defamatory in nature and would potentially expose the Local Government to legal action for republishing defamatory remarks (the person may be invited to rephrase their question).
- Contain offensive language
- Question the competency of Council members, employees, or associated persons.
- Relate to the personal affairs or actions of Council members or employees.
- Relate to confidential matters, legal advice or legal proceedings; or
- Have been answered by earlier questions, or questions at a previous meeting.

### **Record Of the Question and Answer**

There is a statutory requirement for a summary of both the question and the response given during Public Question Time to be recorded in the minutes. Where questions are taken on notice, the question will be recorded, and a written response provided to the questioner as soon as possible.

Where a question is taken on notice, the question will be included in the Minutes of the Meeting at which the question was asked.

For reasons of clarity, the question will also be repeated in the Minutes of the Meeting in which the response is recorded. The name of the person who asked the question will also be included in the summary.

### **HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	G6 Prev. Ed. ADM 18
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services Prev. Executive Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	13 December 2012 (Resolution no. 2012/195) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **G7 RECOGNITION AWARDS AND HONORARY SHIRE FREEMAN STATUS**

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### **Governance**

#### **PREAMBLE**

The Shire of Halls Creek is well placed within the community to recognise significant contributions made by community members. A time-honoured tradition for local government is to bestow Recognition Awards or the honour of Honorary Freeman upon worthwhile recipients.

The awards are in title only; no benefit is attached to the award; recipients are however invited to significant events of the local government.

#### **OBJECTIVE**

To establish a practice to guide the Council in a prescribed process for the appointment of Honorary Freeman and other Recognition Awards and nothing in this policy prevents the Shire proposing a qualifying or suitable applicant for Western Australia Local Government Association Honorary Awards.

#### **POLICY**

The following shall be taken into account when consideration is given to granting a Recognition Award or the honour of Honorary Freeman Award of the Shire:

- The award would not usually be presented for excellent service in only one activity.
- The award is intended to recognise service within the local community.
- The award of Freeman is to be seen as independent of any other award.
- This award is to be recognised as the highest honour that the local community, through its elected Council, can confer on one of its citizens. It therefore follows that the award will be conferred sparingly.
- For the award to have the desired standing within the community, it should only be conferred where there is a great pleasure of public approval.
- It shall not be restricted to Councillors.
- It may be awarded to a Councillor in office where the Council considers that the criteria as described has been met.
- The length of service as a Councillor is not in itself a criterion.
- Preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the award to a person whose dedication and contribution is significantly above that expected from that occupation.

The contribution to the welfare of the community must involve one or more of the following factors:

- Significant contribution to the person's time in serving members of the Community for the improvement of their welfare.
- The promotion and attainment of Community services in which a real personal role and contribution is made.
- Whilst difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons.
- It is not seen as desirable that the award of Freeman be presented to a sitting member of Council.



## **PROCESS**

### **Initial Requirements**

A Councillor should submit to the Council a nomination for a particular person to be considered for a Recognition Award or Freeman of the Shire award. This submission is to outline the voluntary service to the community and any other commendable examples of community service to justify the honour.

Council will consider the submission as a matter in which the Meeting will be Closed to the Public.

The proposing Councillor should submit the following recommendation to Council:

- That the person nominated at the Council be invited to accept the Recognition Award or office of Freeman of the Shire.
- That if the Offer is accepted then arrangements be commenced for bestowal of the honour at the appropriate ceremony and that a draft of arrangements be presented to the Council.
- It is suggested that the Minister for Local Government be consulted with regard to each candidate prior to Council's formal resolution conferring the award.

The Council in its absolute discretion shall determine if the nomination should be accepted, rejected and or put in abeyance. The matter will only be released for public information after the Award of the Honour through the release of the Motion the subject of the Nomination.

### **After Council Approval of the nomination:**

Once approval by Council has been given, the Shire President in conjunction with the Administration will determine the appropriate timing and function suitable to award the Recognition Award or presentation of the Honour of Freeman.

Normally up to three months is to be allowed for the preparation for the preparation of all the necessary requirements for the ceremony.

Council at its absolute discretion will determine the size and complexity of the function that will be held as the celebration ceremony.

### **HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	G7
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## G8 REGIONAL CO-OPERATION AND SERVICES

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### Governance

#### PREAMBLE

##### Definition of Regional Cooperation:

Regional Cooperation is defined as 'The investigation, establishment, and/or maintenance of any scheme, development, project, plan or similar activity undertaken by the Shire of Halls Creek in conjunction with any 2 or more local governments within the Kimberley region of the State.

#### OBJECTIVE

To establish parameters to guide staff and Council when drafting the annual and long-term strategic plans and/or annual budget and long-term financial plans.

#### POLICY

In the course of preparing its annual budget, Council shall consider providing a Budget allowance for the participation in activities and projects of a regional nature.

This specifically excludes and is in addition to items of expenditure in resource or service sharing that have already been established and are already subject to a budget allocation or have been the subject to separate Council resolutions and strategic plans that may be agreed to from time to time.

#### PROCESS

Council's Budget papers will allow for a contributory amount for regional cooperation and resource sharing, at a similar and consistent amount as previous years, so that if projects arise after the budget has been adopted, it can still be considered.

Any proposal to adjust the regular annual contribution shall be presented in a report to Council for consideration as a separate item in the Budget process.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	G8
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **G9 BUSHFIRE PROHIBITED/RESTRICTED BURNING PERIODS**

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### **PRESIDENTIAL DELEGATION TO CHANGE**

#### **Governance**

##### **PREAMBLE**

Prohibited burning times are set by the Minister in accordance with Section 17 (1) of the *Bush Fire Act 1954*. The Act recognises that variations to those dates may need to be made to cover local weather and seasonal conditions and allows for the local government to amend the prohibited and restricted burning times. The *Bush Fires Act* specifically delegates a power to the President of a Shire to change the Prohibited Burning Times.

##### **OBJECTIVE**

This guideline allows for weather and seasonal conditions to be taken into account in either reducing or extending the prohibited and restricted burning times.

##### **POLICY**

In accordance with Section 17(10) of the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and Shire President, be delegated authority to vary the "Prohibited Burning Time" [Section 17(7) and Section 17(8)] for the Shire of Halls Creek as they deem appropriate for prevailing weather or seasonal conditions.

In accordance with the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and the Chief Executive Officer are delegated authority to vary the "Restricted Burning Period" for the Shire of Halls Creek as they deem appropriate for prevailing weather or seasonal conditions.

In all cases, it is the Shire preference to vary the Prohibited and Restricted periods by the maximum time available under the Bush Fires Act 1954, which is 14 days – less the required mandatory advertising periods where they apply.

Mechanisms to end or suspend the Prohibited and Restricted 14-day change can be applied as required thereafter.

##### **PROCESS**

The Chief Bush Fire Control Officer on contact with the Chief Executive Officer shall nominate reasons why the prohibited and restricted burning times should be varied and the Chief Executive Officer if in agreement shall sign the appropriate Notice to that effect which is communicated to neighbouring Shires, DFES and advertised in the next available local newspaper (whilst meeting minimum 2-day Notice period).

A Notice varying the Prohibited or Restricted periods is also sent out to all Shire Fire Control Officers.

In the case of the Prohibited Burning Time, the CEO is to refer any request to the Shire President so that he/she may exercise the delegation provided.

**DELEGATION:** In accordance with Section 17(10) of the *Bush Fires Act 1954* (as amended), the Chief Bush Fire Control Officer and Shire President is delegated authority to vary the "Prohibited Burning Time".

In accordance with the *Bush Fires Act 1954* (as amended), the Chief Bush Fire Control Officer and the Chief Executive Officer are delegated authority to vary the "Restricted Burning Period".

**HEAD OF POWER:** *Local Government Act 1995, Bush Fires Act 1954*

<b>Policy Number</b>	G9
<b>Policy Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

# **HR1 OCCUPATIONAL SAFETY & HEALTH POLICY**

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## **Human Resources**

### **PREAMBLE**

The Shire of Halls Creek Occupational Safety and Health manual provides the physical collection of processes, practice and procedures relating to health and safety at the Shire. As a governance commitment, the Council's adopted Shire Safety & Health Policy Statement details its obligation and duties towards Shire employees from the highest level in the organisation.

### **OBJECTIVE**

To detail the Shire of Halls Creek Occupational Safety and Health Policy commitment and performance.

### **POLICY**

The following statement forms the Shire of Halls Creek policy.

### ***SAFETY AND HEALTH POLICY STATEMENT***

The Shire of Halls Creek acknowledges its moral and legal responsibility to provide and maintain a work environment in which employees, contractors, customers and visitors are not exposed to hazards. This commitment extends to ensuring that the organisation's operations do not place the local community and visitors at risk of injury, illness or property damage.

### **The Shire Of Halls Creek Will:**

- Provide and maintain safe workplaces, safe plant and safe systems of work.
- Provide written procedures and instructions to ensure safe systems of work.
- Provide information, instruction, training and supervision to employees, contractors and customers to ensure that they are not exposed to hazards.
- Ensure compliance with legislative requirements and current industry standards.
- Provide support and assistance to employees.

