



murchisonshire

Ancient land under brilliant skies

Policy and Procedures Manual

Manual Consolidation

12.12.2020

Latest Update

27.05.2021

Introduction

Amongst other things the *Local Government Act 1995* empowers Council in the determination of policy under section 2.7 Role of Council - “(2)(b) determine the local government’s policies.”

In simple terms policy provides what can be done, management practices provide how it is done and delegation provides who can do it.

Council Policies provide guidance for future decisions and behaviour and the achievement of rational outcomes. Council policies show the approach that the Council intends to be taken in a particular issue and in the process:

- ~ Support consistency and equity in decision making,
- ~ Facilitate prompt responses to customer requirements; and
- ~ Promote operational efficiency.

This policy and procedures manual was created on 12 December 2020 and followed on from a previous 2005 Policy Manual as updated on 25 November 2020

Council Policies and Procedures

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the Shire.

Council Policies are developed to further the achievement of the Shires strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to particular circumstances which guide staff in what is permissible when dealing with related matters.

The structure of the Policy manual will align Council policies within the framework of Councils Community Strategic Plan as a means to deliver the Shires Vision of

*Working together to preserve the unique character of the Shire, supporting
diverse and sustainable lifestyle and economic opportunities*

Each policy, procedure or other type of document related is segmented into the following specific areas that broadly describe our operations

- Governance
- Councillors
- Human Resources
- Financial Management
- Community Economic and Recreation
- Works
- Building Planning and Health
- Fire Management
- Roadhouse and Caravan Park

Each is also specifically linked to our Community Strategic Plan under the following four well-being priorities.

- Economic
- Environmental
- Social
- Civic Leadership

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1.1 Sustainable Decisions

Well-being

Social

Overview

The purpose of this policy is to establish an understanding of the four dimensions of well-being (*Economic, Environmental, Social and Civic Leadership*) when developing and making sustainable decisions as part of Council's Strategic Community Plan.

Objectives

To keep at front of mind a consideration of all four the four dimensions of the Shires well-being when making decisions and determining policies

Details

Definition and Vision

The Shire recognises that development can compromise the ability of future generations to meet their needs. Sustainability is the ability of our Economic, Environmental, Social and Civic Leadership systems to maintain their health and resilience in perpetuity.

The Shires Strategic Community Plan is committed to the vision of

"Working together to preserve the unique character of the Shire, supporting diverse and sustainable lifestyle and economic opportunities".

Well-being Objectives

This vision is to be achieved through actions that attempt to meet the following objectives:

Economic

To develop the regions economic potential to encourage families and businesses to stay in the area.

Environmental

To improve the sustainability of land use and improve the condition of the environment

Social

To develop, coordinate, provide and support services and facilities which enhance the quality of community life in the Shire by:

- ~ Supporting and assisting in coordinating projects and events as required.
- ~ Providing information on services (funding opportunities, Grant processes etc.).
- ~ Supporting community groups.
- ~ Supporting and maintaining social infrastructure (i.e. Parks, Gardens, Cemetery) and support those groups who use them.

Civic Leadership

To provide good governance to the Murchison Shire through

- ~ Regional collaboration where possible;
- ~ Detailed and professional administration;
- ~ High levels of accountability;
- ~ Compliance with statutory requirements;
- ~ High-quality forward planning, particularly for assets and finances;
- ~ Openness and transparency and enhanced consultation and public participation;
- ~ Provision of quality customer services, good financial management and pursuit of excellence in professional administration and communication.

Decision Questions

When each policy is developed, or decision made it is expected that implicit questions will be asked as whether or how each of the above aspects of the community's well-being will be affected.

To demonstrate this the key well-being themes are referenced in each policy document

Previous

Nil

1.2 Public Question Time

Well-being

Civic Leadership

Objectives

To ensure that available time is used efficiently and effectively and that members of the public are given a fair and equal opportunity to participate in Public Question Time.

Details

Managing Public Question Time

Council is to manage Public Question Time at ordinary meetings of Council and prescribed meetings in a proper and efficient manner according to statutory provisions and the Shire of Murchison Public Question Time Procedures as adopted and amended from time to time

Public Question Time Procedures

Prior to the Meeting

- 1 All questions are to be sent to the CEO at least 48 hours prior to a Murchison Shire Council ordinary meeting or prescribed meeting, on the approved form.
- 2 A register will be provided at least 30 minutes prior to the meeting for members of the public to register their names.

During the Meeting

- 1 Questions will be taken in the order of registration.
- 2 If a member of the public is in chambers at the time of public question time and if the presiding person allows, a question may be asked without notice.
- 3 A member of the Public who raises a question during question time must –
 - (a) first state his or her name;
 - (b) direct the question to the presiding member;
 - (c) ask the question briefly and concisely, without preamble
 - (d) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment;
- 4 If any question being asked by any member of the public is deemed inappropriate, then the presiding person may interject and ask the person to rephrase their question, or the presiding member may rule the question as inappropriate, in which case the question will not be considered. An inappropriate question is one:

- 5 If a question is asked that has been asked at a previous meeting and a response has been provided, then the presiding person should advise the questioner accordingly and refer him or her to the minutes of the meeting at which the response was provided;
- 6 The presiding person will answer the question, nominate who will answer the question or take the question on notice if more time is required to research the question in order to provide an appropriate answer.
- 7 Once a question has been answered there will be no debate deriving from any question.
- 8 Public question time will be 15 minutes total time before moving on to the main council agenda, unless the presiding person allows an extension of question time.
- 9 Any person asking questions to council has a limit of 5 minutes in which to ask their questions, unless the presiding person allows an extension of time.
- 10 Once public question time is over and the council meeting resumes, no member of the public may interject at any time.
- 11 The public is admitted to Council meetings on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the Council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the meeting. (Standing Orders 5.1.1).
- 12 Any person, not being a member of Council who interrupts the orderly conduct of the Council who does not withdraw immediately upon being called by the presiding person to withdraw from the meeting, may, by order of the President, be removed from the meeting. (Standing Orders 5.1.2)

Following the Meeting

- 1 Minutes of the meeting are to contain a summary of each question asked and the response given.
- 2 Questions taken on notice should be researched and a written response provided to the questioner in a timely manner, assuming they have provided a name and contact details.
- 3 Response to questions taken on notice must be included in the minutes of the following meeting.

Previous

2005 Policy Manual - 25 November 2020 Update

1.3 Committees and Working Groups

Well-being

Civic Leadership

Objectives

To provide formal opportunities for individual persons to assist Council in performance of its functions and to widen the scope of input in doing so through the establishment and operation of appropriate operating structures for Committees and Working Groups.

Details

Formal Committees

Operation

S5.8 of the *Local Government Act 1995* provides the opportunity establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

When establishing a Formal Committee Council shall first establish the Committee is the best option or form of assistance and whether other less formal means are more applicable.

When establishing and from time to time reviewing the operation of a Committee, appropriate terms of reference are required to be established. Matters to be considered for inclusion in the relevant Terms of Reference include but are not limited to the following:

- ~ Role, functions and objectives
- ~ Powers and any Delegated Authority if applicable
- ~ Duties and responsibilities.
- ~ Membership, meeting requirements and reporting functions

Without in any way limiting the number of Formal Committees that may be established the following are recognised:

- ~ Audit Committee
- ~ Community Fund Management Committee

Payments and Reimbursements

The *Local Government Act 1995* provides two different classifications of expenses that can be reimbursed to members. They are those that “shall” be paid and those that “may” be paid.

Council will reimburse expenses as set out in Council's Councillor Expenses Policy to members of committees who are not elected members or employees of the Murchison Shire.

Working Groups

Operation

Council may from time to time establish a less formal form of structured consultation and decision making through the establishment of Working Groups.

Any Working Group so established has the role to assist the Chief Executive Officer in a consultative manner in the performance of his or her duties. The Working Group has no formal powers to act but can make recommendations and provide assistance that may

- ~ be included as background information in relevant council meeting agenda items as presented by the Chief Executive Officer
- ~ be used to assist the Chief Executive Officer in making a decision through action through his or hers delegated authority.

When establishing a Working Group, the form of structure should be tailor made to suit the specific circumstances. Regular ongoing Working Groups should have formal Terms of Reference established whilst others with specific short-term objectives may be less formal in nature.

Matters to be considered for inclusion in the relevant Terms of Reference include but are not limited to the groups purpose, membership, scope, structure and meeting expectations.

Without in any way limiting the number of Working Groups that may be established the following regular ongoing Working Groups are recognised:

- ~ Community Development Working Group
- ~ Economic Development Working Group
- ~ Plant Working Group
- ~ Settlement Drinking Water Working Group
- ~ Settlement Power Supply Working Group
- ~ Wild Dog Control Working Group

Payments and Reimbursements

The *Local Government Act 1995* provides two different classifications of expenses that can be reimbursed to members. They are those that "shall" be paid and those that "may" be paid.

Council may at its absolute discretion reimburse expenses as set out in Council's Councillor Expenses Policy to members of working groups who are not elected members or employees of the Shire of Murchison.

Previous

2005 Policy Manual - 25 November 2020 Update

1.4 Council Administration

Well-being

Civic Leadership

Objectives

To assist the administration of the Shire through guidance in relation to various operational aspects of administration and public relations.

Details

Administrative

Instrument of Delegation

When powers and duties are delegated by the Council to a committee in accordance with the requirements of the Local Government Act an instrument of delegation be executed by the President and Chief Executive Officer.

When powers and duties are delegated by the Council to the Chief Executive Officer the instrument of delegation shall be signed by the President and the Deputy President.

Local Laws

The Council shall make, publicise and review its Local laws according to the guidelines below.

- 1 That Local Law making powers be used sparingly and after applying the following tests:-
 - ~ Can Council achieve the objectives without making a law,
 - ~ Has Council the will and resources to enforce the law,
 - ~ Will practical benefits result from the law.
- 2 That Local Laws be worded as simply as possible.
- 3 That where Local laws are site specific e.g. laws relating to a town hall, a copy of the laws be posted at the site concerned or an abbreviated version of same stating:-

Offences and penalties.

That a full copy of the law can be inspected at the Shire Office.

That where regulation or licensing of an activity, premise or animal is required the opportunity be taken to issue a leaflet advising of the Local Law.

That the President consider making the exercise of legislative powers by the Local Government a component of the President's annual report as a means of identifying distinct problems and steps Council has taken to combat them.

Signs for Election Advertising

Candidates for Federal, State and Local Government Elections are not permitted to display election signs in the Shire of Murchison on land under Councils care and control.

Explosive Licenses

The Chief Executive Officer is authorised to issue approvals for the use of explosives within the district without reference to Council.

Public Relations

Council Logo

The Council Logo may be used on letterheads, envelopes and other Council material as and when it is considered appropriate by the Chief Executive Officer.

Use by shire community groups is approved subject to:-

- ~ The group being a non-profit organisation based within the Shire of Murchison,
- ~ Subject to written application to the Chief Executive Officer,
- ~ The removal of the word "Shire" from the logo.

Council Well Wishes

Council Well Wishes are aimed to recognise personal events in the lives of previous Murchison Residence, staff members, councillors, past councillors, close affiliates of Council or their families or any other person who has made a contribution to the development of the Shire.

Council staff are to arrange flowers, cards or small gifts and insert suitable notices in the paper to recognise personal events in the lives of previous Murchison Residence, staff members, councillors, past councillors, close affiliates of Council or their families or any other person as requested by the Shire President. In the event the Shire President is not available to make the request the Deputy President has delegated authority to do so.

In making the decision due regard is to be had for things as length of service (staff or Councillors), time spent in the Murchison Region and community involvement etc.

Communications

All discussions with media and any media *releases are only to be undertaken by persons authorised under the Local Government Act 1995.*

If a Councillor or member of staff is approached by the press to answer questions or make a comment on Council business, that, unless specifically authorised by the President or Chief Executive Officer, that member of the press be referred to the authorised spokespersons of the Council for response.

Council staff are to keep ratepayers informed of Council activities via a range of sources including the regular publication of Council's Murchison Monologue Newsletter.

Councils Community email contact list shall be managed under the authority of by the Chief Executive Officer.

Council Buildings

Short Term Accommodation

Depending on the circumstances and availability Council properties may be made available and provided by council for short time accommodation. Permission to stay at the residence must be obtained from the Chief Executive Officer.

Council Chamber

The Council Chambers shall not be used as a venue for meetings for other groups unless approved by the President as exempt from this provision or unless specifically authorised by the President. In the absence of suitable meeting venues for staff meetings, or public meetings with staff, staff are entitled to use the Council Chambers with approval of the Chief Executive Officer.

Previous

2005 Policy Manual - 25 November 2020 Update

1.5 Code of Conduct

- 03.03.21 *Sections of this Code relating to Elected Members have been replaced by the Local Government Model Code of Conduct pursuant to the Local Government (Model Code of Conduct) Regulations*
- 22.04.21 *This Model Code was replaced by policy 1.12 Code of Conduct Council Members Committee Members and Candidates. The yellow highlighted sections are now incorporated in 2.1 Councillor Requirements. This Policy 1.5 Code of Conduct will be rescinded once the Employee Code of Conduct is prepared and adopted by the CEO.*

Well-being

Civic Leadership

Overview

The Code of Conduct provides elected members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issues of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

Objectives

The Code is complementary to the principles adopted in the Local Government Act and Regulations which incorporates four fundamental aims to result in:-

- (a) Better decision making by Local Governments;
- (b) Greater community participation in the decisions and affairs of Local Governments;
- (c) Greater accountability of Local Governments to their communities; and
- (d) More efficient and effective Local Government.

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

Details

1 General

Role of Elected Member

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

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- ~ Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- ~ Achieving sound financial management and accountability in relation to the Local Government's finances;
- ~ Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- ~ Working with other Governments and organizations to achieve benefits for the community at both a local and regional level;
- ~ Having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

Role of Staff Members

The primary role of members of staff is to support the collective decision of the Council in achieving the role of Councillors as previously stated through the direction of the Chief Executive Officer.

A staff member's secondary role is to be aware of the statutory requirements of the Local Government Act and Regulations, and to provide timely and proper advice and assistance to the Councillors in the performance of their duties.

The following specific behaviour is expected of Council staff.

- ~ While on duty staff will give their best attention to the Local Government business to ensure that the work is carried out efficiently, economically, and effectively.
- ~ Staff are expected to conform to neat dress standards, and are encouraged to use corporate clothing as provided by the Council.
- ~ Communication with the community should be friendly, polite, accurate and professional, and reflect the status of the Council.

Role of The Chair

A chairperson is required to remain Fair, Firm and Focussed.

Above all else however, the role of the chair is to be impartial. The person chairing the meeting has a different role to that of the participants. They are not involved so much in the content of the meeting as they are in the process of the meeting.

The chair must ensure:

- ~ That the processes are followed in accordance with adopted standing orders;
- ~ That everyone present receives an equal chance to address the meeting according to the rules;
- ~ That the discussion is conducted fairly and without bias and according to the processes of the Shire

- ~ That a quorum is present at all times
- ~ That minutes are taken accurately;
- ~ That motions are made clearly and accurately before voting;
- ~ That the principles of free speech and natural justice are upheld at all times;
- ~ That guests or visitors are made to feel welcome and understand their rights or roles.

2 Conflict and Disclosure of Interest

Members and Staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

Members and Staff who exercise a recruitment or other discretionary function will make disclosure before dealing with close friends or relatives and will disqualify themselves from dealing with those persons.

Staff will refrain from partisan political activities, which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

Financial Interest

Members and Staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

Disclosure of Interest

In addition to disclosure of financial interests, members and staff, including persons under a contract for services, when attending a Council or Committee meeting; or giving advice to a Council or Committee meeting are required to disclose any interest they have in a matter to be discussed at that meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

Where an interest must be disclosed under the above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given and is to be recorded in the minutes of the meeting.

Disclosure of Interest Affecting Impartiality

For the purpose of requiring disclosure an interest affecting impartiality is defined in the Regulations as:-

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

Impact

In the disclosure of impartiality interest the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest effecting impartiality the members involvement in the meeting continues as if no interest existed.

What to disclose

Employees or elected members may use the following declaration when considered necessary to disclose an interest affecting impartiality.

“With regard to (the relevant matter) I disclose that I have an association with the applicant (disclose nature of association) or person seeking a decision. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote (or advise) accordingly”.

3 Personal Benefit

Use of Confidential Information

Members of staff will not use confidential information to gain improper advantage for themselves or for any other person or body in ways which are inconsistent with their obligations to act impartially or to improperly cause harm or detriment to any person or organisation.

Intellectual Property

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

Improper or Undue Influence

Members and Staff will not take advantage of their position to improperly influence other members or staff 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.

Gifts and Bribery

Members and Staff are not to accept a gift, other than a gift of or below \$200 from a person who is undertaking, or is likely to undertake business:-

- ~ That requires a person to obtain any authorisation from the Local Government;
- ~ By way of contract between the person and the Local Government; or
- ~ By way of providing any service to the Local Government.

Members and Staff who accept a gift of or below \$200 from a person referred to in (a) above are to record in a register of token gifts:

- ~ The names of the persons who gave and received the gift;
- ~ The date of receipt of the gift; and
- ~ A description, and estimated value of the gift;

Unless the gift is a token gift given by way of hospitality, being of or below \$75 in value and belonging to the following class of things:

- ~ Gifts of an insignificant nature, for example, pens, diaries, coasters etc;
- ~ Minor items of apparel eg ties, hats, T shirts etc;
- ~ Minor items of a promotional nature eg mugs, golf balls etc;
- ~ Food and refreshments;
- ~ Attendance or participation at sporting, cultural or recreational events;
- ~ Gifts of a seasonal or personal nature.

This clause does not apply to gifts received from a relative (as defined in Section 5.74(i) of *the Local Government Act 1995*) or an electoral gift (to which other disclosure conditions apply)

4 Conduct of Members and Staff

Personal Behaviour

Councillors and staff will:

- ~ Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- ~ Perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- ~ Act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
- ~ Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- ~ Always act in accordance with their obligation of fidelity to the Local Government.
- ~ Members will represent and promote the interests of the Local Government while recognising their special duty to their own constituents.

Honesty and Integrity

Members and staff will:

- ~ Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards;
- ~ Bring to the notice of the President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer;
- ~ Be frank and honest in their official dealing with each other.

Performance Duties

While on duty, staff will give their whole time and attention to the Local Governments business and ensure that their work is carried out efficiently, economically and effectively and that their standard of work reflects favourably both on them and on the Local Government;

Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

Compliance with Lawful Orders

Members and staff will comply with any lawful order given by any person having authority to make or give such an order with any doubts to the proprietary of any such order being taken up with the supervisor of the person who gave the order and if resolution cannot be achieved, with the Chief Executive Officer.

Members and Staff will give effect to the lawful orders or policies of the Local Government whether or not they agree with or approve of them.

Administrative and Management Practices

Members and staff will ensure compliance with property and reasonable administrative practices and conduct and professional and responsible management practices.

Communications and Public Relations

All aspects of communication by members and staff (including verbal, written or personal) involving Local Governments activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

As a representative of the community members and staff rs need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:

- ~ As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- ~ Information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- ~ Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- ~ Information concernment adopted policies, procedures and decisions of the Council is conveyed accurately.

Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position members need to:

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

Appointments to Committees

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

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

5 Dealing with Council Property

Use of Local Government Resources

Members and Staff will:

- ~ Be scrupulously honest in their use of the Local Government resources and shall not
- ~ Misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- ~ Use the Local Government resources entrusted to them effectively and economically in the course of their duties; and

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

Travelling and Sustenance Expenses

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

Access to Information

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

Transition

This code is effectively a transitional document pending the introduction of a Model Code of Conduct that is being prepared in accordance with the Local Government Legislation Amendment Act 2019

Previous

12.12.20 Part of Policy Manual Review
2005 Policy Manual - 25 November 2020 Update

1.6 Legal

Well-being

Civic Leadership

Objectives

- ~ To provide guidance to the Chief Executive Officer, Councillors and Staff in the expected approach in relation to obtaining advice in relation to legal matters and valuations
- ~ To outline the scope of Council assistance for Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions.

Details

Legal Advice

The Chief Executive Officer is authorised to obtain from Councils Solicitors, such legal advice and opinion as is deemed by the Chief Executive Officer to be necessary to enable to proper legal administration of Councils business.

