



Shire of Halls Creek **POLICY MANUAL**

1 July 2020





This page left blank intentionally



INTRODUCTION

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 the 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Whilst having the status of a Council resolution, the effect of such is that it can be changed by a new resolution or a rescinded motion.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.

Noel Mason
Chief Executive Officer
June 2019



INDEX

INTRODUCTION	3
A1 CODE OF CONDUCT – MEMBERS AND STAFF	6
A2 CUSTOMER SERVICE CHARTER.....	22
A3 ABORIGINAL EMPLOYMENT	26
A4 ANNUAL ELECTORS GENERAL MEETING	29
A5 COMMON SEAL – AFFIXING OF	30
A6 COMPLAINT HANDLING	31
A7 DISABILITY ACCESS AND INCLUSION	39
A8 LEGAL ADVICE, REPRESENTATION & COST REIMBURSEMENT	41
A9 LIQUOR CONTROL – RESTRICTED AREA REG APPLICATIONS	44
A10 NATIVE TITLE	45
A11 PROCUREMENT OF GOODS AND SERVICES	47
A12 PROCUREMENT – REGIONAL PRICE PREFERENCE	59
A13 PRIMARY AND SECONDARY DOCUMENTS	61
A14 PUBLIC INTEREST DISCLOSURE	64
A15 RECORDS MANAGEMENT	66
A16 REFRESHMENTS	71
A17 RISK MANAGEMENT	73
A18 INDIGENOUS BUSINESS AGENDA (IBA)	77
A19 COVID HARDSHIP.....	82
F1 CORPORATE CREDIT CARDS – USE	85
F2 FEES & CHARGES - DISCOUNTS	87
F3 FINANCIAL INVESTMENTS	89
F4 RATES - PROCEDURE FOR UNPAID RATES.....	91
F5 WRITE OFFS – RATES AND SUNDRY DEBTORS.....	93
G1 COUNCIL MEMBERS - INDUCTION.....	95
G2 COUNCIL MEMBERS - INITIATED REQUESTS	96
G3 COUNCIL MEMBERS –TRAINING AND DEVELOPMENT	98
G4 COUNCIL MEMBERS - PROVISION OF SUPPORT FOR.....	101
G5 COUNCIL MEETINGS – VISITORS, DELEGATIONS AND PETITIONS	103
G6 COUNCIL MEETINGS - PUBLIC QUESTION TIME	105
G7 RECOGNITION AWARDS AND HONORARY SHIRE FREEMAN STATUS.....	107
G8 REGIONAL CO-OPERATION AND SERVICES	109



G9	BUSHFIRE PROHIBITED/RESTRICTED BURNING PERIODS – PRESIDENTIAL DELEGATION TO CHANGE.....	110
HR1	OCCUPATIONAL SAFETY & HEALTH POLICY	112
HR2	EQUAL OPPORTUNITY AND HARASSMENT	114
HR3	CHIEF EXECUTIVE OFFICER (CEO) – HUMAN RESOURCE MANAGEMENT	116
HR4	CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW	118
HR5	CHIEF EXECUTIVE OFFICER (CEO) – LEAVE APPLICATIONS AND OTHER APPROVALS..	121
HR6	ACTING CHIEF EXECUTIVE OFFICER.....	123
HR7	RELOCATION EXPENSES.....	124
HR8	SUPERANNUATION	126
HR9	TERMINATION PAYMENTS – SEVERANCE PAYMENTS.....	128
HR10	APPOINTMENT AUTHORISED OFFICERS BY CEO	130
HR11	COMMON BENEFITS FOR PERMANENT EMPLOYEES	132
HR12	SMOKE FREE – SHIRE WORKPLACES AND BUILDINGS	134
HR13	COVID-19 EMERGENCY POLICY PROVISIONS.....	136
RS1	BUILDING PERMIT APPLICATIONS - TO BE CERTIFIED	138
RS2	CAT OWNERSHIP LIMIT – CAT CONTROL	139
RS3	DOG CONTROL – ATTACKS	141
RS4	DOG OWNERSHIP LIMIT – DOG CONTROL.....	142
	LIST OF RESCINDED POLICIES.....	145