All levels of management are accountable for implementing this policy in their area of responsibility and implementation of this policy will be measured by annual performance reviews. Management responsibilities include the following:

- The provision and maintenance of the workplace in a safe condition.
- Involvement in the development, promotion and implementation of safety and health policies and procedures with regular reviews of these.
- Training employees in the safe performance of assigned tasks.
- The provision of resources to meet the safety and health commitment.

### **Employees Are To:**

- Follow all safety and health policies and procedures and acknowledge their duty of care to themselves, their co-workers and the general public.
- Ensure Shire procedures for accident and incident reporting are followed, reporting potential and actual hazards/accidents/incidents to your supervisor and elected safety and health representatives.

This policy is applicable to contractors and employees in all its operations and functions including those situations where employees are required to work off site.

## **PROCESS**

The Shire of Halls Creek Occupational Safety and Health Manual provides information on processes, reporting requirements, inspection schedules and review mechanisms.

The Occupational Safety & Health Manual is provided to all employees of the Shire and as a working document will receive formal review every two years as a minimum.

Specific sections of the Manual shall be updated and reviewed as required.

The processes allow for immediate amendment of the Manual if identified shortcomings require such, or as the 2 yearly review of the Occupational Safety & Health Manual takes place, under the authorisation of the CEO.

**HEAD OF POWER:** *Local Government Act 1995, Occupational Health and Safety Act 1984*

<b>Policy Number</b>	HR1 Prev. Ed. STF 19
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	22 August 2009 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## HR2 EQUAL OPPORTUNITY AND HARASSMENT

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### Human Resources

#### PREAMBLE

The *WA Equal Opportunity Act 1984* requires all local government authorities to prepare and implement an Equal Opportunity Management Plan in order to achieve the objects of the Equal Opportunity Act.

#### OBJECTIVE

To set out procedures through which the Shire of Halls Creek achieves compliance with Equal Opportunity legislation.

#### POLICY

The Shire of Halls Creek recognises its legal obligations under the *Equal Opportunity Act 1984* and will actively promote equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of race, sex, age, marital status, pregnancy, impairment or disability, mental health status, religious or political convictions, family responsibilities and family status or gender history and sexual orientation.

The Shire of Halls Creek will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, age, language, ethnicity, political or religious convictions, sex, marital status, impairment or other unwarranted comment.

The Shire will constantly review policies, practices and guidelines to ensure that administrative behaviour does not result in the discrimination or harassment of its employees. Shire Plans will be assessed to ensure that strategic and operational outcomes do not limit the Shire's ability to remain committed to EEO ideals.

Shire staff have the established grievance procedure processes from which to lodge an EEO or harassment complaint and Shire stakeholders are able to lodge complaint under complaint handling processes. Complaint against the CEO is detailed under these complaint handling processes which require immediate and independent assessment by a third party, then subsequent referral to the appropriate external bodies or the Shire President and Council as may be required.

#### PROCESS

The Shire will promote change and application by:

- Providing both employment entry and exit data collection from staff discussing the aims and objectives of the Shire of Halls Creek EEO and Harassment policy, seeking feedback in relation to the make-up of the workforce and the experience staff have encountered whilst employed at the Shire.
- All employment training will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements of such training.
- All promotional policies and opportunities will be directed towards providing equal opportunity to all employees provided their relevant experience, skills

- and ability to meet the minimum requirements for such promotion.
- All offers of employment will be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements of engagement.

**HEAD OF POWER:** *Local Government Act 1995*

*The WA Equal Opportunity Act 1984*

*The Racial Discrimination Act (Cth) 1976*

*The Sex Discrimination Act (Cth) 1984*

*The Human Rights and Equal Opportunity*

*Commission Act (Cth) 1987*

*The Disability Discrimination Act (Cth) 1992*

<b>Policy Number</b>	HR2 Prev. Ed. STF 26
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	23 October 2013 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)



## **HR3 CHIEF EXECUTIVE OFFICER (CEO) – HUMAN RESOURCE MANAGEMENT**

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### **Human Resources**

#### **PREAMBLE**

The *Local Government Act 1995* requires that the Council appoint the Chief Executive Officer under contract. The contract details much of the relationship between the Council and the CEO, though little is said in terms of the Council's expectation of the CEO in relation to the management of all other staff. This Policy provides that guidance.

#### **OBJECTIVE**

To provide definitive guidance to the CEO in the creation for HR management policy, procedure and practice.

#### **POLICY**

All Human Resource policy procedure and practice in use will reflect the Shire of Halls Creek principles:

- Fairness, Equity, Equal Employment Opportunity and employment free from Bullying, Harassment or Injustice.
- Practice and procedures must be documented sufficiently to demonstrate the principles in action.
- Practice and procedures must at all times be tested to ensure they comply with the current law governing contemporary human resource practice.
- Practice and procedures must at all times reflect a higher care and concern for Occupational Safety and Health (OSH) to ensure staff safety whilst working, including safety in terms of social and emotional well-being; and
- Be of a nature and content that demonstrates caring and concern for the staff who willingly commit their efforts to the Shire of Halls Creek, taking into account the difficulties and remoteness of our location.

The Shire Chief Executive Officer is required to provide a suite of services, management policy, operational directives and employment incentives for Shire staff that reflect contemporary local government Human Resource principles (as above). The employment package offerings are aimed at maintaining a responsive, enthused and skilled workforce that supports the aims and commitments of the Shire. There is no limitation to the scope of offerings the Chief Executive Officer may create, provided each is presented in a manner that reflects the policy positions and practice of the Shire, has a budget and is available to all staff in a manner that all may access.

The Chief Executive Officer is charged with the responsibility of providing sound management of the assets of the Shire, particularly when these assets are offered as part of a salary package or contract. Sound management will be created by adopting management policy, procedures and practice that protect Councils interest, maintains the asset to maximum life, demonstrates fair and equitable sharing of costs and liabilities and reflects contemporary management and socially acceptable values in caring for public assets.

The CEO may exercise discretion as to how these management policies, guidelines and practices will apply and can refer to Council for the resources to support such.

### **PRACTICE**

The CEO will develop and provide management policy, procedures, guidelines and practice that demonstrate the Shire of Halls Creek Human Resource values and principles.

All HR procedure and practice will be presented to the Council every two years for consideration as part of the annual "Policy Review". Whilst Council recognises that the management of staff and the HR function is the role of the CEO, it will use the presentation of the HR policy, procedure and practice to test to see if the current regime of HR practice reflects its values and preferred methods.

The Shire of Halls Creek recognises that external review of the HR policy, procedure and practice can and will occur from time to time. Nothing in this policy prevents the Council in directing the CEO to adopt alternate, revised and or new policy to address identified deficiencies in existing HR policy, procedure or practice.

The CEO is required to update and renew HR policy, procedure or practice as and when changes to the laws governing HR take effect and or when contemporary practice demonstrates that a review and update is necessary.

Nothing in this policy prevents the immediate application of the changes in HR law or practice when identified.

**HEAD OF POWER:** *Local Government Act 1995 and Shire of Halls Creek HR policy.*

<b>Policy Number</b>	HR2 Prev. Ed. STF 26
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	23 October 2013 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

# HR4A STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

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## Administration

### PREAMBLE

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

### OBJECTIVE

The Shire of Halls Creek, Standards for CEO Recruitment, Performance and Termination policy provides standardise guidelines in relation to the recruitment, performance review and termination of the Chief Executive Officer.

## Division 1 — Preliminary Provisions

### 1. Citation

These are the Shire of Halls Creek 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.

**Contract of Employment** means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO.

**Contractual Performance Criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act.

**Job Description Form** means the job description form for the position of CEO approved by the local government under clause 5(2).

**Local Government** means the Shire of Halls Creek.

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

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

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

## Division 2 — Standards for Recruitment of CEOs

### 3. Overview Of Division

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

#### **4. Application Of Division**

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

#### **5. Determination Of Selection Criteria and Approval Of Job Description Form**

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

#### **6. Advertising Requirements**

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

#### **7. Job Description Form to Be Made Available by Local Government**

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

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

## **8. Establishment of Selection Panel for Employment Of CEO**

(1) In this clause:

**Independent** Person means a person other than any of the following:

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

## **9. Recommendation By Selection Panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government:
- (a) A summary of the selection panel's assessment of each applicant; and
  - (b) Unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
- (a) That a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) The changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3):
- (a) In an impartial and transparent manner; and
  - (b) In accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has:
- (a) Assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) Verified any academic, or other tertiary level, qualifications the applicant claims to hold; and

- (c) Whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

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:

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

#### **12. Variations To Proposed Terms of Contract of Employment**

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

#### **13. Recruitment To Be Undertaken on Expiry of Certain CEO Contracts**

- (1) In this clause:

**Commencement Day** means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.

- (2) This clause applies if —
- (a) Upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
    - (i) The incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
    - (ii) A period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day.
  - and
  - (b) The incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

#### **14. Confidentiality Of Information**

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

### **Division 3 — Standards for Review of Performance Of CEOs**

#### **15. Overview Of Division**

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

#### **16. Performance Review Process to be Agreed Between Local Government and CEO**

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

## **17. Carrying Out a Performance Review**

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

## **18. Endorsement Of Performance Review by Local Government**

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

## **19. CEO To Be Notified of Results of Performance Review**

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

- (1) The Results Of The Review; And
- (2) If The Review Identifies Any Issues About the Performance of the CEO — How The Local Government Proposes To Address And Manage Those Issues.

