

Council Policy



SHIRE OF SANDSTONE
S E R V E T H E P E O P L E

October 2023

Table of Contents

COUNCIL	4
1.1. CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES	5
1.2. PRESS STATEMENTS	14
1.3. DEPUTATIONS TO COUNCIL MEETINGS	15
1.4. LEAVE OF ABSENCE	16
1.5. POLICY MANUAL	17
1.6. DELEGATES MOVING MOTIONS AT ASSOCIATION CONFERENCES	18
1.7. TRAVELLING EXPENSES	19
1.8. WALGA NOMINATIONS TO BOARDS & COMMITTEES	20
1.9. USE OF COUNCIL'S COMMON SEAL	21
1.10. RETIREMENT OF COUNCILLORS GIFT & FUNCTION	22
1.11. COUNCIL BIENNIAL DINNER FUNCTION	23
1.12. COUNCILLORS INDUCTION	24
1.13. COUNCIL MEETINGS	25
1.14. HONORARY FREEMAN OF THE SHIRE OF SANDSTONE	26
1.15. COUNCILLOR TRAINING & PROFESSIONAL DEVELOPMENT	31
ADMINISTRATION	39
2.1. CODE OF CONDUCT COUNCIL EMPLOYEES	40
2.2. STAFF ATTRACTION AND RETENTION BENEFITS	52
2.3. POLICE AND MEDICAL CLEARANCES	59
2.4. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT	61
2.5. DISCRIMINATION, BULLYING AND HARASSMENT	62
2.6. PROFESSIONAL DEVELOPMENT	66
2.7. PAYMENT OF EXPENSES	67
2.8. OCCUPATIONAL HEALTH & SAFETY	69
2.9. SMOKING	72
2.10. NEGOTIATED SALARIES	73
2.11. ACTING CHIEF EXECUTIVE OFFICER	74
2.12. USE OF LOCAL GOVERNMENT EQUIPMENT	75
2.13. RESERVES – NOTIFICATION TO SURROUNDING LANDOWNERS	76
2.14. COUNCIL CHRISTMAS FUNCTION	77
2.15. VEHICLE POLICY	78
2.16. GRIEVANCES, INVESTIGATION AND RESOLUTION	85
2.17. DISCIPLINARY PROCEDURES	89
2.18. OCCUPATIONAL SAFETY & HEALTH – INJURY MANAGEMENT	70
2.19. FITNESS FOR WORK	92
2.20. EMERGENCY SERVICES LEAVE	107
2.21. RECORD KEEPING POLICY	109
2.22. ACCESS AND INCLUSION POLICY FOR PEOPLE WITH DISABILITY, THEIR FAMILIES AND CARERS 112	
2.23. INFORMATION COMMUNICATIONS TECHNOLOGY (ict)	114
2.24. ROSTERED DAY OFF AND FLEXIBLE WORKING ARRANGEMENTS	120
2.25. RELATED PARTY DISCLOSURES AASB 124 POLICY	130
2.26. FIXED ASSET FINANCIAL POLICY	135
2.27. MASTER KEY POLICY	139
2.28. COMMUNITY BUS HIRE	140
2.29. RISK MANAGEMENT	144
BUSHFIRE	146
3.1. USE OF COUNCIL EQUIPMENT	147
3.2. BUSHFIRE INFRINGEMENT NOTICES	148
3.3. BURNING TIMES	149
FINANCE	150
4.1. CAPITALISATION & DEPRECIATION OF ASSETS	151

4.2 RESOURCING EMPLOYEE ENTITLEMENTS.....	154
4.3 RECOVERY OF FINES AND COSTS FROM SUNDRY DEBTORS.....	155
4.4 FINANCIAL HARDSHIP.....	159
4.5 PURCHASING – QUOTES & TENDERS.....	163
4.6 PURCHASING – CREDIT CARD.....	177
4.7 APPROVAL OF EXPENDITURE.....	179
4.8 FRAUD AND CORRUPTION POLICY.....	180
4.9 FINANCIAL RESERVES.....	186
ENGINEERING.....	191
5.1 CROSSOVERS.....	192
5.2 PRIVATE WORKS.....	193
5.3 TRAFFIC INTERSECTION MANAGEMENT PLAN.....	194
5.4 ROADSIDE MEMORIALS.....	196
5.5 ROADWORKS ON COUNCIL ROADS.....	197
5.6 STREET TREES.....	198
5.7 STOCK GRIDS.....	199
LAW, ORDER AND PUBLIC SAFETY.....	201
6.1 CLOSED CIRCUIT TELEVISION SYSTEM.....	202

COUNCIL

1.1. CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

Policy Purpose:

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

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Sandstone 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.

WALGA Note: Section 5.104(3) of the Local Government Act 1995 provides that the Local Government may include in the adopted Code of

Conduct provisions that are in addition to those specified in the Model Code of Conduct, but any additional provision:

- (a) *can only be expressed to apply to council members or committee members; and*
- (b) *are of no effect to the extent that they are inconsistent with the Model Code.*

Subsection 5.104(4) provides that a Local Government cannot include in the adopted Code an additional provision related to:

- *Division 1 General Principles to Guide Behaviour; or*
- *Division 4 Rules of Conduct.*

Local Governments may wish to insert additional provisions under Division 3 of their adopted Code of Conduct that will therefore be subject to the Division 3 complaints procedures.

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.

1.2. PRESS STATEMENTS

DATE ADOPTED: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

That media statements made on behalf of the Shire of Sandstone are only to be made by the Shire President and, with permission from the Shire President, the Chief Executive Officer.

1.3. DEPUTATIONS TO COUNCIL MEETINGS

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

That deputations/delegation's wishing to meet with Council, are firstly to meet with CEO to consider the delegation's request and resolve any problems where possible. Should staff consider it necessary for the delegation to meet with Council, then the request will be referred to the Shire President for consideration.

1.4. LEAVE OF ABSENCE

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

That leave of absence is not to be granted unless applied for.

Section of the *Local Government Act 1995* –

Disqualification for failure to attend meetings

- (1) A Council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of leave is to be recorded in the minutes of the meeting.

- (4) A member who is absent, without first obtaining leave of the Council, throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of Council does not constitute absence from an ordinary meeting of Council –
 - (a) if no meeting of the Council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs while –
 - (i) the member has ceased to act as a member after written notice has been given to the member under section 2.27 (3) and before written notice has been given to the member under section 2.27 (5).
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

1.5 POLICY MANUAL

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

That a Policy Manual for recording Policy Decisions of Council be kept, and that to retain this as a live document, annual reviews of the manual be undertaken by informal meetings of Council with recommendations for change being submitted to full Council. Manual to be given to Councillors 1 month prior to informal meetings for review.

1.6 DELEGATES MOVING MOTIONS AT ASSOCIATION CONFERENCES

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

That delegates representing Council at Zone Conferences shall vote and move motions as they see fit and as they believe reflects the views of Council. This authority is granted subject to the delegates reporting back to Council the proceedings of the Conferences at the next Ordinary Meeting.

1.7. TRAVELLING EXPENSES

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

That where there is a Council delegation requiring members to travel to any part of the State, Shire vehicles may be provided and no mileage paid to members who travel in other vehicles, unless: -

1. A Council vehicle is not available; or
2. There is insufficient room to convey all members of the deputation; or
3. Council has agreed by resolution to pay mileage; or
4. Unless there are special circumstances which have been authorised by the Chief Executive Officer.
5. The Rate of reimbursement is as per rates mentioned in the Local Government Officers Award 2021.

Refer to the Local Government (Administration) Regulations, Section 31 & 32

1.8. WALGA NOMINATIONS TO BOARDS & COMMITTEES

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

Where WALGA seeks nominations from Council for various Boards and Committees and the turnaround period for nominations does not coincide with Council meetings, Council supports the nomination of Council members or serving officers without such approval having to advance through the normal Council meeting process.

1.9. USE OF COUNCIL'S COMMON SEAL

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

Where a Council approved or authorised activity or occurrence requires the common seal to be affixed (or where the Shire President and Chief Executive Officer determine it would be appropriate to so affix the seal) the Shire President and Chief Executive Officer shall be authorised to sign and seal the document or item, on Council's behalf.

1. For official documents which require the common seal of the Shire to be affixed, the seal shall be accompanied by the following wording: -

"The Common Seal of the Shire of Sandstone was hereto affixed by authority of Council."

Shire President

Chief Executive Officer

(Noting that the Deputy Shire President and Acting Chief Executive Officer can proxy in the absence of the respective principal person)

That when the Common Seal is used for official documents, it be referred to Council for endorsement.

2. For use on ceremonial occasions (ie: Certificates of Appreciation, etc) or where there is no legal requirement to affix the seal to a document, the Shire President and Chief Executive Officer are authorised to decide how best to affix the seal and (if need be) sign the document on the Shire's behalf.

1.10. RETIREMENT OF COUNCILLORS GIFT & FUNCTION

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

Upon Retirement of a Councillor, after completion of a full term (4 years), an official presentation and function shall be held to recognise the Councillors service to the Council.

A gift shall be presented to the councillor, as follows.

1. Suitably inscribed with the council crest (or another presentation of similar value) and a presentation plaque.
2. In the event a Councillor has also served as a President, an additional presentation as considered appropriate by Council.

Where possible, a function be held together with the Shire's Annual Christmas Party to recognise retiring Councillors, and this be held in conjunction with a function to welcome newly elected councillors following the biennial local government elections.

1.11. COUNCIL BIENNIAL DINNER FUNCTION

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

That council hold a function, incorporated into the Shire's Annual Christmas Party, every two years following the local government elections,

1. To formally recognise the contribution of all councillors to the Shire of Sandstone.
2. To farewell and acknowledge retiring Councillors; and
3. To welcome newly elected Councillors.

The invitation list is to include:

1. Retiring Councillors and partner/guest.
2. Newly elected Councillor and partner/guest.
3. CEO and partner/guest

1.12. COUNCILLORS INDUCTION

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

To induct newly elected Councillors to assist them in transitioning into the elected member's role inclusive of a fundamental understanding of their new responsibilities.

In the week following their election, new Councillors will be given an induction by the Shire President and CEO. Part of that induction will include information on, but not be limited to:

- Fundamental roles and responsibilities of an Elected Members under the Local Government Act,1995, including declaration of Interests and Gifts
- The Shire of Sandstone's Code of Conduct for Elected Members
- Compulsory Elected Member training courses within the first 12 months
- The Integrated Planning Framework
- Copy of this Policy Manual and other Strategic Documents of relevance
- An understanding of matters in progress

1.13. COUNCIL MEETINGS

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

Ordinary meetings of Council shall be held on the fourth Thursday of each month with January being the exception where no ordinary meeting will be held.

Details of the following years meeting dates will be determined by council in November and advertised.

The order of business on a meeting day is as follows.

1. Briefing session commencing at 10.30AM
2. Ordinary meeting of Council commencing at 1.000PM

Lunch is scheduled from 12:30 to 1:00 PM

In addition, briefing sessions may be held by the Council from time to time, bearing in mind amount of travel that is required by some councillors, these will be kept to a minimum.

1.14. HONORARY FREEMAN OF THE SHIRE OF SANDSTONE

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

Policy Objective

This policy sets out the circumstances under which the Shire of Sandstone Council may bestow the title of “Honorary Freeman of the Shire of Sandstone” upon individuals who have made an outstanding and exceptional contribution to the Shire or community.

Policy Scope

This policy covers matters relating to the nomination and conferring of the honour.

Policy Statement Introduction

From time-to-time members of the Sandstone community may demonstrate outstanding commitment and contribution to the Shire of community and it is recognised that this contribution should be acknowledged. The Council will do this by, in special circumstances that meet the criteria of this policy, awarding to an individual the title of “Honorary Freeman of the Shire of Sandstone”. The Council will recognise, under appropriate circumstances, individuals who have demonstrated an outstanding contribution. It is the highest honour available to the Shire.

Principles

- (a) Outstanding contributions should be recognised by the community and the Shire.
- (b) The status of the honour should be protected over time.

Provisions

1. General

1.1 The conferring of the honour of the Freeman of the Shire of Sandstone will occur only in rare and exceptional circumstances to maintain both the significance and prestige of the title.

1.2 The nominee must have given extensive and distinguished service to the Shire or community in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire or community such that the nominee's contribution can be seen to stand above the contributions made by most other people.

1.3 Bestowing the title of Honorary Freeman of the Shire will only by an absolute majority decision of the Council and in accordance with this policy.

2. Nomination Criteria

2.1 The following shall be taken into account when consideration is being given to the conferring of the title of Honorary Freeman of the Shire of Sandstone:

- (a) the nominee's exceptional service must be recognised as a matter of public record,
- (b) the nominee must have lived in, worked or served the Shire of Sandstone for a significant number of years
- (c) the nominee must have identifiable and long-standing connections with the community in the Shire of Sandstone
- (d) the nominee must have provided long and distinguished service to the local community,
- (e) the nominee's endeavours must have clearly benefited the Shire of Sandstone Community,
- (f) the nominee must have demonstrated both outstanding leadership and personal integrity,
- (g) preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the honour being awarded to a person whose dedication and contribution is significantly above that expected from their occupation,
- (h) the contribution to the welfare of the community must involve one or more of the following factors:
 - significant contribution of the nominee's time in serving members of the Community for the improvement of their welfare,

- the promotion, achievement and/or delivery of community services in which a real personal role and contribution is made,
- while difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons; and
- the title shall not be bestowed on anyone who is holding the office of Council Member of the Shire of Sandstone.

3. Nomination Procedure

3.1 Formal nominations for the honour may only be made by a Councillor of the Shire of Sandstone. A Councillor may make a nomination on his or her own cognisance or act as a sponsor for a wider community desire to honour a person.

3.2 A nomination for the honour may be submitted at any time provided that the nomination is in writing and clearly addresses the nomination criteria.

3.3 The nomination must clearly outline the history of the nominee in chronological order, outlining their history of the community service.

3.4 Nominations must be made in the strictest confidence without the nominee's knowledge and be sponsored by a Councillor and supported in writing by at least two other Councillors.

3.5 Nominations are to be submitted to the Chief Executive Officer. The Chief Executive Officer will submit a confidential report to a Council Meeting with details of the nomination. The confidential report for the Council Meeting shall be delivered at least two weeks prior to the meeting date to all Councillors.

3.6 If a Councillor expresses an objection to the nomination, that Councillor must give their reasons for the objection in writing to the Chief Executive Officer, at least one week before the Council Meeting. The Chief Executive Officer shall submit all objections (together with any other relevant information) to the Council Meeting.

3.7 Deliberations on the matter will take place behind closed doors. No record of the nominee's name shall be recorded in the Minutes of the Council Meeting, whether supported or not by the Council

3.8 In the event Council approves the nomination, it shall be by an Absolute Majority decision.

3.9 Prior to any announcement, the Chief Executive Officer shall make personal contact with the nominee to confirm their acceptance of the honour.

4. Entitlements

4.1 Any person declared an Honorary Freeman of the Shire of Sandstone:

(a) may designate themselves as an "Honorary Freeman of the Shire of Sandstone",

(b) will be invited to all civic events and functions and be acknowledged as a dignitary,

(c) will have their photograph hung in the Shire's Council Chambers,

(d) will be provided with a plaque to commemorate receipt of their Award; and will be conferred at an appropriate civic ceremony for the purpose hosted by the Shire of Sandstone.

5. Limitations on Holders of the Award

5.1 At any one time, a maximum of four living persons only, unless otherwise decided by an Absolute Majority decision of the Council, may hold the title 'Honorary Freeman of the Shire of Sandstone'.

5.2 For avoidance of doubt, the honour shall not be awarded posthumously.

6. Personal Conduct

6.1 A person who has been conferred with the honour of "Honorary Freeman of the Shire of Sandstone" shall display high standards of personal conduct and behaviour at all times and shall not bring the Shire of Sandstone into disrepute.

6.2 The Council reserves the right to cancel the honour, in the event that the holder is convicted of a serious criminal offense or brings the Shire into disrepute. (Any such decision shall be by an absolute majority decision).

1.15. COUNCILLOR TRAINING & PROFESSIONAL DEVELOPMENT

COUNCIL MEETING HELD: 24 AUGUST 2023

DATE TO BE REVIEWED: AUGUST 2025

1. POLICY PURPOSE

Provide a framework for councillors to meet their statutory obligations for training and to undertake professional development to enhance their effectiveness.

2. POLICY SCOPE

This policy applies to all Councillors.

3. POLICY

3.1 Mandatory Training

A Councillor must complete the course Council Member Essentials training which consists of five modules, within a period of twelve months beginning on the day on which the Councillor is elected. A Councillor is exempt from the requirements if they have passed the following courses within a period of five years ending immediately before the day on which the Councillor commences their term of office:

- Council Member Essentials,
- 52756WA Diploma of Local Government (Council Member); Or
- The Councillor passed the course LGASS00002 Council Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the Councillor commences their term of office.

The mandatory training is valid for five years so a Councillor will only be required to undertake the training at every second election. If a Councillor completes the Diploma of Local Government and as part of that, completed the five modules of the Council Member Essentials, they meet the requirements of the Act. They are still required to undertake the Council Member Essentials training at every second election.

If a Councillor is undertaking the Diploma of Local Government and they do not complete all five modules of the Council Member Essentials as part of that study, they will need to

complete those units not covered in addition to the Diploma to meet the requirements of the Act. They are still required to undertake the Council Member Essentials training at every second election. Councillors have a responsibility to complete training in accordance with legislation. Non-compliance is an offence under the Local Government Act 1995 and punishable by a fine not exceeding \$5,000. The Shire must prepare a report for each financial year on the mandatory training completed by Councillors during the financial year. The report must be published on the Shire's website within one month after the end of the financial year to which the report relates.

3.2 Professional Development

In addition to mandatory training, Councillors are encouraged to identify their individual continuing professional development needs to enhance their effectiveness and address skill gaps as required. When determining their professional development activities, the Councillor should consider the current or future strategic direction and activities of the Shire and its priorities and the skills that will be needed to assist with decision making. Council supports the training and professional development activities of Councillors to be able to attend,

- The annual WA Local Government Association Local Government Week Convention; and
- Up to three separate training events including training courses, seminars, or workshops with accumulative total of up to three days per financial year.

Councillors are encouraged to share with Council learning and insights from training and conferences. For the purposes of this policy, the following are not classed as training:

- Advocacy and lobbying,
- Invitations for the Shire to accept or present an award; and
- Invitations to the Shire from partnership organisations.

(a) WA Local Government Association Local Government Week Convention

Council supports the attendance of Councillors and partners to the annual WA Local Government Association Local Government Week Convention. All costs for Councillors and an accompanying person for accommodation, meals, Partners Program and Conference dinner will be met by Council.

(b) Shire President Development

The role of Shire President is involved in advancing community cohesion and promoting civic awareness, as well as promoting partnerships with other stakeholders.

To enable the skill development of the Shire President in this role, Council supports additional training and professional development activities.

(c) Advocacy and Lobbying

The Council recognises the importance of advocacy and lobbying to higher levels of government and other stakeholders to increase the Shire's funding eligibility and opportunities, and to highlight priority projects. The Shire President (and CEO) will represent the Shire in advocacy and lobbying activities. The Shire President may delegate another Councillor to attend where appropriate.

(d) Interstate events

The Council will consider attendance at interstate events where there are demonstrable benefits to the Shire.

A proposal should be lodged with the Chief Executive Officer who will submit a report to the Council for consideration.

Unless otherwise resolved by Council, a maximum of two Councillors shall attend an interstate professional development event.

(e) International events

In general, the Shire does not support international travel. The Council will however consider proposals where there is demonstrable benefit to the Shire in so doing.

All proposals for overseas travel are to be considered at an open meeting of Council and a resolution made as to whether the travel is to take place.

Proposals are to include:

- Who is planned to take part in the travel?
- Proposed itinerary and expected duration,

- Objectives for undertaking the travel, including an explanation of what benefits will accrue from the exercise with an approximate budget; and
- Detailed costs, including a statement of any amount expected to be reimbursed by the participants.

After returning from the trip, a detailed report is to be provided to Council outlining the achievement of objectives and the benefits to the community that have occurred because of the travel.

3.3 Approved training providers

Mandatory Council Member Essentials training is required by the Local Government (Administration).

Regulations to be proved by:

- North Metropolitan TAFE
- South Metropolitan TAFE
- WA Local Government Association (WALGA)

Other training and professional development activities shall generally be limited to the following:

- WA Local Government Association (WALGA) conferences,
- Australian Local Government Association (ALGA) conferences,
- Australian Institute of Management,
- Australian Institute of Company Directors,
- Institute of Public Administration Australia
- Special 'one off' conferences called for or sponsored by WALGA or ALGA on important issues,
- Accredited organisations offering training relevant to the role and responsibilities of Councillors,
- Other local government specific training courses, workshops and forums, relating to topics on understanding the roles and responsibilities of Councillors, meeting procedures, decision making etc,
- Professional Industry training and conferences that would be of benefit to Council; and

3.4 Approval for raining and professional development

The CEO is to approve Councillor's training and professional development applications where:

- The application complies,
 - An application is forwarded to the CEO for approval in a reasonable time to meet the registration deadline.
 - Training and development is to be held within Australia;
 - There are sufficient funds available in the Councillor allocation to meet the costs of attendance,
- And
- Approval of attendance at an event does not impede a quorum at any scheduled Council or Committee meetings.

An absolute majority resolution is required to approve a Councillor request to attend training or professional development where:

- The application does not comply; and
- Sufficient funds are not available in the Shire's budget for this purpose.

3.5 Funding

The Shire will provide sufficient funds in the annual budget for Councillors to comply with their mandatory training requirements as elected members.

Funding will include actual costs, including registration, accommodation, meal, travel and incidentals which have been incurred.