POLICY SECTIONS

A	ADMINISTRATION
F	FINANCE
G	GOVERNANCE
HR	HUMAN RESOURCES
RS	REGULATORY SERVICES



A1 CODE OF CONDUCT – MEMBERS AND STAFF

Administration

PREAMBLE: The Shire of Halls Creek Code of Conduct provides Council Members, Committee Members and staff with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Shire of Halls Creek Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:

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

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

STATUTORY ENVIRONMENT

The Shire of Halls Creek Code of Conduct observes statutory requirements of the Local Government Act 1995 (S5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

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

1 1. ROLES

1.1 Role of Council

The Role of the Council is in accordance with section 2.7 of the *Local Government Act 1995*

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.



1.2 Role of the Shire President

In addition to performing the role of a Council Member, section 2.8 of the *Local Government Act 1995* sets out the role of the Shire President.

2.8. Role of mayor or president

- (1) *The mayor or president —*
 - (a) *presides at meetings in accordance with this Act; and*
 - (b) *provides leadership and guidance to the community in the district; and*
 - (c) *carries out civic and ceremonial duties on behalf of the local government; and*
 - (d) *speaks on behalf of the local government; and*
 - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
 - (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*
- (2) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

1.3 Role of Deputy Shire President

The Role of the Deputy Shire President is in accordance with section 2.9 of the *Local Government Act 1995*.

2.9. Role of deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

1.4 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in s2.10 of the Local Government Act 1995 follows :

"A councillor —

- (a) *Represents the interests of electors, ratepayers and residents of the district; and*
- (b) *provides leadership and guidance to the community in the district; and*
- (c) *facilitates communication between the community and the council; and*
- (d) *participates in the local government's decision-making processes at council and committee meetings; and*
- (e) *performs such other functions as are given to a councillor by this Act or any other written law."*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:



- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Shire's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on the organisation as a whole.

In carrying out its functions the Shire of Halls Creek will use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

1.5 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:

- (a) give their attention to the business of Council
- (b) ensure that their work is carried out efficiently, economically and effectively



- (c) carry out lawful directions given by any person having authority to give such directions; and
- (d) give effect to the lawful policies, decisions and practices of the Council, whether or not the employee agrees or approves of them.

1.6 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 staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

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:

9. 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.

10. Relations with local government employees

- (1) A person who is a council member must not —
 - (a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- (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

3 2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

- (a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire 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.
- (c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti- discriminatory legislation.

2.2 Financial Interest

Council members, Committee members and 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 Council Members, Committee Members or employees of financial interests (including proximity interests).

The onus is on Council Members, Committee Members and 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
 - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

2.4 Disclosure of information in returns



Council Members and designated 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 2006 s. 12.]

4 3. INFORMATION AND PERSONAL BENEFIT (INCLUDING GIFTS)

3.1 Use of Confidential Information

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person, 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 City (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 a Council member or officer 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

Council Members and 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.

Council Members, Committee Members and 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 a Council Member 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, Council Members and employees are required to comply with the provisions of the Regulations. For Employees Regulation 34B of the *Local Government (Administration) Regulations 1996* applies. For Council Members Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* applies.

It should be noted that electoral gift restrictions referenced in these regulations only apply to candidates at an election. They do not apply to employees or sitting members who are not candidates.

