

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

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#### **POLICY STATEMENT**

##### 1. Schedules adopted

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

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

##### 2. Authority

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

##### 3. Personal Use

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

##### 4. Use by Persons other than the Cardholder

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

##### 5. Cardholder Responsibilities

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

##### 6. Cardholder Agreement

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- b) Failure to comply with any of these requirements could result in the card being withdrawn from the employee.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

##### 7. Consequences of Non-Compliance

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

#### **APPLICATION**

##### 8. Card Reconciliation Procedures

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

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

9. Use of Cards

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

10. Disputed Transactions

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

11. Cancelled Cards

Cancellation of a Card may be necessary where the:

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

12. Review of Card Use

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

13. Procedures for Lost, Stolen and Damaged Cards

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

14. Additional Cardholders

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

**OBJECTIVE**

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

**STATUTORY CONTEXT**

N/A

**CORPORATE CONTEXT**

Delegation Manual –

- 3.1 – Municipal Fund – Incurring expenditure

Policy Manual –

- 3.1 – Purchasing Framework

**HISTORY**

Former Policy      N/A

Adopted            28 June 2018

**REFERENCES**

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



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

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

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

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

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

Card type Credit, Debit, Store, Fuel	Organisation	Number

Name and Signature \_\_\_\_\_ Date \_\_\_\_\_

– End of Schedule



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

Standard reconciliation format –

**Card Reconciliation**

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

**Card Total \$**

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– End of Schedule



**Schedule 3.3(c) – Purchasing using Credit Cards**

**HOW I MAKE A PURCHASE**

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

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

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

**REASON FOR USING CREDIT CARD FOR THE PURCHASE**

**AUTHORISED**

Cardholder position	Cardholder Name	Cardholder Signature	Date

**GST CODES**

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



– End of Schedule

### 3.4 Requests for Financial and Other Assistance

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#### **POLICY STATEMENT**

1. The following Policy Schedule is adopted, and form part of this Statement –
  - a) 3.4 – Criteria for Assistance
2. The total amount available will be determined in the Budget each year, in the following categories –
  - a) assistance for capital projects
  - b) annual contributions to local groups
  - c) discretionary provision – including for individuals

#### **APPLICATION**

3. The Shire of Tammin provides financial and in-kind assistance to sporting, community and welfare groups /organisations to support both normal operational requirements and for specific projects or capital purchases which respond to identified community needs. The Shire may also consider a donation to Tammin residents who have been selected as National or State representatives.
4. This Policy deals with the process and criteria for organisations seeking assistance from the Shire in three categories: annual operating contributions; contributions to capital projects; and individual donations.

#### **OBJECTIVE**

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

#### **STATUTORY CONTEXT**

None

#### **CORPORATE CONTEXT**

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

#### **HISTORY**

Former Policy	1.2
Adopted	28 June 2018

#### **REFERENCES**

None

**Schedule 3.4 – Criteria for assistance**

**1. Capital projects**

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

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

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

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

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

**2. Annual contributions to local groups**

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

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



Other – at CEO discretion	Refer Delegation	Yes
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**3. Assistance for individual**

- a) The maximum grant that may be awarded in this category is \$200 for interstate travel and \$300 for international travel.
- b) The eligibility criteria for assessing financial support applications (Individual Development) for people who have been selected to represent the State or Nation in interstate or international championships, competitions or significant cultural, academic or community service programs are:
- only residents of the Shire of Tammin are eligible to apply.
  - applicants must be selected to represent Western Australia or Australia in the area of sport, arts, cultural or educational activities.
  - applications must be supported either by the relevant governing body of sport or the state/federal/voluntary organisation supporting the activity.
  - there must be a demonstrated selection process which entitles the applicant to represent the state or national body or activity.
  - only one application per financial year may be funded for any one individual.
  - a maximum of \$500 per year will be funded per family.
  - funds will only be provided towards travel or accommodation expenses.
  - priority will be given to applicants who have demonstrated initiative and endeavour in raising funds for themselves.

– End of Schedule



### 3.5 Self-Supporting Loans

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#### **POLICY STATEMENT**

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

#### **APPLICATION**

2. Each request will be considered on its merits, and the organisation may be asked to provide guarantors or other acceptable security.
3. In the event of Council agreeing to make funds available on a self-supporting basis, Council reserves the right to control and/or to carry out any of the following –
  - a) the preparation of plans and specifications for the proposed work,
  - b) the calling of tenders for the proposed work,
  - c) the preparation of the contract documents,
  - d) the letting of the contract,
  - e) sole supervision of the project,
  - f) sole authorisation of expenditure of funds for the project.

#### **OBJECTIVE**

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

#### **STATUTORY CONTEXT**

*Local Government Act 1995* –

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

*Local Government (Financial Management) Regulations 1996*

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

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Adopted                      28 June 2018

#### **REFERENCES**

None

### 3.6 Rates Discount / Prize Eligibility

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#### **POLICY STATEMENT**

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

#### **APPLICATION**

2. Discount will not be permitted after this time and date in any circumstances.
3. Entry to any prize draw will not be allowed after this time and date in any circumstances.
4. The monetary value of any rates incentive prizes offered are to be determined in the relevant Budget.
5. Any prizes are to be drawn by the President within 2 weeks of the due date.

#### **OBJECTIVE**

To clarify complying eligibility for rate prize

#### **STATUTORY CONTEXT**

Local Government Act 1995

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Former Policy 2.2

Adopted 28 June 2018

#### **REFERENCES**

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

### 3.7 Timely Payment of Suppliers

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#### **POLICY STATEMENT**

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

#### **APPLICATION**

2. All invoices are to be given to the Creditors Clerk without delay.
3. The Creditors Clerk is to –
  - a) date stamp each invoice with the date of receipt by them.
  - b) check –
    - i) the goods/services are as per purchase order – quantity, price etc,
    - ii) calculations,
    - iii) invoice information is to be entered into Synergy without delay,
    - iv) if no delivery docket is received, direct the invoice to the person who took delivery of the goods or services for confirmation of receipt,
      - target response time for this person is 2 business days
    - v) if a delivery docket is received and has been certified by the receiving employee, or once confirmation of (2)(iii) above is received, direct the invoice and attached documentation to the person signing the purchase order for authorisation.
      - target response time for this person is 2 working days,
4. Receiving employee –
  - the employee who received the goods/service is required to process and certify the documentation within 2 business days.
5. Authorising employee –
  - the employee who is to authorise the invoice for payment (i.e. the person who signed the purchase order), is required to process and certify the documentation within 2 business days.
6. Creditors Clerk – once conformation of receipt and authorisation has been given –
  - i) verify the authorised details with those entered into Synergy on receipt,
  - ii) process the invoice for payment in the next available batch of creditor payment.
7. Target duration from time of receipt of invoice to payment of invoice is 10 working days.
8. The Creditors Clerk is to advise the CEO of –
  - a) any consistent non-adherence to this Policy or the timeframes required of employees,
  - b) complaints by creditors regarding timeliness of payment,
  - c) impediments to meeting the target timeframes,
  - d) unreasonable demands of creditors.

#### **OBJECTIVE**

To make provision for timely payment of creditors

#### **STATUTORY CONTEXT**

None

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Adopted 28 June 2018

**REFERENCES**

It is acknowledged and accepted that –

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

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



### 3.8 COVID- 19 Financial Hardship Policy

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#### **POLICY STATEMENT**

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

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

#### **APPLICATION**

This policy applies to:

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

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

#### **OBJECTIVE**

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

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

#### **STATUTORY CONTEXT**

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

#### **CORPORATE CONTEXT**

Delegations Register

3.5 Sundry and Rate Debtors – Recovery and Agreements

Delegation applies to the CEO who has on delegated to the Manager Finance and Administration

#### **HISTORY**

New Policy – 23 April 2020

#### **REFERENCES**

None

## Attachment - Policy Guidelines

### 1) Payment difficulties, hardship and vulnerability

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

### 2) Anticipated Financial Hardship due to COVID 19

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

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

### 3) Financial Hardship Criteria

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

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

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment.

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

### 4) Payment Arrangements

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

That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;  
The payment arrangement will establish a known end date that is realistic and achievable;

The ratepayer will be responsible for informing the Shire of Tammin of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

#### **5) Interest Charges**

*"A ratepayer that meets the Financial Hardship Criteria will not attract interest or penalty charges on rates / service charge debt in 2020/21, subject to the period of time that the Local Government (COVID-19 Response) Ministerial Order 2020 remains effective (SL 2020/67 – Gazetted 8 May 2020).*

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

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

#### **6) Deferment of Rates**

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

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

#### **7) Debt Recovery**

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

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

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

#### **8) Review**

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

#### **9) Communication and Confidentiality**

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

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

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



### 3.9 Cash Handling Policy

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#### **POLICY STATEMENT**

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

#### **APPLICATION**

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

#### **Roles and Responsibilities**

<b>Custodian</b>	<b>Custodian Officer Responsible For Implementation</b>
CEO	Manager Finance & Administration
	Community Development Officer (Events)

#### **OBJECTIVE**

This Policy is to:

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

#### **STATUTORY CONTEXT**

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

#### **COPORATE CONTEXT**

Shire of Tammin - Code of Conduct

Shire of Tammin - Cash Handling Procedure (TBA)

#### **HISTORY**

Policy adopted June 2020

#### **GUIDELINES TO POLICY**

##### **Definitions**

Cash:

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

Cash Handling:

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

Banking:

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

Authorised Agent:

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

Designated Site:

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

### **Designated Sites**

- The physical environment of each designated site must be established and maintained to minimise the risk to the Shire, staff and authorised agents.
- Each designated site must have a secure storage area for the storage of cash.
- Each designated site must have an acceptable level of security that protects staff, authorised agents and cash.