## **Division 4 — Standards for Termination of Employment Of CEOs**

### **20. Overview Of Division**

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

### **21. General Principles Applying to Any Termination**

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



## **22. Additional Principles Applying to Termination for Performance Related Reasons**

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

## **23. Decision To Terminate**

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

## **24. Notice Of Termination of Employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

**DELEGATION:** Nil

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	HR4A
<b>Policy Section</b>	Administration
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2021/042
<b>Adoption Date</b>	15 April 2021
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **HR5 CHIEF EXECUTIVE OFFICER (CEO) – LEAVE APPLICATIONS AND OTHER APPROVALS**

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### **Human Resources**

#### **PREAMBLE**

Due to the position held by the CEO, there is no other individual person authorised under the Local Government Act 1995 (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications. These functions can only be approved by resolution of the Council.

#### **OBJECTIVE**

To define the Council's expectations for the CEO to report and inform Council of proposed leave or leave taken, with or without payment, and to provide information into reasonable additional hours under the Contract of Employment.

To establish a reporting process to inform Council of circumstances where the CEO authorises their own credit card transactions and reimbursement of council related expenses incurred.

#### **POLICY**

The CEO is to report to the Ordinary Meetings of Council (OMC) proposed leave and the detail of any leave taken, with or without pay, including the detail of any claims for additional work over and above of the reasonable additional hours under the CEO employment contract. The CEO shall also provide details of all corporate credit card purchases issued to him/her and any reimbursements the CEO has claimed.

The reporting to Council is to be prepared by the Manager of Finance by way of a standing agenda item to every Ordinary Meeting of Council and will contain sufficient relevant details to enable Council to substantiate that:

- The CEO was entitled to and had sufficient credits for the leave taken.
- That the leave taken was an entitlement under the CEO's employment contract.
- That any claim for additional hours worked beyond reasonable additional hours under the contract of employment are justified and acceptable.
- Expenditure on the CEO's corporate credit card has been incurred in accordance with the shire's procurement policy and credit card agreement; and
- The CEO had incurred legitimate work-related expenses to be reimbursed.

#### **PROCESS**

The OMC agenda item is to be prepared by Finance staff based on the relevant forms completed and certified by the CEO (Timesheets) providing details of leave, additional hours, credit card transactions and reimbursements that have occurred during the period. The relevant forms, which are appended, are:

- FORM 1      CEO's Leave Application Form
- FORM 2      CEO's Credit Card Reconciliation Form
- FORM 3      CEO's Expenses Claim Form

Forms 1 and 2 are to be presented to Council for information purposes. Form 3 is to be presented to Council for confirmation and authorisation for the payment to occur.

In the case of the CEO taking extended annual or other leave Council policy relating to the appointment of an Acting CEO will apply.

Appendices:

1. Leave Application - CEO
2. Credit Card Reconciliation – CEO
3. Expense Claim Form - CEO

**HEAD OF POWER:** *Local Government Act 1995 and Shire of Halls Creek HR policy.*

<b>Policy Number</b>	HR 5 Prev. Ed. STF 36
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	21 June 2018 (Resolution no. 2018/072) 20 September 2018 (2018/133) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **HR6 ACTING CHIEF EXECUTIVE OFFICER**

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### **Human Resources**

#### **PREAMBLE**

When the Chief Executive Officer proposes to take annual or other Leave the Chief Executive Officer is to report to Council on the appointment of an Acting Chief Executive Officer. Generally, the Director of Corporate Services takes this role, but subject to workload and operational factors, other senior suitable staff may be required to fulfil the acting Chief Executive Officer role.

#### **OBJECTIVE**

To ensure the Shire has an appropriate officer at all times acting in the legal position of CEO and that wherever possible (when time permits) the Council authorises the appointment. The actual selection of the Acting CEO will take into account the Director of Corporate Services current workload and operational availability to act as the CEO during the period of CEO's absence.

#### **POLICY**

That the CEO will ensure that the position of Acting CEO be filled as judiciously as possible when a known absence is due to occur, ensuring that wherever possible, the Council will consider and authorise the decision in advance of the leave.

On all occasions where timing does not permit the CEO to refer a report to Council, the CEO is authorised and delegated the authority to appoint the Director of Corporate Services to the position of Acting CEO.

That the authority to appoint the Director of Corporate Services as Acting Chief Executive Officer during the absence of the Chief Executive Officer on immediate leave be delegated to the CEO for times when there is not an immediately available Ordinary Meeting of Council to report to seeking Council resolution for this appointment.

When exercising the delegation, the Shire President is to be consulted and Council is to be provided with notice of the Acting appointment as soon as possible, or practicable. In the event that the Chief Executive Officer cannot appoint the Director of Corporate Services as Acting Chief Executive Officer, the Council will be required to authorise any alternative appointment.

#### **PROCESS**

Appointment of an Acting CEO by the CEO or Council is to be in writing signed by the CEO or President as applies.

**DELEGATION:** For the CEO to appoint the Director of Corporate Services as Acting CEO during periods of absence of the CEO, where a report referral to the Council is not possible.

**HEAD OF POWER:** *Local Government Act 1995* 5.36 and 5.42

<b>Policy Number</b>	HR6
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **HR7 RELOCATION EXPENSES**

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### **Human Resources**

#### **PREAMBLE**

To provide guidance to Chief Executive Officer in relation of the offer that can be made in assisting with relocation costs for successful appointees to a position vacant for the Shire of Halls Creek.

#### **OBJECTIVE**

To be clear about the extent of assistance provided and to establish a mechanism of review in the case of hardship claims.

#### **POLICY**

Relocation expenses for new employees will be paid for by the Shire to the following levels.

- 1) The Chief Executive Officer may determine any application for relocation expenses based on the following guidelines:
  - (a) No relocation expenses will be reimbursed after 7 months from commencement date.
  - (b) Expenses are to be paid only on the production of valid receipt(s);
  - (c) 100% of the relocation expenses may be paid on the employee's commencement of duties, but unless otherwise stipulated in the instrument of appointment, if the employee leaves within 12 months from their commencement, 100% of the relocation expenses are to be returned to Council.
  - (d) If the employee leaves after 12 months and before 2 years from the commencement of duties, 50% of the relocation expenses are to be reimbursed to Council on a pro rata basis; and
  - (e) Departure from the Council's employ more than 2 years after commencement will not require any refund by the employee to Council of their relocation expenses.
- 2) Unless otherwise approved by Council, relocation expenses paid to any employee shall not exceed:
  - (a) In the case of persons transferring from within Australia, \$5,000; and
  - (b) In the case of persons transferring from overseas, \$10,000.
- 3) Council will not provide relocation expense reimbursement at the end of the employee's contract.

The Shire HR processes to include sufficient policy information at interview so that prospective employees are aware of the "repayment" requirement.

The offer of relocation expenses will be indicated on all recruitment Letters of Appointment documentation and thereby via signed agreement.

No reduction in the repayment requirements can be approved by the CEO, only by reference to Council.

Nothing in this policy prevents a staff member from salary sacrificing additional costs of relocation as permitted by the Australian Taxation Office.

## **PROCESS**

The CEO at his/her discretion will determine the payment process applicable for each employee accessing the benefits provided by this practice, either pre-payment of costs, ordering/invoice for the relocation or reimbursement to the employee if paid in advance.

The CEO at his/her discretion will indicate what private expenses will/will not apply under this practice, though general procurement rules will apply to ordering or via the production of receipts.

**DELEGATION:** To the CEO to apply this policy in accordance with policy parameters excluding the provision to amend repayment options if an employee fails to meet the service requirements.

**HEAD OF POWER:** *Shire Policy; Procurement Practice*

<b>Policy Number</b>	HR7 Prev. Ed. STF 16
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **HR8 SUPERANNUATION**

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### **Human Resources**

#### **PREAMBLE**

To provide detail of the Superannuation scheme available to Shire of Halls Creek employees.

#### **OBJECTIVE**

To ensure Shire staff are aware of the way in which they can maximise their superannuation benefits whilst working with the Shire of Halls Creek and to provide added incentive through superannuation benefits to employment at the Shire of Halls Creek.

#### **POLICY**

Employees have the option to contribute to any superannuation scheme of their choice and the Shire of Halls Creek extends this co-contribution opportunity on the basis of length of service at the Shire.