Additional funding covering discretionary training and development together with expenses for internal workshops, strategic planning days, whole of Council training and development and internal training programs will be included in the Council training and professional development budget.

3.6 Allowable expenses Private vehicle

Councillors, who use their private vehicle for conference travel, will be reimbursed for vehicle

costs in accordance with the Local Government Officers (Western Australia) Interim Award 2021. Where a vehicle is used instead of air travel, reimbursement will be to a maximum amount equivalent to what it would have cost to travel by air.

(a) Air travel

Where air travel is required, travel requests should be provided at least one month prior to the travel date to allow adequate time for bookings to be made. This will allow the Shire to take advantage of any available discounts for early purchase. The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.

All air travel is to be by Economy Class, unless otherwise provided for by Council resolution. For trips in excess of six hours, Premium Economy Class can be used if available for those travel legs. Any costs incurred to allocate a seat in Economy Class will be at the expense of the Shire. The cost of any upgrade to Business Class is to be paid for by the Councillor. Councillors must not receive any personal frequent flyer loyalty points for air travel booked and paid for by the Shire.

(b) Accommodation

Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Accommodation charges, including breakfast, are not to exceed the allowance under the annual Commissioner of Taxation Determination for reasonable expense amounts Table 3 of for accommodation, unless specifically approved by Council.

Hire cars will only be paid for by the Shire if the CEO considers it the most effective means of travel when attending a conference or professional training. Standard taxi fares, or similar, or public transport for reasonable travel requirements, will be reimbursed upon return, on the production of receipts to verify the expense.

If a Councillor decides to extend a stay outside the approved times for the event, or varies the travel arrangements for personal purposes, all additional costs are at the Councillors

expense. Councillors must not receive any personal accommodation loyalty points for accommodation booked and paid for by the Shire.

(c) Meals and incidentals

Councillor costs for meals, refreshments and incidentals is not to exceed the annual Commissioner of Taxation Determination for reasonable expense amounts Table 2 Food and Drink and Incidentals.

(d) Accompanying person expenses

Where a Councillor is accompanied by another person, costs for or incurred by the accompanying person including, but not limited to travel, meals, registration and/ or participation in any event program, are to be borne by the Councillor and will not be paid for by the Shire.

3.7 Claiming expenses

Councillors are advised that care needs to be taken in making application for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as a Councillor.

Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts. All claims for reimbursement must be submitted to the Shire President on the expenses claim form within two weeks of completion of the training. Final claims relating to the financial year must be submitted by 31 July of that year. No back payment of claims relating to prior financial years will be permitted.

3.8 Travel insurance

Travel insurance for Shire related business trips including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects will be paid for by the Shire. Councillors must determine whether the benefits and endorsements of the above insurance cover is adequate. Councillors may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

3.9 Training register

In accordance with the Act the Shire will publish a report on the Shire's website within one month of the end of the financial year detailing the training completed by Councillors. In order to complete the register, Councillors shall, following completion of the training, provide evidence of completion of the training to the CEO. Councillors will be asked to confirm their completion or attendance as applicable prior to the publication of the register.

The register will state:

- Councillor name,
- Each training course or module completed,
- The cost of training and any associated travel and accommodation paid for by the Shire;
and
- The training provider or conference name. For reporting purposes, the costs of training completed as a group will be apportioned to each Councillor that was registered to attend

4. Definitions

- Incidentals, Includes snacks/food that is consumed outside of main meals, official telephone calls, internet and valet parking where public parking is not available.
- Private expenses: laundry, movies, magazines etc.

ADMINISTRATION

2.1 CODE OF CONDUCT COUNCIL EMPLOYEES

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

1. Introduction

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

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

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

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

1.1 Statutory environment

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

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

1.2 Application

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

2. Values/vision/mission

Conduct and behaviour will be consistent with the Shire's vision statement and guiding values as adopted by the Council from Time to time.

Vision Statement

A welcoming and friendly community recognising our rich heritage and embracing economic opportunity, whilst nurturing our natural and built environment.

3. Code of Conduct

3.1 Role of Employees

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

5.41. Functions of CEO

The CEO's functions are to:

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

Local Government Act 1995

3.2 Principles affecting employment by the **Shire of Sandstone**

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

5.40. Principles affecting employment by local governments

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

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) employees are to be treated fairly and consistently; and*

- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

Local Government Act 1995

3.3 Personal Behaviour

Employees will:

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

3.4 Honesty and Integrity

Employees will:

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

3.5 Performance of Duties

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

3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies

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

3.7 Administrative and Management Practices

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

3.8 Intellectual Property

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

3.9 Recordkeeping

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

3.10 Dealing with Other Employees

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

3.11 Dealing with community

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

3.12 Professional Communications

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

3.13 Personal Communications and social media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Sandstone, its Council Members, employees or contractors, which breach this Code.

- (c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

3.14 Personal Presentation

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

3.15 Gifts

- (a) Application

This clause does not apply to the CEO.

- (b) Definitions

In this clause –

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

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

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

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

associated person means a person who —

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

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

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

gift —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
- (b) does not include —
 - (i) a gift from a relative as defined in section 5.74(1); or
 - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or

- (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

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

gift means —

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

travel includes accommodation incidental to a journey;

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

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

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

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

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

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

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

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

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

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

reportable gift means:

- (i) a gift worth more than \$10 but less than \$300; or
- (ii) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$5 but less than \$100.

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

threshold amount, for a prohibited gift, means —

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

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

(c) Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined \$100 as the threshold amount for prohibited gifts.

- (d) Employees must not accept a prohibited gift from an associated person.
- (e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
- (f) The notification of the acceptance of a reportable gift must be in writing and include:
 - (i) the name of the person who gave the gift; and
 - (ii) the date on which the gift was accepted; and
 - (iii) a description, and the estimated value, of the gift; and
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (v) if the gift is one of two or more accepted from the same person within a period of one year:
 - (1) a description;
 - (2) the estimated value; and
 - (3) the date of acceptance,of each other gift accepted within the one year period.
- (g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- (h) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire of Sandstone's official website.
 - (i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

3.16 Conflict of Interest

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

3.17 Secondary Employment

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

3.18 Disclosure of Financial Interests

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

3.19 Disclosure of Interests Relating to Impartiality

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

interest —

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

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

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

3.20 Use and Disclosure of Information

- (a) Employees must not access, use or disclose information held by the Shire of Sandstone except as directly required for, and in the course of, the performance of their duties.
- (b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire of Sandstone's policies and procedures.
- (c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their

obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire of Sandstone.

- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
 - (i) is authorised by the CEO or the CEO's delegate; or
 - (ii) is permitted or required by law.

3.21 Improper or Undue Influence

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

3.22 Use of Shire of Sandstone Resources

- (a) In this clause –

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

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

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

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

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

3.23 Use of Shire of Sandstone Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire of Sandstone's finances.

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

3.24 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager or the CEO, in accordance with the Shire of Sandstone's relevant policy's.

3.25 Handling of Suspected Breaches of the Code of Conduct

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

3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

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

3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

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

2.2 STAFF ATTRACTION AND RETENTION BENEFITS

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Over Award Payments

Non-Contract Staff are engaged by the Shire of Sandstone in accordance with the Local Government Officers Award or Municipal Employees Award that clearly stipulates classifications with minimum weekly rates effective from time to time. Any wage adjustment is to take effect from the first pay period of any new financial year unless otherwise directed by the WA Industrial Relations Commission.

In recognising the need to attract quality personnel to Sandstone, but at the same time, recognising the responsibilities associated with each level, an over-award payment percentage is to be loaded to the minimum rates applicable.

Furthermore, in recognition of the responsibilities associated with conducting the role of Leading-Hand within the Construction Crew, a Leading Hand Allowance is applicable.

The Shire of Sandstone Over-Award Payment Percentage is:	45%
The Shire of Sandstone Leading Hand Allowance (per week) is:	\$125

Roster System

Additionally, employees engaged on Roads Construction and Roads Maintenance be permitted to work a roster system of 6 on 1 off 6 on 8 off and that these shifts consist of 10-hour days.

Calculations of Annualised Hourly Rates are attached to this policy as a confidential item and therefore not available to the public.

Annualised hourly rates includes all wages, allowances, overtime, penalty rates and other loadings, including annual leave loading.

Both the Over-Award Percentage and Leading Hand Allowance will be reviewed annually in accordance with the review of the full Policy Manual and prior to the setting of the annual budget.

Performance and Service Recognition Scheme

This to be amended to become the “**Sandstone Location Allowance**”.

This allowance is paid to all staff not employed on the Roads Construction, Roads Maintenance roster system.

On 1st July each year the period of service be determined for each eligible employee.

Years of Service	Allowance
0 to 1	115.38 Per Fortnight
1 to 2	153.85 Per Fortnight
2 to 3	192.31 Per Fortnight
3 to 4	230.77 Per Fortnight
4 to 5	269.23 Per Fortnight
5 or more	288.46 Per Fortnight

This allowance is an incentive for staff to remain with the Shire of Sandstone, a system recognising a combination of exemplary performance and longevity of service applies to all full-time, part-time staff, with part-time employees being entitled to a pro-rata payment.

Superannuation Contributions

That Councils contribution for Superannuation will be as follows: -

- That Council contributes 5% to those employees contributing 1% or greater of their own gross pay to the employees Superannuation Scheme.
- Contributions by Council to the Compulsory Occupational Superannuation Scheme will be at the rate set from time to time in line with the Superannuation Guarantee Component (SGC).
- Council reserves the right to negotiate alternative contributions for employees engaged on a negotiated contract of employment.

Annual Leave

In recognition of the isolation employees within the Sandstone community face, Council will provide all staff with an additional one week of Annual Leave over and above the award or contract provisions for all employees.

Annual Leave is provided to staff to allow them to take a break and recuperate from the rigors of work and as such they are encouraged to take leave annually. Staff will not be allowed to accrue more than 2 years accruals of annual leave unless they are planning an extended holiday and then only with the permission of the Chief Executive Officer.

Cashing Out of Annual Leave.

Cashing out annual leave means an employee receives payment instead of taking time off work.

Some awards and registered agreements allow annual leave to be cashed out, so check the award or registered agreement that covers your employee. Award and agreement-free employees may agree with their employer to cash out annual leave at any time. In all cases when cashing out is allowed, the following applies:

- the employee must retain at least 4 weeks annual leave.
- the payment for cashed out annual leave must be the same as what the employee would have been paid if they took the leave.
- an employer can't force or pressure an employee to cash out annual leave.

- there must be a written agreement with the employer.

An award or registered agreement may also limit the amount of annual leave an employee can cash out or the timeframe in which it can be cashed out.

If the award says that employees can cash out annual leave, employers and employees must make a record about the agreement to cash out annual leave on each occasion. This agreement must:

- be signed by both the employee and the employer.
- say the amount of leave being cashed out.
- say the amount that will be paid for the leave.
- say the date this will be paid, and
- if the employee is under 18, then it must be signed by their parent or guardian.

Employers must keep a copy of this agreement with the employee's records.

Application to Cash out see Attachment 1

Travel Leave

In recognition of the isolation employees within the Sandstone community face, Council will provide staff with two days additional Sick Leave for the purpose of travelling for medical and dental attention for the employee or an immediate family member who is domiciled with the employee. This leave is to be non-cumulative.

Removal/Relocation Expenses

That Council, in an effort to encourage quality staff to the Shire of Sandstone, contributes to removal/relocation expenses up to a maximum of \$4,500.00 Reimbursement of the removal/relocation expenses will be as follows: -

- 50% of the cost being repaid to the employee immediately after commencement.
- The balance to be repaid following 6 months service.

In respect to prospective employees that will be negotiating a contract of employment with the Shire of Sandstone, Council reserves the right to negotiate individually with the prospective employee regarding removal/relocation expenses.

If an employee leaves the employment of the Shire within 12 months of commencement 50% of any relocation costs are to be reimbursed to the Shire of Sandstone.

Purchase of FBT Exempt Equipment

The Shire of Sandstone supports staff in their purchase of Fringe Benefits Tax exempt work-related items such as a portable electronic device, an item of computer software, item of protective clothing, briefcase or tool of trade through salary sacrifice, subject to persons satisfying the Australian Tax Office requirements. Salary cannot be sacrificed to purchase desktop Personal Computers or peripherals such as monitors, scanners, etc.

Staff have the option to either purchase a product and seek reimbursement or Council will remit payment to the supplier directly. Staff will be provided with the opportunity to repay

this balance via payroll deductions over a period of up to twelve months. Staff members leaving the employ of Council prior to their full balance being recovered will be required to remit the balance automatically via their termination payment.

Staff Training

That Council allows appropriate accommodation (including meals) and travel expenses to be incurred by Staff when attending Training Seminars and Courses. Accommodation is to be arranged only by the relevant Executive Manager. Payment for private accommodation shall not be granted unless approved by the Chief Executive Officer.

Retirement Seminars

Within 24 months of an employee approaching retirement, application may be made to the employees' appropriate Manager for the employee to attend a seminar on retirement planning at shared cost.

Council's contribution may be to a maximum of \$1,000.00.

Office Uniform Policy

To maintain Council's corporate image administration staff are encouraged to wear a uniform or appropriate non-corporate attire. To support the wearing of uniforms and corporate attire Council will contribute up to \$500 per employee per year. Any additional cost is to be incurred by the employee.

Staff Housing

All tenancies of Shire residences are subject to the requirements of the Residential Tenancies Act 1987 [referred to hereafter as the Act], and the Shire of Sandstone Tenancy Agreement attached hereto and as from time to time amended by Council. The Agreement shall provide for the termination of the tenancy on termination of employment with the Shire.

Persons other than the tenant and direct family of the tenant are only permitted to stay in the house for a maximum of two weeks after which direct Chief Executive Officer (CEO) approval is required.

Unless otherwise stipulated in their employment contract, a security bond, currently \$1,000, as set by Council in the annual budget current at the time of employment, is to be paid. The CEO bond will be the same as other employees. Where a tenant intends to keep pets particularly dogs and cats, an additional bond of \$250 is to be paid. All bonds will be held in the Shire of Sandstone Trust Account.

The security bond may be paid by payroll deduction out of the first 6 full pays, and the pet bond (where applicable) taken out of the 7th pay.

CEO approval, in writing, is required for other than the designated tenant to stay in the house whilst the designated tenant is away on leave.

Housing will only be provided to employees in cases where the position involves a minimum of 20 hours or greater per week.

Shire housing will only be provided if a vacant residence is available, and the provision or non-provision will be negotiated in each separate engagement of employees. This is to cover circumstances when housing is not available, or the CEO determines for any reason not to provide housing for a particular employee or position. Nothing in this policy document should infer an obligation on behalf of the Shire to provide housing to all its employees. Shire housing cannot be utilised for any purpose other than as a dwelling without the express permission of Council.

Shire housing will not be provided to an employee who owns a house in Sandstone.

All rentals will be subject to a standard Residential Tenancy Agreement with vacation of the property no later than 14 days from employment with the Shire of Sandstone ceasing.

All tenancies will be subject to regular housing inspections – Quarterly in January, April, July, and October or more frequently if the need is so determined.

No smoking is permitted in any Council property allocated for Staff Housing.

Water Charges in Staff Houses (Council Owned)

That Council will pay all water accounts for staff residences as part of its operating maintenance to a maximum of \$2,500.00. accounts over and beyond that amount will become the responsibility of the tenant.

Power Charges in Staff Houses (Council Owned)

That Council will pay all power accounts for staff residences as part of its operating maintenance.

Gas for all non-contract staff is paid by Council.

Due to some houses having solar panels and some having reticulation giving tenants of those houses an unfair advantage over others Council will pay all electricity and water consumption costs.

The Chief Executive Officer has authority to negotiate Council contributions to these expenses within budget provisions as required to assist in attracting and retaining employees.

Housing Incentive Payments

Housing Incentive Payments be granted to all Shire Employees not residing in accommodation provided by Council at the rate of \$160.00 per week. Housing Incentive Payments provided to employees engaged on a permanent part-time basis will be applied on a pro-rata basis.

Where Council accommodation is provided, it is done so on a rent-free basis.

Where employees provide their own caravan no caravan park fees are payable, provided they work the minimum hours required. (See Staff Housing Minimum Hours)

Employees/Recognition of long and outstanding service

That for the purpose of section 5.50 (1) of the Act, the following maximum amounts be spent on a presentation gift to employees who retire or resign after a period of satisfactory service, at the CEO's discretion –

where an employee leaves prior to 5 years' service – up to a value not exceeding \$20 for each year (or part) of service.

5 – 10 years – up to a value not exceeding \$100, plus \$25 for each year (or part) of service over 5 years

10 – 15 years – up to a value not exceeding \$250 plus \$40 for each year (or part) of service over 10 years

15 – 20 years – up to a value not exceeding \$500 plus \$55 for each year (or part) of service over 15 years

20 years plus– up to a value not exceeding \$800 plus \$70 for each year (or part) of service over 20 years.

The Council reserves the right to pay an additional amount to that set out in this policy, where it considers circumstances warrant, in which event local public notice will be given.

Attachment 1

Application to Cash out Annual Leave.

Name of employee:

Name of employer:

The employer and employee agree to the employee cashing out a particular amount of the employee's accrued paid annual leave:

The amount of leave to be cashed out is: ___ hours.

The payment to be made to the employee for the leave is: \$ _____ subject to deduction of income tax.

The payment will be made to the employee on: ___/___/____

Signature of employee:

Date signed: ___/___/____

Name of employer representative:

Signature of employer representative:

Date signed: ___/___/____

2.3 POLICE AND MEDICAL CLEARANCES

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

PURPOSE/OBJECTIVE

It is normal practice for a Council to require of a prospective employee to obtain a police and medical clearance prior to being officially appointed.

Sandstone, being located in a remote area, can find this practice very difficult and there is a need to make some provision within a Policy to cover this situation.

POLICY STATEMENT

1. All persons engaged to commence employment with the Shire of Sandstone must obtain a POLICE CLEARANCE which must be current.
2. All persons engaged to commence employment with the Shire of Sandstone must obtain a MEDICAL CERTIFICATE from a qualified medical practitioner, with such clearance covering all requirements of the Shire of Sandstone as contained in the "PRE-PLACEMENT MEDICAL REPORT".
3. In the event that a Police Clearance is not supplied to the Shire prior to commencement then such appointment will be subject to the provision of a satisfactory police clearance within 1 (one) week of the commencement.
4. In the event that a satisfactory Medical Certificate is not supplied to the Shire prior to commencement then such appointment will be subject to the provision of a satisfactory Medical Certificate within 2 (two) weeks of the commencement.
5. It is a condition of employment at the Shire of Sandstone that all new employees are required to provide the Shire with a current police clearance and a current pre-employment medical certificate as prescribed in this policy. Any prospective employee who fails to provide these clearances to the Shire in accordance with this policy will not

have their employment confirmed by the Shire and they will be deemed to have failed to meet the probationary conditions of employment.

6. On the production of a receipt for the clearances the Shire of Sandstone will make a full re-imburement of the cost of obtaining them to the employee.

2.4 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

EQUAL OPPORTUNITY POLICY STATEMENT

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

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

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

Council will exercise the conditions and requirements of its Equal Opportunity Management Plan.

2.5 DISCRIMINATION, BULLYING AND HARASSMENT

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Policy Statement

The Shire of Sandstone and its employees are committed to providing a working environment where every employee is treated equally, fairly and without prejudice. 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 Sandstone in any capacity.

Unlawful Discrimination

An employee is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance because of any one of the grounds of discrimination outlined below. Indirect discrimination can occur where a practice or requirement is imposed upon all employees; however a high proportion of employees with an attribute cannot comply with, or are affected by, that practice or requirement.

The Shire of Sandstone acknowledges its responsibilities and obligations pursuant to State and Federal equal opportunity and anti-discrimination laws.

The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

1. Age;
2. Family responsibility or status;
3. Race or colour;
4. Sex including gender identity, sexual orientation and intersex status;
5. Physical or mental disability;
6. Marital status;
7. Political or religious conviction;
8. Pregnancy;
9. Criminal record;
10. Breastfeeding;
11. Gender history;
12. Impairment;
13. National extraction or social origin; and
14. Trade union activity

Sexual Harassment

The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

1. Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
2. Gestures of a sexual nature;
3. Leering or staring;
4. Offensive telephone calls, emails, text messages or notes;
5. Sexual suggestive jokes or comments;
6. Tales of sexual exploits;
7. Repeated requests for a date;
8. Unwelcome comments or questions about a person's sex life, appearance or dress; and
9. Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

Bullying

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act 1984 (WA)* and the *Occupational Safety and Health Regulations 1996 (WA)*.

Some examples of bullying include, but are not limited to:

1. Loud, abusive or offensive language or comments;
2. Yelling and screaming;
3. Unjustified criticism and insults;
4. Unjustified threats of dismissal or other disciplinary action;
5. Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
6. Spreading malicious rumours or misinformation;
7. Inappropriate comments about an employee's appearance, lifestyle or family;
8. Deliberately excluding an employee from workplace meetings or activities;
9. Hiding documents or equipment or withholding vital information required for effective work performance;
10. Constantly changing targets or work guidelines;
11. Overloading an employee with work and impossible deadlines;
12. Setting tasks that are unreasonably below or beyond an employee's level of skill;
13. Threats of assault or violence or actual violence;

14. Teasing and practical jokes; and
15. Isolating or ignoring an employee on a constant basis.

Where an employee makes a threat of violence or assaults another employee the police should be called.

Reasonable Management Action

The Shire of Sandstone has a right to take reasonable management action to direct the way in which work is conducted and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

1. The establishment and regular use of performance management systems;
2. The setting of reasonable performance targets and deadlines;
3. Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
4. Issuing a lawful and reasonable direction to an employee to complete a work task;
5. Preparing and amending a roster for employees;
6. Transferring an employee to a different work location for operational reasons;
7. Implementing organisational change;
8. Informing an employee about inappropriate behaviour in a confidential manner; and
9. Taking disciplinary action against an employee.