Legal Proceedings and Prosecutions

No action shall be taken to institute legal proceedings or prosecution unless by specific resolution of Council or by specific delegation.

NOTE: For the purpose of paragraph (1) the issue of a modified penalty under a local law or Regulation or where uniform guidelines are already in place shall not be deemed to be legal proceedings.

Where in the opinion of the relevant officer it will not be in the interest of the Council to include the names and personal details of persons who are subject to recommendation for prosecution such details may be omitted other than necessary to describe the place and nature of the offence.

Valuation of Property

The Chief Executive Officer is required to obtain from the Valuer Generals Office or a sworn valuer duly appointed by notice in the Government Gazette, the value of any land or property being the subject of a report or submission to Council involving negotiations for the purchase or sale thereof for Local Government Purposes.

Legal Representation Costs Indemnification

Introduction

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

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

General Principles

- (a) The Local Government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith.
- (b) The Local Government may provide such assistance in the following types of legal proceedings-
 - i. proceedings brought by members and employees to enable them to carry out their Local Government functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour),
 - ii. (proceedings brought against members or employees (this could be in relation to a decision of Council or an employee which aggrieved another person (eg refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions), and
 - iii. Statutory or other inquiries of members or employees is justified.
- (c) The Local Government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms leveled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the Local Government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- (d) The legal services the subject of assistance under this policy will usually be provided by the Local Government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the Local Government.

Applications for Financial Assistance

- (a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- (b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- (c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer.
- (d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest provisions of the Local Government Act 1995.
- (e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the Chief Executive Officer in writing under Section 5.42 of the Local Government Act.
- (f) Where it is the Chief Executive Officer who is seeking urgent financial support for legal services the Council shall deal with the application.

Repayment of Assistance

- (a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Local Government.
- (b) Assistance will be withdrawn where the Council determines, upon legal advice that a person acted unreasonably, illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- (c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Local Government may take action to recover any such moneys in a court of competent jurisdiction.

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1.7 Freeman of the Shire

Well-being

Civic Leadership

Overview

The Murchison Shire's "Freeman of the Shire" Award is recognised as the highest honour that Council can confer on one of its citizens. As such Council will only confer the Award following considered assessment of the following criteria

Details

Guidelines for Appointment

- ~ The award of Freeman is intended to recognise outstanding Community Service over a significant period of time and in a diversity of activities within the Shire of Murchison
- ~ The award would not usually be presented for excellence of service in only one activity
- ~ The award of Freeman is to be seen as independent of any other award.
- ~ The award is to be recognised as the highest honour that the Local Community, through its Council can confer on one of its citizens. The award will therefore be conferred sparingly and should only be conferred where there is a great assurance of public approval.

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1.8 Australian Citizenships Reception

Well-being

Civic Leadership

Overview

In its capacity under the *Australian Citizenship Act 2007* Murchison Shire is authorised to hold Citizenship Ceremonies in accordance with the *Australian Citizenship Ceremonies Code*. This protocol outlines requirements particular to the Murchison Shire.

Arrangements

Arrangements for the presentation of Australian Citizenship Certificates shall be at the discretion of the Shire President.

Dress Code

The attire of attendees at Citizenship Ceremonies should reflect the significance of the occasion.

Those receiving Australian Citizenships shall also dress appropriately in keeping with the significance of the occasion by adhering to the dress code of Smart casual, national/cultural dress welcomed

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1.9 Records Management

Well-being

Civic Leadership

Overview

State Records Commission (SRC) Standard 1 – *Government Recordkeeping* requires that government organisations ensure that records are created, managed and maintained over time and disposed of in accordance with principles and standards issued by the SRC. Council has also adopted a record keeping plan.

Requirements

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

All records created and received in the course of the Shire of Murchison's business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles.

Ownership of any record received or created by elected members, staff, contractors and consultants, acting on behalf of the Shire of Murchison in the course of their work, resides with the Council and not the individual.

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

Access to the Shire of Murchison's records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire of Murchison's records by the general public will be in accordance with the Freedom of Information Act 1992. Access to the Shire of Murchison's records by elected members will be via the Chief Executive Officer in accordance with the *Local Government Act 1995*.

All records kept by the Shire of Murchison will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office of WA, on an annual review cycle.

Record Keeping

A separate Record Keeping Plan will be required

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1.10 Risk Management

Well-being

Civic Leadership

Statement

As per the attached Risk Management Governance Framework.

Objectives

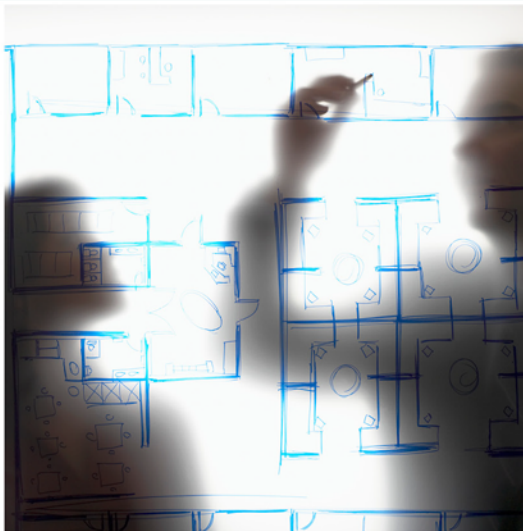
As per the attached Risk Management Governance Framework.

Details

As per the attached Risk Management Governance Framework.

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Risk Management Governance Framework

- Risk Management Policy
- Risk Management Procedures

Last Updated: November 2014

Version: 1.00

Shire of Murchison

Prepared by: LGIS Risk Management

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Introduction

The Policy and Procedures form the Risk Management Framework for the Shire of Murchison (the “Shire”). It sets out the Shire’s approach to the identification, assessment, management, reporting and monitoring of risks. All components of this document are based on AS/NZS ISO 31000:2009 Risk Management.

It is essential that all areas of the Shire adopt these procedures to ensure:

- Strong corporate governance.
- Compliance with relevant legislation, regulations and internal policies.
- Integrated Planning and Reporting requirements are met.
- Uncertainty and its effects on objectives is understood.

This Framework aims to balance a documented, structured and systematic process with the current size and complexity of the Shire along with existing time, resource and workload pressures.

Further information or guidance on risk management procedures is available from LGIS Risk Management.

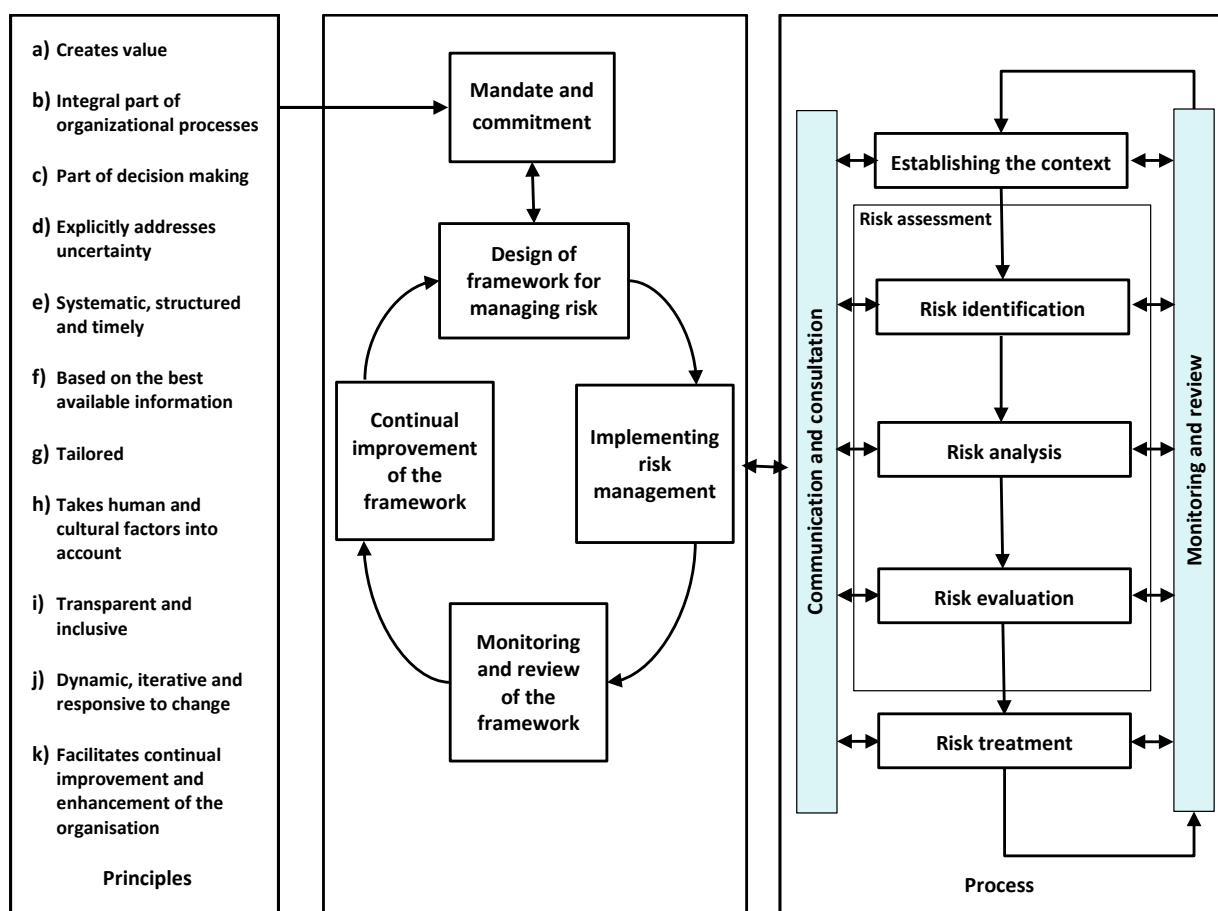


Figure 1: Risk Management Process (Source: AS/NZS 31000:2009)

Risk Management Policy

Shire Requirement

Insert policy administration details/requirements where applicable e.g. Policy name, Implementation date, Revision date, Policy owner and delegations, Referenced legislation and standards.

Purpose

The Shire of Murchison (the “Shire”) Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire’s strategies, goals or objectives.

Policy

It is the Shire’s Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire’s Integrated Planning Framework.

The CEO will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as, direct and monitor implementation, practice and performance.

Every employee within the Shire is recognised as having a role in risk management from the identification of risks to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process, or management of specific risks or categories of risk.

Definitions (from AS/NZS ISO 31000:2009)

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Risk Management Objectives

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations

Risk Appetite

The Shire quantified its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment.

Roles, Responsibilities & Accountabilities

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

Monitor & Review

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed every two – four years.

Signed:

Chief Executive Officer

Date: ____/____/____

Risk Management Procedures

Governance

Appropriate governance of risk management within the Shire of Murchison (the “Shire”) provides:

- Transparency of decision making.
- Clear identification of the roles and responsibilities of the risk management functions.
- An effective Governance Structure to support the risk framework.

Framework Review

The Risk Management Framework is to be reviewed for appropriateness and effectiveness at least every four years.

Operating Model

The Shire has adopted a “Three Lines of Defence” model for the management of risk. This model ensures roles; responsibilities and accountabilities for decision making are structured to demonstrate effective governance and assurance. By operating within the approved risk appetite and framework, the Council, Management and Community will have assurance that risks are managed effectively to support the delivery of the Strategic, Corporate & Operational Plans.

First Line of Defence

All operational areas of the Shire are considered ‘1st Line’. They are responsible for ensuring that risks (within their scope of operations) are identified, assessed, managed, monitored and reported. Ultimately, they bear ownership and responsibility for losses or opportunities from the realisation of risk. Associated responsibilities include;

- Establishing and implementing appropriate processes and controls for the management of risk (in line with these procedures).
- Undertaking adequate analysis (data capture) to support the decisioning of risk matters.
- Prepare risk acceptance proposals where necessary, based on level of residual risk.
- Retain primary accountability for the ongoing management of their risk and control environment.

Second Line of Defence

The Risk Framework Owner (RFO) - CEO acts as the primary ‘2nd Line’. This position owns and manages the framework for risk management. They draft and implement the governance procedures and provide the necessary tools and training to support the 1st line process.

Maintaining oversight on the application of the framework provides a transparent view and level of assurance to the 1st & 3rd lines on the risk and control environment. Support can be provided by additional oversight functions completed by other 1st Line Teams (where applicable). Additional responsibilities include:

- Providing independent oversight of risk matters as required.
- Monitoring and reporting on emerging risks.
- Co-ordinating the Shire’s risk reporting for the CEO & Management Team and the Audit Committee.

Third Line of Defence

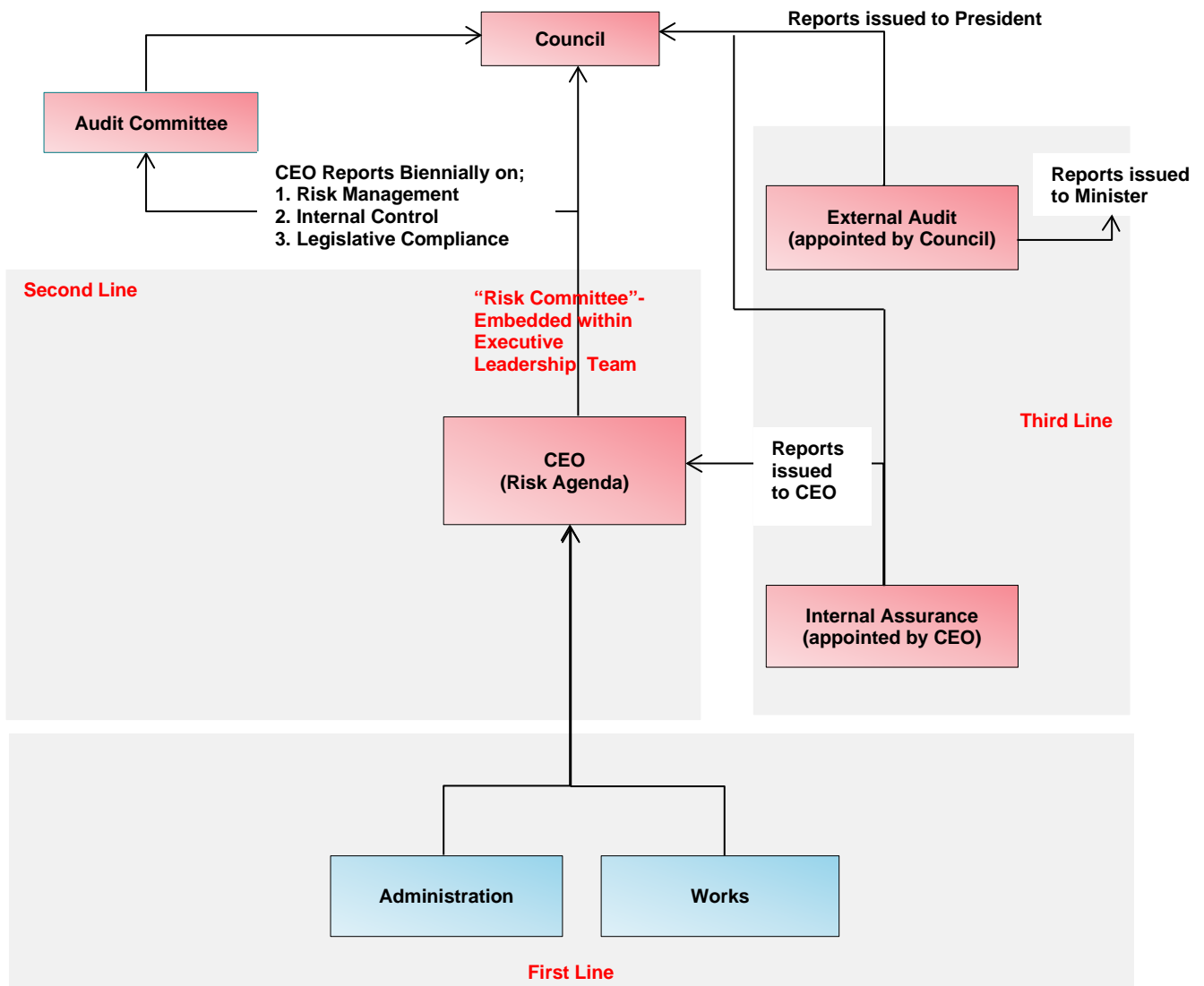
Internal & External Audit are the third line of defence, providing independent assurance to the Council, Audit Committee and Shire Management on the effectiveness of business operations and oversight frameworks (1st & 2nd Line).

Internal Assurance – Appointed by the CEO to report on the adequacy and effectiveness of internal control processes and procedures. The scope of which would be determined by the CEO with input from the Audit Committee.

External Audit – Appointed by the Council on the recommendation of the Audit Committee to report independently to the President and CEO on the annual financial statements only.

Governance Structure

The following diagram depicts the current operating structure for risk management within the Shire.



Roles & Responsibilities

Council

- Review and approve the Shire's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Appoint / Engage External Auditors to report on financial statements annually.
- Establish and maintain an Audit Committee in terms of the Local Government Act.

Audit Committee

- Support Council to provide effective corporate governance.
- Oversight of all matters that relate to the conduct of External Audits.
- Must be independent, objective and autonomous in deliberations.
- Make recommendations to Council on External Auditor appointments.

CEO / Works Supervisor

- Appoint Internal Auditors as required under Local Government (Audit) regulations.
- Liaise with Council in relation to risk acceptance requirements.
- Approve and review the appropriateness and effectiveness of the Risk Management Framework.
- Drive consistent embedding of a risk management culture.
- Analyse and discuss emerging risks, issues and trends.
- Document decisions and actions arising from 'risk matters'.
- Own and manage the Risk Profiles at Shire Level.

Risk Framework Owner - CEO

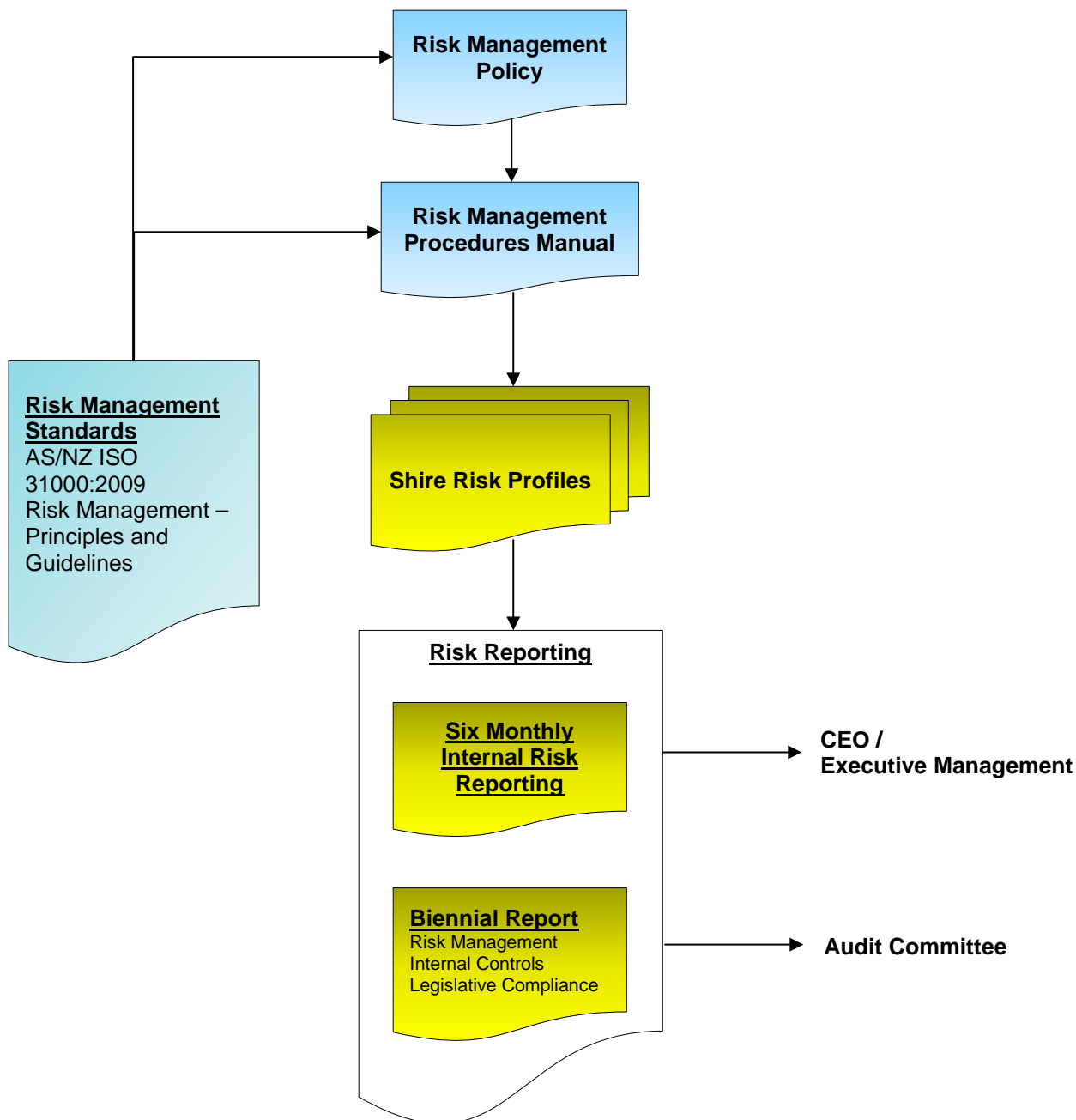
- Oversee and facilitate the Risk Management Framework.
- Support reporting requirements for Risk matters.