3.8 Gifts – Employees

Regulation 34B of the Local Government Administration Regulations 1996

Regulation 34B 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 —
 - activity involving a local government discretion means an activity —
 - (a) that cannot be undertaken without an authorisation from the local government; or
 - (b) by way of a commercial dealing with the local government;
 - gift** has the meaning given to that term in 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);

notifiable gift, in relation to a person who is an employee, means —

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

prohibited gift, in relation to a person who is an employee, means —

- (a) a gift worth \$300 or more; or
 - (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.
- (2) A code of conduct is to contain a requirement that a person who is an employee 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.
- (3) A code of conduct is to contain a requirement that a person who is an employee and who accepts a notifiable gift from a person who —
- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify the CEO, in accordance with subregulation (4) and within 10 days of accepting the gift, of the acceptance.
- (4) A code of conduct is to require that the notification of the acceptance of a notifiable 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 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) A code of conduct is to require that the CEO maintain a register of notifiable 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.]

3.9 Gifts - Council Members



Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007*:

(1) In this regulation —

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
 - (b) by way of a commercial dealing with the local government;
- gift** has the meaning given to that term in section 5.82(4) of the Act except that it does not include —

- (a) a gift from a relative as defined in section 5.74(1) of the Act; 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);

notifiable gift, in relation to a person who is a council member, means —

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth between \$50 and \$300;

prohibited gift, in relation to a person who is a council member, means —

- (a) a gift worth \$300 or more; or
 - (b) a gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth \$300 or more.
- (2) A person who is a council member must not accept a prohibited gift from a person —
- (a) who is undertaking or seeking to undertake; or
 - (b) who it is reasonable to believe is intending to undertake, an activity involving a local government discretion.
- (3) A person who is a council member and who accepts a notifiable gift from a person —
- (a) who is undertaking or seeking to undertake; or
 - (b) who it is reasonable to believe is intending to undertake, an activity involving a local government discretion must, within 10 days of accepting the gift, notify the CEO of the acceptance in accordance with subregulation (4).
- (4) Notification of the acceptance of a notifiable gift is to be in writing and is to 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 a council member and the person who gave the gift; and
 - (e) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) —



- (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 must maintain a register of gifts in which details of notices received under subregulation (4) are recorded.

[Regulation 12 amended in Gazette 20 Jan 2017 p. 649-50.]

5 4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

4.1 Personal Behaviour

(a) Council Members, Committee Members and staff will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- (iii) 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;
- (iv) 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
- (v) always act in accordance with their obligation of fidelity to the Local Government.

(b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Shire President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

4.3 Personal Communications and Social Media



- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council members and committee members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

4.4 Performance of Duties

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

4.4 Compliance with Lawful Orders

- (a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

(a) Standard of Dress

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly:

- (i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.



- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

(b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
- as a member of the Council there is respect for the decision-making processes of the Council which are based on a decision of the majority of the Council;
 - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
 - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- (iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

6 5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and employees will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and



(c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

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

5.3 Access to Information

- (a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- (b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

HEAD OF POWER: Local Government Act 1995

Policy Number	A1
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	24 October 2019



A2 CUSTOMER SERVICE CHARTER

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

Policy Number	A2
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



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

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 ultimate 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 approaches where the employees can have suitability tests or periods of adaption to see if they are ready to transition to full time 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

Policy Number	A3
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A4 ANNUAL ELECTORS GENERAL MEETING

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.

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

Policy Number	A4
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A5 COMMON SEAL – AFFIXING OF

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

Policy Number	A5
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A6 COMPLAINT HANDLING

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 Code of Conduct for Elected Members and Staff and Section 5.110 of the Local Government Act 1995,
- 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 complaints 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 Shires 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.

- 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.Shire of Halls Creek.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 of 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.

All formal complaints alleged against the Chief Executive Officer will be copied to the Shire President and referred to an independent HR consultant or service provider to undertake an independent assessment in accordance with this Policy. Detail of the outcome will be forwarded to the Shire President.

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/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 available 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



Policy Number	A6 Prev. Ed. ADM 08
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	20 September 2012 (Resolution no. 2012/152) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



A7 DISABILITY ACCESS AND INCLUSION

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 (DIAP) 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

Policy Number	A7
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A8 LEGAL ADVICE, REPRESENTATION & COST REIMBURSEMENT

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 to 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: Shire of Halls Creek - Local Government Act 1995 Financial Provisions,



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.