### **Computer Applications**

- Each operator must have a unique log in and password that is used only by that operator.
- Each operator must be assigned the correct level of access, as approved and authorised by the Manager Finance & Administration, for the requirements of the function performed.
- The operation of cash handling applications must conform to existing backup procedures, interface with existing corporate financial systems and assigned security levels based on the operator's log in.
- Business continuity management procedures must be in place and be familiar to all operators in order to maintain normal business processes in the event of system failure.
- Staff and authorised agents must have access to cash handling applications removed, by the Manager Finance & Administration, on departure from the Shire or when they are no longer employed.

## **A. PRINCIPLES OF CASH HANDLING**

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

- Council must provide a secure work environment that will protect the welfare of staff and authorised agents and safeguard cash at designated sites.
- All cash must be kept secured in a locked drawer, locked petty cash box or safe. Where cash is kept in a locked petty cash tin, the cash tin is to be stored out of sight at all times in a safe locked cabinet or drawer.
- Borrowing or taking cash from petty cash, float or till for personal benefit is prohibited.
- Where cash floats are given to or taken over by relieving staff, the staff given the float or taking control of the cash need to count these floats along with the designated officer in charge of that cash.
- An official Council receipt must be issued for all cash received at the designated sites within 24 hours or next working day of receipt from the customer.
- All cash received at the Shire Administration office or designated site must be banked on the next banking day, unless prior arrangements are made with the Manager Finance & Administration.
- All cash received at the Shire Administration office or designated sites must be receipted into the Shire's electronic system or an official manual receipt book, each such receipt is to be dated and numbered in sequential order. Managers

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

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

**B. DISCREPANCIES / “OVER AND UNDER”**

Council acknowledges the minor discrepancies in cash taking occur from time to time when dealing with cash. All discrepancies regardless of whether that discrepancy is a surplus or deficiency must be recorded on the cashier’s worksheet, and authorised by the employee’s supervisor.

Discrepancies must be accompanied by a written explanation by the cashier responsible. Surplus cash held at any site should be deposited into the Shire bank account.

**C. REPORTING MISSING OR STOLEN MONEY**

- Regardless of the amount, missing money or stolen money must be reported to the Manager Finance & Administration. All stolen money must be reported to the police.
- Should a staff member identify or suspect that money has been stolen or is missing or is aware of suspicious activity they must advise their supervisor.
- Should the missing money be the result of a robbery, a written detailed account of the events must be provided to the Manager Finance & Administration, no later than 24 hours of realising the money is missing.
- Customers and staff will be encouraged to use non-cash methods to make payment.
- Staff and authorised agents must be trained, authorised and delegated with the appropriate level of responsibility in all aspects of the cash handling process.
- Borrowing or taking cash from any float or till for personal benefit, however minor, is prohibited.



## 3.10 Investments

### RESPONSIBLE OFFICER

Manager of Finance & Administration

### OBJECTIVE

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

### SCOPE

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

### POLICY

In accordance with Local Government (Financial Management) Regulations 1996 – Reg 19C the Shire of Tammin surplus funds are to be invested in term deposits or negotiable certificated of deposit with one or more of the following:

- Authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
- The West Australian Treasury Corporation established by the Weather Australian Treasury Corporation Act 1986.

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

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

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

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

### Review & Reporting

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

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

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

DEFINITIONS

RELEVANT LEGISLATION/ LOCAL LAW

Local Government Act 1995  
Financial Management Regulations  
Banking Act 1959

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

Section 4 - Order / Public Safety

No Council Policies applicable to this area of operations.



## **Section 5 - Fire Control**

### **5.1 Bush Fire Brigades – Establishment**

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#### **POLICY STATEMENT**

Not required

#### **APPLICATION**

N/A

#### **OBJECTIVE**

N/A

#### **STATUTORY CONTEXT**

None

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

N/A

#### **REFERENCES**

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

## **5.2 Firebreaks and Fuel Hazard Reduction – Inspection & Prosecution**

---

### **POLICY STATEMENT**

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

### **APPLICATION**

2. The inspection of firebreaks is to commence not later than seven days after the required date.
3. The inspection is to be carried out by the Ranger or other person directed by the CEO, and preferably accompanied by an FCO.
4. In accordance with the Bush Fires Act s.56(1), FCO's are to report any firebreaks not in compliance to the CEO as soon as possible, for action.
5. The owner/occupier of a property found not to comply with requirements is to be sent a letter requiring compliance by a specified date not more than 10 days after inspection.
6. A second inspection of non-complying properties is to be carried out, after the specified date for compliance has elapsed.
7. Where a property remains non-compliant, the CEO is authorised without further notice, to –
  - a) issue an infringement notice, and
  - b) arrange for the carrying out of works so that the property complies, either using the Shire's own staff or contractors.
8. Where compliance has had to be arranged by the CEO, the full cost of achieving compliance, is to be recovered from the property owner either –
  - a) if completed by contractor – the cost invoiced by the contractor engaged, plus 10%, or
  - b) if completed by Shire staff and plant – at full private works rates.
9. Non-payment of an infringement notice or cost of achieving compliance is to be treated as a sundry debt, and appropriate cost recovery actions.

### **OBJECTIVE**

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

### **STATUTORY CONTEXT**

*Bush Fires Act 1954* –

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

Shire of Tammin fire breaks and fire hazard reduction notice

### **CORPORATE CONTEXT**

Delegation Register –

- 3.5 – Sundry and Rate Debtors – Recovery and Agreements
-



Policy Manual –

- 5.4 – FCO Duties

### **HISTORY**

Former Policy 3.3  
Adopted 28 June 2018

### **REFERENCES**

The firebreaks and fire hazard reduction notice –

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

## **5.3 Harvest & Movement of Vehicles Bans**

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### **POLICY STATEMENT**

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

### **APPLICATION**

2. Notification of Harvest and Movement of Vehicles Bans are to be notified to –
    - a) ABC Radio, and other radio stations broadcasting locally
    - b) Department of Fire and Emergency Services, Department of Parks and Wildlife
    - c) adjoining Shires
    - d) message placed on the Shire of Tammin Fire and Harvest Bans Information line (answering machine)
    - e) by SMS broadcast
  3. On notification of a Harvest and Movement of Vehicles ban –
    - a) Shire plant on road reserves, in gravel pits etc outside the Tammin townsite are to cease that activity.
      - o This restriction does not apply to legal use of vehicles on constructed public roads.
    - b) Shire crews undertaking activities that could be considered “hot work” (chainsaw, brushcutter, slashing etc) are to cease that activity.
      - o This restriction does not apply where –
        - the activity is within the Tammin or Yorkrakine townsites, and
        - is on green grass/vegetation or surrounded by a clear area complying with the Fire Break and Hazard Reduction Notice.
      - o This exemption may be over-ridden by a Total Fire Ban, which prohibits any hot work in the open air, that may be issued by Department of Fire and Emergency Services.
-

**OBJECTIVE**

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

**STATUTORY CONTEXT**

*Bush Fires Act 1954*

Shire of Tammin fire breaks and fire hazard reduction notice

**CORPORATE CONTEXT**

None

**HISTORY**

Adopted 28 June 2018

**REFERENCES**

None

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## 5.4 FCO Duties

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### **POLICY STATEMENT**

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

### **APPLICATION**

2. Fighting fires is inherently dangerous. Matters within the control of each FCO, volunteer and person that add to that risk include –
  - a) absence of or inadequate management at the fire site (incident control, team leader)
  - b) failure to report to the person managing the fire, to follow their instructions
  - c) inappropriate attire
3. In the event of an emergency, the FCO / Incident Control should provide relevant details to the CEO and Community Emergency Services Manager (CESM) as able, in order to –
  - a) arrange support as needed,
  - b) respond to phone calls and enquiries from the community and others,
  - c) issue SMS broadcast if necessary.
4. Fire reports  
The appropriate FCO is to submit a written report on the forms supplied by the Shire, of any uncontrolled fires in their area.

### **OBJECTIVE**

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

### **STATUTORY CONTEXT**

Bush Fires Act 1954

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

Occupational Safety and Health Act 1984

Shire of Tammin fire breaks and fire hazard reduction notice

### **CORPORATE CONTEXT**

Delegation Register –

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

### **HISTORY**

Former Policy      3.3  
Adopted              28 June 2018

### **REFERENCES**

None

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## 5.5 Bushfire Use of Equipment Policy

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RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

### DEFINITIONS

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

### RELEVANT LEGISLATION/ LOCAL LAW

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

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## 6. Environmental Health / Food

No Council Policies applicable to this area of operations.



## 7. Community Services

### 7.1 Tammin Achievement Awards

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#### **POLICY STATEMENT**

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

#### **APPLICATION**

2. Categories
  - a) These include, but are not limited to –
    - arts and culture,
    - sports and recreation,
    - environment,
    - education,
    - civic duty,
    - community volunteerism and
    - youth or seniors' leadership.
  - b) Sporting Awards, as recommended by each respective Tammin Sports Club, for example –
    - best & fairest winners,
    - club champion,
    - team achievement,
  - c) Nominees will have made a significant contribution through a unique achievement or outstanding service –
    - as a volunteer;
    - in the course of their work, or
    - in any area that provides a benefit to the Tammin community.
3. Nominations and eligibility
  - a) All Tammin clubs and organisations will be invited to nominate members and/or teams for an award. The nominees do not have to be the winner or champions of their respective sport. Who is nominated is entirely at the discretion of the respective club.
  - b) To nominate, a completed nomination form including a description of why the person and or team should be considered for an award, is to be submitted within the deadline.
  - c) No awards will be granted without a duly completed nomination and nominations received which do not meet the criteria will not be accepted.
4. When

The presentation should be held on last Thursday of March of each year
5. Venue

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

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7. Format

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

**OBJECTIVE**

To recognise achievements by members of the community

**STATUTORY CONTEXT**

None

**CORPORATE CONTEXT**

Annual Budget

**HISTORY**

Former Policy	7.3
Adopted	28 June 2018

**REFERENCES**

None

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## 8. Personnel

### Preamble

Applying to all matters in relation to personnel and employment –

a) *Local Government Act 1995 –*

**s.5.41 Functions of CEO**

The CEO's functions are to –

....

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

....

(g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

....