Work Areas

- Drive risk management culture within work areas.
- Own, manage and report on specific risk issues as required.
- Assist in the Risk & Control Management process as required.
- Highlight any emerging risks or issues accordingly.
- Incorporate 'Risk Management' into Management Meetings, by incorporating the following agenda items;
 - New or emerging risks.
 - Review existing risks.
 - Control adequacy.
 - Outstanding issues and actions.

Document Structure (Framework)

The following diagram depicts the relationship between the Risk Management Policy, Procedures and supporting documentation and reports.



Risk & Control Management

All Work Areas of the Shire are required to assess and manage the Risk Profiles on an ongoing basis.

The Risk Framework Owner (RFO) is accountable for ensuring that Risk Profiles are:

- Reflective of the material risk landscape of the Shire.
- Reviewed on at least a six monthly basis, unless there has been a material restructure or change in the risk and control environment.
- Maintained in the standard format.

This process is supported by the use of key data inputs, workshops and ongoing business engagement.

Risk & Control Assessment

To ensure alignment with ISO 31000:2009 Risk Management, the following approach is to be adopted from a Risk & Control Assessment perspective.

Establishing the Context

The first step in the risk management process is to understand the context within which the risks are to be assessed and what is being assessed, this forms two elements:

Organisational Context

The Shire's Risk Management Procedures provides the basic information and guidance regarding the organisational context to conduct a risk assessment; this includes Risk Assessment and Acceptance Criteria (Appendix A) and any other tolerance tables as developed. In addition, existing Risk Themes are to be utilised (Appendix C) where possible to assist in the categorisation of related risks.

Any changes or additions to the Risk Themes must be approved by the Risk Framework Owner (RFO) and CEO.

All risk assessments are to utilise these documents to allow consistent and comparable risk information to be developed and considered within planning and decision making processes.

Specific Risk Assessment Context

To direct the identification of risks, the specific risk assessment context is to be determined prior to and used within the risk assessment process. For risk assessment purposes the Shire has been divided into three levels of risk assessment context:

Strategic Context

The Shire's external environment and high level direction. Inputs to establishing the strategic risk assessment context may include;

- Organisations Vision / Mission
- Stakeholder Analysis
- Environment Scan / SWOT Analysis
- Existing Strategies / Objectives / Goals

Operational Context

The Shire's day to day activities, functions, infrastructure and services. Prior to identifying operational risks, the operational area should identify its Key Activities i.e. what is trying to be achieved. Note: these may already be documented in business plans, budgets etc.

Project Context

Project Risk has two main components:

- **Risk in Projects** refers to the risks that may arise as a result of project activity (i.e. impacting on process, resources or IT systems) which may prevent the Shire from meeting its objectives
- **Project Risk** refers to the risks which threaten the delivery of project outcomes.

In addition to understanding what is to be assessed, it is also important to understand who are the key stakeholders or areas of expertise that may need to be included within the risk assessment.

Risk Identification

Using the specific risk assessment context as the foundation and in conjunction with relevant stakeholders, answer the following questions, capture and review the information within each Risk Profile.

- What can go wrong? / What are areas of uncertainty? (Risk Description)
- How may this risk eventuate? (Potential Causes)
- What are the current measurable activities that mitigate this risk from eventuating? (Controls)
- What are the potential consequential outcomes of the risk eventuating?

Risk Analysis

To analyse the risks the Shire's Risk Assessment and Acceptance Criteria (Appendix A) is applied:

- Based on the documented controls, analyse the risk in terms of Existing Control Ratings
- Determine relevant consequence categories and rate how bad it could be if the risk eventuated with existing controls in place (Consequence)
- Determine how likely it is that the risk will eventuate to the determined level of consequence with existing controls in place (Likelihood)
- By combining the measures of consequence and likelihood, determine the risk rating (Level of Risk)

Risk Evaluation

The Shire is to verify the risk analysis and make a risk acceptance decision based on:

- Controls Assurance (i.e. are the existing controls in use, effective, documented, up to date and relevant)
- Existing Control Rating
- Level of Risk
- Risk Acceptance Criteria (Appendix A)
- Risk versus Reward / Opportunity

The risk acceptance decision needs to be documented and those risks that are acceptable are then subject to the monitor and review process.

Note: Individual Risks or Issues may need to be escalated due to its urgency, level of risk or systemic nature.

Risk Treatment

For unacceptable risks, determine treatment options that may improve existing controls and/or reduce consequence / likelihood to an acceptable level.

Risk treatments may involve actions such as avoid, share, transfer or reduce the risk with the treatment selection and implementation to be based on;

- Cost versus benefit
- Ease of implementation
- Alignment to organisational values / objectives

Once a treatment has been fully implemented, the Risk Framework Owner (RFO) is to review the risk information and acceptance decision with the treatment now noted as a control and those risks that are acceptable then become subject to the monitor and review process (Refer to Risk Acceptance section).

Monitoring & Review

The Shire is to review all Risk Profiles at least on a six monthly basis or if triggered by one of the following;

- changes to context,
- a treatment is implemented,
- an incident occurs or due to audit/regulator findings.

The Risk Framework Owner (RFO) is to monitor the status of risk treatment implementation and report on, if required.

The CEO & Management Team will monitor significant risks and treatment implementation as part of their normal agenda item on a quarterly basis with specific attention given to risks that meet any of the following criteria:

- Risks with a Level of Risk of High or Extreme
- Risks with Inadequate Existing Control Rating
- Risks with Consequence Rating of Catastrophic
- Risks with Likelihood Rating of Almost Certain

The design and focus of Risk Summary report will be determined from time to time on the direction of the CEO & Management Team. They will also monitor the effectiveness of the Risk Management Framework ensuring it is practical and appropriate to the Shire.

Communication & Consultation

Throughout the risk management process, stakeholders will be identified, and where relevant, be involved in or informed of outputs from the risk management process.

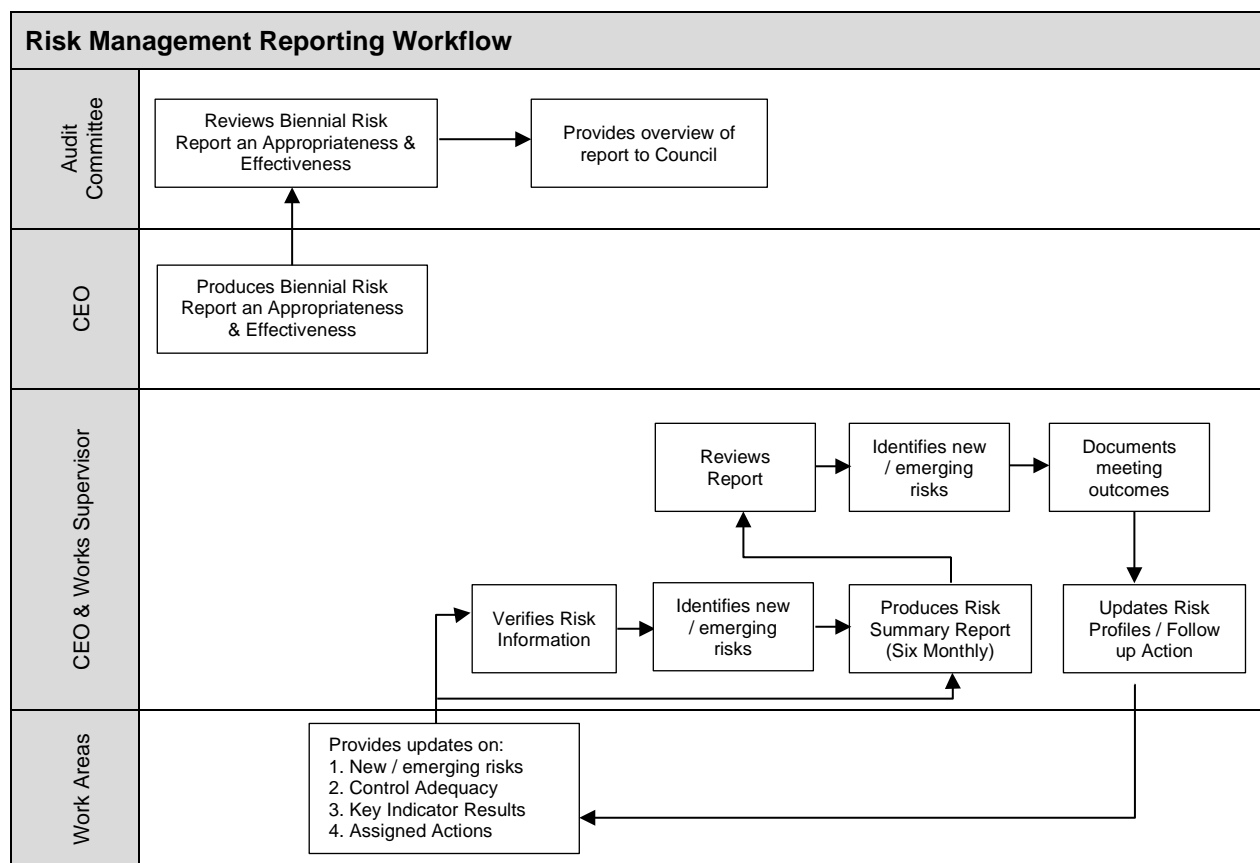
Risk management awareness and training will be provided to all staff.

Risk management will be included within the employee induction process to ensure new employees are introduced to the Shire's risk management culture.

Reporting Requirements

Coverage & Frequency

The following diagram provides a high level view of the ongoing reporting process for Risk Management.



Each Work Area is responsible for ensuring:

- They continually provide updates in relation to new, emerging risks, control effectiveness and key indicator performance to the Risk Framework Owner (RFO).
- Work through assigned actions and provide relevant updates to the Risk Framework Owner (RFO).
- Risks / Issues reported to the CEO are reflective of the current risk and control environment.

The Risk Framework Owner (RFO) is responsible for:

- Ensuring Shire Risk Profiles are formally reviewed and updated, at least on a six monthly basis or when there has been a material restructure, change in risk ownership or change in the external environment.
- Six Monthly Risk Reporting– Contains an overview of the Risk Summary for the Shire.
- Annual Compliance Audit Return completion and lodgement.

Key Indicators

Key Indicators (KI's) may be used for monitoring and validating key risks and controls. The following describes the process for the creation and reporting of KIs:

- Identification
- Validity of Source
- Tolerances
- Monitor & Review

Identification

The following represent the minimum standards when identifying appropriate KI's key risks and controls:

- The risk description and casual factors are fully understood
- The KI is fully relevant to the risk or control
- Predictive KI's are adopted wherever possible
- KI's provide adequate coverage over monitoring key risks and controls

Validity of Source

In all cases an assessment of the data quality, integrity and frequency must be completed to ensure that the KI data is relevant to the risk or Control.

Where possible the source of the data (data owner) should be independent to the risk owner. Overlapping KI's can be used to provide a level of assurance on data integrity.

If the data or source changes during the life of the KI, the data is required to be revalidated to ensure reporting of the KI against a consistent baseline.

Tolerances

Tolerances are set based on the Shire's Risk Appetite. They are set and agreed over three levels:

- Green – within appetite; no action required.
- Amber – the KI must be closely monitored and relevant actions set and implemented to bring the measure back within the green tolerance.
- Red – outside risk appetite; the KI must be escalated to the CEO & Management Team where appropriate management actions are to be set and implemented to bring the measure back within appetite.

Monitor & Review

All active KI's are updated as per their stated frequency of the data source.

When monitoring and reviewing KI's, the overall trend must be considered over a longer timeframe instead of individual data movements. The trend of the KI is specifically used as an input to the risk and control assessment.

Risk Acceptance

Day to day operational management decisions are generally managed under the delegated authority framework of the Shire.

Risk Acceptance is a management decision to accept, within authority levels, material risks which will remain outside appetite framework (refer Appendix A – Risk Assessment & Acceptance Criteria) for an extended period of time (generally 3 months or longer).

The following process is designed to provide a framework for those identified risks.

The 'Risk Acceptance' must be in writing, signed by the relevant Manager and cover:

- A description of the risk.
- An assessment of the risk (eg. Impact consequence, materiality, likelihood, working assumptions etc)
- Details of any mitigating action plans or treatment options in place
- An estimate of the expected remediation date.

A lack of budget / funding to remediate a material risk outside appetite is not sufficient justification in itself to accept a risk.

Accepted risks must be continually reviewed through standard operating reporting structure (ie. Management Team)

Annual Assurance Plan

The annual assurance plan is a monitoring schedule prepared by the Risk Framework Owner (RFO) that sets out the control assurance activities to be conducted over the next 12 months. This plan needs to consider the following components.

- Existing control adequacy ratings across the Shire's Risk Profiles.
- Consider control coverage across a range of risk themes (where commonality exists).
- Building profiles around material controls to assist in design and operating effectiveness reviews.
- Consideration to significant incidents.
- Nature of operations
- Additional or existing 2nd line assurance information / reviews (eg. HR, Financial Services, IT)
- Frequency of monitoring / checks being performed
- Review and development of Key Indicators
- Timetable for assurance activities
- Reporting requirements

Whilst this document and subsequent actions are owned by the Risk Framework Owner (RFO), input and consultation will be sought from individual Directorates.

Appendix A – Risk Assessment and Acceptance Criteria

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$250,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$250,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Staff
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Staff
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement.	<ol style="list-style-type: none"> Processes (Controls) operating as intended and aligned to Policies / Procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
Adequate	There is <u>some</u> scope for improvement.	<ol style="list-style-type: none"> Processes (Controls) generally operating as intended, however inadequacies exist. Nil or limited monitoring. Reviewed and tested, but not regularly.
Inadequate	There is a <u>need</u> for improvement or action.	<ol style="list-style-type: none"> Processes (Controls) not operating as intended. Processes (Controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.

Appendix B – Risk Profile Template

Risk Theme	Date		
This Risk Theme is defined as; <i>Definition of Theme</i>			
Potential causes include; <i>List of potential causes</i>			
Key Controls	Type	Date	Shire Rating
<i>List of Key Controls</i>			
Overall Control Ratings:			
Risk Ratings			Shire Rating
Consequence:			
Likelihood:			
Overall Risk Ratings:			
Key Indicators	Tolerance	Date	Overall Shire Result
<i>List of Key Indicators</i>			
Comments <i>Rationale for all above ratings</i>			
Current Issues / Actions / Treatments		Due Date	Responsibility
<i>List current issues / actions / treatments</i>			

Appendix C – Risk Theme Definitions

Misconduct

Intentional activities in excess of authority granted to an employee, which circumvent endorsed policies, procedures or delegated authority. This would include instances of:

- Relevant authorisations not obtained.
- Distributing confidential information.
- Accessing systems and / or applications without correct authority to do so.
- Misrepresenting data in reports.
- Theft by an employee
- Collusion between Internal & External parties

This does not include instances where it was not an intentional breach - refer Errors, Omissions or Delays, or Inaccurate Advice / Information.

External theft & fraud (inc. Cyber Crime)

Loss of funds, assets, data or unauthorised access, (whether attempts or successful) by external parties, through any means (including electronic), for the purposes of;

- Fraud – benefit or gain by deceit
- Malicious Damage – hacking, deleting, breaking or reducing the integrity or performance of systems
- Theft – stealing of data, assets or information (no deceit)

Examples include:

- Scam Invoices
- Cash or other valuables from 'Outstations'.

Business & community disruption

Failure to adequately prepare and respond to events that cause disruption to the local community and / or normal Shire business activities. The event may result in damage to buildings, property, plant & equipment (all assets). This could be a natural disaster, weather event, or an act carried out by an external party (inc. vandalism). This includes;

- Lack of (or inadequate) emergency response / business continuity plans.
- Lack of training to specific individuals or availability of appropriate emergency response.
- Failure in command and control functions as a result of incorrect initial assessment or untimely awareness of incident.
- Inadequacies in environmental awareness and monitoring of fuel loads, curing rates etc

This does not include disruptions due to IT Systems or infrastructure related failures - refer "Failure of IT & communication systems and infrastructure".

Errors, omissions, delays

Errors, omissions or delays in operational activities as a result of unintentional errors or failure to follow due process. This includes instances of;

- Human errors, incorrect or incomplete processing
- Inaccurate recording, maintenance, testing and / or reconciliation of data.
- Errors or inadequacies in model methodology, design, calculation or implementation of models.

This may result in incomplete or inaccurate information. Consequences include;

- Inaccurate data being used for management decision making and reporting.
- Delays in service to customers
- Inaccurate data provided to customers

This excludes process failures caused by inadequate / incomplete procedural documentation - refer "Inadequate Document Management Processes".

Failure of IT &/or Communications Systems and Infrastructure

Instability, degradation of performance, or other failure of IT Systems, Infrastructure, Communication or Utility causing the inability to continue business activities and provide services to the community. This may or may not result in IT Disaster Recovery Plans being invoked. Examples include failures or disruptions caused by:

- Hardware &/or Software
- IT Network
- Failures of IT Vendors

This also includes where poor governance results in the breakdown of IT maintenance such as;

- Configuration management
- Performance Monitoring
- IT Incident, Problem Management & Disaster Recovery Processes

This does not include new system implementations - refer "Inadequate Project / Change Management".

Failure to fulfil statutory, regulatory or compliance requirements

Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This could result in fines, penalties, litigation or increase scrutiny from regulators or agencies. This includes, new or proposed regulatory and legislative changes, in addition to the failure to maintain updated legal documentation (internal & public domain) to reflect changes.

This does not include Occupational Safety & Health Act (refer "Inadequate safety and security practices") or any Employment Practices based legislation (refer "Ineffective Employment practices")

It does include the Local Government Act, Health Act, Building Act, Privacy Act and all other legislative based obligations for Local Government.

Providing inaccurate advice / information (Combined with Errors, Omissions and Delays)

Incomplete, inadequate or inaccuracies in professional advisory activities to customers or internal staff. This could be caused by using unqualified staff, however it does not include instances relating Breach of Authority.

Inadequate project / change Management

Inadequate analysis, design, delivery and / or status reporting of change initiatives, resulting in additional expenses, time requirements or scope changes. This includes:

- Inadequate Change Management Framework to manage and monitor change activities.
- Inadequate understanding of the impact of project change on the business.
- Failures in the transition of projects into standard operations.
- Failure to implement new systems
- Failures of IT Project Vendors/Contractors

Inadequate Document Management Processes

Failure to adequately capture, store, archive, retrieve, provision and / or disposal of documentation. This includes:

- Contact lists.
- Procedural documents.
- 'Application' proposals/documents.
- Contracts.
- Forms, requests or other documents.

Inadequate safety and security practices

Non-compliance with the Occupation Safety & Health Act, associated regulations and standards. It is also the inability to ensure the physical security requirements of staff, contractors and visitors. Other considerations are:

- Inadequate Policy, Frameworks, Systems and Structure to prevent the injury of visitors, staff, contractors and/or tenants.
- Inadequate Organisational Emergency Management requirements (evacuation diagrams, drills, wardens etc).
- Inadequate security protection measures in place for buildings, depots and other places of work (vehicle, community etc).
- Public Liability Claims, due to negligence or personal injury.
- Employee Liability Claims due to negligence or personal injury.
- Inadequate or unsafe modifications to plant & equipment.