Policy Number	A6 Prev. Ed. STF 33 & 34
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	12 October 2017 (Resolution no. 2017/104)



A9 LIQUOR CONTROL – RESTRICTED AREA REG APPLICATIONS

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 Councils 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

Policy Number	A9 – Prev. Ed. OTH 08
Policy Section	Administration
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	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)



A10 NATIVE TITLE

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).

Policy Number	A10 – Prev. Ed. OTH 06
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	17 March 2011 (Resolution no. 2011/026) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



A11 PROCUREMENT OF GOODS AND SERVICES

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 amount 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:-

Amount of Purchase (excluding GST)	Policy
Up to \$5,000	Direct purchase from a supplier using a Purchase Order or Corporate Credit Card issued by the Shire; or Obtain at least one oral or written quotation from a suitable local supplier or from the open market. For purchases \$1,500 to \$5,000 the quotation must be in writing.
\$5,001 - \$20,000	Seek at least two written quotations from a suitable local supplier or the open market. Only one written quotation is required from any of the WALGA service (not the Preferred Supplier Panel goods and services).
\$20,001 - \$250, 000	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.
Note: 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 the written approval of the Chief Executive Officer prior to proceeding with the purchase. A written record of the reasons/circumstances for the non-compliance is 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 quotation 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 InfoXpert.

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/contractors 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 InfoXpert.

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 / contractors 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 \$50,000, the evaluation panel should comprise of a least three members, one being a Director plus another staff member (the third may be 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.

Online-procurement portals

The Shire prescribes to Tenderlink an on-line portal for the notification and submission of quotations and tenders. Generally, this portal or a WALGA equivalent on-line procurement portal (VendorPanel eQuotes) are to be used for purchases exceeding \$75,001 to maximise supplier awareness of a request for quotation and ensure probity in the processing of the request for quotation. It may also be used at the discretion of the purchasing officer for smaller purchases. 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 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, check lists, 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 check list 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 InfoXpert.

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 InfoXpert.
- Members of the public are entitled to 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 at 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 interest 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 reason 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.

Policy Number	A11 Prev. Ed. ADM 21
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	22 March 2007 20 March 2008 (Resolution no. 2008/035) 18 March 2010 (Resolution no. 2010/044) 19 May 2011 (Resolution no. 2011/070) 17 April 2014 (Resolution no. 2014/014) 18 February 2016 (Resolution no. 2016/002) 17 March 2016 (Resolution no. 2016/016) 15 June 2017 (Resolution no. 2017/058) 21 June 2018 (Resolution no. 2018/075)



A12 PROCUREMENT – REGIONAL PRICE PREFERENCE

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 requirements of each purchase with the 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 quotations 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.

Policy Number	A12
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A13 PRIMARY AND SECONDARY DOCUMENTS

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 document 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 InfoXpe-t - 2019)
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.

Policy Number	A13
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A14 PUBLIC INTEREST DISCLOSURE

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

Policy Number	A14
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A15 RECORDS MANAGEMENT

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:

- a) a government organisation; or
- b) 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:

- a) unsolicited advertising material;
- b) duplicate copies of circulars;
- c) duplicate copies of minutes; or
- d) 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 Recordkeeping 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.

Definitions:

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

Policy Number	A15
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A16 REFRESHMENTS

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 business people 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.



Policy Number	A16
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



A17 RISK MANAGEMENT

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/NZS ISO 31000:2009 – Risk Management – Principles and Guidelines.

Risk Management Definition:

“...the possibility of something happening that impacts on your objectives. It is the chance to either make a gain or a loss. It is measured in terms of likelihood and consequence.”