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

**r.10 Relations with local government employees**

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

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

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.

....

c) *Policy 1.1 – Code of Conduct*

For clarification regarding appointment, management and direction of employees –

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



Other staff (non- designated)	<u>Prohibited</u> – Involvement in appointment, management or direction.	<u>Prohibited</u> – involvement in appointment, management or direction.	<u>Statutory function</u> – to appoint, manage, direct etc.
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## Employees – Travel Allowance Policy

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### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

#### **Meals and Incidentals**

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

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

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

#### **Accommodation**

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

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

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

---

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

Accommodation will be provided to the Councillor or employee:

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

### Travel

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

## DEFINITIONS

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

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

ATO – Australian Taxation Office.

## RELEVANT LEGISLATION/LOCAL LAW

*Income Tax Assessment Act 1997 (Cth)*

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

## 8.2 Leave – Community Service

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### POLICY STATEMENT

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

### APPLICATION

#### 2. Definitions

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

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

- a) the activity is either of –
  - a voluntary community activity, or
  - a voluntary emergency management activity
- b) the employee engages in the activity on a voluntary basis;

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

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

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

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

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

#### 3. Introduction

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

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

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

#### 4. Application

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

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#### 5. Notification

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

#### 6. Volunteer Emergency Service Leave

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

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

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

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

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

#### 7. Jury Service

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

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

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

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

#### 8. Applying for Community Service Leave

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

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

### **OBJECTIVE**

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

### **STATUTORY CONTEXT**

*Fair Work Act 2009 (Commonwealth)*

*Juries Act 1957*

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**CORPORATE CONTEXT**

None

**HISTORY**

Former Policy 1.11, 3.1

Adopted 28 June 2018

**REFERENCES**

None

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### 8.3 Workplace surveillance

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#### **POLICY STATEMENT**

1. The Shire may deploy electronic surveillance devices to protect assets, equipment and people through the recording of unauthorised, unlawful, inappropriate, or dangerous activities or incidents.
2. The Shire may deploy fixed and mobile cameras (of either the motion / CCTV or still variety) in areas where assets or equipment are stored or commonly used, in vehicles or machinery, or in high risk work areas.
3. Cameras may be placed in unobtrusive positions covering the area to be protected. Cameras must not be placed inside toilets or change rooms, residences, or in such a position as to view inside these premises. The Shire will erect signs to inform employees and community members that cameras are in use.
4. Global Positioning System (GPS) devices may be utilised in vehicles or equipment where the operator is often required to work alone, where there are risks associated with the tasks being carried out by an employee or where the Shire has a need to monitor and protect that vehicle or equipment.

#### **APPLICATION**

##### Introduction

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

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

##### 1. Application

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

##### 2. Staff Management

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

##### 3. Review and Retention of Images

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

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

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#### 4. Confidentiality

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

#### 5. Consequences of Breaching this Policy

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

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

### **OBJECTIVE**

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

### **STATUTORY CONTEXT**

Surveillance Devices Act 1998

### **CORPORATE CONTEXT**

Policy Manual –

- 1.1 – Code of Conduct

### **HISTORY**

Adopted                      28 June 2018

### **REFERENCES**

Placement and use of surveillance cameras should also have regard to –

[www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/237/2009\\_05%20Registration%20of%20CCTV%20Systems.pdf](http://www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/237/2009_05%20Registration%20of%20CCTV%20Systems.pdf)



## 8.4 Employees – Recognition of Service (Gratuity)

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### POLICY STATEMENT

1. An employee, whose employment is finishing, may be paid a gratuity payment when their employment is ceasing due to –
  - a) Resignation (not as a result of any performance management or investigation being conducted or pending/potential disciplinary action by the Shire);
  - b) Retirement; or
  - c) Redundancy.
2. Long serving employees may be recognised within the parameters set by section 5.50 of the Local Government Act 1995 and the associated Regulations.
3. Gratuity payments should be calculated based on the following prescribed amounts –

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

### APPLICATION

4. Application

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

The CEO in consultation with the relevant Manager, may –

    - a) provide a gratuity to a qualifying employee in the form of a gift card or voucher, preferably from a local business within the Shire,
    - b) exercise their discretion to provide money instead of a gift card or voucher.
  6. Exceeding prescribed amounts

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

For the purpose of this policy, continuous service shall be deemed to include –

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

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

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

8. Financial Liability for Taxation

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

**OBJECTIVE**

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

**STATUTORY CONTEXT**

*Local Government Act 1995 –*

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

*Local Government (Administration) Regulations 1996 –*

- specifically Regulation 19A

**CORPORATE CONTEXT**

None

**HISTORY**

Adopted                      28 June 2018

**REFERENCES**

**Statutory requirements –**

- a) **Prior to becoming effective, adoption or amendment of this Policy –**
  - **local public notice must have been given, and**
  - **any submissions considered by Council.**
- b) **Recognition in excess of Policy may be made only if local public notice is given prior to payment being made.**

## **8.5 Employee Superannuation**

---

### **POLICY STATEMENT**

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

### **APPLICATION**

2. This Policy applies to all employees whether the full-time, part-time or casual.
3. Employees have freedom of choice over the complying fund that their Superannuation Guarantee Contributions (SGC) are paid into.
4. The superannuation default fund shall be the WA Super.
5. Employees may elect to contribute additional superannuation, either as a deduction (after tax) or as salary sacrifice (before tax).
6. Employees can voluntarily contribute more than the threshold but will not receive a further contribution from the Shire.
7. The additional contribution and the voluntary contribution can be deposited in to the employee's fund of choice.

### **OBJECTIVE**

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

### **STATUTORY CONTEXT**

*Superannuation Guarantee Contribution (Administration) Act 1992 (Cth)*

### **CORPORATE CONTEXT**

None

### **HISTORY**

Adopted                      28 June 2018

### **REFERENCES**

None

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## 8.6 Equal Employment Opportunity

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### **POLICY STATEMENT**

1. Introduction

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

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

2. Application

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

3. Environment

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

4. Diversity

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

5. Awareness

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

6. Monitoring

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

### **APPLICATION**

N/A

### **OBJECTIVE**

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

### **STATUTORY CONTEXT**

*Local Government Act 1995* –

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

*WA Equal Opportunity Act 1984*

*Equal Opportunity Act 1986*

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Disability Discrimination Act 1992*

**CORPORATE CONTEXT**

Procedures Manual

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

**HISTORY**

Adopted                      28 June 2018

**REFERENCES**

None

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## 8.7 Recruitment and Selection Policy

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### Recruitment and Selection Policy

#### 1. POLICY STATEMENT

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

#### 2. APPLICATION

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

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

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

#### 3. OBJECTIVE

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

##### a) Merit and Equity

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

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

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

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#### **b) Equal Opportunity Employment**

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

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

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

#### **c) Authorities and Responsibilities**

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

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

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

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

#### **d) Confidentiality of Information and Conflict of Interest**

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

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

#### **e) Review of Positions**

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

#### **f) Internal Appointments**

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

#### **g) Selection and Appointment**

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

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

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#### **h) Probation**

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

**i) Record Keeping**

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

**j) Variation to this Policy**

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

**4. Statutory Context**

2.1 Internal

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

2.2 External

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

**Document Control**

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



## 8.8 Code of Conduct for Employees

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### 1 Introduction

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

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

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

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

#### 1.1 Statutory environment

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

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

#### 1.2 Application

For the purposes of the Code, the term employees includes persons employed by the Shire of Tammin or engaged by the Shire of Tammin under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

## 2 Code of Conduct

### 3.1 Role of Employees

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

#### **5.41. Functions of CEO**

*The CEO's functions are to:*

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws;*

### 3.2 Principles affecting employment by the Shire

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

#### **5.40. Principles affecting employment by local governments**

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

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

*Local Government Act 1995*

### 2.3 Personal Behaviour

Employees will:

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

## **2.4 Honesty and Integrity**

Employees will:

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

## **2.5 Performance of Duties**

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

## **2.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies**

- (a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their Line Manager, Manager or the CEO.
- (b) Employees will give effect to the lawful decisions and policies of the Shire, whether or not they agree with or approve of them.

## **2.7 Administrative and Management Practices**

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

## **2.8 Intellectual Property**

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

## **2.9 Recordkeeping**

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

## **2.10 Dealing with Other Employees**

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

### **2.11 Dealing with community**

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

### **2.12 Professional Communications**

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

### **2.13 Personal Communications and Social Media**

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

### **2.14 Personal Presentation**

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

### **2.15 Gifts**

- (a) Application

This clause does not apply to the CEO.

- (b) Definitions

In this clause –

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

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

***associated person*** means a person who —

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

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

## 8.9 Equal Employment Opportunity Management Plan

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### 1. Legislative Responsibility

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

- a) to eliminate and ensure the absence of discrimination in employment on the ground of sex, marital status, pregnancy, family responsibility or family status, sexual orientation, race, religious or political conviction, impairment or age;
- b) to eliminate and ensure the absence of discrimination in employment against gender reassigned persons on gender history grounds; and
- c) to promote equal employment opportunity for all persons.

### 2. Discrimination

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

- a) Direct Discrimination.

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

- b) Indirect Discrimination.

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

- 
- c) Systemic or Structural Discrimination.

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

### **3. Harassment**

Harassment is defined as unwelcome, offensive actions or remarks concerning a person's sex, marital status, pregnancy, race, colour, language, ethnicity, disability, impairment, or religious political conviction.

Harassment is deemed to have occurred, not as a result of a one off or occasional comment or remark, but repeated or continual harassment, as defined.



#### **4. Complaint Machinery**

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

- a) Dismiss the Complaint.
- b) Order Respondent to cease conduct or redress any loss.
- c) Order Respondent to pay damages.