Inadequate engagement practices

Failure to maintain effective working relationships with the Community (including Local Media), Stakeholders, Key Private Sector Companies, Government Agencies and / or Elected Members. This invariably includes activities where communication, feedback and / or consultation is required and where it is in the best interests to do so. For example;

- Following up on any access & inclusion issues.
- Infrastructure Projects.
- Regional or District Committee attendance.
- Local Planning initiatives.
- Strategic Planning initiatives

This does not include instances whereby Community expectations have not been met for standard service provisions such as Community Events, Library Services and / or Bus/Transport services.

Inadequate asset sustainability practices

Failure or reduction in service of infrastructure assets, plant, equipment or machinery. These include fleet, buildings, roads, playgrounds, boat ramps and all other assets and their associated lifecycle from procurement to maintenance and ultimate disposal. Areas included in the scope are;

- Inadequate design (not fit for purpose)
- Ineffective usage (down time)
- Outputs not meeting expectations
- Inadequate maintenance activities.
- Inadequate financial management and planning.

It does not include issues with the inappropriate use of the Plant, Equipment or Machinery. Refer Misconduct.

Inadequate Supplier / Contract Management

Inadequate management of External Suppliers, Contractors, IT Vendors or Consultants engaged for core operations. This includes issues that arise from the ongoing supply of services or failures in contract management & monitoring processes. This also includes:

- Concentration issues
- Vendor sustainability

Ineffective employment practices

Failure to effectively manage and lead human resources (full/part time, casuals, temporary and volunteers). This includes not having an effective Human Resources Framework in addition to not having appropriately qualified or experienced people in the right roles or not having sufficient staff numbers to achieve objectives. Other areas in this risk theme to consider are;

- Breaching employee regulations (excluding OH&S)
- Discrimination, Harassment & Bullying in the workplace
- Poor employee wellbeing (causing stress)
- Key person dependencies without effective succession planning in place
- Induction issues
- Terminations (including any tribunal issues)
- Industrial activity

Care should be taken when considering insufficient staff numbers as the underlying issue could be process inefficiencies.

Ineffective management of facilities / venues / events

Failure to effectively manage the day to day operations of facilities and / or venues. This includes;

- Inadequate procedures in place to manage the quality or availability.
- Ineffective signage
- Booking issues
- Financial interactions with hirers / users
- Oversight / provision of peripheral services (eg. cleaning / maintenance)

Inadequate environmental management.

Inadequate prevention, identification, enforcement and management of environmental issues. The scope includes;

- Lack of adequate planning and management of coastal erosion issues.
- Failure to identify and effectively manage contaminated sites (including groundwater usage).
- Waste facilities (landfill / transfer stations).
- Weed control.
- Ineffective management of water sources (reclaimed, potable)
- Illegal dumping.
- Illegal clearing / land use.

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1.11 Standards for CEO

Recruitment Performance and Termination

Well-being

Civic Leadership

Overview

This standard sets out the requirements to be observed by the local government in relation to the recruitment of CEO.

Objectives

The Code is complementary to the principles adopted in the Local Government Act and Regulations which incorporates four fundamental aims to result in:-

- (a) Better decision making by Local Governments;
- (b) Greater community participation in the decisions and affairs of Local Governments;
- (c) Greater accountability of Local Governments to their communities; and
- (d) More efficient and effective Local Government.

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Division 1 — Preliminary provisions

1 Citation

These are the Murchison Shires Standards for CEO Recruitment, Performance and Termination.

2 Terms used

- (1) In these standards —

Act means the Local Government Act 1995;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the Shire of Murchison;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

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

Division 2 — Standards for recruitment of CEOs

3 Overview of Division

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

4 Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
- (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5 Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
- (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6 Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

7 Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

8 Establishment of selection panel for employment of CEO

- (1) In this clause —
independent person means a person other than any of the following —
 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9 Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

- (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10 Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
- (3) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11 Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12 Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13 Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
 - and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14 Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15 Overview of Division

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

16 Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
- (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17 Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18 Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19 CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20 Overview of Division

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

21 General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22 Additional principles applying to termination for performance related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23 Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24 Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

Legislative

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

Previous

Nil

1.12 Code of Conduct

Council Members Committee Members and Candidates

Well-being

Civic Leadership

Overview

The Code of Conduct sets out general principles to guide behaviour of council members, committee, members and candidates as well as rules of conduct to be followed. It also provides the basis of ethical and professional behaviour.

Objectives

The Code is complementary to the principles adopted in the Local Government Act and Regulations which incorporates four fundamental aims to result in:-

- (a) Better decision making by Local Governments;
- (b) Greater community participation in the decisions and affairs of Local Governments;
- (c) Greater accountability of Local Governments to their communities; and
- (d) More efficient and effective Local Government.

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Division 1 — Preliminary provisions

1 Citation

This is the Murchison Shire's Code of Conduct for Council Members, Committee Members and Candidates.

2 Terms used

- (1) In this code —
Act means the Local Government Act 1995;
candidate means a candidate for election as a council member;
complaint means a complaint made under clause 11(1);
publish includes to publish on a social media platform.
- (2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3 Overview of Division

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

4 Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5 Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6 Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7 Overview of Division

This Division sets out —

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

8 Personal integrity

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

9 Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10 Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate—

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11 Complaint about alleged breach

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

12 Dealing with complaint

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

13 Dismissal of complaint

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

14 Withdrawal of complaint

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

15 Other provisions about complaints

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

Division 4 — Rules of conduct

Notes for this Division:

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

16 Overview of Division

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

17 Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18 Securing personal advantage or disadvantaging others

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

19 Prohibition against involvement in administration

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

20 Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21 Disclosure of information

- (1) In this clause —

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

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22 Disclosure of interests

- (1) In this clause —

interest —

 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

- (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23 Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Legislative

This Policy is adopted in accordance with section 5.104 of the Local Government Act 1995.

Previous

2005 Policy Manual - 25 November 2020 Update

2.1 Councillor Requirements

Well-being

Civic Leadership

Objectives

- ~ To provide guidance to Councillors in how they should conduct themselves in various additional aspects to the role not included in Councils Code of Conduct
- ~ To outline the requirements for formal Council recognition of a Councillors service as an elected member.

Details

Role of Elected Member

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

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- ~ Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- ~ Achieving sound financial management and accountability in relation to the Local Government's finances;
- ~ Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- ~ Working with other Governments and organizations to achieve benefits for the community at both a local and regional level;
- ~ Having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

Role of The Chair

A chairperson is required to remain Fair, Firm and Focussed.

Above all else however, the role of the chair is to be impartial. The person chairing the meeting has a different role to that of the participants. They are not involved so much in the content of the meeting as they are in the process of the meeting.

The chair must ensure:

- ~ That the processes are followed in accordance with adopted standing orders;
- ~ That everyone present receives an equal chance to address the meeting according to the rules;
- ~ That the discussion is conducted fairly and without bias and according to the processes of the Shire
- ~ That a quorum is present at all times
- ~ That minutes are taken accurately;
- ~ That motions are made clearly and accurately before voting;
- ~ That the principles of free speech and natural justice are upheld at all times;
- ~ That guests or visitors are made to feel welcome and understand their rights or roles.

Performance of Duties

General

Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

Compliance with Lawful Orders

Members will comply with any lawful order given by any person having authority to make or give such an order with any doubts to the proprietary of any such order being taken up with the supervisor of the person who gave the order and if resolution cannot be achieved, with the Chief Executive Officer.

Members will give effect to the lawful orders or policies of the Local Government whether or not they agree with or approve of them.

Questions - Notice

To allow staff to adequately research queries, Councillors should give twenty-four hours clear notice of questions which require research and to which they require answers at a particular meeting.

Standing Orders

Councillors shall have regard to "Standing Orders" applicable to Council meetings and the adopted "Code of Conduct" in their behaviour at Council meetings.

Title of Councillor or President

No Councillor is to use their title to in any way imply Councils support, approval, opposition or any other opinion or point of view.

Council Representatives

All Council representatives wherever possible shall be serving members of Council.

Upon ceasing to be a member of Council the representative shall immediately cease to be a member of the relevant committee unless specifically requested to continue as a Council representative.

Appointments to Committees

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

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

Access to Information

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

Administrative and Management Practices

General

Members will ensure compliance with property and reasonable administrative practices and conduct and professional and responsible management practices.

Councillors Induction Material

All Councillors are to be issued with a Councillors Handbook and other information relevant to the position at induction. On retirement all information received is to be returned to the Chief Executive Officer.

Travelling and Sustenance Expenses

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

Communications and Public Relations

General

All aspects of communication by members and staff (including verbal, written or personal) involving Local Governments activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

As a representative of the community members and staff rs need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:

- ~ As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- ~ Information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- ~ Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- ~ Information concernment adopted policies, procedures and decisions of the Council is conveyed accurately.

Media Releases and discussions with media

All discussions with media and any media *releases are only to be undertaken by persons authorised under the Local Government Act 1995.*

If a Councillor or member of staff is approached by the press to answer questions or make a comment on Council business, that, unless specifically authorised by the President or Chief Executive Officer, that member of the press be referred to the authorised spokespersons of the Council for response.

Nothing in this policy shall prevent a Councillor expressing his/her personal opinion to the media. However, as general principle, Councillors having dealings with the media when approached by it to make a statement or private comment on a matter of Council business, should have regard to any resolutions of the Council affecting the matter in question.

Individual Councillors, with the authority of the President, are authorised to make press releases or act as spokesperson on behalf of Council.

Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position members need to:

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

Recognition of Councillors

Upon Retirement

Council will recognise the service of Councillors upon their retirement from Council in the following way:

- ~ Service less than five years in office, Certificate of Service, Council Plaque and a gift up to the value of \$150.
- ~ Service greater than 5 years and up to 12 years in office, Certificate of Service, Council Plaque and a gift to the value of \$300.
- ~ The presentation to occur at the first available Council or community function.
- ~ Service in excess of 12 years in office, Certificate of Service, Council Plaque and gift to a maximum value of \$700.
- ~ The presentation will occur at a special celebratory functions with the recipient entitled to invite up to 6 guests.

Notwithstanding points above, Council may, at their discretion, by resolution, present a member with a gift greater than that contained in the policy, if Council is of the opinion that such action is warranted having regard to the member's service to the community and/or Council. In the event that a retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion, by resolution nominate the Councillor for any awards (where applicable) associated with:-

- ~ Queen's Birthday Honours
- ~ Australia Day honours
- ~ Local Government Association Honours

In the event that a retiring Councillor has performed exceptional service on behalf of the Shire which is significantly beyond that normally associated with a Council's day to day duties, the Council may, at its discretion, by resolution, grant the title of "Honorary Freeman of the Municipality".

Previous

- 12.12.20 Part of Policy Manual Review
- 2511.20 2005 Policy Manual - 25 November 2020 Update



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Policy and Procedure

12 December 2020

2.2 Councillors Expenses

Well-being

Civic Leadership

Objectives

To provide guidelines and procedures in relation the payment of Councillors expenses.

Details

Members Meeting Expenses

Councillors shall be paid for travel, meeting expenses and communication allowance at a rate set by Council annually. Travel Payments will be paid in arrears on an as required basis but are not to remain outstanding for more than six months. Meeting attendances will be made on a quarterly basis, usually in October, January, April, and July of each year. Councillors are required to complete a travel claim form to receive refunds

Conference, Seminar and Training Course Attendance

Prior to any Councillor attending a conference the matter is to be discussed at the Council meeting prior to the conference and a motion put and carried supporting which councillors are to attend the conference and in what capacity.

There will be no restriction on the number of elected members attending Local Government Convention. The number and the names of the elected members however, will be determined annually by Council. Council will ensure adequate funds are allocated in its annual budget to cover delegate expenses each year.

The Shire President will have automatic rights to attend Local Government Convention each year.

When attending a conference, where the CEO is attending the same one, an attempt should be made to travel to and from the conference with the CEO in Council's vehicle. If this is not possible or the CEO is not attending, then the Councillor will be entitled to claim travel at the rate set under Members Meeting Expenses.

When attending a conference in the capacity of a councillor, Council agree to pay the following charges where applicable:

Accommodation

On an as required basis and is dependant of the distance required to travel. For example a three day conference in Perth commencing on Friday morning and finishing late on a Sunday afternoon council

would agree to pay for accommodation on the Thursday, Friday, Saturday and Sunday evenings as an allowance needs to be made to travel between Perth and Murchison.

A half day conference in Geraldton between 10.00am and 3.00pm it would be fair to suggest that travel to and from Geraldton would be possible in the same day and accommodation would not be required in this instance.

If any doubt exists regarding the need for council to provide for accommodation for any councillor or staff member the final determination shall be at the discretion of the CEO.

Parking

Council will meet all valet parking charges while attending a conference where applicable.

Meals General

Council will meet meal charges while attending a conference for the person attending the meeting or conference only

Any Councillor or staff member attending an approved conference or training program requiring overnight accommodation that elects to stay with relatives or friends (ie; not in motel/hotel accommodation), be paid an amount as set out for the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission.

Meals Local Government Week

Council will meet meal charges for the councillor or staff member attending Local Government Week AND meal charges for their spouse or partner who may also be attending this conference. Any additional meal charges for friends, family and children etc are to be paid for in full by the Councillor or staff member prior to checkout.

Previous

2005 Policy Manual - 25 November 2020 Update

3.1 Staff Matters

Well-being

Civic Leadership

Objectives

To ensure staff are engaged and managed in a manner appropriate to the local environment and remote location in which the Murchison Shire operates through appropriate employment arrangements.

Details

Senior Staff

In accordance with Section 5.37(1) of the *Local Government Act 1995* Senior Employee shall be the Chief Executive Officer.

Recruitment

Relocation Expenses

Each case will be individually assessed by the Chief Executive Officer and an arrangement between the Chief Executive Officer and the employee arranged and confirmed in writing with the total value of the contribution towards relocation costs not exceeding \$1,000.

Note Council reserves the right to make alternative arrangements for contracted employees.

Interview Expenses

Council will reimburse travel costs for applicants attending interviews subject to prior agreement with candidates and on the following basis:-

- ~ If the applicant is traveling by car, the vehicle to be fueled at the Murchison Roadhouse and charged to the Shire.
- ~ If air travel is appropriate and available an amount equal to a single economy return class airfare from the current place of residence of the applicant to Perth.
- ~ If any other form of travel is appropriate the actual costs to and from the place of residence of the applicant to the place of interview.

Employment Matters

Long Service Leave

The Chief Executive Officer may authorise the taking of long service leave by employees is not more than three consecutive periods subject to the leave being taken in full by a period of two (2) years from the due date of leave falling due.

As a general rule however, leave is to be taken as soon as practicable after it falls due.

Annual Leave

Annual Leave is to be taken in the year in which it becomes due unless approval is granted by the Chief Executive Officer for deferral.

As a general rule, employees shall not be permitted to accrue more than eight (8) weeks annual leave.

Rostered Days Off

Where employees are accruing Rostered Days Off they shall be taken at a time suitable to the Supervising Officer and the Staff Member as soon as practicable after they fall due.

Conditions of Employment

Apart from contract staff, all staff are employed under an individual contract governed by the relevant award.

A staff performance appraisal and review of conditions of employment shall be carried out at least annually or at other times associated with changes in a person's job and person specification. Any applicable changes to conditions shall apply from either the anniversary date or at the date of change in a person's job and person specification.

Council Superannuation Co-contribution

Council will contribute the statutory Superannuation Guarantee amount to a fund of the employee's choice and will match any voluntary contribution by the employee up to a maximum of 5% of their gross wage or salary. Variation to this policy shall be considered during review of conditions of employment

Staff - Other Employment

Approval for staff to engage in remunerated positions outside of normal working hours is subject to there being no conflict of duties and approval by the Chief Executive Officer.

Medical Examinations

All permanent employees are required to agree to a medical examination by a Medical Practitioner whose appointment, which will be paid for by the Shire of Murchison. Results will be confidential to the immediate Supervisor and the Chief Executive Officer. A copy will be retained in the employee's personal file.

Probationary Period

All positions within the Shires permanent workforce will be subject to a probationary period of six (6) months.

Paid Leave for Voluntary Service

All staff who are bona fide members of volunteer emergency service groups, such as Fire Brigade, State Emergency Services, Ambulance etc who are required for emergency service to those groups

during working hours shall be released and paid for time absent by Council up to the total of ordinary time usually worked during that day or the period of the emergency but will not include time in excess of ordinary working hours, weekend or public holidays.

For the purpose of this policy ordinary time shall be the time ordinarily worked on the days the employee may be absent including any standard overtime arrangements.

Uniforms/Protective Clothing

Works Staff

To be issued with one (1) winter issue of clothing per year. The issue shall consist of five pairs of trousers and five hi visibility cotton drill long sleeve shirts.

All other necessary safety and protective gear is to be supplied as needed e.g. boots, safety glasses, vests, hats, water bottles, sun screen etc. Windcheaters and jackets will be provided every two (2) years or (4) years respectively. Fair wear and tear replacement of all items will be made.

Office Staff

Office Staff will be issued with their choice of corporate uniforms as follows:-

On completion of a probationary period – subsidy to the value of \$250 per person.

Subsequent Issues - \$500 per year.

Permanent Part-time staff shall be subsidized on a pro-rata basis applicable to the amount of hours worked. Casual staff shall not be subsidized.

As part of the Shires customer service focus, employees are required to wear the corporate uniforms at all times and to provide an image suitable to the Shire.

Smoking in the Workplace

To protect the health of work colleagues the council has a smoking policy that limits smoking in enclosed areas such as vehicles, buildings and workshops when other persons who do not smoke are present. Smoking is prohibited where explosives and flammables are stored, handled or disposed of.

Staff Training

Conference and Seminar Attendance

Requests for authority for the Chief Executive Officer to attend Conferences and Seminars outside of that classified as Staff Training shall wherever practicable be brought before Council for consideration.

Council shall by resolution authorise the attendance of these Conferences and Seminars as considered appropriate.

Where authority is granted under this clause for the attendance of Staff or staff contracts include authorisation for attendance under certain contracts conditions, all reasonable expenses relating to accommodation, nomination, meals and other reasonable expenses incurred will be met by Council subject to presentation of documented evidence for the expense.

Where it is considered appropriate for a staff member to be accompanied by another person when attending any function where attendance has been authorised by Council, Council will meet the expenses applicable to that person with approval of full Council.

Staff Training - Costs applicable

Where staff request authority to attend staff training approval may be granted by the Chief Executive Officer having regard to the following:-

- The relevance of the training to the staff member,
- The cost of the training,
- Budget allocation for training provided,
- Obligations of performance appraisals completed,
- Any other relevant factors

Where training is approved Council will pay all reasonable expenses relating to costs of the training, accommodation, travel, meals and other reasonable expenses incurred subject to presentation of documentary evidence of the expense.

Whilst Council accepts its obligations to train its staff to satisfactory levels to enhance their performance it shall be incumbent on the staff to recognize that training provides personal rewards and they should accept that overtime will not be paid for out of hours training attendance and travel and every effort shall be made to reduce costs associated with training in all areas of expense if possible.

Plant & Equipment

Use of Equipment by Employees

Plant Equipment is not to be made available for use by employees for works on Council properties without the written consent of the Chief Executive Officer. Minor items such as lawn mowers, edger's, cement mixers etc may be used with approval of the Chief Executive Officer subject to the use being to maintain Council properties.

Smoking in Council Plant and Vehicles

To protect the health of work colleagues the council has a smoking policy that limits smoking in enclosed areas such as vehicles, buildings and workshops when other persons who do not smoke are present. Smoking is prohibited where explosives and flammables are stored, handled or disposed of.

Previous

2005 Policy Manual - 25 November 2020 Update

3.2 Staff Housing

Well-being

Civic Leadership

Objectives

To ensure staff are engaged and managed in a manner appropriate to the local environment and remote location in which the Murchison Shire operates through the provision of appropriate staff housing.

Details

Availability Conditions of Tenancy

Staff Housing will be provided for all members of council staff. The allocation shall be at the sole discretion of the Chief Executive Officer.

Standards

Council Housing will be built to service and maintained to a standard to meet Council's existing and where applicable Council's future needs. Recognition of the remote location and need to attract and retain staff are key aspects that will determine the overall quality of this accommodation. Provision for contractors and consultants will also come into the assessment.