Other Behaviours not Considered to be Bullying

Where two or more employees have a difference of opinion and disagree on an issue, this is not usually considered to be workplace bullying. However, where conflict escalates and is repeated it may meet the definition of workplace bullying.

Additionally, bullying does not occur where bullying behaviour is a one-off occurrence and if that behaviour does not create a risk to health or safety.

Ways in which Bullying can Occur

There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual employee or a group of employees and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers.

What to do if you think you are being Discriminated Against, Sexually Harassed or Bullied

Refer to the Grievance Policy and Grievance Procedure for steps to take if you think you are being discriminated against, sexually harassed, or bullied, or if you suspect another employee is experiencing any of those things.

Roles & Responsibilities

To ensure the intent of this policy is realised various roles within the Shire of Sandstone must assume certain responsibilities.

The Employer

The Shire of Sandstone will endeavour to:

1. provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
2. provide and maintain safe systems of work;
3. provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
4. treat all employees fairly; and
5. take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.

All the Organisation's Employees

Employees are required to:

1. report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
2. follow all policies and procedures of the Shire of Sandstone;
3. ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying; and
4. treat all employees fairly and with respect.

Consequences of Breaching This Policy

Any breach of this policy may result in disciplinary action up to and including termination of employment.

2.6 PROFESSIONAL DEVELOPMENT

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Council supports the training and professional development of elected members and staff to meet identified needs and adequately carry out their duties and further develop their careers. Council also acknowledges the value of staff attending conferences and the CEO will consider each request for such attendance on its merits.

Council will make adequate provision in the annual budget for costs incurred as per policy in the provision of training/professional development and conference attendance.

Attendances to be within budget unless approved by Council.

2.7 PAYMENT OF EXPENSES

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Where an officer is authorised to attend a conference or course, Council shall pay for fees, travelling and accommodation costs.

Where an officer is required to travel on approved Council business, Council shall pay travelling and accommodation costs.

Travelling costs shall be:

- In the case of travel by motor vehicle, travel shall be in a Council vehicle unless agreed between Council and the officer.

A condition of agreement will be that in the absence of the above the following applies:

- Rates of hire for use of an Officer's own motor vehicle on official business shall be as follows:

Area and Details	Engine displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
		Cents per kilometre	
Metropolitan area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of state	99.01	70.87	58.37

Motorcycle Rate c/km

Distance travelled 32.55

- 30.6.1 Motor vehicles with rotary engines are to be included in the 1600 - 2600 category.

- 30.6.2 Metropolitan area means that area within a radius of 50 kilometres from the Perth Railway Station.
- 30.6.3 South West Land Division means the South West Land Division as defined by Section 28 of the Land Act.
- 30.6.4 Other areas means that area of the State south of 23.5 degrees South Latitude, north of 23.5 degrees South Latitude, excluding the Metropolitan area and the South West Land Division.

In the case of other types of travel, the actual cost of travel

2.8 OCCUPATIONAL HEALTH & SAFETY

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

The Shire of Sandstone regards the promotion of sound and effective Occupational Safety and Health practices as a common objective for the CEO, Managers, Supervisors, Employees and Contractors.

The Policy of the Shire of Sandstone is to ensure that every employee works in an environment where direct efforts are made to prevent accidents, injury and disruption to employees' health and foreseeable work hazards.

The Shire of Sandstone acknowledges a duty to achieve these objectives by:

- Providing and maintaining a safe working environment.
- Providing adequate training and instruction to enable employees to perform their work safely and effectively.
- Investigating all actual and potentially injurious occurrences in order to eliminate the cause and reduce the level of risk.
- Comply with AS/NZS 4801 Occupational Health and Safety Management Systems audit tool.
- Compliance with Occupational Safety and Health (OSH) Act 1984, 2005 amendments, and Regulations 1996, relevant OSH Australian Standards, Codes of Practices and Guidance Notes.

Employees have a duty of cooperation in the attainment of these objectives by:

- Working with care for their own safety and that of other employees, contractors and public who may be affected by their acts or omissions.
- Using supplied personal protective clothing and equipment which is to be non-reflective day use clothing
- Reporting conditions which appear to be unsafe to their supervisor.

- Cooperating in the fulfilment of the obligations placed on their employer.
- Assisting in the investigation and the reporting of any accidents with the objective of introducing measures to prevent re-occurrence.

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

INJURY MANAGEMENT

Background

Injury management focuses on early reporting, rehabilitation and return to work strategies to assist the injured worker make an early and safe return to work.

Objective

To meet the Shire's obligations under *Workers' Compensation and Injury Management Act 1981* by adopting a documented Injury Management System.

Aim of the Injury Management System

To provide the best possible response to the management of workplace injuries, so injured workers can remain at work or return to work at the earliest appropriate time.

Policy

The Shire is committed to assisting injured workers to return to work as soon as medically appropriate and will adhere to the *Workers' Compensation and Injury Management Act 1981* in the event of a work related injury.

Management supports the injury management process and recognises that success relies on the active participation and cooperation of the injured worker. Wherever possible, suitable duties will be arranged internally having regard for the injured workers' medical restrictions.

Injury Management Steps

When there is an injury at work the Shire will:

1. Take all necessary action to provide the injured worker with immediate first aid and access to appropriate medical assistance:

The Injury Management Coordinator is the Works Supervisor and CEO.

2. The Injury Management Coordinator will inform the appropriate parties as soon as possible if an injury occurs in the workplace. The appropriate parties are:

Insurance Brokers – LGIS, phone Perth office 08 9483 8888; and

The Chief Executive Officer, Shire of Sandstone.

3. The Injury Management Coordinator will inform the injured worker of the need to obtain a First Medical Certificate.
4. The worker will be supplied with a workers' compensation claim form.
5. The worker will be assisted to complete the claim form.
6. The First Medical Certificate and the claim form will be lodged with the Insurance broker within three working days.
7. Close contact will be maintained with the injured worker to check on progress and make arrangements for the worker to remain at work or return to work as soon as medically appropriate.
8. A Return to Work Program will be prepared, in consultation with the treating medical practitioner and the injured worker, when required.
9. The worker will be referred to a workplace rehabilitation¹ provider when required.
10. Progress towards the return-to-work goal will be monitored and recorded.
11. Regular communication will be undertaken with the insurance broker and insurer in relation to the injured workers' claim.

Injury Management: Policy and Procedure Manual and a Guide for Employers

The Shire adopts the Injury Management: Policy and Procedure Manual including the Injury Management: A Guide for Employers published by Workcover.

¹ For the purposes of this System, the term "workplace rehabilitation" means "vocational rehabilitation" as defined in the *Workers' Compensation and Injury Management Act 1981*.

2.9 SMOKING

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

That a 'No Smoking' policy throughout all Council owned and operated buildings, including staff housing, depot yards and vehicles/plant be adopted and enforced. No smoking within 5 meters of the Visitors Centre, Caravan Park office and Administration building.

2.10 NEGOTIATED SALARIES

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

That the following salaries and conditions are reviewed annually on anniversary dates by the Chief Executive Officer on a performance-based criteria and that following the review, the Chief Executive Officer is to submit recommendations to Council for consideration.

2.11 ACTING CHIEF EXECUTIVE OFFICER

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

That when the Chief Executive Officer is on Annual Leave or Extended Sick Leave the appointment of an Acting Chief Executive Officer will be at Council's direction and/or resolution.

In the event of the Chief Executive Officer taking Long Service Leave a relieving Chief Executive Officer is to be appointed by Council.

2.12 2.12 USE OF LOCAL GOVERNMENT EQUIPMENT

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

There should be no private use of Local Government equipment contained within the Depot, Administration Centre or Tourist Information Centre by employees for commercial gain.

Local Government owned lawn mowers and whipper snippers may be utilised by staff for personal use at shire owned housing, any other equipment may be hired by staff on the same basis as the public and subject to Councils hire of equipment policy

All Local Government equipment should be marked clearly to identify it as belonging to the Shire of Sandstone and returned to the facility taken from within the period of time agreed (preferably on the weekend of Rostered Days Off).

Any employee found utilising equipment outside of the circumstances approved by the Chief Executive Officer or utilising the equipment in such a manner to be considered negligent, that employee will forfeit future access to any Council equipment.

2.13 RESERVES – NOTIFICATION TO SURROUNDING LANDOWNERS

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

That when notice is received concerning any proposed changes in status of land (other than ownership) to Reserves, Council as a matter of courtesy notifies all adjoining landowners of the proposed changes for their information and/or comment.

2.14 COUNCIL CHRISTMAS FUNCTION

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

That the Chief Executive Officer is authorised to organise an Annual Christmas Function for shire elected members, employees and their partners and the community with costs to be within pre-determined budget provisions.

2.15 VEHICLE POLICY

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Objective

The objective of this policy is to help ensure Council's vehicles, plant & equipment is replaced at a time which optimises its use and minimises the whole of life cost.

Policy Provisions

In order to enable this policy to be implemented effectively and to eliminate the requirement to amend this policy each time vehicles, plant or equipment is replaced, Councils current list of plant has been separated into various categories with a replacement strategy for each category.

This policy is intended to be the basis for the on-going review of Council's 10-year replacement programme.

LIGHT VEHICLES

Level	Type & Description	Replacement Strategy	Accessories
1. CEO	4WD Executive Vehicle – Toyota Landcruiser GXL or equivalent	100,000 or 4 years	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, Sat phone, new UHF radio, emergency GPS, first aid kit, fire extinguisher, Spotlights
2. Works Supervisor	4WD Toyota Hilux SR5 dual utility – canopy with Council Approval	100,000 or 4 years	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, Sat phone, new UHF radio, Emergency GPS, flashing beacon, first aid kit, Spotlights
3. Workshop	Vehicle Suitable for mechanic to carry out duties in the field.	100,000 or 5 years	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, new UHF radio, first aid kit, fire extinguisher, twin flashing beacons
4. Gardener	2WD utility – Toyota Hilux or equivalent	100,000 or 4 years	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, new UHF radio, Sat Emergency GPS, fire extinguisher, first aid kit, twin flashing beacons phone,
5. Maintenance Pool Vehicle	2WD utility - Toyota Hilux or equivalent	100,000 or	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, new UHF radio, first aid kit, fire extinguisher, twin flashing beacons

SHIRE OF SANDSTONE
COUNCIL POLICY MANUAL

		4 years	
6. Community Bus	Hi Ace Commuter Bus DSL A/T or equivalent	80,000 or 7 years	Spotlights, UHF, Floor Mats, Tow bar, Bullbar, Denim seat covers, dash mat, GPS

LIGHT TRUCKS

Rubbish Truck	Max GCM 10,000	80,000 or 7 years	Cage, bin lifter, tow bar, window tint, floor mats, seat covers, UHF radio, roo bar
Maintenance Truck as maintenance Grader vehicle	Max GCM 11,000, 3 – 4 metre tray, 4x4 with equipment to allow for the running of caravan and maintenance grading operations	180,000 or 5 years	Hiab, Roo bar, towbar, window tint, floor mats, dash mat, seat covers, UHF radio, Emergency GPS, twin flashing beacons, tool box
Crew Cab	Max GCM 16,000, 4 - 5 metre tray,	180,000 or 5 years	Roo bar, towbar, window tint, floor mats, dash mat, seat covers, UHF radio, Sat phone, Emergency GPS, small car fridge, twin flashing beacons, tool box

MISCELLANEOUS PLANT ITEMS

Trailers		10 years	
Fire Unit		15 years	As specified by DFES
Bore Boss		10 years	After 5years do a complete overhaul of pipe and pump equipment, generator and trailer. Any future replacement is to be referred to Council.

HEAVY VEHICLES

Construction Grader	14-foot blade, pusher block, rear rippers, spare wheel & carrier, slope meter	10,000 hours or 8-9 years	Window tint, floor mats, seat covers, UHF radio, Emergency GPS, fire extinguisher, twin flashing beacons
Maintenance Grader	180 kw engine – approx, 14-foot blade, pusher block, rear rippers, spare wheel & carrier, slope meter	10,000 hours or 8-9 years	Window tint, floor mats, seat covers, UHF radio, Sat phone, Emergency GPS, first aid kit, fire extinguisher, twin flashing beacons
Prime Mover – side tipper	GCM 105,000 approx.	175,000 or 5 years	Roo bar, towbar, window tint, floor mats, seat covers, UHF radio, Sat phone, Emergency GPS, first aid kit, fire extinguisher, twin flashing beacons
Prime Mover – water tanker	GCM 50,000 approx.	175,000 or 5 years	Roo bar, towbar, window tint, floor mats, seat covers, UHF radio, first aid kit, fire extinguisher, twin flashing beacons,
Loader	Approx. 160kw, 3.8 – 4.2 cum bucket rock bucket with lifting eye fitted	7,500 hours or 8 years	Window tint, floor mats, seat covers, UHF radio, fire extinguisher, first aid kit, twin flashing beacons
Loader	Up to approx 130kw, 3 m3 bucket with hydraulic quick	7,500 hours or 8 years	Window tint, floor mats, seat covers, UHF radio, fire extinguisher, first aid kit, twin flashing beacons

	hitch to suite existing attachments.		
Side Tipper Trailers		10 years	After 5 years do a complete overhaul of trailer including paint.
Vibe Steel roller	Approx. – 18 tonnes	7,500 hours or 8 years	twin flashing beacons, Window tint, floor mats, seat covers, UHF radio, fire extinguisher
Multi tyred rubber Roller	Approximately 20 tonnes	7,500 hours or 8 years	twin flashing beacons, Window tint, floor mats, seat covers, UHF radio, fire extinguisher
Dolly		10 years	After 5years do a complete overhaul of trailer including paint.
Water Cart		10 years	Spray and pump equipment to be upgraded/ updated every 5 years.
Fuel Tanker Trailer		12 years	After 5 years do a complete overhaul of pump, tank and trailer including paint.
Low Loader		10 years	After 5years do a complete overhaul of trailer including paint.

STAFF USE OF LIGHT VEHICLES

All vehicles must be returned in a clean state after cessation of employment.

Level 1 – CEO

Unrestricted use of vehicle by the officer and spouse including periods of annual service leave within Western Australia – to be reviewed at time of appointing a new CEO. Council is to meet all the operating expenses with the exception that all fuel costs for Annual Leave are to be paid by the CEO. Vehicle will not be available for Long Service Leave or extended leave.

Council to meet all operating expenses other than fuel and servicing expenses incurred outside of Western Australia.

The CEO vehicle is to be made available as the Pool Vehicle when it is not being used by the CEO

Level 2 – DCEO

Unrestricted use of vehicle by the officer and spouse including periods of annual service leave within Western Australia – to be reviewed at time of appointing a new DCEO. Council is to meet all the operating expenses with the exception that all fuel costs for Annual Leave are to be paid by the DCEO. Vehicle will not be available for Long Service Leave or extended leave.

Council to meet all operating expenses other than fuel and servicing expenses incurred outside of Western Australia.

The DCEO vehicle is to be made available as the Pool Vehicle when it is not being used by the DCEO

Level 3 – Works Supervisor

Limited private use - entitles the Works Supervisor and a driver designated by the Works Supervisor to use the motor vehicle for both business and private purposes Southwest Land Division in Western Australia. Council is to meet all the operating expenses with the exception that all fuel costs for Annual Leave are to be paid by the Works Supervisor. Vehicle will not be available for Long Service Leave or extended leave.

2.16 GRIEVANCES, INVESTIGATION AND RESOLUTION

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

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 Sandstone in any capacity.

Roles

Complainant: An employee who raises a complaint about a matter regarding the workplace.

Respondent: An employee who is alleged to have acted in a manner which caused the Complainant to raise a complaint.

Support Person: 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.

Witness: A person (including an employee) who is requested by the Shire of Sandstone 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 Shire of Sandstone’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 manager.

If the manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach the CEO.

If the CEO is the Respondent in the matter, the Complainant should approach the Shire President.

The employee who receives the complaint must contact the CEO, or the Shire President if the CEO is the Respondent, 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 Sandstone 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 Sandstone 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;
 - the Respondent is entitled to receive verbal or written communication from the Shire of Sandstone 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 Sandstone 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 the 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 Sandstone for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Victimisation of Respondent

A Respondent must not be victimised by the Complainant or any other employee of the Shire of Sandstone. Anyone responsible for victimising a Respondent 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 Sandstone 's employees will be notified of any variation to this policy by the normal correspondence method.

2.17 DISCIPLINARY PROCEDURES

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Policy Statement

The Shire of Sandstone may from time to time consider that issues of employee behaviour, misconduct or unacceptable performance levels require disciplinary action.

Application

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

Commitment

The Shire of Sandstone is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with the Shire of Sandstone's policies, procedures and guidelines (Policies). Any disciplinary procedure will be applied in a consistent, fair and objective manner, and it will ensure that, where reasonable, employees are given an opportunity and assistance to improve.

Authority to take Disciplinary Action

Disciplinary action may only be taken when authorised by the manager. The manager may only approve disciplinary action after consultation with the CEO.

When the Disciplinary Policy Applies

Some examples of when this policy may be invoked include breaches of the Shire of Sandstone's policies and procedures including, but not limited to:

- breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or
- poor performance such as frequently attending for work late or producing a poor quality of work; or
- inappropriate behaviour such as theft, violating the Discrimination, Harassment and Bullying Policy, or wilfully disobeying a lawful instruction.

General Disciplinary Principles

The following principles will apply to any disciplinary action taken:

- **Nature of allegation and investigation:** Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may follow, in accordance with the *Grievances, Investigations & Resolution Policy and*

Procedure;

- **Right to a support person:** Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of a support person is not to advocate on behalf of anyone, but to simply provide emotional or other support;
- **Confidential:** All parties must keep matters related to a disciplinary process confidential;

And

- **Fair and impartial:** The Shire of Sandstone strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

Serious Misconduct

Serious misconduct pursuant to the *Fair Work Regulations 2009* includes, but is not limited to:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to the health or safety of a person; or their reputation, viability or profitability of the Shire of Sandstone's organisation;
- the employee, in the course of the employee's employment, engaging in:
 - theft; or
 - fraud; or
 - assault;
- the employee being intoxicated at work; or
- the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

If an employee engages in serious misconduct, disciplinary action that may be taken includes, but is not limited to, summary dismissal (termination of employment without notice).

Other Disciplinary Action

With the exception of serious misconduct, where an employee has engaged in an act or omission which is inconsistent with any of the Shire of Sandstone's Policies, the employee could be disciplined as follows:

- **Verbal warning** – Where an employee engages in an act or omission which is inconsistent with the Policies, the Management has the discretion to issue the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee's personnel file;
- **Written warning** – If the employee engages in a more serious act or omission, or acts in a manner which is inconsistent with the Policies, the Management

has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning; and

- **Termination of employment with notice** – In cases other than summary dismissal, an employee's employment may be terminated with notice or payment in lieu of notice provided the Shire of Sandstone has a valid reason for terminating the employee's employment and the employee has an opportunity to respond to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the Shire of Sandstone's discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

Principles to be Applied

Where disciplinary action is taken, the principles of procedural fairness must prevail. These principles are expanded on in the Shire of Sandstone's Grievances, Investigations, and Resolutions Policy and Procedure.

Investigation Procedures for Alleged Misconduct

Investigations into alleged misconduct should follow the processes detailed in the Shire of Sandstone's Grievances, Investigations, and Resolutions Policy and Procedure.

Reporting Obligations

If an officer or employee of the Shire of Sandstone has reporting obligations pursuant to the *Corruption and Crime Commission Act 2003 (WA)* and suspects on reasonable grounds that a matter arises which concerns or may concern misconduct, the Corruption and Crime Commission must be notified of that matter as soon as reasonably practicable.

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

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.

2.18 FITNESS FOR WORK

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

6 Purpose

This procedure outlines guidelines and the expectations of the Shire of Sandstone to demonstrate their duty of care under the Occupational Safety and Health Act and control the incidence of risk of injury or accident as a result of an employee being unfit for work.

As an employer the Council is obliged to provide a safe workplace so that employees are not subject to unnecessary hazards. Part of this duty to take reasonable care relates to taking reasonable steps to ensure employees are in a fit state to work safely and to minimise risks to both themselves and their work mates.

Employees and other persons in the workplace have a corresponding duty under legislation to take reasonable care so as not to expose themselves or their fellow employees to unnecessary risks.

Employees have an obligation to advise the employer if they:

- Are unfit to perform work as a result of fatigue, alcohol or drugs;
- Are taking any medication that might affect their work performance;
- Believe another employee or person in the workplace is unfit to perform work as a result of alcohol or drugs.

The Alcohol and Other Drugs Policy applies to all the Shire of Sandstone employees or other persons performing work upon the premises or property of the Shire of Sandstone.

Employees found to be under the influence of or suffering from the adverse effects of drugs, alcohol or any other substance whilst at work will be disciplined appropriately.

Serious offences may result in instant dismissal.

Third offences will result in dismissal.

7 References

- AS 4308 – 2008; Procedures for the collection, detection and quantitation of drug abuse in urine
- Occupation Safety and Health Act 1984
- Poisons Act 1964

8 Definitions

For the purpose of this policy and procedure the following definitions apply:

Alcohol: any substance containing alcohol

Drugs: Amphetamines, Cannabinoids THC, Opiates, Barbiturates, Cocaine, Methadone, Benzodiazepines, alcohol and other narcotics, prescription drugs and non-prescription drugs

Fatigue: the inability to perform work effectively or safely due to lack of sleep, or the adverse effects of medication, alcohol, drugs and/or other substances (including “hangovers” and/or “come downs”, etc)

Fit for Work: not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance, or not being fatigued.