The primary superannuation scheme for local government in WA is the Local Government Superannuation Scheme offered by WA Super. This scheme has operated since 1 July 2002.

The Shire is required to contribute an amount equal to 10.5% of your salary, on a fortnightly basis under the Federal Government Superannuation Guarantee. This contribution is in addition to salaries and wages and is a mandatory contribution.

Nothing stops an employee from making an additional private contribution from their salaries and wages above this amount and requests to do so can be lodged with the payroll office.

#### **Additional Contributions**

As an added incentive for employees, the Shire of Halls Creek will commit to making additional payments to superannuation for employees on the basis of length of service in a co-contribution arrangement. The details of this offer are displayed below:

- After two (2) years of continuous service – the Shire will pay a co-contribution up to a maximum of 5%;
- After five (5) years of continuous service – the Shire will pay a co-contribution up to a maximum of 7%; and
- After seven (7) years of continuous service – the Shire will pay a co-contribution up to a maximum of 10%.

The maximum percentage payable under this co-contribution scheme by the Shire will be 10% per annum.

Any extra contributions that employees voluntarily make to their superannuation will not be matched.



## PROCESS

Employees should be encouraged to seek financial advice in the preparation of their superannuation contributions as there are salary sacrifice and taxation limits that may apply. As a Local Government, the Shire of Halls Creek can obtain this advice from WA Super, and a number of salaries sacrifice companies.

Employees wishing to avail themselves to the opportunity of this policy will receive the necessary paperwork on appointment or can contact Shire HR or payroll staff to receive the forms.

**HEAD OF POWER:** *Local Government Act 1995, Superannuation Guarantee legislation*

<b>Policy Number</b>	HR8
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071) 20 October 2022 (Resolution no. 2022/129)

## **HR9 TERMINATION PAYMENTS – SEVERANCE PAYMENTS**

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### **Human Resources**

#### **PREAMBLE**

Section 5.50(1) of the *Local Government Act 1995* requires that a Council prepare a policy in relation to employees whose employment with the local governments finishing.

The policy is to set out:

- (a) The Circumstances in Which The Shire Of Halls Creek Will Pay An Employee An Amount In Addition To Any Amount Which The Employee Is Entitled Under A Contract Of Employment Or Award Relating To The Employee; And
- (b) The Manner of Assessment Of The Additional Amount.

#### **OBJECTIVE**

As required under Section 5.50(1) of the Local Government Act 1995 this severance payment policy outlines the circumstances and manner of assessment upon which the Shire of Halls Creek will pay an employee an amount (severance payment) in addition to any amount to which the employee is entitled under a contract of employment, award, industrial agreement, or order by a Court or Tribunal.

#### **POLICY**

This policy applies to all employees of the Shire of Halls Creek. Decisions under this policy are to be made by:

- Council where decision involves a severance payment to the CEO.
- The CEO where the decision involves a severance payment to any other employee of the Shire of Halls Creek.

#### **Circumstances For Severance Payment**

The Shire of Halls Creek may pay a severance payment in the following circumstances:

- Redundancy.
- Local Government boundary change and amalgamations.
- Any other termination matter that does not relate to an employee being made redundant (e.g., dismissal).

#### **Exclusions**

A severance payment will not be made to an employee who:

- Is redeployed within the Shire of Halls Creek.
- Is dismissed for misconduct.
- Is employed on either a temporary or casual basis.
- Is under probation.

## **Determination Of Severance**

### **Payment Recognition of Service - Gift**

Recognition of service may be extended to employees upon cessation of employment with the Shire of Halls Creek in the following manner:

- Service 0-5 Years - NIL
- Service 5-10 Years - A payment of \$50 per year.
- Service more than 10 years - A payment of \$100 per year.

### **Settlements And Other Terminations**

For the purposes of determining the amount of severance payment in respect of settling a matter under this policy, the following may be considered:

- Advice of an industrial advocate or legal practitioner on the strength of the case of respective parties in any litigation or claim in an industrial tribunal.
- The cost of any industrial advocate or legal advice support.
- The general costs associated with the hearing including witness fees, travel costs.
- Disruption to operations.
- A maximum payment equivalent to three months remuneration under the award rate for the position.

All such settlements and terminations shall be by signed agreement with the staff member involved that will include privacy (excluding public interest test) and "no other claim" provisions.

All settlement and termination provisions cannot exceed the provided and adopted budget for the specific position under consideration.

#### **Additional Payments by Council Resolution**

Council may pay to an employee whose employment with the Shire of Halls Creek is finishing an additional severance payment over and above that prescribed in this policy to the maximum severance payment made allowable under the *Local Government Act 1995*.

#### **Note:**

Section 19A. Payments to employee in addition to contract or award s. 5.50(3)

- 1) The value of a payment or payments made under section 5.50(1) and
- 2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total;
  - (a) if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or
  - (b) in all other cases, \$5 000.

An additional payment made under clause 4.3 will require local public notice to be made in relation to this payment.

**DELEGATION:** To the Chief Executive Officer the authority to make decisions relating to the severance and termination payments to employees.

**HEAD OF POWER:** *Local Government Act 1995 and Shire of Halls Creek policy*

<b>Policy Number</b>	HR9
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

# **HR10 APPOINTMENT AUTHORISED OFFICERS BY CEO**

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## **Human Resources**

### **PREAMBLE**

The numerous Shire functions generally require authorised officers with a variety of powers to be appointed to undertake the various roles and functions. This policy directs the Chief Executive Officer to organise the appointments to ensure adequate officers are available to undertake the necessary duties.

### **OBJECTIVE**

To ensure individual officers have the correct authorities to undertake the duties and functions of various pieces of Legislation that the Shire administers.

### **POLICY**

#### **Appointment Of Authorised Officers**

The duly appointed Chief Executive Officer (CEO) of the Shire of Halls Creek, shall appoint Shire officers to administer and enforce the following Acts, Regulations and Local Laws, that may include the authority to instigate action in any Court of competent jurisdiction in relation to exercising any of the powers as an Authorised Person conferred in:

- *The Local Government Act 1995 and Regulations,*
- *The Local Government (Miscellaneous Provisions) Act 1960,*
- *The Dog Act 1976 and Regulations,*
- *The Cat Act 2011 and Regulations,*
- *The Litter Act 1979 and Regulations,*
- *The Bush Fires Act 1954,*
- *The Caravan Park and Camping Grounds Act 1995 and Regulations,*
- *The Public Health Act 2016 and Regulations,*
- *The Health (Asbestos) Regulations 1992,*
- *The Food Act 2008 and Regulations,*
- All Local Laws adopted by Council,
- To approve applications for public events in accordance with Department of Health Guidelines for concerts, events and organised gatherings.

#### **Shire Liquor Permits – Consumption of Alcohol**

The Chief Executive Officer of the Shire of Halls Creek is authorised to appoint Shire Officers to approve or reject applications to consume liquor in or at Shire buildings or on Shire controlled reserves without reference to Council.

### **PROCESS:**

#### **Appointment Of Authorised Officers**

Shire Directors shall make application to the CEO requesting the appointment of an Authorised officer, application to be accompanied with:

- Details of Officers appointed, applicable sections/roles of various Acts with or without power to instigate legal proceedings, including details of Officers removed/changed from appointments.
- Letter of appointment to the employee to act under the various Acts, Regulations and Local Laws.
- Copy of Advertisement indicating appointment/removal with detail of where and when Advertisement will be advertised.

- Photo Identity Cards for CEO signature where required.

### **Shire Liquor Permits – Consumption of Alcohol**

All applications to consume liquor are to be in writing and addressed to the Chief Executive Officer.

### **DELEGATION:**

To the Chief Executive Officer to appoint officers for the purpose of administration and enforcement of:

- *The Local Government Act 1995* and Regulations,
- *The Local Government (Miscellaneous Provisions) Act 1960*,
- *The Dog Act 1976* and Regulations,
- *The Cat Act 2011* and Regulations,
- *The Litter Act 1979* and Regulations,
- *The Bush Fires Act 1954*,
- *The Caravan Park and Camping Grounds Act 1995* and Regulations,
- *The Public Health Act 2016* and Regulations,
- *The Health (Asbestos) Regulations 1992*,
- *The Food Act 2008* and Regulations,
- All Local Laws adopted by Council, including where appropriate the:
  - Power of Entry and inspection; and
  - The issue of Infringement Notices.
- To approve or reject applications to consume liquor in or at Shire buildings or on Shire controlled reserves,
- To approve applications for public events in accordance with Department of Health Guidelines for concerts, events and organised gatherings.

### **HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	HR10
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

# **HR11 COMMON BENEFITS FOR PERMANENT EMPLOYEES**

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## **Human Resources**

### **PREAMBLE**

The Council acknowledges the difficulty in attracting applications from suitably qualified people due to the Shire's remote location and perceived isolation when residing in the Shire. This policy details added incentive for current and future employees to come and work for the Shire of Halls Creek in line with the Shire's Workforce Plan.