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

i) **SECTION ONE - EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

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

**1. Policy Statement**

7. Introduction

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

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

8. Application

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

9. Environment

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

10. Diversity

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

11. Awareness

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

12. Monitoring

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

**APPLICATION**

N/A

**OBJECTIVE**

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

**STATUTORY CONTEXT**

*Local Government Act 1995 –*

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

*WA Equal Opportunity Act 1984*

*Equal Opportunity Act 1986*

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Disability Discrimination Act 1992*

**ADOPTION OF POLICY**



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

## **POLICY / STAFF MANUALS**

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

## **CIRCULATION**

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

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

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

## **REVIEW**

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

### iii) SECTION TWO - AWARENESS RAISING

#### iv) Objective

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

#### v) Action Plan

##### a) Responsible Officer (EEO Officer)

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

##### b) Staff Training

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

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

##### c) Organisation Chart

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

##### d) Advice

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

- a) preparation of notices for both Staff and Councilors.
- b) inclusion of EEO issues in staff training
- c) inclusion of EEO issues on the agenda for staff meetings (when necessary).
- d) accepting feedback from Staff to Management.

##### e) Complaints

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

## **vi) SECTION THREE - PERSONNEL PRACTICES AND POLICIES**

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

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

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

### **1. Recruitment**

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

### **2. Appointment, Promotion and Transfer**

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

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

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

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

### **3. Training & Development**

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

### **4. Conditions of Service**

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

### **5. Exit Interviews**

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

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

## **vii) SECTION FOUR- DEMOGRAPHIC PROFILE OF EMPLOYEES**

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

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

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

Specifically, the data includes: -

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

### **1. Responsible Officer**

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

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

### **2. Review of Data**

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

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

**AGGREGATED DEMOGRAPHIC PROFILE OF EMPLOYEES**  
As at 30 June 2023

<b>All employees</b>	<b>Representation</b>
Headcount	17
FTE	13.4
Women	41.1%
People with disability	0.0%
Aboriginal Australians	0.0%
People from culturally and linguistically diverse backgrounds	11.1%
Youth	0.0%
Mature employees	41.1%
Women in tier 1 management	0.0%
Women in tier 2 management	66.6%
Women in tier 3 management	N/A
<b>Indoor workers</b>	
	<b>Representation</b>
Headcount	8
FTE	5.8
Women	88.8%
People with disability	0.0%
Aboriginal Australians	0.0%
People from culturally and linguistically diverse backgrounds	11.1%
Youth	0.0%
Mature employees	33.3%
Women in tier 1 management	0.0%
Women in tier 2 management	66.6%
Women in tier 3 management	N/A
<b>Outdoor workers</b>	
	<b>Representation</b>
Headcount	9
FTE	6.5
Women	0.0%
People with disability	0.0%
Aboriginal Australians	0.0%
People from culturally and linguistically diverse backgrounds	11.1%
Youth	0.0%
Mature employees	55.5%
Women in tier 2 management	0.0%
Women in tier 3 management	N/A

viii) **Gender and Salary**

Gender	Female		Male		Total	
	No.	%	No.	%	No.	%
Level 1 < \$59,000	5	71.4	8	80.0	13	76.5
Level 2 \$59,001 - \$67,000			1	10.0	1	5.8
Level 3 \$67,001 - \$76,000	1	14.3			1	5.8
Level 4 \$76,001 - \$85,000						
Level 5 \$85,001 - \$96,000						
Level 6 \$96,001 - \$115,000			1	10.0	1	5.8
Level 7 \$115,001 - \$131,000						
Level 8 \$131,001 - \$150,000	1	14.3			1	5.8
Level 9 \$150,001 - \$170,000						
Level 10 \$170,001 and above						
<b>Total</b>	<b>7</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>17</b>	

ix) **Gender and Occupation**

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

x) **Gender and Employment Type**

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

xi) **Sex - Length of Employment (Within Organisation)**

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



## **xii) SECTION FIVE - EEO PLAN REVISION**

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

### **1. Annual Review**

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

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

### **2. Report to Director**

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

### **xiii) SECTION SIX- INTERNAL GRIEVANCE PROCEDURES**

#### **1. Objective**

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

#### **2. Grievance Officer**

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

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

#### **3. Responsibilities of Grievance Officer**

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

#### **4. EEO / Grievance Officer to: -**

- xiv) Have a working knowledge of the Equal Opportunity Act and a clear understanding of what constitutes harassment and / or discrimination. Also be familiar with the dispute settlement procedures set out in the relevant Awards.
- xv) Set an example in proper standards of conduct in the workplace.
- xvi) Provide present and future Staff Members and Councilors with information on what constitutes discriminatory or harassing acts and inform them that this Shire disapproves such conduct / behavior.
- xvii) Advise all employees that they do not have to tolerate harassment or discriminatory acts within their workplace and advise them of the grievance procedures.
- xviii) Assist complainants to choose an appropriate course of action to resolve a complaint and to follow through with the chosen course of action.
- xix) Closely monitor any incident of discrimination or harassment and bring Council's policy regarding proper standards of personal conduct in the workplace to the attention of the employee.
- xx) Ensure that the interests and rights of both the complainant and the employee/s, against whom the allegations are being made, are protected.
- xxi) Ensure that complete confidentiality is maintained and take no action on a complaint without the complainant's consent.

#### **5. Procedure on Receiving a Complaint**

- a. Assure the complainant that confidentiality will be maintained, that victimization of the complainant will not be tolerated, and that further procedures will only be undertaken with the complainant's consent.
- b. Clarify the facts of the complaint in so far as they can be established without further investigation.

- c. Take brief but accurate notes using the complainant's own words where possible. Check all details with the complainant.
  
- d. Clarify the options available to the Complainant's and the actions, which the complainant or grievance officer could take e.g.:
  - (i) the Complainant could make it clear to the other party that their behavior is unwelcome and request that it cease.
  - (ii) the Complainant could contact their Union or the Equal Opportunity Commission; or
  - (iii) The Grievance Officer could proceed with an investigation of the complaint. This is not to occur without the written consent of the complainant.
  
- e. If the complainant wishes to proceed with an investigation in the first instance, it is undertaken with Confidentiality. It should be recognized that all persons have the right to a fair hearing conducted in a non-accusative and non-judgmental manner.

## 6. Steps to be taken to Resolve Complaints

Within 14 days of a written request, by the complainant, that they wish their complaint to be acted upon, the Grievance Officer shall: -

- 1) Interview in an impartial manner, the employees against whom the allegations have been made.
- 2) State exactly what it is they are accused of doing.
- 3) Provide the opportunity for the person/s to respond fully to the allegations.
- 4) Interview any witness to the incidents under investigation.
- 5) Check the work record of the Complainant to see if any alleged employment disadvantages are evident.
- 6) Make it clear to all people involved in the investigation that it is unlawful to victimize another person in relation to a complaint.

Resolution of a grievance:

- i) If the grievance is not substantiated, explain the reasons for this finding to both parties. An example of such a finding may be that there is no evidence to support the complaint, or the conduct does not amount to discrimination under the Equal Opportunity Act. The complainant should be told again of their right to take the complaint to their Union or the Equal Opportunity Commission if they are not satisfied.
- ii) If the grievance is substantiated, tell both parties of this conclusion and the reasons for it.

Decide on immediate and appropriate steps to prevent the behavior from reoccurring.

In most cases it should be sufficient to counsel the employee or employees concerned and exercise closer supervision in the work area.

All notes, records, statements etc. pertaining to the investigation of any complaint are to remain confidential to the EEO Officer, where appropriate.

Where formal disciplinary action is necessary the steps outlined in the award relevant to the employee should be observed.

Reference: - Dispute Settlement Procedures.

- Local Government Industry Award 2010: Part 2 / Clause 8

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

**gift** —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
- (b) does not include —
  - (i) a gift from a relative as defined in section 5.74(1); or
  - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
  - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
  - (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

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

**gift** means —

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

- (b) a travel contribution;

**travel** includes accommodation incidental to a journey;

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

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

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

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

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

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

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

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

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

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

**reportable gift** means:

- (i) a gift worth more than \$50 but less than \$300; or
- (ii) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$50 but less than \$300.

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

**threshold amount**, for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF.

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

- (c) Determination

In accordance with Regulation 19AF of the Local Government (Administration) Regulations 1996, the CEO has chosen not to determine a lesser amount.

- (d) Employees must not accept a prohibited gift from an associated person.
- (e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
- (f) The notification of the acceptance of a reportable gift must be in writing and include:
  - (i) the name of the person who gave the gift; and
  - (ii) the date on which the gift was accepted; and
  - (iii) a description, and the estimated value, of the gift; and
  - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
  - (v) if the gift is one of two or more accepted from the same person within a period of one year:
    - (1) a description;
    - (2) the estimated value; and
    - (3) the date of acceptance,
 of each other gift accepted within the one year period.

- (g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- (h) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire's official website.
- (i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

## **2.16 Conflict of Interest**

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

## **2.17 Secondary Employment**

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

## **2.18 Disclosure of Financial Interests**

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

## 2.19 Disclosure of Interests Relating to Impartiality

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

**interest —**

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

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

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



## 2.20 Use and Disclosure of Information

- (a) Employees must not access, use or disclose information held by the Shire of Tammin except as directly required for, and in the course of, the performance of their duties.
- (b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire's policies and procedures.
- (c) Employees must not access, use or disclose information to gain improper advantage for another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire.
- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
  - (i) is authorised by the CEO or the CEO's delegate; or
  - (ii) is permitted or required by law.

## 2.21 Improper or Undue Influence

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

## 2.22 Use of Shire of Tammin Resources

- (a) In this clause –

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

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

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

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

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

### **2.23 Use of Shire of Tammin Finances**

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

### **2.24 Reporting of Suspected Breaches of the Code of Conduct**

Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager or the CEO.

### **2.25 Handling of Suspected Breaches of the Code of Conduct**

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

### **2.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor, Manager, or the CEO.

- (b) In accordance with the Corruption, Crime and Misconduct Act 2003, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
  - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
  - (ii) the Public Sector Commissioner, in the case of minor misconduct.
  
- (a) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
  
- (d) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire of Tammin's Public Interest Disclosure Procedures, published on the Shire's website.