Impaired Work Performance: sudden or gradual deterioration in a person’s ability to function appropriately at work.

Misuse: inappropriate use of a substance on the Shire of Sandstone premises or property, including overdose of a drug or the failure to take a prescribed drug in accordance with medical advice

Substance: any drug that may have adverse effects causing impaired work performance

Unfit for Work: being impaired for work and therefore unable to perform duties in a safe manner.

Use: eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.

9 Objectives

The objectives of introducing a Fitness for Work procedure is to reduce the risk posed to the Shire of Sandstone employees by the abuse of alcohol, drugs and substances or impaired work performance.

This procedure is not aimed at regulating individual's private behaviour outside the workplace providing that behaviour does not have a residual effect on work performance.

5.0 Compulsory Drug and Alcohol Testing

Employees and other persons in the workplace are required to undertake alcohol and drug testing when, where and as required. This will include:

- Random testing
- Extraordinary testing
- Incident testing
- Fitness for Work testing

Valid samples for the purposes of drug screening will comply with the requirements of Australian Standard 4308 for the collection, detection and quantitation of drugs of abuse in urine.

A screening test to identify the presence of alcohol will be conducted by breath analysing equipment that meets the requirements of Australian Standard 3547 (Breath alcohol testing devices for personal use) and the procedure used will be as recommended by the manufacturer of the device.

Other forms of testing will be used as they become available.

Authorised and trained persons will conduct all alcohol testing at the workplace. Where an employee or other person in the workplace returns a positive screening test result a confirmatory test will be conducted 20 minutes after initial test.

A positive confirmatory test result will be dealt with in accordance with the "Action in Relation to Test Results" provisions as contained in this Policy. A person who returns a negative confirmatory test result will be permitted to return to the workplace.

Random Testing

All employees and other persons in the workplace may be required to provide a sample for testing as required.

All employees will be tested at least once every 12 months.

Extraordinary Testing

An employee once found to have obtained a positive result in either drug or alcohol testing shall be required to undergo further testing at the rate of three extraordinary tests over six months not including normal random testing.

Council's Chief Executive Officer shall determine when extraordinary testing is to take place.

Incident Testing

Employees involved in significant incidents may be tested.

Significant incidents may include, but are not limited to:

- Vehicle accidents
- Any injuries
- Property/equipment damage
- Reportable near misses

Persons involved in such incidents will be tested for alcohol and/or drugs as per the procedures under this policy. They will not be permitted to commence work until a negative test result is returned and they are considered to be fit for work.

A person who is required to provide a post-incident sample will be on full pay until the testing process is completed at which time they will either return to work or be dealt with in accordance with the this Policy.

Fitness for Work Testing

Any employee who has reason to believe that another employee, a contractor's employee, or a visitor is under the influence of drugs or alcohol must report their suspicions to their supervisor/manager. If the supervisor/manager agrees that there is cause for suspicion, they must arrange for the person to be removed from the workplace. Contractors and employees are to undergo a drug and/or breathalyser test.

The person will not be permitted to commence work until a negative test result is returned and they are considered to be fit for work. The persons who are required to provide the sample will be on full pay until the testing process is completed at which time they will either return to work or be dealt with in accordance with this Policy.

6.0 Procedure

6.1 Alcohol

Persons being under the influence of alcohol will not be permitted to work on premises or with property of the Shire of Sandstone.

Employees are responsible for ensuring that they are not fatigued or under the influence of illicit drugs or alcohol prior to commencing work.

If an employee deems him/herself fit for work, commences work and subsequently appears impaired due to the influence of alcohol including working under the adverse effects of alcohol, they will be stood down from their duties and taken for a breathalyser alcohol test. If the employee is found positive to having a blood alcohol level above zero then the employee will be stood down without pay until the employee can return a zero result to a breathalyser test.

Please refer to the 'Refusal to undertake a test' section below if an employee refuses a breathalyser alcohol test.

All persons in charge of Council vehicles may be breathalysed prior to operating a vehicle to assure compliance with the zero tolerance policy for employees in charge of Shire plant and equipment.

All employees may be breathalysed at the commencement of their shift or any other time at the discretion of the Works Supervisor or CEO.

There may be occasions where alcohol may be included as part of a work function or other recognised work event. Where management has properly approved the consumption of alcohol, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing. Failure to behave in a sensible and responsible manner with due care, or any failure to follow any directions given by management with regard to the consumption of alcohol may result in disciplinary action.

It is a condition of the Shire of Sandstone that employees make alternative arrangements to get home so that they do not drive themselves home following the consumption of alcohol. The Shire of Sandstone accepts no responsibility for employees during travel to and from the function.

6.2 Drugs and Prescription Medication

6.2.1 Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Sandstone. Being under the influence of, suffering adverse effects or in possession of, or found to be cultivating, selling or supplying drugs or other illicit substances whilst on the Shire of Sandstone property or premises will result in summary dismissal.

If demonstrating signs of the above, an employee must undergo a drug screening test conducted by trained staff of the Shire of Sandstone.

Employees are required to determine their fitness for work prior to commencing their duties. If an employee deems themselves fit for work, commences work, and subsequently appears impaired due to the influence of drugs including working under the adverse effect of drugs, they will be stood down from their duties and required to undergo a drug screening test. If the employee's drug screening test is found to be above the recommended threshold levels (as attached) then the employee will be stood down from duties on unpaid or annual leave at the employee's choice, until the employee returns a negative result to a drug screening test.

All persons in charge of Council vehicles may be asked to undergo a drug screening test prior to operating a vehicle to ensure compliance with the zero tolerance policy for employees in charge of Shire plant and equipment.

All employees may be asked to undergo a drug screening test at the commencement of their shift or any other time at the discretion of the Works Supervisor or CEO.

6.2.2 Prescription and Other Medication

It is an employee's responsibility to provide documentary evidence to their supervisor of any prescription or non-prescription medication they are taking that is deemed to potentially affect their ability to perform their duties.

This information is to be recorded on their personnel file for reference in the event of an emergency.

It is also required that employees provide the employer with relevant information regarding an employee taking prescription medication or known allergic reactions to any medication an employee may have (i.e. penicillin) that may be useful in a medical emergency.

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturer's recommendations.

Failure to follow these requirements may result in disciplinary action.

6.3 Fatigue

Fatigue can be the result of many different situations. Due to this, this procedure will directly reflect the implications of fatigue through the following external triggers (but are not limited to):

- Lack of sleep;
- Voluntary work;
- External work commitments.

In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore increasing the potential to cause injury or harm to themselves, personnel or members of the public.

It is the Shire of Sandstone's policy to provide a safe place of work for its employees. It is an employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside their employment with the Shire of Sandstone that may impact accordingly.

Depending on the circumstances, the Shire of Sandstone may agree to come to a compromise with the employee to ensure there is an equilibrium between regular hours worked at the Shire of Sandstone, sleep/rest and additional hours worked elsewhere (including paid and voluntary work).

If deprivation of sleep is the cause of fatigue due to other external circumstances (that are not listed above), a drug and alcohol screen may be required. If a positive result occurs, disciplinary action will result.

If sleep deprivation is due to illness or personal issues the Shire of Sandstone will endeavour to find a short-term compromise and support the employee in whatever capacity is appropriate.

In circumstances where the employee is unfit to remain at work as to the judgement of their employer, the employee may be stood down from work for the remainder of the day and depending on the circumstances this may occur with or without pay.

7. Refusal to Undertake a Test

Refusal by an employee to submit to or cooperate fully with the administration of a drug and alcohol test will be deemed to be the same as a First Positive result and the employee will be sent home on either earned annual leave or unpaid leave at the employee's choice.

The employee will be given a verbal warning. This will be performed in accordance with the relevant Council procedure which requires a record to be kept including the full details of the misconduct, time and date of warning, and names of witnesses.

The Employee will present themselves again for a test within 24 hours of first refusal to be tested. If the employee continues to refuse to take a test, it will be treated as a Second Positive result and the employee will be sent home on either earned annual leave or unpaid leave at the employee's choice. The employee will be given a final written warning assuming there are no mitigating circumstances.

The employee will present themselves for another test within 24 hours of the second refusal and undergo a test. If the employee continues to refuse to take a test, it will be treated as a Third Positive result. Formal disciplinary procedures will be invoked to ascertain if any mitigating circumstances exist and to allow the employee to state their case. Unless there are convincing arguments to the contrary, the individual may be dismissed without notice.

8. Disciplinary Action – Drugs and Alcohol

If the Drug and Alcohol or Fitness for Work procedure is in any way contravened by an employee, the offending employee will be subjected to disciplinary action, which may lead to a written warning and if the breach is serious enough to warrant dismissal, then dismissal may occur.

8.1. Testing levels for Alcohol

Range zero to less than 0.02%

Where an individual, after the 20-minute break, records a Blood Alcohol Content greater than zero and up to and including 0.02% they will be stood down and provided with safe transport off site.

Time off is to be taken as annual/unpaid leave.

For the first offence of a positive recording between zero and 0.02% the employee will be given a verbal warning by their supervisor.

Any subsequent positive test will result in formal disciplinary action being taken and a letter of warning issued.

Range 0.02% to 0.10%

Where an individual, after the 20-minute break, records a BAC greater than 0.02% and up to and including 0.10% they will be stood down and provided with safe transport off site.

Time off is to be taken as annual/unpaid leave.

A formal written warning will be issued.

Range greater than 0.10%

A positive result greater than 0.10% will be stood down for 24 hours immediately with a view to termination of their employment at the discretion of the Chief Executive Office.

8.2. Action in Relation to Drug and Alcohol Test Results

First Positive

If an employee or other person in the workplace returns a positive confirmatory test result for the first time for drugs or alcohol, then the following will apply:

- The employee will be sent home on either annual leave or unpaid leave at the employee's choice.
- If management considers the test result to be a serious breach, management may commence appropriate disciplinary action in line with the recommended HR practices.

This will be performed in accordance with the Council's relevant disciplinary procedure which requires a record to be kept including the full details of the misconduct, time and date of warning, and names of witnesses.

- The employee shall enter into discussions with their manager and the CEO regarding the positive result. The employee may request a representative to be present in a purely observatory capacity.
- Council will recommend to the employee that they seek medical and/or counselling help.

In the event of the positive result being for drugs other than cannabis, the employee will present themselves within 48 hours and undergo a further test. If the test is positive, it will be treated as a Second Positive.

Only if the test is negative will the employee be able to resume their normal duties.

In the event of the positive result being for cannabis, the employee shall undertake weekly drug testing. The employee will not be permitted to commence work until a negative result is achieved. This may continue for a maximum period of up to six weeks.

The cost of testing to provide a negative result shall be at the employee's own expense.

The employer will consider failure to undertake weekly drug testing as required and to return a test result that indicates a decline in the level of the drug which was found to be at or above the cut-off level prescribed in this Policy's attachment or to return a test result

which indicates the presence of any other drug at or above the cut-off level prescribed in this Policy as evidence of the employee's intention not to return to work and may terminate the contract of employment accordingly.

In the case of any other person in the workplace they will be removed from Council premises and will not be permitted to perform work for or with the Council or to enter Council premises until a negative result is achieved.

The cost of testing to provide a negative result shall be at the person's own cost.

On return to work the employee or other person in the workplace will be subject to extraordinary testing in addition to the usual testing programme. Further contravention of this Policy will result in disciplinary action up to and including termination of employment.

Second Positive

The below steps apply only if a first positive was not considered a serious breach, and the employee is not currently undergoing relevant disciplinary procedures. If a first positive is considered to be a serious breach, the HR process being undertaken will take precedence.

If an employee or other person in the workplace records a positive confirmatory test result for the second time for alcohol or drug, then the following will apply:

- The employee will be sent home on either annual leave or unpaid leave at the employee's choice and given a final written warning.
- The employee shall present themselves as soon as possible to a panel consisting of;
 - Supervisor / Manager
 - Chief Executive Officer, and
 - Health and Safety Representative (employee's choice)

The objective of the panel is to discuss;

- Source of problem;
- Explain the repercussions of a Third Positive test;
- Reinforce the Fit to Work Policy;

In the event of the positive result being for alcohol and/or drugs other than cannabis, the employee will present themselves within 48 hours and undergo a further test. If the test is positive, it will be treated as a Third Positive.

Only if the test is negative will the employee be able to resume their normal duties. In the event of the positive result being for cannabis, the employee shall undertake weekly drug

testing at an authorised testing centre. The employee will not be permitted to commence work until a negative result is achieved. This may continue for a maximum period of up to six weeks.

The cost of testing to provide a negative result shall be at the employee's own expense.

The employer will consider failure to undertake weekly drug testing as required and to return a test result that indicates a decline in the level of the drug which was found to be at or above the cut-off level prescribed in this Policy or to return a test result which indicates the presence of any other drug at or above the cut-off level prescribed in this Policy's attachment as evidence of the employee's intention not to return to work and may terminate the contract of employment accordingly.

In the case of any other person in the workplace they will be removed from Council premises and will not be permitted to perform work for or with the Council or to enter Council premises until a negative result is achieved. The cost of testing to provide a negative result shall be at the person's own cost.

On return to work the employee or other person in the workplace will be subject to extraordinary testing in addition to the usual testing programme. Further contravention of this Policy will result in disciplinary action up to and including termination of employment.

Third Positive

The employee will be immediately suspended from work without pay pending an investigation of the incident or occurrence. Formal disciplinary procedures will be invoked to ascertain if any mitigating circumstances exist and to allow the employee to state their case.

Unless there are convincing arguments to the contrary, the individual may be dismissed without notice. Where a person in the workplace other than an employee returns a positive confirmatory test result for the third time, the Shire of Sandstone may refuse to permit the person to perform work for or on behalf of the Council or to perform work on the premises or property of Council.

9.0 General Guidelines

Any employee who tests positive to an alcohol or drug screen will be stood down from their work on unpaid or annual leave at the employee's choice, until such time as they have proven they are fit for work.

Any person who is found to be significantly fatigued may also be stood down from work on unpaid or annual leave at the employee's choice, until such time as they have proven they are fit for work.

Employees who are found to be repeat offenders against this policy will ultimately face the prospect of dismissal.

10.0 Pre-commencement of Work

Employees are expected to present themselves fit for work on all occasions. Should an employee present themselves for work and prior to commencing their duties is observed to be unfit for work they may be required to undertake an alcohol and/or drug screen. If the screen proves positive, they will be stood down on unpaid or annual leave at the employee's choice, until they can return a negative result from a drug screening test or a breathalyser test.

11.0 Post-commencement of Work

If an employee deems himself or herself fit for work, commences work and subsequently appears impaired due to the influence of alcohol or drugs including working under the adverse effects of alcohol or drugs, they will be stood down from their duties and taken for a drug screening test. If the employee is found positive to having a blood alcohol level greater than zero or a drug screening test result above the cut off threshold limit (as attached) then the employee will be stood down on unpaid or annual leave at the employee's choice, until they can return a negative result from a drug screening test or a breathalyser test.

12.0 Summary Dismissal

The following are guidelines to circumstances that will result in summary dismissal:

- (i) any attempt to falsify the drug screening test or a breathalyser test.
- (ii) cultivating, selling or supplying drugs and/or other substances on any Shire of Sandstone's premises
- (iii) consumption of illicit drugs and/or unauthorised consumption of alcohol whilst on the work site or during the working period

13.0 Other

If an employee is found to be heavily intoxicated, above the legal limit to drive or extremely fatigued and they are sent home, it is a requirement of the supervisors to:

- Contact the employee's next of kin to arrange pick up
- If next of kin is unable to be contacted or unable to take employee home, alternative arrangements must be made so as to get the employee home safely. The employee is to be advised that their vehicle must, wherever practicable, be collected by a family member or friend that same day.

As part of their pre-employment medical all new employees will be required to undertake a drug screening test and a breathalyser test prior to commencing work at the Shire of Sandstone.

Note: If a screening test is sent to a laboratory for further analysis, there will be a time lapse between the onsite drug screening test being undertaken and the results being received from the laboratory. The employee will be sent home on unpaid or annual leave at the employee's choice, up to the time the test results are received by the Shire. However, if the test results are returned negative the pay for the time taken to process the tests and return results to the Shire will be reimbursed to the employee.

ATTACHMENT 1

Additional Information – Drug Testing

Counselling

The Midwest Community Drug Service team offers free counselling for drug related issues.

The team can be contacted on 9956 2424 and are located at Community Health Centre Shenton Street Geraldton.

Laboratory Testing

All samples are submitted for testing to Clinipath Pathology 310 Selby Street North Perth WA 6005.

The laboratory complies with Australian Standard 4308.2001 and is NATA accredited for quality assurance.

A 'presumptive positive result' on a screening test is if the result is above the recommended cut off threshold as stated in the Australian Standard 4308. If a presumptive positive result is found then a confirmatory test is performed.

Cut-off Threshold

As recommended by Australian Standard 4308

Class	Individual Drug	Screening Test (µg/L)	Confirmatory Tests (µg/L)
Amphetamines (i.e. Speed)		300	300
Benzodiazepines (i.e. Valium)		200	200
Opiates (i.e. Heroin)		300	
	Codeine		300
	Morphine		300
Cannabinoids (i.e. Marijuana)		50	15
Cocaine	Cocaine	300	150

µg/L = microgram per litre



Drug and Alcohol Procedure Flow Chart

2.19 EMERGENCY SERVICES LEAVE

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Paid leave of up to 38 hours per calendar year will be granted to employees who are members of an approved volunteer emergency service organisation (such as SES or Volunteer Bush Fire Brigade, St John Ambulance) for the purpose of participating in training or service, at the discretion of the Chief Executive Officer.

This leave will be in addition to annual leave entitlements. Service or training in excess of 38 hours per calendar year is subject to the approval of the Chief Executive Officer and is conditional upon the likely disruption to the employee's work.

For incidents that are not classified as priority one, leave is to be approved by the employee's line Manager.

Paid leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, sick leave or any other entitlements. Unpaid Leave will be treated as leave without pay.

Employees requiring access to Emergency Service Leave are to provide reasonable notification to the Shire where possible, and have the leave approved by the Chief Executive Officer.

Employees granted paid leave under this Policy shall be paid for time absent from duty up to the total of ordinary time usually worked in that day or period during the emergency, but not including time in excess of ordinary working hours, weekends or public holidays. Time off on full pay will also be allowed where there is an insufficient rest break between emergency services duty and the required commencement of the employee's normal shire shift start time.

Employees seeking leave to participate in a volunteer emergency service organisation under this policy must provide certification that they have become members of a recognised

volunteer service organisation. This certification will be placed on the employee's personnel file and recorded electronically within payroll records.

2.20 RECORD KEEPING POLICY

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Objective

The purpose of the Shire of Sandstone Record Keeping Policy is to define the principles that underpin the Shire's record keeping function and the roles and responsibilities of those individuals who manage or perform records processes on behalf of the Shire. This policy establishes a framework for the reliable and systematic management of the Shire records in accordance with legislative requirements and best practice standards.

Policy

This policy applies to all government records created or received by the Shire of Sandstone employee, contractor or elected member, or an organisation performing outsourced services on behalf of the Shire, regardless of their physical format, storage location or date of creation. The Shire of Sandstone recognises its records as a government-owned asset and will ensure that they are managed as such. Ownership and property interest of records created or collected during the course of business (include those from outsourced bodies or contractors) is vested in the Shire of Sandstone.

- **Elected members:** all elected Members are to create, collect and retain records relating to their role as an Elected Member for the Shire of Sandstone in a manner commensurate with legislation and the Shire's policies and procedures for record keeping. Party political and personal records of Elected Members are exempt.
- **Chief Executive Officer:** The CEO is to ensure that an organisational system for the capture and management of records is maintained that is compliant with legislative requirements and best practice standards
- **Managers:** All managers are to ensure record keeping policy and procedures are known and adhered to in their area of responsibility

- All Staff: All staff (including contractors) are to create, collect and retain records relating to the business activities they perform. They are to identify significant and ephemeral records, ensure significant records are captured into the Record Keeping System and that all records are handled in a manner commensurate with legislation and the Shire's policy and procedures for record keeping.

Creation of Records

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

Capture and Control of Records

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

Security and Protection of Records

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 Records

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

Appraisal, Retention and Disposal of Records

All records kept by the Shire of Sandstone 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.

Responsibility for Implementation

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

2.21 ACCESS AND INCLUSION POLICY FOR PEOPLE WITH DISABILITY, THEIR FAMILIES AND CARERS

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

PURPOSE/OBJECTIVE

To ensure that all members of the community regardless of their race, disability, age, religion or education level have equal access to all Council services, information and facilities, in keeping with the Western Australian *Disability Services Act 1993* and the *Equal Opportunity Act 1984*.

POLICY STATEMENT

The Shire of Sandstone recognises that people with Disability have the same rights and responsibilities as other community members to access services and facilities and to participate in the life of the community.

The Shire of Sandstone is committed to ensuring that the community is accessible and inclusive to all its members and agrees with the essence of the definition provided under the *Disability Services Act (1993)* which defines disability as a condition that:

- Is attributable to an intellectual, cognitive, neurological, sensory or physical impairment or a combination of those impairments
- Is permanent
- May or may not be episodic in nature

Additionally, the Shire of Sandstone includes people with 'temporary Disability' in its definition.

Disability may result in a person having a substantially reduced capacity for communication, social interaction, learning or mobility and a need for continuing support services in daily life. Some Disabilities, such as epilepsy, are hidden, while others, such as cerebral palsy, may be visible.