### **OBJECTIVES**

The aim of this policy is to allow the Council and the Chief Executive Officer to develop a suite of incentives and benefits for permanent employees that provides added value to the employment package. Whilst not always a cash component, these tangibles added benefits may sway a prospective employee to seek, continue or maintain full time employment (FTE) employment with the SoHC.

### **POLICY**

#### **Electricity Allowance**

Applies to permanent employees who reside within the Shire of Halls Creek only. Permanent part-time employees who reside within the Shire of Halls Creek will be eligible on a pro rata basis.

#### **Electricity Allowance**

All permanent employees residing with the Shire of Halls Creek shall be entitled to receive an annual Electricity Allowance, subject to the following conditions:

- (1) For employees residing in the Council-owned dwellings, the Council will continue to pay the electricity bills and will recoup from the employee any charges above the standard maximum annual allowance.
- (2) Employees who are not resident in Council-owned dwellings will be reimbursed their electricity costs up to the standard maximum annual allowance on the presentation of paid electricity invoices in their own names for a property located within the Shire of Halls Creek.
- (3) For each FBT year, the standard maximum entitlement for a full-time employee shall be determined by the Chief Executive Officer in line with movements in the domestic electricity tariff and communicated to the Chief Financial Officer or equivalent head of accounting services for implementation.

#### **Halls Creek Allowance**

- The payment of the Halls Creek Allowance forms part of the employee's taxable income.
- All permanent employees residing within the Shire of Halls Creek shall be entitled to receive the Halls Creek Allowance to the value of \$1400.00.
- Permanent part time employees residing within the Shire of Halls Creek will receive a pro rata Allowance. The Halls Creek Allowance will be paid annually in lump sum.

- An employee will receive the Halls Creek Allowance following the date of their employment anniversary on completion of 12 months of continued service. The allowance shall be paid on the first pay run following the employees' anniversary.
- An Employee currently receiving the Halls Creek Allowance as part of their fortnightly pay will continue to receive their allowance each fortnight until the date of their next anniversary, at which time the allowance will be paid as per the new policy arrangements. Any newly appointed employees from the date of adoption of this policy
- The Halls Creek Allowance is in addition to the district allowance as specified in the award. Employees cannot claim a spouse or de facto Halls Creek Allowance.
- The value of the Halls Creek Allowance shall be as provided for in the employee's Contract of Employment.
- If an employee changes employment within the Council, the previous contractual provisions for Allowances continue until a new contract of employment is signed.

### **Other Entitlements**

The Chief Executive Officer may from time to time, at his discretion, award other benefits to employees including, but not limited to, water subsidy, telephone allowance, and private vehicle use. These benefits are not considered common and are therefore not covered by this policy. The application of such benefits will be negotiated individually and outlined in the individual employee's contract of employment.

<b>Policy Number</b>	HR 11 Prev. Ed. STF 21
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	21 May 2009 (Resolution no. 2009/101) 17 April 2014 (Resolution no. 2014/014) 19 November 2015 (Resolution no. 2015/109) 20 October 2016 (Resolution no. 2016/089) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)



# **HR12 SMOKE FREE – SHIRE WORKPLACES AND BUILDINGS**

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## **Human Resources**

### **PREAMBLE**

It is recognised that it is the right of individuals to decide whether they choose to smoke or not, however, increasing evidence indicates “passive smoking” is harmful to health and, accordingly, the Shire has adopted a smoke free working environment practice for all internal or enclosed working areas. As staff attend all Shire Buildings and this could be regarded as a worksite – smoking will only be permitted outdoors.

### **OBJECTIVE**

The objective of this practice is to protect the health of employees by eliminating risks associated with smoking in the workplace.

### **POLICY**

There will be NO SMOKING within 5 metres of all internal or enclosed work areas as follows:

All offices and buildings which are regularly occupied by employees, including:

- Fire escapes and stairs
- Foyer and passageways
- Lunchrooms, kitchens and common rooms
- Toilets
- Meeting Rooms
- All Shire vehicles, including cars, trucks and earthmoving equipment.

Smoking is strictly prohibited in those areas or workplace that are signposted with prohibitive signs or where there is a high fire risk.

Employees who choose to smoke will not be provided any additional time away from their workstation to do so. Smoking must be conducted in their approved breaks.

### **PROCESS**

The Chief Executive Officer is to ensure that where practicable signs will be posted to indicating a “Smoke Free Environment” at all offices and buildings.

Managers and supervisors are responsible for enduring compliance with the practice. Employees can assist in the implementation of this practice to ensure health and safety of themselves and their fellow employees.

Employees who wish to quit smoking by utilising sponsoring programs aimed at smoking cessation may be supported subject to merit and with the approval of the Chief Executive Officer.

Employees who choose to smoke must make arrangements for the legal disposal of cigarette butts.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	HR12 Prev. HLT 01
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 21 June 2018 (Resolution no. 2018/073) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

# **HR13 COVID-19 EMERGENCY POLICY PROVISIONS**

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## **Human Resources**

### **PREAMBLE**

The Australian Commonwealth Government and the Western Australian State Government have declared the COVID-19 outbreak in Australia a Public Health Emergency. The WA Government Pandemic Plan has been activated to respond to the potential impacts of COVID-19. The Shire takes the best advice from the Department of Health and public health experts in its efforts to respond to the COVID-19 pandemic.

### **PURPOSE**

This policy is to ensure that the Shire of Halls Creek has the flexibility to respond appropriately to the unfolding COVID-19 public health emergency. The policy shall be operational for the duration of the public health emergency only.

### **OBJECTIVES**

To mitigate the health, community, social and economic impacts of the COVID-19 outbreak in the Shire of Halls Creek.

### **POLICY**

#### **Quarantine Or Isolation for Employees**

- (1) Employees needing to self-quarantine or self-isolate or directed to do so by medical services will be required to take personal leave for the duration of the quarantine/isolation period. This applies to employees taking leave to care for minor children who are required to be on quarantine or isolation.
- (2) Employees who have exhausted their personal leave shall use accumulated TIL and annual leave for the duration of the quarantine/isolation period.
- (3) Where employees have exhausted all their leave options, or for casual employees, the CEO may approve a total of 10 working days paid COVID-19 leave.

#### **Caring For Minor Children**

- (1) During school holidays, or when schools close due to the COVID-19 emergency, employees requiring leave to care for minor children shall utilise their personal leave.
- (2) Employees who have exhausted their personal leave shall use accumulated TIL and annual leave for the duration of the quarantine/isolation period.
- (3) The CEO may approve up to 2 months unpaid leave in the event of a prolonged closure of schools and day care centres.

#### **Business Continuity**

- (1) Acting on advice from the state Hazard Management Agency (HMA), the CEO may close, reduce hours of operation or scale down the operations of the Shire business units and services during the emergency, as required.
- (2) The CEO may also order staff who can, to work from home and meetings to be conducted via teleconferencing or video conferencing technologies.
- (3) The Director Assets and Infrastructure and the Director Health and Regulatory Services to ensure the non-disruption of Waste Management Services, which have been classified as an essential service.

- (4) The Director Corporate Services to ensure the non-disruption of the Post Office service, which our community relies on as there are no banks in the district.
- (5) Activities aimed at protecting Shire staff from COVID-19 infection to be implemented with immediate effect.
- (6) CEO to ensure the implementation of the 'Mitigation activities in response to community transmission or impact of COVID-19' plan, a live document which will be updated as new information is obtained on the development of the COVID-19 emergency.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	HR13
<b>Policy Section</b>	Human Resources
<b>Responsible Department</b>	Corporate Services
<b>Adoption Resolution Number</b>	2020/028
<b>Adoption Date</b>	19 March 2020
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## **HR20 VEHICLE – PRIVATE USE**

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### **Human Resources**

#### **PREAMBLE**

To provide a framework of rules and conditions upon which the Shire use of vehicles can occur for those staff, who have included in their employment package a private use component for motor vehicle use.

#### **OBJECTIVE**

To ensure staff of the Shire of Halls Creek use Shire vehicles in accordance with generally accepted practices; whilst still providing incentives for use and maintenance and that all use agreements or contract provisions across all levels of staffing are consistent to accepted practice.

To ensure employees are aware of the Fringe Benefit Tax obligations around private use of Shire vehicles and that employees are aware of their obligations to keep vehicles in a safe and appropriate condition.

#### **PRACTICE**

This guideline applies to employees to whom vehicles are either allocated as part of works processes or who have in accordance with their negotiated employment contracts receive a Shire vehicle for their work and own private use. Use can include after work hours, weekends and/or annual and long service leave periods. Use can also include that where fuel is provided by the Shire or paid for by the employee.

The term “unlimited use” refers to the purposes of use of council vehicles, however not to the driven distances. The employment contract specifies the areas of approved operations, including a dollar value for which the consideration is attached. For example, a nominated value of \$5,000 as the salary package component equates to approximately 4,500 kms of private use (current application \$1.12 per km). The cost of running the vehicle thereafter becomes a liability to the user.