From time to time the Chief Executive Officer will prepare update reports to Council outlining the overall standards required.

Maintenance and Renovations

The opportunity will be given for staff occupying Council housing to provide a list of needs associated with housing during and will be responded to within the normal budget processes.

From time to time major renovations may be required. Council will work with respective tenants in an endeavour to minimise any disruption.

Electricity Accounts

All electricity is to be provided to council employees and employee's families within the Murchison settlement at no charge. Staff is to be made aware of the importance of using power wisely upon commencement.

Housing Bonds and Tenancy Agreements

All staff occupying Council housing shall be required to provide a bond of \$500.00 (five hundred dollars). In the event of payment of the bond creating financial hardship for the Tenant, arrangements may be made for payroll deduction at an amount not less than \$50.00 per fortnight.

Rental Charges

Council will provide housing to employees free of rental charge.

Previous

2005 Policy Manual - 25 November 2020 Update

3.3 Staff Health and Safety

Well-being

Civic Leadership

Objectives

To provide a safe and healthy environment for all staff or contract staff employed or engaged by Council.

Details

Staff Safety and Health

This policy recognises that the safety and health of all employees within the Shire of Murchison is the responsibility of Council management. In fulfilling this responsibility, management has a duty to provide and maintain, so far as is practicable, a working environment in which employees are not exposed to hazards:

- ~ Providing and maintaining safe plant and systems of work;
- ~ Making and monitoring arrangements for the safe use, handling, storage, disposal and transport of plant and substances;
- ~ Maintaining the workplace in a safe and healthy condition;
- ~ Providing information, training and supervision for all employees enabling them to work in a safe and healthy manner.

The Chief Executive Officer is responsible for the implementation and monitoring of this policy.

The safety and health duties of management at all levels will be detailed and council procedures for training and back-up support should be followed. In fulfilling the objectives of this policy, management is committed to regular consultation with employees to ensure that the policy operates effectively and that safety and health issues are regularly reviewed.

Duties

Recognising the potential risks associated with hazards that may be present, this Council will take very practicable steps to provide and maintain a safe and healthy work environment for all employees.

Management

Is responsible for the effective implementation of the Council safety and health policy;

- ~ Must observe, implement and fulfill its responsibilities under the Acts and Regulations which apply to Local Government;
- ~ Must ensure that the agreed procedures for regular consultation between management and those who designated and elected safety and health responsibilities are followed;
- ~ Must make regular assessments of safety and health performance and resources in co-operation with those with designated and elected safety and health functions;
- ~ Must ensure that all specific policies operating within the Council e.g. fire and evacuation, purchasing, training, first aid and systems of work, are periodically revised and consistent with Council safety and health objectives;
- ~ Must provide information, training and supervision for all employees in the correct use of plant, equipment and substances used throughout the Council;
- ~ Must be informed of incidents and accidents occurring on Council premises or to Council employees so that safety and health performance can be accurately gauged.

Employees

- ~ Have a duty to take the care of which they are capable for their own safety and health and of others affected by their actions at work;
- ~ Must comply with the safety procedures and directions agreed between management and employees with nominated or elected safety and health functions;
- ~ Must not willfully interfere with or misuse items or facilities provided in the interests of safety, health and welfare of Council employees;
- ~ Must, in accordance with Council procedures for accident and incident reporting, report potential and actual hazards and accidents/incidents to their elected safety and health representatives.

This policy will be regularly reviewed in the light of legislation and Council changes. Management seeks co-operation from all employees in realizing our safety and health objectives and creating a safe work environment. All employees will be advised, in writing, of agreed changes and arrangements for their implementation.

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3.4 Grievances Investigation and Resolution

Well-being

Civic Leadership

Policy Statement

All employees have a right to express any genuine grievances or complaints via an impartial internal process. All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the **Shire of Murchison** in any capacity.

Details

Roles

<i>Complainant</i>	A employee who raises a complaint about a matter regarding the workplace.
<i>Respondent</i>	An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.
<i>Support Person</i>	A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.
<i>Witness</i>	A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint

What to do if you have a Complaint?

If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Local Government’s policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion. If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager or the CEO directly.

If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach the CEO.

The employee who receives the complaint must contact the CEO and decide upon the most appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

Key Principles in the Complaint Resolution Process

The following principles are necessary for the fair investigation and resolution of a complaint:

Confidential

Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The **Shire of Murchison** may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint;

Impartial (fair/unbiased)

Both parties will have an opportunity to put their case forward. No assumptions are made and no action will be taken until available and relevant information has been collected and considered;

Sensitive

The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation;

Timely

The **Shire of Murchison** aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;

Documented

All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient;

Natural Justice

The principles of natural justice provide that:

- ~ A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made;
- ~ A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation;
- ~ anyone involved in the investigation should be unbiased and declare any conflict of interest;
- ~ decisions must be based on objective considerations and substantiated facts; and
- ~ the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.

Procedural Fairness

The principles of procedural fairness provide that:

- ~ the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- ~ A Respondent is entitled to receive verbal or written communication from the **Shire of Murchison** of the potential consequences of given forms of conduct, as applicable to the situation;
- ~ The Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- ~ Any mitigating circumstances presented to the **Shire of Murchison** through the grievance process are investigated and considered;

- ~ the Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- ~ any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- ~ All interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with CEO, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

Vexatious or Malicious Complaints

Where a Complainant has deliberately made a vexatious or malicious complaint that Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Victimisation of Complainant

A Complainant must not be victimised by the Respondent or any other employee of the **Shire of Murchison** for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Variation to This Policy

This policy may be cancelled or varied from time to time. All the **Shire of Murchison's** employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents

Code of Conduct

Previous

2005 Policy Manual - 25 November 2020 Update

3.5 Performance Management

Well-being

Civic Leadership

Objectives

To provide Council's management, supervisors and staff with a fair process to manage situations where unsatisfactory performance is identified.

Details

Scope

This policy applies to all employees at the **Shire of Murchison**, where unsatisfactory performance is identified.

This policy applies outside of the annual performance review process and can be introduced at any time when unsatisfactory performance is identified.

Definitions

Key Performance Indicators The parties acknowledge key performance indicators as a means of measuring what has been achieved and the need for any further improvements.

Performance Management Performance management is a cyclical process that aims to:
achieve a shared understanding of organisational and job goals; and
demonstrate how clear objectives and standards of behaviour enable the achievement of such goals.

This policy has been designed to ensure that supervisors and employees are supported by a clear framework for identifying, managing and documenting instances of unsatisfactory performance, in a manner that is consistent with the principles of natural justice and procedural fairness.

Identification of Unsatisfactory Performance

In considering whether an employee's performance is unsatisfactory, supervisors should ensure the expectations of performance are reasonable and are consistent with the:

- ~ Position Description for the role;
- ~ employee's key performance indicators;

- ~ requirements of the relevant classification under the **Local Government Industry Award 2010**; and
- ~ **Shire of Murchison's** required standards.

Responsibilities

It is agreed that as part of any performance management process, the responsibilities of those involved will be as outlined below:

Employee

- ~ Actively participate in the performance management process.
- ~ Meet the performance expectations outlined by the **Shire of Murchison**.
- ~ Report immediately to the line manager any circumstances that may impact on the employee's ability to meet the performance expectations.
- ~ Contribute to the development of the Performance Improvement Plan and actively participate in the review meetings.

Line Manager/Supervisor

- ~ Actively participate in the performance management process.
- ~ Conduct regular review meetings for the duration of the performance management process.
- ~ Document progress in a Performance Improvement Plan.
- ~ Provide honest, constructive, timely feedback and reasonable support on an ongoing basis.
- ~ Identify and provide reasonable support to the employee to achieve the performance expectations.
- ~ Ensure the process identified in this document is adhered to in accordance with the principles of natural justice.
- ~ Address any issues that arise through this process with the relevant employee.

Employee Relations Consultant

Provide support and guidance on the policy.

Process

It is the responsibility of line managers to provide continual feedback on an employee's performance and any unsatisfactory performance. This should be done so informally on a continual basis. Should the informal process not sufficiently address the unsatisfactory performance the following process will apply:

- 1 Where unsatisfactory performance is identified, the line manager will identify and document what specific performance is unsatisfactory. The line manager will then discuss the unsatisfactory performance with the CEO to determine whether it warrants formal action.
- 2 The line manager will invite the employee to a meeting to outline the specific performance concerns and give the employee an opportunity to respond. If the employee can provide an explanation or reasonable mitigating circumstances for the unsatisfactory performance, this may end the performance management process. If not, the process will continue.
- 3 The line manager will confirm in writing to the employee that they are under formal performance management.
- 4 The line manager will meet again with the employee to determine a written Performance Improvement Plan. The Plan will provide an opportunity for the employee to address their unsatisfactory performance and allow the parties to plan how to bring the performance of the employee up to the required level. In creating the Plan, consideration should be given to what support mechanisms are required for the employee to improve their performance to the required level. Examples of support mechanisms include, but are not limited to:
 - (a) coaching and mentoring;
 - (b) attendance at a training course or workshop; or

- (c) an arrangement for time off work and/or the provision of the details of the Employee Assistance Provider where the employee advises that personal events/issues are affecting their performance.
- 5 The line manager will establish reasonable timeframes, which generally would not exceed six months from the date of the performance management commences, for the employee to achieve the required levels of performance.
- 6 The line manager and employee will meet on a regular basis to review the Performance Improvement Plan and assess if the employee is meeting the required performance standards.
- 7 At the expiration of the timeframes set by the line manager, a review meeting will be held with the employee to assess whether the employee has achieved the required levels of performance.
- 8 If the employee has achieved the required levels of performance, the performance management process will cease.
- 9 If the performance of the employee is still unsatisfactory, then disciplinary action may be taken. This disciplinary action may include termination of employment.
- 10 At any stage of the performance management process, should the actions or unsatisfactory performance of the employee be considered sufficiently serious, disciplinary action may be taken without completing the entire Performance Improvement Plan.

Disciplinary Action

At any stage of the performance management process, disciplinary action may be taken.

Confidentiality

The parties to the performance management process will:

- ~ maintain confidentiality throughout the performance management process; and
- ~ keep documentation produced during the performance and unsatisfactory performance process secure as part of official **Shire of Murchison** records.

Variation to this Policy

This policy may be cancelled or varied from time to time. All the **Shire of Murchison**'s employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents

Previous

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3.6 Equal Opportunity

Well-being

Civic Leadership

Objectives

To outline Council's commitments to Equal Opportunity.

Details

Equal Opportunity Policy Statement

The Shire of Murchison recognizes its legal obligations under the Equal Opportunity Act 1984 and will actively promote equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religious or political convictions.

All employment training with the Council will be directed towards providing equal opportunity to all employees providing their relevant experience, skills and ability to meet the minimum requirements for such training.

All promotional policies and opportunities with this Council will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirement for such promotion.

All offers of employment within the Council will be directed towards providing equal opportunity to all employees providing their relevant experience, skills and ability meet the minimum requirements for such engagement.

This Council will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

The equal opportunity goals of this Council are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

Previous

2005 Policy Manual - 25 November 2020 Update

3.7 Sexual Harassment

Well-being

Civic Leadership

Objectives

To outline Councils commitment for an environment which is free from sexual harassment.

Statement

Council strongly supports the concept that every employee, Councillor and member of the public employed or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.

Council considers sexual harassment to be an unacceptable form of behaviour, which will not be tolerated and recognizes that sexual harassment is unlawful.

Sexual harassment is any conduct of a sexual nature and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered offensive to an employee Councillor or member of the general public.

- Deliberate and unnecessary physical conduct such as patting, pinching, fondling, kissing, brushing against, touching;
- Subtle or explicit demands for sexual activities or molestation;
- Intrusive enquiries into a persons private life;
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone;
- Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.

Council recognizes that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including training of the workforce and specific training for officers identified to deal with complaints. Appropriate discipline will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Council will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without prior consent of both parties.

An employee whose health or work performance has been proven to be affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

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3.8 Drugs and Alcohol

Well-being

Civic Leadership

Introduction

The Occupational Safety & Health Act 1984 places the responsibility for safety and health in the workplace on all parties. A range of factors, both at the workplace and in people's personal lives, impact on their ability to work safely. The use of alcohol and/or other drugs may be one of them. In some cases, their use may lead to increased risks in the workplace, including injury, damage to plant & equipment, or worse, to loss of life.

Objective

The elimination of hazards and risks in the workplace that could arise from the use of alcohol and other drugs.

Statutory Context

Occupational Safety & Health Act 1984; Misuse of Drugs Act 1981; Road Traffic Act 1974; Workers Compensation and Injury Management Act 1981

Details

The Shire of Murchison's Commitment

The ***Shire of Murchison*** has a general 'duty of care' under the Occupational Safety and Health Act 1984 which includes:

- ~ Providing a workplace and safe system of work so employees are not exposed to hazards;
- ~ Providing employees with information, instruction, training and supervision to enable them to work in a safe manner;
- ~ Consulting and cooperating with employees and safety and health representatives in matters related to safety and health at work.

Alcohol and other drug usage becomes an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

The ***Shire of Murchison*** is committed to protecting its employees from the risks associated with drug and alcohol use in the workplace.

For the purposes of this policy, the term “employee/s” shall extend to cover contractors, volunteers and any person performing work for or with the **Shire of Murchison** in any capacity.

The Individual’s Responsibility

Under the *Occupational Safety and Health Act 1984* (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. 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, will face disciplinary action which may result in termination of employment.

Reporting Requirements

Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

Drug Use on the Premises

The buying, taking, or selling of illegal drugs on **Shire of Murchison** premises is regarded as serious misconduct. Such behaviour will result in the employee being subject to the Disciplinary Procedure in Relation to Drug & Alcohol Use.

Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their manager or Human Resources and disclose any side effects that these medication/drugs may cause. In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the **Shire of Murchison** may request further information from the medical practitioner about the effects and proper usage of the prescription or pharmacy drugs being taken. The **Shire of Murchison** may direct the employee to stand down from their duties on full pay until it can be established that they are fit to undertake their duties.

Consumption of Alcohol on the Premises

Except in situations where the **Shire of Murchison** holds a function on the premises and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace during working hours.

Managers’ Responsibilities - Consumption of Alcohol at Work Sponsored Functions

Team managers shall:

- ~ encourage their people to make alternative arrangements for transport to and from work prior to the function;
- ~ ensure that the following is made available - low alcohol beer, soft drinks, water, tea, coffee and food;
- ~ if the manager believes a person may be over the blood alcohol concentration 0.05 limit, assist the person with safe transport home (including contacting a family member); and
- ~ if the manager has to leave the function early, appoint a delegate to oversee the rest of the function.

Pre-Employment Medical Tests

As part of the recruitment selection criteria, preferred candidates for employment positions will be required to attend a medical assessment which includes drug and alcohol testing.

Individuals who refuse to take the test or who do not satisfy the requirements of the test will not be offered employment.

Threshold Levels for Alcohol & Drugs

A 0.00mg/ml blood alcohol level is expected of employees presenting for work at the Shire of Murchison. The threshold for drugs is in accordance with the Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine, with 'not detected' being the standard required.

Self-Testing

An employee may self-test for blood alcohol concentration (BAC). A breathalyser is available in the workplace for this purpose. An employee who identifies that she or he has a BAC over 0.00 mg/ml can voluntarily take personal leave or unpaid leave. An employee will have this opportunity twice only and if a third self-test shows a BAC over 0.00 mg/ml, then they will be disciplined in accordance with the **Shire of Murchison** Disciplinary Procedure Relating to Drug & Alcohol Use (attached).

The advantage to self-testing is that the employee has two chances to take responsibility for their own fitness for work without ending up with a breach

Identification of Impairment & Testing

If the **Shire of Murchison** has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue.

Reasonable grounds may include (but are not limited to), where an employee is showing signs of poor coordination, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.

If the **Shire of Murchison** suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

- ~ direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties. (Due to the remote location of the workplace, this may require that assistance is given to the employee to attend the medical practitioner);
- ~ direct the employee to undergo on-the-spot drug and alcohol testing administered by a suitably qualified external party;
- ~ direct the employee to use the breathalyser in the presence of their Supervisor;
- ~ direct the employee to go home. The employee can take personal or unpaid leave in this instance.

A medical assessment may include a drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, or refuses to use the breathalyser, then the employee will be immediately suspended from duty without pay. Refusal to follow these directions constitutes a breach of this policy and will be regarded as a First Breach (refer attached Disciplinary Procedure).

An employee who returns a positive test for alcohol or drugs will be in breach of this policy. The following steps are to be taken:

- ~ The employee so tested and the supervisor will be informed of the result;
- ~ A disciplinary discussion will take place in accordance with the Disciplinary Procedure of the **Shire of Murchison**.

Education, Training & Awareness

Employees who recognise that they have a drink or drug problem, or that they are at risk of developing one, are encouraged to approach their Supervisor or the CEO so that they can be assisted to get the appropriate help.

The **Shire of Murchison** engages the services of an external Employee Assistance Provider who can provide the organisation's people with free and confidential counselling.

Drug/Alcohol Treatment Programs

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Local Government will provide assistance to the employee.

- ~ The Local Government will allow an employee to access any accrued personal or annual leave while they are undergoing treatment, and
- ~ The Local Government will take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line manager or members of senior management will review the full circumstances and agree on a course of action to be taken. This may include re-deployment to suitable alternative employment, or possible termination from employment if the treatment program has not been successful and the employee is unable to safely carry out the requirements of their role.

Consequences of Breaching this Policy

An employee engaged by the **Shire of Murchison** who breaches the provisions of this policy will be subject to the Disciplinary Procedure in Relation to Drug & Alcohol Use.

Variation to this Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Confidentiality

All issues pertaining to these matters shall be kept strictly confidential.

Related Corporate Documents

Disciplinary Procedure in Relation to Alcohol and Drug Use (attached)

Disciplinary Procedure in Relation to Alcohol & Drug Use

The following procedure will apply to any employee who tests positive to an alcohol or drug screening or has a BAC of more than 0.00 mg/ml on their third self-test:

First Breach:

- (i) The employee will be immediately suspended from duty without pay, for a minimum of one day.
- (ii) The employee will not be permitted to return to work until they have provided a satisfactory drug and alcohol test. This test will be at the expense of the employee.
- (iii) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (iv) The employee will be counselled by their supervisor that will focus on;
 - (a) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
 - (b) the employee's responsibility to demonstrate that the problem is being effectively addressed;
 - (c) that any future breach of the policy will result in instant dismissal.
 - (d) A first and final written warning will be given.
- (v) The employee will be formally offered the opportunity to contact the **Shire of Murchison's** Employee Assistance Provider who provide free counselling or, alternatively, their own professional counsellor at their own expense.
- (vi) The employee will be submitted [fortnightly or randomly] for alcohol and / or drug screening for the period of [two months] paid for by the Shire of Murchison. If any test confirms positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

Second Breach:

- (i) The employee will be immediately terminated without notice.

Instant Termination:

The following are guidelines to circumstances that will result in termination without notice:

- (i) Any attempt to falsify the drug and alcohol screen
- (ii) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
- (iii) Unlawful behaviour.

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4.1 Finance Operations

Well-being

Civic Leadership

Objectives

To institute appropriate administrative arrangements for the overall financial management of the Shire.

Details

Reserve Accounts

All of Council's Financial Reserves are operated in accordance with *the Local Government (Financial Management) Regulations 1996*, which amongst other things requires Council to identify the reserve with clear purpose, report on the financial activities of each reserve through Annual Financial Report and also publicly advertise any intention to change or modified the purpose of any reserve. Council makes regular transfers of funds as part of its budget process.

Within the current operating environment current specific policy considerations under include the following

Staff Leave Reserve

A Staff leave Reserve shall be maintained. The purpose of the account is to pay Staff Leave entitlements to Councils current employees and for claims of past employees (Long service leave only) who have transferred to other Councils with the to hold sufficient funds in the account to meet Councils Annual and Long Service Leave Liability at any given time.

Plant Reserve

A Plant Reserve Account shall be maintained. Monies held in the account are to be used to assist in funding the replacement or major repair of plant items.

Interest on Reserve Accounts

Interest earned on reserve funds shall be applied to the reserve from where the interest was earned.