The shire aims to achieve accessibility to its services and facilities by people with a disability by:

- Promoting awareness of the needs of people with Disability
- Ensuring events are accessible
- Continuing to develop barrier free, accessible local infrastructure; and
- Ensuring public information is accessible
- Council to provide training on the needs of people with Disability for staff
- All public information about council's functions, facilities and services will be communicated in plain English and produced in clear formats with contrasting print

2.22 INFORMATION COMMUNICATIONS TECHNOLOGY (ict)

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Policy Statement

Effective security is a team effort involving the participation and support of every Shire of Sandstone employee who deals with information and/or information systems and devices. Every digital device user must understand this policy and carry out their use of digital devices in accordance with this policy. For the purposes of this policy the term “employee/s” shall cover persons performing work on a permanent basis with the Shire of Sandstone.

General Use of ICT Equipment

1. While the Shire of Sandstone’s network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remain the property of the Shire of Sandstone. Because of the need to protect the Shire of Sandstone’s network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire of Sandstone cannot be guaranteed.
2. A degree of personal use is allowed on the Shire of Sandstone’s equipment /devices /systems. Employees should exercise conservative judgment regarding the reasonableness of personal use but should be guided by the following principles:
 - personal use should be conducted either before or after contracted hours of work or during authorised breaks.
 - personal use should be limited and brief, avoiding excessive downloads or transmissions. An example of acceptable personal use would be conducting brief transactions through internet banking.
 - personal use should not breach anything in this policy, particularly relating to the downloading of offensive or copyrighted materials.

Managers will determine the specific acceptable personal use for their

respective business areas as this will differ according to the needs of each group; and

if there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.

3. For security and network maintenance purposes, authorised individuals within the Shire of Sandstone may monitor equipment, systems and network traffic at any time, according to the specific nature and requirements of their roles.
4. The Shire of Sandstone reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.

All emails sent by Shire of Sandstone employees should include the 'signature' and disclaimer at the foot of the body of the email, in the format specified by the Shire of Sandstone.

Security and Proprietary Information

1. All information stored on the Shire of Sandstone's corporate systems should be regarded as confidential and care must be exercised before sharing or distributing any information.

If there is any uncertainty regarding the level of confidentiality involved, then employees should consult their supervisor or manager for guidance.

2. Passwords should be kept secure and accounts must not be shared. Authorised users are responsible for the security of their passwords and accounts. Passwords should be changed in accordance with Shire of Sandstone's advice from the ICT Team.
3. All devices connected to the Shire of Sandstone's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software.
4. Employees must use caution when opening files received from unknown senders.

Unacceptable Use

The information in this policy provides a framework for activities which fall into the category of unacceptable use, but do not represent an exhaustive list. Some users

are exempted from these restrictions during the course of carrying out responsibilities related to their role. Under no circumstances is any user authorised to engage in any activity that is illegal under local, state, federal or international law while connected to or utilising Shire of Sandstone ICT systems or resources.

System and Network Activities

The following activities are not permitted:

1. violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Shire of Sandstone or the end user;
2. unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire of Sandstone or the end user does not have an active license.
3. exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is unclear.
4. introduction of malicious programs or codes into the network or onto devices connected to the network.
5. revealing your account password to others or allowing use of your account by others.
6. the Shire of Sandstone's equipment is not to be used for the downloading or distribution of any material that could be considered as offensive. If an employee receives such material, they should notify their manager and also the ICT Team;
7. making fraudulent offers of products, items, or services, or running private business interests via any Shire of Sandstone equipment, device or account; and
8. undertaking private work.

The following activities are not permitted unless they are within the scope of regular responsibilities for an expressly authorised role/position:

9. effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorised to access.
10. executing any form of network monitoring which will intercept data not intended for the user's host.
11. attempting to avoid or bypass the Shire of Sandstone's network security measures.
12. interfering with any other user's account, by whatever means; and
13. using the system in a way that could damage or affect the performance of the network in any way.

Email and Communications Activities

The following activities are not permitted:

1. except during normal business notifications, sending or forwarding unsolicited electronic messages, including the sending of "junk mail" or other advertising material, jokes, or chain communication to individuals who did not specifically request such material.
2. any form of harassment via electronic/ICT means.
3. unauthorised use, or forging, of email header information.
4. solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters" or "pyramid" schemes of any type.
6. use of any of the Shire of Sandstone's network or systems for the purpose of generating unsolicited communications.
7. providing information about, or lists of, the Shire of Sandstone's employees to parties outside the Shire of Sandstone or to personal email addresses.
8. communicating in a manner that could adversely affect the reputation or public image of the Shire of Sandstone; and
9. communicating in a manner that could be construed as making statements or representations on behalf of the Shire of Sandstone without the Shire of Sandstone's express permission to do so.

Users should also endeavour to archive their Inbox, Sent Items, Deleted Items and other emailboxes on a regular basis, by either archiving or saving in the central record system. A size limit per mailbox may be implemented to ensure that the system is functioning optimally.

Remote Access

Employees with remote access should be reminded that, when they are connected to the Shire of Sandstone's network, their machines are an extension of that network, and as such are subject to the same rules and regulations that apply to the Shire of Sandstone's corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire of Sandstone's network and servers to ensure the security and integrity of data and records.

Employees are reminded of the following conditions relating to remote access to the Shire of Sandstone's system:

1. family members must not violate any of the Shire of Sandstone's policies, perform illegal activities, or use the access for outside business interests.
2. the device that is connected remotely to the Shire of Sandstone's corporate network should be secure from access by external non-Shire of Sandstone parties and should be under the complete control of the user. the use of non-Shire of Sandstone email accounts (e.g. Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Shire of Sandstone business, thereby ensuring official business is not confused with personal business; and
3. all devices (whether personal or corporate) connected to the Shire of Sandstone's networks via remote access technologies should have up-to-date anti-malicious-code software.

Provision and Use of Mobile Phones and Information/ Communication Devices

Some employees will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile/portable devices supplied remain the property of the Shire of Sandstone and users must not

change service providers unless authorized in writing to do so.

Where a mobile phone or device provides an email service, all emails sent or received or otherwise processed via the mobile device that are classified as a record of the Shire of Sandstone should be sent through the Shire of Sandstone's server, to ensure the integrity of the recordkeeping system.

Where the device includes a digital camera, users are to use the technology in a sensible manner. A failure to do so may lead to disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.

It is unlawful for drivers to operate a mobile phone and/or other mobile computing device whilst driving. Phone calls may otherwise be made or received providing the device is accessible while mounted/fixed to the vehicle or does not need to be touched by the user. An employee who operates a mobile phone and/or other mobile computing device whilst driving may face disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.

Consequences of Breaching This Policy

Any employee found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire of Sandstone may also be obligated to refer any breach of this policy to an external agency where an employee may be held criminally liable for their actions.

Private/personal or unauthorised use of corporate ICT systems and/or devices may result in the employee being obligated to pay any extra costs incurred.

2.23 ROSTERED DAY OFF AND FLEXIBLE WORKING ARRANGEMENTS

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

1. Objectives

The objective of this policy is to define the hours of work and to provide for flexible working hours, including rostered day off procedures for staff.

2. Statement

This policy applies to all staff. The policy is intended to inform all employees of their rights and responsibilities when accruing and taking rostered days off and to establish consistent standards across all Departments of Council. Sandstone Shire Council is committed to providing flexibility in the workplace that considers the work requirements of the Council and the individual/family circumstances of the employees. The provision of rostered days off and flexible working arrangements contributes to this commitment and may assist employees to achieve greater work/life balance.

3. Nineteen day months (RDO) (152 Ordinary hours worked over 19 week days)

- a) Nineteen-day month RDO's are available to full time permanent administrative employees.
- b) The standard hours for office-based employees are 8.00am to 5.00pm, Monday to Friday, with a one-hour lunch break. Hours may be varied by agreement or by directive, in some sections (e.g Library, Customer First) to cater for customer service requirements.

The standard hours for outside based employees are 6.00am to 5.00pm, Monday to Friday with a half hour lunch break. Hours may be varied by agreement or by directive.

- c) The nineteen-day month RDO's are dependent upon the approval of the Chief Executive Officer and can be approved where working hours are feasible and nondetrimental to the operations of Council.
- d) Where a nineteen-day month RDO is approved, employees will be offered the opportunity to nominate a preferred day within the month in accordance with their family/non-working needs and the needs of the business unit/department. For outside based staff a nominated day will be given to lessen the disruption on works.
- e) Notification of the approved nominated day is to be recorded with the Human Resources section for payroll processing requirements.

- f) This designated day may be changed through agreement with the employee's Manager under circumstances where required by the operational needs or as response to family/non work unforeseen circumstances.
- g) Employees who work a nineteen-day month will work 8.0 hours per day.
- h) Employees are expected to consider reasonable requests to accrue their RDO, where operational/business demands dictate. A maximum of 3 RDO's shall be accrued at any one time, to accommodate the 3 days from Christmas/New Year period.
- i) Sick leave is paid at 8.0 hours per day, to allow for RDO's to be retained during the period of this leave.
- j) The paying out of RDO balances will only be allowable in cases of termination of employment. Payment will be made only for hours accumulated.

3.1. Accruing Rostered Days Off

- a) RDO's are calculated for administrative employees working 40 hours per week and being paid for 38 hours (7.6 hours per day). The extra 2.0 hours accrued each week goes towards employees' RDO accruals.
- b) Employees will accrue adequate time to take one RDO per month and 3 RDO's between the Christmas and New Year period with a small surplus of hours being generated. These additional hours are required to be taken on application and be subject to the normal leave approval provisions.
- c) Where an employee does not have enough RDO hours accrued for the three-day Christmas and the New Year period, annual leave or leave without pay may be taken.
- d) Employees required to work over the Christmas/New Year break, whether directed or nominated, will be given the option to take the 3 RDO's at a mutually agreed time prior to the end of February.
- e) Employees working a nineteen-day month can only accrue a maximum of 3 days (24 hours) towards RDOs.
- f) Employees employed on a part time basis will need to make arrangements with their Manager on the preferred option for accruing the required hours for the Christmas/New Year period. These arrangements are to be reported to Human Resources for payroll processing.

4. Nine Day fortnights (76 Ordinary Hours worked over 9 days)

- a) Nine-day fortnight RDO's are available to full time permanent employees.

- b) The standard hours for employees are between 6am to 5pm Monday to Friday, Lunch breaks to have the option of a half hour lunch break. Start and finish times to be determined by the specific requirements of the job.
- c) Nine-day fortnight RDO's shall be taken as they are due and may only be accrued or altered in exceptional circumstances, specifically approved by the CEO.
- d) An Accrued Leave form is to be completed and forwarded to the Payroll Officer when the RDO is not taken.
- e) Accrued leave resulting from the deferral of nine-day fortnight RDO is to be taken within the following 4 weeks unless the relevant Manager authorises otherwise.
- f) Teams or work groups are encouraged to review the arrangement of their working hours to maximise efficiency and service provision while at the same time meeting the needs of the employees involved. Proposals should be initially discussed with the relevant Manager, prior to approval being granted by relevant Supervisor.

5. Taking of Rostered Days off or Time Bank

- a) Where the approved nominated preferred RDO day within the month is taken, no leave application is required.
- b) Where the nominated preferred RDO day is to be changed, prior approval of the Manager is required. An approved Rostered Day Off Adjustment form is to be submitted to Human Resources for payroll processing prior to the nominated RDO falling due.
- c) RDO's should be taken in full days. Managers may however consider and approve RDO absences in half days or hours, at their discretion. Notification to be provided to the Human Resources section for payroll processing.
- d) Time Bank/Time in Lieu is to be taken at a time mutually agreed upon by the individual employee and their Manager in consideration of the operational/business requirements of that business unit.
- e) An approved Application for Leave is to be submitted to the Human Resources section for payroll processing prior to Time Bank being taken.

6. Flexible Start and finish Times

- a) Employees may request flexible start and finish times in accordance with the Local Government (State) Award, to be approved by their Manager. Approval shall not be withheld unreasonably, provided it meets the need of the operational requirements of the business unit/department.

- b) Variation to start and finish times shall be restricted to 'ordinary hours' of the Local Government (State) Award in order that no overtime cost shall be incurred by the Council.
- c) While acknowledging that it is beneficial for both employees and Council to provide some flexibility in staff attendance, the Local Government (State) Award sets out the provision for providing flexibility, the following shall apply: -
- Flexible staffing arrangement should not result in any denial of services.
 - There should be no additional costs incurred as a direct result of flexible staffing arrangements.
 - There should be equity of treatment for all eligible employees within a function or role within a department.
- d) Infrequent/unplanned changes made to start/finish times are to be maintained by the Manager. For longer periods of change (outside of 2 consecutive payroll weeks) or a permanent change to start/finish times are to be approved by the department Manager and reported to Human Resources.
- e) The Chief Executive Officer may vary the conditions of this policy in accordance with relevant awards, dependent on individual circumstances.

7. Flexible Working Arrangements / Time in Lieu (Time Bank)

- a) Flexible working arrangements are individual work arrangements that are organised through mutual agreement between individual employees and their Manager in consideration of the operational/business requirements of the business unit/department.
- b) The agreement and approval of working arrangements is to be given by the Chief Executive Officer, in writing before the working arrangement commences.
- c) If no prior written approval is obtained hours will not be accrued.
- d) Notification of approved hours to be worked to be supplied to Human Resources for payroll processing requirements. Claims for accrued hours must be made within 30 days of working extra time.

8. Associated Legislation

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation:

- Local Government (State) Award; and
- Fair Work Act 2009.

Variation

Council reserves the right to review, vary or revoke this policy which will be reviewed periodically to ensure it is relevant and appropriate.

Attachment A

Employee request for flexible working arrangements template
Template to submit your request to your employer.

This template has been colour coded to assist you to complete it accurately. You simply need to replace the red < > writing with what applies to your employer and situation. Explanatory information is shown in blue italics to assist you and should be deleted once you have finished the letter.

Before filling out this letter, you are advised to read the Flexible Working Arrangements guidance.

<Date>

Private and confidential

Employee details:

<Your Name>

<Contact Details>

<Job Title>

Dear <Chief Executive Officers Name>

Request for flexible working arrangements I would like to request under section 65 of the Fair Work Act 2009 (the Act) to work a flexible work arrangement that is different to my current working arrangement.

I am making this request .

<to help me care for a child who is under school age/school age>

<because I am a carer (within the meaning of the Carer Recognition Act 2010)>

<because I am 55 or older>

<because I have a disability>

<because I am experiencing violence from a member of my family>

<to help me to provide care or support to a member of my immediate family or a member of my household who is experiencing violence from their family>.

Include whichever of the above statements applies to you and delete the other options.

I can confirm that I have worked continuously as an employee of this council for the last 12 months and am employed on a <full time basis/part time basis/casual basis on a regular and systemic basis>.

Include whichever of the above employment statuses applies to you and delete the other options.

I would like to start working . <include a paragraph to describe the working pattern you would like to have in the future including the days/hours/times you would like to work>.

These changes will assist me because . <insert reasons>.

I would like this working arrangement to start from . <Insert Date>

I believe that the effect on the business and my colleagues can be accommodated by .
<identify ways the work can be performed, how your proposal may help the business or how you are committed to working hard to make the arrangements work well>.

I would appreciate your response to this request, in accordance with the Act, within 21 days of today's date.

I am happy to discuss this matter at a time that is convenient. I am willing to discuss possible alternatives to the arrangements I have outlined and I am also willing to work with you to make sure that this arrangement works effectively for both the business and me. Please contact <me/my representative> on <insert contact details>.

Yours sincerely,
<Insert name>

Attachment B

Flexible working arrangements Guidance

Some employees who have worked for the same employer for at least 12 months can request flexible working arrangements, such as changes to hours, patterns or locations of work.

There are rules about how to make the request and how employers should respond. Employees covered by an award also have some extra rights when asking for flexible working arrangements.

Read more about requests for flexible working arrangements below.

What are flexible working arrangements?

Examples of flexible working arrangements include changes to:

- hours of work (eg. changes to start and finish times);
- patterns of work (eg. split shifts or job sharing); and
- locations of work (eg. working from home).

Who can request flexible working arrangements?

Employees (other than a casual employee) who have worked with the same employer for at least 12 months can request flexible working arrangements if they:

- are the parent, or have responsibility for the care, of a child who is school aged or younger;
 - are a carer (under the Carer Recognition Act 2010);
 - have a disability;
 - are 55 or older;
 - are experiencing family or domestic violence; or
 - provide care or support to a member of their household or immediate family who requires care and support because of family or domestic violence.
- Examples: Eligibility for flexible working arrangements

Greg wants to start work at 10am instead of 9am so he can take his son to pre-school. He can request flexible working arrangements to help him care for his son.

Shirley is 60 years old and wants to finish early on Wednesdays so she can volunteer at her local hospital. She can request flexible working arrangements because she is over 55 years old.

Casual employees

Casual employees can make a request if:

- they've been working for the same employer regularly and systematically for at least 12 months; and
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

How do employees request flexible working arrangements?

Requests for flexible working arrangements have to:

- be in writing;
- explain what changes are being asked for; and
- explain the reasons for the requested change.

What should employers do with a request?

Employers covered by an award must first discuss the request with their employee to try to reach an agreement about changes to the employee's working conditions, taking into consideration:

- the needs of the employee;
- consequences for the employee if changes in working arrangements aren't made; and
- any reasonable business grounds for refusing the employee's request.

All employers who receive a request must provide a written response within 21 days which outlines whether the request is approved or refused.

Employers can only refuse a request on reasonable business grounds. If a request is refused the written response must include the reasons for the refusal.

Awards contain specific information on what needs to be included in the written response if the request is refused or if a different change in working arrangements is agreed. Use our 3 step form to help you Find your Award.

Learn more about responding to requests with our free Workplace flexibility online course.

What are reasonable business grounds?

Reasonable business grounds can include:

- the requested arrangements are too costly;
- other employees' working arrangements can't be changed to accommodate the request;
- it's impractical to change other employees' working arrangements or hire new employees to accommodate the request; or
- the request would result in a significant loss of productivity or have a significant negative impact on customer service.

Do state and territory laws still apply?

If a state or territory law provides an employee with a better entitlement to flexible working arrangements this will continue to apply.

Source reference: Fair Work Act 2009 s.65-66

Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our Help resolving workplace issues section for practical advice on:

- figuring out if a mistake has been made;
- talking to your employer or employee about fixing it; and
- getting help from us if you can't resolve it.

2.24 RELATED PARTY DISCLOSURES AASB 124 POLICY

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Policy Objectives

The purpose of this Policy is to provide guidance to the Shire in the preparation of financial statements to ensure disclosure requirements are met for AASB 124 Related Party Disclosures.

Policy Scope

The Related Party Disclosures Policy (this 'Policy') applies to Related Parties of the Shire and their Related Party Transactions with the Shire. This Policy provides guidance in determining Related Parties of the Shire along with associated transactions and outstanding balances, materiality and disclosure requirements.

Policy Statement

1. Background

The Australian Accounting Standards Board extended the application of AASB 124 Related Party Disclosures (the 'Standard') to include Not-for-Profit Public Sector Entities. Local Governments, from 1 July 2016, are therefore required to comply with disclosure requirements of this standard in their financial statements.

The objective of this Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

The Standard is not intended to assess governance or probity issues. Related party relationships are a normal part of doing business. It is acknowledged that the Shire collects information on conflict of interest and related party transactions for other purposes that may then also be utilized to satisfy AASB 124.

2. Related Party Disclosures and the Shire

The Shire must undertake the following:

1. identification of Related Party relationships;
2. identification of transactions and outstanding balances/commitments with Related Parties;
3. assessment of materiality of the transactions and outstanding balances/commitments; and
4. determine the level of disclosure required.

A related party, according to the Standard, is a person or entity that is related to the entity that is preparing its financial statements. There are many conditions outlined in the Standard that do not apply to the Shire.

Related parties to the Shire include:

1. Entities where the entity is set up, controlled or is significantly influenced by the Shire;
2. Key Management Personnel (KMP) of the Shire;
3. Close family members of KMP; and
4. Entities that are controlled or jointly controlled by KMP or their close family members.

Entities

When determining whether an entity is a related party, the Shire will need to consider definitions as outlined in various Accounting Standards.

AASB 128 Investments in Associates and Joint Ventures provides the following relevant definitions:

1. Joint Control – *‘is the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control’.*
2. Significant influence – *‘is the power to participate in the financial and operating policy decisions of the investee but is not control or joint control of those policies’.*

Key Management Personnel

The Standard defines KMP as *‘those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity’.*

The Shire considers the following to be KMP:

1. Elected Members (including the President);
2. Chief Executive Officer; and
3. Executive Managers and Senior Officers.

Close Family Members

Close family members of a KMP is defined by the Standard as being *‘those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity’* and include:

1. That person’s children and spouse or domestic partner;
2. Children of that person’s spouse or domestic partner; and
3. Dependents of that person or that person’s spouse or domestic partner.

Entities (including companies, trusts, joint ventures, partnerships and not-for-profit associations) controlled or jointly controlled by KMP or their close family members are also considered related parties.

4. Related Party

Transactions

The Standard defines a related party transaction as being 'a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged'.

The Shire deems the following transactions with a Related Party to be a Related Party Transaction (but not limited to):

1. Employee compensation whether it is for KMP or close family members of KMP;
2. Application fees paid to the Shire for licenses, approvals or permits;
3. Lease agreements for housing rental for property owned or sub-leased by the Shire;
4. Lease agreements for commercial properties;
5. Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party in exchange for goods/services provided to/by the Shire (trading arrangement);
6. Sale or purchase of any property owned by the Shire, to a related party;
7. Sale or purchase of any property owned by a related party, to the Shire;
8. Loan arrangements; and
9. Contracts and agreements for construction, consultancy or services.

Ordinary Citizen Transactions

The Shire acknowledges that there are related party transactions that also satisfy the definition of an Ordinary Citizen Transaction (OCT). An OCT is a transaction that occurs on terms and conditions no different to those applying to the general public and has been provided in the course of delivering public service objectives. The Shire will not disclose such related party transactions in the financial statements.