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 a 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



Policy Number	A17 Prev. Ed. ADM 29
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	17 December 2015 (Resolution no. 2015/117) 15 June 2017 (Resolution no. 2017/058)

1

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
Financial	Loss less than \$10K	Loss between \$10K - \$100K	Loss exceeding \$100K
Human Resources	1 x 2 nd 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 nd 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 nd tier managers leave in 1 year. Employee turnover exceeds 30% pa Injury with over 6 months' time off or permanent disability
Legal	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
Councillors / Management Time	Up to 5 days of Chief Executive Officer's or 2 nd tier manager's time	More than 5 days but less than 10 days of Chief Executive Officer's or 2 nd tier manager's time. More than 1 unplanned day of Councillor's time.	More than 10 days of Chief Executive Officer's or 2 nd tier manager's time. employees More than 5 unplanned days of Councillor's time.
Reputation	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
Service Delivery	Up to one day loss of service	Up to five days loss of service	Five days or more loss of service
Community	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)

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. IBP's 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 Requests for Tender (RFT) and Requests for Quote (RFQ) documentation, as part of the Shire's "best value" approach to procurement;
- With each 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 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 suppliers organisational and employment 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 produces 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 IBP's 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 with IBP's 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 IBP's 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 MOU's

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 these 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 MOU's to the expected relationship between the IBP and the Shire, and use theses 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

Policy Number	A17
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2019/073
Adoption Date	20 June 2019
Review Date & Resolution	19 Sept 2019 (2019/140)



A19 COVID-19 FINANCIAL HARDSHIP

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 2020/21 financial year.

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

PROCESS:

Payment difficulties, hardship and vulnerability¹

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.

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:

¹ Adapted from the Ombudsman Western Australia publication, **Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:** <http://www.ombudsman.wa.gov.au/>



- 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 8 May 2020](#) 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 2020/21 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 2020/21, subject to the period of time that the Local Government (COVID-19 Response) Ministerial Order 2020 remains effective (SL 2020/67 – Gazetted 8 May 2020).

In the case of severe financial hardship, the Shire of 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 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

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

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 –

Policy Number	A19
Policy Section	Administration
Responsible Department	Corporate Services
Adoption Resolution Number	2020/
Adoption Date	18 June 2020
Review Date & Resolution	



F1 CORPORATE CREDIT CARDS – USE

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 as a means 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. 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 Finance 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).

Policy Number	F1
Policy Section	Finance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



F2 FEES & CHARGES - DISCOUNTS

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

Policy Number	F2
Policy Section	Finance
Responsible Department	Corporate Services
Adoption Resolution Number	2016/060
Adoption Date	16 May 2019
Review Date & Resolution	



F3 FINANCIAL INVESTMENTS

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 and 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 – Part III, sections 18, 19 and 20, Local Government (Financial Management) Regulation 1996

Policy Number	F3 Prev. Ed. FIN 06
Policy Section	Finance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	12 December 2013 (Resolution no. 2013/107) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



F4 RATES - PROCEDURE FOR UNPAID RATES

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 were 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.

Policy Number	F4 Prev. Ed. FIN 08
Policy Section	Finance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	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)



F5 WRITE OFFS – RATES AND SUNDRY DEBTORS

Finance

PREAMBLE: Council 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 Council. This policy outlines the Council 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 Manager of Finance;
- 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 Manager of Finance;
- 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,

Policy Number	F5 Prev. Ed. FIN 11
Policy Section	Finance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	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)



G1 COUNCIL MEMBERS - INDUCTION

Governance

PREAMBLE: To signal full support for the earliest induction of newly elected Council members.

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

Policy Number	G1
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



G2 COUNCIL MEMBERS - INITIATED REQUESTS

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



Policy Number	G2
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



G3 COUNCIL MEMBERS – TRAINING AND DEVELOPMENT

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;
- I or Kimberley Regional Group 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 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 members 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.

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 & 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. _____

Total Score _____

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:.....