Operation of Bank Account

- (a) Two signatories, authorised with the bank, are to sign off on all payments, whether the payment is electronic or by cheque;
- (b) The exception to this is payments made with the CEO Credit Card. Credit Card payments are to be accompanied by supporting source documentation, details are to be revealed in the monthly payment list to Council and the President is to sign off on the reconciliation each month;
- (c) Changes to bank accounts (except Term Deposits held at the same bank that holds the Shire's Municipal Fuds) are to be authorised by the Chief Executive Officer and the President.
- (d) For example, opening or closing bank accounts; adding new signatories; changing the number of signatories on a bank account.
- (e) The CEO and DCEO may manage the Shire's investments by way of Term Deposit held at the same bank that holds the Shire's Municipal Fuds. This includes the opening and closing of term deposit accounts.

Unpaid Rates – Procedure for Collection

The following procedure shall apply for the collection of unpaid rates:

- ~ Final notices to be issued within six (6) month of the expiration of the discount period.
- ~ Advice of legal action to be taken for recovery will be forwarded to outstanding debtors for rates once rates have been outstanding for more than 12 months.
- ~ Legal action to be commenced following the imposition of penalties for outstanding rates.

Previous

2005 Policy Manual - 25 November 2020 Update

4.2 Donations and Grants

Well-being

Civic Leadership

Objectives

To provide guidance to the Community on Councils potential financial support by way of Donations Grants or Self-Supporting Loans.

Details

Donations and Grants

Council will include an amount in the budget each year for the purpose of donation to relevant charities or appeals and other bodies. Each application shall be presented to Council for consideration during budget deliberations and preference will be given to local organisations that are operating within the Shire of Murchison.

- ~ Donations of \$100 or less may be made at the discretion of the Chief Executive Officer.
- ~ Donations of \$500 or less may be made at the joint discretion of the Chief Executive Officer and Shire President.
- ~ Applications for donations of over \$500 which have not been included in the budget will be presented to Council for consideration

Self-Supporting Loans

Council may at its discretion, agree to raise self-supporting loans on behalf of Incorporation Local Organisations. Such agreement will be subject to a range of considerations as determine on an individual case by case basis. This may require the applicant to include meeting

- ~ costs relevant to the raising of the loan with the exception of administrative charges.
- ~ any costs involved in preparing agreements, lease or other documents required.

Prior to Council granting approval the applicant will be required to provide suitable details of current and future financial viability.

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4.3 Purchasing

Well-being

Civic Leadership

1 Purchasing

The Shire of Murchison is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire's strategic and operational objectives.

This policy complies with the *Local Government (Functions and General) Regulations 1996 (The Regulations)*.

1.1 Objectives

The Shire's purchasing activities will achieve:

- ~ The attainment of best value for money;
- ~ Sustainable benefits, such as environmental, social, local economic and locational factors including the remote nature of the Shire in relation to potential suppliers being considered in the overall value for money assessment;
- ~ Consistent, efficient and accountable processes and decision-making;
- ~ Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- ~ Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- ~ Compliance with *the Local Government Act 1995, Local Government (Functions and General) Regulations 1996*, as well as any relevant legislation, Codes of Practice, Standards and the Shire/Town/City's Policies and procedures;
- ~ Risks identified and managed within the Shire's Risk Management framework;
- ~ Records created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire's Record Keeping Plan;
- ~ Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

1.2 Ethics & Integrity

The Shire's Code of Conduct applies when undertaking purchasing activities and decision making. Elected Members and employees must observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

1.3 Value for Money

Value for money is achieved through the critical assessment of price, risk, timeliness, environmental, social, economic and qualitative and locational factors including the remote nature of the Shire in

relation to potential suppliers to determine the most advantageous supply outcome that contributes to the Shire achieving its strategic and operational objectives.

The Shire will apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

1.3.1 Assessing Value for Money

Assessment of value for money will consider:

- ~ All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal;
- ~ The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- ~ Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance and where applicable performance history);
- ~ The element of competition by obtaining a sufficient number of competitive quotations wherever practicable and in context of the remote nature of the Shire in relation to potential suppliers consistent with this Policy;
- ~ The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- ~ The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy; and
- ~ Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

1.4 Purchasing Thresholds and Practices

The Shire must comply with all requirements, including purchasing thresholds and processes, as prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.

1.4.1 Policy Purchasing Value Definition

Purchasing value for a specified category of goods, services or works is to be determined upon the following considerations:

- ~ Exclusive of Goods and Services Tax (GST); and
- ~ Where a contract is in place or proposed, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works. OR
- ~ Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a one (1) year period. Where the supply category has a high risk of change i.e. to technology, specification, availability or the Shire's requirements (Regulation 12) the period may be extended to a maximum of 5 years.

The calculated estimated Purchasing Value will be used to determine the applicable threshold and purchasing practice to be undertaken.

1.4.2 Purchasing from Existing Contracts

The Shire will ensure that any goods, services or works required that are within the scope of an existing contract will be purchased under that contract.

1.4.3 Table of Purchasing Thresholds and Practices

This table prescribes Purchasing Value Thresholds and the applicable purchasing practices which apply to the Shire's purchasing activities:

Purchase Value Threshold (excl GST)	Purchasing Practice Required
Up to \$5,000	<ol style="list-style-type: none"> 1 Purchase directly from a supplier using a Purchasing or Corporate Credit Card issued by the Shire, OR 2 Purchase from a WALGA Preferred Supplier Arrangement; OR 3 Seek at least one (1) verbal or written quotation from a suitable supplier; OR 4 Purchase from a Panel of Pre-Qualified Suppliers relevant to the required purchasing category. <p>The rationale for the procurement decision should be documented and recorded in accordance with the Shire Records Management Policy.</p> <p>An official purchase order should be raised for all such purchases, unless a credit card has been used to pay for the goods and services.</p>
From \$5,001 and up to \$20,000	<ol style="list-style-type: none"> 1 Seek at least (2) verbal or written quotations from a WALGA Preferred Supplier Arrangement; OR 2 Seek at least two (2) verbal or written quotations from a suitable supplier; OR 3 Purchase from a Panel of Pre-Qualified Suppliers relevant to the required purchasing category. <p>The rationale for the procurement decision and price benchmarking activities undertaken for each procurement transaction should be documented and recorded in accordance with the Shire Records Management Policy.</p> <p>An official purchase order should be raised for all such purchases, unless a credit card has been used to pay for the goods and services.</p>
From \$20,001 and up to \$50,000	<ol style="list-style-type: none"> 1 Seek at least (2) verbal or written quotations from a WALGA Preferred Supplier Arrangement; OR 2 Seek at least two (2) written quotation from a suitable supplier; OR 3 Purchase from a Panel of Pre-Qualified Suppliers relevant to the required purchasing category. <p>The rationale for the procurement decision and price benchmarking activities undertaken for each procurement transaction should be documented and recorded in accordance with the Shire Records Management Policy.</p> <p>An official purchase order should be raised for all such purchases, unless a credit card has been used to pay for the goods and services.</p>
\$50,001 and up to \$150,000	<ol style="list-style-type: none"> 1 Seek at least two (2) written quotations from a WALGA Preferred Supplier Arrangement; OR 2 Seek at least three (3) written quotations from a suitable supplier OR 3 Seek at least two (2) written quotations from a Panel of Pre-Qualified Suppliers relevant to the required purchasing category. <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> ~ a brief outline of the specified requirement for the goods; services or works required; and ~ value for money criteria, not necessarily the lowest quote. <p>The procurement decision is to be represented using a Brief Evaluation Report.</p> <p>An official purchase order or contract should be raised for all such purchases.</p>
Over \$150,000	<ol style="list-style-type: none"> 1 Seek at least three (3) written quotations from a WALGA Preferred Supplier Arrangement and / or and / or another tender exempt arrangement; OR 2 Seek at least three (3) written quotations from a Panel of Pre-Qualified Suppliers relevant to the required purchasing category; OR

Purchase Value Threshold (excl GST)	Purchasing Practice Required
	<p>3 Conduct a Public Request for Tender process in accordance with the Local Government Act 1995 and relevant Shire Policy requirements.</p> <p>The purchasing decision is to be based upon the supplier's response to:</p> <ul style="list-style-type: none"> ~ a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and ~ pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>An official purchase order or contract should be raised for all such purchases.</p>
Emergency Purchases (Within Budget)	Must be approved by the President or by the Chief Executive Officer under delegation and reported to the next available Council Meeting.
Emergency Purchases (Not Included in Budget)	<p>Only applicable where, authorised in advance by the President in accordance with s.6.8 of the <i>Local Government Act 1995</i> and reported to the next available Council Meeting.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers.</p> <p>If however, no member of the Panel of Pre-qualified Suppliers or a suitable supplier from WALGA Preferred Supplier Arrangement is available, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in context of the emergency requirements, with due consideration of best and sustainable consideration.</p>
WALGA Services (excluding Preferred Supplier Program)	For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Recording is to be in accordance with the threshold levels outlined above. Confirmed via Purchase Order or Contract/Agreement.
Insurance Services	<p>LGIS Services are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining insurance services from LGIS is not a procurement activity and is not subject to this Policy.</p> <p>The Council may however resolve to seek quotations from other insurance suppliers and this activity will be subject to the above listed Purchase Value Thresholds.</p>

1.4.4 Exemptions

An exemption from the requirement to publicly invite tenders may apply when the purchase is:

- ~ obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement or other suppliers that are accessible under another tender exempt arrangement.
- ~ from a pre-qualified supplier under a Panel established by the Shire;
- ~ from a Regional Local Government or another Local Government;
- ~ acquired from a person/organisation registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less (exc GST) and represents value for money;
- ~ acquired from an Australian Disability Enterprise and represents value for money;
- ~ the purchase is authorised under action by Council under delegated authority;
- ~ within 6 months of no tender being accepted;
- ~ where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- ~ the purchase is covered by any of the other exclusions under Regulation 11 of the *Regulations*.

1.4.5 Inviting Tenders Under the Tender Threshold

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$150,000 threshold.

This decision will be made after considering:

- ~ Whether the purchasing requirement can be met through the WALGA Preferred Supplier Program or any other tender exemption arrangement; and
- ~ Any value for money benefits, timeliness, risks; and
- ~ Compliance requirements.

A decision to invite Tenders, though not required to do so, may occur where an assessment has been undertaken and it is considered that there is benefit from conducting a publicly accountable and more rigorous process. In such cases, the Shire's tendering procedures must be followed in full.

1.4.6 Other Procurement Processes

1.4.6.1 Expressions of Interest

Expressions of Interest (EOI) are typically considered in situations where the project is of a significant value or contains significant complexity of project delivery that may solicit responses from a considerable range of industry providers.

In these cases, the Shire may consider conducting an EOI process, preliminary to any Request for Tender process, where the purchasing requirement is:

- ~ Unable to be sufficiently scoped or specified;
- ~ Open to multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- ~ Subject to a creative element; or
- ~ To establish a procurement methodology that allows for an assessment of a significant number of tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes are conducted as a public process and similar rules to a Request for Tender apply. However, the EOI should not seek price information from respondents, seeking qualitative and other non-price information only. All EOI processes should be subsequently followed by a Request for Tender through an invited process of those shortlisted under the EOI.

1.4.6.2 Request for Proposal

As an alternative to a Request for Tender, the Shire may consider conducting a Request for Proposal where the requirements are less known, or less prescriptive and detailed. In this situation, the Request For Proposal would still be conducted under the same rules as for a Request For Tender but would seek responses from the market that are outcomes based or that outline solutions to meet the requirements of the Shire.

1.4.7 Emergency Purchases

An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency situation as provided for in the Act. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

1.4.8 Sole Source of Supply

A sole source of supply arrangement may only be approved where the:

- ~ Purchasing value is estimated to be over \$5,000; and
- ~ purchasing requirement has been documented in a detailed specification; and

- ~ specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- ~ market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.
- ~ A sole source of supply arrangement will only be approved for a period not exceeding three (3) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry to evidence that a Sole Source of Supply still genuinely exists.

1.4.9 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, avoiding a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

Utilising rolling contract extensions at the end of a contract term without properly testing the market or using a Tender exempt arrangement, will not be adopted as this would place this Local Government in breach of the Regulations (Regulation 12).

The Shire will conduct regular periodic analysis of purchasing activities within supply categories and aggregating expenditure values in order to identify purchasing activities which can be more appropriately undertaken within the Purchasing Threshold practices detailed in clause 1.4.3 above.

2 Sustainable Procurement

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

The Shire will embrace Sustainable Procurement by applying the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes. Sustainable Procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

Requests for Quotation and Tenders will include a request for information from Suppliers regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

2.1. Local Economic Benefit

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire will:

- ~ where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- ~ consider the local economic factors including the remote nature of the Shire in relation to potential purchasers;
- ~ consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ~ ensure that procurement plans address local business capability and local content;
- ~ explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- ~ avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- ~ provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy or meeting the ongoing needs of the Shire. These criteria will relate to local economic benefits that result from Tender processes.

The Shire has adopted a Regional Price Preference Policy, which will be applied when undertaking all purchasing activities.

3 Panels of Pre-qualified Suppliers

3.1. Objectives

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- ~ there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- ~ the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- ~ the Panel will streamline and will improve procurement processes; and
- ~ the Shire has the capability to establish a Panel and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

3.2. Establishing and Managing a Panel

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

3.3. Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- ~ obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- ~ purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- ~ develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- ~ each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- ~ work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

3.4. Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every Panel member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be made through eQuotes (or other nominated electronic quotation facility).

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's electronic records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.

4 Purchasing Policy Non-Compliance

Purchasing Activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the Shire's policies and procedures.

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- ~ an opportunity for additional training to be provided;
- ~ a disciplinary matter, which may or may not be subject to reporting requirements under the Public Sector Management Act 1994;
- ~ misconduct in accordance with the Corruption, Crime and Misconduct Act 2003.

5 Record Keeping

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the State Records Act 2000 and the Shire/Town/City's Record Keeping Plan. This includes those with organisations involved in a tender or quotation process, including suppliers.

6 Previous

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4.4 Regional Price Preference

Well-being

Social

Objective

To promote local business partnerships within the Shire of Murchison by giving preferential consideration to regional suppliers in the procurement of goods and/or services.

Details

Definitions

In this policy the following words have the following meanings:

- 1 For the purpose of this Policy, the “Region” is specified as the geographical area which comprises the whole of the Shire of Murchison.
- 2 A supplier of goods or services who submits a tender is regarded as being a regional tenderer if —
 - (a) that supplier has been operating a business continuously out of premises in the region for at least 6 months; or
 - (b) some or all of the goods or services are to be supplied from regional sources.

Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of definition 2(b)) may be —

- (a) wholly supplied from regional sources; or
- (b) partly supplied from regional sources, and partly supplied from non-regional sources,

only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.

Policy Application

The Price Preference Policy will apply to all tenders and quotations invited by the Shire of Murchison for the supply of goods and services and construction (building) services, unless Council resolves that this Policy does not apply to a particular tender or quotation.

Levels of Preference to be Applied Under This Policy

A preference will be given to a regional tenderer by assessing the tender submission as if the price bids were as prescribed below:

- (a) Goods and services reduced by 10%, up to a maximum price reduction of \$50,000
- (b) Construction (building) services, reduced by 5%, up to a maximum price reduction of \$50,000; or
- (c) Goods and or services (including construction (building) services) up to 10% - where the contract is for goods or services, up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Competitive Purchasing

Whilst price is a consideration in the provision of goods and/or services it is only one aspect of the tender evaluation process. Value for money principles, as described section 4 of the Shire of Murchison Purchasing Policy will be employed by assessing the price component in conjunction with the tender selection criteria and requirements.

The tender that is determined to be both cost effective and advantageous to the Shire of Murchison will be the most likely to be accepted.

For the purchase of goods and/or services outside of the tender process, consideration should be given to Council's desire to purchase from local suppliers, where possible. The decision to purchase from a local supplier is to be left to the responsible officer's judgement, ensuring that the Shire's policies and guidelines are observed.

Previous

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4.5 Financial Hardship

Well-being

Civic Leadership

Objectives

To put as process in place a means to support persons who from time to time face financial hardship

Details

General Financial Hardship

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COVID-19 Financial Hardship

1 Specific Objective

To put as process in place a means to support persons who from time to time face financial hardship during the COVID-19 Period 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 Background

This policy arose from the need to give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic.

3 Application

This policy applies to outstanding rates and service charges as at the date of adoption of this policy; and for rates and service charges levied by Council

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.

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* (Act) and *Local Government (Financial Management) Regulations 1996* will apply.

4 Guidelines

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

4.2 Anticipated Financial Hardship

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.

4.3 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.

4.4 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 Council of any change in circumstance that jeopardises the agreed payment schedule.

4.5 Interest Charges

COVID-19 Period

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

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

4.6 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.

4.7 Debt Recovery

COVID-19 Period

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*.

4.8 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.

4.9 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 (ie 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.

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4.6 Asset Management

Well-being

Civic Leadership

Overview

This policy covers all service delivery of the Shire and relates specifically to the management of infrastructure assets under the care, control and responsibility of the Shire that are used to deliver services or the infrastructure management regime of third parties where the Shire facilitates service delivery by a third party.

Service delivery may be via the provision of Shire owned Infrastructure Assets, in which case assets are to be optimally managed to support financially sustainable service delivery outcomes for the lowest whole of life cost.

Alternatively service delivery may be via third party, in which case the Shire has a role in ensuring third party Infrastructure Assets are optimally provided and managed to achieve financially sustainable service delivery outcomes without the need to draw on Shire resources.

The policy also assists the Shire in compliance with the provisions of the State Government's Integrated Planning and Reporting Framework by having an integrated approach to Planning for the Future.

Objectives

The objective of this policy is to ensure that the Shire of Murchison has sufficient structure, systems, processes, resources and organisational commitment in place to deliver service outcomes on a financially sustainable basis.

Details

Scope and Limitations

This policy covers all service delivery of the Shire and relates specifically to the management of infrastructure assets under the care, control and responsibility of the Shire that are used to deliver services or the infrastructure management regime of third parties where the Shire facilitates service delivery by a third party. This may include but is not limited to:

- ~ Government Agencies;
- ~ Private Enterprise; and
- ~ Contractors.

Background

The community relies on the Shire to deliver services. The Shire has finite resources and limited income streams that can be targeted to fund service delivery. The Shire must ensure that service delivery is well targeted and aligns with the Community's aspirations identified via the development of the Strategic Community Plan.

To ensure that scarce resources are optimally allocated, it is important informed decisions are made when considering the acquisition, ongoing ownership, management and disposal of infrastructure assets. The Shire also needs to continuously consider whether it needs to provide and / or own assets in order to deliver services or whether it can simply facilitate the provision of the service by a third party, i.e. non asset ownership service delivery.

To assist with making informed decisions in relation to this issue, the Shire will put in place the following:

- ~ A Strategic Asset Management Framework that is consistent with National Standards in Asset Management and Long Term Financial Planning (Nationally Consistent Approach);
- ~ Maintain a contemporary Asset Management Policy that is regularly reviewed (this Policy);
- ~ Develop, maintain and regularly review an Asset Management Improvement Strategy that clearly articulates a sustainable path for continuous improvement and identifies resources to implement via the budget process;
- ~ Develop, maintain and regularly review Asset Management Plans that cover all key Infrastructure Asset Classes;
- ~ Asset Management Plans will document the Council adopted level of service that applies to Infrastructure Assets which will be derived from Service Level Plans and the community engagement processes used to develop the Strategic Community Plan; and
- ~ Ensure processes are in place to train Councillors and Officers in key aspects of asset management and long term financial planning.

Guiding Statement

Key Commitments

Prior to making a decision to either:

- ~ Deliver a new service;
- ~ Vary the current level of service (up or down); or
- ~ Cease the delivery of a service;

The following key commitments are to be adhered to:

- ~ The need for the service will be reviewed;
- ~ The service must align with the Strategic Community Plan and fit within the Corporate Business Plan (A Capital evaluation process is to be developed and utilised to assess this);
- ~ Options for the Shire to facilitate delivery of the service by a third party are to be identified and considered;
- ~ If the service is needed and a third party cannot deliver the service, infrastructure assets that are required to deliver the service will be identified along with:
 - o The whole of life cost of delivering the service; and
 - o The whole of life planning, maintenance, operation, renewal and disposal cost of the asset required to support the service delivery.
- ~ The service delivery and asset whole of life costs must fit within the 10 Year Long Term

Financial Plan;

- ~ Options to renew infrastructure assets before acquiring a new infrastructure asset are to be considered;
- ~ Options to rationalise assets will be considered; and
- ~ The CEO will be responsible for the development of the systems and processes to comply with the above key commitments.