Excepting for negotiated contract employees where the contract states otherwise, it is the Shire’s practice not to make works processes vehicles available for periods of long service leave.

Shire vehicles may be driven by the following persons:

- The authorised officer of the Shire or outside of normal working hours, by the spouse or partner of the employee allocated the use of the vehicle.
- The holder of an appropriate current driver’s licence when accompanied by an authorised officer.
- Other such persons as are authorised by the Chief Executive Officer.

Employee allocated vehicles are to be brought onto the job every working day (except those days the officer concerned is on paid leave) and the vehicle is to be made available for use by other Shire staff during normal working hours as business dictates. On occasions this may include Shire use outside of normal working hours.

The intent to drive council vehicles outside of the boundaries of the Shire require a trip plan to be submitted to and approved by the CEO before travel is commenced.

This Policy is intended to be read in conjunction with the Shire of Halls Creek Light Vehicle Guide which is made available to all staff with private use of a vehicle.

### **Definition of Private Use (Tax Office)**

A car is taken to be available for the private use of an employee on any day that they or their associates:

- (1) Use it for private purposes; or
- (2) Could use it for private purposes.

If a car is garaged at or near an employee's home, it is taken to be available for the employee's private use, regardless of whether or not the employee has permission to use the car privately.

As a general rule, travel to and from work is private use of a vehicle.

### **Application**

This procedure applies to all employees who take a Shire vehicle away from the workplace after work hours.

### **Fringe Benefit Tax**

Each employee with a Shire vehicle must complete a logbook as supplied for the purposes of Fringe Benefit Tax calculation. Log-books are to be assessed quarterly.

### **Private Use**

The Shire employee or are a spouse of the Council employee to which the vehicle has been allocated who receives the Shire vehicle, is permitted to drive it when authorised by the Chief Executive Officer or the Director of Assets & Infrastructure. No other persons may operate the vehicle unless in an emergency situation.

Council vehicles must be operated in a safe manner and all traffic laws are to be obeyed.

An employees must have a valid vehicle appropriate driver's licence prior to operating a Shire vehicle and must drive with a zero-blood alcohol content (BAC).

Employees will be responsible for any infringement notices issued while the vehicle is in their possession. Employees are responsible for the security of their personal items in Shire vehicles.

Employees who have personal use of Council vehicles are required to keep them in a reasonable state of cleanliness and report any defects immediately to the shire mechanics.

### **Inappropriate Private Use**

No employee shall take a Shire vehicle off road without the approval of the Director Infrastructure or the Chief Executive Officer. Off-road is defined as any area outside a gazetted road or road reserve.

Approval to go "off road" by a Director or CEO on one occasion does not mean that approval is given on all occasions. Employees who use Shire vehicles for unlawful or unsafe activities will be investigated under Shire Complaints policy or Grievance procedures and, if the allegations are substantiated, will face disciplinary action or dismissal.

All criminal activities involving Shire vehicles will be reported to the appropriate authorities. In terms of the extent of use of the vehicles (subject to refinement under contract

documents) but generally limited by,

- Chief Executive Officer - Unrestricted private use of the vehicle, in Western Australia and above the 26th parallel in Australia, except on long service leave (unless approval is granted by Council).
- Director level - Unrestricted private use of the vehicle, in Western Australia and above the 26th parallel in the Northern territory, except on long service leave (unless approval is granted by the CEO).
- Manager level - Unrestricted private use of the vehicle, in Western Australia Kimberley
- Region, except on long service leave (unless approval is granted by the CEO).
- Officer level – Localised and commuting use of the vehicle in the Shire of Halls Creek Shire. All period of level (unless approval is given by CEO) requires the vehicle to be housed or stored at the Shire depot.
- Shire Mechanic - Use of vehicle for commuting to and from work or within the Shire as determined by the Director of Assets & Infrastructure.
- Building & Maintenance staff - Use of vehicle for commuting to and from work as determined by the Director of Assets & Infrastructure.

All work vehicles are to remain available to other staff for work related use during work hours, providing this use is not inconveniencing the employee assigned the vehicle.

The Chief Executive Officer is to ensure that negotiated terms and conditions for the use of vehicles across the different employment levels in the Shire reflect generally accepted standards of use commensurate to status and position. Even so, terms and conditions should reflect an acceptable standard of maintenance, responsibility and accountability for the negotiated use of the vehicle.

## **PROCESS**

All employees to whom vehicles are allotted are responsible for the care, including interior and exterior cleaning and subject to the approval of the Chief Executive Officer may have the vehicle detailed by professional cleaners once per annum as part of a maintenance regime.

No modifications are to be made to the vehicle without the approval of the Chief Executive Officer.

The vehicles will not be used to complete in any car rally or competition.

A non-negotiable requirement of the use of council vehicles is to have 0.00 blood alcohol content.

All employees to whom vehicles are allotted are to report to the Chief Executive Officer any conviction or potential for conviction immediately. An officer convicted of drink, drugs, careless, dangerous or reckless driving following an accident in a Shire vehicle will be required to pay the cost of associated repairs, including the insurance excess (in the event that the Shire's insurer will cover any resulting claim) or those costs not covered by the Shire's insurance in the event of a conviction.

The Shire reserves the right to discipline employees in addition to what may occur at a conviction level. The Chief Executive Officer will report and make recommendation to the Council, as a result of any conviction where additional penalty is to be imposed. Appeal rights may apply.

Shire personnel are encouraged to use Shire vehicles during work hours as private vehicles are not covered by the Shires insurance policy in the case of damage or accident.

It is a condition of service that staff who require a motor vehicle driver's license for work purposes, advise their supervisor of any changes to their current driver's licence approval (disqualification or likely conviction immediately, failure to do so may result in disciplinary action. Procedures relating to the loss of motor vehicle driver's license apply.

In the event of an accident, a full report is to be made to the Chief Executive Officer and all relevant insurance claim forms completed within 24 hours of the incident.

**HEAD OF POWER:** *Local Government Act 1995*

<b>Policy Number</b>	HR20 previously STF 27
<b>Policy Section</b>	Human Resources previously Infrastructure
<b>Responsible Department</b>	2022/090
<b>Adoption Resolution Number</b>	18 August 2022
<b>Adoption Date</b>	17 April 2014 (Resolution n. 2014/014)
<b>Review Date &amp; Resolution</b>	15 June 2017 (Resolution no.) 25 July 2019 (Resolution no. 2019/091) 17 June 2021 (Resolution no. 2021/067) 28 July 2022 (Resolution no. 2022/071) 18 August 2022 (Resolution no. 2022/090)



# RS1 BUILDING PERMIT APPLICATIONS – TO BE CERTIFIED

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## Regulatory Services

### PREAMBLE

Changes to the process of approving building licenses in 2011 have resulted in the Shire indicating its requirements for building permit application certification.

### OBJECTIVE

To provide guidance on the Shire's provision of a building certification service.

### POLICY

The Shire of Halls Creek will provide a building certification service in respect of class 1 and class 10 building permit applications only.

All other classes of building permit applications must be certified as required under the *Building Act 2011*, prior to being lodged with the Council.

### PROCESS

Applicants for all other building class permit applications must have them certified before they are lodged with the Shire for assessment and the issue of a building permit or otherwise.

Applicants should clarify this process with the Director Health and Regulatory Services

### HEAD OF POWER: *Building Act 2011*

<b>Policy Number</b>	RS1 Prev. Ed. BLD 09
<b>Policy Section</b>	Regulatory Services
<b>Responsible Department</b>	Health & Regulatory Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	21 June 2012 (Resolution no. 2012/090) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## RS2 CAT OWNERSHIP LIMIT – CAT CONTROL

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### Regulatory Services

#### **PREAMBLE**

With the introduction of the *Cat Act 2011* and *Cat Regulations 2012* this guideline is used to outline the principles of cat ownership and cat care within the Shire of Halls Creek.

#### **OBJECTIVE**

To encourage responsible cat ownership and compliance with the *Cat Act 2011* and *Cat Regulations 2012*.

#### **POLICY**

The Shire of Halls Creek limits the number of cats on a premise within the Shire of Halls Creek to a maximum of two (2) cats over the age of six (6) months.

#### **PROCESS**

##### **Definitions**

For the purpose of this policy, the term 'keep' refers to a cat being owned and registered to the owner, also a cat being fostered and/or waiting to be rehomed at a premise where the owner is ordinarily resident. For the purpose of this policy a kitten is not deemed to be a cat until it is six (6) months of age.

The Shire of Halls Creek Cat policy automatically permits a person to keep up to two (2) cats over the age of 6 months with approval.

The Shire Ranger(s) are required to investigate all notifications where information suggests more than two (2) cats are held on a premise and formal recommendation is to be submitted to the Chief Executive Officer for consideration.