Policy Number	G3
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



G4 COUNCIL MEMBERS - PROVISION OF SUPPORT FOR

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 where 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

Policy Number	G4
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



G5 COUNCIL MEETINGS – VISITORS, DELEGATIONS AND PETITIONS

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 publically 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 complete a Complaint Form and the CEO 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 to speak 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 to meet with the applicant at designated time approximately 20 minutes - 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

Policy Number	G5
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



G6 COUNCIL MEETINGS - PUBLIC QUESTION TIME

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

Policy Number	G6 Prev. Ed. ADM 18
Policy Section	Governance
Responsible Department	Corporate Services Prev. Executive Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	13 December 2012 (Resolution no. 2012/195) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



G7 RECOGNITION AWARDS AND HONORARY SHIRE FREEMAN STATUS

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

Policy Number	G7
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



G8 REGIONAL CO-OPERATION AND SERVICES

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

Policy Number	G8
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



G9 BUSHFIRE PROHIBITED/RESTRICTED BURNING PERIODS – 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

Policy Number	G9
Policy Section	Governance
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



HR1 OCCUPATIONAL SAFETY & HEALTH POLICY

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.

Noel Mason

CHIEF EXECUTIVE OFFICER

Adoption Date 16 May 2019 – Ordinary Meeting
Version 4 - Updated 26 March 2020

Next Review Date – June 2020



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.

DELEGATION:

HEAD OF POWER: Local Government Act 1995, Occupational Health and Safety Act 1984

Policy Number	HR1 Prev. Ed. STF 19
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	22 August 2009 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



HR2 EQUAL OPPORTUNITY and HARASSMENT

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

Policy Number	HR2 Prev. Ed. STF 26
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	23 October 2013 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



HR3 CHIEF EXECUTIVE OFFICER (CEO) – HUMAN RESOURCE MANAGEMENT

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:

- a) Fairness, Equity, Equal Employment Opportunity and employment free from Bullying, Harassment or Injustice;
- b) Practice and procedures must be documented sufficiently to demonstrate the principles in action;
- c) Practice and procedures must at all times be tested to ensure they comply with the current law governing contemporary human resource practice;
- d) 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
- e) 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.

Policy Number	HR2 Prev. Ed. STF 26
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	23 October 2013 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



HR4 CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW

Human Resources

PREAMBLE: The primary direction for the management of the performance relationship with the Chief Executive Officer (CEO) is established in the CEO Employment Contract. That given, Council details in this policy how the process will be established, remembering that the actual process is established by agreement with the CEO. The contract dictates the process when agreement cannot be reached.

This policy provides the detail of the Council's preferred methodology.

OBJECTIVE: The objective of this policy is to create a constructive and informative performance appraisal process, whereby the Council and the CEO confer and discuss the aspects of performance, including shortcomings with an aim to achieve better results for both parties overall.

POLICY:

Subject to the provisions of the Local Government Act, other relevant HR legislation, Shire HR policy and provisions of the CEO's contract of employment, reviews of the Chief Executive Officer's performance (including probationary period performance) shall be carried out in general accordance with this policy.

Nothing prevents either party from suggesting alternate options to the policy application if both parties should agree that the changes are compatible with this policy to improve performance, provided that the Contract of Employment is not disregarded.

That reports to the Council and decisions by the Council following performance assessment clearly define the changes in expectations for the CEO, so that subsequent appraisal periods can build on current performance.

The timing of performance reviews for the CEO will be such to compliment Shire business cycles. Staff receive performance assessment in November/December (mid-year performance against business targets) and May (annual review of remuneration) for Budget cycles. This dictates that the CEO performance should be April each year and at least resolved by May/June to establish targeted performance objectives suitable for Budget consideration.

Nothing in this policy prevents the Council or CEO from initiating a formal performance review for the CEO (subject to contract conditions) at any suitable time to clarify performance objectives and current performance.