## **2.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

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

## 9. Occupational Safety & Health

### **9.1 Occupational Safety & Health – Employees, Volunteers, Contractors, Visitors**

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#### **POLICY STATEMENT**

1. The Shire of Tammin will provide a safe and healthy work environment, so far as practicable, for –
  - a) the community,
  - b) employees,
  - c) volunteers,
  - d) contractors, and
  - e) visitors.
  
2. The Shire is concerned with protecting the safety, health and welfare of all personnel and visitors. Consistent with this, the Shire will –
  - a) Provide and maintain a safe work environment by managing risk through effective hazard identification and control;
  - b) Strive for continuous improvement in Occupational Safety and Health performance utilising best practice procedures and taking into account evolving knowledge and technology;
  - c) Comply with all applicable legislation and requirements;
  - d) Establish, implement and maintain an Occupational Health and Safety Management System; including measureable objectives and targets aimed at elimination of work related injury and illness,
  - e) Ensure that all employees, including contractors and volunteers, are fully informed, instructed, trained and supervised in the tasks they are required to perform;
  - f) Communicate and consult with employees, including contractors and volunteers, involve them in the development of practices and procedures aimed at the improvement of Occupational Health and Safety performance;
  - g) Ensure that all employees, including contractors and volunteers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.
  
3. Copies of this Policy shall be made available to all employees, volunteers, contractors and visitors, and displayed within the workplace.
  
4. This Policy is to be reviewed and authorised annually by the President and CEO.

#### **APPLICATION**

N/A

#### **OBJECTIVE**

To state the policy in accordance with the Occupational Safety and Health Act.

#### **STATUTORY CONTEXT**

Occupational Safety and Health Act 1984

#### **CORPORATE CONTEXT**

Policy Manual –

- 1.1 – Code of Conduct
- 9.2 – Drugs and Alcohol

Procedures Manual –

- Discrimination, Harasment and Bullying
- Grievance

**HISTORY**

Adopted	28 June 2018
Reviewed	28 Nov 2019

**REFERENCES**

None

## 9.2 Code of Conduct for Employees

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### Recruitment and Selection Policy

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

### 3. OBJECTIVE

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

#### b) Merit and Equity

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

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

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

#### b) Equal Opportunity Employment

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

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

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

#### k) Authorities and Responsibilities

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

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

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

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

**l) Confidentiality of Information and Conflict of Interest**

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

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

**m) Review of Positions**

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

**n) Internal Appointments**

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

**o) Selection and Appointment**

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

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

**p) Probation**

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

**q) Record Keeping**

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

**r) Variation to this Policy**

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

## 5. Statutory Context

### 2.3 Internal

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

### 2.4 External

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

### Document Control

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



## 10. Occupational Safety & Health

### **9.2 Occupational Safety & Health – Employees, Volunteers, Contractors, Visitors**

#### **POLICY STATEMENT**

5. The Shire of Tammin will provide a safe and healthy work environment, so far as practicable, for –
  - f) the community,
  - g) employees,
  - h) volunteers,
  - i) contractors, and
  - j) visitors.
  
6. The Shire is concerned with protecting the safety, health and welfare of all personnel and visitors. Consistent with this, the Shire will –
  - h) Provide and maintain a safe work environment by managing risk through effective hazard identification and control;
  - i) Strive for continuous improvement in Occupational Safety and Health performance utilising best practice procedures and taking into account evolving knowledge and technology;
  - j) Comply with all applicable legislation and requirements;
  - k) Establish, implement and maintain an Occupational Health and Safety Management System; including measureable objectives and targets aimed at elimination of work related injury and illness,
  - l) Ensure that all employees, including contractors and volunteers, are fully informed, instructed, trained and supervised in the tasks they are required to perform;
  - m) Communicate and consult with employees, including contractors and volunteers, involve them in the development of practices and procedures aimed at the improvement of Occupational Health and Safety performance;
  - n) Ensure that all employees, including contractors and volunteers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.
  
7. Copies of this Policy shall be made available to all employees, volunteers, contractors and visitors, and displayed within the workplace.
  
8. This Policy is to be reviewed and authorised annually by the President and CEO.

#### **APPLICATION**

N/A

#### **OBJECTIVE**

To state the policy in accordance with the Occupational Safety and Health Act.

#### **STATUTORY CONTEXT**

Occupational Safety and Health Act 1984

#### **CORPORATE CONTEXT**

Policy Manual –

- 1.1 – Code of Conduct
- 9.2 – Drugs and Alcohol

Procedures Manual –

- Discrimination, Harasment and Bullying
- Grievance

**HISTORY**

Adopted 28 June 2018

Reviewed 28 Nov 2019

**REFERENCES**

None

### 9.3 Drugs and Alcohol

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#### POLICY STATEMENT

1. Fitness for Work

Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.

2. Pre-Employment Medical Tests

As part of the recruitment selection process, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing. Failure to provide a negative test result may result in their application for employment being unsuccessful.

3. Random Testing

Random testing may also be conducted. Random testing may utilise a variety of methods for randomly selecting names such as software, lottery of selection through coloured marbles in a bag drawn by each employee. All staff on site must participate in the random selection.

#### APPLICATION

4. The CEO is to develop, maintain and enforce detailed procedures in relation to these matters in consultation with Local Government Insurance Services and WALGA Workplace Relations.

#### OBJECTIVE

To establish foundational requirements for commencing and continuing employment with the Shire in relation to drugs and alcohol.

#### STATUTORY CONTEXT

Occupational Safety and Health Act 1984

#### CORPORATE CONTEXT

Policy Manual –

- 9.1 – Occupational Safety and Health – Employees, Volunteers, Contractors, Visitors

Procedures Manual –

- Drugs and Alcohol
- Greivances

#### HISTORY

Adopted                      28 June 2018

#### REFERENCES

None

## 9.4 Risk Management

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### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To ensure the Shire of Tammin has in place systems and processes to identify and manage potential risks to minimise adverse outcomes, ensuring the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

### SCOPE

Organisation wide.

### POLICY

It is the Shire of Tammin's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management - Guidelines), in the management of all risks that may affect the Shire of Tammin, its customers, people, assets, functions, objectives, operations or members of the public.

Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations. The Shire of Tammin will develop a culture, processes and structures throughout the organisation that are directed towards the effective management of potential opportunities and adverse effects, designed to reduce the potential costs of risk by reducing liability, preventing litigation and improving loss control.

The Shire of Tammin will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. These measures will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity, including, but not limited to:

- strategic direction, decisions about levels of service
- major/ significant projects
- quality of and performance in relation to probity controls, internal controls and monitoring
- workplace and workforce health and safety
- business continuity
- fit for purpose corporate systems and processes

In accordance with Local Government (Audit) Regulations 1996, regular reporting of systems and procedures in relation to risk management will be submitted to the Shire's Audit and Risk Committee.

#### DEFINITIONS

**Risk:** the effect of uncertainty on objectives.

**Risk Management:** the application of coordinated activities to direct and control an organisation with regard to risk.

#### RELEVANT LEGISLATION/ LOCAL LAW

Local Government (Audit) Regulations 1996:

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

Office Use Only				
Relevant Delegations				
Council Adoption	Date	28/06/2018	Resolution #	TSC 61/18
Reviewed/Modified	Date	22/06/2022	Resolution #	TSC 40/22
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## 9.5 Asbestos Management

---

### POLICY STATEMENT

1. Shire of Tammin is committed to ensuring a safe place of work for all persons who attend our workplaces which includes the elimination so far as reasonably practical the risk of exposure of Workers and Non-Workers to airborne asbestos fibres. This extends to also managing any adverse impact to the environment from the uncontrolled release of asbestos containing material.

### APPLICATION

In undertaking its project activities, Shire of Tammin will:

1. Comply with applicable Commonwealth, State/Territory Health and Safety legislation, Codes of Practice and Australian Standards relevant to the management and control asbestos;
2. Provide the required regulatory notifications prior to asbestos removal and where an emergency, which includes an actual or potential exposure to airborne asbestos, has occurred;
3. Not allow the commencement of any work, at a site, without the management controls necessary to minimise the risk of exposure of asbestos being in place for building:
  - Constructed prior to 31 December 2003; and
  - Constructed after 1 January 2004, where asbestos is likely to be present;
4. Obtain and review the facilities Asbestos Register, and distribute copies to all contractors and other stakeholders before they attend the site;
5. Where the Asbestos Register is not available, out of date or inadequate for the scope of work, engage a competent person as defined in the compliance code, to inspect locations affected by our scope of work and provide an Asbestos Assessment Report;
6. Include, where there is a known asbestos risk, the defined asbestos management details are included in the safe systems of work provided by all subcontractors;
7. Where there is a defined asbestos risk, ensure site specific asbestos management details are included in the safe systems of work provided by all subcontractors;
8. Ensure that all works engaged to remove asbestos containing material are trained and possess the relevant regulatory approved licence;
9. When transporting and disposing of asbestos waste, comply with regulatory requirements;
10. Include in the Site Specific Induction the nominated asbestos management procedures;
11. Ensure workers are informed of and have available approved health monitoring where work with or near asbestos containing material is carried out;
12. Respond effectively to any incident involving, actual or potential, uncontrolled exposure to asbestos containing material;
13. When asbestos has been removed (<math>.10m^2</math>), engage a licenced Asbestos Assessor to perform a clearance inspection and to provide a Clearance Certificate; and
14. Upon completion of each project, the Shire of Tammin will provide all asbestos-related information gathered to relevant stakeholders, such as our client and the facility Managers.

### OBJECTIVE

Management of risks for all persons who attend our workplaces

**STATUTORY CONTEXT**

*Occupational Safety and Health Act 1984 (WA)*

*Occupational Safety and Health Regulations 1996 (WA)*

**CORPORATE CONTEXT**

Shire of Tammin Asbestos Management Plan

**HISTORY**

Adopted                      28 November 2019

**REFERENCES**

None

## 11. Building / Development

### 10.1 Relocated buildings

---

#### **POLICY STATEMENT**

1. Second-hand or relocated houses or buildings may be approved where they comply in all respects to the requirements of –
  - a) Building Act 2011 and Regulations;
  - b) National Construction Code and Building Code of Australia,
  - c) Health (Miscellaneous Provisions) Act 1911 and Public Health Act 2016;
  - d) Local Government Act (Miscellaneous Provisions), 1995 and Regulations
  - e) Local Planning Scheme and Policies.