##### **Minimum Standards For The Keeping Of Cats Are:**

All cats must be registered with the Shire of Shire of Halls Creek or another local government, micro chipped and sterilised, in accordance with the Cat Act; and All excreta to be disposed of without causing a risk to the health and safety of any person. Cats must not be kept in a manner which:

- Endangers, or is likely to, endanger the health of any person or animal; and
- Causes a nuisance of any kind to the occupiers of premises in the surrounding areas.

##### **Cat Foster Carers:**

Applications to keep three or more cats by Cat Foster Carers will be considered on the merits of the application. Due to the circumstances in which Cat Foster Carers operate, discretion will be used to assess these applications and conditional approval will vary from residential cat owner applications. The discretion exercised will allow Rangers to recommend alternatives for the keeping of cats up to the maximum number of four (4) cats set by this policy, without specifying the cats being kept.

To qualify for this discretion the application to keep cats under the Cat Foster Carer provision, the following will be required:

- Written evidence that the person applying for the keeping three or more cats is a current member of a local Cat Foster or Cat Re-homing organisation;
- Written evidence that the person applying for the discretion to keep cats under the Cat Foster Carer provision is ordinarily resident at premises at which the cats are to be kept.

**Approval/Refusal:**

Approval/refusal will be granted by the Chief Executive Officer under delegation from Council. In the event an application is refused, or the applicant is aggrieved by a condition of approval, the applicant will be informed of their right to request Council to reconsider the officer's decision. An application to review Council's decision may be made to the State Administrative Tribunal.

DELEGATION: To the Chief Executive Officer to determine applications to keep cats under the Cat Foster Carer provision of this policy.

HEAD OF POWER: Local Government Act 1995; Cat Act 2011 and Cat Regulations 2012.

<b>Policy Number</b>	RS2
<b>Policy Section</b>	Regulatory Services
<b>Responsible Department</b>	Health & Regulatory Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## RS3 DOG CONTROL – ATTACKS

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### Regulatory Services

#### PREAMBLE

Dog attacks are a traumatic experience for both the persons and the animal attacked the owners of animals and the alleged perpetrators owner.

#### OBJECTIVE

To expedite dealing with dog attacks to ensure evidence is gathered while it is fresh and obtainable and to have the matter dealt with quickly.

#### POLICY

The Chief Executive Officer (CEO) is authorised in accordance with the *Dog Act 1976*, Part VII to implement immediate proceedings against the owner of any dog that has been determined responsible for biting or attacking a person or animal.

The CEO may delegate the responsibility for initiating action to the Director of Health and Regulatory Services and any Shire authorised officers, the authority to take action under the *Dog Act 1976*.

The authorised officer or Shire Ranger in consultation with DHRS is to investigate as soon as practicably possible an incident of dog attack. The Ranger may consult with the DHRS and Chief Executive Officer in relation to the circumstances, evidence, regulations as they apply and submit options for recommended courses of action.

The Shire Ranger as the authorised officer has the power to issue infringement and/or summonses to progress action against a dog owner following reference and recommendation to the DHRS or Chief Executive Officer.

#### PROCESS

Where the Ranger believes criminal charges may also be an appropriate step, the WA Police are to be informed of the suspected offenses.

**DELEGATION:** Without reference to the Council the Chief Executive Officer is delegated authority to instigate legal and/or infringement proceedings against the owner of a dog involved in a dog attack on a person or other animal.

**HEAD OF POWER:** *Local Government Act 1995, Dog Act 1976*

<b>Policy Number</b>	RS3
<b>Policy Section</b>	Regulatory Services
<b>Responsible Department</b>	Health and Regulatory Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066 28 July 2022 (Resolution no. 2022/071)

## **RS4 DOG OWNERSHIP LIMIT – DOG CONTROL**

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### **Regulatory Services**

#### **PREAMBLE**

The Shire of Halls Creek has the opportunity under the Dog Act 1976 and the *Shire of Halls Creek Dogs Local Law 2002*, to minimise any nuisance associated with the keeping of dogs, and to ensure appropriate licensing of kennel establishments. This Policy will provide for a consistent application/assessment and approval process for keeping more than two (2) dogs.

#### **OBJECTIVE**

To encourage responsible dog ownership and compliance with the Dog Act 1976 and the Shire of Halls Creek Dogs Local Law 2002. To adopt a formal process for investigation and assessment of applications received from residents who wish to keep more than two (2) dogs, but not more than four (4) (over the age of three (3) months) at a property.

#### **POLICY**

The Shire of Halls Creek limits the number of dogs on a property within the Shire of Halls Creek to a maximum of four (4) dogs over the age of three (3) months.

The Shire CEO is authorised to delegate the investigation and the determination of applications under this Policy to the Director of Health and Regulatory Services (DHRS) or authorised Shire staff as appropriate, e.g., Shire Ranger.

Definition – for the purpose of this Policy a puppy is not deemed to be a dog until it is three (3) months of age.

#### **PROCESS**

Provisions of the Dog Act 1976, stipulate that a person may only keep two (2) dogs over the age of 3 months, though allows for an application in writing to be made to keep more than two (2) dogs over the age of 3 months. The application shall be submitted addressing the prescribed requirements with the payment of the required application fee.

#### **Prescribed Requirements:**

Applications must be in writing and provide the following information:

- (1) The name and contact details of the applicant.
- (2) The address of the premises to which the application relates.
- (3) The name and contact details of the proprietor of the premises (if different from the applicant).
- (4) Details of the dogs to which the application relates, including:
  - (a) names
  - (b) ages
  - (c) genders
  - (d) breeds
  - (e) ownership
  - (f) registration details
  - (g) whether or not they have been sterilised
  - (h) health status

- (5) A statement as to why the applicant wishes to keep more than the prescribed number of dogs at the premises.
- (6) The applicant's experience in and methods of handling dogs.
- (7) Applicants are encouraged to provide documentary evidence in support of their applications (e.g., certificates of sterilisation, veterinary receipts, etc.).

Surrounding property owners will be notified in writing of the proposed application requesting comment.

The DHRS or Shire Ranger(s) are required to investigate the application and ensure a formal recommendation is submitted to the DHRS or the Chief Executive Officer for consideration. Upon receipt of an application to keep more than two (2) dogs the Shire Ranger(s) will inspect the property as part of the application assessment to ensure:

- There is adequate provision of shade, water and protection for the dogs.
- The size of the property is adequate for more than two (2) dogs.
- There are suitable means to contain the dogs to the property.
- The cleanliness of the property; and
- The existing dogs appear to be clean and well cared for.

**Minimum Standards for The Keeping Of Dogs:**

- All dogs must be registered with the Shire of Halls Creek or other local authority.
- All faeces and urine to be disposed of without causing a risk to the health and safety of any person.
- No environmental harm; and
- The fences must be of a height and construction to prevent dogs from escaping over, through or under.

**Approval May Be Granted Subject to The Following Conditions:**

- Once any of the existing registered dogs at the property are deceased, sold or otherwise disposed of, the approval automatically lapses.
- The applicant's approval will automatically lapse if any offences relating to the *Dog Act 1976* and the *Shire of Halls Creek Dogs Local Law 2002* are substantiated.
- The property must be kept clear of all animal excreta using proper disposal methods.
- Adequate cover and protection are available for the dogs at all times;
- The dogs being at all times adequately confined in accordance with the *Dog Act 1976* and the *Shire of Halls Creek Dogs Local Law 2002*; and
- The approval may be revoked or varied at any time in accordance with the *Dog Act 1976* and the *Shire of Halls Creek Dogs Local Law 2002*.

In the event an application is refused, the applicant will be informed of their right to request reconsideration of the decision.

An application to review Council's decision may be made to the State Administrative Tribunal. If the application is not granted by the Council, draft a letter to the applicant explaining that the request has been denied and setting a time limit to remove excess of dogs from the property before legal action commences.

When the time limit has passed and no appeal has been submitted, arrange an inspection of the premises to ensure that any excess dogs have been removed.

**Note:** As a guide – the following criteria may also be used in determining Applications:

- Attributes of the dogs, such as their breeds, size, nature, whether sterilised, and any history of complaints.
- The size, location and zoning of the premises at which the dogs are housed;
- The conditions of the dogs' accommodation, for example the standard of fencing, shade, security, cleanliness, and factors which might affect their welfare; and
- Other factors such as aggregation of dogs in the same area, the applicant's experience in and methods of handling dogs, and motivation in obtaining a dog in excess of the prescribed limit.

**DELEGATION:** To the Chief Executive Officer to appoint the Director of Health and Regulatory Services (DHRS) to determine applications under this Policy without reference to the Council and for other Shire authorised officers to investigate and make recommendation under this Policy to the DHRS and the CEO.