Linkage to Integrated Planning and Reporting Framework (IPR)

The Shire has a corporate business plan linking to long term financial planning that integrates asset management and specific Council plans with the IPR Framework.

Linkage to Other Council Policy

Nil.

Responsibility and Reporting

Council

Council is responsible for approving (including amendments to) the following documents:

- ~ Asset Management Policy (AM Policy);
- ~ Asset Management Improvement Strategy (AM Improvement Strategy); and
- ~ Asset Management Plans (AM Plans).

Council is also responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of the above documents.

In adopting asset management plans, Council is also to determine the Level of Service for each asset class.

Chief Executive Officer (CEO)

The Chief Executive Officer is responsible for ensuring that systems are in place to develop, maintain and regularly review Council's AM Policy, AM Improvement Strategy and AM Plans. The CEO reports to Council on all matters relating to Asset Management.

The CEO is also responsible for monitoring the implementation of Asset Management across the organisation. The CEO will ensure that strategies are put in place to remove barriers to the successful implementation of Asset Management.

Furthermore, the CEO is responsible for ensuring that Council's AM Improvement Strategy is achieved and that AM plans are prepared and maintained in line with Council's Policy on Asset Management. Where aspects of Council's AM Policy, AM Improvement Strategy or AM Plans are not being achieved or adhered to, the CEO is responsible for taking corrective action.

The CEO is responsible for resource allocation (from Council approved resources) associated with achieving Council's Asset Management Improvement Strategy.

Policy Definitions

<i>“Asset”</i>	means a physical item that is owned or controlled by the Shire and provides or contributes to the provision of services to the community (in this context, excluding financial, intellectual and intangible assets).
<i>“Asset Management”</i>	means the process applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet the priorities of the Corporate Business Plan for service delivery.
<i>“Asset Management Plan”</i>	means a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.
<i>“Council”</i>	means the elected council (comprising Councillors) of the Shire of Murchison.
<i>“Infrastructure Assets”</i>	are fixed assets that support the delivery of services to the community. These include the broad asset classes of Roads, Buildings, Airports, Parks & Gardens and Sporting Facilities and Other Improvements.
<i>“Level of Service”</i>	means the combination of Function, Design and Presentation of an asset. The higher the Level of Service, the greater the cost to deliver the service. The aim of Asset Management is to match the asset and level of service of the asset to the community expectation, need and level of affordability.
<i>“Life Cycle”</i>	means the cycle of activities that an asset goes through while it retains an identity as a particular asset.
<i>“Whole of Life Cost(s)”</i>	means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs.
<i>“Maintenance”</i>	means regular ongoing day-to-day work necessary to keep an asset operating and to achieve its optimum life expectancy.
<i>“Operations”</i>	means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g. road sweeping, grass mowing, cleaning, street lighting etc.
<i>“New”</i>	means creation of a new asset to meet additional service level requirements.
<i>“Resources”</i>	means the combination of plant, labour and materials, whether they be external (contractors/consultants) or internal (staff/day labour).
<i>“Renewal”</i>	means restores, rehabilitates, replaces existing asset to its original capacity. This may include the fitment of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use.
<i>“Risk”</i>	means the probability and consequences of an event that could impact on the Shire’s ability to meet its Corporate Objectives.
<i>“Shire”</i>	means the collective Shire of Murchison organisation. The Chief Executive Officer of the Shire is responsible for ensuring the Shire’s obligations and commitments are met.
<i>“Stakeholders”</i>	are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.
<i>“Upgrade”</i>	means enhances an existing asset to provide higher level of service.

Outcomes

Adherence to this policy will ensure that the Shire will continue to deliver (or facilitate the delivery) of financially sustainable services aligned with the aspirations of the community.

Compliance

Statutory Compliance

Local Government (Administration) Regulations 1996

Industry Compliance

Western Australian Asset Management Improvement Program (WAAMI)

National Asset Management and Financial Planning Assessment Framework (NAMAF)

Organisational Compliance

Integrated Planning Strategy

Previous

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4.7 Fraud Control

Well-being

Civic Leadership

Objectives

The purpose of this policy is to demonstrate and communicate the Council's commitment to the prevention, deterrence, detection and investigation of all forms of fraud and to establish guidelines for the writing off of debts and waiving of fees and charges.

Details

Fraud Control

As fraud constitutes a significant risk to any organisation, it is appropriate that a culture of ethical conduct be developed to recognise and avoid fraud and to deal appropriately with any cases of fraud.

Fraud can lead to financial loss, bad publicity for the Shire and loss of public confidence in the way that public money and other resources are being used. It is therefore important that the Shire has robust systems and procedures in place to ensure that the risk of impropriety is minimised, as far as possible, that there is a process in place to enable fraud to be adequately reported and that where instances of fraud do occur, there is a prompt and effective response to them.

Fraud

Fraud is defined as “wrongful or criminal deception intended to result in financial or personal gain”. Fraud is a deliberate act by an individual or group of individuals and is therefore always intentional and dishonest.

Internal Fraud refers to fraudulent acts undertaken by Councillors and employees. Examples of such fraud would include: falsification of expenses and wages claims, theft of cash and alteration of records to conceal the deficiency, falsification of invoices for payment, failure to account for monies collected, falsification of timesheets and time cards, dealing inappropriately with benefits claims of friends or relatives.

It is also worth noting that there may, in some instances, be potential for those in positions of trust within the Shire to perpetrate frauds against third parties. The Shire has the responsibility for the integrity of staff employed in such positions of trust.

External Fraud is defined as fraud committed against the Shire by persons outside of the organisation. Examples include false statements in applications for Shire programs and applications for grants or false invoices for goods or services.

Fraud and other similar irregularities includes, but is not limited to:

- ~ Forgery or alteration of cheques, invoices, computer records and other documents;
- ~ Any misappropriation of funds, securities, supplies or any other asset;
- ~ Any irregularity in the handling or reporting of money transactions;
- ~ Misappropriation of furniture, fixtures and equipment;
- ~ Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Shire;
- ~ Unauthorised use or misuse of Shire property, equipment, materials or records;
- ~ Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Council owned software;
- ~ Any claim for reimbursement of expenses that are not made for the exclusive benefit of Shire;
- ~ The intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain;
- ~ Providing false or misleading information related to financial interests and disclosure statements;
- ~ Any similar or related irregularity.

Roles and Responsibilities

Councillors

Councillors have a duty to ensure that Shire assets are safeguarded from fraud and abuse and to ensure that Council's powers, duties and responsibilities are exercised in an open, fair and proper manner to the highest standards of probity.

These issues need to be borne in mind when considering reports, making decisions and scrutinising Council's activities.

Councillors should endorse and support all policies and measures taken to prevent, deter, detect and resolve instances, or suspected instances, of fraud throughout the Shire.

Chief Executive Officer

The Chief Executive Officer has primary responsibility for the proper management of the Shire's resources and the development and implementation of systems and practices to minimise the risk of fraud.

The Chief Executive Officer, under the Corruption, Crime and Misconduct Act 2003 must notify the Corruption and Crime Commission or the Public Sector commission if misconduct is suspected.

Deputy Chief Executive Officer and Works Supervisor

The Deputy Chief Executive Officer and Works Supervisor are responsible for implementing fraud control initiatives and in particular:

- ~ Provide leadership, guidance, training and support to employees in preventing fraud and corruption;
- ~ Identify high fraud risk areas;
- ~ Participate in fraud and corruption risk assessment reviews which are presented to the Audit Committee to assess and provide assurance that the entity has appropriate processes and systems in place;
- ~ Monitor the continued operation of controls;
- ~ Conducting or coordinating investigations into allegations of fraud;

- ~ Complying with legislation and Shire policies and practices;
- ~ Ensuring staff understand their responsibilities through adequate communication, supervision, written procedures and job descriptions;
- ~ Responding positively to matters raised and advice given by internal and external audit.

Management need to be vigilant in guarding against fraud, be aware of any circumstances which may indicate that there may be a problem and report any such suspicions to the Chief Executive Officer or Deputy Chief Executive Officer for an independent investigation or advice.

In carrying out their responsibilities, all managers (and staff) should be conscious of the fact that they are spending public money collected through rates and taxes. This provides an extra responsibility not only to spend it economically and effectively but also fairly.

Staff

Staff are responsible for acting with honesty and integrity in all council activities and must:

- ~ Not use their position with the Council to gain personal advantage or to confer undue advantage, or disadvantage, on any other person or entity.
- ~ Safeguard Council assets against theft, waste or improper use.
- ~ Understand what behaviour constitutes fraud and / or corruption.
- ~ Familiarise themselves with and adhere to Council's policies and procedures.

Staff have a duty to make management aware of any concerns they have about the conduct of the Shire's affairs or the use of Shire assets and resources. Any matters raised by them should be taken seriously and properly investigated. Staff who suspect that fraud has occurred should advise their Line Supervisor, Manager or Director as soon as possible.

Internal Audit

Internal Audit has an important role in assisting management in the prevention and detection of fraud by:

- ~ Independently reviewing systems, procedures and controls to ensure that there are adequate safeguards to prevent, deter and detect fraud with particular attention being paid to the review of contracts and computer systems where there is potentially a significant risk;
- ~ Through specific audits and testing of systems, identifying areas of concern;
- ~ Responding to requests for advice from managers on controls to put in systems;
- ~ Independently investigating suspected frauds and irregularities and reporting conclusions to the Audit Committee, management and, where necessary, the Police;
- ~ Producing, and advising on the production, of rules, regulations and policies which deter fraud.

It is acknowledged that given limited staff numbers that this action may present some challenges

External Audit

External Auditors certify that the Shire's accounts represent a true and fair view of the Shire's financial position. In reaching this conclusion, they must satisfy themselves that control systems are sound and that measures are being taken to minimise the chances of fraud.

Induction Process

The elements of fraud and the responsibility of all staff to not participate in and report fraudulent activity will form part of Council's induction process.

Development of Fraud Control Plan

Council shall examine its exposure to fraud biennially and shall develop a fraud control plan which will be implemented over the following years.

Response to Allegations and Concerns

Allegations and concerns about fraudulent or corrupt activity may come from different sources e.g.

- ~ Members of the public, sometimes anonymously
- ~ Other local authorities
- ~ Councillors
- ~ Council managers or staff
- ~ Internal or external audit reviews

Allegations and concerns about fraudulent activity can be reported to the Chief Executive Officer, Directors, Managers and Line Supervisors and those persons making and/or raising allegations and concerns must be either willing to put this in writing and/or have supported evidence to avoid those persons who maliciously and knowingly create a false allegation.

Wherever these concerns come from they must be treated seriously and confidentiality will be respected as far as possible. A thorough investigation will be made of all concerns but the level of resources applied to this will be dependent on the nature of the concern e.g. sums or resources involved, sensitivity of the area, source of concern, evidence provided or available, risk inherent in that area.

For cases of internal fraud, investigations should be closely managed and documented in accordance with Shire procedures.

At all times confidentiality must be maintained and information disclosed only to those who need to know it, in order not to prejudice any disciplinary or criminal action.

Actions to be taken when Fraud is Uncovered or Suspected

Investigations into suspected fraudulent activity will be comprehensive and will be based on the principles of independence, objectivity and the rules of natural justice.

Investigations will be conducted by an appropriately skilled and experienced person who is independent of the area in which the alleged fraudulent conduct occurred.

Where there is sufficient evidence of fraud, or there is strong suspicion but internal investigations are unable to obtain further evidence required, the Police should be involved where it is considered in the "Council or public interest".

Determination of the "Council or public interest" will include factors such as the sums or resources involved, the strength of the evidence obtained or available, the potential cost to the Council of pursuing the matter, the sensitivity of the area concerned. Referral to the Police will be the normal course of action unless there is a strong case not to do so.

Where involvement of the Police is not appropriate, the strongest action possible should be taken. This may involve disciplinary action including dismissal and the recovery of any sums of money or resources misappropriated.

At the conclusion of any fraud investigation, systems and procedures will be reviewed and any remedial actions implemented, whether or not there was sufficient evidence to prove any wrongdoing.

Any remedial actions identified from this process shall be recorded in the Shire's Risk Register and allocated to the relevant manager through his/her Risk Plan.

Monitoring of remedial actions will be undertaken by the Shire's Internal Auditors on an annual basis.

A fraud, integrity and conduct register will be maintained by the Deputy Chief Executive Officer

Training

Training will be given to all staff in the principles of fraud, the reporting of fraud and the process involved in investigating suspected fraud.

Insurance

The Shire shall maintain a fidelity guarantee insurance policy that provides insurance against the risk of loss arising from internal fraudulent conduct.

Previous

Nil

5.1 Community Use of Facilities

Well-being

Social

Overview

Murchison Shire is responsible for managing a small array of community buildings located in the Murchison Settlement. This Policy provides guidance to staff and the community in relation to various aspects of community use.

Objectives

To efficiently and effectively manage the use of Council's community buildings and facilities in an appropriate manner.

Details

Murchison Sports Club

General Use

- (a) The contract of usage is through the Shire of Murchison and is subject to the approval from the Chief Executive Officer.
- (b) If liquor is being made available at a function in the hall the hirer must present the relevant licence required and obtain written approval from the Chief Executive Officer for the consumption of liquor.
- (c) When different users use different parts of the hall at the same time, co-operation in the use of the kitchen is required.
- (d) Hirers are required to have the hall vacated and locked within two hours of the conclusion of the function.
- (e) The meeting room and kitchen are available to the visiting health services as required.

Occasional Accommodation

This space intentionally left blank

Sports Club Public Toilets

On the understanding that the toilets at the north of the Murchison Sports Club will be available for public use Council will accept responsibility for the costs of maintenance and cleanliness of this facility.

Roadhouse Public Toilets

On the understanding that the toilets at the north of the Roadhouse will be available for public use Council will accept responsibility for the costs of maintenance and supply of cleaning material and toilet tissue. The proprietors of the Roadhouse are responsible for the daily cleaning of this building or more frequently if required to ensure it is kept at a high standard of cleanliness.

Smoking in Council Buildings

Smoking is not permitted in confined spaces within Council Buildings with the exception of staff housing.

Consumption of Liquor

Application is to be made in writing for approval to consume liquor in Council buildings (with the exception of staff housing) and approval shall be at the discretion of the Chief Executive Officer. Where a Council building is managed by a local community organisation the application will be subject to approval of that Committee for determination.

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5.2 Roadhouse Operations

Well-being

Social, Economic

Background

At the 25 February Meeting 2021 of Council, amongst other things, confirmed that the operation of the Murchison Oasis Roadhouse and Caravan Park be a Shire operation upon expiry of the existing sublease and acknowledged that, as part of the operation, the Roadhouse be viewed as a Shire operated entity: the rationale of which will be developed and eventually incorporated into this previously earmarked policy.

Preamble

Communities come together and set up community businesses to address challenges that they face together. These can be shops, farms, pubs or call centres, among many other types of business. What they all have in common is that they are accountable to their community and the profits they generate deliver positive local impact. Key features of a community business include:

Locally Based

They are based in a particular geographical place and service its needs.

Trading for the Benefit of the Local Community

They are businesses. Their income comes from things like renting out space in their buildings, trading as cafes, selling produce they grow or generating energy.

Accountable to the Local Community:

They are accountable to local people, for example, through a community shares offer that creates members who have a voice in the business's direction.

Broad Community Impact

They engage with a variety of different groups in their community and deliver goods and services for a range of different community needs. They may have a specific focus on certain groups, where this fits into the context of them also supporting the local community more widely. Their goods and services should respond to community needs.

The operation of the Murchison Oasis Roadhouse and Caravan Park meets all of these criteria as an integrated Council Operation.

Future policy and operational decisions as a community focused operation also need to be seen within the context of other Council / Community actions that Council has undertaken including; the provision of a free, weekly community freight collection service, adapting the Shire's fuel delivery contract to provide for local station access, fuel pricing at the roadhouse on a cost neutral basis over time and

maintaining the current approach of ensuring that Roadhouse facilities are kept up to a high standard regardless of current operating arrangements.

Objectives

To manage and operate the Murchison Oasis Roadhouse and Caravan Park with the aim of ensuring that Murchison Settlement is an attractive focal point that enables the Shire to function successfully and deliver a range of services that will underpin community, cultural and economic development within the Settlement and broader Shire.

As a not-for-profit organisation in a remote area, Council is committed to balancing the desire to make a commercial return with the aims of providing local support, local employment and tourism attraction benefits within a community operation.

Details

General

- 1 Fees and Charges (Prices) for goods and services provided in order to operate the facility on the overall basis that the Policy Objectives are met at a sustainable level.

Fees and Charges (Prices)

- 2 In determining fees and charges, Council aims for the operation of the facility to be at neither a profit nor loss over the medium to long term.
- 3 Prices will be regularly reviewed and adjusted based on the cost of goods, periodic reviews of operational costs and sales figures, as well as prices that are charged elsewhere for similar goods and services.
- 4 Unless otherwise justified due to circumstances such as writing off stock or selling produce with limited shelf life, or as a special incentive offer prices charged, will be more than the cost of goods sold.
- 5 Subject to any local loyalty scheme approved by Council that may apply, prices charged will be uniform for all patrons.
- 6 Any surplus generated will be put back into the Roadhouse facilities, or other community development initiatives, as determined separately by Council.

Operational Standards

- 7 Standard of facilities and operations generally will, at all times, be maintained to a satisfactory level befitting at least a three-star rating under the Australian STAR Rating Scheme in the Tourist / Caravan Park Category.
- 8 Operational standards and customer service will be developed on the basis of encouraging Settlement residents and visitors to use the facilities, with an overall aim that visitors will be attracted to the Settlement.

Operational Hours

- 9 Operational hours will be determined to provide maximum community benefit as influenced by meeting the needs and demand as well as the costs and availability of staff. During off peak periods this may mean that the Roadhouse operates on restricted hours.

Staff

- 10 Along with Administration and Works staff, Roadhouse operations are an integrated part of the overall operation of the Shire and are part of the Shire's overall recruitment and retention strategy.
- 11 As far as practicable and subject to availability and skill sets, every endeavour will be made to source staff employed from within the Shire.

Previous

Nil

5.3 Roadhouse Fuel

Well-being

Economic

Objectives

As a not for profit organisation in a remote area Council, in owning and operating fuel facilities at the Murchison Oasis Roadhouse is committed to balancing the desires to make a commercial return with the need to provide local benefit when determining the price of fuel sold at the roadhouse.

Council aims to operate these facilities at neither a profit nor loss over the medium to long term.

Application

Applies to the retail price for fuel sold at the Murchison Oasis Roadhouse

Details

Council will set the price of fuel facilities sold at the Murchison Oasis Roadhouse so that the price of fuel is set at a level on a % basis above the highest of the purchase price (including freight) of newly delivered ULP or diesel so that the Policy Objectives are met.

This will be achieved through periodic reviews of operating and capital costs of the facilities with the % variation then reviewed and adjusted.

Previous

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5.4 Museum

Well-being

Social and Economic

Objectives

To assist the Museum Committee to manage, maintain and operate the Museum and Museum Cottage in a sustainable manner.

Details

Museum

The Museum is an integral and essential part of representing and preserving the stories, heritage and history of the Shire, its people and its industry and is a key attraction for visitors and tourists. It serves to educate and inform the public about life, past and present, in the Murchison Shire. It is a repository for donated items of historical value to Murchison.

The following guidelines are relevant with respect to Council's actions associated with the Museum Cottage:

- 1 The Museum building, whilst recognising that it is owned by the Museum Committee, continues to be treated as a Council asset and be included on the Shire's asset base.
- 2 Council continue to meet all operational costs including building insurance, maintenance and utilities etc and adds cleaning between tenants.
- 3 Museum Committee to be primarily responsible for fit out of the building; such décor etc to befit the heritage character of the building.
- 4 Capital works, as identified by the Museum Committee, to be funded by Council; noting that some works could potentially be assisted through external grant funding.
- 5 The Museum Committee will manage the recruitment, timetabling and tasks of volunteer caretakers for the Museum.
- 6 When there are no volunteer caretakers, the general day to day management shall be undertaken by Council staff in consultation with the Museum Committee.
- 7 An appropriate level of funding shall be allocated through the normal budget process.