#### **APPLICATION**

2. Applications are to include –
  - a) a report from a qualified person with regard to the soundness of the building;
  - b) a report from a qualified person addressing the suitability for transportation;
  - c) a report from a qualified person addressing the suitability for re-erection in a seismic zone; and
  - d) photographs clearly showing the external appearance of the dwelling.

#### **OBJECTIVE**

To authorise approval of second hand or relocated buildings, subject to statutory requirements, the Local Planning Scheme and Local Planning Policies concerning their standard, appearance, amenity etc.

#### **STATUTORY CONTEXT**

*Building Act 2011*

National Construction Code and Building Code of Australia

Shire of Tammin Local Planning Scheme

#### **CORPORATE CONTEXT**

Shire of Tammin Local Planning Policies

#### **HISTORY**

Former Policy	9.3
Adopted	28 June 2018

#### **REFERENCES**

Applications for the re-erection of second hand buildings are to be submitted to the Shire.

To be transferred to Local Planning Policy in due time.



## 12. Public Facilities

### 12.1 Consumption of Alcohol on Shire Property

<b>RESPONSIBLE OFFICER</b>	Manager of Finance & Corporate Services
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<b>OBJECTIVE</b>
To prescribe conditions to comply with, for the consumption of alcohol in and on Shire of Tammin (Shire) owned or managed facilities and public reserves.

<b>SCOPE</b>
Applies to all property and facilities, owned, vested, or under the care, control or management of the Shire.

<b>POLICY</b>
---------------

**Policy Statement:**

This policy aims to achieve the following outcomes for the consumption and sale of alcohol at Shire owned and managed property:

- Safe consumption of alcohol,
- Responsible service of alcohol, and
- Minimise harm and alcohol related damage and violence. Members of the public and organisations who wish to consume, supply, possess or sell alcohol on reserves managed by the Shire and in Shire owned facilities are to observe the following conditions:
- An application must be made to the Shire by submission of a 'Application to Consume Alcohol on Council Property' at least 14 days prior to the event date. If alcohol is being sold, the Shire must be provided with a copy of the liquor licence as approved by the Department of Racing, Gaming and Liquor, prior to the license period commencing.
- The permit holder listed on the 'Application to Consume Alcohol on Council Property' is responsible for the safety and wellbeing of all people involved in the event and managing the activity to ensure other users and residents are not impacted.
- Alcohol consumption is not to exceed six hours in any one day, must not commence prior to 12pm and must cease before the following times:
  - Monday – Thursday 10.00pm,
  - Friday and Saturday 12.00am (midnight), and
  - Sunday 9.00pm.

Any extension or variation to these hours requires the approval of the Officer in Charge of Police (in the relevant town) and the Chief Executive Officer of the Shire.

- All glass beverage and drinking containers are prohibited (unless the event has been identified as low risk and prior approval for use of glass has been requested and agreed to by the Shire.
- Events that are high risk, and/or events where the organisers have previously breached hire conditions (including damage to Shire property) may have their permits refused or be asked to provide additional information (such as risk management plans, evidence of crowd controllers etc.) before a permit is granted.
- For any perceived high-risk event, applications to consume alcohol should be forwarded to the local Police station for input before approval is considered.
- In the event of a cyclone, approval to consume liquor may be revoked for safety reasons.
- Depending on the nature and location of the event or function, the Shire may also place additional terms and conditions on the 'Application to Consume Alcohol on Council Property'.
- Where the event is on Crown land managed by the Shire, an application may be revoked if:

- The event is not in accordance with the Reserve Purpose e.g., a facility subject to a community lease is hired for a Christmas party.
- The event is not facilitated by the lessee e.g., the premises are hired to a third party.

**DEFINITIONS**

Nil

**RELEVANT LEGISLATION/ LOCAL LAW**

Liquor Control Act 1988  
 Liquor Licensing Act 1988  
 Liquor Control Regulations 1989  
 Health Act 2016 Health (Public Building) Regulations 1992  
 Food Act 2008  
 Food Regulations 2009

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	<b>Date</b>	23 October 2024	<b>Resolution #</b>	TSC Motion 68/24
Reviewed/Modified				
Reviewed/Modified				

### 13. Tourism

No Council Policies applicable to this area of operations.

## 14. Works & Services

### 13.1 Road Reserves – Crossovers

---

#### **POLICY STATEMENT**

1. The Shire will meet 50% of the cost of construction of a standard crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, subject to –
  - a) prior approval of proposal and estimated cost of construction of a crossover,
  - b) written agreement of the landowner/occupier prior to commencement of works,
  - c) by payment of the actual contribution cost to the landowner / occupier on completion, or cost recovery by the local government from the landowner / occupier.
  - d) any variation to a standard crossover is to be at full cost to the land owner.

#### **APPLICATION**

2. An application for a new standard urban crossover specification is –
  - a) one crossover per property,
  - b) where adjoining road is bitumised, from the bitumen edge of the road to the property boundary, with the following materials –
    - reinforced concrete – minimum 3 metres wide, 125 mm thick,
    - pavers – minimum 3 metres wide, minimum 60mm thick on 150mm compacted gravel base course
    - bitumen seal – minimum 3 metres wide, 2 coat seal on 150mm compacted gravel base course
    - asphalt – minimum 3 metres wide, minimum 60mm thick on 150mm compacted gravel base course
    - if gravel / natural surface – to 4.0 metres wide, 150mm compacted gravel
  - c) where the adjoining road is not bitumised, as per standard rural crossover specifications except to a width of 4.88m wide,
  - d) drainage under the crossover at Shire cost if required.
3. A standard rural crossover specification is –
  - a) one crossover per lot or location adjoining a road.
  - b) from the trafficable surface of the road to the property boundary,
  - c) compacted gravel, minimum 7.32 metres wide,
  - d) appropriate longitudinal drainage if required.
4. Local government costs –
  - a) any reinstatement of kerbing,

- b) impact on longitudinal drainage in place, up to 3 standard lengths of reinforced concrete pipe under the crossover cost if required, or
  - c) if crossover affected when carrying out works on the adjoining road.
5. Applicant's costs –
- a) kerbing not at the edge of the thoroughfare,
  - b) costs in excess of a standard crossover construction,
  - c) costs for crossovers in addition to standard number.