PROCESS:

The annual performance process will commence April/May Ordinary Meeting of Council as a means of giving formal advice to the CEO. If possible, a mutually agreed date for the Appraisal Interview will be set at the same meeting. In an election year all efforts will be made to complete the appraisal process prior to the formation of a new Council.

At the same meeting, the Council and CEO will consider the appointment of an external facilitator. If it is agreed to use a facilitator, Council and the CEO select a mutually agreed facilitator, or agree to put the work out to Request for Quote procurement processes.



At the same meeting, Council must determine if all Elected Members will take part in the CEO's Annual Appraisal, or if a Review Panel is to be convened.

If in a particular year it has been decided that a facilitator will not be appointed, the Shire President shall facilitate the CEO's Annual Appraisal. If the Shire President so wishes, they may nominate another or all Elected Members to fulfil the Panel role, by resolution of the Council.

Council must decide on the process by which the CEO's current Objectives and Actions (Key Performance Indicators, Key Result Areas) will be reviewed. If the majority of Elected Members wish to use a questionnaire, the designated facilitator will be asked to prepare one. If a facilitator has not been appointed, the preparation of a questionnaire will be facilitated by the Shire President (or other nominated Elected Member).

The CEO will be requested to complete a self-assessment report and give it to the designated facilitator or the Shire President at least three weeks before the date agreed on for the Appraisal Interview. The CEO's report to be provided to all Elected Members, with a questionnaire if one is being used.

If the majority of Elected Members do not wish to use a questionnaire, a meeting of the whole Council will be convened by the Shire President (or other nominated Elected Member) in order to discuss and collate Council feedback on the previous year's Objectives and Actions (KPIs, KRAs) and the CEO self-assessment report.

If a questionnaire is agreed to by the majority, those Elected Members in the minority who do not wish fill out a questionnaire will be given the option of a telephone interview with the designated facilitator or a small group meeting facilitated by the Shire President (or other nominated Elected Member). Their feedback will be recorded.

Questionnaires and/or group discussions must address the addition of new and removal of old Objectives and Actions (KPIs, KRAs) for the CEO. These will be discussed at the Appraisal Interview. All Elected Members, not just those selected for a Review Panel, must be given the opportunity to provide input.

The facilitator or the Shire President (or nominated Elected Member) will collate all feedback and compile a Feedback Report/discussion paper. This must be provided to CEO at least one week before the Appraisal Interview date.

Appraisal Interview

The facilitator and/or Shire President (or nominated Elected Member) must meet with the CEO, brief them on the process and provide an overview of the Feedback Report. The facilitator and/or Shire President (or nominated Elected Member) must brief the Review Panel/Council on the appraisal process and provide an overview of the Feedback Report.

If both a facilitator and the Shire President are present, they must agree on who will lead the Appraisal Interview.

The Appraisal Interview must then be conducted.

After the formal interview, the facilitator or Shire President (or nominated Elected Member) must lead a discussion on the CEO's current Objectives and Actions (KPIs, KRAs)



and ensure that those for the upcoming year are agreed on by the CEO and accurately documented.

Post Appraisal

The facilitator or Shire President (or nominated Elected Member) must prepare a Final Report and recommendations for Council. Council must conduct a review of the process and make any adjustments as necessary to this policy for the following year.

The recommendations and any policy amendments are to be submitted to the October Ordinary Council meeting, or if the process has not been completed the November meeting.

HEAD OF POWER: Local Government Act 1995 and Shire of Halls Creek HR policy.

Policy Number	HR4 Prev. Ed. STF 24
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	17 November 2011(Resolution no. 2011/184) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



HR5 CHIEF EXECUTIVE OFFICER (CEO) – LEAVE APPLICATIONS AND OTHER APPROVALS

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 in to 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.