The Shire has determined that the following transactions with related parties are OCT's and do not need to be disclosed:

1. Paying rates
2. Fines
3. Use of Shire owned facilities
4. Attending Council functions that are open to the public.

Where an OCT occurs and it was not under the same terms and conditions applying to the public, then the KMP is required to declare the nature of the transaction and any special terms received.

KMP will be required to complete a 'Related Party Disclosure Declaration' form once every twelve months (July to June) and submit to the Executive Manager Corporate Services. In addition to this, events may warrant additional disclosure during the year. Such events include both ordinary and extraordinary Council elections, terminations of KMP or appointments of KMP.

Inspection of Local Government information is regulated under the *Local Government Act 1995* (sections 5.93, 5.94 and 5.95) and the provisions of the *Freedom of Information Act 1992* also apply. Information provided by KMP and other related

parties will be held for the purpose of compliance with the Shire's reporting obligations and will be disclosed for compliance or legal reasons only.

The Executive Manager Corporate Services will also review other information held by the Shire, including but not limited to:

1. Minutes of Ordinary Meetings of Council and Committee Meetings;
2. Disclosures of Interests Register;
3. Gift Register.

5. Materiality

The Australian Accounting Standards Board '*expects those parties preparing the financial statements to apply professional judgement in making an assessment about the materiality of a related party disclosure*'. It also considers there to be '*little value in an entity incurring significant costs to obtain data that is immaterial for disclosure and does not expect information to be collected unless it could be material for disclosure*'.

AASB 101 Presentation of Financial Statements defines material as '*omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor*'.

The following factors should be considered when determining the level of significance of a transaction, such as whether it is:

- 6 Significant in terms of size;
- 7 Carried out on non-market terms;
- 8 Outside normal day-to-day business operations, such as the purchase or sale of businesses;
- 9 Disclosed to regulatory or supervisory authorities;
- 10 Reported to senior management; or
- 11 Subject to Council approval.

The Shire's management will therefore apply the above along with professional judgement in determining disclosure of related party transactions and will seek guidance from the Shire's external Auditors and/or Financial Management, Audit, Risk and Compliance Committee where necessary.

AASB 124 outlines disclosure requirements that enable users of financial statements to understand the potential effect of related party relationships on the financial statements.

Key disclosure requirements are as follows:

1. Compensation to KMP in total and for each of the following categories:
 - a) Short-term employee benefits
 - b) Post-employment benefits
 - c) Other long-term benefits
 - d) Termination benefits.
2. Amounts incurred by the Shire for KMP services that are provided by a separate management entity.
3. Relationships between the Shire and its subsidiaries, irrespective of whether there have been transactions between them.
4. Where related party transactions have occurred, the nature of the related party relationship must be disclosed along with:
 - a) The amount of the transaction;
 - b) The amount of outstanding balances, their terms and conditions and details of any guarantees given or received;
 - c) Provision for doubtful debts related to the amount of outstanding balances;
 - d) The expense recognised during the period in respect of bad or doubtful debts due from the related parties.

The above disclosures should be made separately for each of the following categories:

1. The parent;
2. Entities with joint control or significant influence over the entity;
3. Subsidiaries;
4. Associates;
5. Joint ventures in which the entity is a venturer;
6. Key management personnel of the entity or its parent;
7. Other related parties.

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

References that may be applicable to this Policy:

Legislative Requirements:

AASB 101 Presentation of Financial
Statements AASB 124 Related Party
Disclosures

AASB 128 Investments in Associates and Joint Ventures *Local Government
Act 1995* Freedom of Information Act 1999

2.25 FIXED ASSET FINANCIAL POLICY

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Policy

The Fixed Assets Financial Policy provides for the accounting treatment of non-current physical assets owned by the Shire.

Introduction

This policy applies to accounting for property, plant, equipment and infrastructure and distinguishes between expenditure that is capitalised, representing future economic benefits, and carried forward to future accounting periods, as opposed to expenditure that is regarded as repairs or maintenance and treated as an expense in one accounting period. The policy covers the treatment of physical non-current assets only and excludes accounting for intangibles, receivables, financial instruments and securities.

Purpose and Objectives

The purpose of this policy is to ensure the transparency and consistent disclosure of the fixed assets owned or controlled by the Shire of Sandstone at fair value. Objectives are as follows:

- Clearly enumerate the situation in which assets will be capitalised.
- Lay out the elements of the cost of assets that will be recognised.
- State the circumstances in which assets can be revalued and brought to account at fair value.
- Set parameters for calculating depreciation and the useful life of assets.
- Disclose requirements relating to assets and particularly their classification.

Scope

The scope of this policy is to communicate the accounting treatment applicable to fixed assets being infrastructure, property plant and equipment.

Consideration must be given to the cost of collecting data including that of supporting systems. It is essential that the result be the production of meaningful information for decision making and compliance.

There is a distinction between data collected for financial control purposes and that collected for asset management. Financial information sits above the Asset Management register and may be held at a higher level without the same level of component breakdown.

Capitalisation of Assets

Except for software, fixed assets with a cost exceeding \$5,000 will be capitalised where it is probable that future economic benefits associated with the item will flow over several years.

The costs of day-to-day servicing and maintenance of an asset are expensed as repairs and maintenance. Where a refit enhances capacity of the asset, or replaces a component separately listed in the asset register, the item is to be capitalised. The asset being replaced must be retired.

Cost may include the following components:

- The purchase price after deduction of trade (not cash) discounts and rebates.
- Cost of transport to location.
- Commissioning costs to take it to an operational state.
- Costs of employees (including benefits) directly attributable to the construction or installation of an asset.
- Site preparation.
- Testing.
- Professional fees (including internal fees e.g. employee costs including on cost of design or project management).
- Interest during construction phase where loan finance is in place.

In capitalising assets that are constructed by the Shire, the same principles are applied as in acquiring an asset. Abnormal amounts of waste should be eliminated. Cost must add inherent value to the project.

Contributed fixed assets are brought to account at fair value.

Disposal of Assets

Assets shall be regarded as being disposed of when no longer required by the Shire, and when sold, scrapped, traded or donated. The carrying amount of an asset shall be derecognised on disposal or when no future economic benefits are expected from its use or disposal. *(In accordance with Local Government Act 1995 and relevant Regulations)*

Fair Value and Revaluation

Revaluation is the process of adjusting the carrying value of an asset to reflect its fair value. The balance sheet is intrinsically a collection of economic values.

Once replacement cost of infrastructure is established, care must be taken to calculate both the design life and the remaining life of the asset. This will enable the depreciated replacement cost to be calculated and recorded.

The fair value of realisable assets is at open market value rather than market value on existing use. This is the most advantageous price reasonably obtainable by the seller and the most advantageous price reasonably obtainable by the buyer. Fair value

is “the amount for which an asset could be exchanged, or a liability settled between knowledgeable, willing parties in an arm’s length transaction.”

Land and buildings are valued independently on the basis of market-based evidence except that a limited number of buildings would qualify as specialist buildings. These would be

where community use was the paramount reason for their current existence. Depreciated current replacement cost would be the valuation methodology most suitable in these cases. Improvements to leasehold property are short-term in nature and are written off based on cost over the term of the lease. If the Shire has an option to renew the lease and there is reasonable certainty that it will exercise it, improvements should be expensed over the full term of the lease including the period over which the option is exercised.

Infrastructure assets will be valued in-house on a depreciated current replacement cost base.

Public art, art and artefacts will require a specialist valuer and where possible will be valued at market value.

Furniture and equipment (including IT hardware and software) will be valued at cost less depreciation.

Appraisals of plant, fleet and mobile equipment will be based on replacement cost and expected remaining life, taking into account any residual value at the anticipated sale point.

The entire class of an asset shall be revalued every five years. The revaluation of individual items of property, plant and equipment cannot be carried out in isolation.

Depreciation

- The depreciable amount of an asset shall be allocated on a systematic basis over its useful life.
- Depreciation applies to most classes of assets. Components of assets can be depreciated separately at different rates.
- Depreciation rates are set to systematically reduce the carrying amount of an asset to a value where applicable, (the residual value) at which it can be sold at the end of its useful life to the Shire.
- Depreciation commences when the asset is available for use and ceases when the asset is sold, fully depreciated, scrapped or gifted.
- Depreciation rates derived from the expected useful life of the asset should reflect the consumption of future economic benefits, physical wear and tear, obsolescence, lease expiry and the sale or scrap price of the asset when its useful life to the Shire ends

Impairment of Fixed Assets

Assets are not carried in excess of their recoverable amounts. An annual review is conducted of assets that may be subject to the risk of impairment.

Impairment should be utilised where it is apparent that an asset is overvalued due to a change in circumstances permanently lowering its value. Impairment, once established, should be reviewed annually to determine whether all or part of it should be adjusted.

Reporting and Disclosure

This policy encourages transparent reporting, and the Shire will disclose significant assets, depreciation rates and relevant information, where it is material and adds to useful information for stakeholders, or is needed for decision making by management.

Asset classes are separately disclosed in the accounts. Sub classes may be shown where relevant and material

Risk Management

Fixed assets are the prime physical assets of the Shire.

It is incumbent on the Shire to insure its assets at insurance values which generally equate to replacement cost and allowances for design fees, demolition and removal of debris.

Infrastructure is not insured as a matter of policy because risk of loss through insurable events is considered low.

2.26 MASTER KEY POLICY

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Policy

Council staff and Councillors, depending on their role, are issued with keys allowing varying degree of accessibility to Council owned buildings and structures.

Where practical, Council owned buildings have been fitted with locks on a master key system. This allows master key holders with efficient and quick access to any building particularly in the event of an emergency.

Misuse of master keys to gain unauthorised access to Shire property i.e. where there is no situation that justifies an emergency, will result in disciplinary action.

Any master key issues to other than those listed below must be returned at the end of the day or on completion of the work when handed to Council staff or contractors for the completion of work requiring access to several Council buildings e.g., for the maintenance of air conditioners at all Shire properties.

A register of all keys and their holders is to be maintained and updated as appropriate.

Accessibility is to be reviewed from time to time to ensure access to buildings is in line with the best interest of Council operations.

The creation of any new keys is to be authorised by the Chief Executive Officer, or in their absence, the Deputy Chief Executive Officer.

Master Key Holders

Chief Executive Officer

Deputy Chief Executive Officer

Works Supervisor

Shire President.

2.27 COMMUNITY BUS HIRE

COUNCIL MEETING HELD 28 SEPTEMBER 2023

DATE TO BE REVIEWED SEPTEMBER 2025

Purpose

The purpose of this policy is to ensure consistency regarding bus hire.

Scope

This policy is applied to the Shire of Sandstone Community, ratepayers and electors.

Policy Statement

Vehicle Bookings

All bookings are to be made at the Shire Office.

Hire Rate

Hire rate for the bus is as listed in councils current Fees & Charges.

The hirer will complete the logbook prior to and at the end of each hire period.
Dependent on the type of hire will dictate the need for additional insurance by the hirer, which the cover note must be provided prior to the bus leaving the depot.

Vehicle Keys

The keys are to be picked up and returned at the Shire Office, along with a logbook.
Keys are to be returned at the first available opportunity during office hours.

Usage

The hirer shall certify that the Bus shall only be used on gazetted public roads, or formed gravel roads, within a radius of 750 kilometres of Sandstone.

Hire Bond

A \$500.00 bond will be charged and must be paid before the hire date. The bond may be retained in the event that non-payment occurs and/or the cleanliness of the bus is not satisfactory (Council's decision on cleanliness of the bus upon return is final).

When the bus gets hired on a regular basis, the \$500.00 bond can be paid at the beginning of the hire term, to be reimbursed at the end of the hire term.

Hirer

The hirer shall provide evidence that they and or other persons that may drive the Bus hold the requisite drivers licence to drive the Bus and certifies that they have not had an application to hire a vehicle, from any other source, refused in the past.

Office staff to verify log book entries prior to and on return of bus hire.

Insurance

Current Insurance cover is as follows.

Community Groups

Either a Shire Employee or volunteer driver COVERED by council's insurance

Profit Making Groups, Organisations or Businesses

Their own Driver. NOT COVERED by council's insurance

A Shire Employee or Volunteer Driver, COVERED by council's insurance.

If the hirer is a profit-making group, organisation, or business, using their own driver, then the hirer must insure the bus under their own motor vehicle policy.

Vehicle Cleanliness & Vehicle Condition

The hirer shall inspect the Bus before taking delivery and shall sign a form of certification that the Bus was in a clean and good serviceable operating condition, containing a full tank of fuel on commencement of the hire.

The Hirer is to make sure the inside and outside of the bus is clean and tidy before returning the keys.

If not clean, the hirer will be asked to clean the Bus, or a cleaning fee as per current fees & charges will be deducted from the bond.

Council's decision on cleanliness of the bus upon return is final.

Vehicle Safety & Security

Hirer ensures that the Community Bus is parked in a safe and secure environment / property. Damage to and theft from the Vehicle shall be assessed once the Council has been notified and further consideration by the Council will be given to full recoup of costs associated with replacement/repairs of the vehicle and/or accessories due to theft and/or unwanted actions.

An Incident/Accident Report must be completed and presented to Council and in addition to normal reporting procedures to Police.

Vehicle damages & Repairs

- (a) The hirer shall immediately report to the Shire of Sandstone, details of any mechanical failure or accident that renders the bus unserviceable and shall comply with instructions provided by the Shire as to what action should be taken to repair and/or secure the vehicle.
- (b) The hirer shall undertake, at the point of hire, to meet any insurance excess payable by the Shire, should the bus sustain damage during the term of hire.
- (c) Should the bus be damaged, and the Shires insurance is rendered void due to the driver's negligence e.g. being found to be under the influence of drugs or alcohol at the time of the damage occurring, the hirer shall pay the full cost of all replacement and / or repairs to the bus

Repairs arising from normal usage are the responsibility of Council.

Motor Vehicle Accident

The hirer shall sign a form indemnifying the Shire against accidents, injuries, errors and / or omissions that may arise from the hirer's negligence in using the Bus.

An Incident/Accident Report must be completed and presented to Council and in addition to normal reporting procedures to Police in the case of a motor vehicle accident.

Passenger Safety

The hirer is responsible for the safety of all passengers during the hire term.

Vehicle Smoking Ban

Smoking is not permitted in the bus at any time.

Vehicle Breakdown

In the case of breakdowns of the bus, the hirer is to make every endeavour to safely return the bus to Sandstone. The alternative transport of passengers becomes the sole responsibility of the hirer.

Vehicle/Engine Checks

During use the hirer shall check the oil, water and tyres daily.

Full Fuel Tank

When picked up, the bus will have a full tank of diesel fuel. The Hirer is to ensure that they fill up the tank on returning the bus.

The cost to fill the tank will be deducted from the bond if the tank is not full upon return to the Shire.

The Shire of Sandstone retains the right to change, alter or adopt new rules as they wish, and also to refuse use of the Bus if they wish.

2.28 RISK MANAGEMENT

COUNCIL MEETING HELD: 28 SEPTEMBER 2023

DATE TO BE REVIEWED: SEPTEMBER 2025

Policy Statement

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

Objectives:

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

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 shires Integrated Planning Framework.

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

Every employee within the Shire is recognised as having a role in the 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 risks.

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 aspect (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 regards 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 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 Shires Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirement, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment.

Roles, Responsibilities and Accountability.

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

Monitor and 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 risk and the ongoing identification of issues and trends.

BUSHFIRE

3.1 USE OF COUNCIL EQUIPMENT

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

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

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

3.2 BUSHFIRE INFRINGEMENT NOTICES

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

That the Chief Executive Officer, Chief Bushfire Control Officer and Deputy Chief Bushfire Control Officer be delegated and authorised to issue infringement notices under the Bushfires Act. 1954.

3.3 BURNING TIMES

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

RESTRICTED AND PROHIBITED BURNING TIMES

The Gazetted Restricted and Prohibited Burning Times for each year are as follows:

Restricted burning period: 1 November to 11 December and 20 March to 30 April

Permits to burn during this period are required, and must be obtained from a Fire Control Officer

Prohibited Burning Period: 12 December to 19 March

In accordance with Sections 17 and 18 of the Bush Fires Act 1954, Council may, if it considers that seasonal conditions warrant a variation of the prohibited or restricted burning times in its district, vary the prohibited or restricted burning times in respect of that year in the district or a part of the district by –

- a. shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or
- b. imposing a further period of prohibited or restricted burning times.

This variation can not exceed more than 14 successive days.

In accordance with Sections 17 (10) and 18 (5) (c) of the Bush Fires Act 1954, Council delegates to the Shire President and the Chief Bush Fire Control Officer, jointly its powers and duties to vary Prohibited and Restricted Burning Times, in accordance with the Bush Fires Act 1954, as highlighted in this Policy.

Burning times are to be advertised in the local newsletter prior to November 1st each year.

FINANCE

4.1 CAPITALISATION & DEPRECIATION OF ASSETS

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

Infrastructure Assets

All expenditure relating to Construction and Improvement Works relating to Infrastructure Assets will be capitalised, and detailed in the following categories:

- Infrastructure Roads
- Airport
- Drainage
- Footpaths
- Parks and Ovals
- Refuse Disposal Sites
- Townscape

All Other Assets (Greater than \$5,000 value)

Any material item purchased that is not deemed consumable or disposable, over the value of \$5,000 per item will be capitalised, and detailed in the following categories:

- Land and Buildings
- Plant and Equipment

All Other Assets (Less than \$5,000 value)

Items purchased with a value of less than \$5,000 will be treated as follows:

Land and Buildings

All Land purchases will be capitalised. Building repairs and improvements less than \$5,000 will be treated as operating.

Plant and Equipment

A record of Plant and Equipment purchased with a value between \$1,000 and \$5,000 will be maintained via the 'Inventory of Plant, Equipment and Tools', with this Inventory reviewed annually by Council's Chief Executive Officer to ensure dilapidated/disposed assets are removed from the Inventory.

Depreciation

Depreciation of assets will be in line with the Significant Accounting Policies (Depreciation of Non-Current Assets) as adopted annually by Council via the Annual Financial Statements and Notes to and forming part of the Budget.

4.2 SURPLUS FUNDS INVESTMENT

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

That the Chief Executive Officer and Finance Officer be authorised to invest surplus Council funds to the best advantage of Council, within a recognised Financial Institution, with those officers to negotiate the best possible interest rates at the same time as maintaining a professional banking relationship with the respective Business Banking Managers.

Council recognises the following Financial Institutions as being acceptable for the investment of Council's Funds:

Westpac Banking Corporation

ANZ Banking Group

Commonwealth Bank

National Australia Bank

BankWest

A monthly return is to be furnished to Council giving details of all current investments showing;

- a) place of investment
- b) term of investment
- c) interest rate
- d) name of funds invested (e.g. municipal, trust or reserve)

4.2 RESOURCING EMPLOYEE ENTITLEMENTS

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

Council maintains a Long Service Leave Reserve to provide a mechanism to fully cash-back employee entitlements at the 30th June each year.

The value of this Reserve must mirror the value of:

- Current Long Service Leave recognised at year end, anticipated to be taken by the employee during the next reporting period, and;
- Non-Current Long Service Leave

Council acknowledges that funds will be withdrawn from time to time as employees utilise their Long Service Leave entitlements identified within annual budgets. In the event that additional funds are required to meet obligations beyond the budgeted allocation, approval from Council will be sought to fund the shortfall from the Reserve Fund.

It is acknowledged that all Annual Leave is considered 'current' and as such, is calculated as a deficit to the surplus carried forward on 1 July annually.

4.3 RECOVERY OF FINES AND COSTS FROM SUNDRY DEBTORS

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

1. Introduction

This policy is intended to provide guidelines for the timely collection of money owed to the Shire of Sandstone.

Application

This policy applies to all Shire debtors.

2. Policy Intent

Council will exercise its debt recovery powers, as outlined in Part 6 of the *Local Government Act 1995*, in order to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

- Providing the Shire with a more effective method over the collection of outstanding debtors;
- Ensuring that debt collection procedures are carried out in a fair and equitable manner;
- Making the processes used to recover outstanding debt clear, simple to administer and cost effective;
- Transparency by making clear the obligations of its ratepayers and sundry debtors to the processes used by Council in ensuring that they meet their financial obligations;
- Equity by having regard to providing the same treatment for ratepayers and sundry debtors with similar circumstances;
- Flexibility by responding where necessary to changes in the local economy;
- Ensuring the Shire of Sandstone is compliant with all regulatory obligations;
- Promoting effective governance and definition of roles and responsibilities;
- Upholding recognition from the public and industry for the Shire's collection practices that withstand probity.

3. Sundry Debtors

Council provides trade debtors and miscellaneous debtors 30 days from invoice date to settle any outstanding accounts.

The Chief Executive Officer may allow persons experiencing financial difficulties to make suitable arrangements for payment of sundry debtor charges.

Where no alternative arrangements have been made, the following actions are to occur:

- (a) After 30 days has expired, contact is to be made by telephone to the sundry debtor seeking a commitment to pay the outstanding debt and a memo to this effect entered on the debtor's record.
- (b) If the debt is still outstanding after a further week, then a letter is to be sent requesting payment of the outstanding balance within seven days of receipt of the letter.
- (c) Where the debt is still not paid, then a final notice letter demanding payment within seven days is to be sent stating that failure to pay will result in the matter being placed in the hands of the Shire's debt collection agency.
- (d) Debtors remaining unpaid after the expiry date for the final notice letter and not subject to an approved arrangement or an alternative course of recovery action will be the subject of the preparation and issue of a summons or writ, through Council's debt collection agency, to effect recovery.
The debtor will also cease to have a credit rating with Council and will not be allowed to incur any further debt with Council.
- (e) Where a summons has been issued and remains unsatisfied, action will be taken to pursue that summons by whatever means possible, through Council's solicitors or debt collection agency as the case may be to secure satisfaction of the debt.
- (f) Following the issue of a summons and addition of legal costs, a reasonable offer to the Chief Executive Officer to discharge a debtor account by payment arrangement will not be refused.