### **OBJECTIVE**

To define standard crossovers in accordance with the Local Government Act

### **STATUTORY CONTEXT**

*Local Government Act 1995 –*

- Sch 9.1(7) – crossing from public thoroughfare to private land or thoroughfare

*Uniform Local Provisions Regulations 1996 –*

- r.12 – application and approval for crossing
- r.13 – requirement to repair

*Activities on Thoroughfares and Public Places and Trading Local Law 2019*

### **CORPORATE CONTEXT**

None

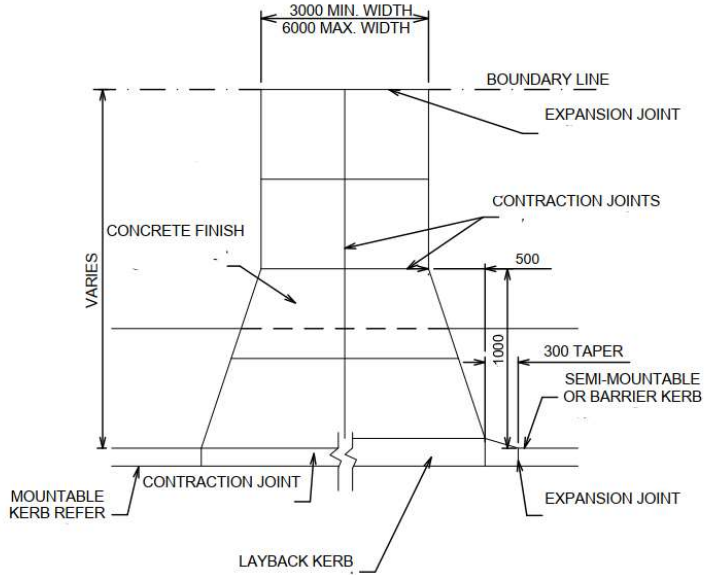
### **HISTORY**

Adopted                      22 October 2020

### **REFERENCES**

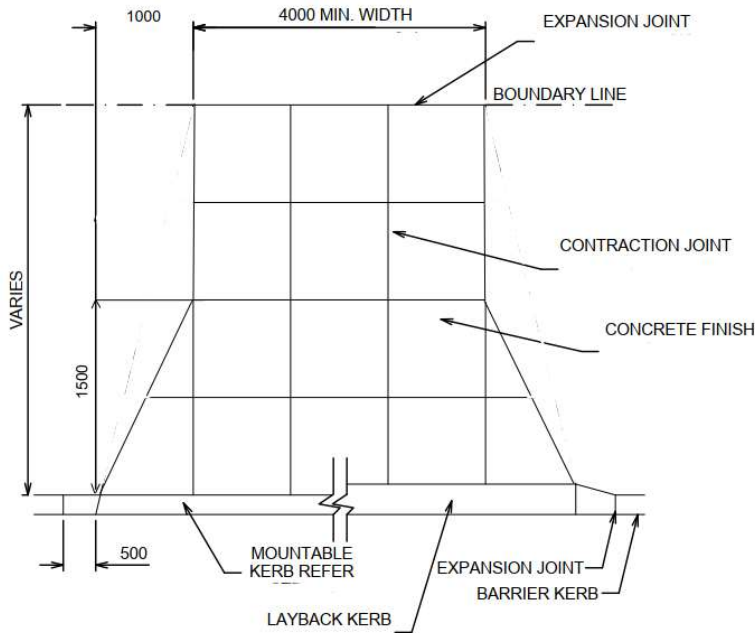
None

**Schedule 13.1(a) – Crossover 1 – Residential**



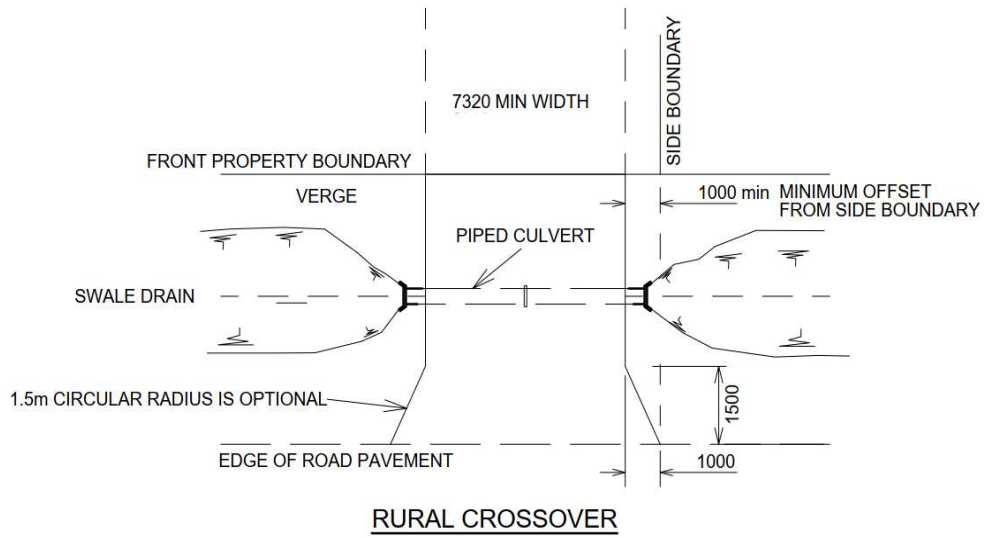
**RESIDENTIAL CONCRETE CROSSOVER  
PLAN**

**Schedule 13.1(b) – Crossover 2 – Industrial and commercial**



**COMMERCIAL OR LIGHT INDUSTRIAL  
CONCRETE CROSSOVER  
PLAN**

**Schedule 13.1(c) – Crossover 3 - Rural**



## 13.2 Road Reserves – Stormwater discharge in townsites

---

### POLICY STATEMENT

1. An owner/occupier is permitted to discharge storm and seepage water to the street gutter via pipe drains or a sealed crossover.

### APPLICATION

2. All connections are to be submitted in writing and approved by the CEO, who shall have regard to any guidelines or standards of Main Roads WA.
3. Open drains are not permitted across constructed footpaths or natural surfaces regularly used by pedestrians.
4. Small connections may be approved by the CEO, and are to be of galvanised steel or UV stabilised high density PVC as approved by the CEO having regard any relevant guidelines, and –
  - a) materials to be approved by pipe with an internal diameter of 100mm, or
  - b) RHS (box section) with internal measurements 75mm and 100mm wide and between 75mm and 100mm high.
5. Connection greater than cumulative 200mm –
  - a) will require Shire approval,
  - b) are to be of an suitable material or construction as approved by the CEO, and
  - c) where an adjacent underground stormwater drainage system in the road reserve has been constructed, are to be connected to the system having regards to any relevant standards.
6. Works can be constructed by –
  - a) subject to operational requirements, the Shire at private works rates, or
  - b) by an appropriate contractor, holding public liability insurance of not less than \$10 million.
7. Local government costs –
  - a) If drainage affected when carrying out works on the adjoining road.
8. Applicant's costs –
  - a) any piping from property boundary to discharge point,
  - b) costs of any reinstatement of footpath, road verge, kerbing required,
  - c) any connection to the underground stormwater drainage system,
  - d) inspection fees.
9. Any works which have been carried out without approval of the CEO or have not been constructed as approved, may be removed or altered, and costs recovered from the owners.

### OBJECTIVE

To control discharge of storm water on streets.

### STATUTORY CONTEXT

*Local Government Act 1995*

*Activities on Thoroughfares and Public Places and Trading Local Law 2006*

### CORPORATE CONTEXT

Delegation Register –

- 13.1 – Reserves Under the Control of the Shire
- 13.7 – Private works/infrastructure on, over or under public land



**HISTORY**

Former Policy	8.1
Adopted	28 June 2018

**REFERENCES**

Clause 4 and 5(c) – “relevant standards” – refer to Institute of Public Works Engineering Australia or Main Roads WA for guidance.

### 13.3 Road Reserves – Drainage and interceptor banks

---

#### POLICY STATEMENT

1. In limited circumstances, the Shire will permit drainage and interceptor banks to discharge onto a road reserve.

#### APPLICATION

2. Landholders proposing alterations to existing water courses or flows that impact on road reserves or other Shire controlled lands must –
  - obtain approval under the Environmental Protection Act, and
  - consult the Shire of Tammin for comment on proposed plans.
3. Where contour banks are constructed and water problems are created on roadways, the owner of the contour bank be required to fund the correction action required.
4. Prior to any approval being given for discharge onto or through a road reserve, or construction of any drainage works, the following is required –
  - a) a legally enforceable indemnity is required of the land owner for any damage to the road reserve, trafficable surface or endangered flora
  - b) an approved plan for any infrastructure to be constructed that may be required, including but not limited to –
    - structures,
    - pipes,
    - signage,
    - road drainage
    - rehabilitation etc.
  - c) agreement by the landowner to cover the full cost of any construction works
  - d) a deed providing for the future maintenance and replacement of any construction works to be at the landowners cost
  - e) details of the indemnity and deed are to be registered on the Certificate of Title of the property as a caveat in favour of the Shire

#### OBJECTIVE

To control the impact of private drainage etc. on roads

#### STATUTORY CONTEXT

*Local Government Act 1995 –*

- Sch.9.1(8) – private works on, over or under public places

*Uniform Local Provisions Regulations 1996 –*

- r.6 – Obstruction of public thoroughfare by things placed or left
- r.7 – Encroaching on public thoroughfare
- r.11 – Dangerous excavation in or near public thoroughfare
- r.17 – Private works on, over, or under public places
- r.18 – Protection of watercourses, drains, tunnels and bridges
- r.19 – Protection of thoroughfares from water damage

*Activities on Thoroughfares and Public Places and Trading Local Law 2006*

#### CORPORATE CONTEXT

Delegations Register –

- 13.1 – Reserves Under the Control of the Shire
- 13.7 – Private works/infrastructure on, over or under public land

**HISTORY**

Former Policy 8.1  
Adopted 28 June 2018

**REFERENCES**

None

### 13.4 Road and Street Name and Directional Signs

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#### **POLICY STATEMENT**

1. The design for road directional signs is black print on white background together with the Shire of Tammin Crest.

Example –



#### **APPLICATION**

N/A

#### **OBJECTIVE**

To set standard design for street and road name signs

#### **STATUTORY CONTEXT**

None

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Former Policy	8.5
Adopted	28 June 2018

#### **REFERENCES**

None

## 13.5 Private Works

---

### **POLICY STATEMENT**

1. Subject to work commitments and the capacity to carry out the requested works, the CEO or Manager of Works may authorise the carrying out of private works, upon such terms and conditions as is considered appropriate.

### **APPLICATION**

2. All private works require a written agreement, unless a Purchase Order is supplied e.g. Western Power, Telstra etc.
3. Private works having the potential to affect normal Shire work programs –
  - a) are to be referred to Council prior to acceptance,
  - b) may have progress payments or other arrangements as determined by Council.
4. Private works not interfering with Shire works programs may be carried out at the discretion of the CEO.
5. Private works charges as per fees and charges schedule adopted in the Budget, are to include –
  - a) operational and depreciation cost (depot to depot) of all plant, vehicles and equipment used for the works
  - b) labour not otherwise included in the plant operation cost – travel, stand-down, waiting, supervision etc
  - c) public works overheads cost.
  - d) administration costs

### **OBJECTIVE**

To determine appropriate circumstances and requirements for private works

### **STATUTORY CONTEXT**

Local Government Act 1995

### **CORPORATE CONTEXT**

Delegation Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 13.2 – Things to be done on land not local government property

### **HISTORY**

Former Policy	10.3
Adopted	28 June 2018

### **REFERENCES**

There is a presumption against private works being undertaken by the Shire, as the preference is that local contractors be engaged to carry out the work.

## 13.6 Unsealed Roads – Classification and Standards

---

### POLICY

1. Shire roads, as depicted on the Road Classification Listings (refer Schedules 13.6(a) and (b)) are categorised into “A”, “B” & “C” class roads as listed.

### APPLICATION

2. The following work criteria will be applied to the listed classes –

#### “A” Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth

Long term development: *bitumen surface*

#### “B” Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth
- One additional grading before harvest, if necessary

Long term development: *to remain as gravel surface*

#### “C” Class

- Formation to be 8m width
- Carriageway to be 6m width with 150mm gravel sheet
- Shoulders to be 2 x 1m

Long term development: *Low volume farm access roads*

### OBJECTIVE

To identify priority roads, and classify for future works planning

### STATUTORY CONTEXT

None

### CORPORATE CONTEXT

None

### HISTORY

Original Policy	5.28
Amended	September 2003
	October 2004
	June 2008
Former Policy	10.3
Adopted	28 June 2018

## **REFERENCES**

Unsealed Roads Manual produced by the *Australian Road Research Board*.

### **Schedule 13.6(a) – Road listing**

To be developed

### **Schedule 13.6(b) – Map**

To be developed

### **Schedule 13.6(c) – Profile 1 – Unsealed roads A and B Classification**

To be developed

### **Schedule 13.6(d) – Profile 2 – Unsealed roads C Classification**

To be developed

## **13.7 Road Making Materials – Non-Shire Controlled Land**

---

### **POLICY STATEMENT**

1. Where the required quantity, quality or type of material is not available from Shire controlled areas and the material may be sourced from private property.