Policy Number	HR 5 Prev. Ed. STF 36
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	21 June 2018 (Resolution no. 2018/072) 20 September 2018 (2018/133)



HR6 ACTING CHIEF EXECUTIVE OFFICER

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 appointment 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

Policy Number	HR6
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



HR7 RELOCATION EXPENSES

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

Policy Number	HR7 Prev. Ed. STF 16
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



HR8 SUPERANNUATION

Human Resources

PREAMBLE: To provide detail of the Superannuation schemes and allowances available to Shire of Halls Creek staff.

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 contribution 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 9.5% 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 also make additional payments to superannuation for employees on the basis of length of service:

- 0 to 2 year service - Shire will pay an additional 5 percent – effective 1 July 2021
- 2 to 5 years of service – Shire will pay an additional 7 percent – effective 1 July 2019
- After 5 years of service – Shire will match up to 9.5 percent – effective 1 July 2019

The maximum percentage payable by the Shire will be 19% 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 salary 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.



Policy Number	HR8
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



HR9 TERMINATION PAYMENTS – SEVERANCE PAYMENTS

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 government is 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 taken into account:

- 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.

Policy Number	HR9
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



HR10 APPOINTMENT AUTHORISED OFFICERS BY CEO

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

Policy Number	HR10
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



HR11 COMMON BENEFITS FOR PERMANENT EMPLOYEES

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 tangible 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:

- a) 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. 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. 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. Any newly appointed employees from the date of adoption of this policy



will be paid as per the new policy arrangements.

- 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.

Policy Number	HR 11 Prev. Ed. STF 21
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	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)

HR12 SMOKE FREE – SHIRE WORKPLACES AND BUILDINGS

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 work station 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



Policy Number	HR12 Prev. HLT 01
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058) 21 June 2018 (Resolution no. 2018/073)



HR13 COVID-19 EMERGENCY POLICY PROVISIONS

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

4. 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.
5. Employees who have exhausted their personal leave shall use accumulated TIL and annual leave for the duration of the quarantine/isolation period.
6. 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

Policy Number	HR13
Policy Section	Human Resources
Responsible Department	Corporate Services
Adoption Resolution Number	2020/028
Adoption Date	19 March 2020
Review Date & Resolution	



RS1 BUILDING PERMIT APPLICATIONS – TO BE CERTIFIED

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

Policy Number	RS1 Prev. Ed. BLD 09
Policy Section	Regulatory Services
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	21 June 2012 (Resolution no. 2012/090) 17 April 2014 (Resolution no. 2014/014) 15 June 2017 (Resolution no. 2017/058)



RS2 CAT OWNERSHIP LIMIT – CAT CONTROL

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.

Policy Number	RS2
Policy Section	Regulatory Services
Responsible Department	Health & Regulatory Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



RS3 DOG CONTROL – ATTACKS

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

Policy Number	RS3
Policy Section	Regulatory Services
Responsible Department	Health and Regulatory Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



RS4 DOG OWNERSHIP LIMIT – DOG CONTROL

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.

Note:

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.

Note:

Prescribed Requirements:

Applications must be in writing and provide the following information:

- a) The name and contact details of the applicant.
- b) The address of the premises to which the application relates.
- c) The name and contact details of the proprietor of the premises (if different from the applicant).
- d) Details of the dogs to which the application relates, including:
 - i. names
 - ii. ages
 - iii. genders
 - iv. breeds
 - v. ownership
 - vi. registration details
 - vii. whether or not they have been sterilised
 - viii. health status
- e) A statement as to why the applicant wishes to keep more than the prescribed number of dogs at the premises.
- f) The applicant's experience in and methods of handling dogs.



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 is 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.

Policy Number	RS4
Policy Area	Regulatory Services
Responsible Department	Health and Regulatory Services
Adoption Resolution Number	2019/060
Adoption Date	16 May 2019
Review Date & Resolution	



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	2012/080	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		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	
	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 Employees	2019/060
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
	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
	STF 35	Not Allocated	
	STF 36	Chief Executive Officer Leave Applications	
21/02/2013	TS 01	Vehicle and Plant	
17/04/2014	TS 02	Memorials and Dedications	