4. Rates Debtors

4.1. Issue of Notices

Rate Notices will be issued as soon as practicable after raising rates, as per Section 6.41 of *the Local Government Act 1995* and will advise the ratepayer of the due date, being not earlier than 35 days after issue of notice.

4.2. Final Notice

Should rates remain outstanding 14 days after the due date and the ratepayer has made no payment or insufficient payment to cover the first instalment, a Final Notice will be issued. This Notice will advise of the total amount outstanding including any penalty interest payable and that legal action may be taken without further notice with all legal costs incurred being added to the ratepayer's account.

4.3 Collection Steps

- (a) Rates Debtors remaining unpaid 14 days after Notice of Intended Legal Action letter date, sent 14 days after Final Notice, and not subject to an approved arrangement or an alternative course of recovery action will be the subject of the preparation and issue of a summons or writ, through Council's collection agency, to effect recovery.
- (b) Following the issue of a summons and addition of legal costs, a reasonable offer to the Chief Executive Officer to discharge a rates debtor account by alternative payment arrangement will not be refused.

4.4. Instalments

A person wishing to participate in the instalment payment method must make at least the first instalment payment in full by the due date and should not have any outstanding rates and / or charges on their account. The instalment payment plan is subject to an administration charge and instalment surcharge as set by Council for that year. Should a person default on payment of instalments, legal proceedings may be instituted to recover any outstanding amount.

4.5. Alternative Payment Arrangements

Should a ratepayer be experiencing difficulty in paying their rates or find the instalment method not suitable, application can be made to Council in writing specifying clearly the amount that can be paid and any reasons that would assist their application. This matter will then be referred to the Chief Executive Officer for determination.

4.6. Back Rates

Council may, under *Section 6.39 of the Local Government Act 1995*, amend the rate record for the five years preceding the current financial year. Should the amount of back rates total less than \$10.00 in respect of one rating year, this charge will not be imposed. Service charges will be included in back rating.

4.7. Unpaid Rates

Where amounts remain outstanding, a Notice of Intended Legal Action letter will be sent.

Rates remaining unpaid after 14 days from the date the letter was sent and not subject to an approved arrangement or an alternative course of recovery action will be pursued through Council's solicitors or collection agency, as the case may be, to secure satisfaction of the debt.

Council will be consulted if this action is proposed for the collection of amounts owed by known pensioners.

Following the issue of a summons and addition of legal costs, a reasonable offer to the Chief Executive Officer to discharge a rate account by alternative payment arrangement will not be refused:

- (a) Where the owner is resident on the property in a domestic situation, alternative payment arrangements may be available after approval by the Chief Executive Officer (see alternative payment arrangements).
- (b) Where the owner is a non-resident or a company i.e. the property is an investment property, the maximum period over which repayment will be permitted will be three months.

Legal proceeding will continue until payment of rates imposed is secured. This includes the issue of a Warrant of Execution against goods and land if necessary to collect outstanding amounts in respect of all properties without a requirement that these be referred to Council.

In cases where the owner of a leased or rented property on which Municipal Rates are outstanding cannot be located or refuses to settle rates owed, notices may be served on the lessee or tenant under the provisions of *Section 6.60 of the Local Government Act 1995*, requiring the lessee or tenant to pay to the Council the rent due under the lease/tenancy agreement as it becomes due until the amount in arrears has been paid.

4.8. Where Rates or Service Charges Remain Unpaid

Where rates remain outstanding for a period in excess of one year and all attempts to recover the debt have failed then a caveat will be lodged to preclude dealings in respect of the land to protect Council's interest.

Where previous actions to collect outstanding rates and service charges have not been successful and the rates and/or service charges remain unpaid for at least three years, Council will in accordance with *S6.64 of the Local Government Act 1995* take possession of the land and hold the land as against a person having an estate or interest in the land and:

- (a) From time to time lease the land; or
- (b) Sell the land; or
- (c) Cause the land to be transferred to the Crown; or
- (d) Cause the land to be transferred to itself.

The above actions will be reported on a confidential basis to the Council for approval.

4.4 FINANCIAL HARDSHIP

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

Introduction

This Policy ensures that the Shire offers fair, equitable, consistent and dignified support to ratepayers suffering genuine financial hardship, while treating all members of the community with respect and understanding.

Objective

To provide guidance to Shire Officers and Members regarding rate relief to ratepayers who are able to evidence financial hardship.

Scope

This policy applies to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc

Policy Statement

Council delegates to the CEO the exercise of its power or the discharge of any of its duties in relation to *Local Government Act 1995, Part 6, Division 6, section 6.49* Agreement as to payment of rates and services charges which states a local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

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, fees and service charges debt.

Financial hardship occurs where a person is unable to pay rates, fees and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

2. Financial Hardship Criteria

While evidence of hardship is required, the Shire recognises that not all circumstances are alike. The Shire has 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 arrangement.

The Shire considers all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with statutory responsibilities.

3. Payment Arrangements

Payment arrangements are facilitated in accordance with *Section 6.49 of the Act*. Such arrangements are of an agreed frequency and amount, considering the following:

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

4. 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.

5. Debt recovery

The Shire will suspend its 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 the Shire and makes an alternative plan before defaulting on the 3rd due payment, the Shire will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, any rates and charges that remain outstanding will then be subject to the rates debt recovery procedures prescribed in *the Local Government Act 1995, as outlined in Debt Collection policy*. If interest had been held, this will also begin to accrue.

6. Review

Corporate Services establishes a mechanism for review of decisions made under this policy and advises the applicant of their right to seek review and the procedure to be followed.

7. Communication and Confidentiality

The Shire maintains confidential communications and undertakes to communicate with a nominated support person or other third party when requested.

The Shire must ensure that all Workers sign a confidentiality agreement and abide by the Code of Conduct.

The Shire advises Shire debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtor that has an outstanding rates, fees or service charge debt.

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

4.5 BENCHMARK PERCENTAGE OR VALUE FOR REPORTING OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

In an effort to provide Councillors with confidence and clarity when reviewing the Monthly Statement of Financial Activity, and in accordance with the Local Government (Financial Management) Regulations 1996, Regulation 34 (5), and the following benchmarks will be used by staff for reporting of material variances:

Benchmark percentage +/- 10%.

Benchmark value \$10,000

4.5 PURCHASING – QUOTES & TENDERS

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

Local Government Act 1995 Clause 3.57(2)

Functions & General Regulation 11

PURCHASING & TENDERING POLICY

OBJECTIVE

To provide clear guidelines to the Council and its officers for procuring goods or services through Direct Purchasing where the value (excluding GST) is expected to be less than \$250,000 and where the value is expected to be \$250,000 or more through Public Tender. This policy is intended to provide a framework within legislative requirements and to further complement statutory requirements.

POLICY

The scope of this policy includes the procurement of goods or services pursuant to Section 3.57 (2) of the *Local Government Act 1995*, and Part 4, 11(1) of the *Local Government (Functions and General) Regulations 1996* as amended from 10th April 2020 where the value of the procurement is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

The Chief Executive Officer will undertake to ensure that compliance with legislative requirements is maintained and that procedures implemented are capable of withstanding scrutiny and provide appropriate transparency of the Shires practices toward the procurement of goods or services.

The Chief Executive Officer will undertake to put in place competent practices to ensure best value for money, best practice in management, transparency, probity, environmental performance, and that appropriately qualified staff and resources, together with training, are provided in support of these practices.

PRINCIPLES

- i. Procurement undertaken by the Shire is carried out in a consistent, efficient, effective and transparent manner.
- ii. Retaining the integrity of the procurement process by maintaining fair and ethical practices and adherence to statutory obligations is a fundamental requirement.
- iii. Value for money will be sought in a way that achieves the most advantageous outcomes for the Shire.
- iv. Where appropriate local suppliers and/or suppliers using significant local resources to be given preferential consideration in order to support the local economy.
- v. Wherever possible, other sustainable benefits such as environmental and social factors will be considered in the overall value for money assessment.
- vi. There should be no conflicts of interest which might compromise equity, probity and integrity and the avoidance of bias in the procurement process.
- vii. Procurement records will be maintained in accordance with the State Records Act and the Shire's Recordkeeping Plan.
- viii. Confidentiality protocols that protect commercial-in-confidence information are applied with information released only where appropriately approved.
- ix. Risks related to the procurement process are identified and managed within the Shire's Risk Management Framework.

PROVISIONS

Ethics & Integrity

All officers and employees of the Shire of Sandstone shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Local Government.

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

- a) full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- b) all purchasing practices shall comply with the Local Government Act 1995, Local Government (Functions and General) Regulations 1996 and requirements consistent with the Shire's Policies, Procedures and Code of Conduct;
- c) purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- d) all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- e) any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed;
- f) any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation;
- g) Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.

Value for Money

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

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

- a) All relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.

- b) 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.
- c) Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
- d) A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from its supply, operation and maintenance.

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

SUSTAINABLE PROCUREMENT

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

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

Practically, sustainable procurement means the Shire shall endeavour at all times to identify and procure products and services that:

Have been determined as necessary.

- a) Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- b) Demonstrate environmental best practice in water efficiency.

- c) Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage.
- d) Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- e) For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range, contract conditions and work requirements.
- f) For new buildings and refurbishments – where available use renewable energy and technologies.

Local Economic Benefit

The Shire of Sandstone encourages the development of competitive local businesses within the Murchison region.

As much as practicable, the Shire of Sandstone will:

- i. where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage regional businesses.
- ii. consider indirect benefits that have flow on benefits for regional suppliers (i.e. servicing and support).
- iii. ensure that procurement plans address regional business capability and local content.
- iv. explore the capability of regional businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of regional businesses.
- v. avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage regional businesses to bid; and
- vi. provide adequate and consistent information to regional 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. These criteria will relate to local economic benefits that result from Tender processes.

Local Price Preference

A preference will be applicable to all regional contractors and suppliers with a permanent office and staff located within the Murchison region. This also applies to contractors based outside the Murchison region who use goods, materials or services which are sourced from the Murchison.

A 5% price preference, to a maximum of \$5,000, applies to goods and services, sourced and used in the Murchison.

On major contracts above \$50,000.00 in value, Council is to clearly indicate its preference to use local contractors and sub-contractors and will accept a price of not more than 5%, or \$5,000.00, or above the best price obtainable outside the district and subject to issues of availability, expertise and equipment availability and other relevant issues being considered.

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*.

PURCHASE VALUE THRESHOLDS

Purchase Value Threshold (Excl. GST)	Purchasing Practice
Up to \$10,000	<p>No quotations are required.</p> <p>Staff are to use professional judgement and discretion to determine if prices or rates are value for money.</p> <p>It is recommended to use professional discretion and occasionally undertake market testing to ensure best value is maintained.</p> <p>For the purchase of simple low value, low risk goods and services or “petty cash” type purchases, accountability is basically proof of purchase by way of a receipt.</p>
\$10,001 – \$20,000	At least 2 written quotations are required for the procurement of goods or services.
\$20,001 - \$100,000	At least 3 written quotations are required for the procurement of goods or services.
\$100,001 - \$249,999	<p>A least 3 written responses from suppliers by invitation under a formal request for quotation.</p> <p>Selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as value for money, sustainability, stock availability, accreditation, time for completion or delivery, warranty conditions, state of the art technology, maintenance requirements, organisation’s capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.</p>

	Evaluations must be done by at least 2 people.
\$250,000 and over	<p>Tender Exempt arrangements under Functions and General Regulations 11(2) require at least 3 written responses from suppliers by invitation under a formal request for quotation</p> <p style="text-align: center;">OR</p> <p>Public Tender undertaken in accordance with the Local Government (Functions and General Regulations 1996; Part 4; Division 2; r. 11)</p>

Notes:

- It is recognised that in some cases, it may not be possible to obtain the required quotations in accordance with the above outlined requirements. In this case, officers must attach a file note to the purchase order outlining the details why requirements could not be met e.g. insufficient suppliers.
All file notes are to be signed by both the officer requesting goods / services and the CEO.
- The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any audit and/or record keeping requirements.
- Verbal Quote forms for verbal quotes are to be completed.
- As far as practicable, the price should not be the only criterion for selection of a quote.
- When requesting quotes from a business it is to be made clear that only the original quote will be considered. Under no circumstances are officers to engage in bartering activities playing one business off against the other.
- Officers are to be diligent and professional in their approach to purchasing focusing on the best possible alternative for the Shire. Purchasing from friends, relatives etc. are not allowed without the direct approval of the CEO.
- Invitation under a formal request for quotation (\$100,001 - \$249,999):

- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

Budget Provisions

Officers cannot issue orders for any goods or services unless the Council budget makes provision for that expenditure.

Where no budget allowance has been made then expenditure would be unauthorised and must go before Council for approval. Full details of the purchase proposal and reasoning must be submitted to Council prior to any action to purchase being considered.

Council delegates authority to the Chief Executive Officer to changeover light vehicles in accordance with Council policy without reference to Council provided that where applicable tenders / quotes are called in accordance with Tender Regulations and subject to the net changeover cost being within budget allocations. All other items of plant purchased shall be put before the full Council.

Placement of Orders

All purchases are to have a duly raised purchase order which is to contain a description of the purchase, quantity per item, unit cost, purchase price per line item and GST component. The purchase order is to have the total purchase price annotated on it.

The following purchases where the overall business risk has been assessed as low to medium are exempt from the above Purchase Order Requirement:

- Annual memberships / subscriptions;
- Annual licences;

- Reimbursements;
- Provision of utility services;
- Emergency purchases.

NOTE: Emergency purchases not included in the adopted budget must be authorised in advance by the Shire President in accordance with *s6.8 of the Local government Act 1995*

Procedure for the procurement of goods or services through Public Tendering

Regulatory Compliance

Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- a) An emergency situation as defined by the *Local Government Act 1995*;
- b) The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government; When using a tender exempt panel of pre-qualified suppliers (WALGA preferred Supply contract) the shire must utilise a request for quotation process through eQuotes or in writing direct with the supplier.
- c) The purchase is under auction which has been authorised by Council;
- d) The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- e) Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

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

Insufficient suppliers

It is recognised that in some cases, it may not be possible to obtain three quotations in accordance with the above. In this case, officers must attach a file note to the purchase order outlining the details of the companies contacted (date, method, contact details) and their response.

All file notes are to be signed by both the officer requesting goods / services and the CEO.

Anti-Avoidance

The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000, thereby avoiding the need to publicly tender.

Tender Criteria

The Local Government shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (ex GST) price of \$250,000 and above, the panel must contain a minimum of 3 members.

Advertising Tenders

Tenders are to be advertised in a state-wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 **full** days are provided as a minimum.

The notice must include:

- a) A brief description of the goods or services required.

- b) Information as to where and how tenders may be submitted.
- c) The date and time after which tenders cannot be submitted.
- d) Particulars identifying a person from who more detailed information as to tendering may be obtained.
- e) Detailed information shall include:
 - i. such information as the local government decides should be disclosed to those interested in submitting a tender;
 - ii. detailed specifications of the goods or services required;
 - iii. the criteria for deciding which tender should be accepted;
 - iv. whether or not the local government has decided to submit a tender; and
 - v. whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation. This is essential if clarification, addendums or further communication is required prior to the close of tenders. All potential tenderers must have equal access to this information in order for the Local Government not to compromise its Duty to be Fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Shire Officer. The details of all tenders received and opened shall be recorded in the Tender Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information

should be regarded as *commercial-in-confidence* to the Local Government. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Local Government Officers present at the opening of tenders.

No Tenders Received

Where the Local Government has invited tenders, and no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a) A sufficient number of quotations are obtained.
- b) The process follows the guidelines for seeking quotations between \$100,001 & \$249,999 (listed above).
- c) The specification for goods and/or services remains unchanged.
- d) Purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Local Government by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Local Government may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Local Government and tenderer have entered into a Contract, a minor variation may be made by the Local Government.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution.

Notification shall include:

- a) The name of the successful tenderer
- b) The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tender Register at the conclusion of the tender process.

Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained.

For a tender process this includes:

- a) Tender documentation
- b) Internal documentation
- c) Evaluation documentation
- d) Enquiry and response documentation
- e) Notification and award documentation

For a direct purchasing process this includes:

- a) Quotation documentation
- b) Internal documentation
- c) Order forms and requisitions

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Local Government's internal records management policy.

4.6 PURCHASING – CREDIT CARD

COUNCIL MEETING HELD 26 OCTOBER 2023

DATE TO BE REVIEWED OCTOBER 2025

CORPORATE CREDIT CARD POLICY

General Practices

1. Corporate credit cards will only be issued to the Shire of Sandstone CEO, DCEO, Works Supervisor and the Manager of the Post Office Café.
2. The CEO shall approve the issue of all corporate credit cards. In the case of the CEO, Council may (in accordance with this Policy and Management Practice) approve the issuing of a corporate credit card as part of the CEO's contract of employment.
3. The Shire's corporate credit cards shall only be used for Shire business related purchases and within approved budget allocations. ***Under no circumstances*** are corporate credit cards to be used for personal or private purposes.
4. The cash withdrawal feature on all cards, shall be disabled by arrangement with the Shire's financial institution.
5. The maximum credit limit on the Chief Executive Officer's card not to exceed \$15,000, and all other cards \$5,000.
6. It is the cardholder's responsibility to ensure, prior to any purchase, that there are sufficient funds/credit limit available on their corporate credit card so as not to exceed the card's limit.

Terms of Corporate Credit Card Use by Cardholders

1. An Agreement between the cardholder and the Shire of Sandstone shall be signed which sets out the cardholder's responsibilities, legal obligations, details of goods and services the cardholder has authority to purchase and actions that will be taken in the event that the cardholder fails to comply with the terms of the Agreement.
2. A Register of all corporate credit cards issued/returned/cancelled, will be maintained by the Finance Department.
3. The Register will record the following details:

- The cardholder's name and position;
 - The card number;
 - The card expiry date;
 - The card credit limit, and
 - The signature of the cardholder to signify they have received the card.
 - The signature of the cardholder to signify they have returned the card.
4. On the cessation of a cardholder's employment, the corporate credit card is to be returned to the CEO who will cancel and destroy the card. The Register will be updated with the cardholder's signature to signify they have returned the card.
 5. If a cardholder's corporate credit card is misplaced, damaged or stolen, the cardholder is required to report it immediately to the Shire's financial institution and the CEO.
 6. Cardholders are responsible for the purchases made on their corporate credit card and must sign the statement received at the end of each month certifying they have checked that all transactions listed match their purchases for that month. Cardholders are to obtain in all instances a compliant tax invoice or receipt which records an adequate description of the goods or services obtained and shall write on the statement or the supporting documents for each transaction, the applicable expense account budget number for cost allocation purposes.
 7. All corporate credit cards statements from the Shire's financial institution shall be mailed directly to the Finance Department who will distribute to cardholders.
 8. Corporate credit card statements (including supporting documentation of the goods or services acquired) when signed by the cardholder as being true and correct, are to be returned to the Finance Department.
 9. The Finance Department will:
 - Reconcile the corporate credit card statements to the total monthly payment made to the Shire's financial institution.
 - Review the transactions and supporting documents on each corporate credit card statement and report any irregularities or discrepancies to the CEO.
 - File all corporate credit card statements and supporting documentation.

4.7 APPROVAL OF EXPENDITURE

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

Authority to Make Payments

In accordance with Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 12 and 13, Council delegates authority to the Chief Executive Officer to make payments from the Shire of Sandstone Municipal, Trust or other Fund.

These payments may be made either by cheque or Direct Debit or credit card as provided in this policy.

When cheques are used, any two of the following should sign:

Chief Executive Officer (or Acting Chief Executive Officer)

Deputy Chief Executive Officer

Works Supervisor

Shire President or Deputy Shire President

Specimen signatures for the persons engaged in the above listed positions are to be retained on file at the Geraldton branch of the Bankwest.

Electronic Funds Transfer (EFT)

Council's preferred method of remitting funds to creditors is EFT as it provides the most cost effective and time efficient method of remitting payment.

EFT processing must be authorised by three individual persons electronically as follows:

Finance Officer (initial approval/uploading)

then

By two duly authorised persons.

4.8 FRAUD AND CORRUPTION POLICY

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

Objective

The objective of this policy is to articulate the Shire of Sandstone's (the Shire) commitment to the prevention, detection, response and monitoring of fraud and corrupt activities.

This policy, and the Fraud and Corruption Control Plan, are key components of good governance and will establish the structure to address fraud and corruption risks and to detect and respond to fraud and corruption in accordance with the best practice guidance as set out in the Fraud and Corruption Control Standards (AS 8001-2008).

Policy Scope

This policy applies to:

- Elected Members;
- All workers whether by way of appointment, secondment, contract, temporary arrangement or volunteering, work experience, trainees and interns;
- Any external party involved in providing goods or services to the Shire, such as contractors, consultants, outsourced service providers and suppliers.

Definitions

Fraud is defined by Australian Standard AS8001 – 2008 as:

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of monies or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity.”

Fraud can take many forms including:

- the misappropriation of assets;
- the manipulation of financial reporting (either internal or external to the Shire); and
- corruption involving abuse of position for personal gain.

Corruption is defined by Australian Standard AS8001 – 2008 as:

“Corruption is dishonest activity in which an employee or contractor of the entity acts contrary to the interests of the entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or organisation. The concept of ‘corruption’ can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity.”

Corruption is any deliberate or intentional wrongdoing that is improper, dishonest or fraudulent and may include:

- conflict of interest;
- failure to disclose acceptance of gifts or hospitality;
- acceptance of a bribe;
- misuse of internet or email; or
- release of confidential or private information or intellectual property.