### **APPLICATION**

2. The following is to be normal procedure –
  - a) Request permission to search for materials from the owner. Entry powers are to be used only as a last resort.
  - b) Calculate the approximate requirement for the project or yearly requirement of material from the proposed pit, and the expected life of the pit.
  - c) If suitable material is located, a written agreement is to be reached with the owner regarding compensation for materials to be removed.
  - d) Priority must be given at all times to reasonable negotiation to reach an amicable written agreement mutually acceptable to the Shire and the owner.
  - e) Should agreement for the removal of materials not be reached with the owner, procedures to resume an area sufficient for immediate and future needs may be instituted by specific decision of Council.
3. Compensation shall be agreed in writing prior to excavation, by payment of a royalty as determined by Council as per fees and charges Schedule.
4. Works to rehabilitate the pit once materials have been removed shall take place and will be such works as agreed on in writing before excavation commences. These works may include –
  - a) tree planting,
  - b) deep ripping,
  - c) levelling,
  - d) stockpiling of original topsoil and spreading after extraction is completed.
5. All matters are to be agreed in writing, prior to removal of any materials.

### **OBJECTIVE**

To establish the processes for negotiation of obtaining road making materials

### **STATUTORY CONTEXT**

Local Government Act 1995

### **CORPORATE CONTEXT**

Delegation Register –

- 13.2 – Things to be done on land not local government property

### **HISTORY**

Adopted                      28 June 2018

### **REFERENCES**

None



## 15. Plant / Equipment

### 14.1 After Hours Use of Depot, Plant, Vehicles, Equipment and Tools

---

#### **POLICY STATEMENT**

1. Private use of the depot facilities is not permitted.
2. Private use of equipment and tools is not permitted.
  - Eg: chainsaws, lawn mowers, brush cutters, generators, cement mixers, ladders etc

#### **APPLICATION**

3. Shire employees are not permitted to use plant vehicles outside normal working hours unless –
  - a) prior approval of the CEO is required.
  - b) for a community or non-profit organisation, may be approved without cost;
  - c) the user of the plant or vehicle is a licensed employee of the Shire.
4. Assistance for Sporting or Community Groups
  - a) The use of Shire plant by staff outside of normal hours may be permitted to assist sporting or community groups serving the residents of Tammin providing the normal plant / equipment hire rate is paid by that body, unless otherwise allowed by the CEO.
  - b) If approved, the plant is to be operated only by a competent employee approved by the CEO –a non-qualified employee or non-employees are not permitted.

#### **OBJECTIVE**

To determine private use by employees of Shire facilities and equipment

#### **STATUTORY CONTEXT**

Local Government Act 1995

#### **CORPORATE CONTEXT**

Delegation Register –

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

Policy Manual –

- 3.4 – Requests for Financial and Other Assistance
- 9.1 – Occupational Safety and Health

#### **HISTORY**

Adopted                      28 June 2018

#### **REFERENCES**

## 15. Natural Resource Management

No Council Policies applicable to this area of operations.

## 16. Unclassified

No Council Policies applicable to this area of operations.

## History Summary

Item	Meeting	Purpose	Applies	Affected
1	28 June 2018	Revocation	29 Jun 2018	All previous policies
2	28 June 2018	Adoption	29 Jun 2018	All policies presented, except – - 1.3 – Elected members - Recognition of service
3	22 November 2018	Adoption	22 Nov 2018	1.3 – Elected members - Recognition of service
4	25 July 2019	Adoption	25 July 2019	8.6 – Equal Employment Opportunity Management Plan
5	22 August 2019	Adoption	22 August 2019	2.6 – Complaint Management Policy
6	22 August 2019	Adoption	22 August 2019	8.7 – Recruitment and Selection Policy
7.	23 October 2019	Adoption	23 October 2019	2.7 – Fraud and Corruption Policy
8.	28 November 2019	Review	28 November 2019	All current policies
9.	28 November 2019	Adoption	28 November 2019	9.4 Asbestos Management Plan
10.	19 December 2019	Adoption	19 December 2019	1.10 – Councillor - Continuing Professional Development
11.	27 February 2020	Adoption	27 February 2020	1.9 – Attendance at Events
12.	23 April 2020	Adoption	23 April 2020	3.8 – COVID-19 Financial Hardship Policy
13.	28 May 2020	Amendment	28 May 2020	3.1 – Purchasing Policy - amended to reflect change in Regulation
14.	25 June 2020	Amendment	25 June 2020	3.8 – COVID-19 Financial Hardship amended to reflect change in Regulations
15.	25 June 2020	Adoption	25 June 2020	3.9 – Cash Handling Policy

## Appendix

### Definitions

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The LG Act has not defined the term “delegation” or “delegated power”. However:

- s.5.16 refers to “... the exercise of any of its powers and duties ...”
- s.5.42 refers to “... the exercise of any of its powers or the discharge of any of its duties ...”

The term “policy” is not defined anywhere in the LG Act, however, Departmental guidelines refer to Council “acting through” the administration to fulfil requirements and obligations.

The following terms used in this document apply insofar as they are consistent with enabling legislation –

**authority** means the permission or requirement for Council, a Committee or a person to act in accordance with –

- the Local Government Act, Regulation or other legislation,
- a delegation made by Council,
- a Council Policy,
- a specific decision of Council, or
- an Instruction.

**Council** means the elected members in session,

**Council Policy** is a standing instruction resolved by Council as to how a particular matter is to be implemented:

**delegation** means the authority for a Committee, the CEO or other person to exercise a power, or discharge a duty, as conferred by absolute majority decision of Council under the provisions of the relevant legislation.

**employee** means –

- a) a person employed directly by the Shire receiving a salary or wage,
- b) a person employed directly by the Shire on a fixed term contract,
- c) a person appointed for the purposes of exercising a delegation who –
  - i) is engaged under a contract for services either directly or with a firm,
  - ii) is the specific person named in the contract, and
  - iii) is authorised to issue notices on behalf of the Shire,

**Standard Procedure** means the requirement for a staff member to act in accordance with a direction given by the CEO.

**Planning Policy** is a standing instruction resolved by Council as to how a particular matter is to be implemented. They are made by authority of the Local Planning Scheme, within a different legal and procedural framework, having specified process in order to be enforceable, and are generally advised to the WA Planning Commission .

**Shire** means the organisation or the district as the context requires,

### Statutory and Corporate Context

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The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various officers, and to stipulate conditions, standards or methods of control and management.

This Council Policy Manual has been prepared to complement a range of obligations imposed by legislation including local laws, and various document adopted by Council.

The order of priority for compliance is –

1. Federal and State legislation and regulations,
2. Local Planning Scheme,

3. Local Planning Policy – as it is made under the authority of the Local Planning Scheme, by resolution of Council,
4. a specific resolution of Council,
5. Delegations Register – being specific authorisations resolved by Council, and having a Statutory Context under the Local Government Act, they are the standing authorisations of Council to particular persons, almost exclusively the CEO,
6. Council Policy – being instructions resolved by Council they are the standing instructions of Council on how particular matters are to be dealt with,
7. Instruction – standing instructions or procedures issued by the CEO,
8. administrative directions or instructions.

Although not decisions of Council, and therefore not a requirement of staff, consideration should be given to the following as being best practice –

- DLGRD Guidelines
- WALGA Councillors Manual, Practice Notes etc.

Unless specifically resolved that the instruction is to be included in the Policy Manual, it is considered that it is for a specific matter, and is not a general or on-going instruction.

There are some policies that have specific legislative provision, and these are noted in the individual policy.

### **IMPORTANT – Consequences of breaching Council Policy**

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Where there is a breach of Council Policy –

- a) it may result in disciplinary action up to and including termination of employment,
- b) the Shire may also be obligated to refer a breach to an external agency where an employee may be held personally liable for their actions;
- c) the employee in breach may also be personally liable for their actions, such costs charged to the Shire or to repair as a result of the private/personal or unauthorised use.

### **Compliance – is by staff, not by community**

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Policy cannot be used to directly control or manage the general community, except in particular circumstances – it is essentially an instruction to staff that in particular circumstances, a specific action or process is to be followed, for instance –

- Hire of facilities – if there is damage, then staff are to invoice the hirer or cancel their booking etc
- Caravan Park Rules – if a patron does not comply with these, staff are to take action
- HR / Personnel policies – outlines the circumstances in which actions are to be taken
- Crossovers – staff may approve if an application complies with requirements, or take action if a crossover does not comply.

A Policy cannot be applied directly to the community as they may not be aware of its adoption. The community has to have had the opportunity to be aware of the requirements imposed on them.

However, policy may require staff to apply specific conditions to a licence, permit etc, and to provide a written copy of the conditions being applied. These conditions applied are then enforceable.

Advertising of a local law constitutes community wide notification, whether the person is aware of it or not. Accordingly, many policies expand on how a Local Law is to be interpreted or acted upon by staff.

### **Guidelines No.17 – Delegations (Department of Local Government)**

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The Department of Local Government and Communities has published Guidelines for the formation of Delegations.

The Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

*... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.*

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters. Similarly, not all “acting through” matters will be listed. Council Policy describes how that action or some other action is to be carried out.

### **Making, amending and revoking Council Policy**

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Council Policy is administrative in nature, requires approval by a simple majority of Council, and may be made, amended or revoked at any time by Council.

Council may impose limitations on Policy or the functions delegated as they see fit.

The following sections are reserved to Council to amend –

2. Policy Statement
3. Application
4. Objective

The CEO is expected to update the following sections as legislation changes or new information comes to hand, and to advise Councillors when doing so –

5. Statutory Context
6. Corporate Context
7. References

### **Review of Council Policy**

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There is no required timetable for the review of policy, however, it is suggested that it should be done regularly to ensure that policies are relevant, current and understood.

To maintain the Policy Manual up to date, an administrative review should be reviewed at least once a year, and a report made to Council on matters needing amendment or inclusion.

It is suggested that detailed consideration of all policies be undertaken by Council at least once every two years.