**HEAD OF POWER:** *Local Government Act 1995, Dog Act 1976, Shire of Halls Creek Dogs Local Law 2002.*

<b>Policy Number</b>	RS4
<b>Policy Section</b>	Regulatory Services
<b>Responsible Department</b>	Health and Regulatory Services
<b>Adoption Resolution Number</b>	2019/060
<b>Adoption Date</b>	16 May 2019
<b>Review Date &amp; Resolution</b>	17 June 2021 (Resolution no. 2021/066) 28 July 2022 (Resolution no. 2022/071)

## List of Rescinded Policies

Date Rescinded	Policy No.	Policy Name	Resolution
16/05/2019	ADM 01	Policy Manual	2019/060
16/05/2019	ADM 02	Meetings of Council	2019/060
21/05/2009	ADM 03	Minutes Recording of Votes	
21/05/2009	ADM 04	Execution of Documents	
21/05/2009	ADM 05	Tender Procedures	
21/05/2019	ADM 06	Delegations to CEO Limits	
16/05/2019	ADM 07	Vandalism Reward for Conviction	2019/060
16/05/2019	ADM 08	Complaints Against Third Parties	2019/060
16/05/2019	ADM 09	Welcome to Halls Creek Event	2019/060
17/04/2014	ADM 10	Insurance – Professional Indemnity Use of Disclaimers	
17/04/2014	ADM 11	Media Statements	
16/05/2019	ADM 12	Advertising – Statutory and General	2019/060
16/05/2019	ADM 13	Shire Logo	2019/060
16/05/2019	ADM 14	Well Wishes from Council	2019/060
16/05/2019	ADM 15	Use of Council Chambers	2019/060
16/05/2019	ADM 16	Guest Speakers at Meetings of Council	2019/060
16/05/2019	ADM 17	Distribution, Release, Binding and Storage of Minutes	2019/060
16/05/2019	ADM 18	Public Question Time	2019/060
16/05/2019	ADM 19	Workplace and Sexual Harassment	2019/060
16/05/2019	ADM 20	Use of Information Systems	2019/060
16/05/2019	ADM 21	Purchase of Goods and Services	2019/060
19/06/2008	ADM 22	(purpose unknown)	2012/080
13/12/2012	ADM 23	Tender Process	
16/05/2019	ADM 24	Telecommunications and Information Technology - Provision and Usage	2019/060
17/04/2014	ADM 25	Recordkeeping	
16/05/2019	ADM 26	Not to Apply for Grants on Behalf of Other Organisations	2019/060
17/04/2014	ADM 27	Grant Applications to be Endorsed by Council	
16/05/2019	ADM 28	Social Media	2019/060
16/05/2019	ADM 29	Risk Management - <i>Number changed to 29 as 27 has been rescinded</i>	2019/060
18/02/2010	BLD 01	Free Standing Sheds and Pergolas	
13/12/2012	BLD 02	Building Control – Relocated Dwellings	
13/12/2012	BLD 03	Building Licences	
15/05/2014	BLD 04	Large Public Gatherings	
18/02/2010	BLD 05	Satellite Dishes, Microwaves and Radio Installations	
16/05/2019	BLD 06	Structures which Do Not Required a Building Permit	2019/060
16/05/2019	BLD 07	Compliance and Enforcement	2019/060
16/05/2019	BLD 08	Transient Workforce Accommodation and Construction Camps	2019/060
16/05/2019	BLD 09	Building Permit Applications to be Certified	2019/060
16/05/2019	BLD 10	Advertising on Shire Land and Related Public Infrastructure	2019/060
16/05/2019	BLD 11	(purpose unknown)	2019/060
17/04/2014	CEM 01	Licencing of Funeral Directors	
21/05/2009	FIN 01	Assets Accounting	
13/12/2012	FIN 02	Budget Management	
21/05/2009	FIN 03	Library Charges	



17/04/2014	FIN 04	(purpose unknown)	
21/05/2009	FIN 05	Buy Locally	
16/05/2019	FIN 06	Financial Investments	2019/060
16/05/2019	FIN 07	Payments	2019/060
16/05/2019	FIN 08	Rating Administration	2019/060
16/05/2019	FIN 09	Variance Levels for Financial Reporting	2019/060
17/04/2014	FIN 10	Control and Accounting for Diesel Fuel	
16/05/2019	FIN 11	Write Off of Monies Owed - Sundry Debts and Rates Debts	2019/060
16/05/2019	FIN 12	Expense Claims to be Lodged Promptly	2019/060
17/04/2014	FIN 13	No Exemptions to Refuse Site Fees	
17/04/2014	FIN 14	Refund of Refuse Site Vouchers	
16/05/2019	FIN 15	Strategic Rating Policy	2019/060
16/05/2019	HTL 01	Smoke Free Places	2019/060
16/05/2019	HTL 02	Applications to Keep More than the Prescribed Number of Dogs and/or Cats	2019/060
16/05/2019	HTL 03	Mobile Food Vending Vehicles and Temporary Food Stalls	2019/060
16/05/2019	HTL 04	Refuse Site Operation	2019/060
16/05/2019	HTL 05	Rubbish Bins are the Property and Responsibility of the Property Owner	2019/060
16/05/2019	HTL 06	Firearm Storage and Use	2019/060
16/05/2019	HSG 01	Employee Housing	2019/060
16/05/2019	IAM 01	Installation and Usage of Livestock Grids	2019/060
16/05/2019	IAM 02	Crossovers to Residential Properties	2019/060
16/05/2019	IAM 03	Crossovers to Commercial and Industrial Properties	2019/060
16/05/2019	IAM 04	Memorials and Dedications	2019/060
16/05/2019	IAM 05	Asset Management	2019/060
15/11/2011	MEM 01	Meetings of Council - Refreshments	
16/05/2019	MEM 02	Councillor Expenses and Remuneration	2019/060
14/04/2014	MEM 03	Standing Orders	
16/05/2019	MEM 04	Councillor Attendance at Shire Related Events Outside the Halls Creek District	2019/060
17/04/2014	OTH 01	Environment Council Recognition	
17/04/2014	OTH 02	Litter Control Honorary Inspectors	
17/04/2014	OTH 03	Sexual Harassment and Complaints / Grievances	
(date unknown)	OTH 04	(purpose unknown)	
17/04/2014	OTH 05	Halls Creek Visitor Centre Membership	
16/05/2019	OTH 06	Native Title	2019/060
16/05/2019	OTH 07	Annual Christmas Show and Float Parade - Council Resources	2019/060
16/05/2019	OTH 08	Applications for Restricted Area Regulations Pursuant to s.175 of the Liquor Control Act	
16/05/2019	OTH 09	Election and Political Signage	2019/060
28/02/2008	STF 01	Staff Senior Employees	
17/04/2014	STF 02	Staff – New and Casual Positions	
21/05/2009	STF 03	Staff Pre-Employment Travel to Halls Creek	
16/05/2019	STF 04	Employee Training	2019/060
16/05/2019	STF 05	Provision of Compulsory Corporate Uniforms for Employees	2019/060
16/05/2019	STF 06	Personal Protection Equipment - Outside Employees	2019/060
17/04/2014	STF 07	Staff Protection from the Sun	
17/04/2014	STF 08	Staff Medical Examination	
16/05/2019	STF 09	Medical Testing for Prospective and Current	2019/060

		Employees	
17/04/2014	STF 10	Equal Opportunity	
17/04/2014	STF 11	Long Service Leave Deferment	
17/04/2012	STF 12	Gratuity Payments	
17/04/2014	STF 13	Recognition of Staff on Termination of Services	
21/05/2009	STF 14	Annual Airfares	
17/04/2014	STF 15	Requirement for Exit Interview Upon Staff Cessation	
16/05/2019	STF 16	Employee Relocation Expenses	2019/060
(date unknown)	STF 17	(purpose unknown)	
16/10/2008	STF 18	Christmas Club	
16/05/2019	STF 19	Occupational Safety and Health	2019/060
16/05/2019	STF 20	Employment and Aboriginal Employment	2019/060
16/05/2019	STF 21	Common Benefits for Permanent Employees	2019/060
16/05/2019	STF 22	Out of District Allowance & Camping Allowance	2019/060
16/05/2019	STF 23	Study Assistance for Employees	2019/060
16/05/2019	STF 24	CEO Performance Reviews	2019/060
17/04/2014	STF 25	Aboriginal Employment	
16/05/2019	STF 26	Anti-Discrimination, Harassment and Workplace Bullying	2019/060
16/05/2016	STF 27	Vehicle Personal Use	2019/060
15/05/2014	STF 28	Access to Long Service Leave – NOT ADOPTED	
15/05/2014	STF 29	Matching Salary Sacrificed Superannuation – NOT ADOPTED	
16/05/2019	STF 30	Leave Entitlements	2019/060
16/05/2019	STF 31	Secondary Employment (paid & voluntary)	2019/060
16/05/2019	STF 32	Safe Vehicle Use	2019/060
16/05/2019	STF 33	Legal Representation - Costs Indemnification - Employees	2019/060
16/05/2019	STF 34	Legal Representation - Costs Indemnification - Elected Members	2019/060
(date unknown)	STF 35	Not Allocated	
(date unknown)	STF 36	Chief Executive Officer Leave Applications	
21/02/2013	TS 01	Vehicle and Plant	
17/04/2014	TS 02	Memorials and Dedications	