Museum Cottage

The primary purpose of the Museum Cottage is as an integral and essential part of supporting the operation of the Museum but also, from time to time, has an important support role associated with Council's general operations.

The following guidelines are relevant with respect to Council's actions associated with the Museum Cottage:

- 1 The Museum Cottage building, whilst recognising that it is owned by the Museum Committee, continues to be treated as a Council asset and be included on the Shire's asset base.
- 2 Council continue to meet all operational costs including building insurance, maintenance and utilities etc and adds cleaning between tenants.
- 3 Museum Committee to be primarily responsible for fit out of the building; such décor etc to befit the heritage character of the building.
- 4 Capital works, as identified by the Museum Committee, to be funded by Council; noting that some could be potentially be assisted through external grant funding.
- 5 In recognition of these contributions that, in consultation with the Museum Committee, Council be able to use the cottage to accommodate staff and the occasional contractor staff or other persons on an as required basis; noting that the current volunteer museum caretaker arrangement has precedence.
- 6 When there are no volunteer caretakers in tenancy, the general day to day management shall be undertaken by Council staff in consultation with the Museum Committee.
- 7 An appropriate level of funding shall be allocated through the normal budget process.

Previous

Museum Cottage - Council Resolution 28 November 2019

Policy

5.5 Community Garden

Well-being

Social

Objectives

Intentionally left blank

Details

Intentionally left blank

Previous

Nil

Policy

5.6 Community Paddock

Well-being

Social

Objectives

Intentionally left blank

Details

Intentionally left blank

Previous

Nil

6.1 Roads

Well-being

Economic and Environmental

Objectives

Murchison Shire is responsible for managing a large road network within the Shire and recognises that it needs to ensure a safe road network that is sustainably managed from a financial, environmental and cultural perspective.

Details

Technical Responsibility

Technical responsibility for road design, construction and maintenance rests with the Chief Executive Officer and Works Manager.

Use of Heavy Vehicle Combinations on Local Roads

The Chief Executive Officer is authorised by Council to consider and approve requests from operators:

- (a) to add or amend a road on a Restricted Access Vehicle Network, or
- (b) or a Restricted Local Access Period Permit,

on the condition that the application has been made in the prescribed manner to Main Roads Heavy Vehicle Services, in the first instance.

The CEO is to give due consideration to the condition of the road and other assets, such as grids and culverts, prior to forwarding approval to HVS, especially if the application is for a Restricted Local Access Period Permit, where Route Assessment Guidelines are not met.

The following conditions are to be included in all approvals:

- 1 Permit holders are to comply with Main Roads WA Operating Conditions for restricted vehicle access including mass, width and length limits, and configurations;
- 2 In the event that road closures are activated due to bad weather or for any other reason, all vehicle movements on the subject roads will cease until the road closures are lifted by the Shire of Murchison;
- 3 CA07 – All operators must carry the written approval from the LG authority permitting use of the road;
- 4 The following speed limits will generally apply
 - Unsealed open road 80 km / hour
 - Built up areas 50 km / hour or 10 km below the designated speed limit whichever is the lesser

Stock Grids

- 1 Where a pastoral fence adjoining a stock grid is not stock proof and has remained in a poor state of repair (or has been removed) for a period of 12 months or more, the CEO may commence the process to remove the grid;
- 2 The process is that the CEO will notify the lessee/landowner of Council's intention to remove the grid, allowing the lessee/landowner 30 days to respond. If the lessee/landowner objects, then the objection is to be referred to Council at the meeting immediately following receipt of the objection;
- 3 After consideration of the objection, if council decides that the grid is to be removed, then it can be removed by suitable contractors or by the Shire crew as soon as practical;
- 4 If a grid has been removed and the lessee/landowner later wishes to have a new grid installed, then the new grid should be at least 7.4 metres wide and should only be installed once fences have been fully rebuilt or a new fence constructed
- 5 This policy does not prevent agreement with any lessee/landowner to remove a grid at any time where advice has been received from the lessee/landowner in writing that the grid is no longer required. Council reserves the right to request a financial contribution from the applicant should they request a grid in a new location.
- 6 Boundary grids will be maintained.

Gravel Supply Agreements

Where gravel use is negotiated with land holders from pastoral property either a written or verbal agreement is to be entered into with the landholder as required. The agreement is to clearly identify estimated area required and the amount of gravel to be extracted.

If the proposed pit requires clearing, then a clearing permit is to be obtained from the Department of Environment Regulation prior to extraction of the gravel. The landholders' permission will be required for the application to progress.

Once a clearing permit has been obtained extraction shall be undertaken in accordance with any approved conditions and operational practices

Once the pit is depleted gravel pits are to be levelled and reinstated by council staff at the end of their useful life as determined by the Works Manager or Chief Executive Officer in accordance with any approved conditions and operational practices:

Note: Council reserves the right to enforce its rights to extract gravel by legal means if arrangements cannot be made with landholders.

Roads Hierarchy

Council has an adopted and from time to time will amend a Road Hierarchy for all of roads throughout the Shire of Murchison. This hierarchy is used as a means of defining the function of the road, categorising its importance, prioritising works, determining asset management strategies as well as maintenance levels throughout the Shire. The Road hierarchy will be consistent with Main Roads WA road classification system.

Road Drainage Principles and Practices

On a situation by situation basis, roads need to be constructed and maintained within in accordance with established road design standards.

In doing so the environmental impacts associated with drainage of land and roads need to be recognised and considered such that where possible road construction and maintenance activities need to be undertaken in a practical and appropriate manner so as to

- ~ cater for variable rainfall frequencies and intensities events
- ~ minimise water velocities
- ~ minimise scouring not just to the road but also surrounding land
- ~ minimise or prevent rain shadow effects on one side of the road through as far as practicable natural distribution of floodwaters
- ~ minimise or prevent ponding adjacent to the road formation
- ~ avoid the road becoming an effective channel for floodwaters
- ~ avoid if at all possible, interfering with the natural water flow

It is recognised that not all situations will be identical with different techniques applied in flat terrain compared to undulating breakaway country and in large and small catchments but in many instances a road design and practices can be adapted to suit the above aims and principles without compromising road safety.

Examples of potential solutions could include but are not limited to the following

- ~ use of bunds and drains
- ~ lengthening floodways
- ~ constructing the road level at the level of the natural stream
- ~ installing low flow culverts that drain the water catchment after the flood peak has passed where road is required to be built up
- ~ where the road has become an effective channel for floodwaters distribute flows at regular intervals back into the surrounding land rather than within the road reserve

These principles also apply in situations where Council chooses to undertake works when Bunding Old Roads

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6.2 Private Works

Well-being

Economic

Objectives

To provide clarity on requirements for Council Staff and the community when undertaking Private Works.

Policy Details

Restrictions on use of Plant for Private Works

Council will refrain from hiring out small equipment such as small petrol Generators Welders, Jackhammers, Concrete mixer, Chainsaws, Whipper Snippers etc.

Council's plant shall not be used for any purpose either the Chief Executive Officer or the Works Foreman believe is potentially dangerous or not the intended use of the particular machine.

Council plant shall be available for private works hire subject to the operation of the machine being by Council operators.

Aircraft Landing Strips

Grading of aircraft landing strips will be carried out as required by the Maintenance Crew or upon request from the landowner or manager to the Chief Executive Officer. Grading of the Landing Strip will be carried out at no cost and all requests for grading must be directed to and be approved by the Chief Executive Officer prior to commencement of the works when the machinery is in the vicinity.

Private Works for Non-Profit Community and Sporting Groups

Council plant will be made available for non-profit community and sporting groups when such a usage does not interfere with Council programs and subject to approval by the Chief Executive Officer under the following conditions: -

- ~ Council machines are only to be operated by suitably experienced council employees.

Maintenance of Station Shearing Sheds Roads

Grading of Station access roads from the nearest Council road to the nominated station shearing shed or cattle yard will be carried out as required by the Maintenance Crew while the machines are in the vicinity and upon request from the landowner or manager to the Chief Executive Officer. Grading of the shearing shed or cattle yard access roads will be carried out at no cost and all requests for grading

must be directed to and approved by the Chief Executive Officer prior to commencement of the works when the machinery is in the vicinity.

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murchisonshire
Ancient land under brilliant skies

Policy and Procedures

12 December 2020

6.3 Fire

Well-being

Civic Leadership

Objectives

- ~ To minimise and mitigate the impact on Fires within the Murchison Shire as part of Councils legislative Fire Control responsibilities
- ~ To outline the types of operational support mechanisms that Council will provide to assist Voluntary Firefighters.

Details

Fire Organisations

Establishment of Bushfire Brigades

Council shall establish and maintain Bushfire Brigades in accordance with the Bush Fire Act in order to provide adequate protection of those areas of the Municipality within the Bushfire district.

Bushfire Advisory Committee

Council will form a Bushfire Advisory Committee to administer Council's policies on matters relating to bushfire prevention, control and extinguishment as provided for by the Bush Fires Act.

The Committee shall have powers to advise Council by providing recommendations in respect to the powers above. The Bushfire Advisory Committee shall consist of:-

- ~ The Chief Bushfire Control Officer (who shall be chairman of the Committee),
- ~ The Deputy Chief Bushfire Control Officers (who shall be Deputy Chairman of the committee)
- ~ one representative from each of the four Bushfire Brigades of the Shire of Murchison,
- ~ A Councillor as a shire representative and,
- ~ The Chief Executive Officer or their nominee who shall act as the administration/secretary to the committee.

The Annual General Meeting of the Bushfire Advisory Committee will be held at the completion of the Ordinary Council Annual General Meeting where all appointments will be confirmed and Station plant inventory checked and updated.

A quorum for meetings shall comprise one more than half of the designated Committee. Minutes of the Bushfire Advisory Committee meetings shall be presented to the next meeting of the Council held after

the Bushfire Advisory Committee Meeting. Meetings will be held in the first week of September and March in each year.

Bushfire Control Officers

A Bushfire Control Officer is a person who is appointed to that position by the Council, usually the Chief Executive Officer. Such appointment is to be advertised at least once in a newspaper circulating in the district. They are voluntary officers who give their time in furthering the aims of fire prevention and control within the Shire of Murchison.

Bushfire control Officers have powers as prescribed by the Bush Fires Act 1954 and are not liable for any damage, loss or injury caused as a result of the exercise in good faith of their powers.

Outline of Duties:-

- ~ Attend Bush Fire Advisory Committee Meetings and participate in the formulation of Control Policies as required.
- ~ Inspect firebreaks and ensure standards set are met by the various landholders in the relevant Brigade area.
- ~ Issue permits as required for the burning of bush.
- ~ Issue permits for other fires such as clover burning permits and ensure any special conditions are met. Delete as we should never have the need and the above should cover
- ~ Issue permits for protective burning during prohibited burning times and ensure special conditions are met and permits endorsed as required. delete
- ~ Prevent bushfires and protect life and property in the outbreak of fire.
- ~ Take steps for legal action against any person committing an offence under the Act by report to the Chief Executive Officer of the Council. We could delete this as this role is covered by the Ranger who has the delegated authority.

Clearing Fires

It is the responsibility of the person lighting a clearing fire to ensure that adequate equipment is available for the protection of their property and neighbouring property. Shire Fire Units should remain at their normal station and must be well maintained and ready for use at short notice. I would delete this.

Protected Burning Fires – Suspension of Requirements

The suspension of the need for permits during the restricted burning times does not alter the requirement of advice to neighbours of intention to burn.

Hazard Reduction Operations

All hazard reduction operations undertaken by Bushfire Brigades shall be authorised by the Shire of Murchison.

Use of Shire Plant and Equipment

The Chief Executive Officer/CBFCO or the Works Manager are authorised upon request by an authorised Bushfire Control Officer in charge of a fire, to call out and authorise the use of Shire Plant and Equipment other than plant used exclusively for firefighting or local control. If authorised the operators of that equipment have discretion as to the extent of that use with particular regard to safety and machine capabilities. The use of Shire Plant and Equipment outside of the district for firefighting purposes is subject to the conditions of the preceding paragraph.

Infringement Notices and Legal Action

Only persons authorised by the Shire of Murchison are authorised to take legal action against offenders under the Bush Fires Act.

Fire Reports

Bushfire Control Officers who have been in control of a fire outbreak shall submit fire reports on the forms provided by the Shire within 48 hours of the fire being controlled to the Chief Executive Officer.

The report shall include recommendations relating to investigation and or prosecution.

Restricted Burning Times

The Restricted Burning Times within the Shire of Murchison are:-

1 October to 30 April

Burning is prohibited on days of VERY HIGH or Above Fire Danger. Permits are required during the restricted burning period. A permit can be gained from the Shire Office. A permit is invalid on days of very high or above. fire danger

Variations to ~~the prohibited and~~ restricted burning times can only be authorised by the Chief Bushfire Control Officer and the Shire President. Such variations are to be advertised.

Advise of Intention to Burn

Any person intending to carry out a large burn which may be seen from either a neighbour or a passing vehicle should contact the Chief Bush Fire Control Officer / Chief Executive Officer to advise of the details and reason for the burn. Will also be noted on the Permit if conducted during the restricted burning times

Fire Control Point

The Control Point established by a Bushfire Control Officer in charge of a fire is to be identified wherever possible by means of amber flashing lights.

Insurance

The Shire of Murchison will obtain and keep current relevant insurance policies for fire fighters and equipment pursuant to the Bush Fires Act 1954.

Fire Channel

Channel 7 on the UHF CB two-way radios shall be the Shire of Murchison fire channel. Fire Control Officers only are authorised to change the channel when required for fire control purposes this must be transmitted to all persons on the fire ground.

Fire Fighting Vehicles and Equipment

Provision of Vehicles and Equipment

The Shire of Murchison shall provide and maintain fire Too minimise and mitigate the impact on Fires within the Murchison Shire as part of Councils legislative Fire Control responsibilities fighting appliances and equipment pursuant to its powers under the Bush Fires Act 1954 and budgetary allowances.

Housing of Fire Fighting Vehicles

Shire firefighting appliances will be stationed at the Murchison Settlement. No appliance shall have its location changed from one station to another without the specific authorisation of the Chief Executive Officer of the Shire or the CBFCO and any request for change must be submitted in writing clearly stating the reason for the change. The Chief Executive Officer/CBFCO will either approve or decline the request in writing to the applicant.

Maintenance of Vehicles and Equipment

Maintenance and repair of all Shire owned appliances and equipment will be the responsibility of the Works Foreman or the CESM. All repairs and maintenance will be carried out either under his direct supervision or with his knowledge and consent. All replacement parts or equipment will be purchased on official Shire Order forms. Ensure that Brigade appliances are checked on a regular basis and maintained. Ensure that the battery, tyres, water, oil and fuel are checked regularly.

Drivers of Shire Firefighting Vehicles

The driver of any shire firefighting appliance must hold a current licence of the class appropriate for the appliance being driven and be either:-

- ~ A Council employee, CESM,
- ~ A registered member of a Bushfire Brigade, or
- ~ Any person authorised by the CBFCO or a Fire Control Officer to do so.

The driver is responsible to observe the provisions of the Road Traffic Code, in particular those rules applying to emergency vehicles.

Use of Firefighting Vehicles and Appliances

Shire firefighting appliances and vehicles shall only be used for firefighting and Shire purposes only.

Tools and Equipment

Standard equipment for Shire firefighting appliances shall be as per the appliance storage list.

Communications

An efficient two-way radio network will be established for firefighting communications. Any vehicle used for firefighting purposes (either council or privately owned) must have a fully functional UHF two-way radio fitted.

Training of Fire Fighters

Recognition of Training

Council recognises:-

- ~ That fire fighters must be properly trained to perform their tasks in a safe and efficient manner,
- ~ That responsibilities differ at various levels in the fire organisation and accordingly the level of skills required varies also, and
- ~ That a basic level of skill is required for all fire fighters.

Training Programmes

Council will encourage officers and members of Brigades to participate in the training programs offered by the relevant authorities.

Insurance

Council will ensure that appropriate insurance policies/relevant extensions are held to cover volunteers whilst training or attending incidents.

Minimum Training Requirements

Council expects its Bushfire Officers and Brigade Members to be trained at a level consistent with rank and role within the bushfire organisation. Training minimum standards for fire fighters are Modules 1

to 3 of the current firefighter's course. Were the volunteers have the time it is recommended that modules 4 to 7 are completed. It is recommended that all FCO complete the FCO & sector commanders' courses.

Safety and Health of Volunteer Firefighters

Safety and Health

Council recognises the extremely valuable contribution to the community by bushfire volunteers. It is the policy of Council to ensure that bushfire volunteers are provided with safe working equipment, the safest works system practical and to minimise the frequency of accidents and injury. Council recognises that both the Shire and Bushfire volunteers have a responsibility for safety and health. Council acknowledges that the occupational risks relevant in fire fighting and emergency duties undertaken by bushfire volunteers are significant and the possibility of serious injury is high. Strict adherence to safety guidelines and procedures in these circumstances is not always possible, however it is the intention of Council to develop and implement safety and training policies to minimise the occurrence of injury to bushfire volunteers, both on the fire ground and in the performance of all other duties.

Council responsibilities:-

All practical efforts will be made to:-

- ~ Instruct bushfire volunteers in safe working practices,
- ~ Ensure that brigade equipment is in safe working order,
- ~ Provide & Encourage the use of proper protective clothing and equipment appropriate to the task,
- ~ Ensure that volunteers have ready access to first aid facilities,
- ~ Investigate accidents and possible safety and health risks and take appropriate remedial action,
- ~ Provide a mechanism for joint shire/DFES/Volunteer consultation on safety matters, and
- ~ Review the effectiveness of bushfire volunteer training, safety and health policies as necessary.

Volunteer Responsibilities:

- ~ To maintain a reasonable standard of physical fitness,
- ~ To acquaint themselves with safe working procedures,
- ~ To identify safety and health hazards and report these for remedial action,
- ~ To observe safe working practises and avoid unnecessary risks, and to accept responsibility for their own safety,
- ~ To ensure that at all times they dress appropriately for firefighting and make proper use of personal protective equipment wherever necessary or required to do so.
- ~ Will follow Shire & DFES SOPs & SAPs

Safety Clothing and Footwear

The Chief Bushfire Control Officer will not allow volunteers who they believe are not suitably clothed to assist with the fighting of a fire. Volunteers must have a long sleeve shirt and trousers (Fire Fighting Uniform if available) enclosed footwear (boots) and a hat.

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7.1 Building Planning and Health

Well-being

Economic and Environmental

Objectives

To ensure compliance with relevant Building Planning and Health Acts and Regulations within the Shire

Details

Building

Building Controls

The Shire of Murchison has no current obligation to issue building permits for any building work undertaken within the Shire. In the interest of due diligence, the Shire will require certification in relation to compliance with the National Construction Code (NCC) for any buildings that the Shire itself contracts the construction of.

Where a new building would normally require the issuing of a Certificate of Design Compliance (CDC) pursuant to the NCC, the Building Act and the Building Regulations, the Shire will require the submission of the same by a suitably qualified person (Building Surveyor) for all construction within the Murchison Settlement. Copies of CDC's for all Council Projects are to be retained on site at the Shire Administration Centre, Murchison Settlement

Where any owner or occupier wishes to lodge a CDC for any construction undertaken within the Shire but outside of the Murchison Settlement, a copy will be retained on the Shire records free of charge. Proponents of any construction project within the Shire are to be advised of this Council Policy with respect to Building Controls and that fees such as the Building and Construction Industry Training Fund (BCITF) may still require payment. All enquiries and payments to the BCITF and/or the Building Commission should be directed to those authorities

Planning

Planning Controls

The Murchison Shire currently has no adopted Town Planning Scheme.

Planning information and advice can be obtained from the Shire Office.

Health

Health Matters

Intentionally left blank

Parties, Concerts and Large Public Events

Prior to consideration of any application for large or unusual events proposed to be held in the Shire, Council may require that public submissions be invited on the proposal and that organizers of the event be available to hold a public briefing meeting for the community. Events are to be assessed and approved in accordance with the Health Act 1911 and the Health (Public Buildings) Regulations 1992.

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