Corrupt conduct tends to show a deliberate intent or an improper purpose and motivation and may involve conduct such as the deliberate failure to perform the functions of office properly; the exercise of a power or duty for an improper purpose; or dishonesty.

Policy Statement

The Shire is committed to a strong culture and sound governance that will safeguard public funds and property. The Shire considers fraud, corruption and misconduct to be serious matters. Such behaviours are considered unacceptable and a zero-tolerance approach is adopted by the Shire towards such behaviour.

Fraud and corruption are a risk to the Shire, including in terms of:

- financial loss;
- reputational impact;
- diversion of management energy;
- organisational morale;
- organisational disruption;

- loss of employment;
- reduced performance; and
- diminished safety.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control. The Shire encourages staff to disclose actual or suspected fraudulent or corrupt activity. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate legal remedies available under the law will be pursued. All alleged incidences will be investigated thoroughly. Where appropriate, the Shire will protect the anonymity of those reporting the activity.

Detrimental actions are not permitted against anyone who reports suspected or known incidents. The Shire adopts a similar approach to those who maliciously and knowingly create a false allegation.

A Fraud and Corruption Control Plan has been developed to assist the Shire to meet the objectives of this policy by ensuring that it has thorough, up-to-date processes in place to mitigate the risk of fraud or corruption occurring in the Shire.

Fraud and Corruption Management

The Shire will minimise fraud and corruption through:

- adopting the Fraud and Corruption Control Plan, which is aligned with the Fraud and Corruption Control Standards (AS 8001-2008);
- incorporating fraud and corruption risk identification and mitigation strategies as part of the integrated and reporting planning framework;
- using the WALGA's Integrity in Procurement Self-Audit Tool and reporting to Council via the Audit Committee;
- educating employees in accountable conduct and fraud awareness issues, including ongoing performance assessment and counselling; and
- monitoring, auditing and communicating processes.

Fraud and Corruption Control Plan

The objectives of the Fraud and Corruption Control Plan are to:

- reduce the potential for fraud and corruption within and against the Shire;
- build a culture which seeks to prevent fraud and corruption;
- apply resources to the prevention of fraud and corruption;
- explain how suspected fraud and corruption is dealt with through risk management practices; and
- provide guidance on how any suspected instances of fraud or corruption are dealt with.

This Plan is comprised of four stages: planning and resourcing, prevention, detection and response; and details the Shire's intended action in implementing and monitoring the fraud and corruption control initiatives.

The strategies relating to planning and resourcing, prevention, detection and response of fraud and corruption control includes but is not limited to:

- training and awareness;
- pre-employment screening;
- risk assessment;
- internal and external audit;
- whistleblowing; and
- investigation procedures.

Roles and Responsibilities:

1) Council

Council has the responsibility to adopt the Fraud and Corruption policy. Council has the responsibility to adhere to the Fraud and Corruption Policy.

2) Audit Committee

In relation to fraud control, the Audit Committee's responsibilities include:

- reviewing risk management frameworks and associated procedures for the effective identification and management of fraud risks;
- overseeing development and implementation of the fraud control plan, to provide assurance that the entity has appropriate processes and systems in place to prevent, detect and effectively respond to fraud-related information; and

- providing leadership in preventing fraud and corruption.

3) Chief Executive Officer

The Chief Executive Officer applies the Shire's resources to fraud prevention and ensures the implementation of adequate controls for managing fraud and corruption risks within the Shire.

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.

4) Leadership Team (Executive Managers)

The Leadership Team is responsible for implementing the Fraud and Corruption Control Plan. In particular, the Leadership Team must:

- 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;
- monitor the continued operation of controls;
- report suspected fraud and corruption promptly, maintaining confidentiality; and
- ensure the protection of complainants who report fraudulent and corrupt activities.

5) Public Interest Disclosure (PID) Officer

Public Interest Disclosure Officers investigate disclosures, and take action following the completion of investigations under the *Public Interest Disclosure Act 2003*.

6) Human Resources

The Human Resources or delegated officer, will manage the grievance and discipline process.

7) Risk Management Officer

Fraud and corruption are significant business risks. Therefore, the relevant Officer is responsible for:

- coordinating the fraud and corruption risk assessment process;
- developing, and maintaining a Fraud and Corruption Control Plan in consultation with key

stakeholders;

- communicating the existence and importance of the Fraud and Corruption Control Plan; and
- delivering and/or coordinating fraud and corruption training.

8) Employees

All employees have a responsibility to contribute to preventing fraud and corruption by following the Code of Conduct, complying with controls, policies, processes, resisting opportunities to engage in fraudulent or corrupt behaviour and reporting suspected fraudulent or corrupt incidents or behaviour.

9) Internal Audits

The Internal audits provides an independent and objective review and advisory service to:

- provide assurance to the Chief Executive Officer / Council via the Audit Committee, that the financial and operational controls designed to manage the Shire's risks and achieve the Shire's objectives are operating in an efficient, effective and ethical manner; and
- assist management in improving the Shire's business performance.

10) External Auditors

External auditors provide an opinion on whether the Shire's Annual Report represents a true and fair view of the financial position at a certain date.

Annual external audit of the Financial Reports assists in the detection of fraud under Australian Auditing Standard ASA 240: The Auditors' Responsibility to Consider Fraud in an Audit of a Financial Report.

4.9 FINANCIAL RESERVES

COUNCIL MEETING HELD: 26 OCTOBER 2023

DATE TO BE REVIEWED: OCTOBER 2025

Objective

To establish a framework for the establishment and ongoing management of Reserves.

Policy

Reserves are established to set aside funds for specific projects as determined.

Prior to the creation of a Reserve, Council shall adopt operating parameters in relation to the Reserve which are to set out:

- The purpose of the Reserve;
- The basis of calculation for any transfer to the Reserve;
- The basis of calculation for any transfer from the Reserve; and
- The proposed allocation of any unexpended balance remaining in the Reserve following completion of the project.

Every Reserve created must have a specific purpose, and relate to the adopted 'Strategic Plan/Plan for the Future' of Council.

Expenditure from and transfers to Reserves can only be authorized by resolution of Council, specifying the amount of the transfer.

Each Monthly Financial Report to Council is to include a Schedule of Reserves, showing:

- Closing Balance as at the End of the Month (Actual).

Interest from Investments will be allocated to each of the Reserve Funds on a percentage weighting basis

Authorised Reserves of Sandstone Shire Council

Reserve Name: Employee Entitlements Reserve

Purpose:

To ensure that adequate funds are available to finance Council's liability for employee long service and annual leave entitlements.

Calculation Basis:

Transfers to and from the Reserve will be based upon projected end of year liabilities relating to employees leave entitlements.

The calculation of liabilities will consider such factors as length of service of employees, applicable on-costs and probability of employees to reach applicable service levels.

Target Balance:

Maximum of 75% of the employee leave liabilities as reported in Council's Annual Financial Statements.

Reserve Name: Plant Replacement Reserve

Purpose:

To ensure adequate funds are available to purchase a responsive and modern plant fleet at the optimum replacement point.

Calculation Basis:

Transfers from the Reserve are based plant purchases as per the Plant Replacement program and authorized by resolution of Council.

Target Balance:

Sufficient to ensure adequate funding of appropriate upgrades of Council's plant purchases as per the Plant Replacement Program.

Reserve Name: Building Reserve

Purpose:

To ensure adequate funds are available to fund future building construction and required building maintenance of Shire of Sandstone's Property portfolio.

Calculation Basis:

Transfers to and from the Reserve are based upon the existence of, or proposal for, an annual budget allocation for an identified specific capital project and/or Long Term Building Maintenance Program.

Target Balance:

Sufficient to ensure adequate funding of appropriate capital upgrades of Council's Property Stocks as per the Long Term Building Program

Reserve Name: Community Development Reserve

Purpose:

To ensure adequate funds are available to fund projects that benefit the community as determined from time to time.

Calculation Basis:

Transfers to and from the reserve are based upon an annual budget allocation may be determined by Council.

Target Balance:

Sufficient to ensure adequate funding of Projects as they are developed.

Reserve Name: Airport Reserve

Purpose:

To ensure adequate funds are available to fund future extensions/upgrades of the airport facilities at the Sandstone Airstrip.

Calculation Basis:

Transfers from Reserve to be in accordance with Council Resolution or budgeted expenditure.

Target Balance:

Sufficient to ensure adequate funding of capital extensions/upgrades of the Sandstone Shire's Airport Facilities.

Reserve Name: Road & Flood Damage Reserve

Purpose:

To ensure adequate funds are available to fund infrastructure and rehabilitation of borrow pits, and flood damage.

Calculation Basis:

Transfers to and from the Reserve are based upon an annual budget allocation.

Target Balance:

Meet the needs of Councils Contribution in a major disaster as determined by FESA

Reserve Name: Information Technology Reserve

Purpose:

To ensure adequate funds are available to meet Council's obligation to maintain the Shires Information Technology.

Calculation Basis:

Transfers to Reserve are based on an annual transfer to the reserve.

Target Balance:

Sufficient to ensure adequate funding of future requirements in the field of information technology including cybercrime.

Reserve Name: Refuse Disposal Reserve

Purpose:

To be utilized for the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; the provision of receptacles for the temporary deposit of waste; the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.

Calculation Basis:

Transfers to and from Reserve are on the basis of budgeted expenditure or Council resolution in accordance with the purpose of the reserve.

Target Balance:

Sufficient to ensure adequate funding of related projects as per the Shire of Sandstone's Plan for the Future/Strategic Plan.

Reserve Name: Housing Reserve

Purpose:

To be utilized for the funding of maintenance and replacement of employees housing requirements.

Calculation Basis:

Transfers to and from the Reserve are based upon an annual budget allocation for an identified specific capital project.

Target Balance:

Sufficient to ensure adequate funding of related projects as per the Shire of Sandstone's Plan for the Future/Strategic Plan.

ENGINEERING

5.1 CROSSOVERS

COUNCIL MEETING HELD: 26 September 2019

DATE TO BE REVIEWED: SEPTEMBER 2020

Council will subsidise one standard crossover per lot to the landowner who applies in writing and will pay 50 % of the cost of the standard crossover. This subsidy shall be applied only if the crossover is constructed in accordance with these specifications and is based on being 50% of the cost of a crossover to the minimum dimensions. Additional work (width, length, material) shall be at the sole expense of the landowner.

Payment of the subsidy shall be as per the following table and be reviewed annually.

<u>Crossover type</u>	<u>Subsidy</u> (GST excl.)
Urban Residential - sealed surface to sealed road – no culvert	\$900
Urban Residential - sealed surface to sealed road – culvert	\$1,400
Urban Commercial/Industrial – no culvert	\$1,000
Urban Commercial/Industrial – culvert	\$2,000
Rural - Gravel surface to gravel road – no culvert	50 % of actual cost, estimated by the Chief Executive Officer
Rural - Gravel surface to gravel road – culvert	50 % of actual cost, estimated by the Chief Executive Officer

Note: A sealed surface may consist of sprayed bitumen, asphalt, concrete or brick paving.

Payments

Payments shall be made after completion of all works and inspection by a Council officer, confirming compliance with Council's requirements.

5.2 PRIVATE WORKS

COUNCIL MEETING HELD: 23 MARCH 2023

DATE TO BE REVIEWED: MARCH 2025

Policy Statement

Private works will only be carried out where:

- (a) the person requesting such work has demonstrated that they have endeavoured to source a private contractor to undertake such works;
- (b) the Shire of Sandstone's works and maintenance program will not be adversely affected unless the Chief Executive Officer is of the opinion that the advantages of carrying out the private works justifies some reassessment of the works program;
- (c) full costs including supervision, is to be assessed and included in the hourly charge out rates as listed in councils Fees and Charges and reviewed annually.
- (d) agreements for private works are made in writing by completing a Request for Private Works form, signed by the person requesting the works.
Where deemed necessary payment may be required before the commencement of work;
- (e) All private works must be approved / accepted by a relevant Manager before commencement of the works;
- (f) No plant or equipment will be hired out on a 'dry hire' basis.
- (g) Private works only to be delivered within Shire of Sandstone boundaries.

5.3 TRAFFIC INTERSECTION MANAGEMENT PLAN

(Private Haul roads intersecting with roads under Council control)

COUNCIL MEETING HELD: 26 September 2019

DATE TO BE REVIEWED: SEPTEMBER 2020

The following provisions may apply in respect to applications, however all applications are to be treated on their merits –

1. The applicant will require that all vehicles and operators of such vehicles routinely using the haul-road will be licensed in accordance with Department for Transport requirements. The applicant may infrequently seek to pass unlicensed vehicles across the intersection but will only do so after obtaining any necessary permits, and will comply with all conditions imposed.
2. The intersection signage, geometry, and sight distance criteria will be maintained continuously.
3. The intersection will be inspected daily by the applicant and/or approved contractor personnel. The inspection will be documented, and records of the inspection maintained. The inspection will identify any non-conformances against the criteria outlined in (2) above. Records will be forwarded to the Shire of Sandstone on a monthly basis.
4. The applicant, through its haulage contractors, will maintain to a high standard the intersection road surfaces and associated drains and signage at its cost. The standard maintained will allow safe passage of traffic which complies with signage on both affected roads. The applicant will liaise with Shire of Sandstone staff in relation to maintenance of all Council controlled roads approaching haul road intersections, and will, subject to on-going approval of the Shire, maintain the approaches for 250 metres from the commencement of the signage either side of the haul road.
5. The applicant will liaise regularly with the Shire of Sandstone to discuss and resolve any issues arising from the use of the roads.
6. The applicant will monitor dust generation 100 metres each side of the haul road and undertake watering if required. Saline water is prohibited on Council controlled roads.

7. The applicant, generally through its haulage contractor, will ensure that all haul road users are properly inducted, and receive specific instruction in relation to the haul road intersections.
8. Council in consultation with the applicant has the right to withdraw approval of haul roads crossing public roads under Council control if the above conditions are not adhered to.
9. Where appropriate, on haul roads crossing a Council road reserve, the provision of adequate lighting towers for night time operation be placed as an additional condition upon the applicant.

5.4 ROADSIDE MEMORIALS

COUNCIL MEETING HELD: 26 September 2019

DATE TO BE REVIEWED: SEPTEMBER 2020

That Council adopts Main Roads Western Australia's "Roadside Memorials Policy and Guidelines" as its Policy when receiving applications for the erection of memorials on Council controlled roads, subject to –

- Removal of any obligation on Council to provide or subsidise the materials, plants etc., used in any memorial; and
- Removal of the memorial may be done after a period of 5 years.

5.5 ROADWORKS ON COUNCIL ROADS

COUNCIL MEETING HELD: 26 September 2019

DATE TO BE REVIEWED: SEPTEMBER 2020

That Council adopts Main Roads Western Australia’s Code of Practice for “Traffic Management for Works on Roads” which includes road works on Council controlled roads.

Contractors working on Council road reserves are required to submit appropriate Traffic Management Plans in accordance with the above Code of Practice for approval by the Works Supervisor before proceeding with any works.

5.6 STREET TREES

COUNCIL MEETING HELD:

DATE TO BE REVIEWED:

Objective:

To obtain and maintain uniformity of tree planting and to enhance the visual aspect of street scapes.

The following guidelines will be used

1. The position of trees or shrubs to be 3.5 meters from property lines (where possibly) and approximately 10 meters apart
2. No trees are to be planted where a corner property is involved so sight distance can be maintained
3. The Chief Executive Officer in consultation with Council shall decide the species or varieties of trees and/or shrubs to be planted in road reserves controlled by the Shire of Sandstone
4. No new Trees are to be planted under or within 3 meters of powerlines

5.7 STOCK GRIDS

COUNCIL MEETING HELD: 03 MARCH 2022

DATE TO BE REVIEWED: MARCH 2025

Objective.

To outline the standards and responsibility for the installation and maintenance of stock grids located on public roads. (as listed on the Shire of Sandstone Road Inventory)

Definition:

Stock Grid: *includes the whole grid assembly including the Wings.*

Construction Standard.

Stock Grids located on public roads will be constructed to the following standard

Minimum Width	8.0 Metres
Minimum Length	2.0 Metres
Typical Clear opening between bars	100mm
Engineering Standard	Build in consideration of RAV Rating
Clearance Markers	900mm x 450mm Mounted on Poles adjacent to Wing Frames
Advisory Signs	750mm x 750mm Located 75 - 100 Metres from grid
Approach Ramp Gradient	Maximum gradient to be 1:40
Grid Panel connections	The panels are to be constructed as lift out sections weighing less than 2.0 Tonne each, bolted to the grid channel

Responsibility for Installation Costs

Boundary Grids

Where a stock grid is located on the boundary between pastoral properties, the Shire of Sandstone will be responsible for the cost of installation and maintenance of grid.

Internal Grids

All existing internal grids installed prior to 1 July 2021 will be deemed to have complied with the requirements of this policy except where structural adequacy may be inadequate. The Shire of Sandstone will be responsible for the progressive upgrade of any grid deemed by the Shire of Sandstone to be below the minimum structural Standard.

Where a pastoral owner intends to install a new grid, it will be the responsibility of that person to advise the Shire of Sandstone of the proposed grid. Following site investigation and issue of approval by the Shire of Sandstone, installation will be required to meet the construction standard as detailed in this policy and all costs met by the applicant.

Removal of Redundant Grids

The function of a stock grid is primarily to allow uninterrupted flow of traffic through a fence line whilst controlling stock movement. Where a pastoral owner does not maintain an internal fence line abutting a grid for a period no less than 6 months, the intended removal of the grid/s is to be made in writing to the pastoral owner giving a minimum of 60 days' notice of the intention to remove the nominated grid/s.

Following the issue of the notice, where the pastoral owner notifies the Shire that the fence line is to be reinstated within an agreed timeframe, no further action will be taken until the agreed timeframe has elapsed. Where no action has been taken a further notice will be issued at the end of the agreed timeframe giving 30 days' notice of intention to remove the grid/s following which the grids will be removed and the road reinstated.

The cost of removal and associated repairs to the road will be borne by the Shire of Sandstone.

Program Timing

The Shire of Sandstone will determine the timing and priority of the maintenance and/or upgrading of grids as outlined in this policy in consideration of all other budgeting priorities on an annual basis.

LAW, ORDER AND PUBLIC SAFETY

6.1 CLOSED CIRCUIT TELEVISION SYSTEM

COUNCIL MEETING HELD: 23 MARCH 2023

DATE TO BE REVIEWED: MARCH 2025

Objective

The Shire of Sandstone conducts CCTV operation in order to:

- (a) Assist in deterring, detecting and responding to criminal offences against people of property within the Shire of Sandstone.
- (b) Record evidence to support investigations and prosecutions by Police in relation to offences; and
- (c) Address Community safety concerns of residents, workers, business proprietors, visitors and employees of the Shire of Sandstone.

The CCTV systems may be installed anywhere throughout the Shire of Sandstone, within the local government boundaries.

Policy Statement

This policy will apply to all persons who are authorised to manage or use the CCTV units within the Shire of Sandstone.

Definitions

“Authorised Person” means a person appointed by the Chief Executive Officer (CEO) to manage, maintain, view and have access to the Shire’s CCTV system.

“CEO” means the Chief Executive Officer of the Shire of Sandstone.

“CCTV” means Closed Circuit Television System.

“WAPOL” means the Western Australian Police and where the context requires any person duly sworn as a member of the WA Police.

“Ownership and Control of CCTV Units”

The CCTV unit is owned by and is the sole property of the Shire of Sandstone.

Signage

Prominent and appropriate signage will be permanently displayed in the general location of the camera coverage advising of the presence of CCTV cameras.

Surveillance

- (a) Authorised Persons may scan and monitor all cameras routinely for the purpose stated on the record.
- (b) Members of the public going about their normal and lawful business shall not be the subject of undue or illegal surveillance.

CCTV System Control

Recording of Images and Still Photographs

- (a) Images and still photographs may only be recorded by an Authorised Person.
- (b) Copying images or still photographs shall only occur if the Shire of Sandstone authorised Person is of the opinion that a situation of concern is being or is likely to be committed.
- (c) At no time shall copying of images or still photographs be undertaken of the public going about their lawful business.
- (d) At no time shall the CCTV units be used to provided surveillance of individuals or groups engaging in rallies, protests or other political behaviour unless there is a well-founded belief that an offence against statute law is likely to or is taking place.
- (e) All information recorded, collected and collated by means of the CCTV units shall remain the sole property of the Shire of Sandstone.
- (f) Any incident recorded or still photograph taken shall be recorded in a register kept for that purpose, including date, time and category of incident.
- (g) All original recordings shall be erased and still photographs shredded after twenty eight (28) days after the date of the recording unless a request is made in writing for it to be held.
- (h) Authorised Persons may view any recording on a random basis.

View of Recorded Footage

- (a) WAPOL, Lawyers acting on behalf of individuals engaged in legal proceedings related to a recorded incident, or individuals acting as their own legal counsel in relation to a recorded incident may request to view the footage of that incident.
 - (b) Any person requesting a copy of any CCTV records must specify the subject, date, time and location of the incident and outline the reasons for such request.
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- (a) Requests by lawyers and individuals shall be made in writing and lodged with the CEO.

Joint operation with WA Police

Members of the WA Police may request the cooperation of the Shire of Sandstone CCTV Surveillance systems for the purpose of covert surveillance of WA Police operations. Such requests shall be made by the WA Police officer responsible for coordinating the operation. The request shall detail the times and general purposes for which surveillance support is requested.

Record Keeping

The CEO shall be responsible for the keeping of records relating to the CCTV units including recorded footage and still photographs.

Legislation and Other References:

Local Government Act 1195
WA Criminal Code Act Compilation Act 1913
Criminal Procedures Act 2004
State Records Act 2000
Surveillance Devices Act 1998 (WA)